
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2052 Session of
2001

INTRODUCED BY COLAFELLA, E. Z. TAYLOR, C. WILLIAMS, STEELMAN,
BELARDI, D. EVANS, BARRAR, BEBKO-JONES, BELFANTI, BUTKOVITZ,
CALTAGIRONE, CAPPELLI, CIVERA, CORRIGAN, CREIGHTON, DALEY,
DeLUCA, DIVEN, FEESE, FICHTER, FRANKEL, FREEMAN, GEIST,
GEORGE, GRUCELA, HARHART, HERMAN, HORSEY, JAMES, JOSEPHS,
KENNEY, LAUGHLIN, LESCOVITZ, McCALL, McGEEHAN, MELIO,
PALLONE, READSHAW, ROBERTS, SCHULER, SHANER, STABACK,
T. STEVENSON, TANGRETTI, THOMAS, TIGUE, TRAVAGLIO, TRELLO,
WALKO, WASHINGTON, WATSON, J. WILLIAMS, WOJNAROSKI,
YOUNGBLOOD, YUDICHAK AND PISTELLA, OCTOBER 22, 2001

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 22, 2001

AN ACT

1 Providing for a waiver of tuition and other fees for children of
2 certain deceased victims of extremist attacks on September
3 11, 2001, at community colleges and State-owned and State-
4 related institutions of higher education and for additional
5 powers and duties of the Pennsylvania Higher Education
6 Assistance Agency and the Department of General Services.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Child
11 Beneficiary Education Act of 2001.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Associate degree." An undergraduate degree awarded by a

1 community college, a State-related institution or a State-owned
2 institution.

3 "Baccalaureate degree." An undergraduate degree awarded by a
4 State-owned or State-related institution.

5 "Child" or "children." A resident of this Commonwealth who
6 is the child by birth or adoption of a person who was killed by
7 an extremist attack on September 11, 2001, or of a person who
8 died of injuries incurred in such attacks, occurring at the
9 World Trade Center, at the Pentagon, or on American Airlines
10 Flight 11 or 77 or United Airlines Flight 93 or 175.

11 "Community college." A public college or technical institute
12 which is established and operated under Article XIX-A of the act
13 of March 10, 1949 (P.L.30, No.14), known as the Public School
14 Code of 1949, and all branches or campuses of a community
15 college.

16 "Educational gratuity." The waiver by a community college or
17 a State-owned or State-related institution of tuition, fees and
18 room and board charges for an eligible child.

19 "Pennsylvania Higher Education Assistance Agency" or "PHEAA."
20 The Pennsylvania Higher Education Assistance Agency created by
21 the act of August 7, 1963 (P.L.549, No.290), referred to as the
22 Pennsylvania Higher Education Assistance Agency Act.

23 "Program." The Postsecondary Educational Gratuity Program of
24 2001 established by this act.

25 "Room and board charge." The amount charged by a community
26 college or a State-owned or State-related institution for
27 provision of lodging and meals to students enrolled at the
28 community college or State-owned or State-related institution.

29 "State-owned institution." An institution which is part of
30 the State System of Higher Education under Article XX-A of the

1 act of March 10, 1949 (P.L.30, No.14), known as the Public
2 School Code of 1949, and all branches and campuses of a State-
3 owned institution.

4 "State-related institution." The Pennsylvania State
5 University, the University of Pittsburgh, Temple University, the
6 Pennsylvania College of Technology and Lincoln University.

7 "Total institution charges." Tuition and fees plus room and
8 board charges.

9 "Tuition and fees." The instructional charge and any other
10 fee established by the governing board of a community college
11 for Commonwealth residents attending the community college or
12 the instructional fee established by the Board of Governors of
13 the State System of Higher Education for Commonwealth residents
14 attending State-owned institutions. The term includes tuition
15 and fees set by the respective governing bodies of the State-
16 related institutions.

17 Section 3. Postsecondary Educational Gratuity Program of 2001.

18 (a) Establishment.--There is hereby established the
19 Postsecondary Educational Gratuity Program of 2001 for children
20 of a person who was killed by an extremist attack on September
21 11, 2001, or a person who died of injuries incurred in such
22 attack.

23 (b) Eligibility.--

24 (1) A child of a person who was killed by an extremist
25 attack on September 11, 2001, or a person who died of
26 injuries incurred in such attack shall be eligible for an
27 educational gratuity provided the child:

28 (i) Is 25 years of age or younger at the time of
29 application for participation in this program.

30 (ii) Meets all admission requirements of the

community college or State-owned or State-related institution to which application is made.

(iii) Enrolls as a full-time student at a community college or a State-owned or State-related institution.

(iv) Provides proof that he or she is the child of a person who was killed by an extremist attack on September 11, 2001, or a person who died of injuries incurred in such attack. Such proof shall include birth and death certificates and other corroborating documents.

(2) A child who meets the eligibility requirements may receive an educational gratuity for up to five years provided the child otherwise continues to be eligible for participation.

(c) Scope of benefit.--

(1) The benefit available under this section shall be provided only for full-time students who are pursuing undergraduate studies leading to an associate degree or a baccalaureate degree.

(2) A child becomes eligible for this benefit after he or she has applied for available scholarships and Federal and State grants to cover tuition and room and board costs. The child must provide a record of application for such financial aid to the community college or State-owned or State-related institution to which he or she is applying.

(3) A community college or a State-owned or State-related institution shall waive all remaining tuition and room and board charges (total tuition, room and board and fees minus awarded scholarships and Federal and State grants) for an eligible child during the time the child is enrolled as a full-time student provided the child meets all

1 requirements for admission to the community college or State-
2 owned or State-related institution and during the child's
3 enrollment complies with all requirements of the institution
4 for continued attendance and award of an associate degree or
5 a baccalaureate degree.

6 (d) Administration.--

7 (1) Copies of death certifications shall be provided to
8 PHEAA.

9 (2) Applications for an educational gratuity shall be
10 submitted to PHEAA by the child or the surviving parent or
11 guardian of the child, together with a certified copy of the
12 child's birth certificate or adoption record or other
13 documentation of birth or adoption acceptable to PHEAA. The
14 application shall include a copy of the child's letter of
15 acceptance at a community college or a State-owned or State-
16 related institution. If no death certification has been
17 received, PHEAA may elect to accept other documentation
18 certifying that the child's parent was a victim of an
19 extremist attack on September 11, 2001, at the World Trade
20 Center, at the Pentagon or on American Airlines Flight 11 or
21 77 or United Airlines Flight 93 or 175.

22 (3) Within 30 days of receipt of a completed
23 application, PHEAA shall send written notice to the child and
24 the community college or State-owned or State-related
25 institution of the child's eligibility or noneligibility for
26 participation in this program. If the child is determined not
27 to be eligible for an educational gratuity, the notice shall
28 include the reason or reasons for such determination and an
29 indication that an appeal of PHEAA's determination may be
30 made pursuant to 2 Pa.C.S. (relating to administrative law

and procedure).

(4) Upon receipt of notification of the child's eligibility from PHEAA, a community college or a State-owned or State-related institution is prohibited from charging the child or the child's parent or guardian any tuition fee or room and board charge. If moneys have been received by the community college or the State-owned or State-related institution for these purposes, those moneys must be refunded in full within 30 days of receipt by the community college or the State-owned or State-related institution of the notice of the child's eligibility.

(5) Each community college or State-owned or State-related institution at which an eligible child is enrolled shall notify PHEAA upon the child's graduation or when the child is no longer enrolled at the community college or State-owned or State-related institution.

Section 4. Report to General Assembly.

Each year as part of its budget presentation to the General Assembly, PHEAA shall provide a report on:

(1) The number of applications submitted during the prior year, including numbers of applications approved and disapproved.

(2) The number of children currently participating in this program at community colleges or State-owned or State-related institutions.

(3) The number of program participants who have completed requirements for an associate degree or a baccalaureate degree during the prior year.

(4) The total number of program participants who have received an associate degree or a baccalaureate degree since

1 the program's inception.

2 (5) The number of program participants who were approved
3 for an educational gratuity but who never obtained an
4 associate degree or a baccalaureate degree.

5 Section 5. Regulations.

6 PHEAA shall, in the manner provided by law, promulgate the
7 rules and regulations necessary to carry out this act.

8 Section 6. Exclusive source.

9 Any person who receives any benefit under this act shall be
10 ineligible to receive any tuition assistance or grants under 51
11 Pa.C.S. (relating to military affairs).

12 Section 7. Severability.

13 The provisions of this act are severable. If any provision of
14 this act or its application to any person or circumstance is
15 held invalid, the invalidity shall not affect other provisions
16 or applications of this act which can be given effect without
17 the invalid provision or application.

18 Section 8. Retroactivity.

19 This act shall be retroactive to September 11, 2001.

20 Section 9. Effective date.

21 This act shall take effect immediately.