

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 542 Session of
2005

INTRODUCED BY GREENLEAF, MUSTO, ORIE, LEMMOND, ERICKSON, COSTA,
O'PAKE, TARTAGLIONE, LOGAN, BOSCOLA, RAFFERTY, PUNT, KITCHEN
AND PILEGGI, APRIL 4, 2005

REFERRED TO EDUCATION, APRIL 4, 2005

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 and for short title; defining "surviving
11 spouse"; and further providing for Postsecondary Educational
12 Gratuity Program, for report to General Assembly and for
13 retroactivity.

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

22 The General Assembly of the Commonwealth of Pennsylvania
23 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], correction
9 employees, sheriffs and deputy sheriffs at community colleges
10 and State-owned and State-related institutions of higher
11 education and for additional powers and duties of the
12 Pennsylvania Higher Education Assistance Agency and the
13 Department of General Services.

14 Section 1. Short title.

15 This act shall be known and may be cited as the Police
16 Officer, Firefighter, Correction Employee and National Guard
17 Member [Child] Beneficiary Education Act.

18 Section 2. Section 2 of the act is amended by adding a
19 definition to read:

20 Section 2. Definitions.

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

24 * * *

25 "Surviving spouse." A resident of this Commonwealth who is
26 the spouse of a deceased police officer, firefighter, correction
27 employee, sheriff, deputy sheriff or National Guard member, at
28 the time of death, killed in the performance of his or her
29 duties.

30 * * *

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

Section 3. Postsecondary Educational Gratuity Program.

(a) Establishment.--There is hereby established the
Postsecondary Educational Gratuity Program for children or
surviving spouses of police officers, firefighters, correction
employees, sheriffs, deputy sheriffs and National Guard members
and certain other individuals who are on Federal or State active
military duty who are residents of this Commonwealth who are
killed while acting in the performance of their duties.

(b) Eligibility.--

(1) Police officers shall be deemed to have been killed
in the performance of their duties if death results from job-
related injuries sustained or inflicted while performing any
of the following:

(i) Answering an emergency call.

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

(iii) Conducting vehicle stops for traffic
violations.

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

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

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

(i) Being present at the scene of a fire or going to

1 and from a fire. In the case of volunteer firefighters,
2 going to and from a fire shall include traveling from and
3 directly returning to the firefighter's home, place of
4 business or other location where the firefighter was when
5 the fire call or alarm was received for a fire which the
6 firefighter's volunteer fire company attended.

7 (ii) Answering an emergency call.

8 (iii) Maintaining order and security at the scene of
9 an emergency.

10 (3) A member of the National Guard shall be deemed to
11 have been killed in the performance of his or her duties if
12 his or her death results from performance of a duty required
13 by his or her orders or commander while in an official duty
14 status authorized under Federal or State law.

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

20 (4.1) Sheriffs and deputy sheriffs shall be deemed to
21 have been killed in the performance of their duties if death
22 results from job-related injuries sustained or inflicted
23 while maintaining order and security or otherwise carrying
24 out their duties as a sheriff or deputy sheriff.

25 (4.2) An individual who is on Federal or State active
26 military duty who is a resident of this Commonwealth shall be
27 deemed to have been killed in the performance of duty if
28 death results from performance of a duty required by his or
29 her orders or commander while in an official duty status.

30 (5) Notwithstanding the provisions of this section,

1 deaths which occur as the direct and proximate result of
2 preexisting physical conditions, diseases or illnesses shall
3 be excluded from eligibility under this section.

4 (6) Any child or surviving spouse of a police officer,
5 firefighter, correction employee, sheriff, deputy sheriff or
6 National Guard member killed in the performance of his or her
7 duties shall be eligible for an educational gratuity
8 provided:

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

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

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

28 (c) Scope of benefit.--

29 (1) The benefit available under this section shall be
30 provided only for full-time students who are pursuing

1 undergraduate studies leading to an associate degree or a
2 baccalaureate degree.

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

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

22 (d) Administration.--

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

29 (2) Written notification of the death of any correction
30 employee killed in the performance of his or her duties shall

1 be submitted to PHEAA by the Secretary of Corrections within
2 20 days of the death of the employee.

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

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

16 (4) Applications for an educational gratuity shall be
17 submitted to PHEAA by the child or the surviving parent or
18 guardian of the child or the surviving spouse, together with
19 a certified copy of the child's birth certificate or adoption
20 record or other documentation of birth or adoption acceptable
21 to PHEAA or a marriage certificate. The application shall
22 include a copy of the child's or surviving spouse's letter of
23 acceptance at a community college or a State-owned or State-
24 related institution. If no death certification has been
25 received from the Department of General Services, Secretary
26 of Corrections or Adjutant General of the Department of
27 Military and Veterans Affairs, PHEAA may elect to accept
28 other documentation certifying that the child's parent or the
29 spouse was a police officer, firefighter, correction
30 employee, sheriff, deputy sheriff or National Guard member

1 killed during the performance of his or her duties.

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

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

24 (7) Each community college or State-owned or State-
25 related institution at which an eligible child or surviving
26 spouse is enrolled shall notify PHEAA upon the child's or
27 surviving spouse's graduation or when the child or surviving
28 spouse is no longer enrolled at the community college or
29 State-owned or State-related institution.

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

1 Section 4. Report to General Assembly.

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

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

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

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

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

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

19 Section 8. Retroactivity.

20 This act shall be retroactive to:

21 (1) January 1, 1976, and the benefit provided shall be
22 available to qualified children of police officers,
23 firefighters, correction employees and National Guard members
24 of this Commonwealth killed in the performance of their
25 duties since that date. No community college, State-owned or
26 State-related institution shall reimburse qualified children
27 for tuition and fees or room and board charges paid between
28 January 1, 1976, and the effective date of this act.

29 (2) January 1, 2005, and the benefit provided shall be
30 available to qualified surviving spouses of police officers,

1 firefighters, correction employees, sheriffs and deputy
2 sheriffs and National Guard members of this Commonwealth
3 killed in the performance of their duties since that date. No
4 community college, State-owned or State-related institution
5 shall reimburse qualified surviving spouses for tuition and
6 fees or room and board charges paid between January 1, 2005,
7 and the effective date of this paragraph.

8 Section 5. This act shall take effect immediately.