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Written Testimony for
House Veterans Affairs Committee
Informational Meeting on
Task Force on Tuition Waivers for Spouses and Dependents
of Fallen and Disabled Soldiers at Community Colleges
in Oregon (SB-338-2011) Report

Senate Bill- 338B, enacted by the 76th Oregon Legislative Assembly – 2011 Regular session, provides essentially for the establishment of 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-338B prescribes that the Task Force shall, 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.”

With reference to SB-338B, in its 2011 Legislative Session Highlights, the Oregon Community College Association 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.” As will become clear later it didn’t happen.

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. A review of the Task Force report indicates clearly that neither aspect of the task was achieved.

Additionally, the SB-338 charge indicated the Task Force could also submit recommendations for legislation. The Task Force submitted a recommendation, however, it is not clear the recommendation is intended for legislation.

Paragraph (8) of Section 1 of SB-338B directs that the Task Force submit a report, and may 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. I have a copy of the report, dated February 1, 2012.

Prior to reviewing the report, I suggest it is appropriate to review again the specifics of the legislation establishing the tuition waiver program. That legislation is Section 9 of Senate Bill 1066 (2008 session), 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 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 has occurred in OUS under his leadership. That was the apparent goal of SB-338B. Unfortunately, as one reviews the Task Force report, it is clear the goal has not been achieved. The Task Force elected to disregard the legislative mandate of SB-338B.

The Task Force report states: 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 the 2008 session of the Legislative Assembly. I do not believe Oregon legislators were acting in ignorance of DEA Chapter 35 benefits that could also be available to students eligible for tuition waiver. It was recognized that neither benefit standing alone would pay for a college education, but combined a college education was within reach of the intended recipients of tuition waivers. Task Force members acknowledged that both a waiver and Chapter 35 benefits are necessary to pay for a college education. (page 3,first complete paragraph)

I suggest that the legislators who passed Section 9, SB-1066, SB-595, and SB-338 were not unaware the DEA benefits. I suggest their intent, as evidenced by the legislation itself, was to provide sufficient benefits to pay for a college education. Students must have food and shelter. DEA coupled with the tuition provides sufficiently for both college tuition, fees and books, and food and shelter. In the absence of chapter 35 DEA benefits or other equivalent income, it is suggested the intended recipients would not be able to take advantage of the tuition waiver, i.e. would not be able to afford a college education with the tuition waiver alone.

Senator Hass who had a hand in crafting SB-1066, and who has worked diligently and in good faith to extend to 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 (sic) 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."

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 would 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 waiver students eligible for Fry have been removed from the OUS tuition waiver program. 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 Oregon waiver program are spouses and children of service members killed in the line of duty prior to 9/11, and children and spouses of service members 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 unreasonable financial burden on the community colleges. The people of Oregon to whom the community colleges 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 which have paid for themselves many times over.

Futhermore, with respect to spouses, Senator Merkley has introduced legislation extending the Scholarship Fry to the spouses of service members (S.1285). In his 2011 Veterans Day message Senator Merkley gave his reasons for introducing S.1285. "We must also recognize the sacrifices made by the families of servicemembers, and ensure that they too receive the access to needed support services. When a servicemember 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.1285 are the very 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 recipients. Source: (OCCA report submitted as required by SB-595.) Obviously not a great demand in that three-year period and not an excessively onerous cost. With the wars winding down and with the Fry Scholarship and possible passage of S. 1285, 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. (Which is one to believe? Or is one to believe neither?) As of the preparation of this paper, 7 February 2012, 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 a bit 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 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 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).

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 food and shelter factored into the cost of attendance. They are necessary costs.)

Tillamook- Same as Southwestern

The attachment to the Task Report indicates that only 2 community colleges are applying the tuition as directed by SB-338B, i.e. in a manner required by ORS 351.656 and like the OUS policy. Those two colleges are Chemetka and Umpua. However, contrary to the Task Force report as of 7 February 2012 Blue Mountain's website indicated it too was administering a tuition waiver program,

called a scholarship, in a manner nearly like that required by ORS 351.656 and the OUS policy.

According to the Task Force report the other 14 colleges' policies apply the Federal/State Aid First, thus is essence nullifying eligibility for the tuition waiver.

RECOMMENDATION: Since the Community College Task elected to disregard the mandate of SB-338B to establish a set of tuition policies common to all 17 colleges which is in line with ORS 351.656 and with the tuition waiver policies adopted by OUS, it recommended the House Veterans Affairs Committee introduce legislation mandating that the Oregon community colleges adopt policies in line with ORS 351.656 and OUS's policies not later than the beginning of the next college term following passage of the recommended legislation. It is clear that not all community colleges will voluntarily adopt such policies, therefore, legislate them.