

SB0686



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0686

Introduced 2/25/2021, 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 2022-2023 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, 2021.

LRB102 10961 CMG 16293 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
12 members of the Reserve Officers' Training Corps and those
13 whose only service has been attendance at a service academy,
14 and who meets all of the qualifications of either paragraphs
15 (1) through (4) or paragraphs (2), (3), and (5):

16 (1) At the time of entering federal active duty
17 service 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

1 requirements:

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

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

7 (C) He or she served less than one year of federal
8 active duty and was discharged prior to August 11,
9 1967.

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

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

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

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

26 "Qualified dependent" means any spouse or natural born or

1 legally adopted child of a veteran of the United States Armed
2 Forces who meets all of the following qualifications:

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

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

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

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

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

25 (c) A qualified applicant is not required to pay any
26 tuition or mandatory fees while attending a State-controlled

1 university or public community college in this State for a
2 period that is equivalent to 4 years of full-time enrollment,
3 including summer terms.

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

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

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

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

1 effective implementation.

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

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

21 (i) Beginning with the 2022-2023 academic year, a grant
22 awarded under this Section may be transferred to a qualified
23 dependent if the qualified dependent's spouse or parent meets
24 all of the following qualifications:

25 (1) He or she is a qualified applicant under
26 subsection (a) or (b).

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

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

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

21 A qualified dependent of a person who was killed in the
22 line of duty, was a prisoner of war, was missing in action, had
23 a service-connected disability rating, as determined by the
24 U.S. Department of Veterans Affairs, of 90% to 100%, was
25 unemployable based on a total disability, as determined by the
26 U.S. Department of Veterans Affairs, or died as a result of

1 injury or illness directly related to his or her military
2 service is eligible for a grant transfer of no less than 120
3 credit hours under this subsection if the spouse or parent
4 would have otherwise met the qualifications under this
5 subsection. A dependent who is a natural born or legally
6 adopted child of a veteran may still qualify for a grant under
7 this subsection if he or she marries or if his or her parents
8 divorce.

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

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

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

22 Section 99. Effective date. This Act takes effect July 1,
23 2021.