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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 367 Session of  
2023

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INTRODUCED BY J. WARD, PHILLIPS-HILL, SCHWANK, GEBHARD, COLLETT,  
DUSH, MASTRIANO, PENNYCUICK, HUTCHINSON, STEFANO, ROBINSON  
AND REGAN, FEBRUARY 21, 2023

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REFERRED TO EDUCATION, FEBRUARY 21, 2023

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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.

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

5 AN ACT

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

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 officer, sheriff, deputy sheriff or National Guard  
11 member, at the time of death, killed in the performance of his  
12 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 officers, sheriffs, deputy sheriffs and National  
22 Guard members and certain other individuals who are on Federal  
23 or State active military duty who are residents of this  
24 Commonwealth who are killed while acting in the performance of  
25 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 officers shall be  
20 deemed to have been killed in the performance of their duties  
21 if death results from job-related injuries sustained or  
22 inflicted while carrying out their duties.

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

27 (6) Any child or surviving spouse of a police officer,  
28 firefighter, emergency medical services personnel, correction  
29 employee, State parole agent, county officer, sheriff, deputy  
30 sheriff or National Guard member killed in the performance of

1 his or her duties shall be eligible for an educational  
2 gratuity provided:

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

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

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

22 (c) Scope of benefit.--

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

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

1 provide a record of application for such financial aid to the  
2 community college or State-owned or State-related institution  
3 to which he or she is applying.

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

16 (d) Administration.--

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

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

28 (2.1) Written notification of the death of any county  
29 officer, sheriff or deputy sheriff killed in the performance  
30 of his or her duties shall be submitted to PHEAA by the

1 county commissioners of the county in which the county  
2 officer was employed, sheriff was elected or deputy sheriff  
3 was employed within 20 days of the death of the employee.

4 (2.2) Written notification of the death of any State  
5 parole agent killed in the performance of his or her duties  
6 shall be submitted to PHEAA by the chairman of the  
7 Pennsylvania Parole Board within 20 days of the death of the  
8 employee.

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

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



1 medical services personnel, correction employee, State parole  
2 agent, county officer, sheriff, deputy sheriff or National  
3 Guard member killed during the performance of his or her  
4 duties.

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

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

27 (7) Each community college or State-owned or State-  
28 related institution at which an eligible child or surviving  
29 spouse is enrolled shall notify PHEAA upon the child's or  
30 surviving spouse's graduation or when the child or surviving

1 spouse is no longer enrolled at the community college or  
2 State-owned or State-related institution.

3 Section 4. Report to General Assembly.

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

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

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

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

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

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

21 Section 8. Retroactivity.

22 This act shall be retroactive to:

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

1           (2) January 1, 2023, and the benefit provided shall be  
2 available to qualified children of emergency medical services  
3 personnel, State parole agents, county officers and sheriffs  
4 and deputy sheriffs of this Commonwealth killed in the  
5 performance of their duties since that date. No community  
6 college, State-owned or State-related institution shall  
7 reimburse qualified children for tuition and fees or room and  
8 board charges paid between January 1, 2023, and the effective  
9 date of this paragraph.

10           (3) January 1, 2023, and the benefit provided shall be  
11 available to qualified surviving spouses of police officers,  
12 firefighters, emergency medical services personnel,  
13 correction employees, State parole agents, county officers,  
14 sheriffs and deputy sheriffs and National Guard members of  
15 this Commonwealth killed in the performance of their duties  
16 since that date. No community college, State-owned or State-  
17 related institution shall reimburse qualified surviving  
18 spouses for tuition and fees or room and board charges paid  
19 between January 1, 2023, and the effective date of this  
20 paragraph.

21       Section 5. This act shall take effect immediately.