

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 773

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

[S 1288]

Approved March 26, 2005

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; waiver of tuition and required fees for eligible children of veterans and 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 and from such gifts, bequests, and any gifts, grants, or donations from public or private sources, there is hereby established the Virginia War Orphan Education Program for the sole purpose of providing for undergraduate or other postsecondary education free of (i) tuition and all required fees at the state-supported institutions and ; (ii) institutional charges;; (iii) general or college fees, or any charges by whatever term referred to;; (iv) board and room rents;; and (v) books and supplies at any education or training institution of collegiate or secondary grade public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia approved in writing by the Commissioner of the Department of Veterans Services for the use and benefit of the children not under 16 and not over 25 years of age between the ages of 16 and 25, 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 as an active duty member in the Army, Navy, Marine Corps, Air Force or Coast Guard of the United States; or Armed Forces, United States Armed Forces Reserves, the Virginia National Guard, or Virginia National Guard Reserve, during military operations against terrorism or on a peace-keeping mission, as a result of a terrorist act, or in any armed conflict subsequent to December 6, 1941, was killed or is missing in action, is a prisoner of war, or is or may hereafter become totally and permanently disabled due to such service during such periods if such.~~

~~Such children shall be eligible for the benefits conferred by this subsection if such parent (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 five years immediately prior to the date on which application was submitted by or on behalf of such child for admission to any education or training institution of collegiate or secondary grade in this Commonwealth, a citizen of Virginia such institution of higher education or other public accredited postsecondary institution; (iii) is if deceased, was a citizen of Virginia on the date of his or her death and had been a citizen of Virginia for at least five 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 five years or is and has been a citizen of Virginia for at least five years immediately prior to the date on which admission application was submitted by or on behalf of such child for admission to any education or training institution of collegiate or secondary grade in this Commonwealth.~~

2. ~~Such children who have been admitted to such institutions, upon recommendation of the Commissioner of the Department of Veterans Services, 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 describing the benefits provided by this subsection.~~

3. ~~The amounts that may be expended for such eligible child or may become due by reason of his attendance at any such educational or training institution, not in excess of the amount specified in subdivision 5 this subsection, shall be payable on vouchers approved by the Commissioner of the Department of Veterans Services.~~

4. ~~The Commissioner of the Department of Veterans Services shall determine the eligibility of the children who may make application for the benefits provided for in this subsection and shall satisfy himself of the attendance and satisfactory progress of such children at such institution and of the accuracy of the charge or charges submitted on account of the attendance of any such children at any such institution. However, neither the Commissioner nor any employee of the Department of Veterans Services shall receive any compensation for such services.~~

5. ~~To carry out the provisions of this subsection, there may be expended such funds as shall be appropriated for the purpose in the general appropriation acts. However, the~~ The maximum amount to be

expended for each such child *pursuant to this subsection* shall not be more *exceed*, when combined with any federal allowance ~~which that~~ may be made for such tuition, *institutional* charges, fees, rent, books and supplies, ~~than~~ the actual amount of the benefits provided for in this subsection.

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

B. Any child between the ages of 16 and 25 whose parent or any person whose spouse has been killed in the line of duty while employed or serving as a law-enforcement officer, *sworn law-enforcement officer*, firefighter, ~~including a special forest warden designated pursuant to § 10.1-1135,~~ member of a rescue squad, ~~sworn law-enforcement officer,~~ special agent of the Department of Alcoholic Beverage Control, state correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff, ~~or and any person whose spouse was killed in the line of duty while employed or serving in any of such occupations or as a member of the Virginia National Guard while such member is serving in the Virginia National Guard or as a, or called to active duty as a member of the United States Armed Forces Reserves or the Virginia National Guard Reserve,~~ shall be entitled to free undergraduate tuition and the payment of required fees at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia under the following conditions:

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

2. The child or spouse shall have been offered admission to a *such* public institution of higher education or other public accredited postsecondary institution. Any child or spouse who believes he is eligible shall apply to the public institution of higher education or other accredited postsecondary institution to which he has been admitted for the benefits provided by this subsection. The institution shall determine the eligibility of the applicant for these benefits and shall also ascertain that the recipients are in attendance and are making satisfactory progress. The amounts payable for tuition, *institutional charges* and required fees, and books and supplies for the applicants shall be waived by the institution accepting the students.

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

C. Senior citizens shall be entitled to free tuition and required fees pursuant to the provisions of Chapter 4.5 (§ 23-38.54 et seq.) of Title 23. For the purposes of subsections A and B, user fees, such as room and board charges, shall not be included in this authorization to waive tuition and fees. However, all required educational and auxiliary fees shall be waived along with tuition.

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

E. Each public institution of higher education and other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia shall include in its catalogue or equivalent publication a statement describing the benefits provided by subsections A and B.