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HOUSE BILL NO. 2110

Offered January 14, 2015

Prefiled January 14, 2015

A *BILL to amend the Code of Virginia by adding in Title 23 a chapter numbered 4.03, containing articles numbered 1 through 4, consisting of sections numbered 23-38.10:14 through 23-38.10:17, relating to scholarships for military dependents, spouses, and surviving spouses.*

Patrons—Futrell and Plum

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 23 a chapter numbered 4.03, containing articles numbered 1 through 4, consisting of sections numbered 23-38.10:14 through 23-38.10:17, as follows:

CHAPTER 4.03.**SCHOLARSHIPS FOR MILITARY DEPENDENTS, SPOUSES, AND SURVIVING SPOUSES.****Article 1.****General Provisions.****§ 23-38.10:14. Definitions; domicile; Virginia Military Survivors and Dependents Education Program; Scholarship Fund.**

A. For the purposes of this chapter:

"Department" means the Department of Veterans Services.

"Dependent student," "domicile," and "veteran" have the same meaning as specified in § 23-7.4.

"Fund" means the Military Dependents, Spouses, and Surviving Spouses Scholarship Fund.

B. For the purposes of each scholarship established pursuant to this chapter, the parent or spouse through whom each applicant seeks to establish eligibility shall have (i) retired from a permanent duty station in the Commonwealth or (ii) established domicile in the Commonwealth for the five years immediately preceding (a) the date of his retirement from the United States Armed Forces, the United States Armed Forces Reserves, the Virginia National Guard, or the Virginia National Guard Reserve; (b) the date of his death, disappearance, or imprisonment as described in subsection A of § 23-38.10:15, subsection A of § 23-38.10:16, or subsection A of § 23-38.10:17, as applicable; or (c) the date of application for the scholarship.

C. 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 Fund for the sole purpose of awarding scholarships pursuant to articles 2 through 4.

D. Each year, from the funds available in the Fund, the State Council of Higher Education for Virginia and eligible institutions shall determine the amount and the manner in which financial assistance shall be made available to beneficiaries and shall make that information available to the Commissioner of the Department for distribution.

E. The State Council of Higher Education for Virginia shall be responsible for disbursing to the institutions the funds appropriated or otherwise made available by the Commonwealth to support the Fund.

F. Nothing in this chapter shall be construed to affect eligibility for the Virginia Military Survivors and Dependents Education Program established pursuant to § 23-7.4:1.

Article 2.**Dependent Student Scholarship Program.****§ 23-38.10:15. Dependent Student Scholarship Program; eligibility; award.**

A. Any dependent student under the age of 27 whose parent or spouse, as applicable, while serving as an active duty member in the United States Armed Forces, the United States Armed Forces Reserves, the Virginia National Guard, or the Virginia National Guard Reserve during military operations, (i) was killed, (ii) was or currently still is a prisoner of war, (iii) was and currently still is listed as missing in action, or (iv) became disabled and (a) died as a result of such disability, (b) died and was rated by the U.S. Department of Veterans Affairs as at least 20 percent disabled at the time of his death, or (c) is currently rated by the U.S. Department of Veterans Affairs as at least 20 percent disabled, may apply to the Department for a Dependent Student Scholarship (Scholarship).

B. The amount of each Scholarship shall meet but not exceed, when combined with any other form of scholarship, grant, or waiver, the actual costs for tuition, institutional charges, required fees, and books at a public institution of higher education or certain private institutions of higher education offering

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59 certain courses of study, as prescribed by the Department.

60 C. Scholarships shall be awarded for one academic year but may be renewed for (i) three additional
61 academic years for students who attend public institutions of higher education and (i) two additional
62 academic years for students who attend approved private institutions of higher education.

63 D. In no case shall a Scholarship be renewed if the recipient has not completed the requirements to
64 receive a degree within eight years of initial enrollment except when the Department determines that the
65 student has missed more than one academic term due to accident, injury, illness, or military service.

66 E. The Department may award Scholarships to dependent students between the ages of 27 and 30
67 who meet certain additional criteria prescribed by the Department.

68 Article 3.

69 Spouse and Surviving Spouse Scholarship Program.

70 **§ 23-38.10:16. Spouse and Surviving Spouse Scholarship Program; eligibility; award.**

71 A. Any non-dependent student whose spouse, while serving as an active duty member in the United
72 States Armed Forces, the United States Armed Forces Reserves, the Virginia National Guard, or the
73 Virginia National Guard Reserve during military operations, (i) was killed, (ii) was or currently still is
74 a prisoner of war, (iii) was and currently still is listed as missing in action during the Vietnam War, or
75 (iv) became disabled and (a) died as a result of such disability or (b) is currently rated by the U.S.
76 Department of Veterans Affairs as 100 percent disabled, may apply to the Department for a Spouse and
77 Surviving Spouse Scholarship (Scholarship).

78 B. The amount of each Scholarship shall meet but not exceed, when combined with any other form of
79 scholarship, grant, or waiver, the actual costs for tuition, institutional charges, required fees, and books
80 at a public institution of higher education or certain private institutions of higher education offering
81 certain courses of study, as prescribed by the Department.

82 C. Scholarships shall be awarded for one academic year but may be renewed for (i) three additional
83 academic years for students who attend public institutions of higher education and (i) two additional
84 academic years for students who attend approved private institutions of higher education.

85 D. In no case shall a Scholarship be renewed if the recipient, whose spouse was killed while serving
86 as an active duty member during military operations, or became disabled and died as a result of such
87 disability as described in subsection A, remarries.

88 Article 4.

89 Spouse of Disabled Veteran Scholarship Program.

90 **§ 23-38.10:17. Spouse of Disabled Veteran Scholarship Program; eligibility; award.**

91 A. Any non-dependent student whose spouse, while serving as an active duty member in the United
92 States Armed Forces, the United States Armed Forces Reserves, the Virginia National Guard, or the
93 Virginia National Guard Reserve during military operations, became disabled and (i) died and was
94 rated by the U.S. Department of Veterans Affairs as at least 20 percent but less than 100 percent
95 disabled at the time of his death or (ii) is currently rated by the U.S. Department of Veterans Affairs as
96 at least 20 percent but less than 100 percent disabled, may apply to the Department for a Spouse of
97 Disabled Veteran Scholarship (Scholarship).

98 B. The amount of each Scholarship shall meet but not exceed, when combined with any other form of
99 scholarship, grant, or waiver, the actual costs for tuition, institutional charges, required fees, and books
100 at a public institution of higher education or certain private institutions of higher education offering
101 certain courses of study, as prescribed by the Department.

102 C. Scholarships shall be awarded for one academic year but may be renewed for (i) three additional
103 academic years for students who attend public institutions of higher education and (ii) one additional
104 academic year for students who attend approved private institutions of higher education.

105 D. In no case shall a Scholarship be renewed if the recipient, whose spouse became disabled and
106 died as a result of such disability as described in subsection A, remarries.