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SENATE BILL NO. 1288

Offered January 20, 2005

A *BILL to amend and reenact § 23-7.4:1 of the Code of Virginia, relating to waiver of tuition and required fees for certain students.*

Patrons—Stolle, Bell, Blevins, Bolling, Chichester, Colgan, Cuccinelli, Deeds, Devolites Davis, Edwards, Hanger, Hawkins, Houck, Howell, Lambert, Locke, Lucas, Marsh, Martin, Miller, Mims, Newman, Norment, Obenshain, O'Brien, Potts, Puckett, Puller, Quayle, Rerras, Reynolds, Ruff, Saslaw, Stosch, Ticer, Wagner, Wampler, Watkins, Whipple and Williams

Referred to Committee on Education and Health

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. Waiver of tuition and required fees for certain students.

A. Pursuant to this subsection:

1. All sums appropriated by law for the purpose of effecting the provisions of this subsection shall be used for the sole purpose of providing for free tuition and required fees at the state-supported institutions and institutional charges, general or college fees, or any charges by whatever term referred to, board and room rent, and books and supplies at any education or training institution of collegiate or secondary grade 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 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 the Virginia National Guard*, or was or is or may hereafter become totally and permanently disabled due to service during such periods if such parent (i) was a citizen of Virginia at the time of entering such service; (ii) is and has been, 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; (iii) is 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 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, 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 or may become due by reason of attendance at any such educational or training institution, not in excess of the amount specified in subdivision 5, 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 maximum amount to be expended for each such child shall not be more, when combined with any federal allowance which may be made for such tuition, 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, firefighter, including a

56 special forest warden designated pursuant to § 10.1-1135, member of a rescue squad, sworn
57 law-enforcement officer, special agent of the Department of Alcoholic Beverage Control, state
58 correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, deputy sheriff,
59 or member of the Virginia National Guard while such member is serving in the Virginia National Guard
60 or as a member of the United States Armed Forces, shall be entitled to free undergraduate tuition and
61 required fees at any public institution of higher education in Virginia under the following conditions:

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

68 2. The child or spouse shall have been offered admission to a public institution of higher education.
69 Any child or spouse who believes he is eligible shall apply to the public institution of higher education
70 to which he has been admitted for the benefits provided by this subsection. The institution shall
71 determine the eligibility of the applicant for these benefits and shall also ascertain that the recipients are
72 in attendance and are making satisfactory progress. The amounts payable for tuition and required fees
73 for the applicants shall be waived by the institution accepting the students.

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

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

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