

TITLE 23—MISSOURI DEPARTMENT OF THE NATIONAL GUARD
Division 10—National Guard
Chapter 3—National Guard Member Educational Assistance Program

PROPOSED AMENDMENT

23 CSR 10-3.015 State Sponsored Missouri National Guard Member Educational Assistance Program The Missouri Department of the National Guard is amending sections (1), (2), (3), (4)

PURPOSE: This rule defines the administration of the Missouri National Guard Member Educational Assistance Program.

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(1) Definitions.

[(A) The terms defined in sections 173.205, 173.215, 173.239, 173.242 and 173.260, RSMo are incorporated by reference for use in 11 CSR 10-3.

(B) As used in this rule, unless the context clearly indicates otherwise, the following terms and abbreviations shall mean:

- 1. Academic eligibility—State law requires recipients of educational assistance to maintain a cumulative grade point average of 2.5 on a 4.0 scale, or the equivalent on another scale approved by the program administrator;*
- 2. Academic year—The period from August 1 of any year through July 31 of the following year;*
- 3. Active member A]“Active military affiliation” shall be defined as a soldier or airman who is a member of the Missouri National Guard (MONG) in good standing and is satisfactorily participating in all required training;*
- [4. Applicant—A member of the Missouri National Guard who submits an application for an educational assistance grant;*
- 5. Application package—An application form together with all supporting documents required;*
- 6. Approved private institution—As defined in section 173.205 or 173.778, RSMo;*
- 7. Approved public institution—As defined in section 173.205, RSMo;*
- 8. Baccalaureate degree—See bachelor’s degree;*
- 9. Bachelor’s degree—An academic degree conferred by a college or university upon those who complete the undergraduate curriculum. Also called baccalaureate;*
- 10. Continuous enrollment—Attendance at an approved private institution, or approved public institution, which is not interrupted by any period of nonattendance other than customary summer vacations or breaks between semesters, quarters, etc;*
- 11. Educational assistance (EA)—Money that soldiers/airmen receive or may be eligible to receive under provisions of this regulation to help support their postsecondary education. By law such grants will not exceed the lesser of the following:*
 - A. The actual tuition, as defined in section 173.260, RSMo, charged at an approved institution where the recipient is enrolled or accepted for enrollment; or*
 - B. The amount of tuition charged a Missouri resident at the University of Missouri for attendance;*
 - C. Subject to appropriation by the legislature, EA grants may be prorated in amounts that are no less than fifty percent (50%) of the limits set forth in paragraphs (1)(B)1. and 2. above;*
- 12. Educational Assistance Program (EAP)—State-sponsored Missouri National Guard Educational Assistance Program;*
- 13. Educational Assistance Program Committee—The group appointed by the adjutant general to oversee the educational assistance program, also referred to as the committee. Duties include:*
 - A. The committee shall establish policies for and exercise general direction over, the operation of the Missouri National Guard Educational Assistance Program;*
 - B. The committee shall establish rules, regulations or standard operating procedures for determining eligibility and applicable waiting lists to ensure fair and impartial administration of the Missouri National Guard Educational Assistance Program; and*
 - C. The committee shall develop and publish all necessary forms to ensure eligibility and payment procedures are met according to established state accounting procedures;*
- 14. Grade point average (GPA)—An applicant’s cumulative postsecondary average of grades received for courses attempted;*
- 15. Member of the Missouri National Guard—An individual who is an active member of a Missouri Army or Air National Guard unit;*
- 16. MONGEAP—Missouri National Guard Educational Assistance Program;*
- 17. New enlistee—Any member serving his/her first enlistment in the Missouri Army or Air National Guard. The term includes both prior-service and nonprior-service members;*
- 18. Program administrator—The full-time employee, appointed by the adjutant general, with authority to manage the administration of funding provided to accomplish the Missouri National Guard tuition assistance program;*
- 19. Participating satisfactorily—Attending drills (regularly scheduled unit training assemblies);*
- 20. Qualification—The process by which the program administrator determines, on the basis of applications received, pertinent law and regulations, whether a given applicant has met all requirements to receive an EA grant;*

21. *Qualified applicant*—An applicant who not only meets all the eligibility criteria but also has submitted a complete and timely application package in accordance with this rule, as determined by the adjutant general or his/her appointed representative; and

22. *Recipient*—A member of the MONG who receives a grant from the MONGEAP.]

(2) Eligibility and Qualifications of Applicants.

(A) Under this section the Office of the Adjutant General shall certify each member's eligibility and qualifications for participation in the Missouri National Guard Educational Assistance Program.

(B) An applicant shall be eligible for an initial or subsequent educational assistance grant only if, at the time of his/her application and throughout any periods during which s/he is receiving such assistance, s/he meets all of the following requirements:

1. Is a member of the Missouri National Guard and is certified by the appropriate commander as *[participating satisfactorily in required training]* **maintaining active military affiliation;**

[2. *Is a citizen or a permanent resident of the United States;*

3.] **2.** Has not previously received a bachelor's degree from an accredited postsecondary institution;

[4.] **3.** Is enrolled, or has been accepted for enrollment, as a full-time or part-time undergraduate student in an approved private or public institution **as defined in Section 173.1102 RSMo.;**

[5.] **4.** *Maintains academic eligibility. Applicants must maintain a cumulative grade point average (GPA) of at least a two point five (2.5) on a four point (4.0) scale, or the equivalent on another scale approved by the program administrator.*

A. An applicant with no postsecondary academic record is deemed eligible for educational assistance when the school s/he plans to attend enrolls or accepts him/her for enrollment.

B. An applicant with a postsecondary cumulative GPA of less than two point five (2.5) will be on probation from the beginning of the term;

[6.] **5.** Has never been convicted in any court of an offense *[which involved]* **involving** the use of force, disruption or seizure of property under the control of any institution of higher education to prevent officials or students in such institutions from engaging in their duties or pursuing their studies;

[7. *Has not enrolled in or does not intend to use the grant to enroll in a course of study leading to a degree in theology or divinity; and*

8.] **6.** Has not received educational assistance under the *[MONGEAP]* **Missouri National Guard Educational Assistance Program** which exceeds or *[will]* **is expected to** exceed financial assistance for more than a total of *[ten (10) semesters or their equivalent.]* **one hundred fifty (150) credit hours.**

[(C) *There are two (2) categories of applicants—*

1. *Category I—Any person who enlists or is appointed in the Missouri National Guard for their first term. The term includes both prior-service and nonprior-service members, and applies to enlisted personnel and officers; and*

2. *Category II—Any person who is currently serving in the Missouri National Guard beyond their first year of enlistment or appointment.*

(D) *The program administrator will decide, on the basis of applications received and in accordance with pertinent law and regulations, which applicants qualify for educational assistance grants.*

(E) *An educational assistance recipient is placed on probation when—*

1. *A recipient's cumulative GPA falls below two point five (2.5), the program administrator will place him/her on probation immediately. Probation will continue until cumulative GPA is equal to or greater than two point five (≥2.5).*

2. *A recipient on probation will be removed from probationary status upon attaining a cumulative GPA of two point five (2.5) or higher.*

(F) *Educational assistance will be terminated/suspended—*

1. *If a recipient on probation fails to attain a current GPA of at least two point five (2.5) during the next academic term for which s/he receives educational assistance, the program administrator will immediately suspend educational assistance for that recipient; and*

2. *If a previously suspended recipient subsequently raises his/her cumulative GPA to two point five (2.5) or higher by continuing to attend school, s/he may reapply for educational assistance as an applicant not on probation.]*

(3) Fiscal Management.

(A) [State educational assistance on behalf of Missouri National Guard members pursuant to section 173.239, RSMo shall be used only after all available federal Department of Defense educational assistance funds have been expended.] **In accordance with section 173.239, RSMo, state educational assistance is permitted only after the federal funds outlined therein have been exhausted for the applicable term and after the service member has successfully submitted the Free Application for Federal Student Aid (FAFSA).**

[(B) *In any state fiscal year (1 July–30 June), the amount of funding for state educational assistance awarded shall not exceed the amount of state of Missouri funds appropriated for the Missouri National Guard Educational Assistance Program.*

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(C) *At the end of any state fiscal year, the amount of funds appropriated for educational assistance for that year not utilized will revert to general revenue and will not be available for use in the subsequent fiscal year.*

(D) *Amounts to be awarded for educational assistance will be determined as follows:*

1. *State educational assistance shall not exceed the least of the following:*

A. The actual tuition charged at an approved institution where the individual is enrolled or accepted for enrollment; or

B. The amount of tuition charged a Missouri resident at the University of Missouri for attendance;

2. Educational assistance provided may be prorated subject to appropriations in an amount no less than fifty percent (50%) of the limits set forth in this rule;

3. Each year the committee will establish the total amount of educational assistance to be available, subject to appropriation, and designate an amount to be awarded for each category of recipient. Based on the number and category of requests received, the committee, during the fiscal year, may adjust the funding amount programmed between categories of applicants as necessary to equitably distribute and best support the strength and readiness requirements of the Missouri National Guard; and

of applicants as necessary to equitably distribute and best support the strength and readiness requirements of the Missouri National Guard; and

4.] (B) The maximum number of hours eligible for educational assistance is fifteen (15) for each fall and spring semester and nine (9) for the summer semester or the equivalent, for a maximum of thirty-nine (39) hours for each state fiscal year (July 1st through June 30th).

[(E)] (C) Payments for recipients' educational assistance will be made directly to the institution attended. The [State Educational Assistance Program administrator] Office of the Adjutant General Educational Assistance Program designee will notify recipients [in writing] of the amount [paid to the educational institution and the date payment was made.] awarded and submit timely payment upon receipt of the educational institution's invoice. Applicants will notify the Office of the Adjutant General Educational Assistance Program designee of any dropped classes.

[(F) Should appropriated and available funding not be adequate to support the number and/or funding amount of educational assistance applications received, the committee will establish waiting lists and the priority for award of educational assistance. Separate lists will be established for each category of applicant. The program administrator will advise, by letter, each guard member of his/her status on the lists.

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(G) Should the committee determine the amount of funds available for Category I, II, or both for the current fiscal year are inadequate to support the requests received, the following actions may take place:

for the current fiscal year are inadequate to support the requests received, the following actions may take place:

1. The committee may recommend that a supplemental state appropriation be requested; and

2. The authorized amount of payment to be made per credit hour for the current fiscal year may be revised during the year. The minimum amount paid per credit hour for the current fiscal year shall not be less than the minimum payment authorized in subsection 11 CSR 10-3.015(3)(D).

(H) Payments are not authorized for tuition costs incurred prior to enlistment in the Missouri National Guard. Retroactive tuition payments are authorized only under the following circumstances:

1. In the event of the full obligation of state appropriated funds for the fiscal year, a supplemental appropriation request may be submitted. If authorized and appropriated, upon the receipt of additional funding, the committee may authorize retroactive payments. Waiting lists will be utilized to establish the priority for educational assistance awards; and

riority for educational assistance awards; and

2. During the fiscal year, should the committee determine the money set aside for Category I or II be excessive to the fiscal year needs of that category, funding amounts may be transferred between categories. Should the amount of educational assistance originally awarded have been less than the maximum authorized in subsection 11 CSR 10-3.015(3)(D), the committee may authorize retroactive payments increasing the amount of educational assistance received for that fiscal year.]

[(I)] (D) Loss of Membership.

1. If a recipient of state educational assistance ceases to maintain [their] his/her active military affiliation while enrolled in an academic semester or term for any reason except death, disability, or medical disqualification, then the educational assistance shall be terminated and the recipient shall repay to the state of Missouri any amounts awarded for the academic semester or term.

2. Recipients of state educational assistance who cease to be members of the Missouri National Guard, and who are required to reimburse the state of Missouri, will be notified of the amount owed by certified letter from the program administrator. Reimbursement payments [will be accepted only] are to be made in the form of check or money order payable to the Treasurer, State of Missouri.

[(J)] (A) In the event a recipient drops or fails to complete a course or courses (fails to receive a grade) for which educational assistance was received, the recipient must reimburse the state of Missouri for the credit hour costs of educational assistance awarded and not completed.

[(K)] (B) Recoupment action will be taken against all recipients not reimbursing the state of Missouri within forty-five (45) days of notification. The [a]Adjutant [g]General may utilize any available administrative or legal process to collect educational assistance payments awarded to effect recoupment and satisfaction of the debt incurred.

[(L) Required Records.

1. Accounting records will be maintained by the State Educational Assistance Program administrator to ensure that the State Military Educational Assistance Program is administered in accordance with state law and payments are made within appropriation limits.

2. The program administrator will maintain a file for each recipient. The file will include all required application information, payment notifications, correspondence with the recipient, and other information deemed necessary by the committee.

3. State Educational Assistance Program records will be maintained the latter of a minimum of three (3) years from the date the last semester ended that a recipient received state educational assistance and/or through the completion of state audit. The director, state resources must be contacted prior to the purging of educational assistance records and files.]

(4) Application Procedures.

(A) Members of the Missouri National Guard must complete the prescribed application form and attach all required documentation. *[The form and some of the other required documents can be obtained from the Missouri National Guard Educational Assistance Program manager.]*

(B)] The responsibility to prepare an *[initial]* application belongs solely to the applicant. **A complete application must be completed prior to every semester, quarter, term, or equivalent.**

[To be complete, it must contain all of the following:

1. Application form;
2. Statement of understanding;
3. A current official or unofficial transcript (not required for first semester college students). Photocopies are unacceptable;
4. Letter of acceptance from the Missouri school/university applicant will attend;
5. Copy of registration form indicating which classes applicant plans to attend during the academic term for which s/he is seeking educational assistance; and
6. Invoice or letter from the college/university indicating credit hour cost.

(C) Submitting an Initial Application.

1. Application window.

A. Category I—Initial applications will be accepted any time during the first year of membership.

B. Category II—Renewal applications will be accepted during the time frames listed below—

(I) Fall semester: 1 May–31 August;

(II) Spring semester: 1 September–31 December; and

(III) Summer semester: 1 January–30 April.

2. The applicant must forward the complete application package to: Office of the Adjutant General, ATTN: Educational Assistance Program Administrator, 2302 Militia Drive, Jefferson City, MO 65101-1203.

(D) Prior to the beginning of each semester, each educational assistance recipient must submit a renewal application with the following documentation:

1. Current official or unofficial transcript;
2. Statement of understanding;
3. Copy of registration form; and
4. Invoice, letter, or other document from the college/university indicating credit hour cost.

(E) The program administrator will date stamp applications upon receipt. The committee will establish priority of award of educational assistance.

(F) Incomplete or defective applications will not be processed and will be returned to the applicant without action. Applications received prior to or mailed after the end of the prescribed time frame will be returned without action.

(G) The program administrator will notify applicants as to the status of their application.]

AUTHORITY: section 173.239, RSMo Supp. 202[1]4. This rule originally filed as 11 CSR 10-3.015. Emergency rule filed July 30, 1998, effective Aug. 28, 1998, expired Feb. 25, 1999. Original rule filed July 30, 1998, effective Feb. 28, 1999. Emergency amendment filed July 20, 2000, effective Aug. 28, 2000, expired Feb. 23, 2001. Amended: Filed July 20, 2000, effective Jan. 30, 2001. Amended: Filed June 25, 2007, effective Dec. 30, 2007. Amended: Filed Nov. 24, 2014, effective June 30, 2015. Moved to 23 CSR 10-3.015, effective Dec. 8, 2022.*

**Original authority: 173.239, RSMo 1994, amended 1995, 1998, 2000, 2005, 2006.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri National Guard, State Resources, 2302 Militia Drive, Jefferson City, MO 65101. Please make it to "Attention: CSR Review". To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.