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HOUSE BILL NO. 1099

Offered January 13, 2016

Prefiled January 13, 2016

A *BILL to amend and reenact § 23-7.4:1, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to the Virginia Military Survivors and Dependents Education Program; eligibility.*

Patron—Villanueva

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 23-7.4:1, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 23-7.4:1. (Effective until July 1, 2018) 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. 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 (i) a military service member who, while serving as an active duty member in the ~~Armed Forces of the United States~~ ~~Armed Forces, United States the Reserves of the~~ ~~Armed Forces Reserves of the United States, or 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, as that term is defined by the~~ ~~Department of Veterans Services pursuant to regulation~~, was killed or is missing in action or is a prisoner of war; or (ii) a veteran who, ~~served in the Armed Forces of the United States, the Reserves of the Armed Forces of the United States, or the Virginia National Guard and~~, due to such service, has been rated by the ~~United States~~ ~~U.S.~~ Department of Veterans Affairs as totally and permanently disabled or at least ~~90%~~ ~~90 percent~~ permanently 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 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 bona fide domiciliary of Virginia for at least five years immediately prior to, or has had a physical presence in 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 bona fide domiciliary of Virginia on the date of his death and had been a bona fide domiciliary of Virginia for at least five years immediately prior to his death or had a physical presence in Virginia on the date of his death and has had a physical presence in 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 bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years immediately prior to or has had a physical presence in 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 bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years or has had a physical presence in Virginia for at least five years prior to the date on which the admission application was

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HB1099

59 submitted by such qualified spouse.

60 3. From such funds as may be appropriated and from such gifts, bequests, and any gifts, grants, or
61 donations from public or private sources, there is hereby established the Virginia Military Survivors and
62 Dependents Education Fund for the sole purpose of providing financial assistance, in an amount (i) up
63 to \$2,000 or (ii) as provided in the appropriation act, for board and room charges, books and supplies,
64 and other expenses at any public institution of higher education or other public accredited postsecondary
65 institution granting a degree, diploma, or certificate in the Commonwealth of Virginia for the use and
66 benefit of qualified survivors and dependents.

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

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

76 The maximum amount to be expended for each such survivor or dependent pursuant to this
77 subsection shall not exceed, when combined with any other form of scholarship, grant, or waiver, the
78 actual costs related to the survivor's or dependent's educational expenses allowed under this subsection.

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

88 B. The surviving spouse and any child between the ages of 16 and 25 whose parent or whose spouse
89 has been killed in the line of duty while employed or serving as a law-enforcement officer, including as
90 a campus police officer appointed under Chapter 17 (§ 23-232 et seq.), sworn law-enforcement officer,
91 firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of
92 the Department of Alcoholic Beverage Control, state correctional, regional or local jail officer, regional
93 jail or jail farm superintendent, sheriff, or deputy sheriff, member of the Virginia National Guard while
94 serving on official state duty or federal duty under Title 32 of the United States Code, or member of the
95 Virginia Defense Force while serving on official state duty, and any person whose spouse was killed in
96 the line of duty while employed or serving in any of such occupations, shall be entitled to free
97 undergraduate tuition and the payment of required fees at any public institution of higher education or
98 other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia
99 under the following conditions:

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

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

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

117 D. Tuition and required fees may be waived for a student from a foreign country enrolled in a public
118 institution of higher education through a student exchange program approved by such institution,
119 provided the number of foreign students does not exceed the number of students paying full tuition and
120 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.

§ 23-7.4:1. (Effective July 1, 2018) 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. 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 (i) a military service member who, while serving as an active duty member in the *Armed Forces of the United States* ~~Armed Forces, United States the Reserves of the Armed Forces Reserves of the United States, or 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, as that term is defined by the Department of Veterans Services pursuant to regulation~~, was killed or is missing in action or is a prisoner of war, or of (ii) a veteran who, ~~served in the Armed Forces of the United States, the Reserves of the Armed Forces of the United States, or the Virginia National Guard and~~, due to such service, has been rated by the ~~United States~~ U.S. Department of Veterans Affairs as totally and permanently disabled or at least ~~90%~~ 90 percent permanently 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 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 bona fide domiciliary of Virginia for at least five years immediately prior to, or has had a physical presence in 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 bona fide domiciliary of Virginia on the date of his death and had been a bona fide domiciliary of Virginia for at least five years immediately prior to his death or had a physical presence in Virginia on the date of his death and has had a physical presence in 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 bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years immediately prior to or has had a physical presence in 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 bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years or has had a physical presence in Virginia for at least five years prior to the date on which the admission application was submitted by such qualified spouse.

3. 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 Fund for the sole purpose of providing financial assistance, in an amount (i) up to \$2,000 or (ii) as provided in the appropriation act, for board and room charges, books and supplies, and other expenses 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.

Each year, from the funds available in the Virginia Military Survivors and Dependents Education Fund, the State Council of Higher Education for Virginia and its member 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 of Veterans Services for

182 distribution.

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

187 The maximum amount to be expended for each such survivor or dependent pursuant to this
188 subsection shall not exceed, when combined with any other form of scholarship, grant, or waiver, the
189 actual costs related to the survivor's or dependent's educational expenses allowed under this subsection.

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

199 B. The surviving spouse and any child between the ages of 16 and 25 whose parent or whose spouse
200 has been killed in the line of duty while employed or serving as a law-enforcement officer, including as
201 a campus police officer appointed under Chapter 17 (§ 23-232 et seq.), sworn law-enforcement officer,
202 firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of
203 the Virginia Alcoholic Beverage Control Authority, state correctional, regional or local jail officer,
204 regional jail or jail farm superintendent, sheriff, or deputy sheriff, member of the Virginia National
205 Guard while serving on official state duty or federal duty under Title 32 of the United States Code, or
206 member of the Virginia Defense Force while serving on official state duty, and any person whose
207 spouse was killed in the line of duty while employed or serving in any of such occupations, shall be
208 entitled to free undergraduate tuition and the payment of required fees at any public institution of higher
209 education or other public accredited postsecondary institution granting a degree, diploma, or certificate
210 in Virginia under the following conditions:

211 1. The Chief Executive Officer of the Virginia Alcoholic Beverage Control Authority, emergency
212 medical services agency, law-enforcement agency, or other appropriate agency or the Superintendent of
213 State Police certifies that the deceased parent or spouse was employed or serving as a law-enforcement
214 officer, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, or
215 member of a rescue squad or in any other capacity as specified in this section and was killed in the line
216 of duty while serving or living in the Commonwealth; and

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

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

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

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

236 **2. That the provisions of this act shall not become effective unless an appropriation effectuating**
237 **the purposes of this act is included in a general appropriation act passed in 2016 by the General**
238 **Assembly that becomes law.**