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SENATE BILL NO. 528

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.*

Patrons—Stuart and DeSteph; Delegate: Anderson

Referred to Committee on Education and Health

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 United States Armed Forces, United States Armed Forces Reserves, ~~the~~ or 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, was killed or is missing in action or is a prisoner of war; or of (ii) a veteran who ~~served in the~~ *United States Armed Forces, United States Armed Forces Reserves, or Virginia National Guard and*, due to such service, has been rated by the United States Department of Veterans Affairs as totally and permanently disabled or at least 90% 90 percent 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

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

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

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

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

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

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

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

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

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

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

120 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 United States Armed Forces, United States Armed Forces Reserves, ~~the~~ or 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, was killed or is missing in action or is a prisoner of war; or ~~of~~ (ii) a veteran who *served in the United States Armed Forces, United States Armed Forces Reserves, or Virginia National Guard and*, due to such service, has been rated by the United States Department of Veterans Affairs as totally and permanently disabled or at least 90% 90 percent 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 distribution.

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 of Virginia to support the Virginia Military Survivors and Dependents Education Fund and shall report to the

Commissioner of the Department of Veterans Services the beneficiaries' completion rate.

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

4. 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 those spouses and dependents 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. The surviving spouse and any child between the ages of 16 and 25 whose parent or whose spouse has been killed in the line of duty while employed or serving as a law-enforcement officer, including as a campus police officer appointed under Chapter 17 (§ 23-232 et seq.), sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of the Virginia Alcoholic Beverage Control Authority, 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 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 Executive Officer of the Virginia Alcoholic Beverage Control Authority, 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.