

HOUSE BILL No. 2185

By Committee on Education

Requested by Lt. Col. Keith Marshall on behalf of the Adjutant General's Office

1-31

1 AN ACT concerning education; relating to the national guard; permitting
2 guard members to transfer unused tuition assistance benefits from the
3 Kansas national guard educational assistance act to an eligible
4 dependent; including doctoral and professional degrees in the Kansas
5 national guard educational master's for enhanced readiness and global
6 excellence (EMERGE) program; amending K.S.A. 74-32,145, 74-
7 32,146, 74-32,147 and 74-32,148 and K.S.A. 2024 Supp. 74-32,149,
8 74-32,305, 74-32,306, 74-32,308 and 74-32,309 and repealing the
9 existing sections.

10

11 *Be it enacted by the Legislature of the State of Kansas:*

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13 Section 1. K.S.A. 74-32,145 is hereby amended to read as follows:
14 74-32,145. K.S.A. 74-32,145 through 74-32,149, *and amendments thereto*,
15 shall be known and may be cited as the Kansas national guard educational
16 assistance act. It is the purpose of the Kansas national guard educational
17 assistance act to establish an educational assistance program under which
18 payment of the tuition and fees charged *to* eligible members of the Kansas
19 national guard *or an eligible dependent of such guard members* for
20 enrollment at Kansas educational institutions shall be provided for by the
21 state.

21

22 Sec. 2. K.S.A. 74-32,146 is hereby amended to read as follows: 74-
23 32,146. As used in the Kansas national guard educational assistance act:

23

24 (a) "Kansas educational institution" means and includes community
25 colleges, the municipal university, state educational institutions, technical
26 colleges, the institute of technology at Washburn university and accredited
27 independent institutions.

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28 (b) "Eligible guard member" means any current member of the
29 Kansas national guard ~~who is enrolled at a Kansas educational institution~~
30 ~~and who is not under a suspension of favorable action flag or currently on~~
31 ~~the unit unfavorable information file. The term eligible guard member~~
32 ~~does not include within its meaning any member of the Kansas national~~
33 ~~guard who is the holder of a baccalaureate or higher academic degree, or~~
34 ~~who does not hold a high school diploma or general educational~~
35 ~~development (GED) credentials.~~

35

(c) "Kansas national guard educational assistance program" or

1 "program" means the program established pursuant to the provisions of the
2 Kansas national guard educational assistance act.

3 (d) "Educational program" means a program ~~which~~ *that* is offered and
4 maintained by a Kansas educational institution and leads to the award of a
5 certificate, diploma or degree upon satisfactory completion of course work
6 requirements.

7 (e) *"Dependent" means an individual who is registered as an eligible*
8 *dependent of the sponsoring eligible guard member in the defense*
9 *enrollment eligibility reporting system (DEERS).*

10 Sec. 3. K.S.A. 74-32,147 is hereby amended to read as follows: 74-
11 32,147. The state board of regents shall adopt rules and regulations for *the*
12 administration of the Kansas national guard educational assistance act and
13 shall:

14 (a) Establish a mechanism to ensure distribution of funds for tuition
15 and fee reimbursement to Kansas educational institutions;

16 (b) enter into a cooperative relationship with the adjutant general to
17 ensure efficient operation of the program;

18 (c) develop and effectuate a system of accountability for all
19 disbursements under the program and provide written reports as
20 prescribed; and

21 (d) coordinate with the adjutant general a procedure to ensure initial
22 ~~and on-going~~ *ongoing* eligibility of all guard members *and dependents*
23 who are program participants.

24 Sec. 4. K.S.A. 74-32,148 is hereby amended to read as follows: 74-
25 32,148. (a) Subject to the availability of appropriations for the Kansas
26 national guard educational assistance program and within the limits of any
27 such appropriations, every eligible guard member *or dependent* who is
28 enrolled at a Kansas educational institution and who is participating in the
29 program shall receive assistance each semester in an amount equal to the
30 tuition and required fees for not more than 15 credit hours. The aggregate
31 number of credit hours for which assistance may be provided under the
32 program shall not exceed 150% of the total credit hours required for the
33 eligible guard member *or dependent* to complete such member's *or such*
34 *dependent's* educational program.

35 (b) *Eligible guard members may either personally participate or*
36 *sponsor a dependent to participate in the Kansas national guard*
37 *educational assistance program. Assistance available to such dependent*
38 *under the program is subject to the availability of funds after educational*
39 *benefits are fully funded for all eligible guard members participating in*
40 *the Kansas national guard educational assistance program.*

41 ~~(b)~~(c) Notwithstanding the provisions of subsection (a), eligible guard
42 members shall not be paid the amount of tuition and required fees charged
43 for any course repeated or taken in excess of the requirements for

1 completion of the educational program in which the eligible guard member
 2 *or dependent* is enrolled. The amount of tuition and required fees paid an
 3 eligible guard member *or dependent* pursuant to subsection (a) shall be at
 4 a rate not to exceed the maximum rate that would be charged by a state
 5 educational institution, as defined in K.S.A. 76-711, and amendments
 6 thereto, for enrollment of the eligible guard member *or dependent*.

7 ~~(e)~~(d) Amounts of assistance for which an eligible guard member *or*
 8 *dependent* is eligible to receive under this act shall be offset by the
 9 aggregate amount of federal financial assistance received by such guard
 10 member *or dependent*, as a result of active national guard membership, to
 11 pay *the* costs of tuition and fees for enrollment at Kansas educational
 12 institutions.

13 Sec. 5. K.S.A. 2024 Supp. 74-32,149 is hereby amended to read as
 14 follows: 74-32,149. (a) (1) In order *for a member of the national guard or*
 15 *a dependent* to qualify for participation in the Kansas national guard
 16 educational assistance program, an eligible guard member ~~must~~ *shall*
 17 agree, in writing, to complete such member's current service obligation in
 18 the Kansas national guard and serve actively in good standing with the
 19 Kansas national guard for not less than 24 months upon completion of the
 20 last semester for which the member *or dependent* receives assistance under
 21 the program.

22 (2) *In order for a member of the national guard to qualify for*
 23 *assistance from the Kansas national guard educational assistance*
 24 *program, an eligible guard member shall:*

25 (A) *Hold a high school diploma or high school equivalency*
 26 *credential;*

27 (B) *be enrolled at a Kansas educational institution; and*

28 (C) *not hold a baccalaureate or higher academic degree.*

29 (3) *An eligible guard member may only sponsor one dependent to*
 30 *participate in the Kansas national guard educational program during such*
 31 *member's service.*

32 (4) *To qualify for assistance from the Kansas national guard*
 33 *educational assistance program, a dependent shall:*

34 (A) *Hold a high school diploma or high school equivalency*
 35 *credential;*

36 (B) *be enrolled at a Kansas educational institution;*

37 (C) *not hold a baccalaureate or higher academic degree; and*

38 (D) *complete and submit the Kansas student aid application with the*
 39 *state board of regents.*

40 ~~(2)~~(5) Prior to becoming eligible for participation in the program,
 41 each eligible guard member *or dependent* shall submit the free application
 42 for federal student aid; and apply for any other federal tuition assistance
 43 that such member *or dependent* also may be eligible to receive.

1 (b) In order to remain eligible for participation in the program, an
2 eligible guard member ~~must~~ *or dependent shall* remain in good standing at
3 the Kansas educational institution where enrolled, make satisfactory
4 progress toward completion of the requirements of the educational
5 program in which enrolled; *and* maintain a grade point average of not less
6 than 2.0 ~~and~~. *The eligible guard member shall* maintain satisfactory
7 participation in the Kansas national guard. It shall be the responsibility of
8 the eligible guard member to obtain a certificate from the member's
9 commanding officer attesting to the member's satisfactory participation in
10 the Kansas national guard and ~~to~~ present the certificate to the educational
11 institution, in order to obtain a payment under this act. The certificate shall
12 be presented at the time payment is requested for completed courses. Upon
13 completion of each semester, each eligible guard member *or dependent*
14 receiving assistance under the program shall submit a transcript of the
15 credit hours earned *by such guard member or dependent*, including the
16 grades for credit hours, to such *eligible* member's unit of assignment.

17 (c) Upon failure of any person, who as an eligible guard member
18 received payments *or whose dependent received payments* under the
19 Kansas national guard educational assistance act, to satisfy the agreement
20 to continue service in the Kansas national guard as provided by subsection
21 (a)(1), such person shall pay to the state of Kansas an amount to be
22 determined as follows:

23 (1) Determine the total amount of assistance paid to such member *or*
24 *dependent* under the program;

25 (2) divide the amount determined under subsection (c)(1) by 24; and

26 (3) multiply the amount determined under subsection (c)(2) by the
27 number of months such member did not serve as required by subsection
28 (a)(1). The resulting product is the total amount of recoupment from such
29 member.

30 All amounts paid to the state under this subsection shall be deposited in
31 the state treasury and credited to the Kansas national guard educational
32 assistance program repayment fund created by K.S.A. 74-32,150, and
33 amendments thereto.

34 (d) Any eligible guard member that received payments, *or whose*
35 *dependent received payments*, under the program but has failed to satisfy
36 the agreement to continue service in the Kansas national guard as provided
37 by subsection (a)(1) by reason of extenuating circumstances or extreme
38 hardship may request a waiver from recoupment. Such request shall be in
39 writing and submitted through such member's chain of command to the
40 Kansas national guard education services office. The chief of staff of the
41 Kansas army national guard or the director of staff for the Kansas air
42 national guard shall review all requests for a waiver from recoupment, and
43 the decision to issue such waiver shall be made by either officer as such

1 officer deems appropriate.

2 Sec. 6. K.S.A. 2024 Supp. 74-32,305 is hereby amended to read as
3 follows: 74-32,305. (a) K.S.A. 74-32,305 through 74-32,310, and
4 amendments thereto, shall be known and may be cited as the Kansas
5 national guard educational master's for enhanced readiness and global
6 excellence (EMERGE) program.

7 (b) The purpose of the Kansas national guard EMERGE program is to
8 establish a ~~master's~~ *an advanced* degree assistance program under which
9 payment of the tuition and fees charged to eligible members of the Kansas
10 national guard for enrollment in ~~master's advanced~~ degree programs at
11 Kansas educational institutions shall be provided by the state pursuant to
12 the EMERGE program.

13 Sec. 7. K.S.A. 2024 Supp. 74-32,306 is hereby amended to read as
14 follows: 74-32,306. As used in the Kansas national guard educational
15 master's for enhanced readiness and global excellence (EMERGE)
16 program:

17 (a) ~~"Educational program Advanced degree"~~ means a master's degree
18 ~~program offered or maintained by a Kansas educational institution that~~
19 ~~leads to the award of a master's, professional degree or doctorate awarded~~
20 to an eligible guard member upon satisfactory completion of *the* course
21 work requirements of *such degree program offered or maintained by a*
22 *Kansas educational institution.*

23 (b) *"Doctorate" means a degree requiring three or more academic*
24 *years of full-time academic study or the equivalent in part-time attendance*
25 *that follows the successful completion of a baccalaureate or master's*
26 *degree. A "doctorate" may be either a research or a professional practice*
27 *degree.*

28 (c) "Eligible guard member" means any member of the Kansas
29 national guard who has been accepted into an eligible ~~master's advanced~~
30 degree program and who is not under a suspension of favorable flag action
31 or on the unit unfavorable information file. *"Eligible guard member"*
32 *includes nonconcurrent guard members accepted into an eligible*
33 *professional degree program if they are qualified to join the Kansas*
34 *national guard.*

35 ~~(e)~~(d) "Kansas educational institution" means a state educational
36 institution, as defined in K.S.A. 76-711, and amendments thereto,
37 Washburn university or an accredited independent institution, as defined in
38 K.S.A. 72-3222, and amendments thereto.

39 ~~(d)~~(e) "Kansas national guard educational master's for enhanced
40 readiness and global excellence program" or "EMERGE program" means
41 the program established pursuant to the provisions of the Kansas national
42 guard educational master's for enhanced readiness and global excellence
43 program.

1 (f) "Master's degree" means a degree requiring not less than one year
2 of academic work or the equivalent in part-time attendance and follows
3 the successful completion of a baccalaureate degree.

4 (g) "Professional degree" means a degree that requires not less than
5 three years of full-time study or the equivalent in part-time attendance that
6 follows the successful completion of a baccalaureate degree, such as a
7 juris doctor degree or a physician's assistant degree.

8 Sec. 8. K.S.A. 2024 Supp. 74-32,308 is hereby amended to read as
9 follows: 74-32,308. (a) Subject to the availability of appropriations for the
10 Kansas national guard EMERGE program and within the limits of any
11 such appropriations, except as provided in subsections (b) and (c), every
12 eligible national guard member who is enrolled at a Kansas educational
13 institution and participating in the program shall receive assistance each
14 semester in an amount equal to the tuition and required fees for not more
15 than 15 hours. The aggregate number of credit hours for which assistance
16 may be provided under the program shall not exceed 150% of the total
17 credit hours required for the eligible guard member to complete such
18 member's ~~master's~~ advanced degree program.

19 (b) Notwithstanding the provisions of subsection (a), eligible guard
20 members shall not be paid the amount of tuition and fees charged for any
21 course repeated or taken in excess of the requirements for completion of
22 the ~~master's~~ advanced degree program in which the eligible guard member
23 is enrolled. The amount of tuition and required fees paid an eligible guard
24 member pursuant to subsection (a) shall be at a rate not to exceed the
25 maximum rate that would be charged by a state educational institution for
26 enrollment of the eligible guard member.

27 (c) Amounts of assistance for which an eligible guard member is
28 eligible to receive under this act shall be offset by the aggregate amount of
29 federal or institutional tuition assistance received by such eligible guard
30 member, as a result of active national guard membership, to pay costs of
31 tuition and fees for enrollment at Kansas educational institutions.

32 Sec. 9. K.S.A. 2024 Supp. 74-32,309 is hereby amended to read as
33 follows: 74-32,309. (a) ~~On or before July 1 of each academic year,~~ The
34 adjutant general shall select up to 100 eligible national guard members
35 annually who applied to the program to receive assistance from such
36 program. The number of eligible guard members in the program shall not
37 exceed 200 eligible guard members in any one school year.

38 (b) (1) In order to qualify for participation in the Kansas national
39 guard EMERGE program, an eligible national guard member shall agree,
40 in writing, to ~~complete such member's current service obligation in the~~
41 ~~Kansas national guard~~ and serve actively in good standing with the Kansas
42 national guard or in a duty status affiliated with the Kansas national guard
43 for not less than 48 months upon completion of the last semester for which

1 the member receives assistance under the program *for a master's degree*
2 *and for not less than 72 months upon graduation for a doctorate or*
3 *professional degree for which the member receives assistance under the*
4 *program.*

5 (2) Prior to becoming eligible for participation in the program, each
6 eligible guard member shall submit the free application for federal student
7 aid and apply for any other federal tuition assistance that such member
8 also may be eligible to receive.

9 (c) In order to remain eligible for participation in the program, an
10 eligible guard member shall remain in good standing at the Kansas
11 educational institution where such member is enrolled, make satisfactory
12 progress toward completion of the requirements of such member's ~~master's~~
13 *advanced degree program, maintain a grade point average of not less than*
14 *2.75 for a master's degree or a 3.0 for a doctorate or professional degree*
15 *and maintain satisfactory participation in the Kansas national guard.*

16 (d) (1) Upon failure of any eligible guard member who received
17 payments under the Kansas national guard EMERGE program to satisfy
18 the agreement to continue service in the Kansas national guard as provided
19 by subsection (a), such person shall pay to the state of Kansas an amount
20 to be determined as follows:

21 (A) Determine the total amount of assistance paid to such member
22 under the program;

23 (B) divide the amount determined under subsection (d)(1)(A) by 48
24 *for a master's degree or 72 for a doctorate or professional degree; and*

25 (C) multiply the amount determined under subsection (d)(1)(B) by
26 the number of months such member did not serve as required by
27 subsection (a). The resulting product is the total amount of recoupment to
28 be paid by such member.

29 (2) All amounts paid to the state under this subsection shall be
30 deposited in the state treasury and credited to the Kansas national guard
31 EMERGE program repayment fund created by ~~section 6~~ *K.S.A. 2024*
32 *Supp. 74-32,310, and amendments thereto.*

33 (e) Any eligible guard member that received payments under the
34 program but has failed to satisfy the agreement to continue service in the
35 Kansas national guard as provided by subsection (a) by reason of
36 extenuating circumstances or extreme hardship may request a waiver from
37 recoupment under subsection (d). Such request shall be in writing and
38 submitted through such member's chain of command to the Kansas
39 national guard education services office. The chief of staff of the Kansas
40 army national guard or the director of staff for the Kansas air national
41 guard shall review all requests for a waiver from recoupment, and the
42 decision to issue such waiver shall be made by either officer as such
43 officer deems appropriate.

1 Sec. 10. K.S.A. 74-32,145, 74-32,146, 74-32,147 and 74-32,148 and
2 K.S.A. 2024 Supp. 74-32,149, 74-32,305, 74-32,306, 74-32,308 and 74-
3 32,309 are hereby repealed.

4 Sec. 11. This act shall take effect and be in force from and after its
5 publication in the statute book.