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HOUSE BILL NO. 2604

Offered January 10, 2007

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A BILL to amend and reenact § 23-7.4:1 of the Code of Virginia, relating to waiver of tuition for children and spouses of certain public safety personnel.

Patron—Jones, D.C.

Referred to Committee on Education

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 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.

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 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 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; (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.

Qualified survivors and dependents who have been admitted to such institutions, 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. 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 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 administer the Military Survivors and Dependents Education Program and shall satisfy himself of the attendance and course completion of survivors and dependents at such institution and of the accuracy of the charge or charges submitted on account of his attendance at any such institution. However, neither the Commissioner nor any employee

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59 of the Department of Veterans Services shall receive any compensation for such services.

60 The maximum amount to be expended for each such survivor or dependent pursuant to this
61 subsection shall not exceed, when combined with any federal allowance that may be made for such
62 tuition, institutional charges, fees, rent, books and supplies, the actual costs related to the survivor's or
63 dependent's educational expenses allowed under this subsection.

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

74 B. ~~Any~~ *The surviving spouse and any child between the ages of 16 and 25 whose parent or any*
75 ~~person whose spouse has been killed in the line of duty while employed or serving as a law-enforcement~~
76 ~~officer, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135,~~
77 ~~member of a rescue squad, special agent of the Department of Alcoholic Beverage Control, state~~
78 ~~correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy~~
79 ~~sheriff, and any person whose spouse was killed in the line of duty while employed or serving in any of~~
80 ~~such occupations of a deceased person, as defined by § 9.1-400 of the Line of Duty Act,~~ shall be entitled
81 to free undergraduate tuition and the payment of required fees at any public institution of higher
82 education or other public accredited postsecondary institution granting a degree, diploma, or certificate
83 in Virginia under the following conditions:

84 1. The chief administrative officer of the Alcoholic Beverage Control Board, emergency medical
85 services agency, law-enforcement agency, or other appropriate agency or the Superintendent of State
86 Police certifies that (i) the deceased parent or spouse was employed or serving as a law-enforcement
87 officer, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, or
88 member of a rescue squad or in any other capacity as specified in this section and ~~was killed in the line~~
89 ~~of duty~~ (ii) *that the deceased parent's or spouse's death was the direct or proximate result of the*
90 *performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, and 65.2-402,*
91 while serving or living in the Commonwealth; and

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

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

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

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