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SENATE BILL NO. 347

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to direct the Secretary of Finance, in collaboration with the Secretary of Veterans and Defense Affairs and the Secretary of Education, to convene a stakeholder work group to evaluate and make recommendations on legislative actions and budgetary modifications that could improve the long-term viability of the Virginia Military Survivors and Dependents Education Program.

Patrons—Reeves and Craig

Referred to Committee on Higher Education

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-608, as it is currently effective and as it may become effective, of the Code of Virginia is amended and reenacted as follows:

§ 23.1-608. (Effective until pursuant to Acts 2023, cc. 756 and 778, cl. 5) Virginia Military Survivors and Dependents Education Program; tuition and fee waivers.

A. As used in this section, unless the context requires a different meaning:

"Domicile" has the same meaning as provided in § 23.1-500.

"Program" means the Virginia Military Survivors and Dependents Education Program.

"Qualified survivors and dependents" means the spouse or a child between the ages of 16 and 29 (i) of a military service member who, while serving as an active duty member in the Armed Forces of the United States, Reserves of the Armed Forces of the United States, or Virginia National Guard, during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict, was killed, became missing in action, or became a prisoner of war or (ii) of a veteran who served in the Armed Forces of the United States, Reserves of the Armed Forces of the United States, or Virginia National Guard and, due to such service, has been rated by the U.S. Department of Veterans Affairs as totally and permanently disabled or at least 90 percent permanently disabled and has been discharged or released under conditions other than dishonorable. However, the Commissioner 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. For purposes of this section, a child who is a stepchild of a deceased military service member described in this section shall receive all benefits described in this section as a child of such military service member if the military service member claimed the stepchild on his tax return or on his Defense Enrollment Eligibility Reporting System while serving on active duty. For the purposes of this section, a child who is a stepchild of a living veteran or military service member described in this section shall receive all benefits described in this section as a child of such living veteran or military service member if the living veteran or military service member claimed the stepchild on his tax return for at least five years prior to the date on which the admission application was submitted.

"Undergraduate program" means any bachelor's degree program, associate degree program, or career or technical degree or certificate program below the baccalaureate level offered at a public institution of higher education.

B. The Virginia Military Survivors and Dependents Education Program is established for the purpose of waiving any tuition and mandatory fees remaining after all other federal and state financial aid to which a qualified survivor or dependent is entitled are utilized for any undergraduate program at a public institution of higher education or Eastern Virginia Medical School for qualified survivors and dependents who have been admitted to such institution and meet the requirements of subsection C, as certified by the Commissioner of Veterans Services.

C. Admitted qualified survivors and dependents are eligible for a waiver of tuition and mandatory fees up to the amount necessary to pay for the last-dollar cost of the tuition and mandatory fees after all other federal and state financial aid to which such qualified survivor or dependent is entitled are utilized pursuant to this section if the:

1. The military service member who was killed, became missing in action, became a prisoner of war, or is disabled (i) established domicile (a) at the time of entering such active military service or called to active duty as a member of the Reserves of the Armed Forces of the United States or Virginia National Guard; (b) at least five years immediately prior to, or had a physical presence in the Commonwealth 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 Eastern Virginia Medical School; or (c) on the date of his death and for at least five years immediately prior to his death or had a physical presence in the Commonwealth on the date of his death and had a physical presence in the

59 Commonwealth for at least five years immediately prior to his death; (ii) in the case of a qualified child, is  
60 deceased and the surviving parent, at some time previous to marrying the deceased parent, established  
61 domicile for at least five years, or established domicile or had a physical presence in the Commonwealth for  
62 at least five years immediately prior to the date on which the admission application was submitted by or on  
63 behalf of such child; or (iii) in the case of a qualified spouse, is deceased and the surviving spouse, at some  
64 time previous to marrying the deceased spouse, established domicile for at least five years or had a physical  
65 presence in the Commonwealth for at least five years prior to the date on which the admission application  
66 was submitted by such qualified spouse. In any case under this ~~subsection~~ *subdivision*, the Commissioner of  
67 the Department of Veterans Services shall have the authority to consider the domicile or physical presence  
68 requirements under clause (i) (c) through the surviving spouse or under clause (iii) through the surviving  
69 student if the military service member or surviving spouse dies after having established physical presence  
70 within the Commonwealth but before such requirements can be met;

71 2. *The admitted qualified survivor or dependent completes the federal Free Application for Student Aid*  
72 *(FAFSA) for each academic year for which he seeks to receive a waiver pursuant to this section; and*

73 3. *The admitted qualified survivor or dependent maintains satisfactory academic progress pursuant to 20*  
74 *U.S.C. § 1091(c).*

75 D. *Any waiver of tuition and mandatory fees provided pursuant to subsection C shall be in an amount*  
76 *equal to the cost of tuition and mandatory fees for an undergraduate program at any public institution of*  
77 *higher education or Eastern Virginia Medical School less all other federal and state financial aid to which*  
78 *the admitted qualified survivor or dependent is entitled. Such waiver shall be credited first to such admitted*  
79 *survivor or dependent's tuition and mandatory fees.*

80 E. The Department of Veterans Services shall disseminate information about the Program to those spouses  
81 and dependents who may qualify. The Department of Veterans Services shall coordinate with the U.S.  
82 Department of Veterans Affairs to identify veterans and qualified survivors and dependents. The  
83 Commissioner of Veterans Services shall include in the annual report submitted to the Governor and the  
84 General Assembly pursuant to § 2.2-2004 an overview of the agency's policies and strategies relating to  
85 dissemination of information about the *reduced* Program and Fund.

86 ~~E.~~ F. Each public institution of higher education *that offers an undergraduate program* and Eastern  
87 Virginia Medical School shall include in its catalog or equivalent publication a statement describing the  
88 benefits available pursuant to this section.

89 **§ 23.1-608. (Effective pursuant to Acts 2023, cc. 756 and 778, cl. 5) Virginia Military Survivors and**  
90 **Dependents Education Program; tuition and fee waivers.**

91 A. As used in this section, unless the context requires a different meaning:

92 "Domicile" has the same meaning as provided in § 23.1-500.

93 "Program" means the Virginia Military Survivors and Dependents Education Program.

94 "Qualified survivors and dependents" means the spouse or a child between the ages of 16 and 29 (i) of a  
95 military service member who, while serving as an active duty member in the Armed Forces of the United  
96 States, Reserves of the Armed Forces of the United States, or Virginia National Guard, during military  
97 operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict,  
98 was killed, became missing in action, or became a prisoner of war or (ii) of a veteran who served in the  
99 Armed Forces of the United States, Reserves of the Armed Forces of the United States, or Virginia National  
100 Guard and, due to such service, has been rated by the U.S. Department of Veterans Affairs as totally and  
101 permanently disabled or at least 90 percent permanently disabled and has been discharged or released under  
102 conditions other than dishonorable. However, the Commissioner of Veterans Services may certify dependents  
103 above the age of 29 in those cases in which extenuating circumstances prevented the dependent child from  
104 using his benefits before the age of 30. For purposes of this section, a child who is a stepchild of a deceased  
105 military service member described in this section shall receive all benefits described in this section as a child  
106 of such military service member if the military service member claimed the stepchild on his tax return or on  
107 his Defense Enrollment Eligibility Reporting System while serving on active duty. *For the purposes of this*  
108 *section, a child who is a stepchild of a living veteran or military service member described in this section*  
109 *shall receive all benefits described in this section as a child of such living veteran or military service member*  
110 *if the living veteran or military service member claimed the stepchild on his tax return for at least five years*  
111 *prior to the date on which the admission application was submitted.*

112 "*Undergraduate program*" means any bachelor's degree program, associate degree program, or career  
113 or technical degree or certificate program below the baccalaureate level offered at a public institution of  
114 higher education.

115 B. The Virginia Military Survivors and Dependents Education Program is established for the purpose of  
116 waiving any tuition and mandatory fees *remaining after all other federal and state financial aid to which a*  
117 *qualified survivor or dependent is entitled are utilized for any undergraduate program* at a public institution  
118 of higher education for qualified survivors and dependents who have been admitted to such institution and  
119 meet the requirements of subsection C, as certified by the Commissioner of Veterans Services.

120 C. Admitted qualified survivors and dependents are eligible for a waiver of tuition and mandatory fees up

121 to the amount necessary to pay for the last-dollar cost of the tuition and mandatory fees after all other federal  
122 and state financial aid to which such qualified survivor or dependent is entitled are utilized pursuant to this  
123 section if ~~the~~:

124 1. The military service member who was killed, became missing in action, became a prisoner of war, or is  
125 disabled (i) established domicile (a) at the time of entering such active military service or called to active  
126 duty as a member of the Reserves of the Armed Forces of the United States or Virginia National Guard; (b) at  
127 least five years immediately prior to, or had a physical presence in the Commonwealth for at least five years  
128 immediately prior to, the date on which the admission application was submitted by or on behalf of such  
129 qualified survivor or dependent for admission to such institution of higher education; or (c) on the date of his  
130 death and for at least five years immediately prior to his death or had a physical presence in the  
131 Commonwealth on the date of his death and had a physical presence in the Commonwealth for at least five  
132 years immediately prior to his death; (ii) in the case of a qualified child, is deceased and the surviving parent,  
133 at some time previous to marrying the deceased parent, established domicile for at least five years, or  
134 established domicile or had a physical presence in the Commonwealth for at least five years immediately  
135 prior to the date on which the admission application was submitted by or on behalf of such child; or (iii) in  
136 the case of a qualified spouse, is deceased and the surviving spouse, at some time previous to marrying the  
137 deceased spouse, established domicile for at least five years or had a physical presence in the Commonwealth  
138 for at least five years prior to the date on which the admission application was submitted by such qualified  
139 spouse. In any case under this ~~subsection~~ subdivision, the Commissioner of the Department of Veterans  
140 Services shall have the authority to consider the domicile or physical presence requirements under clause (i)  
141 (c) through the surviving spouse or under clause (iii) through the surviving student if the military service  
142 member or surviving spouse dies after having established physical presence within the Commonwealth but  
143 before such requirements can be met;

144 2. The admitted qualified survivor or dependent completes the federal Free Application for Student Aid  
145 (FAFSA) for each academic year for which he seeks to receive a waiver pursuant to this section; and

146 3. The admitted qualified survivor or dependent maintains satisfactory academic progress pursuant to 20  
147 U.S.C. § 1091(c).

148 D. Any waiver of tuition and mandatory fees provided pursuant to subsection C shall be in an amount  
149 equal to the cost of tuition and mandatory fees for an undergraduate program at any public institution of  
150 higher education less all other federal and state financial aid to which the admitted qualified survivor or  
151 dependent is entitled. Such waiver shall be credited first to such admitted survivor or dependent's tuition and  
152 mandatory fees.

153 E. The Department of Veterans Services shall disseminate information about the Program to those spouses  
154 and dependents who may qualify. The Department of Veterans Services shall coordinate with the U.S.  
155 Department of Veterans Affairs to identify veterans and qualified survivors and dependents. The  
156 Commissioner of Veterans Services shall include in the annual report submitted to the Governor and the  
157 General Assembly pursuant to § 2.2-2004 an overview of the agency's policies and strategies relating to  
158 dissemination of information about the reduced Program and Fund.

159 ~~E.~~ F. Each public institution of higher education that offers an undergraduate program shall include in its  
160 catalog or equivalent publication a statement describing the benefits available pursuant to this section.

161 **2. That any individual who qualified, as certified by the Commissioner of Veterans Services, for a**  
162 **tuition and fee waiver as of June 30, 2023, pursuant to § 23.1-608 of the Code of Virginia as it was then**  
163 **in effect, and is currently enrolled in a public institution of higher education or Eastern Virginia**  
164 **Medical School shall retain his eligibility for the use of such waiver for postgraduate degrees.**