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**HOUSE BILL NO. 1272**

Offered January 11, 2006

Prefiled January 11, 2006

*A BILL to amend and reenact § 23-7.4:1 of the Code of Virginia, relating to Virginia War Orphan Education Program; definition of disability.*

Patrons—Janis, Athey, Callahan, Gear, Gilbert, Kilgore, Landes, Lingamfelter, Lohr, Peace, Rapp and Suit

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. Virginia War Orphan Education Program; waiver of tuition and required fees for eligible children of veterans and eligible children or 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 War Orphan 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 approved in writing by the Commissioner of the Department of Veterans Services for the use and benefit of the children between the ages of 16 and 25, either of whose parents, 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 or 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, is a prisoner of war, or is ~~or may hereafter become totally and permanently disabled~~ *has a total disability permanent in nature, as defined in 38 U.S.C. § 3501*, due to such service.

Such children shall be eligible for the benefits conferred by this subsection if such parent (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 application was submitted by or on behalf of such child 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; or (iv) 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 admission application was submitted by or on behalf of such child.

Such children who have been admitted to such institutions, upon recommendation of the Commissioner of the Department of Veterans Services, shall be admitted free of tuition and all required fees.

The amounts that may be expended for such eligible child 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 determine the eligibility of the children who may make application for the benefits provided for in this subsection and shall satisfy himself of the attendance and satisfactory progress of such children at such institution and of the accuracy of the charge or charges submitted on account of the attendance of any such children at any such institution. However, neither the Commissioner nor any employee of the Department of Veterans Services shall receive any compensation for such services.

The maximum amount to be expended for each such child pursuant to this 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 amount of the benefits provided for in this subsection.

B. 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

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58 agent of the Department of Alcoholic Beverage Control, state correctional, regional or local jail officer,  
59 regional jail or jail farm superintendent, sheriff, or deputy sheriff, and any person whose spouse was  
60 killed in the line of duty while employed or serving in any of such occupations or as a member of the  
61 Virginia National Guard, or called to active duty as a member of the United States Armed Forces  
62 Reserves or the Virginia National Guard Reserve, shall be entitled to free undergraduate tuition and the  
63 payment of required fees at any public institution of higher education or other public accredited  
64 postsecondary institution granting a degree, diploma, or certificate in Virginia under the following  
65 conditions:

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

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

80 C. For the purposes of subsections A and B, user fees, such as room and board charges, shall not be  
81 included in this authorization to waive tuition and fees. However, all required educational and auxiliary  
82 fees shall be waived along with tuition.

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

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