

321.40 Educational benefits.

(1) DEFINITIONS. In this section:

(a) "Full-time study" means a credit load of 12 or more academic credits in an academic term.

(b) "Guard member" means any person who is a member of the national guard.

(c) "Qualifying school" means any of the following:

1. The extension division and any campus of the University of Wisconsin System.

2. A public institution of higher education under the Minnesota-Wisconsin student reciprocity agreement under s. 39.47.

3. A public institution of higher education under an interstate agreement under s. 39.42.

4. Except as provided in subds. 2. and 3., an accredited institution of higher education located in this state, as defined in 20 USC 1002.

5. Any technical college established under ch. 38.

(d) "Tuition grant" means any tuition cost reimbursement payment made by the department under sub. (4).

(2) ELIGIBLE GUARD MEMBER. Eligibility for a tuition grant under this section is limited to a guard member who is not:

(a) An officer.

(b) An individual with a baccalaureate degree or its equivalent.

(c) Failing to meet the national guard duty eligibility criteria established by the department or absent without leave for more than 9 unit training assemblies.

(d) Delinquent in child support or maintenance payments and who does not owe past support, medical expenses or birth expenses, as established by the appearance of the guard member's name on the statewide support lien docket under s. 49.854 (2) (b), unless the guard member provides to the department a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(e) Failing to achieve a minimum grade point average of 2.0 for the semester for which a tuition grant is applied for.

(f) Failing to be an actively drilling guard member upon the date of the satisfactory completion of a full-time or part-time course in a qualifying school.

(3) TUITION GRANTS.

(a) Any eligible guard member upon satisfactory completion of a full-time or part-time course in a qualifying school may apply for a tuition grant equal to 100 percent of the actual tuition charged by the school or 100 percent of the maximum resident undergraduate tuition charged by the University of Wisconsin-Madison for a comparable number of credits, whichever amount is less. In calculating the maximum resident undergraduate tuition charged by the University of Wisconsin-Madison for purposes of this paragraph, the department shall include in the calculation all additional tuition established or approved by the Board of Regents of the University of Wisconsin System under s. 36.27 (1) (a) for undergraduate students at the University of Wisconsin-Madison and for students enrolled in a particular undergraduate academic program at the University of Wisconsin-Madison if the eligible guard member is enrolled in the same or equivalent program.

(b) Application for tuition grants shall:

1. Be submitted to the department for approval of payment no later than 90 days after the completion date of the course; and

2. Contain such information and be in such form as the department requires to establish that the applicant qualifies for the grant.

(c) Except as provided under par. **(d)**, upon determination that the applicant is eligible to receive the payment, the department shall make payment of the tuition grant to the applicant in the amount determined under par. **(a)**. Notwithstanding par. **(b) 2.**, the department shall rely on a qualifying school's certification in determining that an applicant is eligible under sub. **(2) (e)** to receive the payment and the department shall make the payment not later than 30 days after the department receives the certification.

(d) Tuition grants under this section shall be paid out of the appropriation under s. 20.465 **(2) (a)**.

(4) REPAYMENT OF GRANTS. The department shall require a national guard member who has received a tuition grant under this section to repay the amount of the tuition grant to the department if the national guard member is separated from the national guard for misconduct, as defined in the rules and regulations of the national guard, including being absent without leave for more than 9 unit training assemblies. The department may elect to collect the amount owed under this subsection through the tax intercept program under s. 71.93.

(5) LIMITATIONS.

(a) No guard member is eligible for a tuition grant under this section for more than 120 credits of part-time study or 8 full semesters of full-time study or the equivalent thereof.

(b) If the U.S. congress establishes an active draft after July 1, 1977, no new tuition grants may be authorized under this section. The department shall determine if an active draft has been established. Any termination of the tuition grant program under this paragraph shall allow persons receiving grants prior to the establishment of an active draft to receive full benefits subject to sub. **(3) (d)** and par. **(a)**.

(c) No guard member may receive a tuition grant under sub. **(3)** for any semester in which he or she received a payment under s. 45.20 **(2)**.

(d) No guard member may receive a tuition grant under this section unless he or she is a member in good standing in the national guard at the time of completion of the course.

History: 1977 c. 29, 418; 1981 c. 20; 1985 a. 29; 1987 a. 27, 403; 1989 a. 31; 1991 a. 39, 269; 1993 a. 399; 1995 a. 19; 1995 a. 27, ss. 1219t to 1223, 9127 (1); 1995 a. 404; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16; 2003 a. 33, 69, 83; 2005 a. 22, 25; 2007 a. 20; 2007 a. 200 ss. 107, 109 to 120, 222 to 223; Stats. 2007 s. 321.40; 2009 a. 179, 180; 2011 a. 32; 2013 a. 20; 2015 a. 55; 2017 a. 123; s. 35.17 correction in **(3) (b) 1.**