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HOUSE BILL NO. 1272

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 23, 2006)

(Patron Prior to Substitute—Delegate Janis)

A BILL to amend and reenact § 23-7.4:1 of the Code of Virginia, relating to Virginia Military Survivors and Dependents 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. Waiver of tuition and required fees for eligible children and spouses of veterans and certain public safety personnel, and certain foreign students.

A. 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 Military Survivors and Dependents Education Program for the sole purpose of providing undergraduate or other postsecondary education free of (i) tuition and all required fees; (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 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 qualified survivors and dependents of military service members. For purposes of this subsection, "qualified survivors and dependents" means the spouse or a child the children between the ages of 16 and 25 29, either of whose parents of a military service member who, while serving as an active duty member in the United States 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; or is a prisoner of war, or a veteran who is or may hereafter become totally and permanently at least 90% disabled, as rated by the United States Department of Veterans Affairs and has been discharged or released under conditions other than dishonorable, due to such service.

Such children qualified survivors and dependents shall be eligible for the benefits conferred by this subsection if such parent the military service member who was killed, is missing in action, is a prisoner of war, or is disabled (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 the admission application was submitted by or on behalf of such child qualified survivor or dependent for admission to such institution of higher education or other public accredited postsecondary institution; (iii) if deceased, was a citizen of Virginia on the date of his death and had been a citizen of Virginia for at least five years immediately prior to his death; or (iv) in the case of a qualified child, 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 the admission application was submitted by or on behalf of such child; or, (v) in the case of a qualified spouse, is deceased and the surviving spouse had been, at some time previous to marrying the deceased spouse, a citizen of Virginia for at least five years or is and has been a citizen of Virginia for at least five years prior to the date on which the admission application was submitted by such qualified spouse.

Such children Qualified survivors and dependents who have been admitted to such institutions, upon recommendation of certification to the Commissioner of the Department of Veterans Services of eligibility under this subsection, shall be admitted free of tuition and all required fees. Certification shall be established through documentation from the United States Department of Veterans Affairs that the survivor's or dependent's veteran parent or spouse was killed in the line of duty, missing in action, a prisoner of war, or has been rated at least 90% disabled and has been discharged or released under conditions other than dishonorable.

The amounts that may be expended for such eligible child qualified survivor or dependent or may become due by reason of his attendance at such institution, not in excess of the amount specified in this subsection, shall be payable on vouchers approved by the Commissioner of the Department of Veterans Services.

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 administer the Military Survivors and Dependents Education Program and shall satisfy himself of the attendance and

60 course completion and satisfactory progress of such children survivors and dependents at such institution
61 and of the accuracy of the charge or charges submitted on account of ~~the~~ his attendance of any such
62 children at any such institution. However, neither the Commissioner nor any employee of the
63 Department of Veterans Services shall receive any compensation for such services.

64 The maximum amount to be expended for each such child survivor or dependent pursuant to this
65 subsection shall not exceed, when combined with any federal allowance that may be made for such
66 tuition, institutional charges, fees, rent, books and supplies, the actual amount of the benefits provided
67 for in this subsection costs related to the survivor's or dependent's educational expenses allowed under
68 this subsection.

69 The Commissioner of the Department of Veterans Services shall designate a senior-level official who
70 shall be responsible for developing and implementing the agency's strategy for disseminating information
71 about the Military Survivors and Dependents Education Program to disabled veterans whose dependents
72 qualify, and to survivors of veterans who may qualify. The Department of Veterans Services shall
73 coordinate with the United States Department of Veterans Affairs to identify veterans and qualified
74 survivors and dependents. The Commissioner of the Department of Veterans Services shall report
75 annually to the Governor and the General Assembly as to the agency's policies and strategies relating
76 to dissemination of information about the Program. The report shall also include the number of current
77 beneficiaries, the educational institutions attended by beneficiaries, and the completion rate of the
78 beneficiaries.

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

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

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

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

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

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