
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2696 Session of
2018

INTRODUCED BY T. O'NEAL, BARRAR, BERNSTINE, YOUNGBLOOD, DUNBAR
AND WARD, OCTOBER 9, 2018

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, OCTOBER 9, 2018

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in military educational programs,
3 further providing for definitions, for eligibility, for
4 amount of grants and for limitations.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Sections 3201, 3202, 3205 and 3206 of Title 51 of
8 the Pennsylvania Consolidated Statutes are amended to read:

9 § 3201. Definitions.

10 The following words and phrases when used in this subchapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Agency." The Pennsylvania Higher Education Assistance
14 Agency.

15 "Approved institution of higher learning." An educational
16 institution offering a post-secondary program of education
17 located in this Commonwealth and approved by the Pennsylvania
18 Higher Education Assistance Agency.

1 "Approved program of education." A degree- or certificate-
2 granting curriculum or course of study to be pursued on a full-
3 time or part-time basis or its equivalent as determined by the
4 Pennsylvania Higher Education Assistance Agency, at an approved
5 institution of higher learning.

6 "Combat zone." An area designated by Presidential executive
7 order as a combat zone as described in section 7508 of the
8 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
9 7508).

10 "Costs of attendance." Allowable educational expenses, as
11 determined by the agency, that are consistent with the
12 administration of the act of January 25, 1966 (1965 P.L.1546,
13 No.541), referred to as the Higher Education Scholarship Law.

14 "Dependent." A spouse, child or surviving spouse or child.

15 "Eligible member." A member of the Pennsylvania National
16 Guard who meets the criteria specified in section 3202 (relating
17 to eligibility) and who has been awarded a certificate of
18 eligibility under section 3203 (relating to certification of
19 eligibility).

20 "Full-time student." A student enrolled in an approved
21 institution of higher learning pursuing an approved program of
22 education equal to or greater than 15 credit hours or its
23 equivalent recognized by the Pennsylvania Higher Education
24 Assistance Agency as a full-time course of study.

25 "Fund." The Educational Assistance Program Fund.

26 "Part-time student." A student enrolled in an approved
27 institution of higher education pursuing an approved program of
28 education of less than 15 credit hours or its equivalent
29 recognized by the Pennsylvania Higher Education Assistance
30 Agency as a part-time course of study.

1 "Program." The Educational Assistance Program established in
2 this subchapter.

3 "Qualified [resident] student." [An individual who has been
4 a bona fide resident of this Commonwealth prior to the time an
5 application for a grant is made. The Pennsylvania Higher
6 Education Assistance Agency shall make the final decision on
7 whether an applicant is a qualified resident.] An individual who
8 is a member of the Pennsylvania National Guard prior to the time
9 an application for a grant is made.

10 § 3202. Eligibility.

11 (a) General rule.--A Pennsylvania National Guard member is
12 eligible to receive a public service educational grant under
13 this subchapter if the member meets all of the following
14 eligibility criteria:

15 (1) The member is a qualified [resident of this
16 Commonwealth] student.

17 (2) Except as otherwise provided in subsection (c) and
18 section 3206(b) (relating to limitations), the member is a
19 member in good standing and has been a satisfactory
20 participant in Pennsylvania National Guard activities for a
21 minimum service period established by the Adjutant General.

22 (3) The member has enrolled as a student in an approved
23 program of education at an approved institution of higher
24 learning.

25 (a.1) Dependent eligibility.--

26 (1) A dependent of an eligible member shall be eligible
27 to receive a public service educational grant under this
28 subchapter if the dependent meets all of the following
29 eligibility criteria:

30 (i) The individual is a dependent of a qualified

1 student.

2 (ii) The dependent has enrolled as a student in an
3 approved program of education at an approved institution
4 of higher learning.

5 (2) Grant payments shall be as follows:

6 (i) A spouse or surviving spouse shall be eligible
7 for full-time or part-time student assistance grants or a
8 combination of full-time or part-time student assistance
9 grants under this subchapter for a total of not more than
10 five academic years or the equivalent of five academic
11 years, as determined by the agency and not more than five
12 years after the qualified student's established date of
13 discharge or release from initial enlistment.

14 (ii) A child shall be eligible for full-time or
15 part-time student assistance grants or a combination of
16 full-time or part-time student assistance grants under
17 this subchapter for not more than five academic years or
18 the equivalent of five academic years, as determined by
19 the agency.

20 (iii) The guard member must have served for the
21 member's entire six-year requirement in order to transfer
22 benefits to a spouse. Once the benefits have been
23 transferred to the spouse, the guard member automatically
24 accrues two more years of required service.

25 (iv) The guard member must have provided at least 10
26 years of service to the Pennsylvania National Guard in
27 order to transfer their benefits to a child. Once the
28 benefits have been transferred to the child, the
29 Pennsylvania National Guard member automatically accrues
30 four more years of required service.

1 (v) A dependent under this paragraph must:

2 (A) Be alive at the time a qualified student
3 transfers the benefit provided for under this
4 subchapter.

5 (B) Use the benefit provided for under this
6 subchapter before the qualified student reaches 26
7 years of age.

8 (3) The department shall provide the agency with the
9 appropriate discharge or release date for each qualified
10 student in accordance with Pennsylvania National Guard
11 enlistment policies.

12 (a.2) Fund for grant money dedicated to children.--As soon
13 as a member of the Pennsylvania National Guard who is eligible
14 to transfer educational benefits to the member's child elects to
15 transfer the benefits, the money will be placed into a fund at
16 the Department of Military and Veterans Affairs. The fund shall
17 be separate from any other funds currently at the Department of
18 Military and Veterans Affairs. The child may only use the money
19 for educational purposes and must be given directly to the child
20 before the child reaches 26 years of age.

21 (b) Additional eligibility criteria for full-time student
22 assistance grants.--In addition to the eligibility criteria
23 specified in subsection (a), a student must meet the following
24 eligibility criteria to qualify for a full-time student
25 assistance grant:

26 (1) The member does not possess a baccalaureate degree.

27 (2) The member accepts an obligation to serve in the
28 Pennsylvania National Guard for a period of six years from
29 the date of entry into the program by enlistment,
30 reenlistment, extension of enlistment or execution of a

1 service commitment.

2 (3) The member has enrolled as a full-time student in an
3 approved program of education at an approved institution of
4 higher learning.

5 (4) The member is not receiving a Reserve Officer
6 Training Corps (ROTC) Scholarship, excluding a Guaranteed
7 Reserve Forces Duty Scholarship.

8 (c) Discharge for disability incurred in the line of duty.--
9 A Pennsylvania National Guard member who is discharged for
10 medical disability after September 11, 2001, shall remain
11 eligible to receive a public service educational grant under
12 this subchapter if the member meets all of the following
13 eligibility criteria:

14 (1) The medical disability was incurred in the line of
15 duty and was not the result of misconduct.

16 (2) The medical condition giving rise to the discharge
17 did not exist prior to the member entering service in the
18 Pennsylvania National Guard.

19 (3) The medical disability was incurred while performing
20 authorized military duty other than basic training, advanced
21 individual training or other equivalent initial training.

22 (4) The former member received an honorable discharge
23 for medical reasons.

24 (5) The former member had accepted an obligation to
25 serve in the Pennsylvania National Guard for a minimum period
26 of service established by the Adjutant General and was
27 qualified to have fulfilled such service obligation but for
28 the medical disability that resulted in discharge.

29 (6) The former member commences a full-time or part-time
30 course of study within two years of medical discharge or

1 within two years of the effective date of this subsection,
2 such course of study having a completion date of not more
3 than six years following the date of medical discharge for
4 members discharged for medical disability on or after the
5 effective date of this subsection or of not more than six
6 years following the effective date of this subsection for
7 members discharged for a medical disability after September
8 11, 2001, and before the effective date of this subsection.
9 The Adjutant General may for good cause extend these
10 deadlines when the former member's disability is shown to
11 require additional time for the former member to commence or
12 complete a course of study.

13 (7) The former member meets all eligibility criteria
14 specified in subsections (a) and (b) except membership in the
15 Pennsylvania National Guard.

16 (d) Determination.--The department shall make the final
17 determination on whether an applicant is a qualified student.

18 § 3205. Amount of grants.

19 (a) Full-time student assistance grants.--Grants awarded
20 under this subchapter to full-time students shall be determined
21 by the agency without regard to financial need and shall not
22 exceed for each academic year the lesser of:

23 (1) the tuition of the approved institution of higher
24 learning for the approved program of education in which the
25 member is enrolled; or

26 (2) the tuition [charged to a resident of this
27 Commonwealth at a] equal to the highest tuition of any member
28 institution of the State System of Higher Education for the
29 same academic year.

30 (b) Part-time student assistance grants.--Grants awarded

1 under this subchapter to part-time students who do not possess a
2 baccalaureate degree shall be determined by the agency without
3 regard to financial need and shall not exceed for each academic
4 year or period the lesser of:

5 (1) the tuition for the part-time course of study in
6 which the member is enrolled; or

7 (2) [two-thirds of the tuition charged to a resident of
8 the Commonwealth at a] the tuition equal to the highest
9 tuition of any member institution of the State System of
10 Higher Education for the part-time course of study in which
11 the member is enrolled for the same academic year or period.

12 (b.1) Part-time student assistance grants for students
13 possessing baccalaureate degrees.--Grants awarded under this
14 subchapter to part-time students who possess a baccalaureate
15 degree shall be determined by the agency without regard to
16 financial need and shall not exceed for each academic year or
17 period the lesser of:

18 (1) one-half of the tuition for the part-time course of
19 study in which the member is enrolled; or

20 (2) [one-third of the tuition charged to a resident of
21 this Commonwealth at a] the tuition equal to the highest
22 tuition of any member institution of the State System of
23 Higher Education for the part-time course of study in which
24 the member is enrolled for the same academic year or period.

25 (c) Other grants and financial aid.--

26 (1) The agency shall not reduce the amount of other
27 agency grants or aid for which the eligible member qualifies
28 on account of the member's eligibility for or receipt of
29 grants under this subchapter.

30 (2) Prior to making a grant under this chapter, the

1 approved institution of higher learning shall first consider
2 any Federal tuition assistance received by the eligible
3 member and then shall award a grant under this chapter if the
4 eligible member requires additional financial aid to cover
5 the costs of attendance for an approved program of higher
6 education. A grant under this chapter shall be paid or
7 refunded to the eligible member for approved costs of
8 attendance. Grants authorized under this section shall be
9 reduced so that the total of all Federal and State military
10 education benefits, as administered by the Pennsylvania
11 National Guard, do not exceed 100% of the costs of
12 attendance.

13 (d) Adjustments.--If the agency and the Adjutant General
14 determine that the amount appropriated for the program in any
15 year will be insufficient to provide grants in the amounts set
16 forth in this section to all eligible members, the agency and
17 the department may reduce the maximum amount of the grants
18 proportionately or set a limit on the number of participants to
19 ensure that sums expended do not exceed appropriations.

20 § 3206. Limitations.

21 (a) Time.--

22 (1) Except as otherwise provided in paragraph (2), no
23 member shall be eligible for full-time or part-time student
24 assistance grants or a combination thereof under this
25 subchapter for a total of more than five academic years or
26 their equivalent as determined by the agency.

27 (2) For any member who served on active duty in a combat
28 zone, eligibility for such grants shall be extended for a
29 period of one year or for one additional month for each month
30 or part of month of such service, whichever is longer. The

1 extension under this paragraph shall not apply to a spouse or
2 a dependent child of an eligible member.

3 (b) Active duty.--

4 (1) Except as otherwise provided in paragraph (2) or
5 (3), no grant payments shall be made under this subchapter
6 except during the eligible member's term of service as a
7 member in good standing of the Pennsylvania National Guard.

8 (2) For eligible members who were called or ordered to
9 active Federal service or active State duty under section 508
10 (relating to active [State] duty for emergency) after
11 September 11, 2001, the deadline for making grant payments
12 shall be extended for one additional month for each month or
13 part of month of such service after the member is discharged
14 or released under honorable conditions from the Pennsylvania
15 National Guard.

16 (3) For members discharged because of a disability
17 incurred in the line of duty who are eligible under section
18 3202(c) (relating to eligibility), the deadline for making
19 grant payments shall be:

20 (i) Six years after the member's medical discharge
21 for members discharged for a medical disability on or
22 after the effective date of this paragraph unless
23 extended under section 3202 (c) (6).

24 (ii) Six years following the effective date of this
25 paragraph for members discharged for a medical disability
26 after September 11, 2001, and before the effective date
27 of this paragraph unless extended under section 3202 (c)
28 (6).

29 (c) Number of grants.--Only one grant may be awarded to an
30 eligible member, a spouse or a dependent child of an eligible

1 member under this subchapter.

2 Section 2. This act shall take effect in 60 days.