

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 590 Session of 2005

INTRODUCED BY O'PAKE, MELLOW, COSTA, LAVALLE, KITCHEN, MUSTO, ERICKSON, STOUT, RAFFERTY, TARTAGLIONE, STACK, PIPPY, C. WILLIAMS, WONDERLING, BOSCOLA, KASUNIC, ORIE AND LOGAN, 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," further
9 providing for title of act, for short title, for definitions,
10 for Postsecondary Educational Gratuities Program and for report
11 to General Assembly.

12 The General Assembly finds and declares as follows:

13 (1) Pennsylvania's police officers, firefighters,
14 correction employees, sheriffs, deputy sheriffs and other
15 residents of this Commonwealth on Federal or State active
16 military duty risk their lives daily to protect the citizens
17 of this Commonwealth and their property.

18 (2) The services performed by these persons are
19 necessary to the protection of the health, safety and welfare
20 of the citizens of this Commonwealth.

21 (3) Some of these people have lost or will lose their

1 lives in the performance of their duties.

2 (4) Many members of the National Guard perform dangerous
3 duties in times of emergency and civil disorder in order to
4 protect the lives and property of the residents of this
5 Commonwealth.

6 (5) It is therefore the intent of the General Assembly
7 to recognize the ultimate sacrifice made by police officers,
8 firefighters, correction employees, sheriffs, deputy sheriffs
9 and National Guard members and other residents of this
10 Commonwealth who are on Federal or State active military duty
11 and who are killed in the performance of their duties by
12 providing a postsecondary educational gratuity for their
13 spouses and children at community colleges and State-owned or
14 State-related institutions in this Commonwealth.

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

17 Section 1. The title and section 1 of the act of December
18 16, 1998 (P.L.980, No.129), known as the Police Officer,
19 Firefighter, Correction Employee and National Guard Member Child
20 Beneficiary Education Act, are amended to read:

21 AN ACT

22 Providing for a waiver of tuition and other fees for children
23 and spouses of certain deceased police officers, National
24 Guard members, firefighters and correction employees at
25 community colleges and State-owned and State-related
26 institutions of higher education and certain other persons
27 and for additional powers and duties of the Pennsylvania
28 Higher Education Assistance Agency and the Department of
29 General Services.

30 Section 1. Short title.

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

4 Section 2. The definitions of "child" or "children,"
5 "correction employee" and "educational gratuity" in section 2 of
6 the act are amended and the section is amended by adding a
7 definition to read:

8 Section 2. Definitions.

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

12 * * *

13 "Candidate." A spouse or child who has submitted an
14 application for an educational gratuity pursuant to section 3.

15 "Child" or "children." A resident of this Commonwealth who
16 is 25 years of age or younger, who is the child by birth or
17 adoption of a deceased police officer, firefighter, correction
18 employee [or], National Guard member or other resident of this
19 Commonwealth on Federal or State active military duty killed in
20 the performance of his or her duties.

21 * * *

22 "Correction employee." An individual employed on a full-time
23 basis at a State or county correctional facility of this
24 Commonwealth who has care, custody and control of inmates.

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

28 * * *

29 Section 3. Section 3(a), (b)(6) and (7), (c) and (d)(4),
30 (5), (6) and (7) of the act, amended November 30, 2004 (P.L.

1 1663, No.210), are amended to read:

2 Section 3. Postsecondary Educational Gratuity Program.

3 (a) Establishment.--There is hereby established the
4 Postsecondary Educational Gratuity Program for spouses and
5 children of police officers, firefighters, correction employees,
6 sheriffs, deputy sheriffs and National Guard members and certain
7 other individuals who are on Federal or State active military
8 duty who are residents of this Commonwealth who are killed
9 [while acting] in the performance of [their] his or her lawful
10 duties.

11 (b) Eligibility.--

12 * * *

13 (6) Any spouse or child of a police officer,
14 firefighter, correction employee, sheriff, deputy sheriff
15 [or], National Guard member or other resident of this
16 Commonwealth on Federal or State active military duty killed
17 in the performance of his or her lawful duties shall be
18 eligible for an educational gratuity provided the spouse or
19 child [is 25 years of age or younger at the time of
20 application for participation in this program,] meets all
21 admission requirements of the community college or State-
22 owned or State-related institution to which application is
23 made and is enrolled as a full-time or part-time student at a
24 community college or a State-owned or State-related
25 institution.

26 (7) A spouse or child [who is 25 years of age or younger
27 at the time of the child's application for participation in
28 this program and] who meets all other eligibility
29 requirements may receive an educational gratuity for up to
30 five years provided the spouse or child otherwise continues

1 to be eligible for participation.

2 (c) Scope of benefit.--

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

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

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

26 (d) Administration.--

27 * * *

28 (4) Applications for an educational gratuity shall be
29 submitted to PHEAA by the candidate. If the candidate is a
30 child, the child or the surviving parent or guardian of the

1 child[, together with] shall submit an application and a
2 certified copy of the child's birth certificate or adoption
3 record or other documentation of birth or adoption acceptable
4 to PHEAA. The application shall include a copy of the
5 [child's] letter of acceptance at a community college or a
6 State-owned or State-related institution. If no death
7 certification has been received from the Department of
8 General Services, Secretary of Corrections or Adjutant
9 General of the Department of Military and Veterans Affairs,
10 PHEAA may elect to accept other documentation certifying that
11 the [child's] candidate's spouse or parent was a police
12 officer, firefighter, correction employee [or], National
13 Guard member or other resident of this Commonwealth who was
14 on Federal or State active military duty killed [during] in
15 the performance of his or her duties.

16 (5) Within 30 days of receipt of a completed
17 application, PHEAA shall send written notice to the [child]
18 candidate and the community college or State-owned or State-
19 related institution of the [child's] candidate's eligibility
20 or noneligibility for participation in this program. There
21 shall be a presumption that the deceased's duties were
22 lawful. If the [child] candidate is determined not to be
23 eligible for an educational gratuity, the notice shall
24 include the reason or reasons for such determination and an
25 indication that an appeal of PHEAA's determination may be
26 made pursuant to 2 Pa.C.S. (relating to administrative law
27 and procedure).

28 (6) Upon receipt of notification of the spouse's or
29 child's eligibility from PHEAA, a community college or a
30 State-owned or State-related institution is prohibited from

1 charging the spouse, the child or the child's parent or
2 guardian any tuition fee or room and board charge. If moneys
3 have been received by the community college or the State-
4 owned or State-related institution for these purposes, those
5 moneys must be refunded in full within 30 days of receipt by
6 the community college or the State-owned or State-related
7 institution of the notice of the spouse's or child's
8 eligibility.

9 (7) Each community college or State-owned or State-
10 related institution at which an eligible spouse or child is
11 enrolled shall notify PHEAA upon the spouse's or child's
12 graduation or when the spouse or child is no longer enrolled
13 at the community college or State-owned or State-related
14 institution.

15 Section 4. Section 4 of the act is amended to read:

16 Section 4. Report to General Assembly.

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

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

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

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

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

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

4 Section 5. This act shall be retroactive to September 11,
5 2001.

6 Section 6. This act shall take effect in 60 days.