

SB2536



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2536

Introduced 1/28/2020, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

110 ILCS 947/40

Amends the Higher Education Student Assistance Act. Provides that an Illinois Veteran grant may be transferred to a qualified dependent beginning with the 2021-2022 academic year if, among other requirements, the qualified dependent's spouse or parent has served at least 8 years combined of federal active duty service or Reserve or Individual Ready Reserve Service. Effective July 1, 2020.

LRB101 17135 CMG 66536 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Higher Education Student Assistance Act is
5 amended by changing Section 40 as follows:

6 (110 ILCS 947/40)

7 Sec. 40. Illinois Veteran grant program.

8 (a) As used in this Section:

9 "Qualified applicant" means a person who served in the
10 Armed Forces of the United States, a Reserve component of the
11 Armed Forces, or the Illinois National Guard, excluding members
12 of the Reserve Officers' Training Corps and those whose only
13 service has been attendance at a service academy, and who meets
14 all of the qualifications of either paragraphs (1) through (4)
15 or paragraphs (2), (3), and (5):

16 (1) At the time of entering federal active duty service
17 the person was one of the following:

18 (A) An Illinois resident.

19 (B) An Illinois resident within 6 months of
20 entering such service.

21 (C) Enrolled at a State-controlled university or
22 public community college in this State.

23 (2) The person meets one of the following requirements:

1 (A) He or she served at least one year of federal
2 active duty.

3 (B) He or she served less than one year of federal
4 active duty and received an honorable discharge for
5 medical reasons directly connected with such service.

6 (C) He or she served less than one year of federal
7 active duty and was discharged prior to August 11,
8 1967.

9 (D) He or she served less than one year of federal
10 active duty in a foreign country during a time of
11 hostilities in that foreign country.

12 (3) The person received an honorable discharge after
13 leaving each period of federal active duty service.

14 (4) The person returned to this State within 6 months
15 after leaving federal active duty service, or, if married
16 to a person in continued military service stationed outside
17 this State, returned to this State within 6 months after
18 his or her spouse left service or was stationed within this
19 State.

20 (5) The person does not meet the requirements of
21 paragraph (1), but (i) is a resident of Illinois at the
22 time of application to the Commission and (ii) at some
23 point after leaving federal active duty service, was a
24 resident of Illinois for at least 15 consecutive years.

25 "Qualified dependent" means any spouse or natural born or
26 legally adopted child of a veteran of the United States Armed

1 Forces who meets all of the following qualifications:

2 (1) Has earned a high school diploma or high school
3 equivalency certificate and is less than 26 years of age,
4 unless granted an extension by the Commission due to a
5 qualifying illness or debilitating condition.

6 (2) Meets the cumulative grade point average
7 requirements of the postsecondary institution.

8 (3) Is a resident of Illinois for the term in which the
9 grant under subsection (i) is transferred.

10 "Time of hostilities" means any action by the Armed Forces
11 of the United States that is recognized by the issuance of a
12 Presidential proclamation or a Presidential executive order
13 and in which the Armed Forces expeditionary medal or other
14 campaign service medals are awarded according to Presidential
15 executive order.

16 (b) A person who otherwise qualifies under the definition
17 of "qualified applicant" under subsection (a) of this Section
18 but has not left federal active duty service and has served at
19 least one year of federal active duty or has served for less
20 than one year of federal active duty in a foreign country
21 during a time of hostilities in that foreign country and who
22 can provide documentation demonstrating an honorable service
23 record is eligible to receive assistance under this Section.

24 (c) A qualified applicant is not required to pay any
25 tuition or mandatory fees while attending a State-controlled
26 university or public community college in this State for a

1 period that is equivalent to 4 years of full-time enrollment,
2 including summer terms.

3 A qualified applicant who has previously received benefits
4 under this Section for a non-mandatory fee shall continue to
5 receive benefits covering such fees while he or she is enrolled
6 in a continuous program of study. The qualified applicant shall
7 no longer receive a grant covering non-mandatory fees if he or
8 she fails to enroll during an academic term, unless he or she
9 is serving federal active duty service.

10 (d) A person ~~qualified applicant~~ who has been or is to be
11 awarded assistance under this Section shall receive that
12 assistance if the person ~~qualified applicant~~ notifies his or
13 her postsecondary institution of that fact by the end of the
14 school term for which assistance is requested.

15 (e) Assistance under this Section is considered an
16 entitlement that the State-controlled college or public
17 community college in which the person ~~qualified applicant~~ is
18 enrolled shall honor without any condition other than the
19 person's ~~qualified applicant's~~ maintenance of minimum grade
20 levels and a satisfactory student loan repayment record
21 pursuant to subsection (c) of Section 20 of this Act.

22 (f) The Commission shall administer the grant program
23 established by this Section and shall make all necessary and
24 proper rules not inconsistent with this Section for its
25 effective implementation.

26 (g) All applications for assistance under this Section must

1 be made to the Commission on forms that the Commission shall
2 provide. The Commission shall determine the form of application
3 and the information required to be set forth in the
4 application, and the Commission shall require ~~qualified~~
5 applicants to submit with their applications any supporting
6 documents that the Commission deems necessary. Upon request,
7 the Department of Veterans' Affairs shall assist the Commission
8 in determining the eligibility of applicants for assistance
9 under this Section.

10 (h) Assistance under this Section is available as long as
11 the federal government provides educational benefits to
12 veterans. Assistance must not be paid under this Section after
13 6 months following the termination of educational benefits to
14 veterans by the federal government, except for persons who
15 already have begun their education with assistance under this
16 Section. If the federal government terminates educational
17 benefits to veterans and at a later time resumes those
18 benefits, assistance under this Section shall resume.

19 (i) Beginning with the 2021-2022 academic year, a grant
20 awarded under this Section may be transferred to a qualified
21 dependent if the qualified dependent's spouse or parent meets
22 all of the following qualifications:

23 (1) He or she is a qualified applicant under subsection
24 (a) or (b).

25 (2) He or she has served at least 8 years combined of
26 federal active duty service or Reserve or Individual Ready

1 Reserve service.

2 (3) He or she has no federal veterans' educational
3 benefits or no federal veterans' educational benefits
4 dedicated only to the payment of tuition and fees, such as
5 Chapter 31 or 33 benefits, for an enrolled term or semester
6 that exceed the value of a grant under this Section.

7 (4) He or she is a resident of Illinois during the term
8 of the qualified dependent's enrollment unless the veteran
9 has been recalled to active duty outside the State or has
10 rejoined the military and is outside the State pursuant to
11 military orders. However, a veteran who has a
12 service-connected disability rating, as determined by the
13 U.S. Department of Veterans Affairs, of 90% to 100% or is
14 unemployable based on a total disability, as determined by
15 the U.S. Department of Veterans Affairs, is not required to
16 maintain Illinois residency while his or her qualified
17 dependent receives benefits under this subsection.

18 A qualified dependent of a person who was killed in the
19 line of duty, was a prisoner of war, was missing in action, had
20 a service-connected disability rating, as determined by the
21 U.S. Department of Veterans Affairs, of 90% to 100%, was
22 unemployable based on a total disability, as determined by the
23 U.S. Department of Veterans Affairs, or died as a result of
24 injury or illness directly related to his or her military
25 service is eligible for a grant transfer of no less than 120
26 credit hours under this subsection if the spouse or parent

1 would have otherwise met the qualifications under this
2 subsection. A dependent who is a natural born or legally
3 adopted child of a veteran may still qualify for a grant under
4 this subsection if he or she marries or if his or her parents
5 divorce.

6 Benefits under this Section may not be used simultaneously
7 by both the veteran and his or her qualified dependent. A
8 veteran may revoke or otherwise change the transfer of his or
9 her benefits to a qualified dependent under this subsection at
10 any time but may not transfer his or her benefits to the same
11 qualified dependent again once those benefits have been revoked
12 for that qualified dependent.

13 A veteran may transfer benefits under this subsection to
14 multiple qualified dependents; however, the total number of
15 credit hours of assistance transferred may not exceed 120
16 credit hours, and a veteran may transfer benefits to only one
17 qualified dependent at a time.

18 (Source: P.A. 101-334, eff. 8-9-19.)

19 Section 99. Effective date. This Act takes effect July 1,
20 2020.