

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 23-7.4:1 of the Code of Virginia, relating to waiver of tuition for*
3 *children and spouses of certain public safety personnel.*

4 [S 1187]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 23-7.4:1 of the Code of Virginia is amended and reenacted as follows:**

8 § 23-7.4:1. Waiver of tuition and required fees for eligible children and spouses of veterans and
9 certain public safety personnel, and certain foreign students.

10 A. From such funds as may be appropriated and from such gifts, bequests, and any gifts, grants, or
11 donations from public or private sources, there is hereby established the Virginia Military Survivors and
12 Dependents Education Program for the sole purpose of providing undergraduate or other postsecondary
13 education free of (i) tuition and all required fees; (ii) institutional charges; (iii) general or college fees,
14 or any charges by whatever term referred to; (iv) board and room rent; and (v) books and supplies at
15 any public institution of higher education or other public accredited postsecondary institution granting a
16 degree, diploma, or certificate in the Commonwealth of Virginia for the use and benefit of qualified
17 survivors and dependents of military service members. For purposes of this subsection, "qualified
18 survivors and dependents" means the spouse or a child between the ages of 16 and 29, of a military
19 service member who, while serving as an active duty member in the United States Armed Forces,
20 United States Armed Forces Reserves, the Virginia National Guard, or Virginia National Guard Reserve,
21 during military operations against terrorism, on a peace-keeping mission, as a result of a terrorist act, or
22 in any armed conflict subsequent to December 6, 1941, was killed or is missing in action or is a
23 prisoner of war, or a veteran who is or may hereafter become at least 90% disabled, as rated by the
24 United States Department of Veterans Affairs and has been discharged or released under conditions
25 other than dishonorable, due to such service.

26 Such qualified survivors and dependents shall be eligible for the benefits conferred by this subsection
27 if the military service member who was killed, is missing in action, is a prisoner of war, or is disabled
28 (i) was a citizen of Virginia at the time of entering such active military service or called to active duty
29 as a member of the Armed Forces Reserves or Virginia National Guard Reserve; (ii) is and has been a
30 citizen of Virginia for at least five years immediately prior to the date on which the admission
31 application was submitted by or on behalf of such qualified survivor or dependent for admission to such
32 institution of higher education or other public accredited postsecondary institution; (iii) if deceased, was
33 a citizen of Virginia on the date of his death and had been a citizen of Virginia for at least five years
34 immediately prior to his death; (iv) in the case of a qualified child, is deceased and the surviving parent
35 had been, at some time previous to marrying the deceased parent, a citizen of Virginia for at least five
36 years or is and has been a citizen of Virginia for at least five years immediately prior to the date on
37 which the admission application was submitted by or on behalf of such child; or (v) in the case of a
38 qualified spouse, is deceased and the surviving spouse had been, at some time previous to marrying the
39 deceased spouse, a citizen of Virginia for at least five years or is and has been a citizen of Virginia for
40 at least five years prior to the date on which the admission application was submitted by such qualified
41 spouse.

42 Qualified survivors and dependents who have been admitted to such institutions, upon certification to
43 the Commissioner of the Department of Veterans Services of eligibility under this subsection, shall be
44 admitted free of tuition and all required fees. Certification shall be established through documentation
45 from the United States Department of Veterans Affairs that the survivor's or dependent's veteran parent
46 or spouse was killed in the line of duty, missing in action, a prisoner of war, or has been rated at least
47 90% disabled and has been discharged or released under conditions other than dishonorable.

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

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

56 The maximum amount to be expended for each such survivor or dependent pursuant to this

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

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

B. ~~Any~~ *The surviving spouse and 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, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of the Department of Alcoholic Beverage Control, state correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff, member of the Virginia National Guard while serving on official state duty or federal duty under Title 32 of the United States Code, or member of the Virginia State Defense Force while serving on official state duty, and any person whose spouse was killed in the line of duty while employed or serving in any of such occupations, shall be entitled to free undergraduate tuition and the payment of required fees at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia under the following conditions:*

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