

1 SB360
2 212266-1
3 By Senator Scofield
4 RFD: Veterans and Military Affairs
5 First Read: 30-MAR-21

SYNOPSIS: Existing law provides for tuition reimbursement opportunities for higher education for children of disabled veterans.

This bill would provide that comprehensive transition and postsecondary programs for children of disabled veterans with intellectual disabilities are included in the existing tuition reimbursement provisions for children of disabled veterans.

A BILL
TO BE ENTITLED
AN ACT

Relating to higher education; to amend Sections 31-6-2, 31-6-4, and 31-6-6, Code of Alabama 1975; to provide further for tuition reimbursement for higher education for children of disabled veterans.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 31-6-2, 31-6-4, and 31-6-6, Code of Alabama 1975, are amended to read as follows:

1 "§31-6-2.

2 "For the purposes of this chapter, the following
3 terms shall have the meanings ascribed to them by this
4 section:

5 "(1) ARMED FORCES. Such term shall include the
6 United States Army, Air Force, Navy, Marine Corps, Space
7 Force, and Coast Guard, and such term shall also include the
8 units of those branches of the services having women troops.
9 It shall also include the Army, Navy, Marine Corps, and Coast
10 Guard Nurse Corps.

11 "(2) COMPREHENSIVE TRANSITION AND POSTSECONDARY
12 PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES. Has the
13 same meaning as in 20 U.S.C. § 1140.

14 "~~(2)~~ (3) HUSBAND. ~~Such term shall mean spouse~~ Spouse.

15 "~~(3)~~ (4) TUITION. Fees for instruction.

16 "~~(4)~~ (5) TUITION AND FEES. All fees known and classed
17 as instructional fees.

18 "~~(5)~~ (6) WIDOW. ~~Such term shall mean widow or~~
19 ~~widower.~~ WIDOW or WIDOWER. An individual whose spouse is
20 deceased and who has not subsequently remarried.

21 "~~(6)~~ (7) WIFE. ~~Such term shall mean spouse~~ Spouse.

22 "§31-6-4.

23 "(a) (1) Any child for whose father or mother any of
24 the following are true may attend educational programs as
25 provided in subdivision (2):

26 "~~(1)~~ a. Was killed or died in the line of duty or is
27 listed as missing in action or ~~is/was~~ is or was a prisoner of

1 war or whose death or permanent total disabilities were
2 service-connected while serving as a member of the armed
3 forces; ~~or.~~

4 "~~(2)~~b. Died from a disability incurred from military
5 service, as established by the State Department of Veterans'
6 Affairs, after having been discharged under conditions other
7 than dishonorable and after having served at least 90 days
8 consecutively in the armed forces prior to ~~and/or~~ or
9 subsequent to the date on which such disability occurred, or
10 who was honorably discharged by reason of wartime,
11 service-connected disability after serving less than 90 days;
12 ~~or.~~

13 "~~(3)~~c. Has been assigned 100 percent permanent or
14 total disability rated by the United States Veterans'
15 Administration, or was discharged or retired from the armed
16 forces with a 40 percent or more disability and maintained
17 that percentage ~~(such person to be deemed to be a disabled~~
18 ~~veteran);~~.

19 "(2)a. A child described in subdivision (1) may
20 ~~attend any~~ participate in any of the following educational
21 opportunities:

22 "1. Attend any Alabama state institution of higher
23 learning, college, or university for a period of five standard
24 academic years, not to exceed 45 months or the equivalent of
25 45 months if enrolled part-time, pursuant to the tuition
26 reimbursement guidelines as provided in subsection (c), for

1 ~~such~~ college or university attendance, ~~or any such child may~~
2 ~~take.~~

3 "2. Take a prescribed course in any Alabama
4 state-supported community or technical college for the length
5 of any prescribed course of study of his or her choosing, and
6 if ~~such~~ the course does not require the full 45 months, then
7 training for the remainder of such 45 months' entitlement may
8 be taken at a state-supported college or university only,
9 pursuant to the tuition reimbursement guidelines as provided
10 in subsection (c).

11 "3. Attend any comprehensive transition and
12 postsecondary program for students with intellectual
13 disabilities at an Alabama state institution of higher
14 learning, college, or university.

15 "b. Training under this section must be initiated
16 prior to the child's thirtieth birthday, and must be completed
17 within eight years after its initiation, except for delays
18 caused by military service during the training period, and in
19 no case may training be received under this chapter beyond the
20 thirty-eighth birthday of ~~such~~ the child.

21 "(b) Except as provided in Section 31-6-11(e), the
22 educational benefits provided by this section to children
23 making application for benefits for the first time beginning
24 with the fall term of the 2014-2015 academic year, and
25 thereafter, shall be limited to ~~undergraduate courses of study~~
26 ~~only~~ the educational opportunities described in subdivision
27 (a) (2), and the value of tuition paid shall be limited to the

1 in-state tuition rate of the Alabama state institution of
2 higher learning, college, or university attended.

3 "(c) For those first filing for benefits under this
4 chapter on or after July 31, 2017, the educational benefit
5 shall be for tuition reimbursement and books and fees
6 reimbursement. The value of tuition paid per semester hour (or
7 equivalent) shall be limited to the rate of the Department of
8 Defense Tuition Assistance Cap. The value of the books and
9 fees paid per semester shall be limited to one thousand
10 dollars (\$1,000) per student.

11 "(d) For the purpose of the minimum disability
12 requirement provided for in ~~subsection (a)(3)~~ paragraph
13 (a)(1)c., the dependent of any veteran whose disability rating
14 as of July 31, 2017, is at least 20 percent but less than 40
15 percent shall qualify for the benefits of this chapter,
16 provided that the dependent shall file application for ~~such~~
17 the benefits before July 31, 2023, and the dependent is
18 reasonably expected to be eligible to attend an ~~Alabama~~
19 ~~institution of higher learning, college or university~~
20 educational opportunity described in subdivision (a)(2) in the
21 next academic year.

22 "§31-6-6.

23 "(a) The spouse and children of any veteran who is
24 suffering from 40 to 90 percent service-connected disability
25 brought about from service in the Armed Forces of the United
26 States, or the ~~unmarried~~ widow or widower and children of a
27 deceased veteran who was suffering from 40 percent or more of

1 service-connected disability at the time of death, provided
2 ~~such~~ the disabilities as are mentioned herein are incurred
3 from military service, as established by the State Department
4 of Veterans' Affairs, shall be entitled to the following
5 educational advantages and opportunities:

6 "(1) The spouse or ~~unmarried~~ widow or widower, ~~as~~
7 ~~the case may be,~~ shall be entitled to up to 27 months of
8 schooling or the equivalent of 27 months if enrolled
9 part-time, in any Alabama state-supported institution of
10 higher learning, college, or university, or to a prescribed
11 course in any Alabama state-supported community or technical
12 college, pursuant to the tuition reimbursement guidelines as
13 provided in subsection (d). One change of program will be
14 allowed without counseling. It is provided, however, that all
15 training received at state institutions of higher learning or
16 state-supported community or technical college under this
17 subdivision must be completed within a period of six years
18 after the beginning date of ~~such~~ the two-year course or such
19 prescribed course.

20 "(2) Each child of ~~such~~ the disabled veteran shall
21 be entitled to five standard academic years, or the equivalent
22 of 45 months if enrolled part-time, in any Alabama
23 state-supported institution of higher learning, college, or
24 university, or to a prescribed course at an Alabama
25 state-supported community or technical college, or to a
26 comprehensive transition and postsecondary program for
27 students with intellectual disabilities at an Alabama state

1 institution of higher learning, college, or university. If the
2 course of training at the community or technical college does
3 not require the full time to which ~~such~~ the child is entitled
4 hereunder, then the remaining entitlement may be taken in a
5 state-supported college or university only, pursuant to the
6 tuition reimbursement guidelines as provided in subsection
7 (d). One change of program will be allowed without counseling.
8 Training under this subdivision must be initiated prior to the
9 child's twenty-sixth birthday, and must be completed within
10 eight years after its initiation, except for delays caused by
11 military service during the training period, and in no case
12 may training be received under this section beyond the
13 thirty-fourth birthday of ~~such~~ the child.

14 "(b) For the purpose of the minimum disability
15 requirement provided for in subsection (a), the dependent of
16 any veteran whose disability rating as of July 31, 2017, is at
17 least 20 percent, but less than 40 percent, shall qualify for
18 the benefits of this chapter, provided that the dependent
19 shall file application for ~~such~~ the benefits before July 31,
20 2023, and the dependent is reasonably expected to be eligible
21 to attend an ~~Alabama institution of higher learning, college~~
22 ~~or university~~ educational opportunity described in subsection
23 (a) in the next academic year.

24 "(c) Except as provided in Section 31-6-11(e), the
25 educational benefits provided by this section to spouses,
26 children, and ~~unmarried~~ widows and widowers making application
27 for benefits for the first time beginning with the fall term

1 of the 2014-2015 academic year, and thereafter, shall ~~be~~
2 ~~limited to~~ include undergraduate courses of study ~~only~~, and
3 comprehensive transition and postsecondary programs for
4 students with intellectual disabilities, whether or not the
5 study is to culminate in the earning of a degree, and the
6 value of tuition paid shall be limited to the in-state tuition
7 rate of the Alabama state-supported institution of higher
8 learning, college, or university attended.

9 "(d) For those first filing for benefits under this
10 chapter on or after July 31, 2017, the educational benefit
11 shall be for tuition reimbursement and books and fees
12 reimbursement. The value of tuition paid per semester hour,
13 ~~(or equivalent)~~, shall be limited to the rate of the
14 Department of Defense Tuition Assistance Cap. The value of the
15 books and fees paid per semester shall be limited to one
16 thousand dollars (\$1,000) per student.

17 "(e) The benefits provided under this section shall
18 be available in addition to federal government benefits. Any
19 child, spouse, or ~~unmarried~~ widow or widower who was denied
20 full entitlement, 27 or 45 months, whichever the case may be,
21 shall have the remainder of their entitlement reinstated under
22 this chapter."

23 Section 2. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.