

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 589 Session of 2019

INTRODUCED BY REGAN, L. WILLIAMS, AUMENT, BAKER, BREWSTER, BROOKS, COLLETT, COSTA, FARNESE, FOLMER, FONTANA, GORDNER, HUGHES, HUTCHINSON, MENSCH, MUTH, PHILLIPS-HILL, SANTARSIERO, STEFANO, STREET, TARTAGLIONE, VOGEL, J. WARD, K. WARD, YUDICHAK, MARTIN, KILLION, DINNIMAN AND BLAKE, APRIL 26, 2019

AS AMENDED ON SECOND CONSIDERATION, MAY 7, 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) and 3204 of
13 Title 51 of the Pennsylvania Consolidated Statutes are amended
14 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
18 context clearly indicates otherwise:

19 "Agency." The Pennsylvania Higher Education Assistance

1 Agency.

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

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

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

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

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

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

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

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

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

12 "Fund." The Educational Assistance Program Fund.

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

19 "Program." The Educational Assistance Program [established
20 in this subchapter].

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

26 "Promissory note." A written contract signed by a member of
27 the Pennsylvania National Guard in which the member promises to
28 repay the awarded grant 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 § 3202. Eligibility.

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

9 [(1) The member is a qualified resident of this
10 Commonwealth.]

11 * * *

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

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

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

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

27 (4) The member is not receiving a Reserve Officer
28 Training Corps (ROTC) Scholarship, excluding a Guaranteed
29 Reserve Forces Duty Scholarship.

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

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

6 * * *

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

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

15 * * *

16 § 3204. Grants.

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

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

30 Section 2. Sections 3205(a), (b), (b.1) and (c) and 3206(a)

1 and (b) (2) and (3) of Title 51 are amended and the sections are
2 amended by adding subsections to read:

3 § 3205. Amount of grants.

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

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

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

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

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

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

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

1 (1) the tuition charged by the approved institution of
2 higher learning for the number of credit hours per semester
3 or its equivalent in which the eligible member is enrolled;
4 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 eligible member
8 is enrolled for the same academic year or period.

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

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

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

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

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

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

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

8 * * *

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

12 § 3206. Limitations.

13 (a) Time.--

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

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

29 (3) When an eligible member withdraws from a program of
30 education as provided for under paragraph (2), the eligible

1 member shall be granted an educational leave of absence as
2 provided for under section 7313 (relating to educational
3 leave of absence).

4 (b) Active duty.--

5 * * *

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

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

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

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

27 (c) Limit on tuition.--At no time may a State System of
28 Higher Education institution charge an eligible member more than
29 the in-State rate.

30 Section 3. Sections 3207, 3208, 3209 and 3210 of Title 51

1 are amended to read:

2 § 3207. Recoupment of grant payments.

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

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

26 (1) Death.

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

29 (3) Discharge because of a medical determination that
30 the eligible member is medically unfit for duty when the

1 medical condition is outside the eligible member's control
2 and is not due to the eligible member's misconduct or
3 discharge.

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

6 § 3208. [Regulations.

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

9 (Reserved).

10 § 3209. Administration.

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

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

21 § 3210. Educational Assistance Program Fund.

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

30 (a) Establishment.--The Educational Assistance Program Fund

1 is established as a special nonlapsing fund in the State
2 Treasury.

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

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

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

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

17 SUBCHAPTER A.1

18 MILITARY FAMILY EDUCATION PROGRAM

19 Sec.

20 3210.1. Definitions.

21 3210.2. Eligibility.

22 3210.3. Certification of eligibility.

23 3210.4. Military Family Education Program grants.

24 3210.5. Amount of Military Family Education Program grants.

25 3210.6. Limitations.

26 3210.7. Recoupment of Military Family Education Program grant
27 payments.

28 3210.8. Regulations.

29 3210.9. Administration.

30 3210.10. Military Family Education Program Fund.

1 § 3210.1. Definitions.

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

5 "Agency." The Pennsylvania Higher Education Assistance
6 Agency.

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

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

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

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

23 "Certificate of eligibility." A certificate from the
24 department that certifies a family member's eligibility for a
25 Military Family Education Program 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 "Eligible member." A member of the Pennsylvania National

1 Guard who meets the criteria specified in section 3210.2
2 (relating to eligibility) and who has been awarded a certificate
3 of eligibility under section 3210.3 (relating to certification
4 of eligibility).

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

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

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

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

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

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

27 "Technology tuition fee." A separate tuition fee established
28 by the Board of Governors of the State System of Higher
29 Education for rendering technology resources and services to
30 enhance student learning experiences.

1 § 3210.2. Eligibility.

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

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

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

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

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

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

27 (6) When an eligible member is ordered to serve on
28 active duty for more than 30 consecutive days, including
29 active duty for training, a family member who is the spouse
30 may withdraw from a program of education and shall be granted

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

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

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

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

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

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

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

19 (5) The former 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 medical disability that resulted in discharge.

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

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

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

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

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

13 § 3210.3. Certification of eligibility.

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

20 § 3210.4. Military Family Education Program grants.

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

28 (b) Promissory note.--Prior to entry into the Military
29 Family Education Program the eligible member shall sign a
30 promissory note obligating the eligible member to repay the full

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

7 § 3210.5. Amount of Military Family Education Program grants.

8 (a) Full-time Military Family Education Program grant.--
9 Military Family Education Program grants awarded under this
10 subchapter to full-time students shall be determined by the
11 agency without regard to financial need and shall not exceed for
12 each academic year the 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 family member is enrolled; or

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

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

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

28 (2) the annual tuition rate charged by a State System of
29 Higher Education institution for the number of credit hours
30 per semester or its equivalent in which the family member is

1 enrolled for the same academic year or period.

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

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

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

23 (d) Adjustments.--If the agency and the Adjutant General
24 determine that the amount appropriated for the Military Family
25 Education Program in any year will be insufficient to provide
26 Military Family Education Program grants in the amounts set
27 forth in this section to all family members, the agency and the
28 department may reduce the maximum amount of the Military Family
29 Education Program grants proportionately or set a limit on the
30 number of participants to ensure that sums expended do not

1 exceed appropriations.

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

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

8 § 3210.6. Limitations.

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

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

17 § 3210.7. Recoupment of Military Family Education Program grant
18 payments.

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

29 (b) Forgiveness of recoupment.--Upon notification by the
30 Adjutant General, the agency shall forgive recoupment of all or

1 part of a family member's Military Family Education Program
2 grant payments if the Adjutant General determines that the
3 eligible member's failure to fulfill the six-year service
4 obligation is the result of one of the following:

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

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

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

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

20 § 3210.8. Regulations.

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

23 § 3210.9. Administration.

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

29 (b) Limitation.--Administrative costs for the fiscal year in
30 which the Military Family Education Program is enacted, and each

1 fiscal year thereafter, shall not exceed 3.5% of the total
2 amount of funds appropriated.

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

7 § 3210.10. Military Family Education Program Fund.

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

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

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 5. This act shall take effect as follows:

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

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

27 (3) The remainder of this act shall take effect
28 immediately.