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Written Testimony for
House Veterans Affairs Committee
Informational Hearing on SB-1563
Re Tuition Waivers for Family Members
of Fallen Soldiers at Community Colleges
February 20, 2012

This testimony is submitted in support of SB-1563.

Next to the fallen soldiers themselves, no one has sacrificed more in America's wars than their children and spouses. In recognition of this fact, the Oregon Legislature in the 2008 session passed SB-1066, Section 9, which, as amended by SB-595 in the 2009 session, requires, basically, that Oregon universities waive tuition for children and spouses of soldiers deceased or 100% disabled in the line of duty. The program is now codified in ORS 351.656 et seq. (For brevity's sake, the term soldier is meant to include members of all services of both genders.)

OUS Chancellor Pernsteiner testified in favor of Section 9 of SB-1066, and under his leadership the tuition waiver program established by said legislation was implemented by Oregon universities quickly and smoothly. As a result a number of children and spouses of fallen soldiers have received a college education they might not otherwise have attained. They're better off for it, as is Oregon and America.

The testimony contained herein is submitted in support of requiring the 17 Oregon community colleges to each establish a tuition waiver program in line with ORS 351.656 and the policy of OUS. The justification submitted by VFW Post 1442 for the initial establishment of the tuition waiver program applies also, I believe, to the extension of the program to community colleges. That justification is repeated below.

Those who wait also serve. Next to the soldier, no one has sacrificed more than the family who loses a father or mother or spouse to war; or the family whose father or mother or spouse returns from war severely disabled.

In middle-class America today, it takes two bread winners to raise and educate a family. In the families under consideration, the earnings of at least one of the bread winners have been lost to the family, either by death or by disability. In the case of the severely disabled soldier, perhaps both incomes are lost as the spouse must remain home to care for the disabled soldier.

To soldiers off to war, a major concern of those with families is the family. How will the sole remaining bread winner make it if the worst should happen? Because of the tuition waiver program, deploying Oregon soldiers know at least a down payment has been made on the

education of the family's children, and of the spouse, if such is needed. Thus, while deployed Oregon soldiers have one less home-front worry to detract from their immediate task of soldiering.

Many of today's soldiers married young, their spouses without higher education or job skills. A deceased young soldier's wife, for example, may be left with children to raise and educate. Or in some instances children to raise and educate and a disabled spouse to care for. The tuition waiver program may provide assistance in developing earning power.

The tuition waiver program will not bring back the lost loved one (father, mother, or spouse) or make whole again the disabled loved one, but by providing help in getting an education it will assist the deceased or disabled soldier's family make a success of life. A college education is not absolutely essential to success in America, but undoubtedly it helps. It helps not only the individual but also America as an educated workforce is essential if America is to remain competitive in the world economy.

The tuition waiver program can be of enormous benefit to the child who could not otherwise afford to go to college. In that sense it is a gift. But to society as a whole, it is an investment on which the returns may be many and for generations to come. It is said the returns on the WWII GI Bill were \$7 to \$1 invested. Many GI Bill students were the first in their families to go to college; they went and many of their children and grandchildren have followed. A family tradition of higher education was established. It may be likewise with the tuition waiver program. Thus the program may be transformative and pay dividends over generations.

This is essentially a cost-free investment in the education of these family members. No funds are disbursed from the state treasury. Rarely, if ever, will there be a course that cannot accommodate one more student, a recipient of this program. For a child of a deceased or disabled soldier to join that class, fill one more seat, involves no quantifiable costs.

To the argument that the institution loses the revenue that the soldier's child would otherwise pay, we reply that the soldiers fighting and dying and coming home disabled today do not come from the upper strata of the economy. Many joined the military for the GI Bill, the only means by which they themselves could expect to attain a college education. It is unreasonable to expect the child of such soldier, now dead or 100% disabled, to now be able to attend college without the help of the tuition waiver.

However, if one insists on placing a price on this investment, in the Oregon VFW's opinion, whatever the price, it is morally justified and affordable. It is the right thing to do. Moreover, as indicated above, this is not just another benefit for the military veteran's family, it is an investment in the education of the children and grandchildren of Oregonians. The potential returns on this investment far outweigh the perceived costs. When coupled with the Dependent Education Assistance Program, the tuition waiver places a college education within reach of these children and grandchildren. The DEA brings federal dollars to Oregon to pay for

fees, books, subsistence and shelter. Without funds to cover these necessary expenses it is suggested some of the intended recipients could not take advantage of the waiver program.

The initial drafts of the bills establishing the tuition waiver program as now codified in ORS 351-656 also covered Oregon community colleges. The colleges, represented by the Oregon Community College Association, asked in several instances to be excluded from the legislation, committing instead to voluntarily establish tuition waiver programs. Based on this commitment the community colleges were excluded. However, most of the colleges never got around to keeping the commitment.

To extend the tuition waiver system to the community colleges, Senate Bill- 338 enacted by the 76th Oregon Legislative Assembly – 2011 Regular session, established a Task Force on Tuition Waivers for Spouses and Dependents of Fallen Soldiers at Community Colleges in Oregon, consisting of the 17 community college district presidents.

SB-338 prescribed that the Task Force would, in consultation with the Department of Veterans Affairs, address the issue of tuition waivers for qualified students as defined in ORS 351.656 at community college districts in this state by:

“(a) Determining a common set of policies for all community college districts in this state that is in alignment with the tuition waiver provisions of ORS 351.656; and

“(b) Comparing policies of community college districts in this state with the tuition waiver policies for qualified students as defined in ORS 351.656 adopted by the Oregon University System, and aligning the community college district policies with those of the Oregon University System.”

In its 2011 Legislative Session Highlights, the Oregon Community College Association with respect to SB-338 stated, in part, as follows: “...and the task force passed (sic) in SB-338 will create uniformity and align the programs with a similar program offered by the Oregon University System. The task force will be convened by the Department of Community Colleges and Workforce Development and will include all of the community college presidents.” Clearly the OCCA understood and accepted the mandate of SB-338.

The task of the Task Force is stated clearly and unambiguously: determine a common set of policies for all 17 community colleges that is in line with law (ORS 351.656) and in line with the policies adopted by OUS. The Task Force acknowledged that was its charge in the opening paragraph, **Legislation**, of its February 1, 2012 report. Clearly the Task Force understood and accepted the task set by SB-338.

Paragraph (8) of Section 1 of SB-338 directs that the Task Force submit a report, and states that it may also include recommendations for legislation, to the Legislative Assembly no later than the date of the convening of the regular 2012 Legislative Assembly as specified in ORS 171.010.

Since a copy of that report, dated February 1, 2012, referred to in preceding paragraph, is available to the committee, a copy is not attached hereto.

Prior to reviewing the report, I believe it appropriate to review again the specifics of the legislation establishing the tuition waiver program. That legislation, Section 9 of Senate Bill 1066 (2008 session), is codified at Oregon Revised Statutes 351.656. In relevant part, ORS 351.656 states: "...an eligible post-secondary institution shall waive tuition for a qualified student for courses that may lead to a baccalaureate degree or a master's degree." (underscoring added) This language comes directly from Section 9, SB-1066 (2008).

Note, please, the language of cited law is in plain English; "**shall waive tuition**" period. It is unambiguous. It is unequivocal. Not maybe. It doesn't indicate that only a part of the tuition shall be waived. Or first dollar or last dollar as you will find the task force report quibbling about. Plain and simple: eligible post-secondary institutions shall waive tuition for qualified students. This is the legislation supported by OUS Chancellor Pernsteiner and is what occurs in OUS under his leadership. It has not bankrupted OUS; it has not resulted in recipients living in luxury or otherwise bilking the taxpayers. Only good has occurred, i.e., the intended recipients getting a college education. That was the goal of SB-338. Unfortunately, as one reviews the Task Force report, it is clear the goal has not been achieved. The Task Force clearly deliberately elected not to comply with the mandate of SB-338.

The Task Force report states, in part: "**State Policy Question** The policy question for the State is whether to allow colleges and universities to apply federal dollars before applying tuition waivers or to require universities and locally-governed community colleges to absorb the full cost. "

That policy question was clearly and unambiguously answered by the people of Oregon via SB-1066, Section 9, passed by the 2008 session of the Legislative Assembly. It was answered again by SB-338 which directed the 17 community colleges to establish a policy in line with ORS 351.656 and with the policy of OUS. By failing to comply with the charge of SB-338, the Task Force has shown contempt for the policy and law of Oregon, for the Oregon Legislature and for the people of Oregon.

DEA Chapter 35 benefits were touched on in VFW Post 1442's testimony repeated above. It was recognized that neither benefit (tuition waiver or DEA) standing alone would pay for a college education. However, combined a college education was within reach of the intended recipients of tuition waivers. Task Force members acknowledged that both a waiver and DEA Chapter 35 benefits are necessary to pay for a college education. (page 3, first complete paragraph of Task Force report)

Senator Hass who had a hand in crafting SB-1066, and who has worked hard and diligently, along with other legislators, to extend the program to community colleges, said it well when SB-1066 was passed. The Beaverton Valley Times, Feb. 28, 2008 quotes the Senator as saying: "I

can think of no greater gift from the state of Oregon than a free college tuition for orphans and widows of veterans. It is a remarkable gesture to a deserving group. We can never mend their broken hearts, but we can offer them an opportunity to transform their lives and go on to become successful." That, in the opinion of members of VFW Post 1442, is what it is all about.

The Task Force report concludes with the recommendation that "...OUS policy be adjusted to reflect this benefit is applied to tuition after federal financial aid is applied and to ensure local resources are the last source of funding for waivers." This change, of course, would require legislation which undoubtedly would be strongly opposed.

It seems the Task Force objects to extending the tuition waiver program as administered by OUS because of the perceived financial impact. I do not know the financial impact and I suggest the Task Force does not know either. However, for the following reasons I believe it to be minimal.

The John D. Fry Scholarship provides full Post 9/11 GI Bill education benefits to the children of service members killed in the line of duty post 9/11. The Fry scholarship was brought to the attention of OUS several months ago. Surely OUS tuition waiver students eligible for Fry have been removed from the OUS tuition waiver program, as required by SB-338. Though the FRY scholarship is not mentioned in the Task Force report, surely the same has occurred in the community colleges. If such students have not been removed from the waiver program and signed up under the Fry scholarship program, somebody is derelict.

Excluding the children eligible for the Fry scholarship, left for the current Oregon waiver program are children and spouses of soldiers killed in the line of duty prior to 9/11, and children and spouses of soldiers 100% disabled in line of duty irrespective of date disability occurred. I do not know the number but I suspect not so large as to represent an unaffordable financial burden on the community colleges. The people of Oregon, to whom the universities and community colleges ultimately belong, were willing to bear the larger burden prior to the Fry Scholarship, and I believe they are willing to continue to bear the reduced burden. After all, the waiver is not a hand-out, it is an investment in the education of the recipients not unlike GI Bill education benefits, investments the returns of which have paid for themselves several times over.

Moreover, with respect to spouses, US Senator Merkley has introduced legislation extending the Fry Scholarship to the spouses of service members (S.1852). In his 2011 Veterans Day message Senator Merkley gave his reasons for introducing S.1852. "We must also recognize the sacrifices made by the families of service members, and ensure that they too receive the access to needed support services. When a service member is killed in the line of duty, the surviving spouse, who has suddenly undergone the tragic loss of their life partner, also becomes the sole breadwinner for their family. In many cases, they do not have the educational background that allows them to take on this increased financial responsibility. To address this need, I am introducing legislation today to provide additional coverage of education benefits to the spouses of those killed in action under the Marine Gunnery Sergeant John D. Fry Scholarship."

Senator Merkley's reason for introducing S.1852 are the same reasons the Oregon tuition waiver program should remain in effect as is and as administered by OUS, and why the program should be legislatively extended to Oregon community colleges.

Further with relation to financial impact, OCCA insists that community colleges have always had waivers of some sort. If that is the case, it is worthy of note that for the three-year period prior to February 2011, only eight (8) of the 17 community colleges had granted tuition waivers, reportedly at a total cost of only \$52,261. (Repeat for emphasis: in three years eight colleges granted waivers at a total cost of only \$52,261.) These waivers represent a small sum to the college system, but a large benefit to the 44 reported recipients. Source: OCCA report submitted as required by SB-595. (copy attached) Obviously not an excessively onerous cost. With respect to these reported costs, they are not real costs in terms of a disbursement of funds. At most they are forgone funds, funds the tuition waiver students might have paid should they have been able to pay tuition and had they elected to enroll on their own funds. With the current conflicts seemingly winding down and with the Fry Scholarship and possible passage of S. 1852, I believe it not unreasonable to forecast even lower numbers of eligibles for future tuition waivers.

Attached to the Task Force Report is an attachment indicating that all 17 community colleges have established, on-going tuition waiver programs. The report is wrong in a couple of instances and misleading in others. For example, starting off with Blue Mountain. The attachment indicates Blue Mountain has a waiver program with spousal eligibility "none" and Federal/State Aid Applied First.

The Blue Mountains website, however, differs substantially from the report. (Which is one to believe? Or is one to believe neither?) As of the preparation of this paper, BMCC characterizes its waiver program as a Dependents' Scholarship For Fallen Oregon Service Members covering both spouses and children and waiving tuition without reference to federal or state aid. The eligibility criteria with respect to the service of the service members differs slightly from that of ORS 351.656.

I suggest one way, perhaps the primary way, a potential tuition waiver applicant might find out about the waiver program at a particular community college would be to search the college's website. (It is has been said if you don't know you have a right, you don't have one.) I searched the 17 sites. What I found on their websites differs from what the Task Force reports. I acknowledge I am not the most adroit searching the web, however, I suggest Legislative Assistants might double check me. After the name of the community college I have indicated "yes" where the website shows a waiver program and "no" where I could not find any mention of a waiver program on the website, with some explanatory comments in other instances.

Blue Mountain – yes	Chemeta – yes	Central Oregon –no
Clackamas-VA ben first	Clatsop-no	Columbia Gorge –VA first

Klamath- no

Lane – no

Linn-Benton- no

Mount Hood – no

Oregon Coast –no

Rogue –yes, no details

Treasure – no

Umpqua - yes

Portland – yes. The waiver applies only to tuition charges that are not covered by financial aid, scholarships or third party sponsors (other than VA chapter 35 benefits). As I understand this PCC denies the waiver if tuition is covered by a Pell grant, for example. However, PCC does not consider DEA in determining eligibility, neither as first dollar or last dollar. Thus an eligible student not receiving a grant paying for tuition may receive both a tuition wiver as well as DEA benefits. If I understand the PCC policy correctly, it seems a most reasonable approach.

Southwestern - This waiver shall be granted in coordination with other student financial assistance (including VA benefits) for which recipient may be eligible, utilizing other grant resources before applying this tuition waiver in order to provide a total benefit not to exceed the total estimated cost of attendance. (Note: No indication of how books, fees, food and shelter factored into the cost of attendance. They are necessary costs.)

Tillamook- Same as Southwestern

A positive aspect of the attachment to the Task Report is that it indicates four (4) community colleges are granting tuition waivers. These are Blue Mountain, Chemetka, Portland and Umpqua. While the Task Force as whole quibbled about first, last dollar, and the CC Association representatives want to continue the 4-year old conversation (all talk, no do) these four community colleges have taken the lead and show that it can be done. These four colleges have adopted waiver policies in line or closely in line with ORS 351.656 and OUS policy. They are to be commended.

According to the Task Force report the other 14 colleges' policies apply the Federal/State Aid First, in essence nullifying eligibility for the tuition waiver. Thus, for all practical purposes they do not have tuition waiver programs. . If Blue Mountain, Chemetka , Portland and Umpqua colleges can do it, there is no legitimate reason why the other 14 cannot.

The latest amendment to Section 12 of SB-1563 leaves out the ORS 351.656 provision related to the 100% disabled soldier. Specifically left out is ORS 351.656(1)(d)(C) which states, "Is 100 percent disabled as a result of military service connected disability as certified by the United States Department of Veterans Affairs or any branch of the Armed Forces of the United States." Leaving 100% disabled soldiers out of the tuition waiver program results also in leaving out their children and spouses.

A basic principle of the soldier code is to leave no one behind. In keeping with that principle which should apply to us all, the Legislature is urged not to leave behind in this instance 100% disabled soldiers and their children and spouses. The 100% disabled soldiers have earned this benefit; their family members have more than paid for it by their sacrifices. Request the provision covering 100% disabled soldiers be restored if such restoration will not jeopardize passage of SB-1563. The principle involved here: Do not let the perfect stand in the way of the possible.

With above request and reservation, recommend SB-1563 be approved by this Committee. In addition, it is recommended the Legislature follow the lead of Blue Mountain Community College and in line with the Fry Scholarship, formally name the tuition waiver program: The Oregon Scholarship for Children and Spouses of Fallen Soldiers.