

CHAPTER 9
WAR ORPHANS EDUCATIONAL ASSISTANCE FUND

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

801—9.1(35) War orphans educational assistance fund. The war orphans educational assistance fund shall be administered in accordance with Iowa Code sections 35.9 and 35.10. The amount of educational assistance allowed eligible war orphans is based upon an appropriation made by the Iowa general assembly on an annual basis.

801—9.2(35) Program for children of veterans who died before September 11, 2001.

9.2(1) Definition. For the purposes of this rule, a war orphan is:

a. The child of a man or woman who died in service or as a result of such service before September 11, 2001, during one of the following periods:

- (1) World War I between April 6, 1917, and June 2, 1921, inclusive.
- (2) World War II between September 16, 1940, and December 31, 1946, inclusive.
- (3) The Korean Conflict between June 25, 1950, and January 31, 1955, inclusive.
- (4) The Vietnam Conflict between August 5, 1964, and May 7, 1975, inclusive.
- (5) The Persian Gulf Conflict between August 2, 1990, and the date the President or the Congress of the United States declares a permanent cessation of hostilities, inclusive.
- (6) While serving in the military or naval forces of the United States, to include members of the reserve components performing service or duties required or authorized under Chapter 39, United States Code, and Title 32, United States Code, Sections 502 through 505.
- (7) Active state service required or authorized under Iowa Code chapter 29A, or as a result of such service.

b. The child of a national guardsman or other member of a reserve component who died or was killed in the performance of training or other duties ordered by competent federal or state authorities.

9.2(2) Residency requirement. A war orphan shall have lived in the state of Iowa for at least two years immediately preceding the filing of an application.

9.2(3) School requirement. A war orphan shall attend in this state any educational or training institution of college grade or any business or vocational training school with standards approved by the department.

9.2(4) Amount of payment. In no case shall payment of war orphans educational assistance be in excess of \$600 per person per year. There is a lifetime maximum of \$3,000 per person.

801—9.3(35) Program for children of veterans who died on or after September 11, 2001.

9.3(1) Definition. For the purposes of this rule, a war orphan is:

a. A child who has not reached the age of 31 and who is the child of a man or woman who died in service or as a result of such service on or after September 11, 2001, as follows:

- (1) While serving in the military or naval forces of the United States, to include members of the reserve components performing service or duties required or authorized under Chapter 39, United States Code, and Title 32, United States Code, Sections 502 through 505.
- (2) Active state service required or authorized under Iowa Code chapter 29A, or as a result of such service.

b. A child who has not reached the age of 31 and who is the child of a national guardsman or other member of a reserve component who died or was killed in the performance of training or other duties ordered by federal or state authorities.

9.3(2) Residency requirement. To qualify for war orphan tuition assistance, the war orphan shall be the child of a veteran who died as a result of active military service and at the time of entering into active military service had maintained primary residence in this state for a period of at least six months immediately before entering into active military service.

9.3(3) School requirement. A war orphan shall attend a postsecondary educational institution in this state.

9.3(4) Amount of payment. In no case shall payment of war orphans educational assistance be an amount in excess of the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents, less the amount of any state and federal education benefits, grants, or scholarships received by the child, or the amount of the child's established financial need, whichever is less, to defray the expenses of tuition. The lifetime maximum payment to an eligible child shall be an amount not to exceed five times the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents.

9.3(5) Age requirements. In order to receive state educational assistance under this rule, a war orphan shall begin postsecondary education prior to reaching the age of 26. State educational assistance ceases at the time the war orphan reaches the age of 31.

801—9.4(35) General requirements.

9.4(1) Method of payment.

a. The department shall make payment directly to the school by quarters, semesters, or periods, however the school operates.

b. No payments shall be made directly to the war orphan.

c. Full-time students are honored for higher payments over part-time students. Payments shall be prorated by the department on behalf of a war orphan on the basis of time spent in school.

d. The school shall submit triplicate billing to the executive director thereby certifying that the war orphan is in attendance and the number of hours of attendance.

9.4(2) How assistance may be used. War orphans educational assistance may be used to defray the expenses of tuition for the child or children attending a school meeting the requirements set forth above.

9.4(3) Scholastic and financial standing. War orphans educational assistance is a gift from the state of Iowa to any eligible war orphan who meets the academic progress standards of the postsecondary educational institution the war orphan is attending.

9.4(4) Unrestricted factors. There are no restrictions on war orphans with respect to marital status.

801—9.5(35) Application process.

9.5(1) Application. Upon request, war orphans educational assistance applications may be obtained from the executive director at the address as set out in 801—subrule 1.3(1).

a. The war orphan shall complete the application in ink, by typewriter, or by computer, and the application shall be returned to the executive director.

b. A copy of the war orphan's birth certificate and proof of death of the veteran parent shall be included with the completed application. Proof of death of the veteran parent while in service may be a telegram, letter, or certified verification from the U.S. Department of Defense. Proof of death after service is a copy of a death certificate. Proof that the deceased veteran parent resided in this state for six months immediately before entering active military service shall also be included with the application. This may include, but is not limited to, a record of a property tax payment, mortgage payment, or rent payment or a rental contract.

9.5(2) Verification. The executive director shall verify the service-connected death of a war veteran with the U.S. Department of Veterans Affairs.

These rules are intended to implement Iowa Code sections 35.8 and 35.9 as amended by 2008 Iowa Acts, Senate File 2289, and Iowa Code sections 35.10 and 35.11.

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