

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2541

As Recommended by House Committee on
Education

Brief*

HB 2541 would amend the Kansas National Guard Educational Assistance Act and amend the statute governing assistance that may be provided under the Act.

Eligible Guard Member

Specifically, the bill would amend the definition of “eligible guard member” to require the member not be under a suspension of favorable action flag or currently on the unit unfavorable information file. Within that definition, the bill would also replace “newly enlisted or reenlisted member” with “current member.” The bill would also remove language stating the term “eligible guard member” does not include any member of the Kansas National Guard who is entitled to federal educational benefits earned by membership in the Kansas National Guard, except financial assistance under the federal Education Assistance Program for members of the selected reserve.

Assistance Program

The bill would also amend the statute governing assistance that may be provided under the Act to provide that every eligible guard member enrolled at a Kansas educational institution and participating in the educational assistance program shall receive assistance each semester

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

in an amount equal to the tuition and required fees for not more than 15 credit hours. The bill would specify the aggregate number of credit hours for which assistance may be provided under the program would not exceed 150 percent of the total credit hours required for the eligible guard member to complete such member's educational program. Current law provides eligible guard members are to be paid the amount of tuition and required fees charged by the Kansas educational institution for enrollment in courses necessary to satisfy the requirements of an educational program.

Eligibility for Assistance

Concerning eligibility for assistance, the bill would require the eligible guard member to have at least one year remaining on such member's enlistment contract at the beginning of any semester for which the member receives assistance under the program and must agree to serve actively in good standing with the Kansas National Guard for not less than 24 months upon completion of the last semester for which the member receives assistance under the program. Current law requires three additional months service for each semester, or part thereof, of assistance received. Further, prior to becoming eligible for participation in the program, the bill would require each eligible guard member to submit the Free Application for Federal Student Aid (commonly referred to as the FAFSA) and apply for any other federal tuition assistance that such member also may be eligible to receive. To remain eligible, a member must maintain a grade point average of not less than 2.0. Upon completion of each semester, each eligible guard member receiving assistance under the program would be required to submit a transcript of the credit hours earned, including the grades for credit hours, to such member's unit of assignment.

If a member fails to satisfy the agreement to continue service in the Kansas National Guard, the bill would provide for such person to pay an amount to the State calculated by determining the total amount of assistance paid to the

member under the program; dividing that amount by 24; and multiplying the resulting amount by the number of months such member did not serve as required. Current law requires payment of the total amount received. Any eligible guard member that received payments under the program but has failed to satisfy the agreement to continue service in the Kansas National Guard by reason of extenuating circumstances or extreme hardship would be allowed to request a waiver from recoupment. The request would be in writing and submitted through such member's chain of command to the Kansas National Guard Education Services Office. The chief of staff of the Kansas Army National Guard or the director of staff for the Kansas Air National Guard would be required to review all requests for a waiver from recoupment, and the decision to issue such waiver would be made by either officer as such officer deems appropriate.

Background

The bill was introduced by the House Committee on Education at the request of Representative Dierks. In the House Committee hearing, the Adjutant General of Kansas and representatives of the Enlisted Association of the National Guard of Kansas, Military Officers Association of America-Kansas Council of Chapters, and National Guard Association of Kansas appeared in support of the bill. Proponents explained the bill is an effort to improve the effectiveness of the program by implementing changes that maximize the impact of every state dollar, better assist Guard members with attaining their education goals, and make the program a substantially more effective recruiting and retention tool. The Adjutant General stated \$2.1 million is included in the Governor's Budget to fully fund the program. Representatives of the Kansas Association of Community College Trustees, Kansas Board of Regents, and Kansas Technical Colleges offered written testimony in support of the bill. No other testimony was provided.

The fiscal note provided by the Division of the Budget indicates enactment of the bill would have no fiscal effect.