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SENATE BILL NO. 1288

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 21, 2005)

(Patron Prior to Substitute—Senator Stolle)

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

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60 appropriated for the purpose in the general appropriation acts. However, ~~the~~ *The* maximum amount to be
61 expended for each such child *pursuant to this subsection* shall not ~~be more exceed~~, when combined with
62 any federal allowance ~~which that~~ may be made for such tuition, *institutional* charges, fees, rent, books
63 and supplies, ~~than~~ the actual amount of the benefits provided for in this subsection.

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

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

79 1. The chief administrative officer of the Alcoholic Beverage Control Board, emergency medical
80 services agency, law-enforcement agency, or other appropriate agency or the Superintendent of State
81 Police certifies that the deceased parent or spouse was employed or serving as a law-enforcement officer
82 ~~or a , sworn law-enforcement officer~~, firefighter, ~~including a special forest warden designated pursuant to~~
83 § 10.1-1135, or member of a rescue squad or in any other capacity as specified in this section and was
84 killed in the line of duty while serving or living in the Commonwealth; and

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

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

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

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

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