**15 DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT**

**213 MILITARY BUREAU**

**Chapter 2: REGISTRATION OF PRIVATE EDUCATIONAL INSTITUTIONS TO PARTICIPATE IN MAINE NATIONAL GUARD EDUCATION ASSISTANCE PROGRAM**

**Summary**: This rule establishes the process to govern the registration by the Military Bureau of private, non-profit, postsecondary education institutions to participate in the tuition benefit program for eligible members of the Maine National Guard established pursuant to Title 37-B M.R.S. §§ 352, 352-A, 353-B and 357.

1. **Definitions**
2. **Department.** “Department” means the Maine Department of Defense, Veterans and Emergency Management.
3. **Bureau.** “Bureau” means the Military Bureau of the Maine Department of Defense, Veterans and Emergency Management.
4. **Institution**. “Institution” means an established private, non-profit entity with a physical campus located within the state of Maine which awards post-secondary degrees and is regionally or nationally accredited by an accreditation body recognized by the United States Department of Education.
5. **Fund.** “Fund” means the “Maine National Guard Post-Secondary Fund” established pursuant to Title 37-B, section 353-A.
6. **Student.** “Student” means any member of the Maine National Guard who meets the eligibility criteria of the Maine National Guard Education Assistance Program set forth in Title 37-B section 354.

**SECTION 2. Registration Criteria**

Programs to prepare students for postsecondary education are not eligible to register to participate in this program. In order to be registered to participate in his program, each Institution must meet the following criteria:

* 1. **Student records.** The Institution agrees to review with the Military Bureau annually student records of any National Guard member who is enrolled and receiving a tuition benefit, in order to verify the student’s compliance with the requirements set forth in Title 37-B section 354. Such review must be conducted in compliance with the *Family Educational Rights and Privacy Act* (“FERPA”).
  2. **Campus Location and Assistance.** The Institution must have a campus located in Maine which provides classroom instruction as well as staff able to provide administrative assistance and counseling, as needed, to eligible Maine National Guard members.
  3. **Tuition Rate.** If the Institution has separate in-state and out-of-state tuition rates, the Institution agrees to charge any student who qualifies for the Maine National Guard Education Assistance Program their in-state rate.
  4. **Tuition Benefit Cap.** The Institution accepts and agrees that the tuition assistance amount provided to a student by the Bureau from the Fund is capped at the University of Maine at Orono’s in-state tuition rate per credit hour for the previous academic year.
  5. **Application of Other Forms of Financial Aid.** The Institution agrees to apply the following forms of financial aid for tuition for which the student is eligible to the student’s tuition balance prior to invoicing the Bureau for the tuition benefit from the Fund:
     1. a Federal Pell Grant;
     2. any tuition reimbursements or financial assistance from an employer other than in the form of loans;
     3. any federal military tuition assistance funds, other than in the form of loans, including but not limited to any tuition award from the Post 9/11 GI Bill, if applicable; and
     4. any other form of tuition assistance that is not in the form of a loan.
  6. **Waiver**. The Institution acknowledges that monies available in the Fund are limited to the amounts allocated by the Legislature or by the Adjutant General, pursuant to Title 37-B, section 353-A, and further agrees that if there are insufficient monies in the Fund in a given fiscal year to cover the student’s tuition balance, the Institution will waive any remaining tuition balance due from the student up to the amount of the current year’s tuition benefit cap as defined in Section 2(4). Tuition costs over and above this cap would be the responsibility of the student.

**SECTION 3. Registration Approval**

1. **Initial Notice of Opportunity to Register.** The Bureau will send a written notice within thirty days of the effective date of this rule, to all qualified Institutions known to the Bureau, inviting them to submit a written statement of intent to register to participate in the program for the period from January 2019 through June of 2019.
2. **Notice in Subsequent Years.** The Bureau will send a written notice by June 1, 2019 and on or before June 1 of each subsequent calendar year, to all qualified Institutions known to the Bureau, inviting them to submit a written request to register or to continue their registration for the upcoming academic year.
3. **Request to Register.** Each eligible Institution that wishes to register for the program for the remainder of the 2019-2020 academic year must submit a written request no later than July 1,2019. Each Institution that wishes to register or continue its registration for a subsequent academic year must submit a written request to the Bureau on or before July 1st. Any request must be submitted on the Institution’s letterhead and must state the Institution’s intention to participate in the program and its commitment to comply with the criteria described in Section 2 of this rule.

1. **Review and Approval.** The Bureau will review each written request to register or to continue to be registered and, if it finds that the Institution meets the criteria for registration, will respond on Bureau letterhead that the Institution is registered and thereby eligible to participate in the program for the upcoming academic year. If, for any reason, the Bureau concludes that the Institution is not eligible to be registered, or that the Institution’s request cannot be granted without more information, the Bureau must notify the Institution of its findings and provide an opportunity for the Institution to supplement its request.
2. **Notice of Withdrawal.** If the Institution was registered for the previous academic year but does not wish to remain registered for the upcoming academic year, it must submit a written statement withdrawing from the program by July 1st.

STATUTORY AUTHORITY: 37-B M.R.S. §§ 352, 352-A, 353-B and 357

EFFECTIVE DATE:

May 13, 2019 – filing 2019-075