

FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED REGULATION AMENDMENT

DATE: September 18, 2012

REGULATION NUMBER AND TITLE: 7.015 Florida National Guard Educational Assistance Program

SUMMARY: A change in statute eliminated references to the Board of Governors and the State Board of Education and eliminated the tuition exemption program. The Adjutant General is solely responsible for this program and shall pay an amount equal to the amount that would be required to pay for the average tuition and fees if an appropriation is made by the Legislature.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO PROPOSE REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION: Tim Jones, Chief Financial Officer

COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.edu.

7.015 Florida National Guard Educational Assistance Programs.

~~(1) Definitions. Section 250.10, Florida Statute, defines two educational assistance programs available to members in good standing of the active Florida National Guard.~~

- ~~(a) Active Florida National Guard members are defined as those Service members who attend drills and annual training and are not members of the Inactive National Guard.~~
- ~~(b) The State Tuition Exemption Program provides Florida National Guard members with an exemption from the payment of one half of the cost of all tuition and fees assessed on a per student credit hour basis at Florida's public community colleges and State University System institutions for credit courses in which they register on a space available basis.~~
- ~~(c) The Educational Dollars for Duty Program shall pay up to 100% of tuition and fees assessed on a per student credit hour basis at Florida's public vocational technical school, public community colleges and State University System institutions for credit courses in which they register. The Educational Dollars for Duty Program is for individuals who enter the Florida National Guard for the first time after June 30, 1997. The Florida National Guard Member will be responsible for any tuition and fees not paid by the Educational Dollars for Duty Program.~~
- ~~(d) Tuition and Fees—For purposes of this regulation, tuition and fees at state universities means tuition and associated fees as defined in Board of Governors Regulation Sections 7.001(2) and (3).~~

~~(2) Eligibility Criteria and Conditions of Eligibility. The Adjutant General of the Florida National Guard shall determine eligibility of National Guard members for participation in the programs in accordance with the provisions of s. 250.10 (7) FS and Florida National Guard Pamphlet FNG 621-5-2. Participating Florida National Guard members must be admitted to the community college or university on the basis of the institution's regular admission requirements. Florida National Guard members receiving exemptions or receiving payment of tuition and fees may use them to attend as part time or full time students.~~

~~(3) Contact persons. The Adjutant General shall designate a State Education Program Administrator to coordinate this program at the Florida National Guard and to serve as a contact person in dealings concerning the programs with vocational technical center, community college, university, and state officials. Likewise, each participating educational institution shall designate an institutional contact for the Adjutant General or State Education Program Administrator.~~

~~(4) Certification requirements. The State Education Program Administration shall certify eligibility of Florida National Guard members for the State Tuition Exemption Program and Educational Dollars for Duty Program to the state university in which they enroll. For the State Tuition Exemption Program the Florida National Guard State Education Program~~

Administrator shall forward to the state university an approved *Application for Educational Assistance In The Florida National Guard*. The application will indicate the semester for which the exemption shall be granted. For the Educational Dollars for Duty Program the Florida National Guard State Education Program Administrator shall forward to the respective state university the Educational Dollars for Duty Approval List which will identify eligible Florida National Guard members, the semester covered by the list, and a tentative schedule of credit hours and tuition for each member.

(5) Unauthorized courses of study. The State Education Program Administrator, in coordination with the appropriate state university, shall determine which programs of study and college courses are not authorized for the State Tuition Exemption Program and the Educational Dollars for Duty Program. Unauthorized courses shall include, but are not limited to, noncredit courses and courses which do not meet degree requirements for a Florida National Guard member receiving a half tuition and fees exemption in the State Tuition Exemption Program. The Education Dollars for Duty Program will pay for non credit college preparatory courses.

(6) A Florida National Guard member's agreement. All Florida National Guard members who participate in the State Tuition Exemption Program and the Educational Dollars for Duty Program shall sign an agreement with the Florida National Guard as provided in Florida National Guard Pamphlet 621-5-2. The agreement shall include the Florida National Guard member's permission for the state university attended by the Florida National Guard member under the State Tuition Exemption Program or the Educational Dollars for Duty Program to release grade reports and transcripts to the Florida National Guard for use in determining the Florida National Guard member's continuing eligibility for participation in the programs. The agreement also shall include the Florida National Guard member's personal obligation to repay the state university should the student cease to meet the eligibility requirements for exemption of tuition and fees or repayment to the State Florida for tuition paid on their behalf. A copy of the agreement, signed by the Florida National Guard member receiving the exemption or payment of tuition and fees, shall be kept on file by the State Education Program Administrator as part of the Florida National Guard member's permanent military file. For participants in the State Tuition Exemption Program, a copy of the agreement shall be provided to the state university.

(7) Reports. The state university attended by a Florida National Guard member utilizing the State Tuition Exemption Program or the Educational Dollars for Duty Program shall make available, upon request, a copy of the Florida National Guard member's transcript to the State Education Program Administrator. The state university shall notify the State Education Program Administrator if the Florida National Guard member is placed on academic probation, or has been dismissed from the university for any reason.

(8) Repayment penalties shall be in accordance with Florida National Guard Pamphlet 621-5-2, and applicable rules, and shall include, but not be limited to, the following:

- (a) The State Education Program Administrator shall be responsible for notifying the university of those Florida National Guard members that are no longer

eligible for the State Tuition Exemption Program and the Education Dollars for Duty Program.

- (b) ~~Florida National Guard members who participated in the State Tuition Exemption Program shall be required to reimburse the state university for all tuition and fees for which such member received exemptions, unless the Adjutant General determines there are justifiable extenuating circumstances. The state university is responsible for collecting reimbursement of tuition and fee waivers for the State Tuition Exemption Program. If, after a period of thirty (30) days, the Florida National Guard member has failed to pay to the university the appropriate tuition and fees, the university shall notify the State Education Program Administrator who shall, if the member is still active in the Florida National Guard, place command emphasis on the Florida National Guard member's payment to the institution. The university shall not release any transcripts concerning the delinquent Florida National Guard member until the debt is paid~~
- (c) ~~The State Education Program Administrator is responsible for administering the Educational Dollars for Duty Program and arranging repayment of tuition and fees to the state for any member who becomes ineligible.~~

~~(9) State funding. The student credit hours generated at state universities by Florida National Guard members utilizing the State Tuition Exemption Program and the Educational Dollars for Duty Program shall be state fundable. They shall be counted in full-time equivalent student enrollment calculations for funding purposes and shall be identified in enrollment reports.~~

Specific Authority: Section 7(d), Art. IX, Fla. Const.; s. 250.10 (7) F.S.; History: New 9-25-08