

072370348

HOUSE BILL NO. 2179

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on January 24, 2007)

(Patrons Prior to Substitute—Delegates Janis, Watts [HB 2282], and Reid [HB 2630])

*A BILL to amend and reenact § 23-7.4:1 of the Code of Virginia, relating to the 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 certain charges and fees for eligible children and spouses of certain military service members, eligible children and spouses of 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 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 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 between the ages of 16 and 29, 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, 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 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. There is hereby established the Virginia Military Survivors and Dependents Education Program. Qualified survivors and dependents of military service members, who have been admitted to any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia, upon 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.

The Virginia Military Survivors and Dependents Education Program shall be implemented pursuant to the following:

1. For the purposes of this subsection, "qualified survivors and dependents" means the spouse or a child between the ages of 16 and 29 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, on a peacekeeping 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 of a veteran who, due to such service, has been rated by the United States Department of Veterans Affairs as totally and permanently disabled or at least 90% disabled, and has been discharged or released under conditions other than dishonorable. However, the Commissioner of the Department of Veterans Services may certify dependents above the age of 29 in those cases in which extenuating circumstances prevented the dependent child from using his benefits before the age of 30.

2. Such qualified survivors and dependents shall be eligible for the benefits conferred by this subsection if the military service member who was killed, is missing in action, is a prisoner of war, or is disabled (i) was a ~~citizen~~ *bona fide domiciliary* 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~~ *bona fide domiciliary* 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 qualified survivor or dependent for admission to such institution of higher education or other public accredited postsecondary institution; (iii) if deceased, was a ~~citizen~~ *bona fide domiciliary* of Virginia on the date of his death and had been a ~~citizen~~ *bona fide domiciliary* of Virginia for at least five years immediately prior to his death; (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~~ *bona fide domiciliary* of Virginia for at least five years or is and has been a ~~citizen~~ *bona fide domiciliary* of Virginia for at least five years immediately prior to the date on which the admission application was submitted by or on

HOUSE SUBSTITUTE

HB2179H1

60 behalf of such child; or (v) in the case of a qualified spouse, is deceased and the surviving spouse had
61 been, at some time previous to marrying the deceased spouse, a ~~citizen~~ *bona fide domiciliary* of Virginia
62 for at least five years or is and has been a ~~citizen~~ *bona fide domiciliary* of Virginia for at least five
63 years prior to the date on which the admission application was submitted by such qualified spouse.

64 Qualified survivors and dependents who have been admitted to such institutions, upon certification to
65 the Commissioner of the Department of Veterans Services of eligibility under this subsection, shall be
66 admitted free of tuition and all required fees. Certification shall be established through documentation
67 from the United States Department of Veterans Affairs that the survivor's or dependent's veteran parent
68 or spouse was killed in the line of duty, missing in action, a prisoner of war, or has been rated at least
69 90% disabled and has been discharged or released under conditions other than dishonorable.

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

73 The Commissioner of the Department of Veterans Services shall administer the Military Survivors
74 and Dependents Education Program and shall satisfy himself of the attendance and course completion of
75 survivors and dependents at such institution and of the accuracy of the charge or charges submitted on
76 account of his attendance at any such institution. However, neither the Commissioner nor any employee
77 of the Department of Veterans Services shall receive any compensation for such services.

78 3. From such funds as may be appropriated and from such gifts, bequests and any gifts, grants, or
79 donations from public or private sources, there is hereby established the Virginia Military Survivors and
80 Dependents Education Fund for the sole purpose of providing financial assistance for board and room
81 charges, books and supplies, and other expenses at any public institution of higher education or other
82 public accredited postsecondary institution granting a degree, diploma, or certificate in the
83 Commonwealth of Virginia for the use and benefit of qualified survivors and dependents.

84 Each year, from the funds available in the Virginia Military Survivors and Dependents Education
85 Fund, the State Council of Higher Education for Virginia and its member institutions shall determine the
86 amount and the manner in which financial assistance shall be made available to beneficiaries and shall
87 make that information available to the Commissioner of the Department of Veterans Services for
88 distribution.

89 The State Council of Higher Education for Virginia shall be responsible for disbursing to the
90 institutions the funds appropriated or otherwise made available by the Commonwealth of Virginia to
91 support the Virginia Military Survivors and Dependents Education Fund and shall report to the
92 Commissioner of the Department of Veterans Services the beneficiaries' completion rate.

93 The maximum amount to be expended for each such survivor or dependent pursuant to this
94 subsection shall not exceed, when combined with any federal allowance that may be made for such
95 tuition, institutional charges, fees, rent, books and supplies other form of scholarship, grant, or waiver,
96 the actual costs related to the survivor's or dependent's educational expenses allowed under this
97 subsection.

98 4. The Commissioner of the Department of Veterans Services shall designate a senior-level official
99 who shall be responsible for developing and implementing the agency's strategy for disseminating
100 information about the Military Survivors and Dependents Education Program to ~~disabled veterans whose~~
101 ~~dependents qualify, and to survivors of veterans those spouses and dependents~~ who may qualify. The
102 Department of Veterans Services shall coordinate with the United States Department of Veterans Affairs
103 to identify veterans and qualified survivors and dependents. The Commissioner of the Department of
104 Veterans Services shall report annually to the Governor and the General Assembly as to the agency's
105 policies and strategies relating to dissemination of information about the Program. The report shall also
106 include the number of current beneficiaries, the educational institutions attended by beneficiaries, and the
107 completion rate of the beneficiaries.

108 B. Any child between the ages of 16 and 25 whose parent or any person whose spouse has been
109 killed in the line of duty while employed or serving as a law-enforcement officer, sworn
110 law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue
111 squad, special agent of the Department of Alcoholic Beverage Control, state correctional, regional or
112 local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff, and any person
113 whose spouse was killed in the line of duty while employed or serving in any of such occupations, shall
114 be entitled to free undergraduate tuition and the payment of required fees at any public institution of
115 higher education or other public accredited postsecondary institution granting a degree, diploma, or
116 certificate in Virginia under the following conditions:

117 1. The chief administrative officer of the Alcoholic Beverage Control Board, emergency medical
118 services agency, law-enforcement agency, or other appropriate agency or the Superintendent of State
119 Police certifies that the deceased parent or spouse was employed or serving as a law-enforcement
120 officer, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, or
121 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 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.

C. For the purposes of subsection 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.