

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 148 Session of 2021

INTRODUCED BY J. WARD, PHILLIPS-HILL, K. WARD, BLAKE, COLLETT, PITTMAN AND REGAN, FEBRUARY 1, 2021

REFERRED TO EDUCATION, FEBRUARY 1, 2021

AN ACT

1 Amending the act of December 16, 1998 (P.L.980, No.129),  
 2 entitled "An act providing for a waiver of tuition and other  
 3 fees for children of certain deceased police officers,  
 4 National Guard members, firefighters and correction employees  
 5 at community colleges and State-owned and State-related  
 6 institutions of higher education and for additional powers  
 7 and duties of the Pennsylvania Higher Education Assistance  
 8 Agency and the Department of General Services," extending  
 9 benefits to certain surviving spouses; and further providing  
 10 for title of act, for short title, for definitions, for  
 11 Postsecondary Educational Gratuity Program, for report to  
 12 General Assembly and for retroactivity.

13 The General Assembly of the Commonwealth of Pennsylvania  
 14 hereby enacts as follows:

15 Section 1. The General Assembly finds and declares that it  
 16 is the intent of this act to recognize the ultimate sacrifice  
 17 made by police officers, firefighters, correction employees,  
 18 sheriffs and deputy sheriffs and National Guard members killed  
 19 in the performance of their duties by providing a postsecondary  
 20 educational gratuity for their children or surviving spouses at  
 21 community colleges and State-owned or State-related institutions  
 22 in this Commonwealth.

23 Section 2. The title and section 1 of the act of December

1 16, 1998 (P.L.980, No.129), known as the Police Officer,  
2 Firefighter, Correction Employee and National Guard Member Child  
3 Beneficiary Education Act, are amended to read:

4 AN ACT

5 Providing for a waiver of tuition and other fees for children or  
6 surviving spouses of certain deceased police officers,  
7 National Guard members, firefighters [and], emergency medical  
8 services personnel, correction employees, State parole  
9 agents, county probation and parole officers, sheriffs and  
10 deputy sheriffs at community colleges and State-owned and  
11 State-related institutions of higher education and for  
12 additional powers and duties of the Pennsylvania Higher  
13 Education Assistance Agency and the Department of General  
14 Services.

15 Section 1. Short title.

16 This act shall be known and may be cited as the Police  
17 Officer, Firefighter, Correction Employee [and], National Guard  
18 Member [Child] and Special Public Servant Beneficiary Education  
19 Act.

20 Section 3. Section 2 of the act is amended by adding  
21 definitions to read:

22 Section 2. Definitions.

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

26 \* \* \*

27 "County officer." A county probation or parole officer of  
28 this Commonwealth.

29 \* \* \*

30 "Emergency medical services personnel." The term includes,

1 but is not limited to, emergency medical services providers as  
2 defined in 35 Pa.C.S. § 8103 (relating to definitions).

3 \* \* \*

4 "State parole agent." A parole officer appointed by the  
5 Pennsylvania Board of Probation and Parole.

6 \* \* \*

7 "Surviving spouse." A resident of this Commonwealth who is  
8 the spouse of a deceased police officer, firefighter, emergency  
9 medical services personnel, correction employee, State parole  
10 agent, county probation and parole officer, sheriff, deputy  
11 sheriff or National Guard member, at the time of death, killed  
12 in the performance of his or her duties.

13 \* \* \*

14 Section 4. Sections 3, 4 and 8 of the act are amended to  
15 read:

16 Section 3. Postsecondary Educational Gratuity Program.

17 (a) Establishment.--There is hereby established the  
18 Postsecondary Educational Gratuity Program for children or  
19 surviving spouses of police officers, firefighters, emergency  
20 medical services personnel, correction employees, State parole  
21 agents, county probation and parole officers, sheriffs, deputy  
22 sheriffs and National Guard members and certain other  
23 individuals who are on Federal or State active military duty who  
24 are residents of this Commonwealth who are killed while acting  
25 in the performance of their duties.

26 (b) Eligibility.--

27 (1) Police officers shall be deemed to have been killed  
28 in the performance of their duties if death results from job-  
29 related injuries sustained or inflicted while performing any  
30 of the following:

- 1 (i) Answering an emergency call.
- 2 (ii) Conducting interrogations of crime suspects or
- 3 interrogations pursuant to a response to an emergency
- 4 call.
- 5 (iii) Conducting vehicle stops for traffic
- 6 violations.
- 7 (iv) Actively responding to requests for assistance
- 8 from the public.
- 9 (v) Maintaining order and security at the scene of
- 10 an emergency.

11 (2) Firefighters shall be deemed to have been killed in  
12 the performance of their duties if death results from job-  
13 related injuries sustained or inflicted while performing any  
14 of the following:

15 (i) Being present at the scene of a fire or going to  
16 and from a fire. In the case of volunteer firefighters,  
17 going to and from a fire shall include traveling from and  
18 directly returning to the firefighter's home, place of  
19 business or other location where the firefighter was when  
20 the fire call or alarm was received for a fire which the  
21 firefighter's volunteer fire company attended.

22 (ii) Answering an emergency call.

23 (iii) Maintaining order and security at the scene of  
24 an emergency.

25 (3) A member of the National Guard shall be deemed to  
26 have been killed in the performance of his or her duties if  
27 his or her death results from performance of a duty required  
28 by his or her orders or commander while in an official duty  
29 status authorized under Federal or State law.

30 (4) Correction employees shall be deemed to have been

1 killed in the performance of their duties if death results  
2 from job-related injuries sustained or inflicted while  
3 maintaining order and security or otherwise carrying out  
4 their duties at a correctional facility.

5 (4.1) Sheriffs and deputy sheriffs shall be deemed to  
6 have been killed in the performance of their duties if death  
7 results from job-related injuries sustained or inflicted  
8 while maintaining order and security or otherwise carrying  
9 out their duties as a sheriff or deputy sheriff.

10 (4.2) An individual who is on Federal or State active  
11 military duty who is a resident of this Commonwealth shall be  
12 deemed to have been killed in the performance of duty if  
13 death results from performance of a duty required by his or  
14 her orders or commander while in an official duty status.

15 (4.3) Emergency medical services personnel shall be  
16 deemed to have been killed in the performance of their duties  
17 if death results from job-related injuries sustained or  
18 inflicted while answering an emergency call.

19 (4.4) State parole agents and county probation and  
20 parole officers shall be deemed to have been killed in the  
21 performance of their duties if death results from job-related  
22 injuries sustained or inflicted while carrying out their  
23 duties.

24 (5) Notwithstanding the provisions of this section,  
25 deaths which occur as the direct and proximate result of  
26 preexisting physical conditions, diseases or illnesses shall  
27 be excluded from eligibility under this section.

28 (6) Any child or surviving spouse of a police officer,  
29 firefighter, emergency medical services personnel, correction  
30 employee, State parole agent, county probation and parole

1 officer, sheriff, deputy sheriff or National Guard member  
2 killed in the performance of his or her duties shall be  
3 eligible for an educational gratuity provided:

4 (i) In the case of a child, that the child is 25  
5 years of age or younger at the time of application for  
6 participation in this program, meets all admission  
7 requirements of the community college or State-owned or  
8 State-related institution to which application is made  
9 and is enrolled as a full-time student at a community  
10 college or a State-owned or State-related institution.

11 (ii) In the case of a surviving spouse, that the  
12 surviving spouse meets all admission requirements of the  
13 community college or State-owned or State-related  
14 institution to which application is made and is enrolled  
15 as a full-time student at a community college or a State-  
16 owned or State-related institution.

17 (7) A child who is 25 years of age or younger at the  
18 time of the child's application for participation in this  
19 program [and who] or a surviving spouse, either of whom meets  
20 all other eligibility requirements may receive an educational  
21 gratuity for up to five years provided the child or surviving  
22 spouse otherwise continues to be eligible for participation.

23 (c) Scope of benefit.--

24 (1) The benefit available under this section shall be  
25 provided only for full-time students who are pursuing  
26 undergraduate studies leading to an associate degree or a  
27 baccalaureate degree.

28 (2) A child or surviving spouse becomes eligible for  
29 this benefit after he or she has applied for available  
30 scholarships and Federal and State grants to cover tuition

1 and room and board costs. The child or surviving spouse must  
2 provide a record of application for such financial aid to the  
3 community college or State-owned or State-related institution  
4 to which he or she is applying.

5 (3) A community college or a State-owned or State-  
6 related institution shall waive all remaining tuition and  
7 room and board charges (total tuition, room and board and  
8 fees minus awarded scholarships and Federal and State grants)  
9 for an eligible child or surviving spouse during the time the  
10 child or surviving spouse is enrolled as a full-time student  
11 provided the child or surviving spouse meets all requirements  
12 for admission to the community college or State-owned or  
13 State-related institution and during the child's or surviving  
14 spouse's enrollment complies with all requirements of the  
15 institution for continued attendance and award of an  
16 associate degree or a baccalaureate degree.

17 (d) Administration.--

18 (1) Copies of all police officer [and], firefighter and  
19 emergency medical services personnel death certifications  
20 received by the Department of General Services under the act  
21 of June 24, 1976 (P.L.424, No.101), referred to as the  
22 Emergency and Law Enforcement Personnel Death Benefits Act,  
23 shall be provided by the Department of General Services to  
24 PHEAA within 20 days of their receipt.

25 (2) Written notification of the death of any correction  
26 employee killed in the performance of his or her duties shall  
27 be submitted to PHEAA by the Secretary of Corrections within  
28 20 days of the death of the employee.

29 (2.1) Written notification of the death of any county  
30 probation and parole officer, sheriff or deputy sheriff

1 killed in the performance of his or her duties shall be  
2 submitted to PHEAA by the county commissioners of the county  
3 in which the county probation and parole officer was  
4 employed, sheriff was elected or deputy sheriff was employed  
5 within 20 days of the death of the employee.

6 (2.2) Written notification of the death of any State  
7 parole agent killed in the performance of his or her duties  
8 shall be submitted to PHEAA by the chairman of the  
9 Pennsylvania Board of Probation and Parole within 20 days of  
10 the death of the employee.

11 (3) Written notification of the death of any member of  
12 the National Guard or other individual who is on Federal or  
13 State active military duty who is a resident of this  
14 Commonwealth killed in the performance of his or her duties  
15 shall be submitted to PHEAA by the Adjutant General of the  
16 Department of Military and Veterans Affairs within 20 days of  
17 the death of the National Guard member.

18 (4) Applications for an educational gratuity shall be  
19 submitted to PHEAA by the child or the surviving parent or  
20 guardian of the child or the surviving spouse, together with  
21 a certified copy of the child's birth certificate or adoption  
22 record or other documentation of birth or adoption acceptable  
23 to PHEAA or a marriage certificate. The application shall  
24 include a copy of the child's or surviving spouse's letter of  
25 acceptance at a community college or a State-owned or State-  
26 related institution. If no death certification has been  
27 received from the Department of General Services, Secretary  
28 of Corrections, county commissioners, chairman of the  
29 Pennsylvania Board of Probation and Parole or Adjutant  
30 General of the Department of Military and Veterans Affairs,



1 PHEAA may elect to accept other documentation certifying that  
2 the [child's parent] decedent was a police officer,  
3 firefighter, emergency medical services personnel, correction  
4 employee, State parole agent, county probation and parole  
5 officer, sheriff, deputy sheriff or National Guard member  
6 killed during the performance of his or her duties.

7 (5) Within 30 days of receipt of a completed  
8 application, PHEAA shall send written notice to the child or  
9 surviving spouse and the community college or State-owned or  
10 State-related institution of the child's or surviving  
11 spouse's eligibility or noneligibility for participation in  
12 this program. If the child or surviving spouse is determined  
13 not to be eligible for an educational gratuity, the notice  
14 shall include the reason or reasons for such determination  
15 and an indication that an appeal of PHEAA's determination may  
16 be made pursuant to 2 Pa.C.S. (relating to administrative law  
17 and procedure).

18 (6) Upon receipt of notification of the child's or  
19 surviving spouse's eligibility from PHEAA, a community  
20 college or a State-owned or State-related institution is  
21 prohibited from charging the child or the child's parent or  
22 guardian or surviving spouse any tuition fee or room and  
23 board charge. If moneys have been received by the community  
24 college or the State-owned or State-related institution for  
25 these purposes, those moneys must be refunded in full within  
26 30 days of receipt by the community college or the State-  
27 owned or State-related institution of the notice of the  
28 child's or surviving spouse's eligibility.

29 (7) Each community college or State-owned or State-  
30 related institution at which an eligible child or surviving

1 spouse is enrolled shall notify PHEAA upon the child's or  
2 surviving spouse's graduation or when the child or surviving  
3 spouse is no longer enrolled at the community college or  
4 State-owned or State-related institution.

5 Section 4. Report to General Assembly.

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

8 (1) The number of applications submitted during the  
9 prior year, including numbers of applications approved and  
10 disapproved.

11 (2) The number of children or surviving spouses  
12 currently participating in this program at community colleges  
13 or State-owned or State-related institutions.

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

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

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

23 Section 8. Retroactivity.

24 This act shall be retroactive to:

25 (1) January 1, 1976, and the benefit provided shall be  
26 available to qualified children of police officers,  
27 firefighters, correction employees and National Guard members  
28 of this Commonwealth killed in the performance of their  
29 duties since that date. No community college, State-owned or  
30 State-related institution shall reimburse qualified children

1 for tuition and fees or room and board charges paid between  
2 January 1, 1976, and the effective date of this act.

3 (2) January 1, 2021, and the benefit provided shall be  
4 available to qualified children of emergency medical services  
5 personnel, State parole agents, county probation and parole  
6 officers and sheriffs and deputy sheriffs of this  
7 Commonwealth killed in the performance of their duties since  
8 that date. No community college, State-owned or State-related  
9 institution shall reimburse qualified children for tuition  
10 and fees or room and board charges paid between January 1,  
11 2021, and the effective date of this paragraph.

12 (3) January 1, 2021, and the benefit provided shall be  
13 available to qualified surviving spouses of police officers,  
14 firefighters, emergency medical services personnel,  
15 correction employees, State parole agents, county probation  
16 and parole officers, sheriffs and deputy sheriffs and  
17 National Guard members of this Commonwealth killed in the  
18 performance of their duties since that date. No community  
19 college, State-owned or State-related institution shall  
20 reimburse qualified surviving spouses for tuition and fees or  
21 room and board charges paid between January 1, 2021, and the  
22 effective date of this paragraph.

23 Section 5. This act shall take effect immediately.