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HOUSE BILL NO. 2421

Offered January 8, 2003

Prefiled January 8, 2003

A BILL to amend and reenact § 23-7.4:1 of the Code of Virginia, relating to the Virginia War Orphan Education Program.

Patrons—Janis and Lingamfelter

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 23-7.4:1 of the Code of Virginia is amended and reenacted as follows:

§ 23-7.4:1. Virginia War Orphan Education Program established; waiver of tuition and required fees for eligible children of veterans, eligible children or spouses of certain public safety personnel, and certain foreign students.

A. 1. All sums appropriated by law for the purpose of effecting the provisions of this subsection shall be used From such funds as may be appropriated for the purposes of this section, there is established the Virginia War Orphan Education Program for the sole purpose of providing for undergraduate or other postsecondary education free of tuition and all required fees at the state-supported public institutions and of higher education or other accredited postsecondary education institutions granting either a certificate, diploma, or degree for the eligible children of a parent who (i) was killed in action, or during military operations against terrorism or a peace-keeping mission, or as a result of a terrorist act, (ii) is missing in action, (iii) is a prisoner of war, or (iv) was or became totally and permanently disabled in any armed conflict subsequent to December 6, 1941, while serving as an active duty member of the United States Armed Forces or the Virginia National Guard, or as an active duty member of the United States Armed Forces Reserves or Virginia National Guard Reserve. Eligible children shall be citizens of the Commonwealth and shall be between the ages of 16 and 25.

B. Upon the written recommendation of the Director of the Department of Veterans' Affairs, eligible children admitted to any public institution of higher education as undergraduate students or to other accredited postsecondary institution granting either a certificate, diploma, or degree as first-time entering students shall be admitted free of tuition and all institutional charges and required fees. Funds appropriated for the purposes of this section shall be used to pay institutional charges, general or college fees, or any charges by whatever term referred to, board and room rent, and books and supplies at any public institution of higher education or training institution of collegiate or secondary grade other accredited postsecondary institution granting either a certificate, diploma, or degree in the Commonwealth of Virginia approved in writing by the Director of the Department of Veterans' Affairs for the use and benefit of the children not under sixteen and not over twenty-five years of age either of whose parents was killed in action ; is missing in action or a prisoner of war in any armed conflict subsequent to December 6, 1941, while serving in the Army, Navy, Marine Corps, Air Force or Coast Guard of the United States, or was or is or may hereafter become totally and permanently disabled due to service during such periods for eligible children. Such children shall be entitled to free tuition, the payment of institutional charges and required fees, and books and supplies, if such the parent, upon whom eligibility is based, (i) was a citizen of Virginia at the time of entering such active military service, or called to active duty as a member of the Armed Forces Reserves or Virginia National Guard Reserve; (ii) is and has been, a citizen of Virginia for at least five5 years immediately prior to the date on which the application was submitted by or on behalf of such child for admission to any public institution of higher education or training institution of collegiate or secondary grade other accredited postsecondary institution granting a certificate, diploma, or degree in thisthe Commonwealth; a citizen of Virginia; (iii) is deceased; and was a citizen of Virginia on the date of his or her death and had been a citizen of Virginia for at least five5 years immediately prior to his or her death; or (iv) is deceased and the surviving parent had been; at some time previous to marrying the deceased parent, a citizen of Virginia for at least five5 years, at some time previous to marrying the deceased parent; or (v) the surviving parent is and has been a citizen of Virginia for at least five5 years immediately prior to the date on which the application was submitted by or on behalf of such child for admission to any public institution of higher education or training institution of collegiate or secondary grade other accredited postsecondary institution granting a certificate, diploma, or degree in thisthe Commonwealth.

2. Such children, upon recommendation of the Director of the Department of Veterans' Affairs, shall be admitted to state institutions of secondary or higher education, free of tuition and all required fees. Each state-supported institution shall include in its catalogue or equivalent publication a statement

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59 describing the benefits provided by this subsection. The Director of the Department of Veterans' Affairs
60 shall determine the eligibility of the children who may make application for the benefits provided for in
61 this section, confirm the attendance and satisfactory academic progress of such children enrolled in
62 public institutions of higher education and other approved postsecondary institutions, and verify the
63 accuracy of the charges submitted on behalf of such children. However, neither the Director nor any
64 employee of the Department of Veterans' Affairs shall receive any compensation for the performance of
65 these services.

66 1. The maximum amount of the benefits provided for in this section that may be expended for each
67 such child shall not exceed the sum of any federal allowance that may be provided for tuition,
68 institutional charges and required fees, books and supplies.

69 3. 2. The ~~amounts~~ costs of tuition, institutional charges, required fees, books and supplies not in
70 excess of the maximum amount that may be ~~or~~ expended for an eligible child, or that may become due
71 by reason of the child's attendance at any such educational or training a public institution, not in excess
72 of the amount specified in subdivision 5 of higher education or other accredited postsecondary
73 institution granting a certificate, diploma, or degree, shall be payable on vouchers approved by the
74 Director of the Department of Veterans' Affairs.

75 4. The Director of the Department of Veterans' Affairs shall determine the eligibility of the children
76 who may make application for the benefits provided for in this subsection and shall satisfy himself of
77 the attendance and satisfactory progress of such children at such institution and of the accuracy of the
78 charge or charges submitted on account of the attendance of any such children at any such institution.
79 However, neither the Director nor any employee of the Department of Veterans' Affairs shall receive
80 any compensation for such services.

81 5. To carry out the provisions of this subsection, there may be expended such funds as shall be
82 appropriated for the purpose in the general appropriation acts. However, the maximum amount to be
83 expended for each such child shall not be more, when combined with any federal allowance which may
84 be made for such tuition, charges, fees, rent, books and supplies, than the actual amount of the benefits
85 provided for in this subsection.

86 3. Each public institution of higher education and accredited postsecondary institution shall include
87 in its catalogue or equivalent publication a statement describing the benefits provided in this subsection.
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89 6. For the purposes of this subsection, user fees, such as room and board charges, shall not be
90 included in this authorization to waive tuition and fees. However, all required *educational and auxiliary*
91 fees, ~~educational and auxiliary~~, and tuition shall be waived along with tuition.

92 BC. Any child between the ages of sixteen~~16~~ and twenty-five~~25~~ whose parent or any person whose
93 spouse has been killed in the line of duty while employed or serving as a law-enforcement officer or
94 sworn law-enforcement officer, firefighter, including a special forest warden designated pursuant to
95 § 10.1-1135, member of a rescue squad, sworn law-enforcement officer, special agent of the Department
96 of Alcoholic Beverage Control, state correctional, regional or local jail officer, regional jail or jail farm
97 superintendent, sheriff, or deputy sheriff, or member of the Virginia National Guard while such member
98 is serving in the Virginia National Guard or as a member of the United States Armed Forces, and any
99 person whose spouse has been killed in the line of duty while employed or serving in any of the
100 aforementioned occupations or as a member on active duty in the United States Armed Services or the
101 Virginia National Guard, or called to active duty as a member of the Armed Forces Reserves or
102 Virginia National Guard Reserve, shall be entitled to free undergraduate tuition, the payment of
103 institutional charges and required fees, and books and supplies at any public institution of higher
104 education or other accredited postsecondary institution granting a certificate, diploma, or degree in
105 Virginia under the following conditions:

106 1. The chief administrative officer of the Alcoholic Beverage Control Board, emergency medical
107 services agency, law-enforcement agency, or other appropriate agency or the Superintendent of State
108 Police certifies that the deceased parent or spouse was employed or serving as a law-enforcement officer
109 or a sworn law-enforcement officer, firefighter, including a special forest warden designated pursuant to
110 § 10.1-1135, or member of a rescue squad or in any other capacity as specified in this section and was
111 killed in the line of duty while serving or living in the Commonwealth; and

112 2. The child or spouse shall have been offered admission to a public institution of higher education
113 or other accredited postsecondary institution granting a certificate, diploma, or degree. Any child or
114 spouse who believes he is eligible shall apply to the public institution of higher education or other
115 postsecondary institution permitted under this section to which he has been admitted for the benefits
116 provided by this subsection. The institution shall determine the eligibility of the applicant for these
117 benefits and shall also ascertain that the recipients are in attendance and are making satisfactory
118 academic progress. The amounts payable for tuition, institutional charges and required fees, and books
119 and supplies for the applicants shall be waived by the institution accepting the students.

120 3. Each public institution of higher education and accredited postsecondary institution shall include

121 *in its catalogue or equivalent publication a statement describing the benefits provided in this subsection.*

122 For the purposes of this subsection, user fees, such as room and board charges, shall not be included
123 in this authorization to waive tuition and fees. However, all required *educational and auxiliary* fees;
124 ~~educational and auxiliary, and tuition~~ shall be waived ~~along with tuition~~.

125 ~~C. Senior citizens shall be entitled to free tuition and required fees pursuant to the provisions of~~
126 ~~Chapter 4.5 (§ 23-38.54 et seq.) of Title 23.~~

127 D. Tuition and required fees may be waived for a student from a foreign country enrolled in a public
128 institution of higher education through a student exchange program approved by such institution,
129 provided the number of foreign students does not exceed the number of students paying full tuition and
130 required fees to the institution under the provisions of the exchange program for a given three-year
131 period.