

HOUSE BILL REPORT

ESSB 5561

As Reported by House Committee On:
Higher Education

Title: An act relating to veteran survivor tuition waiver eligibility.

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).

Brief History:

Committee Activity:

Higher Education: 2/19/16, 2/24/16 [DP].

Brief Summary of Engrossed Substitute Bill

- 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.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass. Signed by 13 members: Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist, Frame, Hargrove, Holy, Reykdal, Sells, Stambaugh, Tarleton and Van Werven.

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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 years old 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 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 years old 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 noticed 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.

Staff Summary of Public Testimony:

(In support) This legislation came out of collaboration with all six four-year institutions. The institutions use these benefits to create robust tuition waiver packages. There is a mismatch between state and federal law regarding federal veteran survivor tuition waiver benefits, and this bill aligns those benefits. The federal Dependents Educational Assistance Program provides the Department of Veterans Affairs (VA) with exceptions for when a child could use tuition and fee waivers over the age of 26. This came about because children were receiving their eligibility later in life, such as age 25. The VA decides who qualifies for the exceptions on a case-by-case basis.

(Opposed) None.

Persons Testifying: Cody Eccles, Council of Presidents; and Randy Kelley, The Evergreen State College.

Persons Signed In To Testify But Not Testifying: None.