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## Higher Education Committee

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### ESSB 5561

**Brief Description:** Concerning veteran survivor tuition waiver eligibility.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Kohl-Welles, Frockt, Honeyford, Hewitt, Rolfes, McAuliffe and Angel).

<p style="text-align: center;"><b>Brief Summary of Engrossed Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Allows children of eligible veterans or National Guard members to receive tuition and fee waivers before age 18 and after age 26 in certain circumstances.</li></ul>
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**Hearing Date:** 2/19/16

**Staff:** Megan Mulvihill (786-7304).

**Background:**

State Tuition Waivers for Dependents.

State law requires and also authorizes public institutions of higher education to grant various tuition and fee waivers. The institutions are limited in their tuition and fee waiver authority in that the total amount of tuition and fee revenue waived, exempted, or reduced may not exceed a percentage of their estimated gross operating fee revenue.

The public institutions of higher education may waive tuition and fees for an eligible veteran or National Guard member, but the institutions are required to waive all tuition and fees for children and a spouse or domestic partner, or a surviving spouse or domestic partner, of certain veterans and National Guard members. Children between the ages of 17 and 26 who reside in Washington are eligible for a waiver if their parent is an eligible veteran or National Guard member who, as a result of active duty service, became totally disabled, died in the line of duty, went missing in action, or became a prisoner of war.

An eligible veteran or National Guard member is a Washington domiciliary who was on active or reserve duty in the United States Armed Forces, or a National Guard member called to active

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duty, who served on active federal service in a war or conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters, and if discharged from service, was discharged honorably. Totally disabled means the federal Department of Veterans Affairs determined a person to be 100 percent disabled.

#### Federal Dependents' Educational Assistance.

The federal Dependents' Educational Assistance program provides education benefits to eligible dependents of those veterans who are permanently and totally disabled due to a service-related condition, who died while on active duty, died as a result of a service-related condition, were declared missing in action, or became a prisoner of war. The general rule is that children of these veterans must be between the ages of 18 and 26 to receive these benefits. However, exceptions exist that make it possible to begin receiving benefits before age 18 and continue receiving benefits after age 26. These exceptions are as follows:

1. The child may receive education assistance benefits before their eighteenth birthday if the United States Secretary of Veteran Affairs (Secretary) determines that the child's best interests will be served, the child has a mental or physical handicap that would benefit from special restorative training or a specialized course in vocational training, or the child begins a preparatory course.
2. If the veteran's service-connected disability or death occurs after the child's eighteenth birthday, but before their twenty-sixth birthday, the eligibility period will end eight years from the date elected by the child to be the beginning date of entitlement if:
  - a. it is approved by the Secretary;
  - b. the child elects the starting date no later than 60 days beginning on the date they were notified of the opportunity; and
  - c. the beginning date is the date when the veteran was notified that their service-connected disability was permanent in nature, or the beginning date is between the veteran's service-connected death and the date the Secretary determined the death was service-connected.
3. If the child fails to elect a beginning date of entitlement as stated under number two, the date will be when the Secretary determines that the veteran has a service-connected total disability permanent in nature or that the death was service-related.
4. If the child serves on duty with the Armed Forces after their eighteenth birthday, but before their twenty-sixth, then their period of entitlement will end eight years after the child's discharge or release from duty, but under no circumstances will it extend beyond the person's thirty-first birthday.
5. If the child becomes eligible after their eighteenth birthday, but before their twenty-sixth birthday, the period of entitlement will end eight years after the child becomes eligible, but will not extend beyond the child's thirty-first birthday. If the child is enrolled in an institution of higher education and their period of entitlement ends before their quarter, semester, or course is completed, the period of eligibility will be extended to allow the child to finish that quarter, semester, or course.

#### **Summary of Bill:**

Children of certain veterans or National Guard members may receive tuition and fee waivers at public institutions of higher education before age 18 and after age 26, consistent with the exceptions for receiving federal Dependents' Educational Assistance.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.