

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 78

Session of
2009

INTRODUCED BY GREENLEAF, TARTAGLIONE, FONTANA, ERICKSON, STOUT,
TOMLINSON, PIPPY, MUSTO, ORIE, WILLIAMS, CORMAN, BROWNE,
RAFFERTY, KASUNIC, O'PAKE, KITCHEN, WONDERLING, LOGAN,
WOZNIAK, ALLOWAY AND BOSCOLA, MARCH 5, 2009

REFERRED TO EDUCATION, MARCH 5, 2009

AN ACT

1 Amending the act of December 16, 1998 (P.L.980, No.129),
2 entitled "An act providing for a waiver of tuition and other
3 fees for children of certain deceased police officers,
4 National Guard members, firefighters and correction employees
5 at community colleges and State-owned and State-related
6 institutions of higher education and for additional powers
7 and duties of the Pennsylvania Higher Education Assistance
8 Agency and the Department of General Services," extending
9 benefits to certain surviving spouses; further providing for
10 title of act, for short title, for definitions, for
11 Postsecondary Educational Gratuity Program, for report to
12 General Assembly and for retroactivity.

13 The General assembly finds and declares that it is the intent
14 of this act to recognize the ultimate sacrifice made by police
15 officers, firefighters, correction employees, sheriffs and
16 deputy sheriffs and National Guard members killed in the
17 performance of their duties by providing a postsecondary
18 educational gratuity for their children or surviving spouses at
19 community colleges and State-owned or State-related institutions
20 in this Commonwealth.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

1 Section 1. The title and section 1 of the act of December
2 16, 1998 (P.L.980, No.129), known as the Police Officer,
3 Firefighter, Correction Employee and National Guard Member Child
4 Beneficiary Education Act, are amended to read:

5 AN ACT

6 Providing for a waiver of tuition and other fees for children or
7 surviving spouses of certain deceased police officers,
8 National Guard members, firefighters [and], emergency medical
9 services personnel, correction employees, State parole
10 agents, county probation and parole officers, sheriffs and
11 deputy sheriffs at community colleges and State-owned and
12 State-related institutions of higher education and for
13 additional powers and duties of the Pennsylvania Higher
14 Education Assistance Agency and the Department of General
15 Services.

16 Section 1. Short title.

17 This act shall be known and may be cited as the Police
18 Officer, Firefighter, Correction Employee [and], National Guard
19 Member [Child] and Special Public Servant Beneficiary Education
20 Act.

21 Section 2. Section 2 of the act is amended by adding
22 definitions to read:

23 Section 2. Definitions.

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

27 * * *

28 "County officer." A county probation or parole officer of
29 this Commonwealth.

30 * * *

1 "Emergency medical services personnel." The term includes,
2 but is not limited to, emergency medical technician, emergency
3 medical technician-paramedic and first responder as defined
4 under the act of July 3, 1985 (P.L.164, No.45), known as the
5 Emergency Medical Services Act.

6 * * *

7 "State parole agent." A parole officer appointed by the
8 Pennsylvania Board of Probation and Parole.

9 "Surviving spouse." A resident of this Commonwealth who is
10 the spouse of a deceased police officer, firefighter, emergency
11 medical services personnel, correction employee, State parole
12 agent, county probation and parole officer, sheriff, deputy
13 sheriff or National Guard member, at the time of death, killed
14 in the performance of his or her duties.

15 * * *

16 Section 3. Section 3 of the act, amended November 30, 2004
17 (P.L.1663, No.210), is amended to read:

18 Section 3. Postsecondary Educational Gratuity Program.

19 (a) Establishment.--There is hereby established the
20 Postsecondary Educational Gratuity Program for children or
21 surviving spouses of police officers, firefighters, emergency
22 medical services personnel, correction employees, State parole
23 agents, county probation and parole officers, sheriffs, deputy
24 sheriffs and National Guard members and certain other
25 individuals who are on Federal or State active military duty who
26 are residents of this Commonwealth who are killed while acting
27 in the performance of their duties.

28 (b) Eligibility.--

29 (1) Police officers shall be deemed to have been killed
30 in the performance of their duties if death results from job-

1 related injuries sustained or inflicted while performing any
2 of the following:

3 (i) Answering an emergency call.

4 (ii) Conducting interrogations of crime suspects or
5 interrogations pursuant to a response to an emergency
6 call.

7 (iii) Conducting vehicle stops for traffic
8 violations.

9 (iv) Actively responding to requests for assistance
10 from the public.

11 (v) Maintaining order and security at the scene of
12 an emergency.

13 (2) Firefighters shall be deemed to have been killed in
14 the performance of their duties if death results from job-
15 related injuries sustained or inflicted while performing any
16 of the following:

17 (i) Being present at the scene of a fire or going to
18 and from a fire. In the case of volunteer firefighters,
19 going to and from a fire shall include traveling from and
20 directly returning to the firefighter's home, place of
21 business or other location where the firefighter was when
22 the fire call or alarm was received for a fire which the
23 firefighter's volunteer fire company attended.

24 (ii) Answering an emergency call.

25 (iii) Maintaining order and security at the scene of
26 an emergency.

27 (3) A member of the National Guard shall be deemed to
28 have been killed in the performance of his or her duties if
29 his or her death results from performance of a duty required
30 by his or her orders or commander while in an official duty

1 status authorized under Federal or State law.

2 (4) Correction employees shall be deemed to have been
3 killed in the performance of their duties if death results
4 from job-related injuries sustained or inflicted while
5 maintaining order and security or otherwise carrying out
6 their duties at a correctional facility.

7 (4.1) Sheriffs and deputy sheriffs shall be deemed to
8 have been killed in the performance of their duties if death
9 results from job-related injuries sustained or inflicted
10 while maintaining order and security or otherwise carrying
11 out their duties as a sheriff or deputy sheriff.

12 (4.2) An individual who is on Federal or State active
13 military duty who is a resident of this Commonwealth shall be
14 deemed to have been killed in the performance of duty if
15 death results from performance of a duty required by his or
16 her orders or commander while in an official duty status.

17 (4.3) Emergency medical services personnel shall be
18 deemed to have been killed in the performance of their duties
19 if death results from job-related injuries sustained or
20 inflicted while answering an emergency call.

21 (4.4) State parole agents and county probation and
22 parole officers shall be deemed to have been killed in the
23 performance of their duties if death results from job-related
24 injuries sustained or inflicted while carrying out their
25 duties.

26 (5) Notwithstanding the provisions of this section,
27 deaths which occur as the direct and proximate result of
28 preexisting physical conditions, diseases or illnesses shall
29 be excluded from eligibility under this section.

30 (6) Any child or surviving spouse of a police officer,

1 firefighter, emergency medical services personnel, correction
2 employee, State parole agent, county probation and parole
3 officer, sheriff, deputy sheriff or National Guard member
4 killed in the performance of his or her duties shall be
5 eligible for an educational gratuity provided:

6 (i) In the case of a child, that the child is 25
7 years of age or younger at the time of application for
8 participation in this program, meets all admission
9 requirements of the community college or State-owned or
10 State-related institution to which application is made
11 and is enrolled as a full-time student at a community
12 college or a State-owned or State-related institution.

13 (ii) In the case of a surviving spouse, that the
14 surviving spouse meets all admission requirements of the
15 community college or State-owned or State-related
16 institution to which application is made and is enrolled
17 as a full-time student at a community college or a State-
18 owned or State-related institution.

19 (7) A child who is 25 years of age or younger at the
20 time of the child's application for participation in this
21 program or a surviving spouse and who meets all other
22 eligibility requirements may receive an educational gratuity
23 for up to five years provided the child otherwise continues
24 to be eligible for participation.

25 (c) Scope of benefit.--

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

30 (2) A child or surviving spouse becomes eligible for

1 this benefit after he or she has applied for available
2 scholarships and Federal and State grants to cover tuition
3 and room and board costs. The child or surviving spouse must
4 provide a record of application for such financial aid to the
5 community college or State-owned or State-related institution
6 to which he or she is applying.

7 (3) A community college or a State-owned or State-
8 related institution shall waive all remaining tuition and
9 room and board charges (total tuition, room and board and
10 fees minus awarded scholarships and Federal and State grants)
11 for an eligible child or surviving spouse during the time the
12 child or surviving spouse is enrolled as a full-time student
13 provided the child or surviving spouse meets all requirements
14 for admission to the community college or State-owned or
15 State-related institution and during the child's or surviving
16 spouse's enrollment complies with all requirements of the
17 institution for continued attendance and award of an
18 associate degree or a baccalaureate degree.

19 (d) Administration.--

20 (1) Copies of all police officer [and], firefighter and
21 emergency medical services personnel death certifications
22 received by the Department of General Services under the act
23 of June 24, 1976 (P.L.424, No.101), referred to as the
24 Emergency and Law Enforcement Personnel Death Benefits Act,
25 shall be provided by the Department of General Services to
26 PHEAA within 20 days of their receipt.

27 (2) Written notification of the death of any correction
28 employee killed in the performance of his or her duties shall
29 be submitted to PHEAA by the Secretary of Corrections within
30 20 days of the death of the employee.

1 (2.1) Written notification of the death of any county
2 probation and parole officer, sheriff or deputy sheriff
3 killed in the performance of his or her duties shall be
4 submitted to PHEAA by the county commissioners of the county
5 in which the county probation and parole officer, sheriff was
6 elected or deputy sheriff was employed within 20 days of the
7 death of the employee.

8 (2.2) Written notification of the death of any State
9 parole agent killed in the performance of his or her duties
10 shall be submitted to PHEAA by the chairman of the
11 Pennsylvania Board of Probation and Parole within 20 days of
12 the death of the employee.

13 (3) Written notification of the death of any member of
14 the National Guard or other individual who is on Federal or
15 State active military duty who is a resident of this
16 Commonwealth killed in the performance of his or her duties
17 shall be submitted to PHEAA by the Adjutant General of the
18 Department of Military and Veterans Affairs within 20 days of
19 the death of the National Guard member.

20 (4) Applications for an educational gratuity shall be
21 submitted to PHEAA by the child or the surviving parent or
22 guardian of the child or the surviving spouse, together with
23 a certified copy of the child's birth certificate or adoption
24 record or other documentation of birth or adoption acceptable
25 to PHEAA or a marriage certificate. The application shall
26 include a copy of the child's or surviving spouse's letter of
27 acceptance at a community college or a State-owned or State-
28 related institution. If no death certification has been
29 received from the Department of General Services, Secretary
30 of Corrections, county commissioners, chairman of the

1 Pennsylvania Board of Probation and Parole or Adjutant
2 General of the Department of Military and Veterans Affairs,
3 PHEAA may elect to accept other documentation certifying that
4 the child's parent or the surviving spouse was a police
5 officer, firefighter, emergency medical services personnel,
6 correction employee, State parole agent, county probation and
7 parole officer, sheriff, deputy sheriff or National Guard
8 member killed during the performance of his or her duties.

9 (5) Within 30 days of receipt of a completed
10 application, PHEAA shall send written notice to the child or
11 surviving spouse and the community college or State-owned or
12 State-related institution of the child's or surviving
13 spouse's eligibility or noneligibility for participation in
14 this program. If the child or surviving spouse is determined
15 not to be eligible for an educational gratuity, the notice
16 shall include the reason or reasons for such determination
17 and an indication that an appeal of PHEAA's determination may
18 be made pursuant to 2 Pa.C.S. (relating to administrative law
19 and procedure).

20 (6) Upon receipt of notification of the child's or
21 surviving spouse's eligibility from PHEAA, a community
22 college or a State-owned or State-related institution is
23 prohibited from charging the child or the child's parent or
24 guardian or surviving spouse any tuition fee or room and
25 board charge. If moneys have been received by the community
26 college or the State-owned or State-related institution for
27 these purposes, those moneys must be refunded in full within
28 30 days of receipt by the community college or the State-
29 owned or State-related institution of the notice of the
30 child's or surviving spouse's eligibility.

1 (7) Each community college or State-owned or State-
2 related institution at which an eligible child or surviving
3 spouse is enrolled shall notify PHEAA upon the child's or
4 surviving spouse's graduation or when the child or surviving
5 spouse is no longer enrolled at the community college or
6 State-owned or State-related institution.

7 Section 4. Sections 4 and 8 of the act are amended to read:

8 Section 4. Report to General Assembly.

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

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

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

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

20 (4) The total number of program participants who have
21 received an associate degree or a baccalaureate degree since
22 the program's inception.

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

26 Section 8. Retroactivity.

27 This act shall be retroactive to:

28 (1) January 1, 1976, and the benefit provided shall be
29 available to qualified children of police officers,
30 firefighters, correction employees and National Guard members

1 of this Commonwealth killed in the performance of their
2 duties since that date. No community college, State-owned or
3 State-related institution shall reimburse qualified children
4 for tuition and fees or room and board charges paid between
5 January 1, 1976, and the effective date of this act.

6 (2) January 1, 2009, and the benefit provided shall be
7 available to qualified surviving spouses of police officers,
8 firefighters, emergency medical services personnel,
9 correction employees, State parole agents, county probation
10 and parole officers, sheriffs and deputy sheriffs and
11 National Guard members of this Commonwealth killed in the
12 performance of their duties since that date. No community
13 college, State-owned or State-related institution shall
14 reimburse qualified surviving spouses for tuition and fees or
15 room and board charges paid between January 1, 2009, and the
16 effective date of this paragraph.

17 Section 5. This act shall take effect immediately.