

2007 SESSION

LEGISLATION NOT PREPARED BY DLS
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HOUSE BILL NO. 3145

Offered January 18, 2007

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

Patrons—Poisson, Amundson, Armstrong, BaCote, Brink, Caputo, Englin, Miller, P.J., Moran, Plum, Scott, J.M., Toscano, Tyler and Valentine

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

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58 account of his attendance at any such institution. However, neither the Commissioner nor any employee
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 child between the ages of 16 and 25 whose parent or any person whose spouse has been
75 killed in the line of duty while employed or serving as a law-enforcement officer, sworn
76 law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue
77 squad, special agent of the Department of Alcoholic Beverage Control, state correctional, regional or
78 local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff, and any person
79 whose spouse was killed in the line of duty while employed or serving in any of such occupations, shall
80 be entitled to free undergraduate tuition and the payment of required fees at any public institution of
81 higher education or other public accredited postsecondary institution granting a degree, diploma, or
82 certificate in Virginia under the following conditions:

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

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

97 C. *From such funds as may be appropriated and from such gifts, bequests, and any gifts, grants, or*
98 *donations from public or private sources, there is hereby established the Virginia Public Safety Officers*
99 *Education Program, hereinafter "Program," for the sole purpose of providing undergraduate or other*
100 *postsecondary education free of (i) tuition and all required fees; (ii) institutional charges; (iii) general*
101 *or college fees, or any charges by whatever term referred to; (iv) board and room rent; and (v) books*
102 *and supplies at any public institution of higher education or other public accredited postsecondary*
103 *institution granting a degree, diploma, or certificate in the Commonwealth of Virginia for the use and*
104 *benefit of qualified public safety officers. For the purposes of this subsection "qualified public safety*
105 *officer" means any person who is employed or serving as a law-enforcement officer, sworn*
106 *law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue*
107 *squad, special agent of the Department of Alcoholic Beverage Control, state correctional, regional or*
108 *local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff, and any person who*
109 *is granted leave from such employment or service for the specific purpose of pursuing undergraduate or*
110 *other postsecondary education. Said qualified public safety officer shall be entitled to free*
111 *undergraduate tuition and the payment of required fees and other charges as enumerated hereinabove at*
112 *any public institution of higher education or other public accredited postsecondary institution granting a*
113 *degree, diploma, or certificate in Virginia under the following conditions:*

114 1. *The chief administrative officer of the Alcoholic Beverage Control Board, emergency medical*
115 *services agency, law-enforcement agency, or other appropriate agency or the Superintendent of State*
116 *Police certifies that the qualified public safety officer is employed or serving as a law-enforcement*
117 *officer, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, or*
118 *member of a rescue squad, special agent of the Department of Alcoholic Beverage Control, state*
119 *correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy*

sheriff, or in any other capacity as specified in this section;

2. The qualified public safety officer shall have been offered admission to such public institution of higher education or other public accredited postsecondary institution. Any qualified public safety officer who believes he is eligible for a grant from the Program shall apply to the Secretary of Public Safety for the benefits provided by this subsection. The Secretary shall determine the eligibility of the applicant for these benefits and shall also ascertain that the recipients are in attendance at their institutions and are making satisfactory progress;

3. The qualified public safety officer either shall have been so qualified for five years preceding his admission to the public institution of higher education or other accredited postsecondary institution or shall commit to additional qualifying service for such period of time as shall total five years when added to the qualified service already performed. In the event said commitment is subsequently not fulfilled, any educational funds expended by the Program for said qualified public safety officer are to be refunded by the officer to the Program; and

4. The grant provided to each public safety officer shall be limited to the funds available in the Program.

The Secretary of Public Safety shall administer the Program, and shall establish such rules as may be necessary. He shall satisfy himself of the qualification of the applicants for grants from the Program, and of the availability of grant funds. He shall report annually to the Governor and the General Assembly as to the implementation of the Program, which report shall include the number of current beneficiaries, the educational institutions attended by beneficiaries, and the completion rate of beneficiaries. However, neither the Secretary nor any employee of the Office of the Secretary of Public Safety shall receive any compensation for these services.

~~C.~~ D. 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.~~ E. 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.~~ F. 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.