

HOUSE BILL No. 2185

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

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

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

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

(a) "Kansas educational institution" means and includes community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and ~~accredited independent institutions~~ *any not-for-profit independent institution of higher education that is accredited by an institutional accrediting agency recognized by the United States department of education, is operated independently and not controlled or administered by the state or any agency or subdivision thereof, maintains open enrollment, offers online education and offers, exclusively, competency-based education programs.*

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

(c) "Kansas national guard educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas national guard educational assistance act.

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

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

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

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

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

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

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

Sec. 4. K.S.A. 74-32,148 is hereby amended to read as follows: 74-32,148. (a) Subject to the availability of appropriations for the

Kansas national guard educational assistance program and within the limits of any such appropriations, every eligible guard member *or dependent* who is enrolled at a Kansas educational institution and who is participating in the program shall receive assistance each semester in an amount equal to the tuition and required fees for not more than 15 credit hours. The aggregate number of credit hours for which assistance may be provided under the program shall not exceed 150% of the total credit hours required for the eligible guard member *or dependent* to complete such member's *or such dependent's* educational program.

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

~~(b)~~*(c)* Notwithstanding the provisions of subsection (a), ~~eligible guard members shall not be paid the Kansas national guard educational assistance program shall not pay for~~ the amount of tuition and required fees charged for any course repeated or taken in excess of the requirements for completion of the educational program in which the eligible guard member *or dependent* is enrolled. The amount of tuition and required fees paid an eligible guard member *or dependent* pursuant to subsection (a) shall be at a rate not to exceed the maximum rate that would be charged by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, for enrollment of the eligible guard member *or dependent*.

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

Sec. 5. K.S.A. 2024 Supp. 74-32,149 is hereby amended to read as follows: 74-32,149. (a) (1) In order *for a member of the national guard or a dependent* to qualify for participation in the Kansas national guard educational assistance program, an eligible guard member ~~must~~ *shall* agree, in writing, to complete such member's current service obligation in the Kansas national guard and 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 *or dependent* receives assistance under the program.

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

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

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

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

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

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

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

(B) be enrolled at a Kansas educational institution;

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

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

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

to receive.

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

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

- (1) Determine the total amount of assistance paid to such member *or dependent* under the program;
- (2) divide the amount determined under subsection (c)(1) by 24; and
- (3) multiply the amount determined under subsection (c)(2) by the number of months such member did not serve as required by subsection (a)(1). The resulting product is the total amount of recoupment from such member.

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

(d) Any eligible guard member that received payments, *or whose dependent received payments*, under the program but has failed to satisfy the agreement to continue service in the Kansas national guard as provided by subsection (a)(1) by reason of extenuating circumstances or extreme hardship may request a waiver from recoupment. Such request shall 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 shall review all requests for a waiver from recoupment, and the decision to issue such waiver shall be made by either officer as such officer deems appropriate.

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

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

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

- (a) ~~"Educational program~~ *Advanced degree"* means a master's

~~degree program offered or maintained by a Kansas educational institution that leads to the award of a master's, professional degree or doctorate awarded to an eligible guard member upon satisfactory completion of the course work requirements of such degree program offered or maintained by a Kansas educational institution.~~

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

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

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

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

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

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

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

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

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

Sec. 9. K.S.A. 2024 Supp. 74-32,309 is hereby amended to read as follows: 74-32,309. (a) ~~On or before July 1 of each academic year,~~ The adjutant general shall select up to 100 eligible national guard members *annually* who applied to the program to receive assistance from such program. The number of eligible guard members in the program shall

not exceed 200 eligible guard members in any one school year.

(b) (1) In order to qualify for participation in the Kansas national guard EMERGE program, an eligible national guard member shall agree, in writing, to ~~complete such member's current service obligation in the Kansas national guard and~~ serve actively in good standing with the Kansas national guard or in a duty status affiliated with the Kansas national guard for not less than 48 months upon completion of the last semester for which the member receives assistance under the program *for a master's degree and for not less than 72 months upon graduation for a doctorate or professional degree for which the member receives assistance under the program.*

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

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

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

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

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

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

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

(e) 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 as provided by subsection (a) by reason of extenuating circumstances or extreme hardship may request a waiver from recoupment under subsection (d). Such request shall 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 shall review all requests for a waiver from recoupment, and the decision to issue such waiver shall be made by either officer as such officer deems appropriate.

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

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE

President of the Senate.

Secretary of the Senate.

APPROVED

Governor.