

**MILITARY AND VETERANS CODE (51 PA.C.S.) - ELIGIBILITY,
RECOUPMENT OF GRANT PAYMENTS, ELIGIBILITY, LIMITATIONS AND
RECOUPMENT OF MILITARY FAMILY EDUCATION PROGRAM GRANT PAYMENTS**
Act of Jul. 7, 2025, P.L. 108, No. 32 **Cl. 51**
Session of 2025
No. 2025-32

HB 865

AN ACT

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in Educational Assistance Program, further providing for definitions, for eligibility and for recoupment of grant payments; and, in Military Family Education Program, further providing for definitions, for eligibility, for limitations and for recoupment of Military Family Education Program grant payments.

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

Section 1. The definition of "approved program of education" in section 3201 of Title 51 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3201. Definitions.

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

* * *

"Approved program of education." A degree-granting or certificate-granting curriculum, course of study or training program [required for entrance into a specific career to be pursued on a full-time or part-time basis or its equivalent as determined by the agency, at an approved institution of higher learning.], **refresher, remedial or deficiency course or preparatory or special education training course necessary to enable the individual to pursue an approved program of education on a full-time or part-time basis or its equivalent as determined by the agency, at an approved institution of higher learning.**

* * *

Section 2. Sections 3202 and 3207 of Title 51 are amended to read:

§ 3202. Eligibility.

(a) General rule.--A member of the Pennsylvania National Guard is eligible to receive an educational assistance grant under this subchapter if the member meets all of the following eligibility criteria:

(2) Except as otherwise provided in subsection [(c)]

(d) and section 3206(b) (relating to limitations), 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.

(3) 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 educational assistance grants.--In addition to the eligibility criteria specified in subsection (a), an eligible member must

meet the following eligibility criteria to qualify for a full-time educational 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 and has not accepted an obligation under Subch. A.1 (relating to Military Family Education Program) for the same six-year period.

(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, excluding a Guaranteed Reserve Forces Duty Scholarship.

[(c) Discharge for disability incurred in the line of duty.--A member who is discharged for medical disability after September 11, 2001, shall remain eligible to receive an educational assistance grant under this subchapter if the member meets all of the following eligibility criteria:

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

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

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

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

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

(6) The former member commences a full-time or part-time course of study within two years of medical discharge or within two years of the effective date of this subsection, such course of study having a completion date of not more than six years following the date of medical discharge for members discharged for medical disability on or after the effective date of this subsection or of not more than six years following the effective date of this subsection for members discharged for a medical disability after September 11, 2001, and before the effective date of this subsection. The Adjutant General may for good cause extend these deadlines when the former member's disability is shown to require additional time for the former member to commence or complete a course of study.

(7) The former member meets all eligibility criteria specified in subsections (a) and (b) except membership in the Pennsylvania National Guard.]

(c.1) Successive certificate.--Upon completion of a six-year obligation for which an eligible member received an educational assistance grant certificate of eligibility, an eligible member may receive successive educational assistance grant certificates of eligibility for a successive six-year commitment.

(d) Retention of benefit.--A member who receives an other than dishonorable discharge before completing their six-year service obligation shall remain eligible for the earned proportional share of an educational assistance grant under this subchapter if the member meets all eligibility requirements outlined in subsections (a) and (b), except for continued

membership in the Pennsylvania National Guard. The former member must begin a course of study within two years of their discharge, with the program scheduled to be completed no later than six years after the date of discharge, and must also meet one of the following additional eligibility conditions:

- (1) the member was discharged because of a medical determination that was not the result of the eligible member's misconduct;
- (2) the member was discharged at the convenience of the department or the Pennsylvania National Guard; or
- (3) the existence of other compelling circumstances determined by the Adjutant General that warrant retention of the proportional or full benefit or additional time to complete a course of study.

§ 3207. Recoupment of grant payments.

(a) General rule.--[An]

(1) **Except as provided in paragraph (2), an eligible member who fails to meet the six-year service obligation of this subchapter or to meet other requirements established by the Adjutant General or the agency is liable to the Commonwealth for repayment of all or part of any 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 repaid by the eligible member upon demand by the agency on a schedule as the agency may determine.**

(2) **Notwithstanding section 3204(b), an eligible member who fails to meet the six-year service obligation of this subchapter or meet other requirements established by the Adjutant General shall only be liable to the agency for a proportional share of the promissory note under section 3204(b). The agency shall reduce the amount owed by an eligible member based off the time of service obligation completed.**

(b) Forgiveness of recoupment.--The Adjutant General shall notify the agency and the agency shall forgive recoupment of all or part of an eligible member's grant payments if the Adjutant General determines that the eligible member's failure to fulfill the six-year service obligation was the result of one of the following:

(1) Death.

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

(3) 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 the eligible member's misconduct.]

(2.1) Discharge because of a medical determination that is not due to the eligible member's misconduct.

(3.1) Discharge at the convenience of the department or the Pennsylvania National Guard.

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

Section 3. The definition of "approved program of education" in section 3210.1 of Title 51 is amended to read:

§ 3210.1. Definitions.

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

* * *

"Approved program of education." A degree-granting or certificate-granting curriculum, course of study or training [required for entrance into a specific career to be pursued on a full-time or part-time basis or its equivalent as determined by the agency, at an approved institution of higher learning.], **refresher, remedial or deficiency course or preparatory or special education training course necessary to enable the individual to pursue an approved program of education on a full-time or part-time basis or its equivalent as determined by the agency, at an approved institution of higher learning.**

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Section 4. Sections 3210.2, 3210.6(a) and 3210.7 of Title 51 are amended to read:

§ 3210.2. Eligibility.

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

(1) The eligible member from the Pennsylvania National Guard has been a satisfactory participant in the Pennsylvania National Guard activities for a minimum service period established by the Adjutant General or a former eligible member has received an other than dishonorable discharge.

(2) The eligible member accepted an obligation to serve in the Pennsylvania National Guard for a period of six years and has not accepted an obligation under Subchapter A (relating to Educational Assistance Program) for the same six-year period. **Upon completion of a six-year obligation for which an eligible member received a Military Family Education Program grant, an eligible member may receive successive Military Family Education Program grants for a successive six-year commitment.**

(3) The eligible member has assigned the benefit to the family member.

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

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

(6) When an eligible member is ordered to serve on active duty for more than 30 consecutive days, including active duty for training, a family member who is the spouse may withdraw from a program of education and shall be granted an educational leave of absence as provided for under section 7313 (relating to educational leave of absence).

[(b) Discharge for disability incurred in the line of duty.--A family member of an eligible member who is discharged for medical disability shall remain eligible to receive a Military Family Education Program grant under this subchapter if the former eligible member's medical disability meets the following criteria:

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

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

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

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

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

(b.1) Retention of benefit.--A family member of an eligible member who received an other than dishonorable discharge prior to completing the six-year obligation shall remain eligible to receive the earned proportional share of a Military Family Education Program grant under this subchapter if the former eligible member meets one the following criteria:

(1) the member was discharged because of a medical determination that was not the result of the eligible member's misconduct;

(2) the member was discharged at the convenience of the department or the Pennsylvania National Guard; or

(3) the existence of other compelling circumstances determined by the Adjutant General that warrant retention of the proportional or full benefit.

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

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

(2) The deceased eligible member had accepted an obligation to serve in the Pennsylvania National Guard and was qualified to fulfill the service obligation but for the eligible member's death.

(3) Upon an eligible member's death, if the eligible member has not assigned the family member or family members to receive the Military Family Education Program grant as provided for under this subchapter, the surviving spouse or the administrator or executor of the estate shall designate the family member or family members to receive the Military Family Education Program grant.

§ 3210.6. Limitations.

(a) General rule.--No eligible member shall be permitted to assign more than five academic years or their equivalent, as determined by the agency **per six-year commitment.**

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

(a) General rule.--[An]

(1) Except as provided in paragraph (2), an eligible member who fails to meet the six-year service obligation of this subchapter or to meet other requirements established by the Adjutant General or the agency is liable to the Commonwealth for repayment of all or part of Military Family Education Program 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 3210.4(b) (relating to Military Family Education Program grants) shall be repaid by the eligible member upon demand of the agency on a schedule as the agency may determine.

(2) Notwithstanding section 3210.4(b), an eligible member who fails to meet the six-year service obligation of this subchapter or meet other requirements established by the Adjutant General shall only be liable to the agency for a proportional share of the promissory note under section 3210.4(b). The agency shall reduce the amount owed by an eligible member based off the time of service obligation completed.

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

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

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

(3) The eligible member's 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] **was** not due to the eligible member's misconduct.

(3.1) The eligible member's discharge at the convenience of the department or the Pennsylvania National Guard.

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

Section 5. The Department of Military and Veterans Affairs shall issue a policy statement addressing the implementation of the addition of 51 Pa.C.S. §§ 3202(d) and 3210.2(b.1).

Section 6. This act shall take effect in 60 days.

APPROVED--The 7th day of July, A.D. 2025.

JOSH SHAPIRO