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SENATE BILL NO. 961  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on Education  
on \_\_\_\_\_)

(Patron Prior to Substitute—Senator Roem)

A BILL to amend and reenact § 23.1-608 of the Code of Virginia, relating to Virginia Military Survivors and Dependents Education Program; annual report on eligibility and usage required.

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-608 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-608. 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.

B. The Virginia Military Survivors and Dependents Education Program is established for the purpose of waiving tuition and mandatory fees at a public institution of higher education 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 pursuant to this section if 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 (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 Commonwealth for at least five years immediately prior to his death; (ii) in the case of a qualified child, is deceased and the surviving parent, at some time previous to marrying the deceased parent, established domicile for at least five years, or established domicile 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 child; or (iii) in the case of a qualified spouse, is deceased and the surviving spouse, at some time previous to marrying the deceased spouse, established domicile for at least five years or had a physical presence in the Commonwealth for at least five years prior to the date on which the admission application was submitted by such qualified spouse. In any case under this subsection, the Commissioner of the Department of Veterans Services shall have the authority to consider the domicile or physical presence requirements under clause (i) (c) through the surviving spouse or under clause (iii) through the surviving student if the military service member or surviving spouse dies after having established physical presence within the Commonwealth but before such requirements can be met.

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

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60 E. Each public institution of higher education shall include in its catalog or equivalent publication a  
61 statement describing the benefits available pursuant to this section.

62 *F. The Department of Veterans Services and the Council shall coordinate to report no later than*  
63 *December 15 of each year to the Chairmen of the House Committee on Appropriations and the Senate*  
64 *Committee on Finance and Appropriations (i) the number of qualified survivors and dependents who have*  
65 *been determined to be eligible for a waiver of tuition and mandatory fees at a public institution of higher*  
66 *education pursuant to the Program but have not yet enrolled at such an institution and (ii) the best available*  
67 *estimate of the number of qualified survivors and dependents who are enrolled at each public institution of*  
68 *higher education with a waiver of tuition and mandatory fees pursuant to the Program as of December 1 of*  
69 *the current fall semester.*