



Educational Benefits Preliminary Report

LEOFF Plan 2 Retirement Board

September 26, 2007

Key Issues

- Qualifications
 - Eligible minor child
 - No spouses
- Permissive
- Total Disability Definition

Option 1

- Add Spouse to Existing Waiver Program

Option 2

- Prescribe Mandatory Coverage

Option 3

- Match Total Disability Definition



Educational Benefits



Questions?

LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' PLAN 2 RETIREMENT BOARD

Educational Benefits

Preliminary Report

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1. Issue

Should the current state tuition waiver program be modified for LEOFF Plan 2 members who die or become totally disabled?

2. Staff

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3. Members Impacted

A change to the existing statutes for LEOFF Plan 2 could impact any active member with a spouse or children. As of the most recent actuarial valuation, there were 15,168 active LEOFF Plan 2 members.

4. Current Situation

There are three distinct levels of educational benefits for survivors of public safety officers killed or totally disabled in the line of duty. They are federal, state, and organizations related to fire fighters and law enforcement officers. The state currently covers minor eligible children who must apply within ten years of graduation from high school.

5. Background Information and Policy Issues

Federal Educational Benefits

On September 29, 1976 the President of the United States signed into law, legislation that is commonly referred to as the Public Safety Officers' Benefit Act (PSOB). The Act was amended in October 1998 to provide financial assistance for higher education to the dependants of federal, state, and local public safety officers who are killed or permanently and totally disabled as a result of traumatic injury sustained in the line of duty. Called the Public Safety Officers' Educational Assistance (PSOEA) Program, it is a federally funded program that provides educational benefits for the spouse and children of public safety officers killed in the line of duty.

The educational assistance may be used to defray relevant expenses, including tuition and fees, room and board, books, supplies, and other education-related costs. As of October 1, 2006, the maximum award for a full-time student is \$860.00 per month of class attendance. (All award amounts are proportionately less for part-time students.) All PSOEA awards must, by law, be reduced by the amount of other governmental assistance that a student is eligible to receive.

The U.S. Department of Justice's Bureau of Justice Assistance - Office of Special Programs, the same office that administers the PSOB Program, administers the PSOEA Program. Assistance is only available after the PSOB death or disability claim process has been completed and benefits have been awarded. Further, the PSOEA applicant must have received at least a portion of the PSOB benefits and be defined as the officer's spouse or child under the PSOB Act and regulations. In January 2000, the law further extended the retroactive eligibility date for financial assistance. Accordingly, the law is retroactive and will apply to the spouses or children of public safety officers whose deaths or permanent and total disabilities are covered by the PSOB Program on or after January 1, 1978. Public safety officers' children are not eligible after their 27th birthday, absent a finding by the Attorney General of extraordinary circumstances.

The PSOEA Program will provide an educational assistance allowance, which may be used solely to defray educational expenses, including tuition, room and board, books, supplies, and education-related fees and costs. All PSOEA awards must, by law, be reduced by the amount of other governmental assistance that a student is eligible to receive.

State Educational Benefits

For children of any law enforcement officer or fire fighter, who lost his or her life or became totally disabled in the line of duty, while employed by any public law enforcement agency or full-time or volunteer fire department in this state, the governing boards of the state universities, regional universities, The Evergreen State College and the governing boards of the community colleges may exempt them from the payment of all or a portion of tuition fees

and services and activities fees. However, such persons may receive the exemption only if they begin their course of study at a state-supported college, university or community college within ten years of their graduation from high school.

The laws allowing the waiver of tuition fees, service and activities fees apply only to the eligible children and do not include spouses. The amount of tuition, services and activity fees that a state university, regional university, The Evergreen State College and community college may waive is limited in total by statute to a percentage of the institution's gross authorized operating fees revenue. For example, the University of Washington is limited to 21% of their gross authorized operating fees revenue and the community colleges are all limited to 35% of their gross authorized operating fees revenue. While 21% of the University of Washington's gross operating fees revenue would seem to be a large sum of money, two things should be kept in mind. First, there are several other categories of students vying for those same dollars and second, the waiver is permissive, not mandatory.

Each university, college and community college sets the amount to be waived for their program. The percentage waived ranges from ten to one-hundred percent of tuition. For example, Western Washington University's program waives one-hundred percent of tuition and the University of Washington waives fifty percent. Our research shows that no eligible child of a LEOFF Plan 2 member killed in the line of duty has ever been denied. There have been instances where a child was denied in the case of a disability because the member was not considered to have been "totally" disabled.

There are some exceptions granted to the gross operating fee revenue limitation. These include: long-term unemployed and underemployed individuals, Washington residents who are age sixty or older, state employees, teachers and other instructional staff and certain military or naval veterans. For these groups, the waiver is also permissive.

The last group granted exceptions to the waiver limitation are the children and spouses of eligible veterans and national guard members, who became totally disabled or lost their life while engaged in active federal military or naval service. For this group, the waiver is mandatory.

COPS, National Fallen Firefighters Foundation and Other Organizations

Concerns of Police Survivors (COPS) offers scholarships that provide financial assistance to surviving children and to surviving spouses of law enforcement officers killed in the line of duty who wish to pursue a course of study beyond high school. Scholarships are not awarded for post-graduate study. Scholarships are not awarded to survivors who are entitled to a tuition-free education as a state death benefit.

Applicants seeking financial assistance for education purposes are limited to the receipt of not more than \$1,500 per semester, and total scholarship awards shall not exceed a \$12,000 lifetime maximum. COPS scholarships are awarded three times annually: Fall/Winter semester (begins late August or early September), Winter/Spring semester (begins late

December or early January), and Summer semester (begins May or June). A completed application is required for consideration each semester, and the awarding of a scholarship for any one semester does not guarantee a scholarship for any future semesters.

Scholarship recipients are determined by an independent Scholarship Committee drawn from the outside community and comprised of persons knowledgeable about education and the law enforcement profession. The National Board of COPS determines the amount of funding that will be set aside for educational scholarships each year.

Scholarships are paid directly to the institution of higher learning on behalf of the scholarship recipient and may be expended only for tuition, required texts, and associated fees (not room and board charges). Any unused amount is returned to COPS.

COPS has partnered with a university accredited by the Higher Learning Commission of North Central Association of Colleges and Schools (NCACS) to receive a special reduced tuition rate. They offer 100% online distance learning degree programs for adult learners to obtain a college education. One can earn a Bachelor's degree, Master's degree or Doctorate degree in Psychology, Business and Technology Management or Education.

The National Fallen Firefighters Foundation offers financial assistance for post-secondary education and training to spouses, children and stepchildren of fire fighters. Children and stepchildren must be under age 30 and have been under age 22 at the time of the fire fighter's death.

Additionally, surviving spouses may also receive assistance through the Steve Young Memorial Scholarship Program administered by the Fraternal Order of Police (FOP). The line-of-duty death must have occurred between January 1, 2001 and December 31, 2006, and meet other criteria and stipulations.

Educational Benefits in Other States

Like Washington, almost every state has some form of tuition waiver for eligible children of law enforcement officers or fire fighters killed in the line of duty. They vary on age, number of semester or quarters covered and whether or not stepchildren qualify. Over half of the states also cover spouses, although many have the benefit terminate upon remarriage. Some states include textbooks and other fees. There are several states that include room and board in their waiver laws. Some states allow for post-graduate work.

Policy Issues

There are several policy issues the Board can examine. One issue is whether or not to include spouses under the current waiver laws. A second issue is whether or not to move them to the list of exceptions to the waiver limitations. Finally, the Board may want to consider whether or not the waiver should be mandatory.

6. Options

1. Add Spouse to Existing Waiver Program

Under the current Washington state program only eligible minor children qualify for the tuition waiver program. This option would change the statutes to include spouses under the current tuition waiver program.

2. Prescribe Mandatory Coverage for Existing Waiver Program

The current Washington state program is permissive not mandatory. The decision of whether or not a child will receive a tuition waiver is based on the individual school's policy and budget.

3. Match "Total Disability" Definition to LEOFF Plan 2

Change the definition of "total disability" in the higher education statute to match the definition in LEOFF Plan 2 under RCW 41.26.470.

7. Supporting Information

PSOEA – http://www.ojp.usdoj.gov/BJA/grant/psob/psob_education.html

COPS – <http://www.nationalcops.org/serv05.htm>

National Fallen Firefighter Foundation – <http://www.firehero.org/>

Other States – http://www.nvfc.org/benefits/state-by-state.php?Type=Death_Educ_Child
http://www.nvfc.org/benefits/state-by-state.php?Type=Death_Educ_Spouse