

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 698 Session of  
1995

INTRODUCED BY ROBBINS, HECKLER, PUNT, HELFRICK, BELL,  
BRIGHTBILL, RHOADES, AFFLERBACH, STAPLETON, MUSTO, DELP,  
ANDREZESKI AND KASUNIC, MARCH 7, 1995

REFERRED TO MILITARY AND VETERANS AFFAIRS, MARCH 7, 1995

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania  
2 Consolidated Statutes, further providing for educational aid  
3 for certain members of the Pennsylvania National Guard; and  
4 conferring powers and duties on the Adjutant General, the  
5 Department of Military Affairs and the Pennsylvania Higher  
6 Education Assistance Agency.

7 The General Assembly finds and declares as follows:

8 (1) The Pennsylvania National Guard must recruit  
9 thousands of young Pennsylvanians each year to attain and  
10 sustain its required troop strength to meet Federal manning  
11 requirements and to provide the Governor with a well-trained  
12 and organized military force to respond to emergencies in  
13 this Commonwealth.

14 (2) The men and women of the Pennsylvania National Guard  
15 face increasing leadership and technical challenges and the  
16 percentage of members of the National Guard with post-high  
17 school, college and technical education must be increased to  
18 meet these challenges.

19 (3) Currently available programs are not adequate to

1 meet the financial needs of National Guard personnel who are  
2 pursuing a higher education or to attract young men and women  
3 into the National Guard who are high school graduates with  
4 the desire and ability to pursue their higher education in  
5 Commonwealth colleges and universities or business, trade and  
6 technical schools.

7 (4) The Pennsylvania National Guard needs a cadre of  
8 well-educated leaders to lead the Guard now and in the  
9 future.

10 (5) An innovative education assistance program will  
11 provide public service educational grants for members of the  
12 Pennsylvania National Guard and will keep Pennsylvania  
13 student soldiers in this Commonwealth and benefit  
14 Pennsylvania communities.

15 (6) An educational assistance program will reward those  
16 young Pennsylvanians who volunteer to serve their nation and  
17 Commonwealth as part of the Pennsylvania National Guard and  
18 will make this Commonwealth more competitive with other  
19 states and regular forces in the educational benefits offered  
20 to military personnel.

21 (7) The Educational Assistance Program is designed to  
22 provide public service educational grants to members of the  
23 Pennsylvania National Guard by means of grants administered  
24 by the Pennsylvania Higher Education Assistance Agency.

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

27 Section 1. Section 3104 of Title 51 of the Pennsylvania  
28 Consolidated Statutes is repealed.

29 Section 2. Title 51 is amended by adding a chapter to read:

30 CHAPTER 32

EDUCATIONAL ASSISTANCE PROGRAM

Sec.

3201. Definitions.

3202. Eligibility.

3203. Certification of eligibility.

3204. Grants.

3205. Amount of grants.

3206. Limitations.

3207. Recoupment of grant payments.

3208. Regulations.

3209. Administration.

§ 3201. Definitions.

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

"Agency." The Pennsylvania Higher Education Assistance Agency.

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

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

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

1 eligibility).

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

7 "Part-time student." A student enrolled in an approved  
8 institution of higher education pursuing an approved program of  
9 education of less than 15 credit hours or its equivalent  
10 recognized by the Pennsylvania Higher Education Assistance  
11 Agency as a part-time course of study.

12 "Program." The Educational Assistance Program established in  
13 this chapter.

14 "Qualified resident." An individual who has been a bona fide  
15 resident of this Commonwealth for a period of at least 12  
16 consecutive months immediately prior to the time an application  
17 for a grant is made. The Pennsylvania Higher Education  
18 Assistance Agency shall make the final decision on whether an  
19 applicant is a qualified resident.

20 § 3202. Eligibility.

21 (a) General rule.--A Pennsylvania National Guard member is  
22 eligible to receive a public service educational grant under  
23 this chapter if the member meets all of the following  
24 eligibility criteria:

25 (1) The member is a qualified resident of this  
26 Commonwealth.

27 (2) The member serves in an enlisted grade or in the  
28 grade of a warrant officer 1, warrant officer 2, first  
29 lieutenant or second lieutenant.

30 (3) The member is a member in good standing and has been

1 a satisfactory participant in Pennsylvania National Guard  
2 activities for a minimum service period established by the  
3 Adjutant General.

4 (4) The member has enrolled as a student in an approved  
5 program of education at an approved institution of higher  
6 learning.

7 (b) Additional eligibility criteria for full-time student  
8 assistance grants.--In addition to the eligibility criteria  
9 specified in subsection (a), a student must meet the following  
10 eligibility criteria to qualify for a full-time student  
11 assistance grant:

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

13 (2) The member accepts an obligation to serve in the  
14 Pennsylvania National Guard for a period of six years from  
15 the date of entry into the program by enlistment,  
16 reenlistment, extension of enlistment or execution of a  
17 service commitment.

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

21 (4) The member is not receiving a Reserve Officer  
22 Training Corps (ROTC) Scholarship.

23 § 3203. Certification of eligibility.

24 The department shall certify members of the Pennsylvania  
25 National Guard as eligible to participate in the program who  
26 meet the eligibility criteria set forth in section 3202  
27 (relating to eligibility) and shall provide the agency with a  
28 certificate of eligibility for an eligible member.

29 § 3204. Grants.

30 (a) General rule.--From the funds appropriated for the

1 purposes of this chapter, the agency is authorized to provide  
2 grants to eligible members for the purpose of pursuing approved  
3 programs of education.

4 (b) Promissory notes.--At the receipt of the grant, an  
5 eligible member shall sign a promissory note to repay the full  
6 amount of the grant. The promissory note shall be conditional  
7 upon noncompletion of the service obligation under section  
8 3207(a) (relating to recoupment of grant payments).

9 § 3205. Amount of grants.

10 (a) Full-time student assistance grants.--Grants awarded  
11 under this chapter to full-time students shall be determined by  
12 the agency without regard to financial need and shall not  
13 exceed, for each academic year, the lesser of:

14 (1) the tuition of the approved institution of higher  
15 learning for the approved program of education in which the  
16 member is enrolled; or

17 (2) two-thirds of the tuition charged to a resident of  
18 this Commonwealth at a member institution of the State System  
19 of Higher Education for the same academic year.

20 (b) Part-time student assistance grants.--Grants awarded  
21 under this chapter to part-time students shall be determined by  
22 the agency without regard to financial need and shall not  
23 exceed, for each academic year or period, the lesser of:

24 (1) One-half of the tuition for the part-time course of  
25 study in which the member is enrolled; or

26 (2) One-third of the tuition charged to a resident of  
27 the Commonwealth at a member institution of the State System  
28 of Higher Education for the same academic year or period.

29 (c) Other grants.--The agency shall not reduce the amount of  
30 other agency grants or aid for which the eligible member

1 qualifies on account of the member's eligibility for, or receipt  
2 of, grants under this chapter.

3 (d) Adjustments.--If the agency, after consultation with the  
4 Adjutant General, determines that the amount appropriated for  
5 the program in any year will be insufficient to provide grants  
6 in the amounts set forth in this section to all eligible  
7 members, the agency and the department may reduce the maximum  
8 amount of the grants proportionately or set a limit on the  
9 number of participants to ensure that sums expended do not  
10 exceed appropriations.

11 § 3206. Limitations.

12 (a) Time.--No member shall be eligible for:

13 (1) Full-time student assistance grants under this  
14 program for more than four academic years.

15 (2) Part-time student assistance grants under this  
16 program for more than six academic years.

17 (3) A combination of full-time student assistance grants  
18 and part-time student assistance grants under this program  
19 for more than five academic years.

20 (b) Active duty.--No grant payments shall be made under this  
21 chapter except during the eligible member's term of service as a  
22 member in good standing of the Pennsylvania National Guard.

23 § 3207. Recoupment of grant payments.

24 (a) General rule.--An eligible member who fails to meet the  
25 requirements of this chapter as a result of participation in  
26 this program or to meet other requirements established by the  
27 Adjutant General or the agency is liable to the Commonwealth for  
28 repayment of all grant payments made. The Adjutant General shall  
29 notify the agency if an eligible member fails to complete the  
30 service obligation and the promissory note under section 3204(b)

1 (relating to grants) shall be payment in full upon demand by the  
2 agency on a schedule as the agency may determine.

3 (b) Forgiveness of recoupment.--The Adjutant General may  
4 advise the agency to forgive recoupment of all or part of an  
5 eligible member's grant payments if the Adjutant General  
6 determines that the member's failure to fulfill the six-year  
7 service obligation was the result of the eligible member's  
8 death, discharge because of disability incurred in line of duty,  
9 discharge because of a medical determination that the eligible  
10 member is medically unfit for duty when the medical condition is  
11 outside the eligible member's control and is not due to his  
12 misconduct or discharge or release because of other compelling  
13 circumstances outside the eligible member's control.

14 § 3208. Regulations.

15 The Adjutant General and the agency may promulgate  
16 regulations to carry out the provisions of this chapter.

17 § 3209. Administration.

18 The agency is authorized to use an appropriate portion of the  
19 funds appropriated for the program to pay the costs of the  
20 administration of this chapter.

21 Section 3. (a) From appropriations to it for this purpose,  
22 the Department of Military Affairs may continue to pay tuition  
23 credit grants to members who, prior to the effective date of  
24 this act, received or applied for grants under 51 Pa.C.S. § 3104  
25 for not more than three years after the effective date of this  
26 act.

27 (b) A member of the Pennsylvania National Guard in an  
28 enlisted grade or in the grade of a warrant officer 1, warrant  
29 officer 2, first lieutenant or second lieutenant after  
30 completing a minimum enlistment period as defined by the



1 Adjutant General, who enrolls in a Pennsylvania institution of  
2 higher learning, with degree granting status as approved by the  
3 Department of Education, shall receive a grant of one-half the  
4 cost of the credit, with a maximum of \$60 per credit while  
5 satisfactorily enrolled, with a maximum of six credits per  
6 quarter or semester or 12 credits per year.

7 (c) Grants shall be paid only upon certification each  
8 quarter or semester by the Adjutant General that the student is  
9 a current member in good standing with the Pennsylvania National  
10 Guard and that his current enlistment extends beyond the  
11 expiration date of the current quarter or semester.

12 (d) The Department of Military Affairs shall administer the  
13 educational grants provided in this section from an  
14 appropriation made annually to the department for this purpose.  
15 The department may promulgate rules and regulations on the  
16 administration and management of this program. The grant program  
17 shall not exceed the amount of the appropriation. If the  
18 department determines that the amount appropriated will be  
19 insufficient to pay the grants in amounts set forth in  
20 subsection (b), the department shall reduce the amount of the  
21 grant payments proportionately so that the expenditures do not  
22 exceed the amounts appropriated.

23 (e) No person shall receive a grant under this section if he  
24 is awarded a grant under Chapter 32 of Title 51.

25 Section 4. This act shall take effect in 90 days.