

MILITARY PERSONNEL - RESIDENCY STATUS FOR STUDENTS - RESIDENCY
OF STUDENTS

Act of Oct. 23, 2023, P.L. 60, No. 14

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Session of 2023

No. 2023-14

HB 804

AN ACT

Amending the act of December 15, 1982 (P.L.1266, No.287),
entitled "An act conferring limited residency status on
military personnel, their dependents and civilian personnel
assigned to an active duty station in Pennsylvania," further
providing for residency of students.

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

Section 1. Section 1 of the act of December 15, 1982
(P.L.1266, No.287), entitled "An act conferring limited
residency status on military personnel, their dependents and
civilian personnel assigned to an active duty station in
Pennsylvania," is amended to read:

Section 1. (a) General rule.--The term "resident" or
"residency," or any other term or expression used to designate
a Commonwealth resident student, when used to determine the
rate of tuition to be charged students attending community
colleges, public institutions of higher learning [and
State-related and State-owned institutions of higher learning],
**State-related institutions, State-owned institutions and private
institutions** shall be construed to mean and include any
veterans, their spouses and dependent children who do not
currently reside in Pennsylvania. The term shall also be
construed to mean and include military personnel, their spouses
and dependent children who are assigned to an active duty
station in Pennsylvania and who reside in Pennsylvania and any
civilian personnel, their spouses and dependent children
employed at a Department of Defense facility who are transferred
to Pennsylvania by the Department of Defense and who reside in
Pennsylvania.

(a.1) Public institutions of higher learning [or
State-related or State-owned], **State-related institutions,
State-owned institutions and private** institutions.--Veterans,
their spouses and dependent children, military personnel, their
spouses and dependent children and civilian personnel, their
spouses and dependent children who are admitted to a public
institution of higher learning [or a State-related or
State-owned], **State-related institution, State-owned institution
or private** institution shall be charged resident tuition rates
provided that the student is a resident under this section [on
the first day of the semester or term of the institution.] **on
the date of deposit confirming their intent to enroll, begins
enrollment within the corresponding term for which the deposit
was made and remains in continuous enrollment at the
institution.**

(a.2) Community colleges.--Veterans, their spouses and
dependent children, military personnel, their spouses and
dependent children and civilian personnel, their spouses and
dependent children who are admitted to a community college shall
be charged the local sponsor rate provided that the student is

a resident under this section [on the first day of the semester or term of the college.] **on the date of enrollment, registers for the corresponding term and remains in continuous enrollment at the institution.**

(a.3) Distance learning tuition.--A community college, public institution of higher learning [or State-related or State-owned institution of higher learning], **State-related institution, State-owned institution or private institution** shall charge resident tuition rates to any active military personnel and their dependents who are taking college courses or receiving other education services through the Internet or by other electronic means.

(a.4) Eligibility.--A veteran and his spouse and dependent children or any other individual shall be charged a resident tuition rate or local sponsor rate as provided for under this act if the individual is eligible to receive benefits under any of the following:

(1) 10 U.S.C. Chs. 1606 (relating to educational assistance for members of the selected reserve) and 1607 (relating to educational assistance for reserve component members supporting contingency operations and certain other operations).

(2) 38 U.S.C. Ch. 30 (relating to all-volunteer force educational assistance program).

(3) 38 U.S.C. Ch. 31 (relating to training and rehabilitation for veterans with service-connected disabilities).

(4) 38 U.S.C. Ch. 33 (relating to post-9/11 educational assistance).

(a.5) Additional eligibility.--A child, a spouse or a surviving spouse who is eligible to receive benefits under 38 U.S.C. Ch. 35 (relating to survivors' and dependents' educational assistance) shall also be charged a resident tuition rate or local sponsor rate under the appropriate terms and conditions of subsection (a.1), (a.2) or (a.3).

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given them in this subsection:

"Community [colleges." Institutions now or hereafter created pursuant to] **college.**" **An institution established under** Article XIX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or the act of August 24, 1963 (P.L.1132, No.484), known as the Community College Act of 1963.

"Local sponsor." A school district, municipality or county board of school directors, or any combination of school districts, municipalities or county boards of school directors, that participate or propose to participate in the establishment and operation of a community college.

"Local sponsor rate." The tuition charged to an individual who is a resident of a school district or municipality that is a member of the local sponsor of the community college.

"Member of a local sponsor." A school district or municipality that, alone or with other districts and municipalities, is included in a local sponsor.

"**Private institution.**" **An institution of higher education, other than a State-related institution, that receives a nonpreferred appropriation from the Commonwealth.**

"Public institution of higher learning." A public institution licensed or registered under the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act, and approved to offer a program culminating in an

Associate in Specialized Business degree or an Associate in Specialized Technology degree.

"State-owned [institutions." Those institutions which are] **institution."** **An institution that is** part of the State System of Higher Education pursuant to Article XX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"State-related [institutions] **institution."** **Any of the following institutions, including any of their branch campuses:**

- (1) The Pennsylvania State University[, the].
- (2) **The** University of Pittsburgh[,].
- (3) Temple University [and].
- (4) Lincoln University [and their branch campuses].

"Veteran." An individual who served in the United States Armed Forces, including a reserve component or the National Guard and who was discharged or released from service under conditions other than dishonorable. The term includes an individual described in 38 U.S.C. § 3319(b) (relating to authority to transfer unused education benefits to family members).

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

APPROVED--The 23rd day of October, A.D. 2023.

JOSH SHAPIRO