

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1324 Session of
2019

INTRODUCED BY BARRAR, SAINATO, O'NEAL, BERNSTINE, BURNS,
COMITTA, SCHLEGEL CULVER, DAY, DRISCOLL, EVERETT, FRANKEL,
FREEMAN, FRITZ, GABLER, GALLOWAY, HEFFLEY, HELM, HILL-EVANS,
KORTZ, KULIK, LEWIS, LONGIETTI, MARKOSEK, McNEILL, MIHALEK,
MILLARD, D. MILLER, MULLINS, MURT, NEILSON, NELSON, O'MARA,
POLINCHOCK, PYLE, READSHAW, RIGBY, ROTHMAN, RYAN, SAPPEY,
SAYLOR, SCHMITT, SNYDER, STRUZZI, ULLMAN, WHITE, GILLEN,
F. KELLER, KENYATTA AND DONATUCCI, APRIL 25, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 8, 2019

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, in military educational programs,
3 further providing for definitions, for eligibility, for
4 grants, for amount of grants, for limitations, for recoupment
5 of grant payments, for regulations, for administration and
6 for Educational Assistance Program Fund and providing for a
7 military family education program; and making editorial
8 changes.

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

11 Section 1. Sections 3201, 3202(a) introductory paragraph and
12 (1), (b) and (c) introductory paragraph, (4) and (5), 3204 and
13 3205(a), (b), (b.1) and (c) of Title 51 of the Pennsylvania
14 Consolidated Statutes are amended to read:

15 § 3201. Definitions.

16 The following words and phrases when used in this subchapter
17 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Agency." The Pennsylvania Higher Education Assistance
3 Agency.

4 "Annual tuition rate." The in-State tuition rate, including
5 a technology tuition fee, established or approved by May 1 of
6 each year by the Board of Governors of the State System of
7 Higher Education.

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

12 "Approved program of education." A [~~degree-~~ degree-granting
13 or certificate-granting curriculum [or course of study], course
14 of study or training required for entrance into a specific
15 career to be pursued on a full-time or part-time basis or its
16 equivalent as determined by the [Pennsylvania Higher Education
17 Assistance Agency] agency, at an approved institution of higher
18 learning.

19 ["Combat zone." An area designated by Presidential executive
20 order as a combat zone as described in section 7508 of the
21 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
22 7508).]

23 "Certificate of eligibility." A certificate from the
24 department that certifies a member's eligibility for an
25 educational assistance grant.

26 "Costs of attendance." Allowable educational expenses, as
27 determined by the agency, that are consistent with the
28 administration of the act of January 25, 1966 (1965 P.L.1546,
29 No.541), referred to as the Higher Education Scholarship Law.

30 "Educational assistance." A benefit earned which shall be

1 given to an eligible member who has complied with all of the
2 requirements provided for under this subchapter.

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

8 "Full-time student." [A student] An eligible member enrolled
9 in an approved institution of higher learning pursuing an
10 approved program of education equal to or greater than [15] 12
11 credit hours per semester or its equivalent that is recognized
12 by the [Pennsylvania Higher Education Assistance Agency] agency
13 as a full-time course of study.

14 "Fund." The Educational Assistance Program Fund.

15 "Part-time student." [A student] An eligible member enrolled
16 in an approved institution of higher education pursuing an
17 approved program of education of less than [15] 12 credit hours
18 per semester or its equivalent that is recognized by the
19 [Pennsylvania Higher Education Assistance Agency] agency as a
20 part-time course of study.

21 "Program." The Educational Assistance Program [established
22 in this subchapter].

23 ["Qualified resident." An individual who has been a bona
24 fide resident of this Commonwealth prior to the time an
25 application for a grant is made. The Pennsylvania Higher
26 Education Assistance Agency shall make the final decision on
27 whether an applicant is a qualified resident.]

28 "Promissory note." A written contract signed by a member of
29 the Pennsylvania National Guard in which the member promises to
30 repay the awarded grant amount.

1 "Technology tuition fee." A separate tuition fee established
2 by the Board of Governors of the State System of Higher
3 Education for rendering technology resources and services to
4 enhance student learning experiences.

5 § 3202. Eligibility.

6 (a) General rule.--A member of the Pennsylvania National
7 Guard [member] is eligible to receive [a public service
8 educational] an educational assistance grant under this
9 subchapter if the member meets all of the following eligibility
10 criteria:

11 [(1) The member is a qualified resident of this
12 Commonwealth.]

13 * * *

14 (b) Additional eligibility criteria for full-time [student
15 assistance] educational assistance grants.--In addition to the
16 eligibility criteria specified in subsection (a), [a student] an
17 eligible member must meet the following eligibility criteria to
18 qualify for a full-time [student assistance] educational
19 assistance grant:

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

21 (2) The member accepts an obligation to serve in the
22 Pennsylvania National Guard for a period of six years [from <--
23 the date of entry into the program by enlistment, <--
24 reenlistment, extension of enlistment or execution of a
25 service commitment] ~~the member signs a promissory note.~~ <--

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

29 (4) The member is not receiving a Reserve Officer
30 Training Corps (ROTC) Scholarship, excluding a Guaranteed

1 Reserve Forces Duty Scholarship.

2 (c) Discharge for disability incurred in the line of duty.--

3 A [Pennsylvania National Guard] member who is discharged for
4 medical disability after September 11, 2001, shall remain
5 eligible to receive [a public service educational] an
6 educational assistance grant under this subchapter if the member
7 meets all of the following eligibility criteria:

8 * * *

9 (4) The former member received an [honorable] other than
10 dishonorable discharge for medical reasons.

11 (5) The former member [had] accepted an obligation to
12 serve in the Pennsylvania National Guard [for a minimum
13 period of service established by the Adjutant General] by <--
14 signing a promissory note and was qualified to [have
15 fulfilled such] fulfill the service obligation but for the
16 medical disability that resulted in discharge.

17 * * *

18 § 3204. Grants.

19 (a) General rule.--From the funds appropriated for the
20 purposes of this subchapter, grants shall be provided to
21 eligible members for the purpose of pursuing approved programs
22 of education. An educational assistance grant shall be treated
23 as a benefit earned by an eligible member for honorable service
24 to the country and this Commonwealth.

25 (b) Promissory notes.--[At] Upon the receipt of the grant,
26 an eligible member shall sign a promissory note obligating the
27 eligible member to repay the full amount of the grant[. The
28 promissory note shall be conditional upon noncompletion of] if
29 the eligible member fails to fulfill the service obligation
30 under section 3207(a) (relating to recoupment of grant

1 payments).

2 § 3205. Amount of grants.

3 (a) Full-time [student assistance] educational assistance
4 grants.--Grants awarded under this subchapter to full-time
5 students shall be determined by the agency without regard to
6 financial need and shall not exceed for each academic year the
7 lesser of:

8 (1) the tuition rate of the approved institution of
9 higher learning for the number of credit hours per semester
10 or its equivalent for the approved program of education in
11 which the eligible member is enrolled; or

12 (2) the annual tuition rate charged [to a resident of
13 this Commonwealth at a member institution of the] by a State
14 System of Higher Education institution for the [same]
15 academic year.

16 (b) Part-time student assistance grants.--[Grants awarded
17 under this subchapter to part-time students who do not possess a
18 baccalaureate degree shall be determined by the agency without
19 regard to financial need and shall not exceed for each academic
20 year or period the lesser of:

21 (1) the tuition for the part-time course of study in
22 which the member is enrolled; or

23 (2) two-thirds of the tuition charged to a resident of
24 the Commonwealth at a member institution of the State System
25 of Higher Education for the same academic year or period.]

26 Grants awarded under this subchapter to part-time students who
27 may or may not possess a baccalaureate degree shall be
28 determined by the agency without regard to financial need and
29 shall not exceed for each academic year or period the lesser of:

30 (1) the tuition charged by the approved institution of

1 higher learning for the number of credit hours per semester
2 or its equivalent in which the eligible member is enrolled;
3 or

4 (2) the annual tuition rate charged by a State System of
5 Higher Education institution for the number of credit hours
6 per semester or its equivalent in which the eligible member
7 is enrolled for the same academic year or period.

8 [(b.1) Part-time student assistance grants for students
9 possessing baccalaureate degrees.--Grants awarded under this
10 subchapter to part-time students who possess a baccalaureate
11 degree shall be determined by the agency without regard to
12 financial need and shall not exceed for each academic year or
13 period the lesser of:

14 (1) one-half of the tuition for the part-time course of
15 study in which the member is enrolled; or

16 (2) one-third of the tuition charged to a resident of
17 this Commonwealth at a member institution of the State System
18 of Higher Education for the same academic year or period.]

19 (c) Other grants and financial aid.--

20 (1) The agency shall not reduce the amount of other
21 agency grants or aid for which the eligible member qualifies
22 on account of the eligible member's eligibility for or
23 receipt of grants under this subchapter.

24 (2) Prior to making a grant under this [chapter]
25 subchapter, the approved institution of higher learning shall
26 first consider any Federal tuition assistance received by the
27 eligible member and then shall award a grant under this
28 [chapter] subchapter if the eligible member requires
29 additional financial aid to cover the costs of attendance for
30 an approved program of higher education. A grant under this

1 [chapter] subchapter shall be paid or refunded to the
2 eligible member for approved costs of attendance. Grants
3 authorized under this [section] subchapter shall be reduced
4 so that the total of all Federal and State military education
5 benefits, as administered by the Pennsylvania National Guard,
6 do not exceed 100% of the costs of attendance.

7 * * *

8 Section 2. Section 3206(a) and (b)(2) and (3) of Title 51
9 are amended and the section is amended by adding a subsection to
10 read:

11 § 3206. Limitations.

12 (a) Time.--

13 (1) Except as otherwise provided in paragraph (2), no
14 eligible member shall be eligible for full-time or part-time
15 [student] educational assistance grants or a combination
16 thereof under this subchapter for a total of more than five
17 academic years or their equivalent as determined by the
18 agency.

19 (2) [For any member who served on active duty in a
20 combat zone, eligibility for such grants shall be extended
21 for a period of one year or for one additional month for each
22 month or part of month of such service, whichever is longer.]

23 An eligible member who withdraws from a program of education
24 due to being ordered to serve on active duty for more than 30
25 consecutive days, including active duty for training, shall
26 be granted an additional period of eligibility equal to the
27 lost semester or its equivalent, whichever is longer.

28 (3) When an eligible member withdraws from a program of
29 education as provided for under paragraph (2), the eligible
30 member shall be granted an educational leave of absence as

1 provided for under section 7313 (relating to educational
2 leave of absence).

3 (b) Active duty.--

4 * * *

5 (2) For eligible members who were called or ordered to
6 active Federal service or active State duty under section 508
7 (relating to active State duty for emergency) after September
8 11, 2001, the deadline for making grant payments shall be
9 extended for one additional month for each month or part of
10 month of such service after the eligible member is discharged
11 or released under [honorable] other than dishonorable
12 conditions from the Pennsylvania National Guard.

13 (3) For eligible members discharged because of a
14 disability incurred in the line of duty who are eligible
15 under section 3202(c) (relating to eligibility), the deadline
16 for making grant payments shall be:

17 (i) Six years after the eligible member's medical
18 discharge for members discharged for a medical disability
19 on or after the effective date of this paragraph unless
20 extended under section 3202 (c) (6).

21 (ii) Six years following the effective date of this
22 paragraph for eligible members discharged for a medical
23 disability after September 11, 2001, and before the
24 effective date of this paragraph unless extended under
25 section 3202 (c) (6).

26 (c) Limit on charges.--Eligible members attending a State
27 System of Higher Education institution shall not be charged
28 additional tuition above the annual tuition rate.

29 (d) Limit on tuition.--At no time may a State System of
30 Higher Education institution charge an eligible member more than

1 the in-State rate.

2 Section 3. Sections 3207, 3208, 3209 and 3210 of Title 51
3 are amended to read:

4 § 3207. Recoupment of grant payments.

5 (a) General rule.--An eligible member who fails to meet the
6 [requirements of this subchapter as a result of participation in
7 this program] six-year service obligation of this subchapter or
8 to meet other requirements established by the Adjutant General
9 or the agency is liable to the Commonwealth for repayment of all
10 or part of any grant payments made. The Adjutant General shall
11 notify the agency if an eligible member fails to complete the
12 service obligation, and the promissory note under section
13 3204(b) (relating to grants) shall be [payment in full] repaid
14 by the eligible member upon demand by the agency on a schedule
15 as the agency may determine.

16 (b) Forgiveness of recoupment.--The Adjutant General [may
17 advise] shall notify the agency [to] and the agency shall
18 forgive recoupment of all or part of an eligible member's grant
19 payments if the Adjutant General determines that the eligible
20 member's failure to fulfill the six-year service obligation was
21 the result of [the eligible member's death, discharge because of
22 disability incurred in line of duty, discharge because of a
23 medical determination that the eligible member is medically
24 unfit for duty when the medical condition is outside the
25 eligible member's control and is not due to his misconduct or
26 discharge or release because of other compelling circumstances
27 outside the eligible member's control.] one of the following:

28 (1) Death.

29 (2) Discharge because of disability incurred in line of
30 duty.

1 (3) Discharge because of a medical determination that
2 the eligible member is medically unfit for duty when the
3 medical condition is outside the eligible member's control
4 and is not due to the eligible member's misconduct or
5 discharge.

6 (4) The existence of other compelling circumstances that
7 warrant forgiveness.

8 § 3208. [Regulations.]

9 The Adjutant General and the agency may promulgate
10 regulations to carry out the provisions of this chapter.]

11 (Reserved).

12 § 3209. Administration.

13 (a) Appropriation and administrative costs.--The General
14 Assembly shall appropriate funds to pay full-time and part-time
15 [student] educational assistance grants under this [chapter]
16 subchapter. A portion of the funds appropriated may be used to
17 pay the costs of the administration of [this chapter.] this
18 subchapter and Subchapter B (relating to Medical Officer or
19 Health Officer Incentive Program).

20 (b) Limitation.--Administrative costs for the fiscal year
21 beginning July 1, 2014, and each fiscal year thereafter, shall
22 not exceed 3.5% of the total amount of funds appropriated.

23 § 3210. Educational Assistance Program Fund.

24 [All moneys appropriated for the purposes of this chapter
25 and all investment income earned on those moneys shall be
26 deposited in the Educational Assistance Program Fund, which is
27 hereby established as a special nonlapsing fund in the State
28 Treasury. All moneys placed in the fund and the investment
29 income it accrues are hereby appropriated on a continuing basis
30 to the Department of Military and Veterans Affairs and shall be

1 used solely for the purposes of the program.]

2 (a) Establishment.--The Educational Assistance Program Fund
3 is established as a special nonlapsing fund in the State
4 Treasury.

5 (b) Appropriation.--All money deposited into the fund and
6 the interest the fund accrues are appropriated to the department
7 on a continuing basis to be used for the purposes provided for
8 under this subchapter and Subchapter B (relating to Medical
9 Officer or Health Officer Incentive Program).

10 (c) Administrative action prohibited.--No administrative
11 action shall prevent the deposit of money into the fund in the
12 fiscal year in which the money is received.

13 (d) Use.--The fund may only be used for the purposes
14 provided for under this subchapter and no money in the fund may
15 be transferred or diverted to any other purpose by
16 administrative action.

17 Section 4. Chapter 32 of Title 51 is amended by adding a
18 subchapter to read:

19 SUBCHAPTER A.1

20 MILITARY FAMILY EDUCATION PROGRAM

21 Sec.

22 3210.1. Definitions.

23 3210.2. Eligibility.

24 3210.3. Certification of eligibility.

25 3210.4. Military Family Education Program grants.

26 3210.5. Amount of Military Family Education Program grants.

27 3210.6. Limitations.

28 3210.7. Recoupment of Military Family Education Program grant
29 payments.

30 3210.8. Regulations.

1 3210.9. Administration.

2 3210.10. Military Family Education Program Fund.

3 § 3210.1. Definitions.

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

7 "Agency." The Pennsylvania Higher Education Assistance
8 Agency.

9 "Annual tuition rate." The in-State tuition rate, including
10 a technology tuition fee, established or approved by May 1 of
11 each year by the Board of Governors of the State System of
12 Higher Education.

13 "Approved institution of higher learning." An educational
14 institution offering a postsecondary program of education
15 located in this Commonwealth and approved by the agency.

16 "Approved program of education." A degree-granting or
17 certificate-granting curriculum, course of study or training
18 required for entrance into a specific career to be pursued on a
19 full-time or part-time basis or its equivalent as determined by
20 the agency, at an approved institution of higher learning.

21 "Benefit." The Military Family Education Program grant which
22 shall be given to an eligible member's assigned family member
23 who has complied with all of the requirements provided for under
24 this subchapter.

25 "Certificate of eligibility." A certificate from the
26 department that certifies a family member's eligibility for a
27 Military Family Education Program grant.

28 "Costs of attendance." Allowable educational expenses, as
29 determined by the agency, that are consistent with the
30 administration of the act of January 25, 1966 (1965 P.L.1546,

1 No.541), referred to as the Higher Education Scholarship Law.

2 "Eligible member." A member of the Pennsylvania National
3 Guard who meets the criteria specified in section 3210.2
4 (relating to eligibility) and who has been awarded a certificate
5 of eligibility under section 3210.3 (relating to certification
6 of eligibility).

7 "Family member." A dependent of an eligible member who is
8 enrolled in the United States Department of Defense's Defense
9 Enrollment Eligibility Reporting System.

10 "Full-time student." A family member enrolled in an approved
11 institution of higher learning pursuing an approved program of
12 education equal to or greater than 12 credit hours per semester
13 or its equivalent that is recognized by the agency as a full-
14 time course of study.

15 "Fund." The Military Family Education Program Fund
16 established under section 3210.10 (relating to Military Family
17 Education Program Fund).

18 "Next of kin." The person or persons in the nearest degree
19 of relationship to the eligible member.

20 "Part-time student." A family member enrolled in an approved
21 institution of higher education pursuing an approved program of
22 education of less than 12 credit hours per semester or its
23 equivalent that is recognized by the agency as a part-time
24 course of study.

25 "Promissory note." A written contract signed by a member of
26 the Pennsylvania National Guard in which the member promises to
27 repay the awarded Military Family Education Program grant
28 amount.

29 "Technology tuition fee." A separate tuition fee established
30 by the Board of Governors of the State System of Higher

1 Education for rendering technology resources and services to
2 enhance student learning experiences.

3 § 3210.2. Eligibility.

4 (a) General rule.--A family member is eligible to receive a
5 Military Family Education Program grant under this subchapter if
6 all of the following eligibility criteria are met:

7 (1) The eligible member is in good standing with the
8 Pennsylvania National Guard, has received an other than
9 dishonorable discharge, HAS HONORABLY COMPLETED THE ELIGIBLE <--
10 MEMBER'S INITIAL CONTRACTUAL MILITARY SERVICE OBLIGATION TO
11 THE PENNSYLVANIA NATIONAL GUARD and has been a satisfactory
12 participant in the Pennsylvania National Guard activities for
13 a minimum service period established by the Adjutant General.

14 (2) The eligible member accepts an obligation to serve
15 in the Pennsylvania National Guard for a period of six years.

16 (3) The eligible member has assigned the benefit to one
17 or more family members.

18 (4) The family member has enrolled as a student in an
19 approved program of education at an approved institution of
20 higher learning.

21 (5) If the family member is a spouse of an eligible
22 member or former eligible member and has enrolled in an
23 approved program of education not more than six years after
24 the eligible member's or former eligible member's date of
25 separation, medical discharge or death and the obligation
26 stated under paragraph (2) has been fulfilled, the Adjutant
27 General may for good cause extend the six-year deadline in
28 cases of extenuating circumstances.

29 (6) When an eligible member is ordered to serve on
30 active duty for more than 30 consecutive days, including

1 active duty for training, a family member who is the spouse
2 may withdraw from a program of education and shall be granted
3 an educational leave of absence as provided for under section
4 7313 (relating to educational leave of absence).

5 (b) Discharge for disability incurred in the line of duty.--

6 A family member of an eligible member who is discharged for
7 medical disability shall remain eligible to receive a Military
8 Family Education Program grant under this subchapter if the
9 eligible member's medical disability meets the following
10 criteria:

11 (1) The medical disability was incurred in the line of
12 duty and was not the result of misconduct.

13 (2) The medical condition giving rise to the discharge
14 did not exist prior to the eligible member entering service
15 in the Pennsylvania National Guard.

16 (3) The medical disability was incurred while performing
17 authorized military duty other than basic training, advanced
18 individual training or other equivalent initial training.

19 (4) The former eligible member received an other than
20 dishonorable discharge for medical reasons.

21 (5) The former eligible member had accepted an
22 obligation to serve in the Pennsylvania National Guard and
23 was qualified to fulfill the service obligation but for the
24 medical disability that resulted in discharge.

25 (c) Death of an eligible member.--A family member of an
26 eligible member who died while serving the obligation required
27 in subsection (a) (2) shall remain eligible to receive a Military
28 Family Education Program grant under this subchapter if the
29 eligible member met the following eligibility criteria at the
30 time of death:

1 (1) The deceased eligible member was in good standing
2 with the Pennsylvania National Guard.

3 (2) The deceased eligible member was eligible for an
4 other than dishonorable discharge.

5 (3) The deceased eligible member had accepted an
6 obligation to serve in the Pennsylvania National Guard by <--
7 signing a promissory note and was qualified to fulfill the
8 service obligation but for the eligible member's death.

9 (4) Upon an eligible member's death, if the eligible
10 member has not assigned the family member or family members
11 to receive the Military Family Education Program grant as
12 provided for under this subchapter, the next of kin shall
13 designate the family member or family members to receive the
14 Military Family Education Program grant.

15 § 3210.3. Certification of eligibility.

16 The department shall certify members of the Pennsylvania
17 National Guard who meet the eligibility criteria set forth in
18 section 3210.2 (relating to eligibility) as eligible to
19 participate in the Military Family Education Program and shall
20 provide the agency with a certificate of eligibility for each
21 eligible family member.

22 § 3210.4. Military Family Education Program grants.

23 (a) General rule.--From the funds appropriated for the
24 purposes of this subchapter, Military Family Education Program
25 grants shall be provided to eligible family members for the
26 purpose of pursuing an approved program of education. A Military
27 Family Education Program grant shall be treated as a benefit
28 earned by an eligible member for honorable service to the
29 country and this Commonwealth.

30 (b) Promissory note.--Prior to entry into the Military

1 Family Education Program the eligible member shall sign a
2 promissory note obligating the eligible member to repay the full
3 amount of the family member's Military Family Education Program
4 grant if the eligible member fails to satisfactorily fulfill the
5 eligible member's obligation. The promissory note shall become
6 payable upon noncompletion of the service obligation under
7 section 3210.7(a) (relating to recoupment of Military Family
8 Education Program grant payments).

9 § 3210.5. Amount of Military Family Education Program grants.

10 (a) Full-time Military Family Education Program grant.--
11 Military Family Education Program grants awarded under this
12 subchapter to full-time students shall be determined by the
13 agency without regard to financial need and shall not exceed for
14 each academic year the lesser of:

15 (1) the tuition rate of the approved institution of
16 higher learning for the number of credit hours per semester
17 or its equivalent for the approved program of education in
18 which the family member is enrolled; or

19 (2) the annual tuition rate charged by a State System of
20 Higher Education institution for the academic year.

21 (b) Part-time Military Family Education Program grants.--
22 Military Family Education Program grants awarded under this
23 subchapter to part-time students who may or may not possess a
24 baccalaureate degree shall be determined by the agency without
25 regard to financial need and shall not exceed for each academic
26 year or period the lesser of:

27 (1) the tuition charged by the approved institution of
28 higher learning for the number of credit hours per semester
29 or its equivalent in which the family member is enrolled; or

30 (2) the annual tuition rate charged by a State System of

1 Higher Education institution for the number of credit hours
2 per semester or its equivalent in which the family member is
3 enrolled for the same academic year or period.

4 (c) Other grants and financial aid.--

5 (1) The agency shall not reduce the amount of other
6 agency grants or aid for which the family member qualifies on
7 account of the family member's eligibility for or receipt of
8 a Military Family Education Program grant under this
9 subchapter.

10 (2) Prior to making a Military Family Education Program
11 grant under this subchapter, the approved institution of
12 higher learning shall first consider any Federal tuition
13 assistance received by the family member and then shall award
14 a Military Family Education Program grant under this
15 subchapter if the family member requires additional financial
16 aid to cover the costs of attendance for an approved program
17 of higher education. A Military Family Education Program
18 grant under this subchapter shall be paid or refunded to the
19 family member for approved costs of attendance. Military
20 Family Education Program grants authorized under this section
21 shall be reduced so that the total of all Federal and State
22 military education benefits, as administered by the
23 Pennsylvania National Guard, does not exceed 100% of the
24 costs of attendance.

25 (d) Adjustments.--If the agency and the Adjutant General
26 determine that the amount appropriated for the Military Family
27 Education Program in any year will be insufficient to provide
28 Military Family Education Program grants in the amounts set
29 forth in this section to all family members, the agency and the
30 department may reduce the maximum amount of the Military Family

1 Education Program grants proportionately or set a limit on the
2 number of participants to ensure that sums expended do not
3 exceed appropriations.

4 (e) Limit on charges.--Family members attending a State
5 System of Higher Education institution shall not be charged
6 additional tuition above the annual tuition rate.

7 (f) Limit on tuition.--At no time may a State System of
8 Higher Education institution charge a family member more than
9 the in-State rate.

10 § 3210.6. Limitations.

11 (a) General rule.--No eligible member shall be permitted to
12 assign more than five academic years or their equivalent, as
13 determined by the agency.

14 (b) Assignment of benefit.--An eligible member may assign a
15 portion of the entire benefit or the entire benefit by the
16 number of credit hours per semester or its equivalent, as
17 determined by the agency, to one or more family members, as the
18 case may be.

19 § 3210.7. Recoupment of Military Family Education Program grant
20 payments.

21 (a) General rule.--An eligible member who fails to meet the
22 six-year service obligation of this subchapter or to meet other
23 requirements established by the Adjutant General or the agency
24 is liable to the Commonwealth for repayment of all or part of
25 Military Family Education Program grant payments made. The
26 Adjutant General shall notify the agency if an eligible member
27 fails to complete the service obligation and the promissory note
28 under section 3210.4(b) (relating to Military Family Education
29 Program grants) shall be repaid by the eligible member upon
30 demand of the agency on a schedule as the agency may determine.

1 (b) Forgiveness of recoupment.--Upon notification by the
2 Adjutant General, the agency shall forgive recoupment of all or
3 part of a family member's Military Family Education Program
4 grant payments if the Adjutant General determines that the
5 eligible member's failure to fulfill the six-year service
6 obligation is the result of one of the following:

7 (1) The eligible member's death. If all provisions in
8 section 3210.2(c) (relating to eligibility) are not met, the
9 Military Family Education Program grant shall be repaid by
10 the family member or family members who used the benefit upon
11 demand of the agency on a schedule as the agency may
12 determine.

13 (2) The eligible member's discharge because of
14 disability incurred in the line of duty.

15 (3) The eligible member's discharge because of a medical
16 determination that the eligible member is medically unfit for
17 duty when the medical condition is outside the eligible
18 member's control and is not due to the eligible member's
19 misconduct or discharge.

20 (4) The existence of other compelling circumstances that
21 warrant forgiveness.

22 § 3210.8. Regulations.

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

25 § 3210.9. Administration.

26 (a) Appropriation and administrative costs.--The General
27 Assembly shall appropriate funds to pay full-time and part-time
28 Military Family Education Program grants under this subchapter.
29 A portion of the funds appropriated may be used to pay the costs
30 of the administration of this subchapter.

1 (b) Limitation.--Administrative costs for the fiscal year in
2 which the Military Family Education Program is enacted, and each
3 fiscal year thereafter, shall not exceed 3.5% of the total
4 amount of funds appropriated.

5 (c) Initial use of funds.--Initial funding for the first 12-
6 month period from the effective date of this subchapter may be
7 used for administration and development of technological support
8 applications.

9 § 3210.10. Military Family Education Program Fund.

10 (a) Establishment.--The Military Family Education Program
11 Fund is established as a special nonlapsing fund in the State
12 Treasury.

13 (b) Appropriation.--All money deposited into the fund and
14 the interest the fund accrues are appropriated to the department
15 on a continuing basis to be used for the purposes provided for
16 under this subchapter.

17 (c) Administrative action prohibited.--No administrative
18 action shall prevent the deposit of money into the fund in the
19 fiscal year in which the money is received.

20 (d) Use.--The fund may only be used for the purposes
21 provided for under this subchapter and no money in the fund may
22 be transferred or diverted to any other purpose by
23 administrative action.

24 Section 5. This act shall take effect as follows:

25 (1) The addition of 51 Pa.C.S. § 3210.2(a)(1) and (2)
26 shall take effect July 1, 2019.

27 (2) The addition of 51 Pa.C.S. § 3210.2(a)(3), (4) and
28 (5) shall take effect August 1, 2020.

29 (3) The remainder of this act shall take effect
30 immediately.