
 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, DONATUCCI, T. DAVIS, MALAGARI, WARREN,
SANCHEZ, WEBSTER, CIRESI, ECKER, FARRY, MEHAFFIE AND THOMAS,
APRIL 25, 2019

SENATOR REGAN, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, IN
SENATE, AS AMENDED, JUNE 18, 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 AMENDING TITLE 51 (MILITARY AFFAIRS) OF THE PENNSYLVANIA <--
10 CONSOLIDATED STATUTES, IN MILITARY EDUCATIONAL PROGRAMS,
11 FURTHER PROVIDING FOR DEFINITIONS, FOR ELIGIBILITY, FOR
12 GRANTS, FOR AMOUNT OF GRANTS, FOR LIMITATIONS, FOR RECOUPMENT
13 OF GRANT PAYMENTS, FOR REGULATIONS, FOR ADMINISTRATION AND
14 FOR EDUCATIONAL ASSISTANCE PROGRAM FUND AND PROVIDING FOR A
15 MILITARY FAMILY EDUCATION PROGRAM; AND MAKING EDITORIAL
16 CHANGES.

17 The General Assembly of the Commonwealth of Pennsylvania

18 hereby enacts as follows:

19 ~~Section 1. Sections 3201, 3202(a) introductory paragraph and~~ <--
20 ~~(1), (b) and (c) introductory paragraph, (4) and (5), 3204 and~~

1 ~~3205(a), (b), (b.1) and (c) of Title 51 of the Pennsylvania~~
2 ~~Consolidated Statutes are amended to read:~~

3 ~~§ 3201. 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 post secondary program of education~~
15 ~~located in this Commonwealth and approved by the [Pennsylvania~~
16 ~~Higher Education Assistance Agency] agency.~~

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

24 ~~{"Combat zone." An area designated by Presidential executive~~
25 ~~order as a combat zone as described in section 7508 of the~~
26 ~~Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §~~
27 ~~7508).}~~

28 ~~"Certificate of eligibility." A certificate from the~~
29 ~~department that certifies a member's eligibility for an~~
30 ~~educational assistance grant.~~

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

5 ~~"Educational assistance." A benefit earned which shall be~~
6 ~~given to an eligible member who has complied with all of the~~
7 ~~requirements provided for under this subchapter.~~

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

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

19 ~~"Fund." The Educational Assistance Program Fund.~~

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

26 ~~"Program." The Educational Assistance Program [established~~
27 ~~in this subchapter].~~

28 ~~["Qualified resident." An individual who has been a bona~~
29 ~~fide resident of this Commonwealth prior to the time an~~
30 ~~application for a grant is made. The Pennsylvania Higher~~

1 ~~Education Assistance Agency shall make the final decision on~~
2 ~~whether an applicant is a qualified resident.]~~

3 ~~"Promissory note." A written contract signed by a member of~~
4 ~~the Pennsylvania National Guard in which the member promises to~~
5 ~~repay the awarded grant amount.~~

6 ~~"Technology tuition fee." A separate tuition fee established~~
7 ~~by the Board of Governors of the State System of Higher~~
8 ~~Education for rendering technology resources and services to~~
9 ~~enhance student learning experiences.~~

10 ~~§ 3202. Eligibility.~~

11 ~~(a) General rule. A member of the Pennsylvania National~~
12 ~~Guard [member] is eligible to receive [a public service~~
13 ~~educational] an educational assistance grant under this~~
14 ~~subchapter if the member meets all of the following eligibility~~
15 ~~criteria:~~

16 ~~[(1) The member is a qualified resident of this~~
17 ~~Commonwealth.]~~

18 ~~* * *~~

19 ~~(b) Additional eligibility criteria for full time [student~~
20 ~~assistance] educational assistance grants. In addition to the~~
21 ~~eligibility criteria specified in subsection (a), [a student] an~~
22 ~~eligible member must meet the following eligibility criteria to~~
23 ~~qualify for a full time [student assistance] educational~~
24 ~~assistance grant:~~

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

26 ~~(2) The member accepts an obligation to serve in the~~
27 ~~Pennsylvania National Guard for a period of six years [from~~
28 ~~the date of entry into the program by enlistment,~~
29 ~~reenlistment, extension of enlistment or execution of a~~
30 ~~service commitment].~~

1 ~~(3) The member has enrolled as a full time student in an~~
2 ~~approved program of education at an approved institution of~~
3 ~~higher learning.~~

4 ~~(4) The member is not receiving a Reserve Officer~~
5 ~~Training Corps (ROTC) Scholarship, excluding a Guaranteed~~
6 ~~Reserve Forces Duty Scholarship.~~

7 ~~(c) Discharge for disability incurred in the line of duty.~~

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

13 * * *

14 ~~(4) The former member received an [honorable] other than~~
15 ~~dishonorable discharge for medical reasons.~~

16 ~~(5) The former member [had] accepted an obligation to~~
17 ~~serve in the Pennsylvania National Guard [for a minimum~~
18 ~~period of service established by the Adjutant General] and~~
19 ~~was qualified to [have fulfilled such] fulfill the service~~
20 ~~obligation but for the medical disability that resulted in~~
21 ~~discharge.~~

22 * * *

23 ~~§ 3204. Grants.~~

24 ~~(a) General rule. From the funds appropriated for the~~
25 ~~purposes of this subchapter, grants shall be provided to~~
26 ~~eligible members for the purpose of pursuing approved programs~~
27 ~~of education. An educational assistance grant shall be treated~~
28 ~~as a benefit earned by an eligible member for honorable service~~
29 ~~to the country and this Commonwealth.~~

30 ~~(b) Promissory notes. [At] Upon the receipt of the grant,~~

1 ~~an eligible member shall sign a promissory note obligating the~~
2 ~~eligible member to repay the full amount of the grant[. The~~
3 ~~promissory note shall be conditional upon noncompletion of] if~~
4 ~~the eligible member fails to fulfill the service obligation~~
5 ~~under section 3207(a) (relating to recoupment of grant~~
6 ~~payments).~~

7 ~~§ 3205. Amount of grants.~~

8 ~~(a) Full time [student assistance] educational assistance~~
9 ~~grants. Grants awarded under this subchapter to full time~~
10 ~~students shall be determined by the agency without regard to~~
11 ~~financial need and shall not exceed for each academic year the~~
12 ~~lesser of:~~

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

17 ~~(2) the annual tuition rate charged [to a resident of~~
18 ~~this Commonwealth at a member institution of the] by a State~~
19 ~~System of Higher Education institution for the [same]~~
20 ~~academic year.~~

21 ~~(b) Part time student assistance grants. [Grants awarded~~
22 ~~under this subchapter to part time students who do not possess a~~
23 ~~baccalaureate degree shall be determined by the agency without~~
24 ~~regard to financial need and shall not exceed for each academic~~
25 ~~year or period the lesser of:~~

26 ~~(1) the tuition for the part time course of study in~~
27 ~~which the member is enrolled; or~~

28 ~~(2) two thirds of the tuition charged to a resident of~~
29 ~~the Commonwealth at a member institution of the State System~~
30 ~~of Higher Education for the same academic year or period.]~~

~~1 Grants awarded under this subchapter to part time students who
2 may or may not possess a baccalaureate degree shall be
3 determined by the agency without regard to financial need and
4 shall not exceed for each academic year or period the lesser of:~~

~~5 (1) the tuition charged by the approved institution of
6 higher learning for the number of credit hours per semester
7 or its equivalent in which the eligible member is enrolled;
8 or~~

~~9 (2) the annual tuition rate charged by a State System of
10 Higher Education institution for the number of credit hours
11 per semester or its equivalent in which the eligible member
12 is enrolled for the same academic year or period.~~

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

~~19 (1) one half of the tuition for the part time course of
20 study in which the member is enrolled; or~~

~~21 (2) one third of the tuition charged to a resident of
22 this Commonwealth at a member institution of the State System
23 of Higher Education for the same academic year or period.]~~

~~24 (c) Other grants and financial aid.—~~

~~25 (1) The agency shall not reduce the amount of other
26 agency grants or aid for which the eligible member qualifies
27 on account of the eligible member's eligibility for or
28 receipt of grants under this subchapter.~~

~~29 (2) Prior to making a grant under this [chapter]
30 subchapter, the approved institution of higher learning shall~~

1 ~~first consider any Federal tuition assistance received by the~~
2 ~~eligible member and then shall award a grant under this~~
3 ~~[chapter] subchapter if the eligible member requires~~
4 ~~additional financial aid to cover the costs of attendance for~~
5 ~~an approved program of higher education. A grant under this~~
6 ~~[chapter] subchapter shall be paid or refunded to the~~
7 ~~eligible member for approved costs of attendance. Grants~~
8 ~~authorized under this [section] subchapter shall be reduced~~
9 ~~so that the total of all Federal and State military education~~
10 ~~benefits, as administered by the Pennsylvania National Guard,~~
11 ~~do not exceed 100% of the costs of attendance.~~

12 * * *

13 ~~Section 2. Section 3206(a) and (b) (2) and (3) of Title 51~~
14 ~~are amended and the section is amended by adding a subsection to~~
15 ~~read:~~

16 ~~§ 3206. Limitations.~~

17 ~~(a) Time.~~

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

24 ~~(2) [For any member who served on active duty in a~~
25 ~~combat zone, eligibility for such grants shall be extended~~
26 ~~for a period of one year or for one additional month for each~~
27 ~~month or part of month of such service, whichever is longer.]~~
28 ~~An eligible member who withdraws from a program of education~~
29 ~~due to being ordered to serve on active duty for more than 30~~
30 ~~consecutive days, including active duty for training, shall~~

1 ~~be granted an additional period of eligibility equal to the~~
2 ~~lost semester or its equivalent, whichever is longer.~~

3 ~~(3) When an eligible member withdraws from a program of~~
4 ~~education as provided for under paragraph (2), the eligible~~
5 ~~member shall be granted an educational leave of absence as~~
6 ~~provided for under section 7313 (relating to educational~~
7 ~~leave of absence).~~

8 ~~(b) Active duty.~~

9 * * *

10 ~~(2) For eligible members who were called or ordered to~~
11 ~~active Federal service or active State duty under section 508~~
12 ~~(relating to active State duty for emergency) after September~~
13 ~~11, 2001, the deadline for making grant payments shall be~~
14 ~~extended for one additional month for each month or part of~~
15 ~~month of such service after the eligible member is discharged~~
16 ~~or released under [honorable] other than dishonorable~~
17 ~~conditions from the Pennsylvania National Guard.~~

18 ~~(3) For eligible members discharged because of a~~
19 ~~disability incurred in the line of duty who are eligible~~
20 ~~under section 3202(c) (relating to eligibility), the deadline~~
21 ~~for making grant payments shall be:~~

22 ~~(i) Six years after the eligible member's medical~~
23 ~~discharge for members discharged for a medical disability~~
24 ~~on or after the effective date of this paragraph unless~~
25 ~~extended under section 3202 (c) (6).~~

26 ~~(ii) Six years following the effective date of this~~
27 ~~paragraph for eligible members discharged for a medical~~
28 ~~disability after September 11, 2001, and before the~~
29 ~~effective date of this paragraph unless extended under~~
30 ~~section 3202 (c) (6).~~

1 ~~(c) Limit on charges. Eligible members attending a State~~
2 ~~System of Higher Education institution shall not be charged~~
3 ~~additional tuition above the annual tuition rate.~~

4 ~~(d) Limit on tuition. At no time may a State System of~~
5 ~~Higher Education institution charge an eligible member more than~~
6 ~~the in State rate.~~

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

9 § 3207. Recoupment of grant payments.

10 (a) General rule. An eligible member who fails to meet the
11 ~~requirements of this subchapter as a result of participation in~~
12 ~~this program] six year service obligation of this subchapter or~~
13 ~~to meet other requirements established by the Adjutant General~~
14 ~~or the agency is liable to the Commonwealth for repayment of all~~
15 ~~or part of any grant payments made. The Adjutant General shall~~
16 ~~notify the agency if an eligible member fails to complete the~~
17 ~~service obligation, and the promissory note under section~~
18 ~~3204(b) (relating to grants) shall be [payment in full] repaid~~
19 ~~by the eligible member upon demand by the agency on a schedule~~
20 ~~as the agency may determine.~~

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

~~discharge or release because of other compelling circumstances outside the eligible member's control.] one of the following:~~

~~(1) Death.~~

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

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

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

~~§ 3208. [Regulations.]~~

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

~~(Reserved).~~

~~§ 3209. Administration.~~

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

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

~~§ 3210. Educational Assistance Program Fund.~~

~~[All moneys appropriated for the purposes of this chapter and all investment income earned on those moneys shall be~~

1 ~~deposited in the Educational Assistance Program Fund, which is~~
2 ~~hereby established as a special nonlapsing fund in the State~~
3 ~~Treasury. All moneys placed in the fund and the investment~~
4 ~~income it accrues are hereby appropriated on a continuing basis~~
5 ~~to the Department of Military and Veterans Affairs and shall be~~
6 ~~used solely for the purposes of the program.]~~

7 ~~(a) Establishment. The Educational Assistance Program Fund~~
8 ~~is established as a special nonlapsing fund in the State~~
9 ~~Treasury.~~

10 ~~(b) Appropriation. All money deposited into the fund and~~
11 ~~the interest the fund accrues are appropriated to the department~~
12 ~~on a continuing basis to be used for the purposes provided for~~
13 ~~under this subchapter and Subchapter B (relating to Medical~~
14 ~~Officer or Health Officer Incentive Program).~~

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

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

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

24 SUBCHAPTER A.1

25 MILITARY FAMILY EDUCATION PROGRAM

26 Sec.

27 3210.1. Definitions.

28 3210.2. Eligibility.

29 3210.3. Certification of eligibility.

30 3210.4. Military Family Education Program grants.

- 1 ~~3210.5. Amount of Military Family Education Program grants.~~
2 ~~3210.6. Limitations.~~
3 ~~3210.7. Recoupment of Military Family Education Program grant~~
4 ~~payments.~~
5 ~~3210.8. Regulations.~~
6 ~~3210.9. Administration.~~
7 ~~3210.10. Military Family Education Program Fund.~~
8 ~~§ 3210.1. Definitions.~~

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

12 ~~"Agency." The Pennsylvania Higher Education Assistance~~
13 ~~Agency.~~

14 ~~"Annual tuition rate." The in State tuition rate, including~~
15 ~~a technology tuition fee, established or approved by May 1 of~~
16 ~~each year by the Board of Governors of the State System of~~
17 ~~Higher Education.~~

18 ~~"Approved institution of higher learning." An educational~~
19 ~~institution offering a postsecondary program of education~~
20 ~~located in this Commonwealth and approved by the agency.~~

21 ~~"Approved program of education." A degree granting or~~
22 ~~certificate granting curriculum, course of study or training~~
23 ~~required for entrance into a specific career to be pursued on a~~
24 ~~full time or part time basis or its equivalent as determined by~~
25 ~~the agency, at an approved institution of higher learning.~~

26 ~~"Benefit." The Military Family Education Program grant which~~
27 ~~shall be given to an eligible member's assigned family member~~
28 ~~who has complied with all of the requirements provided for under~~
29 ~~this subchapter.~~

30 ~~"Certificate of eligibility." A certificate from the~~

1 ~~department that certifies a family member's eligibility for a~~
2 ~~Military Family Education Program grant.~~

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

7 ~~"Eligible member." A member of the Pennsylvania National~~
8 ~~Guard who meets the criteria specified in section 3210.2~~
9 ~~(relating to eligibility) and who has been awarded a certificate~~
10 ~~of eligibility under section 3210.3 (relating to certification~~
11 ~~of eligibility).~~

12 ~~"Family member." A dependent of an eligible member who is~~
13 ~~enrolled in the United States Department of Defense's Defense~~
14 ~~Enrollment Eligibility Reporting System.~~

15 ~~"Full time student." A family member enrolled in an approved~~
16 ~~institution of higher learning pursuing an approved program of~~
17 ~~education equal to or greater than 12 credit hours per semester~~
18 ~~or its equivalent that is recognized by the agency as a full~~
19 ~~time course of study.~~

20 ~~"Fund." The Military Family Education Program Fund~~
21 ~~established under section 3210.10 (relating to Military Family~~
22 ~~Education Program Fund).~~

23 ~~"Next of kin." The person or persons in the nearest degree~~
24 ~~of relationship to the eligible member.~~

25 ~~"Part time student." A family member enrolled in an approved~~
26 ~~institution of higher education pursuing an approved program of~~
27 ~~education of less than 12 credit hours per semester or its~~
28 ~~equivalent that is recognized by the agency as a part time~~
29 ~~course of study.~~

30 ~~"Promissory note." A written contract signed by a member of~~

1 ~~the Pennsylvania National Guard in which the member promises to~~
2 ~~repay the awarded Military Family Education Program grant~~
3 ~~amount.~~

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

8 ~~§ 3210.2. Eligibility.~~

9 ~~(a) General rule. A family member is eligible to receive a~~
10 ~~Military Family Education Program grant under this subchapter if~~
11 ~~all of the following eligibility criteria are met:~~

12 ~~(1) The eligible member is in good standing with the~~
13 ~~Pennsylvania National Guard, has received an other than~~
14 ~~dishonorable discharge, has honorably completed the eligible~~
15 ~~member's initial contractual military service obligation to~~
16 ~~the Pennsylvania National Guard and has been a satisfactory~~
17 ~~participant in the Pennsylvania National Guard activities for~~
18 ~~a minimum service period established by the Adjutant General.~~

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

21 ~~(3) The eligible member has assigned the benefit to one~~
22 ~~or more family members.~~

23 ~~(4) The family member has enrolled as a student in an~~
24 ~~approved program of education at an approved institution of~~
25 ~~higher learning.~~

26 ~~(5) If the family member is a spouse of an eligible~~
27 ~~member or former eligible member and has enrolled in an~~
28 ~~approved program of education not more than six years after~~
29 ~~the eligible member's or former eligible member's date of~~
30 ~~separation, medical discharge or death and the obligation~~

~~1 stated under paragraph (2) has been fulfilled, the Adjutant
2 General may for good cause extend the six year deadline in
3 cases of extenuating circumstances.~~

~~4 (6) When an eligible member is ordered to serve on
5 active duty for more than 30 consecutive days, including
6 active duty for training, a family member who is the spouse
7 may withdraw from a program of education and shall be granted
8 an educational leave of absence as provided for under section
9 7313 (relating to educational leave of absence).~~

~~10 (b) Discharge for disability incurred in the line of duty.~~

~~11 A family member of an eligible member who is discharged for
12 medical disability shall remain eligible to receive a Military
13 Family Education Program grant under this subchapter if the
14 eligible member's medical disability meets the following
15 criteria:~~

~~16 (1) The medical disability was incurred in the line of
17 duty and was not the result of misconduct.~~

~~18 (2) The medical condition giving rise to the discharge
19 did not exist prior to the eligible member entering service
20 in the Pennsylvania National Guard.~~

~~21 (3) The medical disability was incurred while performing
22 authorized military duty other than basic training, advanced
23 individual training or other equivalent initial training.~~

~~24 (4) The former eligible member received an other than
25 dishonorable discharge for medical reasons.~~

~~26 (5) The former eligible member had accepted an
27 obligation to serve in the Pennsylvania National Guard and
28 was qualified to fulfill the service obligation but for the
29 medical disability that resulted in discharge.~~

~~30 (c) Death of an eligible member. A family member of an~~

1 ~~eligible member who died while serving the obligation required~~
2 ~~in subsection (a) (2) shall remain eligible to receive a Military~~
3 ~~Family Education Program grant under this subchapter if the~~
4 ~~eligible member met the following eligibility criteria at the~~
5 ~~time of death:~~

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

8 ~~(2) The deceased eligible member was eligible for an~~
9 ~~other than dishonorable discharge.~~

10 ~~(3) The deceased eligible member had accepted an~~
11 ~~obligation to serve in the Pennsylvania National Guard and~~
12 ~~was qualified to fulfill the service obligation but for the~~
13 ~~eligible member's death.~~

14 ~~(4) Upon an eligible member's death, if the eligible~~
15 ~~member has not assigned the family member or family members~~
16 ~~to receive the Military Family Education Program grant as~~
17 ~~provided for under this subchapter, the next of kin shall~~
18 ~~designate the family member or family members to receive the~~
19 ~~Military Family Education Program grant.~~

20 ~~§ 3210.3. Certification of eligibility.~~

21 ~~The department shall certify members of the Pennsylvania~~
22 ~~National Guard who meet the eligibility criteria set forth in~~
23 ~~section 3210.2 (relating to eligibility) as eligible to~~
24 ~~participate in the Military Family Education Program and shall~~
25 ~~provide the agency with a certificate of eligibility for each~~
26 ~~eligible family member.~~

27 ~~§ 3210.4. Military Family Education Program grants.~~

28 ~~(a) General rule. From the funds appropriated for the~~
29 ~~purposes of this subchapter, Military Family Education Program~~
30 ~~grants shall be provided to eligible family members for the~~

1 ~~purpose of pursuing an approved program of education. A Military~~
2 ~~Family Education Program grant shall be treated as a benefit~~
3 ~~earned by an eligible member for honorable service to the~~
4 ~~country and this Commonwealth.~~

5 ~~(b) Promissory note. Prior to entry into the Military~~
6 ~~Family Education Program the eligible member shall sign a~~
7 ~~promissory note obligating the eligible member to repay the full~~
8 ~~amount of the family member's Military Family Education Program~~
9 ~~grant if the eligible member fails to satisfactorily fulfill the~~
10 ~~eligible member's obligation. The promissory note shall become~~
11 ~~payable upon noncompletion of the service obligation under~~
12 ~~section 3210.7(a) (relating to recoupment of Military Family~~
13 ~~Education Program grant payments).~~

14 ~~§ 3210.5. Amount of Military Family Education Program grants.~~

15 ~~(a) Full time Military Family Education Program grant.~~
16 ~~Military Family Education Program grants awarded under this~~
17 ~~subchapter to full time students shall be determined by the~~
18 ~~agency without regard to financial need and shall not exceed for~~
19 ~~each academic year the lesser of:~~

20 ~~(1) the tuition rate of the approved institution of~~
21 ~~higher learning for the number of credit hours per semester~~
22 ~~or its equivalent for the approved program of education in~~
23 ~~which the family member is enrolled; or~~

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

26 ~~(b) Part time Military Family Education Program grants.~~
27 ~~Military Family Education Program grants awarded under this~~
28 ~~subchapter to part time students who may or may not possess a~~
29 ~~baccalaureate degree shall be determined by the agency without~~
30 ~~regard to financial need and shall not exceed for each academic~~

1 ~~year or period the lesser of:~~

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

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

9 ~~(c) Other grants and financial aid.~~

10 ~~(1) The agency shall not reduce the amount of other~~
11 ~~agency grants or aid for which the family member qualifies on~~
12 ~~account of the family member's eligibility for or receipt of~~
13 ~~a Military Family Education Program grant under this~~
14 ~~subchapter.~~

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

30 ~~(d) Adjustments. If the agency and the Adjutant General~~

~~1 determine that the amount appropriated for the Military Family
2 Education Program in any year will be insufficient to provide
3 Military Family Education Program grants in the amounts set
4 forth in this section to all family members, the agency and the
5 department may reduce the maximum amount of the Military Family
6 Education Program grants proportionately or set a limit on the
7 number of participants to ensure that sums expended do not
8 exceed appropriations.~~

~~9 (e) Limit on charges. Family members attending a State
10 System of Higher Education institution shall not be charged
11 additional tuition above the annual tuition rate.~~

~~12 (f) Limit on tuition. At no time may a State System of
13 Higher Education institution charge a family member more than
14 the in State rate.~~

~~15 § 3210.6. Limitations.~~

~~16 (a) General rule. No eligible member shall be permitted to
17 assign more than five academic years or their equivalent, as
18 determined by the agency.~~

~~19 (b) Assignment of benefit. An eligible member may assign a
20 portion of the entire benefit or the entire benefit by the
21 number of credit hours per semester or its equivalent, as
22 determined by the agency, to one or more family members, as the
23 case may be.~~

~~24 § 3210.7. Recoupment of Military Family Education Program grant
25 payments.~~

~~26 (a) General rule. An eligible member who fails to meet the
27 six-year service obligation of this subchapter or to meet other
28 requirements established by the Adjutant General or the agency
29 is liable to the Commonwealth for repayment of all or part of
30 Military Family Education Program grant payments made. The~~

~~1 Adjutant General shall notify the agency if an eligible member
2 fails to complete the service obligation and the promissory note
3 under section 3210.4(b) (relating to Military Family Education
4 Program grants) shall be repaid by the eligible member upon
5 demand of the agency on a schedule as the agency may determine.~~

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

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

~~18 (2) The eligible member's discharge because of
19 disability incurred in the line of duty.~~

~~20 (3) The eligible member's discharge because of a medical
21 determination that the eligible member is medically unfit for
22 duty when the medical condition is outside the eligible
23 member's control and is not due to the eligible member's
24 misconduct or discharge.~~

~~25 (4) The existence of other compelling circumstances that
26 warrant forgiveness.~~

~~27 § 3210.8. Regulations.~~

~~28 The Adjutant General and the agency may promulgate
29 regulations to carry out the provisions of this chapter.~~

~~30 § 3210.9. Administration.~~

1 ~~(a) Appropriation and administrative costs. The General~~
2 ~~Assembly shall appropriate funds to pay full time and part time~~
3 ~~Military Family Education Program grants under this subchapter.~~
4 ~~A portion of the funds appropriated may be used to pay the costs~~
5 ~~of the administration of this subchapter.~~

6 ~~(b) Limitation. Administrative costs for the fiscal year in~~
7 ~~which the Military Family Education Program is enacted, and each~~
8 ~~fiscal year thereafter, shall not exceed 3.5% of the total~~
9 ~~amount of funds appropriated.~~

10 ~~(c) Initial use of funds. Initial funding for the first 12~~
11 ~~month period from the effective date of this subchapter may be~~
12 ~~used for administration and development of technological support~~
13 ~~applications.~~

14 ~~§ 3210.10. Military Family Education Program Fund.~~

15 ~~(a) Establishment. The Military Family Education Program~~
16 ~~Fund is established as a special nonlapsing fund in the State~~
17 ~~Treasury.~~

18 ~~(b) Appropriation. All money deposited into the fund and~~
19 ~~the interest the fund accrues are appropriated to the department~~
20 ~~on a continuing basis to be used for the purposes provided for~~
21 ~~under this subchapter.~~

22 ~~(c) Administrative action prohibited. No administrative~~
23 ~~action shall prevent the deposit of money into the fund in the~~
24 ~~fiscal year in which the money is received.~~

25 ~~(d) Use. The fund may only be used for the purposes~~
26 ~~provided for under this subchapter and no money in the fund may~~
27 ~~be transferred or diverted to any other purpose by~~
28 ~~administrative action.~~

29 ~~Section 5. This act shall take effect as follows:~~

30 ~~(1) The addition of 51 Pa.C.S. § 3210.2(a)(1) and (2)~~

1 ~~shall take effect July 1, 2019.~~

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

4 ~~(3) The remainder of this act shall take effect~~
5 ~~immediately.~~

6 SECTION 1. SECTIONS 3201, 3202(A) INTRODUCTORY PARAGRAPH AND <--
7 (1), (B) AND (C) INTRODUCTORY PARAGRAPH, (4) AND (5) AND 3204 OF
8 TITLE 51 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED
9 TO READ:

10 § 3201. DEFINITIONS.

11 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
12 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14 "AGENCY." THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE
15 AGENCY.

16 "ANNUAL TUITION RATE." THE IN-STATE TUITION RATE, INCLUDING
17 A TECHNOLOGY TUITION FEE, ESTABLISHED OR APPROVED BY MAY 1 OF
18 EACH YEAR BY THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF
19 HIGHER EDUCATION.

20 "APPROVED INSTITUTION OF HIGHER LEARNING." AN EDUCATIONAL
21 INSTITUTION OFFERING A POST-SECONDARY PROGRAM OF EDUCATION
22 LOCATED IN THIS COMMONWEALTH AND APPROVED BY THE [PENNSYLVANIA
23 HIGHER EDUCATION ASSISTANCE AGENCY] AGENCY.

24 "APPROVED PROGRAM OF EDUCATION." A [DEGREE-] DEGREE-GRANTING
25 OR CERTIFICATE-GRANTING CURRICULUM [OR COURSE OF STUDY], COURSE
26 OF STUDY OR TRAINING PROGRAM REQUIRED FOR ENTRANCE INTO A
27 SPECIFIC CAREER TO BE PURSUED ON A FULL-TIME OR PART-TIME BASIS
28 OR ITS EQUIVALENT AS DETERMINED BY THE [PENNSYLVANIA HIGHER
29 EDUCATION ASSISTANCE AGENCY] AGENCY, AT AN APPROVED INSTITUTION
30 OF HIGHER LEARNING.

1 ["COMBAT ZONE." AN AREA DESIGNATED BY PRESIDENTIAL EXECUTIVE
2 ORDER AS A COMBAT ZONE AS DESCRIBED IN SECTION 7508 OF THE
3 INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. §
4 7508).]

5 "CERTIFICATE OF ELIGIBILITY." A CERTIFICATE ISSUED BY THE
6 DEPARTMENT THAT CERTIFIES A MEMBER'S ELIGIBILITY TO RECEIVE AN
7 EDUCATIONAL ASSISTANCE GRANT.

8 "COSTS OF ATTENDANCE." ALLOWABLE EDUCATIONAL EXPENSES, AS
9 DETERMINED BY THE AGENCY, THAT ARE CONSISTENT WITH THE
10 ADMINISTRATION OF THE ACT OF JANUARY 25, 1966 (1965 P.L.1546,
11 NO.541), REFERRED TO AS THE HIGHER EDUCATION SCHOLARSHIP LAW.

12 "EDUCATIONAL ASSISTANCE." A BENEFIT EARNED WHICH SHALL BE
13 GRANTED TO AN ELIGIBLE MEMBER WHO HAS COMPLIED WITH ALL OF THE
14 REQUIREMENTS PROVIDED FOR UNDER THIS SUBCHAPTER.

15 "ELIGIBLE MEMBER." A MEMBER OF THE PENNSYLVANIA NATIONAL
16 GUARD WHO MEETS THE CRITERIA SPECIFIED IN SECTION 3202 (RELATING
17 TO ELIGIBILITY) AND WHO HAS BEEN AWARDED A CERTIFICATE OF
18 ELIGIBILITY UNDER SECTION 3203 (RELATING TO CERTIFICATION OF
19 ELIGIBILITY).

20 "FULL-TIME STUDENT." [A STUDENT] AN ELIGIBLE MEMBER ENROLLED
21 IN AN APPROVED INSTITUTION OF HIGHER LEARNING PURSUING AN
22 APPROVED PROGRAM OF EDUCATION EQUAL TO OR GREATER THAN [15] 12
23 CREDIT HOURS PER SEMESTER OR ITS EQUIVALENT THAT IS RECOGNIZED
24 BY THE [PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY] AGENCY
25 AS A FULL-TIME COURSE OF STUDY.

26 "FUND." THE EDUCATIONAL ASSISTANCE PROGRAM FUND.

27 "PART-TIME STUDENT." [A STUDENT] AN ELIGIBLE MEMBER ENROLLED
28 IN AN APPROVED INSTITUTION OF HIGHER EDUCATION PURSUING AN
29 APPROVED PROGRAM OF EDUCATION OF LESS THAN [15] 12 CREDIT HOURS
30 PER SEMESTER OR ITS EQUIVALENT THAT IS RECOGNIZED BY THE

1 [PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY] AGENCY AS A
2 PART-TIME COURSE OF STUDY.

3 "PROGRAM." THE EDUCATIONAL ASSISTANCE PROGRAM [ESTABLISHED
4 IN THIS SUBCHAPTER].

5 ["QUALIFIED RESIDENT." AN INDIVIDUAL WHO HAS BEEN A BONA
6 FIDE RESIDENT OF THIS COMMONWEALTH PRIOR TO THE TIME AN
7 APPLICATION FOR A GRANT IS MADE. THE PENNSYLVANIA HIGHER
8 EDUCATION ASSISTANCE AGENCY SHALL MAKE THE FINAL DECISION ON
9 WHETHER AN APPLICANT IS A QUALIFIED RESIDENT.]

10 "PROMISSORY NOTE." A WRITTEN CONTRACT SIGNED BY A MEMBER OF
11 THE PENNSYLVANIA NATIONAL GUARD IN WHICH THE MEMBER PROMISES TO
12 REPAY THE AWARDED GRANT AMOUNT.

13 "TECHNOLOGY TUITION FEE." A SEPARATE TUITION FEE ESTABLISHED
14 BY THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER
15 EDUCATION FOR RENDERING TECHNOLOGY RESOURCES AND SERVICES TO
16 ENHANCE STUDENT LEARNING EXPERIENCES.

17 § 3202. ELIGIBILITY.

18 (A) GENERAL RULE.--A MEMBER OF THE PENNSYLVANIA NATIONAL
19 GUARD [MEMBER] IS ELIGIBLE TO RECEIVE [A PUBLIC SERVICE
20 EDUCATIONAL] AN EDUCATIONAL ASSISTANCE GRANT UNDER THIS
21 SUBCHAPTER IF THE MEMBER MEETS ALL OF THE FOLLOWING ELIGIBILITY
22 CRITERIA:

23 [(1) THE MEMBER IS A QUALIFIED RESIDENT OF THIS
24 COMMONWEALTH.]

25 * * *

26 (B) ADDITIONAL ELIGIBILITY CRITERIA FOR FULL-TIME [STUDENT
27 ASSISTANCE] EDUCATIONAL ASSISTANCE GRANTS.--IN ADDITION TO THE
28 ELIGIBILITY CRITERIA SPECIFIED IN SUBSECTION (A), [A STUDENT] AN
29 ELIGIBLE MEMBER MUST MEET THE FOLLOWING ELIGIBILITY CRITERIA TO
30 QUALIFY FOR A FULL-TIME [STUDENT ASSISTANCE] EDUCATIONAL

1 ASSISTANCE GRANT:

2 (1) THE MEMBER DOES NOT POSSESS A BACCALAUREATE DEGREE.

3 (2) THE MEMBER ACCEPTS AN OBLIGATION TO SERVE IN THE
4 PENNSYLVANIA NATIONAL GUARD FOR A PERIOD OF SIX YEARS [FROM
5 THE DATE OF ENTRY INTO THE PROGRAM BY ENLISTMENT,
6 REENLISTMENT, EXTENSION OF ENLISTMENT OR EXECUTION OF A
7 SERVICE COMMITMENT.] AND HAS NOT ACCEPTED AN OBLIGATION UNDER
8 SUBCH. A.1 (RELATING TO MILITARY FAMILY EDUCATION PROGRAM)
9 FOR THE SAME SIX-YEAR PERIOD.

10 (3) THE MEMBER HAS ENROLLED AS A FULL-TIME STUDENT IN AN
11 APPROVED PROGRAM OF EDUCATION AT AN APPROVED INSTITUTION OF
12 HIGHER LEARNING.

13 (4) THE MEMBER IS NOT RECEIVING A RESERVE OFFICER
14 TRAINING CORPS (ROTC) SCHOLARSHIP, EXCLUDING A GUARANTEED
15 RESERVE FORCES DUTY SCHOLARSHIP.

16 (C) DISCHARGE FOR DISABILITY INCURRED IN THE LINE OF DUTY.--
17 A [PENNSYLVANIA NATIONAL GUARD] MEMBER WHO IS DISCHARGED FOR
18 MEDICAL DISABILITY AFTER SEPTEMBER 11, 2001, SHALL REMAIN
19 ELIGIBLE TO RECEIVE [A PUBLIC SERVICE EDUCATIONAL] AN
20 EDUCATIONAL ASSISTANCE GRANT UNDER THIS SUBCHAPTER IF THE MEMBER
21 MEETS ALL OF THE FOLLOWING ELIGIBILITY CRITERIA:

22 * * *

23 (4) THE FORMER MEMBER RECEIVED AN [HONORABLE] OTHER THAN
24 DISHONORABLE DISCHARGE FOR MEDICAL REASONS.

25 (5) THE FORMER MEMBER [HAD] ACCEPTED AN OBLIGATION TO
26 SERVE IN THE PENNSYLVANIA NATIONAL GUARD [FOR A MINIMUM
27 PERIOD OF SERVICE ESTABLISHED BY THE ADJUTANT GENERAL] AND
28 WAS QUALIFIED TO [HAVE FULFILLED SUCH] FULFILL THE SERVICE
29 OBLIGATION BUT FOR THE MEDICAL DISABILITY THAT RESULTED IN
30 DISCHARGE.

1 * * *

2 § 3204. GRANTS.

3 (A) GENERAL RULE.--FROM THE FUNDS APPROPRIATED FOR THE
4 PURPOSES OF THIS SUBCHAPTER, GRANTS SHALL BE PROVIDED TO
5 ELIGIBLE MEMBERS FOR THE PURPOSE OF PURSUING APPROVED PROGRAMS
6 OF EDUCATION. AN EDUCATIONAL ASSISTANCE GRANT SHALL BE TREATED
7 AS A BENEFIT EARNED BY AN ELIGIBLE MEMBER FOR HONORABLE SERVICE
8 TO THE COUNTRY AND THIS COMMONWEALTH.

9 (B) PROMISSORY NOTES.--[AT] UPON THE RECEIPT OF THE GRANT,
10 AN ELIGIBLE MEMBER SHALL SIGN A PROMISSORY NOTE OBLIGATING THE
11 ELIGIBLE MEMBER TO REPAY THE FULL AMOUNT OF THE GRANT [. THE
12 PROMISSORY NOTE SHALL BE CONDITIONAL UPON NONCOMPLETION OF] IF
13 THE ELIGIBLE MEMBER FAILS TO FULFILL THE SERVICE OBLIGATION
14 UNDER SECTION 3207(A) (RELATING TO RECOUPMENT OF GRANT
15 PAYMENTS) .

16 SECTION 2. SECTIONS 3205(A), (B), (B.1) AND (C) AND 3206(A)
17 AND (B) (2) AND (3) OF TITLE 51 ARE AMENDED AND THE SECTIONS ARE
18 AMENDED BY ADDING SUBSECTIONS TO READ:

19 § 3205. AMOUNT OF GRANTS.

20 (A) FULL-TIME [STUDENT ASSISTANCE] EDUCATIONAL ASSISTANCE
21 GRANTS.--GRANTS AWARDED UNDER THIS SUBCHAPTER TO FULL-TIME
22 STUDENTS SHALL BE DETERMINED BY THE AGENCY WITHOUT REGARD TO
23 FINANCIAL NEED AND SHALL NOT EXCEED FOR EACH ACADEMIC YEAR THE
24 LESSER OF:

25 (1) THE TUITION RATE OF THE APPROVED INSTITUTION OF
26 HIGHER LEARNING FOR THE NUMBER OF CREDIT HOURS PER SEMESTER
27 OR ITS EQUIVALENT FOR THE APPROVED PROGRAM OF EDUCATION IN
28 WHICH THE ELIGIBLE MEMBER IS ENROLLED; OR

29 (2) THE ANNUAL TUITION RATE CHARGED [TO A RESIDENT OF
30 THIS COMMONWEALTH AT A MEMBER INSTITUTION OF THE] BY A STATE

1 SYSTEM OF HIGHER EDUCATION INSTITUTION FOR THE [SAME]
2 ACADEMIC YEAR.

3 (B) PART-TIME STUDENT ASSISTANCE GRANTS.--[GRANTS AWARDED
4 UNDER THIS SUBCHAPTER TO PART-TIME STUDENTS WHO DO NOT POSSESS A
5 BACCALAUREATE DEGREE SHALL BE DETERMINED BY THE AGENCY WITHOUT
6 REGARD TO FINANCIAL NEED AND SHALL NOT EXCEED FOR EACH ACADEMIC
7 YEAR OR PERIOD THE LESSER OF:

8 (1) THE TUITION FOR THE PART-TIME COURSE OF STUDY IN
9 WHICH THE MEMBER IS ENROLLED; OR

10 (2) TWO-THIRDS OF THE TUITION CHARGED TO A RESIDENT OF
11 THE COMMONWEALTH AT A MEMBER INSTITUTION OF THE STATE SYSTEM
12 OF HIGHER EDUCATION FOR THE SAME ACADEMIC YEAR OR PERIOD.]

13 GRANTS AWARDED UNDER THIS SUBCHAPTER TO PART-TIME STUDENTS WHO
14 MAY OR MAY NOT POSSESS A BACCALAUREATE DEGREE SHALL BE
15 DETERMINED BY THE AGENCY WITHOUT REGARD TO FINANCIAL NEED AND
16 SHALL NOT EXCEED FOR EACH ACADEMIC YEAR OR PERIOD THE LESSER OF:

17 (1) THE TUITION CHARGED BY THE APPROVED INSTITUTION OF
18 HIGHER LEARNING FOR THE NUMBER OF CREDIT HOURS PER SEMESTER
19 OR ITS EQUIVALENT IN WHICH THE ELIGIBLE MEMBER IS ENROLLED;
20 OR

21 (2) THE ANNUAL TUITION RATE CHARGED BY A STATE SYSTEM OF
22 HIGHER EDUCATION INSTITUTION FOR THE NUMBER OF CREDIT HOURS
23 PER SEMESTER OR ITS EQUIVALENT IN WHICH THE ELIGIBLE MEMBER
24 IS ENROLLED FOR THE SAME ACADEMIC YEAR OR PERIOD.

25 [(B.1) PART-TIME STUDENT ASSISTANCE GRANTS FOR STUDENTS
26 POSSESSING BACCALAUREATE DEGREES.--GRANTS AWARDED UNDER THIS
27 SUBCHAPTER TO PART-TIME STUDENTS WHO POSSESS A BACCALAUREATE
28 DEGREE SHALL BE DETERMINED BY THE AGENCY WITHOUT REGARD TO
29 FINANCIAL NEED AND SHALL NOT EXCEED FOR EACH ACADEMIC YEAR OR
30 PERIOD THE LESSER OF:

1 (1) ONE-HALF OF THE TUITION FOR THE PART-TIME COURSE OF
2 STUDY IN WHICH THE MEMBER IS ENROLLED; OR

3 (2) ONE-THIRD OF THE TUITION CHARGED TO A RESIDENT OF
4 THIS COMMONWEALTH AT A MEMBER INSTITUTION OF THE STATE SYSTEM
5 OF HIGHER EDUCATION FOR THE SAME ACADEMIC YEAR OR PERIOD.]

6 (C) OTHER GRANTS AND FINANCIAL AID.--

7 (1) THE AGENCY SHALL NOT REDUCE THE AMOUNT OF OTHER
8 AGENCY GRANTS OR AID FOR WHICH THE ELIGIBLE MEMBER QUALIFIES
9 ON ACCOUNT OF THE ELIGIBLE MEMBER'S ELIGIBILITY FOR OR
10 RECEIPT OF GRANTS UNDER THIS SUBCHAPTER.

11 (2) PRIOR TO MAKING A GRANT UNDER THIS [CHAPTER]
12 SUBCHAPTER, THE APPROVED INSTITUTION OF HIGHER LEARNING SHALL
13 FIRST CONSIDER ANY FEDERAL TUITION ASSISTANCE RECEIVED BY THE
14 ELIGIBLE MEMBER AND THEN SHALL AWARD A GRANT UNDER THIS
15 [CHAPTER] SUBCHAPTER IF THE ELIGIBLE MEMBER REQUIRES
16 ADDITIONAL FINANCIAL AID TO COVER THE COSTS OF ATTENDANCE FOR
17 AN APPROVED PROGRAM OF HIGHER EDUCATION. A GRANT UNDER THIS
18 [CHAPTER] SUBCHAPTER SHALL BE PAID OR REFUNDED TO THE
19 ELIGIBLE MEMBER FOR APPROVED COSTS OF ATTENDANCE. GRANTS
20 AUTHORIZED UNDER THIS [SECTION] SUBCHAPTER SHALL BE REDUCED
21 SO THAT THE TOTAL OF ALL FEDERAL AND STATE MILITARY EDUCATION
22 BENEFITS, AS ADMINISTERED BY THE PENNSYLVANIA NATIONAL GUARD,
23 DO NOT EXCEED 100% OF THE COSTS OF ATTENDANCE.

24 * * *

25 (E) LIMIT ON CHARGES.--ELIGIBLE MEMBERS ATTENDING A STATE
26 SYSTEM OF HIGHER EDUCATION INSTITUTION SHALL NOT BE CHARGED
27 ADDITIONAL TUITION ABOVE THE ANNUAL TUITION RATE.

28 § 3206. LIMITATIONS.

29 (A) TIME.--

30 (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2), NO

1 ELIGIBLE MEMBER SHALL BE ELIGIBLE FOR FULL-TIME OR PART-TIME
2 [STUDENT] EDUCATIONAL ASSISTANCE GRANTS OR A COMBINATION
3 THEREOF UNDER THIS SUBCHAPTER FOR A TOTAL OF MORE THAN FIVE
4 ACADEMIC YEARS OR THEIR EQUIVALENT AS DETERMINED BY THE
5 AGENCY.

6 (2) [FOR ANY MEMBER WHO SERVED ON ACTIVE DUTY IN A
7 COMBAT ZONE, ELIGIBILITY FOR SUCH GRANTS SHALL BE EXTENDED
8 FOR A PERIOD OF ONE YEAR OR FOR ONE ADDITIONAL MONTH FOR EACH
9 MONTH OR PART OF MONTH OF SUCH SERVICE, WHICHEVER IS LONGER.]
10 AN ELIGIBLE MEMBER WHO WITHDRAWS FROM A PROGRAM OF EDUCATION
11 DUE TO BEING ORDERED TO SERVE ON ACTIVE DUTY FOR MORE THAN 30
12 CONSECUTIVE DAYS, INCLUDING ACTIVE DUTY FOR TRAINING, SHALL
13 BE GRANTED AN ADDITIONAL PERIOD OF ELIGIBILITY EQUAL TO THE
14 LOST SEMESTER OR ITS EQUIVALENT, WHICHEVER IS LONGER.

15 (3) WHEN AN ELIGIBLE MEMBER WITHDRAWS FROM A PROGRAM OF
16 EDUCATION AS PROVIDED FOR UNDER PARAGRAPH (2), THE ELIGIBLE
17 MEMBER SHALL BE GRANTED AN EDUCATIONAL LEAVE OF ABSENCE AS
18 PROVIDED FOR UNDER SECTION 7313 (RELATING TO EDUCATIONAL
19 LEAVE OF ABSENCE).

20 (B) ACTIVE DUTY.--

21 * * *

22 (2) FOR ELIGIBLE MEMBERS WHO WERE CALLED OR ORDERED TO
23 ACTIVE FEDERAL SERVICE OR ACTIVE STATE DUTY UNDER SECTION 508
24 (RELATING TO ACTIVE STATE DUTY FOR EMERGENCY) AFTER SEPTEMBER
25 11, 2001, THE DEADLINE FOR MAKING GRANT PAYMENTS SHALL BE
26 EXTENDED FOR ONE ADDITIONAL MONTH FOR EACH MONTH OR PART OF
27 MONTH OF SUCH SERVICE AFTER THE ELIGIBLE MEMBER IS DISCHARGED
28 OR RELEASED UNDER [HONORABLE] OTHER THAN DISHONORABLE
29 CONDITIONS FROM THE PENNSYLVANIA NATIONAL GUARD.

30 (3) FOR ELIGIBLE MEMBERS DISCHARGED BECAUSE OF A

1 DISABILITY INCURRED IN THE LINE OF DUTY WHO ARE ELIGIBLE
2 UNDER SECTION 3202 (C) (RELATING TO ELIGIBILITY), THE DEADLINE
3 FOR MAKING GRANT PAYMENTS SHALL BE:

4 (I) SIX YEARS AFTER THE ELIGIBLE MEMBER'S MEDICAL
5 DISCHARGE FOR MEMBERS DISCHARGED FOR A MEDICAL DISABILITY
6 ON OR AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH UNLESS
7 EXTENDED UNDER SECTION 3202 (C) (6) .

8 (II) SIX YEARS FOLLOWING THE EFFECTIVE DATE OF THIS
9 PARAGRAPH FOR ELIGIBLE MEMBERS DISCHARGED FOR A MEDICAL
10 DISABILITY AFTER SEPTEMBER 11, 2001, AND BEFORE THE
11 EFFECTIVE DATE OF THIS PARAGRAPH UNLESS EXTENDED UNDER
12 SECTION 3202 (C) (6) .

13 (C) LIMIT ON TUITION.--AT NO TIME MAY A STATE SYSTEM OF
14 HIGHER EDUCATION INSTITUTION CHARGE AN ELIGIBLE MEMBER MORE THAN
15 THE IN-STATE RATE.

16 SECTION 3. SECTIONS 3207, 3208, 3209 AND 3210 OF TITLE 51
17 ARE AMENDED TO READ:

18 § 3207. RECOUPMENT OF GRANT PAYMENTS.

19 (A) GENERAL RULE.--AN ELIGIBLE MEMBER WHO FAILS TO MEET THE
20 [REQUIREMENTS OF THIS SUBCHAPTER AS A RESULT OF PARTICIPATION IN
21 THIS PROGRAM] SIX-YEAR SERVICE OBLIGATION OF THIS SUBCHAPTER OR
22 TO MEET OTHER REQUIREMENTS ESTABLISHED BY THE ADJUTANT GENERAL
23 OR THE AGENCY IS LIABLE TO THE COMMONWEALTH FOR REPAYMENT OF ALL
24 OR PART OF ANY GRANT PAYMENTS MADE. THE ADJUTANT GENERAL SHALL
25 NOTIFY THE AGENCY IF AN ELIGIBLE MEMBER FAILS TO COMPLETE THE
26 SERVICE OBLIGATION, AND THE PROMISSORY NOTE UNDER SECTION
27 3204 (B) (RELATING TO GRANTS) SHALL BE [PAYMENT IN FULL] REPAID
28 BY THE ELIGIBLE MEMBER UPON DEMAND BY THE AGENCY ON A SCHEDULE
29 AS THE AGENCY MAY DETERMINE.

30 (B) FORGIVENESS OF RECOUPMENT.--THE ADJUTANT GENERAL [MAY

1 ADVISE] SHALL NOTIFY THE AGENCY [TO] AND THE AGENCY SHALL
2 FORGIVE RECOUPMENT OF ALL OR PART OF AN ELIGIBLE MEMBER'S GRANT
3 PAYMENTS IF THE ADJUTANT GENERAL DETERMINES THAT THE ELIGIBLE
4 MEMBER'S FAILURE TO FULFILL THE SIX-YEAR SERVICE OBLIGATION WAS
5 THE RESULT OF [THE ELIGIBLE MEMBER'S DEATH, DISCHARGE BECAUSE OF
6 DISABILITY INCURRED IN LINE OF DUTY, DISCHARGE BECAUSE OF A
7 MEDICAL DETERMINATION THAT THE ELIGIBLE MEMBER IS MEDICALLY
8 UNFIT FOR DUTY WHEN THE MEDICAL CONDITION IS OUTSIDE THE
9 ELIGIBLE MEMBER'S CONTROL AND IS NOT DUE TO HIS MISCONDUCT OR
10 DISCHARGE OR RELEASE BECAUSE OF OTHER COMPELLING CIRCUMSTANCES
11 OUTSIDE THE ELIGIBLE MEMBER'S CONTROL.] ONE OF THE FOLLOWING:

12 (1) DEATH.

13 (2) DISCHARGE BECAUSE OF DISABILITY INCURRED IN LINE OF
14 DUTY.

15 (3) DISCHARGE BECAUSE OF A MEDICAL DETERMINATION THAT
16 THE ELIGIBLE MEMBER IS MEDICALLY UNFIT FOR DUTY WHEN THE
17 MEDICAL CONDITION IS OUTSIDE THE ELIGIBLE MEMBER'S CONTROL
18 AND IS NOT DUE TO THE ELIGIBLE MEMBER'S MISCONDUCT.

19 (4) THE EXISTENCE OF OTHER COMPELLING CIRCUMSTANCES THAT
20 WARRANT FORGIVENESS.

21 § 3208. [REGULATIONS.]

22 THE ADJUTANT GENERAL AND THE AGENCY MAY PROMULGATE
23 REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS CHAPTER.]

24 (RESERVED).

25 § 3209. ADMINISTRATION.

26 (A) APPROPRIATION AND ADMINISTRATIVE COSTS.--THE GENERAL
27 ASSEMBLY SHALL APPROPRIATE FUNDS TO PAY FULL-TIME AND PART-TIME
28 [STUDENT] EDUCATIONAL ASSISTANCE GRANTS UNDER THIS [CHAPTER]
29 SUBCHAPTER. A PORTION OF THE FUNDS APPROPRIATED MAY BE USED TO
30 PAY THE COSTS OF THE ADMINISTRATION OF [THIS CHAPTER.] THIS

1 SUBCHAPTER AND SUBCHAPTER B (RELATING TO MEDICAL OFFICER OR
2 HEALTH OFFICER INCENTIVE PROGRAM).

3 (B) LIMITATION.--ADMINISTRATIVE COSTS FOR THE FISCAL YEAR
4 BEGINNING JULY 1, 2014, AND EACH FISCAL YEAR THEREAFTER, SHALL
5 NOT EXCEED 3.5% OF THE TOTAL AMOUNT OF FUNDS APPROPRIATED.

6 § 3210. EDUCATIONAL ASSISTANCE PROGRAM FUND.

7 [ALL MONEYS APPROPRIATED FOR THE PURPOSES OF THIS CHAPTER
8 AND ALL INVESTMENT INCOME EARNED ON THOSE MONEYS SHALL BE
9 DEPOSITED IN THE EDUCATIONAL ASSISTANCE PROGRAM FUND, WHICH IS
10 HEREBY ESTABLISHED AS A SPECIAL NONLAPSING FUND IN THE STATE
11 TREASURY. ALL MONEYS PLACED IN THE FUND AND THE INVESTMENT
12 INCOME IT ACCRUES ARE HEREBY APPROPRIATED ON A CONTINUING BASIS
13 TO THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS AND SHALL BE
14 USED SOLELY FOR THE PURPOSES OF THE PROGRAM.]

15 (A) ESTABLISHMENT.--THE EDUCATIONAL ASSISTANCE PROGRAM FUND
16 IS ESTABLISHED AS A SPECIAL NONLAPSING FUND IN THE STATE
17 TREASURY.

18 (B) APPROPRIATION.--ALL MONEY DEPOSITED INTO THE FUND AND
19 THE INTEREST THE FUND ACCRUES ARE APPROPRIATED TO THE DEPARTMENT
20 ON A CONTINUING BASIS TO BE USED FOR THE PURPOSES PROVIDED FOR
21 UNDER THIS SUBCHAPTER AND SUBCHAPTER B (RELATING TO MEDICAL
22 OFFICER OR HEALTH OFFICER INCENTIVE PROGRAM).

23 (C) ADMINISTRATIVE ACTION PROHIBITED.--NO ADMINISTRATIVE
24 ACTION SHALL PREVENT THE DEPOSIT OF MONEY INTO THE FUND IN THE
25 FISCAL YEAR IN WHICH THE MONEY IS RECEIVED.

26 (D) USE.--THE FUND MAY ONLY BE USED FOR THE PURPOSES
27 PROVIDED FOR UNDER THIS SUBCHAPTER AND NO MONEY IN THE FUND MAY
28 BE TRANSFERRED OR DIVERTED TO ANY OTHER PURPOSE BY
29 ADMINISTRATIVE ACTION.

30 SECTION 4. CHAPTER 32 OF TITLE 51 IS AMENDED BY ADDING A

1 SUBCHAPTER TO READ:

2 SUBCHAPTER A.1

3 MILITARY FAMILY EDUCATION PROGRAM

4 SEC.

5 3210.1. DEFINITIONS.

6 3210.2. ELIGIBILITY.

7 3210.3. CERTIFICATION OF ELIGIBILITY.

8 3210.4. MILITARY FAMILY EDUCATION PROGRAM GRANTS.

9 3210.5. AMOUNT OF MILITARY FAMILY EDUCATION PROGRAM GRANTS.

10 3210.6. LIMITATIONS.

11 3210.7. RECOUPMENT OF MILITARY FAMILY EDUCATION PROGRAM GRANT

12 PAYMENTS.

13 3210.8. (RESERVED).

14 3210.9. ADMINISTRATION.

15 3210.10. MILITARY FAMILY EDUCATION PROGRAM FUND.

16 § 3210.1. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
18 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "AGENCY." THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE
21 AGENCY.

22 "ANNUAL TUITION RATE." THE IN-STATE TUITION RATE, INCLUDING
23 A TECHNOLOGY TUITION FEE, ESTABLISHED OR APPROVED BY MAY 1 OF
24 EACH YEAR BY THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF
25 HIGHER EDUCATION.

26 "APPROVED INSTITUTION OF HIGHER LEARNING." AN EDUCATIONAL
27 INSTITUTION OFFERING A POSTSECONDARY PROGRAM OF EDUCATION
28 LOCATED IN THIS COMMONWEALTH AND APPROVED BY THE AGENCY.

29 "APPROVED PROGRAM OF EDUCATION." A DEGREE-GRANTING OR
30 CERTIFICATE-GRANTING CURRICULUM, COURSE OF STUDY OR TRAINING

1 REQUIRED FOR ENTRANCE INTO A SPECIFIC CAREER TO BE PURSUED ON A
2 FULL-TIME OR PART-TIME BASIS OR ITS EQUIVALENT AS DETERMINED BY
3 THE AGENCY, AT AN APPROVED INSTITUTION OF HIGHER LEARNING.

4 "BENEFIT." THE MILITARY FAMILY EDUCATION PROGRAM GRANT WHICH
5 SHALL BE GIVEN TO AN ELIGIBLE MEMBER'S ASSIGNED FAMILY MEMBER
6 WHO HAS COMPLIED WITH ALL OF THE REQUIREMENTS PROVIDED FOR UNDER
7 THIS SUBCHAPTER.

8 "CERTIFICATE OF ELIGIBILITY." A CERTIFICATE FROM THE
9 DEPARTMENT THAT CERTIFIES A FAMILY MEMBER'S ELIGIBILITY FOR A
10 MILITARY FAMILY EDUCATION PROGRAM GRANT.

11 "COSTS OF ATTENDANCE." ALLOWABLE EDUCATIONAL EXPENSES, AS
12 DETERMINED BY THE AGENCY, THAT ARE CONSISTENT WITH THE
13 ADMINISTRATION OF THE ACT OF JANUARY 25, 1966 (1965 P.L.1546,
14 NO.541), REFERRED TO AS THE HIGHER EDUCATION SCHOLARSHIP LAW.

15 "ELIGIBLE MEMBER." A MEMBER OF THE PENNSYLVANIA NATIONAL
16 GUARD WHO HAS COMPLETED AN INITIAL SERVICE OBLIGATION IN THE
17 PENNSYLVANIA NATIONAL GUARD AND IS ELIGIBLE TO REENLIST IN THE
18 PENNSYLVANIA NATIONAL GUARD FOR A PERIOD OF SIX YEARS OR, IF A
19 COMMISSIONED OFFICER, IS ELIGIBLE TO SERVE IN THE PENNSYLVANIA
20 NATIONAL GUARD FOR AN ADDITIONAL SIX YEARS.

21 "FAMILY MEMBER." A DEPENDENT OF AN ELIGIBLE MEMBER WHO IS
22 ENROLLED IN THE UNITED STATES DEPARTMENT OF DEFENSE'S DEFENSE
23 ENROLLMENT ELIGIBILITY REPORTING SYSTEM OR WOULD BE ELIGIBLE TO
24 ENROLL IN THE DEFENSE ENROLLMENT ELIGIBILITY REPORTING SYSTEM IF
25 THE ELIGIBLE MEMBER HAD NOT BEEN DISCHARGED FROM THE
26 PENNSYLVANIA NATIONAL GUARD.

27 "FULL-TIME STUDENT." A FAMILY MEMBER ENROLLED IN AN APPROVED
28 INSTITUTION OF HIGHER LEARNING PURSUING AN APPROVED PROGRAM OF
29 EDUCATION EQUAL TO OR GREATER THAN 12 CREDIT HOURS PER SEMESTER
30 OR ITS EQUIVALENT THAT IS RECOGNIZED BY THE AGENCY AS A FULL-

1 TIME COURSE OF STUDY.

2 "FUND." THE MILITARY FAMILY EDUCATION PROGRAM FUND
3 ESTABLISHED UNDER SECTION 3210.10 (RELATING TO MILITARY FAMILY
4 EDUCATION PROGRAM FUND).

5 "PART-TIME STUDENT." A FAMILY MEMBER ENROLLED IN AN APPROVED
6 INSTITUTION OF HIGHER EDUCATION PURSUING AN APPROVED PROGRAM OF
7 EDUCATION OF LESS THAN 12 CREDIT HOURS PER SEMESTER OR ITS
8 EQUIVALENT THAT IS RECOGNIZED BY THE AGENCY AS A PART-TIME
9 COURSE OF STUDY.

10 "PROMISSORY NOTE." A WRITTEN CONTRACT SIGNED BY A MEMBER OF
11 THE PENNSYLVANIA NATIONAL GUARD IN WHICH THE MEMBER PROMISES TO
12 REPAY THE AWARDED MILITARY FAMILY EDUCATION PROGRAM GRANT
13 AMOUNT.

14 "TECHNOLOGY TUITION FEE." A SEPARATE TUITION FEE ESTABLISHED
15 BY THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER
16 EDUCATION FOR RENDERING TECHNOLOGY RESOURCES AND SERVICES TO
17 ENHANCE STUDENT LEARNING EXPERIENCES.

18 § 3210.2. ELIGIBILITY.

19 (A) GENERAL RULE.--A FAMILY MEMBER IS ELIGIBLE TO RECEIVE A
20 MILITARY FAMILY EDUCATION PROGRAM GRANT UNDER THIS SUBCHAPTER IF
21 ALL OF THE FOLLOWING ELIGIBILITY CRITERIA ARE MET:

22 (1) THE ELIGIBLE MEMBER FROM THE PENNSYLVANIA NATIONAL
23 GUARD HAS BEEN A SATISFACTORY PARTICIPANT IN THE PENNSYLVANIA
24 NATIONAL GUARD ACTIVITIES FOR A MINIMUM SERVICE PERIOD
25 ESTABLISHED BY THE ADJUTANT GENERAL OR A FORMER ELIGIBLE
26 MEMBER HAS RECEIVED AN OTHER THAN DISHONORABLE DISCHARGE.

27 (2) THE ELIGIBLE MEMBER ACCEPTED AN OBLIGATION TO SERVE
28 IN THE PENNSYLVANIA NATIONAL GUARD FOR A PERIOD OF SIX YEARS
29 AND HAS NOT ACCEPTED AN OBLIGATION UNDER SUBCH. A (RELATING
30 TO EDUCATIONAL ASSISTANCE PROGRAM) FOR THE SAME SIX-YEAR

1 PERIOD.

2 (3) THE ELIGIBLE MEMBER HAS ASSIGNED THE BENEFIT TO THE
3 FAMILY MEMBER.

4 (4) THE FAMILY MEMBER HAS ENROLLED AS A STUDENT IN AN
5 APPROVED PROGRAM OF EDUCATION AT AN APPROVED INSTITUTION OF
6 HIGHER LEARNING.

7 (5) IF THE FAMILY MEMBER IS A SPOUSE OF AN ELIGIBLE
8 MEMBER OR FORMER ELIGIBLE MEMBER, THEN THE SPOUSE SHALL
9 ENROLL IN AN APPROVED PROGRAM OF EDUCATION NOT MORE THAN SIX
10 YEARS AFTER THE ELIGIBLE MEMBER OR FORMER ELIGIBLE MEMBER'S
11 DATE OF SEPARATION, MEDICAL DISCHARGE OR DEATH AND THE
12 OBLIGATION STATED UNDER PARAGRAPH (2) HAS BEEN FULFILLED. THE
13 ADJUTANT GENERAL MAY FOR GOOD CAUSE EXTEND THE SIX-YEAR
14 DEADLINE IN CASES OF EXTENUATING CIRCUMSTANCES.

15 (6) WHEN AN ELIGIBLE MEMBER IS ORDERED TO SERVE ON
16 ACTIVE DUTY FOR MORE THAN 30 CONSECUTIVE DAYS, INCLUDING
17 ACTIVE DUTY FOR TRAINING, A FAMILY MEMBER WHO IS THE SPOUSE
18 MAY WITHDRAW FROM A PROGRAM OF EDUCATION AND SHALL BE GRANTED
19 AN EDUCATIONAL LEAVE OF ABSENCE AS PROVIDED FOR UNDER SECTION
20 7313 (RELATING TO EDUCATIONAL LEAVE OF ABSENCE).

21 (B) DISCHARGE FOR DISABILITY INCURRED IN THE LINE OF DUTY.--
22 A FAMILY MEMBER OF AN ELIGIBLE MEMBER WHO IS DISCHARGED FOR
23 MEDICAL DISABILITY SHALL REMAIN ELIGIBLE TO RECEIVE A MILITARY
24 FAMILY EDUCATION PROGRAM GRANT UNDER THIS SUBCHAPTER IF THE
25 FORMER ELIGIBLE MEMBER'S MEDICAL DISABILITY MEETS THE FOLLOWING
26 CRITERIA:

27 (1) THE MEDICAL DISABILITY WAS INCURRED IN THE LINE OF
28 DUTY AND WAS NOT THE RESULT OF MISCONDUCT.

29 (2) THE MEDICAL CONDITION GIVING RISE TO THE DISCHARGE
30 DID NOT EXIST PRIOR TO THE ELIGIBLE MEMBER ENTERING SERVICE

1 IN THE PENNSYLVANIA NATIONAL GUARD.

2 (3) THE MEDICAL DISABILITY WAS INCURRED WHILE PERFORMING
3 AUTHORIZED MILITARY DUTY OTHER THAN BASIC TRAINING, ADVANCED
4 INDIVIDUAL TRAINING OR OTHER EQUIVALENT INITIAL TRAINING.

5 (4) THE FORMER ELIGIBLE MEMBER RECEIVED AN OTHER THAN
6 DISHONORABLE DISCHARGE FOR MEDICAL REASONS.

7 (5) THE FORMER ELIGIBLE MEMBER HAD ACCEPTED AN
8 OBLIGATION TO SERVE IN THE PENNSYLVANIA NATIONAL GUARD AND
9 WAS QUALIFIED TO FULFILL THE SERVICE OBLIGATION BUT FOR THE
10 MEDICAL DISABILITY THAT RESULTED IN DISCHARGE.

11 (C) DEATH OF AN ELIGIBLE MEMBER.--A FAMILY MEMBER OF AN
12 ELIGIBLE MEMBER WHO DIED WHILE SERVING THE OBLIGATION REQUIRED
13 IN SUBSECTION (A) (2) SHALL REMAIN ELIGIBLE TO RECEIVE A MILITARY
14 FAMILY EDUCATION PROGRAM GRANT UNDER THIS SUBCHAPTER IF THE
15 DECEASED ELIGIBLE MEMBER MET THE FOLLOWING ELIGIBILITY CRITERIA
16 AT THE TIME OF DEATH:

17 (1) THE DECEASED ELIGIBLE MEMBER WAS ELIGIBLE FOR AN
18 OTHER THAN DISHONORABLE DISCHARGE.

19 (2) THE DECEASED ELIGIBLE MEMBER HAD ACCEPTED AN
20 OBLIGATION TO SERVE IN THE PENNSYLVANIA NATIONAL GUARD AND
21 WAS QUALIFIED TO FULFILL THE SERVICE OBLIGATION BUT FOR THE
22 ELIGIBLE MEMBER'S DEATH.

23 (3) UPON AN ELIGIBLE MEMBER'S DEATH, IF THE ELIGIBLE
24 MEMBER HAS NOT ASSIGNED THE FAMILY MEMBER OR FAMILY MEMBERS
25 TO RECEIVE THE MILITARY FAMILY EDUCATION PROGRAM GRANT AS
26 PROVIDED FOR UNDER THIS SUBCHAPTER, THE SURVIVING SPOUSE OR
27 THE ADMINISTRATOR OR EXECUTOR OF THE ESTATE SHALL DESIGNATE
28 THE FAMILY MEMBER OR FAMILY MEMBERS TO RECEIVE THE MILITARY
29 FAMILY EDUCATION PROGRAM GRANT.

30 § 3210.3. CERTIFICATION OF ELIGIBILITY.

1 THE DEPARTMENT SHALL PROVIDE THE AGENCY WITH A CERTIFICATE OF
2 ELIGIBILITY FOR EACH ELIGIBLE FAMILY MEMBER THAT APPLIES FOR A
3 MILITARY FAMILY EDUCATION GRANT.

4 § 3210.4. MILITARY FAMILY EDUCATION PROGRAM GRANTS.

5 (A) GENERAL RULE.--FROM THE FUNDS APPROPRIATED FOR THE
6 PURPOSES OF THIS SUBCHAPTER, MILITARY FAMILY EDUCATION PROGRAM
7 GRANTS SHALL BE PROVIDED TO ELIGIBLE FAMILY MEMBERS FOR THE
8 PURPOSE OF PURSUING AN APPROVED PROGRAM OF EDUCATION. A MILITARY
9 FAMILY EDUCATION PROGRAM GRANT SHALL BE TREATED AS A BENEFIT
10 EARNED BY AN ELIGIBLE MEMBER FOR HONORABLE SERVICE TO THE
11 COUNTRY AND THIS COMMONWEALTH.

12 (B) PROMISSORY NOTE.--PRIOR TO ENTRY INTO THE MILITARY
13 FAMILY EDUCATION PROGRAM THE ELIGIBLE MEMBER SHALL SIGN A
14 PROMISSORY NOTE OBLIGATING THE ELIGIBLE MEMBER TO REPAY THE FULL
15 AMOUNT OF THE FAMILY MEMBER'S MILITARY FAMILY EDUCATION PROGRAM
16 GRANT IF THE ELIGIBLE MEMBER FAILS TO SATISFACTORILY FULFILL THE
17 ELIGIBLE MEMBER'S OBLIGATION. THE PROMISSORY NOTE SHALL BECOME
18 PAYABLE UPON NONCOMPLETION OF THE SERVICE OBLIGATION UNDER
19 SECTION 3210.7(A) (RELATING TO RECOUPMENT OF MILITARY FAMILY
20 EDUCATION PROGRAM GRANT PAYMENTS).

21 § 3210.5. AMOUNT OF MILITARY FAMILY EDUCATION PROGRAM GRANTS.

22 (A) FULL-TIME MILITARY FAMILY EDUCATION PROGRAM GRANT.--
23 MILITARY FAMILY EDUCATION PROGRAM GRANTS AWARDED UNDER THIS
24 SUBCHAPTER TO FULL-TIME STUDENTS SHALL BE DETERMINED BY THE
25 AGENCY WITHOUT REGARD TO FINANCIAL NEED AND SHALL NOT EXCEED FOR
26 EACH ACADEMIC YEAR THE LESSER OF:

27 (1) THE TUITION RATE OF THE APPROVED INSTITUTION OF
28 HIGHER LEARNING FOR THE NUMBER OF CREDIT HOURS PER SEMESTER
29 OR ITS EQUIVALENT FOR THE APPROVED PROGRAM OF EDUCATION IN
30 WHICH THE FAMILY MEMBER IS ENROLLED; OR

1 (2) THE ANNUAL TUITION RATE CHARGED BY A STATE SYSTEM OF
2 HIGHER EDUCATION INSTITUTION FOR THE ACADEMIC YEAR.

3 (B) PART-TIME MILITARY FAMILY EDUCATION PROGRAM GRANTS.--
4 MILITARY FAMILY EDUCATION PROGRAM GRANTS AWARDED UNDER THIS
5 SUBCHAPTER TO PART-TIME STUDENTS WHO MAY OR MAY NOT POSSESS A
6 BACCALAUREATE DEGREE SHALL BE DETERMINED BY THE AGENCY WITHOUT
7 REGARD TO FINANCIAL NEED AND SHALL NOT EXCEED FOR EACH ACADEMIC
8 YEAR OR PERIOD THE LESSER OF:

9 (1) THE TUITION CHARGED BY THE APPROVED INSTITUTION OF
10 HIGHER LEARNING FOR THE NUMBER OF CREDIT HOURS PER SEMESTER
11 OR ITS EQUIVALENT IN WHICH THE FAMILY MEMBER IS ENROLLED; OR

12 (2) THE ANNUAL TUITION RATE CHARGED BY A STATE SYSTEM OF
13 HIGHER EDUCATION INSTITUTION FOR THE NUMBER OF CREDIT HOURS
14 PER SEMESTER OR ITS EQUIVALENT IN WHICH THE FAMILY MEMBER IS
15 ENROLLED FOR THE SAME ACADEMIC YEAR OR PERIOD.

16 (C) OTHER GRANTS AND FINANCIAL AID.--

17 (1) THE AGENCY SHALL NOT REDUCE THE AMOUNT OF OTHER
18 AGENCY GRANTS OR AID FOR WHICH THE FAMILY MEMBER QUALIFIES ON
19 ACCOUNT OF THE FAMILY MEMBER'S ELIGIBILITY FOR OR RECEIPT OF
20 A MILITARY FAMILY EDUCATION PROGRAM GRANT UNDER THIS
21 SUBCHAPTER.

22 (2) PRIOR TO MAKING A MILITARY FAMILY EDUCATION PROGRAM
23 GRANT UNDER THIS SUBCHAPTER, THE APPROVED INSTITUTION OF
24 HIGHER LEARNING SHALL FIRST CONSIDER ANY FEDERAL TUITION
25 ASSISTANCE RECEIVED BY THE FAMILY MEMBER AND THEN SHALL AWARD
26 A MILITARY FAMILY EDUCATION PROGRAM GRANT UNDER THIS
27 SUBCHAPTER IF THE FAMILY MEMBER REQUIRES ADDITIONAL FINANCIAL
28 AID TO COVER THE COSTS OF ATTENDANCE FOR AN APPROVED PROGRAM
29 OF HIGHER EDUCATION. A MILITARY FAMILY EDUCATION PROGRAM
30 GRANT UNDER THIS SUBCHAPTER SHALL BE PAID OR REFUNDED TO THE

1 FAMILY MEMBER FOR APPROVED COSTS OF ATTENDANCE. MILITARY
2 FAMILY EDUCATION PROGRAM GRANTS AUTHORIZED UNDER THIS SECTION
3 SHALL BE REDUCED SO THAT THE TOTAL OF ALL FEDERAL AND STATE
4 MILITARY EDUCATION BENEFITS, AS ADMINISTERED BY THE
5 PENNSYLVANIA NATIONAL GUARD, DOES NOT EXCEED 100% OF THE
6 COSTS OF ATTENDANCE.

7 (D) ADJUSTMENTS.--IF THE AGENCY AND THE ADJUTANT GENERAL
8 DETERMINE THAT THE AMOUNT APPROPRIATED FOR THE MILITARY FAMILY
9 EDUCATION PROGRAM IN ANY YEAR WILL BE INSUFFICIENT TO PROVIDE
10 MILITARY FAMILY EDUCATION PROGRAM GRANTS IN THE AMOUNTS SET
11 FORTH IN THIS SECTION TO ALL FAMILY MEMBERS, THE AGENCY AND THE
12 DEPARTMENT MAY REDUCE THE MAXIMUM AMOUNT OF THE MILITARY FAMILY
13 EDUCATION PROGRAM GRANTS PROPORTIONATELY OR SET A LIMIT ON THE
14 NUMBER OF PARTICIPANTS TO ENSURE THAT SUMS EXPENDED DO NOT
15 EXCEED APPROPRIATIONS.

16 (E) LIMIT ON CHARGES.--FAMILY MEMBERS ATTENDING A STATE
17 SYSTEM OF HIGHER EDUCATION INSTITUTION SHALL NOT BE CHARGED
18 ADDITIONAL TUITION ABOVE THE ANNUAL TUITION RATE.

19 (F) LIMIT ON TUITION.--AT NO TIME MAY A STATE SYSTEM OF
20 HIGHER EDUCATION INSTITUTION CHARGE A FAMILY MEMBER MORE THAN
21 THE IN-STATE RATE.

22 § 3210.6. LIMITATIONS.

23 (A) GENERAL RULE.--NO ELIGIBLE MEMBER SHALL BE PERMITTED TO
24 ASSIGN MORE THAN FIVE ACADEMIC YEARS OR THEIR EQUIVALENT, AS
25 DETERMINED BY THE AGENCY.

26 (B) ASSIGNMENT OF BENEFIT.--AN ELIGIBLE MEMBER MAY ASSIGN A
27 PORTION OF THE ENTIRE BENEFIT OR THE ENTIRE BENEFIT BY THE
28 NUMBER OF CREDIT HOURS PER SEMESTER OR ITS EQUIVALENT, AS
29 DETERMINED BY THE AGENCY, TO ONE OR MORE FAMILY MEMBERS, AS THE
30 CASE MAY BE.

1 § 3210.7. RECOUPMENT OF MILITARY FAMILY EDUCATION PROGRAM GRANT
2 PAYMENTS.

3 (A) GENERAL RULE.--AN ELIGIBLE MEMBER WHO FAILS TO MEET THE
4 SIX-YEAR SERVICE OBLIGATION OF THIS SUBCHAPTER OR TO MEET OTHER
5 REQUIREMENTS ESTABLISHED BY THE ADJUTANT GENERAL OR THE AGENCY
6 IS LIABLE TO THE COMMONWEALTH FOR REPAYMENT OF ALL OR PART OF
7 MILITARY FAMILY EDUCATION PROGRAM GRANT PAYMENTS MADE. THE
8 ADJUTANT GENERAL SHALL NOTIFY THE AGENCY IF AN ELIGIBLE MEMBER
9 FAILS TO COMPLETE THE SERVICE OBLIGATION AND THE PROMISSORY NOTE
10 UNDER SECTION 3210.4(B) (RELATING TO MILITARY FAMILY EDUCATION
11 PROGRAM GRANTS) SHALL BE REPAID BY THE ELIGIBLE MEMBER UPON
12 DEMAND OF THE AGENCY ON A SCHEDULE AS THE AGENCY MAY DETERMINE.

13 (B) FORGIVENESS OF RECOUPMENT.--UPON NOTIFICATION BY THE
14 ADJUTANT GENERAL, THE AGENCY SHALL FORGIVE RECOUPMENT OF ALL OR
15 PART OF A FAMILY MEMBER'S MILITARY FAMILY EDUCATION PROGRAM
16 GRANT PAYMENTS IF THE ADJUTANT GENERAL DETERMINES THAT THE
17 ELIGIBLE MEMBER'S FAILURE TO FULFILL THE SIX-YEAR SERVICE
18 OBLIGATION IS THE RESULT OF ONE OF THE FOLLOWING:

19 (1) THE ELIGIBLE MEMBER'S DEATH. IF ALL PROVISIONS IN
20 SECTION 3210.2(C) (RELATING TO ELIGIBILITY) ARE NOT MET, THE
21 MILITARY FAMILY EDUCATION PROGRAM GRANT SHALL BE REPAID BY
22 THE FAMILY MEMBER OR FAMILY MEMBERS WHO USED THE BENEFIT UPON
23 DEMAND OF THE AGENCY ON A SCHEDULE AS THE AGENCY MAY
24 DETERMINE.

25 (2) THE ELIGIBLE MEMBER'S DISCHARGE BECAUSE OF
26 DISABILITY INCURRED IN THE LINE OF DUTY.

27 (3) THE ELIGIBLE MEMBER'S DISCHARGE BECAUSE OF A MEDICAL
28 DETERMINATION THAT THE ELIGIBLE MEMBER IS MEDICALLY UNFIT FOR
29 DUTY WHEN THE MEDICAL CONDITION IS OUTSIDE THE ELIGIBLE
30 MEMBER'S CONTROL AND IS NOT DUE TO THE ELIGIBLE MEMBER'S

1 MISCONDUCT.

2 (4) THE EXISTENCE OF OTHER COMPELLING CIRCUMSTANCES THAT
3 WARRANT FORGIVENESS.

4 § 3210.8. (RESERVED).

5 § 3210.9. ADMINISTRATION.

6 (A) APPROPRIATION AND ADMINISTRATIVE COSTS.--THE GENERAL
7 ASSEMBLY SHALL APPROPRIATE FUNDS TO PAY FULL-TIME AND PART-TIME
8 MILITARY FAMILY EDUCATION PROGRAM GRANTS UNDER THIS SUBCHAPTER.
9 A PORTION OF THE FUNDS APPROPRIATED MAY BE USED TO PAY THE COSTS
10 OF THE ADMINISTRATION OF THIS SUBCHAPTER.

11 (B) LIMITATION.--ADMINISTRATIVE COSTS FOR THE FISCAL YEAR IN
12 WHICH THE MILITARY FAMILY EDUCATION PROGRAM IS ENACTED, AND EACH
13 FISCAL YEAR THEREAFTER, SHALL NOT EXCEED 3.5% OF THE TOTAL
14 AMOUNT OF FUNDS APPROPRIATED.

15 (C) INITIAL USE OF FUNDS.--INITIAL FUNDING FOR THE FIRST 12-
16 MONTH PERIOD FROM THE EFFECTIVE DATE OF THIS SUBCHAPTER MAY BE
17 USED FOR ADMINISTRATION AND DEVELOPMENT OF TECHNOLOGICAL SUPPORT
18 APPLICATIONS.

19 § 3210.10. MILITARY FAMILY EDUCATION PROGRAM FUND.

20 (A) ESTABLISHMENT.--THE MILITARY FAMILY EDUCATION PROGRAM
21 FUND IS ESTABLISHED AS A SPECIAL NONLAPSING FUND IN THE STATE
22 TREASURY.

23 (B) APPROPRIATION.--ALL MONEY DEPOSITED INTO THE FUND AND
24 THE INTEREST THE FUND ACCRUES ARE APPROPRIATED TO THE DEPARTMENT
25 ON A CONTINUING BASIS TO BE USED FOR THE PURPOSES PROVIDED FOR
26 UNDER THIS SUBCHAPTER.

27 (C) ADMINISTRATIVE ACTION PROHIBITED.--NO ADMINISTRATIVE
28 ACTION SHALL PREVENT THE DEPOSIT OF MONEY INTO THE FUND IN THE
29 FISCAL YEAR IN WHICH THE MONEY IS RECEIVED.

30 (D) USE.--THE FUND MAY ONLY BE USED FOR THE PURPOSES

1 PROVIDED FOR UNDER THIS SUBCHAPTER AND NO MONEY IN THE FUND MAY
2 BE TRANSFERRED OR DIVERTED TO ANY OTHER PURPOSE BY
3 ADMINISTRATIVE ACTION.

4 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

5 (1) THE ADDITION OF 51 PA.C.S. § 3210.2(A)(1) AND (2)
6 SHALL TAKE EFFECT JULY 1, 2019.

7 (2) THE ADDITION OF 51 PA.C.S. § 3210.2(A)(3), (4) AND
8 (5) SHALL TAKE EFFECT AUGUST 1, 2020.

9 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
10 IMMEDIATELY.