

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

SENATOR REGAN, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AS AMENDED, APRIL 30, 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.--Students awarded a grant under this <--  
10 subchapter and attending a State System of Higher Education  
11 institution may not be charged additional fees above the annual  
12 tuition rate. ELIGIBLE MEMBERS ATTENDING A STATE SYSTEM OF <--  
13 HIGHER EDUCATION INSTITUTION SHALL NOT BE CHARGED ADDITIONAL  
14 TUITION ABOVE THE ANNUAL TUITION RATE.

15 § 3206. Limitations.

16 (a) Time.--

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

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



1 lost semester or its equivalent, whichever is longer.

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

7 (b) Active duty.--

8 \* \* \*

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

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

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

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

30 (c) Limit on tuition.--At no time may a State System of

1 Higher Education institution charge an eligible member more than  
2 the in-State rate.

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

5 § 3207. Recoupment of grant payments.

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

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

29 (1) Death.

30 (2) Discharge because of disability incurred in line of

1 duty.

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

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

9 § 3208. [Regulations.

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

12 (Reserved).

13 § 3209. Administration.

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

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

24 § 3210. Educational Assistance Program Fund.

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

1 to the Department of Military and Veterans Affairs and shall be  
2 used solely for the purposes of the program.]

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

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

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

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

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

20 SUBCHAPTER A.1

21 MILITARY FAMILY EDUCATION PROGRAM

22 Sec.

23 3210.1. Definitions.

24 3210.2. Eligibility.

25 3210.3. Certification of eligibility.

26 3210.4. Military Family Education Program grants.

27 3210.5. Amount of Military Family Education Program grants.

28 3210.6. Limitations.

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

1 3210.8. Regulations.

2 3210.9. Administration.

3 3210.10. Military Family Education Program Fund.

4 § 3210.1. Definitions.

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

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

10 "Annual tuition rate." The in-State tuition rate, INCLUDING <--  
11 A TECHNOLOGY TUITION FEE, established or approved by May 1 of  
12 each year by the Board of Governors of the State System of  
13 Higher Education.

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

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

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

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

29 "Costs of attendance." Allowable educational expenses, as  
30 determined by the agency, that are consistent with the

1 administration of the act of January 25, 1966 (1965 P.L.1546,  
2 No.541), referred to as the Higher Education Scholarship Law.

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

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

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

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

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

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

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 Military Family Education Program grant  
29 amount.

30 "TECHNOLOGY TUITION FEE." A SEPARATE TUITION FEE ESTABLISHED <--

1 BY THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER  
2 EDUCATION FOR RENDERING TECHNOLOGY RESOURCES AND SERVICES TO  
3 ENHANCE STUDENT LEARNING EXPERIENCES.

4 § 3210.2. Eligibility.

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

8 (1) The eligible member is in good standing with the  
9 Pennsylvania National Guard, has received an other than  
10 dishonorable discharge and has been a satisfactory  
11 participant in the Pennsylvania National Guard activities for  
12 a minimum service period established by the Adjutant General.

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

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

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

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

28 (6) When an eligible member is ordered to serve on  
29 active duty for more than 30 consecutive days, including  
30 active duty for training, a family member who is the spouse

1 may withdraw from a program of education and shall be granted  
2 an educational leave of absence as provided for under section  
3 7313 (relating to educational leave of absence).

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

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

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

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

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

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

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

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

30 (1) The deceased eligible member was in good standing



1 with the Pennsylvania National Guard.

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

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

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

14 § 3210.3. Certification of eligibility.

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

21 § 3210.4. Military Family Education Program grants.

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

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

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

8 § 3210.5. Amount of Military Family Education Program grants.

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

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

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

20 (b) Part-time Military Family Education Program grants.--  
21 Military Family Education Program grants awarded under this  
22 subchapter to part-time students who may or may 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 charged by the approved institution of  
27 higher learning for the number of credit hours per semester  
28 or its equivalent in which the family member is enrolled; or

29 (2) the annual tuition rate charged by a State System of  
30 Higher Education institution for the number of credit hours

1 per semester or its equivalent in which the family member is  
2 enrolled for the same academic year or period.

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

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

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

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

1 number of participants to ensure that sums expended do not  
2 exceed appropriations.

3 (e) Limit on charges.--Family members attending a State <--  
4 System of Higher Education institution shall not be charged  
5 additional fees above the annual tuition rate. FAMILY MEMBERS <--  
6 ATTENDING A STATE SYSTEM OF HIGHER EDUCATION INSTITUTION SHALL  
7 NOT BE CHARGED ADDITIONAL TUITION ABOVE THE ANNUAL TUITION RATE.

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

11 § 3210.6. Limitations.

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

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

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

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

1 demand of the agency on a schedule as the agency may determine.

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

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

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

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

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

23 § 3210.8. Regulations.

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

26 § 3210.9. Administration.

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

1 of the administration of this subchapter.

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

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

10 § 3210.10. Military Family Education Program Fund.

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

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

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

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

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

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

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

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

1 immediately.