

No. 1996-56

AN ACT

SB 698

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for educational aid for certain members of the Pennsylvania National Guard; and conferring powers and duties on the Adjutant General, the Department of Military Affairs and the Pennsylvania Higher Education Assistance Agency.

The General Assembly finds and declares as follows:

(1) The Pennsylvania National Guard must recruit thousands of young Pennsylvanians each year to attain and sustain its required troop strength to meet Federal manning requirements and to provide the Governor with a well-trained and organized military force to respond to emergencies in this Commonwealth.

(2) The men and women of the Pennsylvania National Guard face increasing leadership and technical challenges and the percentage of members of the National Guard with post-high school, college and technical education must be increased to meet these challenges.

(3) Currently available programs are not adequate to meet the financial needs of National Guard personnel who are pursuing a higher education or to attract young men and women into the National Guard who are high school graduates with the desire and ability to pursue their higher education in Commonwealth colleges and universities or business, trade and technical schools.

(4) The Pennsylvania National Guard needs a cadre of well-educated leaders to lead the Guard now and in the future.

(5) An innovative education assistance program will provide public service educational grants for members of the Pennsylvania National Guard and will keep Pennsylvania student soldiers in this Commonwealth and benefit Pennsylvania communities.

(6) An educational assistance program will reward those young Pennsylvanians who volunteer to serve their nation and Commonwealth as part of the Pennsylvania National Guard and will make this Commonwealth more competitive with other states and regular forces in the educational benefits offered to military personnel.

(7) The Educational Assistance Program is designed to provide public service educational grants to members of the Pennsylvania National Guard by means of grants administered by the Pennsylvania Higher Education Assistance Agency.

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

Section 1. Section 3104 of Title 51 of the Pennsylvania Consolidated Statutes is repealed.

Section 2. Title 51 is amended by adding a chapter to read:

CHAPTER 32
EDUCATIONAL ASSISTANCE PROGRAM

Sec.

- 3201. Definitions.
- 3202. Eligibility.
- 3203. Certification of eligibility.
- 3204. Grants.
- 3205. Amount of grants.
- 3206. Limitations.
- 3207. Recoupment of grant payments.
- 3208. Regulations.
- 3209. Administration.

§ 3201. Definitions.

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

“Agency.” The Pennsylvania Higher Education Assistance Agency.

“Approved institution of higher learning.” An educational institution offering a post-secondary program of education located in this Commonwealth and approved by the Pennsylvania Higher Education Assistance Agency.

“Approved program of education.” A degree- or certificate-granting curriculum or course of study to be pursued on a full-time or part-time basis or its equivalent as determined by the Pennsylvania Higher Education Assistance Agency, at an approved institution of higher learning.

“Department.” The Department of Military and Veterans Affairs of the Commonwealth.

“Eligible member.” A member of the Pennsylvania National Guard who meets the criteria specified in section 3202 (relating to eligibility) and who has been awarded a certificate of eligibility under section 3203 (relating to certification of eligibility).

“Full-time student.” A student enrolled in an approved institution of higher learning pursuing an approved program of education equal to or greater than 15 credit hours or its equivalent recognized by the Pennsylvania Higher Education Assistance Agency as a full-time course of study.

“Part-time student.” A student enrolled in an approved institution of higher education pursuing an approved program of education of less than 15 credit hours or its equivalent recognized by the Pennsylvania Higher Education Assistance Agency as a part-time course of study.

“Program.” The Educational Assistance Program established in this chapter.

“Qualified resident.” An individual who has been a bona fide resident of this Commonwealth for a period of at least 12 consecutive months immediately prior to the time an application for a grant is made. The Pennsylvania Higher Education Assistance Agency shall make the final decision on whether an applicant is a qualified resident.

§ 3202. Eligibility.

(a) General rule.—A Pennsylvania National Guard member is eligible to receive a public service educational grant under this chapter if the member meets all of the following eligibility criteria:

(1) The member is a qualified resident of this Commonwealth.

(2) The member serves in an enlisted grade or in the grade of a warrant officer 1, warrant officer 2, first lieutenant or second lieutenant.

(3) The member is a member in good standing and has been a satisfactory participant in Pennsylvania National Guard activities for a minimum service period established by the Adjutant General.

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

(b) Additional eligibility criteria for full-time student assistance grants.—In addition to the eligibility criteria specified in subsection (a), a student must meet the following eligibility criteria to qualify for a full-time student assistance grant:

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

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

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

(4) The member is not receiving a Reserve Officer Training Corps (ROTC) Scholarship.

§ 3203. Certification of eligibility.

The department shall certify members of the Pennsylvania National Guard as eligible to participate in the program who meet the eligibility criteria set forth in section 3202 (relating to eligibility) and shall provide the agency with a certificate of eligibility for an eligible member.

§ 3204. Grants.

(a) General rule.—From the funds appropriated specifically for the purposes of this chapter, grants shall be provided to eligible members for the purpose of pursuing approved programs of education.

(b) Promissory notes.—At the receipt of the grant, an eligible member shall sign a promissory note to repay the full amount of the grant. The promissory note shall be conditional upon noncompletion of the service obligation under section 3207(a) (relating to recoupment of grant payments).

§ 3205. Amount of grants.

(a) Full-time student assistance grants.—Grants awarded under this chapter to full-time students shall be determined by the agency without regard to financial need and shall not exceed for each academic year the lesser of:

(1) the tuition of the approved institution of higher learning for the approved program of education in which the member is enrolled; or

(2) two-thirds of the tuition charged to a resident of this Commonwealth at a member institution of the State System of Higher Education for the same academic year.

(b) Part-time student assistance grants.—Grants awarded under this chapter to part-time students shall be determined by the agency without regard to financial need and shall not exceed for each academic year or period the lesser of:

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

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

(c) Other grants.—The agency shall not reduce the amount of other agency grants or aid for which the eligible member qualifies on account of the member's eligibility for or receipt of grants under this chapter.

(d) Adjustments.—If the agency and the Adjutant General determine that the amount appropriated for the program in any year will be insufficient to provide grants in the amounts set forth in this section to all eligible members, the agency and the department may reduce the maximum amount of the grants proportionately or set a limit on the number of participants to ensure that sums expended do not exceed appropriations.

§ 3206. Limitations.

(a) Time.—No member shall be eligible for full-time or part-time student assistance grants or a combination thereof under this chapter for a total of more than five academic years or their equivalent as determined by the agency.

(b) Active duty.—No grant payments shall be made under this chapter except during the eligible member's term of service as a member in good standing of the Pennsylvania National Guard.

§ 3207. Recoupment of grant payments.

(a) General rule.—An eligible member who fails to meet the requirements of this chapter as a result of participation in this program or to meet other requirements established by the Adjutant General or the agency is liable to the Commonwealth for repayment of all grant payments made. The Adjutant General shall notify the agency if an eligible member fails to complete the service obligation, and the promissory note under section 3204(b) (relating to grants) shall be payment in full upon demand by the agency on a schedule as the agency may determine.

(b) Forgiveness of recoupment.—The Adjutant General may advise the agency to forgive recoupment of all or part of an eligible member's grant payments if the Adjutant General determines that the member's failure to fulfill the six-year service obligation was the result of the eligible member's death, discharge because of disability incurred in line of duty, 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 his misconduct or discharge or release because of other compelling circumstances outside the eligible member's control.

§ 3208. Regulations.

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

§ 3209. Administration.

The General Assembly shall appropriate funds to pay full-time and part-time student assistance grants under this chapter. A portion of the funds appropriated may be used to pay the costs of the administration of this chapter. Administrative costs for the 1996-1997 fiscal year shall not exceed 5% of the total amount of funds appropriated. Administrative costs in subsequent years shall not exceed 4% of the total amount of funds appropriated and shall be based on the processing fee for the total number of applications.

Section 3. (a) From appropriations to it for this purpose, the Department of Military Affairs may continue to pay tuition credit grants to members who, prior to the effective date of this act, received or applied for grants under 51 Pa.C.S. § 3104 for not more than three years after the effective date of this act.

(b) A member of the Pennsylvania National Guard in an enlisted grade or in the grade of a warrant officer 1, warrant officer 2, first lieutenant or second lieutenant after completing a minimum enlistment period as defined by the Adjutant General, who enrolls in a Pennsylvania institution of higher learning, with degree-granting status as approved by the Department of Education, shall receive a grant of one-half the cost of the credit, with a maximum of \$60 per credit while satisfactorily enrolled, with a maximum of six credits per quarter or semester or 12 credits per year.

(c) Grants shall be paid only upon certification each quarter or semester by the Adjutant General that the student is a current member in good standing with the Pennsylvania National Guard and that his current enlistment extends beyond the expiration date of the current quarter or semester.

(d) The Department of Military Affairs shall administer the educational grants provided in this section from an appropriation made annually to the department for this purpose. The department may promulgate rules and regulations on the administration and management of this program. The grant program shall not exceed the amount of the appropriation. If the department determines that the amount appropriated will be insufficient to pay the grants in amounts set forth in subsection (b), the department shall reduce the amount

of the grant payments proportionately so that the expenditures do not exceed the amounts appropriated.

(e) No person shall receive a grant under this section if he is awarded a grant under 51 Pa.C.S. Ch. 32.

Section 4. This act shall take effect July 1, 1996.

APPROVED—The 19th day of June, A.D. 1996.

THOMAS J. RIDGE