



College Fee Waiver Program For Veteran Dependents Procedures Manual

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Introduction

One of the benefits the California Department of Veterans Affairs (CalVet) administers is the College Fee Waiver Program for Veteran Dependents. Originally enacted in 1935, this program has seen many changes through the years. Current benefits are provided under the authority of the California Education Code, Section 66025.3 and Military and Veterans Code (M&V Code) Sections 890-899.

The basic benefit is the waiver of mandatory system wide tuition or fees at the University of California (UC), California State University (Cal State) including the California Maritime Academy, or a California Community College. Per Education Code Section 66025.3(d), waiver of tuition or fees shall apply **only to a person who is determined to be a resident of California** pursuant to Education Code Section 68000. **NOTE: The college which the student attends makes all residency determinations.** Exceptions to residency determination may be found in Education Code Sections 68070 – 68085.

Purpose

This document describes the policies that shall be followed when reviewing, approving, and denying the CalVet college fee waiver. County Veteran Service Officers (CVSO) and their CalVet-accredited designees shall abide by the policies according to the M&VC, Education Code, and Title 12 CCR. Although the basic benefits of this program are the same, eligibility requirements contained in the M&VC are different from the eligibility requirements contained in the Education Code.

It is important for CVSOs and their CalVet-accredited designees to understand the different eligibility requirements as a dependent may qualify via one of the above Codes, but not the other.

County Responsibilities

The CVSO is responsible to award the CalVet college fee waiver in accordance with Education Code Section 66025.3, Title 12 CCR Sections 440 - 442 and the *CalVet College Fee Waiver Program for Veteran Dependents Procedures Manual*. **CalVet college fee waivers issued in error could result in the county of issue being held financially responsible for repayment of the tuition and fees to the college whose tuition and fees were waived incorrectly.** The CalVet college fee waiver (DVS-40) application and all supporting documents related to the grant and denial of a CalVet college fee waiver will be audited. Documentation necessary to support the grant or denial of the college fee waiver must be provided to the CVSO auditor upon request.

If a CalVet college fee waiver is issued in error, an investigation to determine who was at fault (i.e., applicant, or CVSO, or both) will be conducted by CalVet in order to determine the party liable for repayment of the improperly waived tuition and fees. The CVSO will notify each individual applicant and each individual college in writing for each individual CalVet college fee waiver issued in error. The CVSO must sign each written notice with an original signature. A copy of each signed notice must be maintained in the veteran's file in VetPro. CalVet will also maintain a copy of the signed letter issued in error and will also forward a copy of the letter to the college. If it is found that the CalVet college fee waiver was issued fraudulently (fraud by applicant or CVSO or both) authorities will be notified which may result in criminal prosecution.

NOTE: All CalVet college fee waiver DVS-40 applications and supporting documentation

must be uploaded into VetPro. If they are not, the college fee waiver will be considered to have been issued in error and the county may be held financially responsible for repayment of the tuition and fees to the affected college(s). The CVSO will be required to formally notify the college and student of the error.

Responsibilities of the Approver

CalVet, Deputy Secretary for Veteran Services Division, or his/her designees, including any CVSO **who maintains CalVet accreditation**, may determine eligibility to receive benefits under this program. Every award, denial or retroactive benefit letter generated through a CVSO shall have an original signature by the appointed CVSO. If the CVSO is not CalVet-accredited the CVSO may authorize a CalVet accredited representative to determine eligibility for this benefit (see Delegation of Authority below). All **retroactive** CalVet college fee waiver award letters shall have the original signature of the CVSO and a second original signature of a CalVet-accredited representative; whether the CVSO is accredited or not.

Delegation of Authority

The CVSO may delegate the authority of the original signature requirement for each approval or denial letter to the County Veterans Service Office senior staff by submitting a delegation of authority letter to CalVet via VetPro Agency Attachments. The Delegation of Authority Letter must include the original signature of the CVSO and the original signature of each CalVet-accredited CVSOs senior staff person to which the CVSO has delegated the authority to sign.

In the rare instances a CVSO may not be appointed to a county by the County Board of Supervisors and an interim period exists where the daily operations of the County Veteran Service Office is managed by a senior County Veteran Service Office staff member or other county manager, a CVSO delegation of authority letter shall be completed and signed by both the authorizing power and the delegated county staff member in order for the delegated staff member to certify college fee waiver approval or denial letters.

The delegation of signature authority is effective for **no more than six months**; thereafter, another signed delegation of authority letter must be submitted to CalVet with the required signatures. A Delegation of Authority letter must be submitted before any other CalVet accredited staff are allowed to approve or deny CalVet college fee waivers, and on an ongoing basis, immediately prior to the beginning of each six-month period.

A template showing the required wording for the Delegation of Authority Letter for the college fee waiver program for each of the six month periods of August 1st to January 31 and February 1st to July 31st of each year is on page 26.

CalVet Appeals

If a student formally appeals a CVSO denial of a college fee waiver to CalVet, CalVet will notify the CVSO of the formal appeal via e-mail. Thereafter, CalVet will access the county's VetPro database for the purpose of obtaining documentation relevant to the appeal and/or reviewing the entire DVS 40 file for the sole purpose of resolving the appeal. If CalVet requires further information and/or documentation relevant to the appeal from the CVSO, the CVSO will have three (3) business days to respond to the CalVet inquiry/request in order to resolve the appeal.

DVS 40 Records Retention Requirement

All DVS 40 applications and supporting documentation must be retained by the CVSO for a minimum of five years (5 years).

Definitions

Unless specifically described otherwise, definitions of terms not listed below, should be obtained from the M&VC or Education Code, or from Title 38, U.S. Code, or Title 38, Code of Federal Regulations (CFR).

Term	Definition
Academic Year (AY)	12 CCR Section 440(b): "An 'academic year' shall commence on the first day and terminate on the last day of an entire academic year, as determined by the institutions of higher learning, and shall include all special and summer sessions." There are courses not covered by the college fee waiver; contact the college directly to inquire. If an applicant is applying to more than one college within the same academic year, a separate DVS-40 application for each college must be completed. Note: AY varies for each school.
Annual Income	Annual income for the purposes of Plan B, shall be the amount of income reported to the Internal Revenue Service (IRS) or Franchise Tax Board (FTB) as "Adjusted Gross Income" (AGI) plus, value of any support received from a parent, from the period January 1 st through December 31 st of the preceding calendar year. Per California Education Code Sections 66025.3(a)(2) and 66025.3(c), the student's AGI and value of any support received from a parent cannot exceed the annual income limit as published by CalVet.
Annual Income Limit	In accordance with the California Education Code Section 66025.3(c), the annual income limit is the "national poverty level" for one person under 65 years of age as published by the United States Census Bureau, for the upcoming academic year. CalVet will issue a bulletin to announce the established level for each academic year. The current annual income limit is posted on the CalVet website at: https://www.calvet.ca.gov/VetServices/Pages/College-Fee-Waiver.aspx under the Eligibility tab at the bottom of the page. NOTE: The Census Bureau may adjust the poverty level several times per year; however, the Fee Waiver income limit is set once per year and <u>does not change for subsequent Census Bureau adjustments.</u>
Appeals	Per 12 CCR Section 442, applicants who disagree with a denial of benefits or a termination of benefits shall first appeal the decision to the CalVet Deputy Secretary, Division of Veterans Services. The appeal must be received within 90 days of the date of the letter which notified the applicant of the denial. Appeals must be in written form, stating the specific reasons why benefits should be granted, and mailed to: Deputy Secretary, Division of Veterans Services, California Department of Veterans Affairs, 1227 "O" Street, Sacramento, CA 95814. Appeals should include a copy of the denial letter and a telephone number where the student may be reached during normal business hours. Should the appeal be denied, the second appellate level is with the California Veterans Board. Appellate determinations will be shared with the CVSO.

Term	Definition
Applicant	A child, stepchild, spouse, or unmarried surviving spouse. Veterans who are Medal of Honor recipients may qualify for Plan D. On occasions, the veteran is known for applying for the waiver for his/her dependents (student signature is still required on DVS-40).
Application	“Applications” are comprised of the DVS-40 <u>and</u> all required supporting documentation. All applications for benefits under this program shall be on the most recent CalVet, Veterans Services Form “DVS-40” posted on CalVet’s website: https://www.calvet.ca.gov/VetServices/Pages/College-Fee-Waiver.aspx . DVS 40 applications received by facsimile (FAX) and email are acceptable.
Approval Period	<p>Per 12 CCR Section 441(a): “Grants of College Fee Waiver benefits shall be made on a year-to-year (academic year) basis. Applicants must reapply each year to maintain continuity of benefits.”</p> <p>There shall be no partial year grants of benefits. Approval letters may only be granted within the current AY, or the immediate upcoming AY. College Fee Waiver application packages (DVS-40 and required documents) received, or approval letters dated, after the last day of the college’s academic year are not allowed. NOTE: No approvals under any plan shall be granted until all required documentation and information is included in the application package (e.g. income document, birth certificate, disability rating, etc.).</p>
Approver	CalVet, Deputy Secretary for Veteran Services Division, or his/her designees, including CVSOs who maintain CalVet accreditation may determine eligibility to receive benefits under this program. Approval and Denial letters shall be signed by the appointed CVSO (if they are accredited by CalVet). The CVSO may authorize other CalVet-accredited senior staff to approve or deny college fee waivers by submitting a Delegation of Authority letter to CalVet by uploading the signed document in VetPro’s Agency Attachments.

Term	Definition
<p>Child (For Plan B Only)</p> <p><i>For Plan A, see "Dependent"</i></p>	<p>For Plan B, the Education Code Section 66025.3(a)(2) qualifies, "Any child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability," who also meets the income limits.</p> <p><u>Documentation Requirements</u> - Requirements for a child of a veteran for Plan B are a copy of the student's government-issued birth certificate, showing the veteran as a parent. The veteran named as a parent on the birth certificate must be the same person named on the VA award notice for service connected disability. A child's marital status alone will not be a bar to receiving benefits under Plan B.</p> <p>For stepchildren and adoptions (status must have occurred prior to their 23rd birthday): (1) stepchild: obtain a copy of the county or government-issued marriage certificate and child's government-issued birth certificate, or (2) adopted child: a copy of the legal adoption order. Use these documents to show proof of relationship of the veteran to the student for verification of dependency and age at which stepchild or adopted status was attained. Children of veterans who are given up for adoption are only eligible if the veteran died prior to the adoption.</p> <p>Guardianship and paternity tests are not acceptable for establishing a legal parent-child relationship for this program, only legal documents such as a government-issued birth certificate are acceptable for establishing a legal parent-child relationship.</p>
Death of a Veteran	The death of a veteran shall have no adverse effect on eligibility.

Term	Definition
<p>Dependent (For Plan A Only)</p> <p><i>For Plan B, see "Child"</i></p>	<p>For the purpose of Plan A, M&VC Section 890(b) states, "Dependent of a veteran" means the natural or adopted child of a veteran, or stepchild of a veteran as defined by the United States Department of Veterans Affairs for compensation purposes, the unmarried surviving spouse of a veteran, or the spouse of a totally disabled veteran. (see also "Totally Disabled Veteran" in this table)</p> <p>A divorce or termination of a relationship may affect eligibility; a former stepchild may be eligible only if the veteran retains custody. Under Plan A, the dependent must be unmarried, per Title 38, Code of Federal Regulation, Section 3.57(a).</p> <p>Documentation Requirements - Establishing dependency for a child requires a copy of the student's government-issued birth certificate, showing the veteran as a parent. The veteran named as a parent on the birth certificate should be the same person named on the VA award notice for service connected disability. Establishing dependency for a spouse or surviving spouse requires the appropriate government-issued marriage certificate and veterans' death certificate via military OR current USDVA award notice. (see also "Service Connected Disability/Death" in this table)</p> <p>For stepchildren and adoptions (status must have occurred prior to their 23rd birthday): (1) stepchild: obtain a copy of the government-issued marriage certificate and child's government-issued birth certificate, or (2) adopted child: copy of the legal adoption order. Use these documents to show proof of relationship of the veteran to the student for verification of dependency and age at which stepchild or adopted status was attained. Children of veterans who are given up for adoption are only eligible if the veteran died prior to the adoption.</p> <p>Guardianship and paternity tests are not acceptable for establishing a legal parent-child relationship for this program. Only legal documents such as a government-issued birth certificate are acceptable for establishing a legal parent-child relationship.</p>
<p>Effective Date of Benefits</p>	<p>Per 12 CCR Section 441: Entitlement can be established in advance for the upcoming academic year, however, the earliest effective date for which entitlement can be established for fee waiver purposes, will be the beginning date of the academic year in which the application for benefits was received by CalVet or the CVSO.</p>

Term	Definition
Fees Waived	<p>Education Code Section 66025.3(a) prohibits any campus of the University of California, California State University, or California Community College from charging “mandatory system wide tuition or fees, including enrollment fees, registration fees, differential fees, or incidental fees”. Note: By statute, CalVet determines benefits <u>eligibility</u> for the student. By statute, each college system waives “fees”, based upon their own definitions and written guidelines. Any disagreements regarding what fees should be waived, should be resolved at the lowest possible level between the student and college involved. Note: Summer sessions, online and abroad classes are typically not waived. Student shall verify this information.</p>
National Poverty Level	<p>For the purposes of Plan B, the National Poverty Level is defined as the poverty threshold for one person, under the age of 65, according to the U.S. Census Bureau. CalVet will annually publish the annual income limit based upon the poverty threshold dollar amount.</p> <p>See also, “Annual Income” in this table.</p>
Period of War	<p>For the purpose of Plan A, a veteran must have served during a period of war as declared by the U.S. Congress, or in a campaign or expedition in which a medal has been authorized by the U.S. Government.</p>
Residency Determinations	<p>Students must meet the residency requirements of the college they will attend. The waiver of tuition or fees under this section shall apply only to a person who is determined to be a resident of California pursuant to Education Code Chapter 1 (commencing with Section 68000) of Part 41. Colleges make residency determinations.</p>
Responsibilities and Liabilities of Those Processing Benefits	<p>Counties found to have granted an invalid benefit will lose the Workload Unit value and be liable to reimburse the college. Examples: there is no service-connected disability/death, income and value of support exceeds the National Poverty Level, there is no evidence of dependency, DVS 40 file is incomplete/missing documentation to support the granted college fee waiver.</p> <p>See also, “County Responsibilities” on page 2.</p>

Term	Definition
Service-Connected Disability/Death	A permanent disability or service connected death, which has been formally rated by the military or USDVA. Any disabilities rated “for examination purposes only” do NOT qualify. For purposes of Plan A, a veteran’s service-connected disability must be verified via military or current USDVA award notice (stating service-connected 100% disability rating percentage and the effective date of the award) for each academic year that a new DVS 40 application is submitted. An exception exists for veterans that have a permanent and total 100% service-connected rating, or a veteran who had a 100% service connected rating when he/she died—in these cases, only one copy uploaded to their record in VetPro is required. This exception also applies after the veteran’s death.
Spouse	For the purposes of Plan A, the person married to a veteran who is totally (100%) disabled as a result of service-connected disabilities. Note that effective January 1, 1997, all age restrictions for a spouse have been removed. Supporting documents are required; i.e. government-issued marriage certificate. (ceremonial marriage certificates are not acceptable—must be government issued, which contains dates of birth and signatures; no abstracts, wallet editions, or confidential record versions)
Surviving Spouse	For the purposes of Plan A, the unmarried surviving spouse of a veteran, or the spouse of a totally (100%) disabled veteran. Supporting documents are required.
Totally Disabled	For the purposes of Plan A, a veteran that is rated totally (100%) and permanently disabled for a single service-connected disability or for multiple disabilities that combines to 100% for compensation purposes, or is rated totally and permanently disabled by reason of individual unemployability by the USDVA. Temporary ratings, i.e., 38 CFR 4.28, 4.29 and 4.30, shall not in themselves be a basis for granting benefits under Plan A.
Value of Support	<p>For the purposes of Plan B, Education Code Section 66025.3(a)(2) states the Value of Support shall be any support provided to the child during the preceding annual year by a parent, as “certified under penalty of perjury.” Examples of support include college housing assistance, transportation, medical and dental care, college books, and supplies.</p> <p>Note: If \$0.0 is claimed on the DVS-40 under AGI and Value of Support from a parent, a certified statement must be attached that explains how the student affords to attend college and supports himself.</p>

Plan Overviews and Procedures

Plan “A”

Who May Qualify?

- 1) The UNMARRIED CHILD of a wartime veteran who is totally (100%) disabled due to service-connected disabilities; or who was totally disabled due to service-connected disabilities at time of death; or whose death was officially rated as service-connected. The child must be over 14 years old and under 27 years old, unless the child is a veteran, and then the age limit is extended to age 30;
- 2) The SPOUSE of a wartime veteran who has been rated as service-connected totally (100%) disabled. Note that there are no age limit restrictions;
- 3) The unmarried SURVIVING SPOUSE of a wartime veteran who was totally (100%) disabled due to service-connected disabilities at time of death, or whose death has been rated as service-connected. Note that there are no age limit restrictions,
- 4) AN UNMARRIED DEPENDENT of any veteran who has been declared missing in action, captured in the line of duty by hostile forces, or forcibly detained or interned in the line of duty by a foreign government or power.

NOTE: Applicant must contact the college they will be attending to learn about the residency requirements.

Verification Procedures for Plan A

To establish whether the applicant is eligible to receive benefits under the CalVet college fee waiver Program, the approver must verify the following:

Type of Dependent	For Plan A, Approver Must Verify:
All Dependents	<ol style="list-style-type: none"> 1. Verify DVS-40 (for current year), College Fee Waiver Application for completeness and accuracy. 2. Verify USDVA award notice that the veteran is/was totally (100%) disabled (see Definitions, page 7), OR declared missing in action, OR captured in the line of duty by hostile forces, OR forcibly detained or interned in the line of duty by a foreign government or power. Veteran’s service-connected disability must be verified via military or USDVA award notice stating service-connected disability rating percentage and effective date of the award for each academic year. An exception exists for veterans that have a permanent and total (100%) service-connected rating or have died. 3. Wartime service required. The veteran must have served at least one day of active duty during a period of war as declared by the U.S. Congress, or during any time in which the veteran was awarded a campaign or expeditionary medal. Verify via military/DD 214 or USDVA. 4. After verification is complete, follow the procedures for Approvals and Denials starting on page 15.

Type of Dependent	For Plan A, Approver Must Verify:
Child	<ol style="list-style-type: none"> 1. Verify all requirements in “All Dependents” section. 2. Verify dependency by including the required documentation described in Definitions, “Dependent” on page 5. 3. Child cannot be married. 4. Child must be over 14 years old and less than 27 years old (unless the child is a veteran, then the age limit extends to age 30), any time during the academic year. For example: If the student is not a veteran and turns 27 years old in the middle of an AY, and qualifies under all other requirements, then he/she qualifies for that AY. Then if the student turns 28 during the AY, they can finish the AY but they will no longer qualify for future AYs, at least under Plan A. 5. The event which caused basic entitlement to benefits, (i.e., the date the veterans died of service-connected causes or the date the USDVA rated the veteran as totally (100%) disabled as a result of service-connected disabilities), must have occurred prior to the child’s 21st birthday. 6. No income restrictions. 7. Concurrent receipt of Plan A and USDVA Chapter 35 benefits is prohibited. Applicant must read and sign VSD-020 “Election to Receive CalVet College Fee Waiver Benefits.” (see page 24).
Spouse	<ol style="list-style-type: none"> 1. Verify DVS-40 (for current year), college fee waiver Application for completeness and accuracy. 2. Verify copy of marriage certificate. 3. No income restrictions. No age restrictions. 4. Concurrent receipt of Plan A and USDVA Chapter 35 benefits is prohibited. Applicant must read and sign VSD-020 “Election to Receive CalVet College Fee Waiver Benefits.” (see page 23).
Unmarried Surviving Spouse	<ol style="list-style-type: none"> 1. Verify DVS-40, (for current year) College Fee Waiver Application for completeness and accuracy. 2. Verify copy of marriage certificate and veterans’ death certificate with military (if service member died on active duty) OR current USDVA award notice. 3. Verify wartime service via military/DD-214 or current USDVA award notice that death was rated as service- connected. 4. No income restrictions. No age restrictions. 5. Concurrent receipt of Plan A and USDVA Chapter 35 benefits is prohibited. Applicant must read and sign VSD-020 “Election to Receive CalVet College Fee Waiver Benefits.” (see page 23).

Plan “B”

Who May Qualify?

A CHILD of a veteran who has a service-connected disability, has been killed in service, or has died of a service-connected disability. (Ed Code § 66025.3(a)(2)(A))

- 1) The child’s annual income, which includes the child’s adjusted gross income plus the value of any support received from a parent, may not exceed the annual national poverty level for one person under 65 years of age as published by the United States Census Bureau which is posted on the CalVet website at: <https://www.calvet.ca.gov/VetServices/Pages/College-Fee-Waiver.aspx> under the Eligibility tab at the bottom of the page.
- 2) Wartime service not required.
- 3) No specific age requirements.
- 4) No prohibition against concurrent receipt of fee waiver benefits and USDVA Chapter 35 benefits.

NOTE: Applicant must contact the college they will be attending to learn about the residency requirements.

Verification Procedures for Plan B

To establish whether the applicant is eligible to receive benefits under the CalVet college fee waiver Program, the approver must verify the following:

Type of Dependent	For Plan B, Approver Must Verify:
<p>Child (Only children are eligible for Plan B)</p>	<ol style="list-style-type: none"> 1. Verify DVS-40 (for current year), college fee waiver Application for completeness and accuracy. 2. Verify child dependency. See Definitions (Child - page 5), for required documents. 3. Verify Veteran's service-connected disability via military or USDVA award notice. No specific service-connected percentage required. 4. Verification of Income for a student's Adjusted Gross Income (AGI) can be verified with a student-SIGNED—under penalties of perjury—copy of the entire tax return filed with the IRS (1040, 1040EZ) or similar FTB 540 form. Do not accept returns that are only signed by a preparer and not signed by the student. In addition, if FTB or IRS tax return was electronically submitted, confirmation that the return was accepted must also be provided. <p>If no student SIGNED—under penalties of perjury—copy of the entire tax return is available, the student can request a tax "Return Transcript" that verifies AGI or "Verification of Non-filing" from the IRS and FTB by visiting a local IRS or FTB office, calling the IRS at 1-800-829-1040 or the FTB at 1-800-852-5711, or submitting an IRS Form 4506-T (see page 27). If the form is completed correctly, request will be processed within 10 business days. Note: there are several different transcripts the IRS has available, ONLY the tax "RETURN TRANSCRIPT" (option 6a on the 4506-T) will be accepted. The tax "Return Transcript"/Non-filing verification letters must be dated after April 15th</p> <p>Form W-2 will not be accepted as proof of AGI, however, when a student is married and a joint tax return was submitted you should use ALL the W-2's for both parties to determine individual share of the joint income. Note: total wages reported on the joint tax return must be verified via ALL W-2 forms from both the student and spouse (i.e., wage amount(s) on ALL W-2 forms must total the total wage amount reported on the joint tax return).</p> <p>In cases where the DVS 40 reports \$0 AGI, and \$0 Value of Support, a certified statement must be completed which states how the student can afford to attend college and support themselves. Do not accept a Form 1040 or FTB 540 that reports \$0.0 income. This does not substitute for the verification of non-filing.</p> 5. After verification is complete, follow the procedures for Approvals and Denials starting on page 15.

Plan “C”

Who May Qualify?

Any dependent, or surviving spouse who has not remarried, of any member of the California National Guard, who in the line of duty, and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in active service to the state, or is permanently disabled as a result of an event that occurred while in the service to the state. “Active service of this state”, for the purpose of this subdivision, means a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

Eligibility Specifications for Plan C

- 1) Guard member’s death or permanent disability must have occurred while in the active service of the state. You must have a copy of orders stating that the activation was under Military and Veterans Code section 146, not section 143.
- 2) This program applies only to dependents, unmarried surviving spouses of members of the California National Guard.
- 3) Students must meet residency requirements as determined by the college.

NOTE: If you receive an application under this Plan, develop the application with the above requirements, collect the package then forward to CalVet for approval or denial:

CalVet, Attn: Nancy Noriega
Veterans Services Division
1227 “O” Street, Suite 105
Sacramento, CA 95814

Plan “D”

Who May Qualify?

1. Medal of Honor recipient.
2. The child of a Medal of Honor recipient, no more than 27 years old.

Eligibility Specifications for Plan D

- 1) Benefits under this program are limited to undergraduate studies only.
- 2) Age, income, and residency requirements must be met for a child.
- 3) Spouses and surviving spouses are not eligible under this program.
- 4) There are no prohibitions against receiving concurrent USDVA Chapter 35 benefits.
- 5) Students must meet residency requirements as determined by the college.

NOTE: If you receive an application under this Plan, try first to establish entitlement to benefits under Plan A or B, as the requirements are less restrictive. Otherwise, develop the application package then forward to:

CalVet, Attn: Nancy Noriega
Veterans Services Division
1227 “O” Street, Suite 105
Sacramento, CA 95814

Procedures for Approved College Fee Waivers

Once applicant eligibility has been established, the approver completes an approval letter.

1. Approval letter must be completed on the county letterhead, using the standard wording shown in this manual (template for Plan A is on page 19; template for Plan B is on page 20; both are uploaded in VetPro).
2. Approval letter must also be signed by the CalVet-accredited CVSO or a CalVet-accredited designee included on the Delegation of Authority letter uploaded in VetPro. The person signing must be accredited by CalVet.
3. Scan and upload the signed approval letter along with entire application package, including required documents, into the veteran's VetPro record.
4. Provide the applicant with the original approval letter to take to the California public college they designated on their DVS-40.
5. Disputes regarding the fees to be waived shall be between the applicant and the college.

Procedures for Denied College Fee Waivers

When an approver denies a college fee waiver, a denial letter must be given to the applicant with instructions on the appeal process.

1. Denial letter must be completed on the county letterhead, using the standard wording shown in this manual with the appropriate reason for denial checked (templates for Plan A and B on page 21 as well as uploaded in VetPro). **Do not modify the template or the template language.**
2. Denial letter must be signed by the CalVet-accredited CVSO or his or her CalVet-accredited designee included on the signed Delegation of Authority letter uploaded in VetPro.
3. Scan and upload the signed denial letter and the entire application package, including required documents, to the veteran's VetPro record.
4. Provide the applicant with the original denial letter for their records.

Reasons for College Fee Waiver Denials

The applicable reasons for denial are shown on the Sample College Fee Waiver Denial Letter on page 21. If benefits are denied, make sure you deny the benefit for the proper reason(s). See also, CalVet Appeals section on page 2.

NOTE: Denials under Military & Veterans Code, Section 890.3 (applicant meets all requirements except for veteran's service connected disability rating) should not be appealed since the waiver will be retroactive once USDVA adjudicates service-connected disability or death benefits and applicant brings back the denial letter(s). However, applicant has the right to appeal if they wish.

Procedures for Retroactive College Fee Waivers

Overview

Education Code, Section 66025.3(a)(2)(A), does not provide the authority to grant college fee waiver benefits if the veteran does not have a service connected disability rating. However, an exception exists and relates to college fee waivers received under the provisions of Military & Veterans Code Section 890.3(a)(1). The law permits retroactive fee waiver benefits from the college system when a claim is denied, due solely to the fact that the veteran in question has a claim pending with the USDVA for service connected disability or death benefits, but has yet to be awarded such benefits and in the future the USDVA adjudicates a service connected rating and the veteran brings back the denial letter(s) for each academic year during which the student or veteran applied.

When a veteran comes into a CVSO office seeking assistance, inquire whether veteran has college bound dependents or dependents currently in college. If so, provide information on the CalVet college fee waiver Program for Veterans Dependents and determine whether the veteran has a service connected disability rating or if there is currently a pending claim with the USDVA. A claimant must provide written verification that an application is pending with the USDVA at the time the DVS-40 application is submitted. If veteran may be eligible for but does not have a service connected disability rating and is interested in applying for the CalVet college fee waiver for a dependent for the current academic year, have the veteran or student complete a DVS-40 application. Verify the student meets all other requirements by obtaining and uploading into VetPro ALL documentation **at the time of application**, then you may issue a CalVet College Fee Waiver Denial Letter for the current academic year, specifying the reason for denial being solely due to no service connection (see sample page 21).

NOTE: In accordance with Education Code Section 66025.3(b), the student must submit an application and required documents within each academic year in which they would like to seek the CalVet college fee waiver. Even if the application will be denied solely because the veteran has a pending USDVA application for service connected disability, the student **MUST** still apply each academic year to qualify for retroactive benefits under Military & Veterans Code Section 890.3(a)(1).

Procedures for Approval

To approve a retroactive college fee waiver under M&VC, Section 890.3(a)(1):

1. Review copy(s) of the CalVet college fee waiver denial letter(s) that were specifically denied based on Military and Veterans Code, Section 890.3(a)(1) and meet all other requirements for a retroactive fee waiver. See NOTE above for details regarding the denial letters.
2. Request a copy of USDVA award notice (must be current if for Plan A) adjudicating service-connected disability or service-connected death benefits.
3. Review or compare with your records. If a CalVet college fee waiver letter was issued by another county, contact that county and verify records for every AY. Note: if

approving the college fee waiver under Plan A, a signed VSD-020 election statement for each AY must be in the file/obtained.

4. If approved, issue CalVet college fee waiver approval letter(s) for each AY and college for which the CalVet Tuition fee waiver is approved. (See sample page 22). **NOTE: TWO signatures are required for this approval letter specifically: Original signature of CVSO, whether they are CalVet accredited or not, and original signature of another CalVet-accredited rep—if there is one at the CVSO.** If the application is denied, then issue a denial letter.
5. Scan and upload signed letter(s) via VetPro Agency Attachments.
6. Disputes regarding the fees to be waived shall be between the applicant and the college.

Appendix - Sample Letters and Forms

- Sample Approval Letter for Plan A
- Sample Approval Letter for Plan B
- Sample Basic Denial Letter for Plan A or B
- Sample Retroactive Approval Letter
- VSD-020 – Election to Receive college fee waiver Benefits
- VSD-021 – Non-Veteran Signature Certification For DVS-40
- Required Text for CalVet college fee waiver (DVS 40) Delegation of Authority Letter
- IRS Form 4506-T

Sample Approval Letter for Plan A

CVSO Official Letterhead

COLLEGE FEE WAIVER AUTHORIZATION (PLAN A) DEPENDENTS OF SERVICE- CONNECTED DISABLED OR DECEASED VETERANS

ACADEMIC YEAR: 20XX-20XX

Date

STUDENT
111 ACADEMIC WAY
COLLEGETOWN, CALIFORNIA 90210

Student SSN: XXX-XX-XXXX
Veteran: Last name, XXXX

Dear Student:

Congratulations! You have been found eligible to receive the CalVet college fee waiver for Veteran Dependents, pending confirmation of California residency status, under the provisions of the California Education Code, Section 66025.3(a). These benefits are provided to you by the grateful State of California to recognize the sacrifices made by a veteran while serving our country with honor. Having been found eligible for benefits means that you shall not be charged mandatory system-wide tuition or fees while attending a California Community College, a campus of the California State University system, or a campus of the University of California system.

Please note the following:

- (1) This authorization is valid only for the Academic Year listed above.
- (2) You must re-establish eligibility for each subsequent Academic Year you plan on attending college.
- (3) You must meet the California residency requirements of your college in order to receive these benefits.
- (4) You may not receive benefits under this program, during the time that you are in receipt of federal educational benefits under Chapter 35, Title 38, United States Code.
- (5) Many colleges and universities have campus-based and extension programs which may not be waived, as well as other fees such as parking, health, insurance, etc.

Contact staff at your college's Veterans Affairs Office for additional information and provide them with a copy of this letter.

I wish you success in achieving your educational goals and if you need additional information concerning this program or other veterans benefits, please contact me at the above address.

Sincerely,

(Original Signature of CVSO or Authorized Delegated Authority)

(Print First Name & Last Name of CVSO or Authorized Delegated Authority signing above)

cc: College listed on DVS 40 application

July 1, 2017

Sample Approval Letter for Plan B

CVSO Official Letterhead

COLLEGE FEE WAIVER AUTHORIZATION (PLAN B) DEPENDENTS OF SERVICE- CONNECTED DISABLED OR DECEASED VETERANS

ACADEMIC YEAR: 20XX-20XX

Date

STUDENT
111 ACADEMIC WAY
COLLEGETOWN, CALIFORNIA 90210

Student SSN: XXX-XX-XXXX
Veteran: Last name, XXXX

Dear Student:

Congratulations! You have been found eligible to receive the CalVet college fee waiver for Veteran Dependents, pending confirmation of California residency status, under the provisions of the California Education Code, Section 66025.3(a). These benefits are provided to you by the grateful State of California to recognize the sacrifices made by a veteran while serving our country with honor. Having been found eligible for benefits means that you shall not be charged mandatory system-wide tuition or fees while attending a California Community College, a campus of the California State University system, or a campus of the University of California system.

Please note the following:

- (1) This authorization is valid only for the Academic Year listed above.
- (2) You must re-establish eligibility for each subsequent Academic Year you plan on attending college.
- (3) You must meet the California residency requirements of your college in order to receive these benefits.
- (4) Many colleges and universities have campus-based and extension programs which may not be waived, as well as other fees such as parking, health, insurance, etc.

Contact staff at your college's Veterans Affairs Office for additional information and provide them with a copy of this letter.

I wish you success in achieving your educational goals and if you need additional information concerning this program or other veterans benefits, please contact me at the above address.

Sincerely,

(Original Signature of CVSO or Authorized Delegated Authority)

(Print First Name & Last Name of CVSO or Authorized Delegated Authority signing above)

cc: College listed on DVS 40 application

July 1, 2017

Sample Denial Letter for Plan A or B

CVSO Official Letterhead

ACADEMIC YEAR 20XX-20XX

DATE

STUDENT
111 ACADEMIC WAY
COLLEGETOWN, CALIFORNIA 90210

Student SSN: XXX-XX-XXXX
Veteran: Last name, XXXX

Dear Student:

Thank you for applying for benefits under the CalVet College Fee Waiver Program for Veterans Dependents. Based upon my review of information you provided, I must deny your application for the following reason(s):

- ☐ The dependent's income exceeds the income requirement. California Education Code, Section 66025.3(a)(2)(A), does not provide CalVet with the authority to grant fee waiver benefits if the dependents annual income defined by the IRS or FTB as Adjusted Gross Income (AGI), plus the value of any support received from a parent, is over the annual income limit of \$ ____.
- ☐ The dependent is in receipt of U.S. Department of Veterans Affairs (USDVA) Chapter 35 Benefits under Plan A, and not eligible under Plan B. No fee waiver benefits will be granted if the dependent is in receipt of Chapter 35 benefits. If Chapter 35 benefits are terminated or the student chooses to receive the CalVet college fee waiver Program benefit, a reapplication is required and a VSD-020 - Election to Receive CalVet College Fee Waiver Benefits Plan A in lieu of Chapter 35 benefits letter, must be completed.
- ☐ The applicant is applying as a veteran, not as a dependent. California Education Code, Section 66025.3(a), authorizes CalVet to grant fee waiver benefits to certain dependents and survivors of service-connected disabled or deceased veterans (unless veteran is a Medal of Honor recipient).
- ☐ The veteran's death is not service-connected. California Education Code, Section 66025.3(a)(2)(A) does not provide CalVet with the authority to grant fee waiver benefits if the veteran in question did not die due to service-connected causes.
- ☐ The college attended by the dependent is a private college/university or vocational college. California Education Code, Section 66025.3(a), does not provide CalVet with the authority to grant fee waiver benefits for attendance to private colleges, universities or vocational colleges. Eligible dependents must attend a California Community College, California State University, or a University of California campus.
- ☐ The dependent is attending an out of state institution. California Education Code, Section 66025.3(a), limits the benefit to University of California, California State University, or the California Community Colleges. CalVet does not have the authority to grant fee waiver benefits for colleges outside of California.
- ☐ The veteran does not have a service-connected disability. California Education Code, Section, 66025.3(a)(2)(A) and California Military & Veterans Code, Section 980, does not provide CalVet with the authority to grant fee waiver benefits if the veteran in question does not have a service-connected disability.

July 1, 2017

- ☐ For Plan A: The event which caused basic entitlement to benefits, (i.e., the date the veterans died of service-connected causes or the date the military or USDVA rated the veteran as totally (100%) disabled as a result of service-connected disabilities), occurred after the child's 21st birthday.
- ☐ ALL other requirements have been met but the CalVet college fee waiver application is denied at this time because the veteran does not have a service-connected disability or veteran's death is not service-connected but a claim for USDVA benefits is currently pending. California Education Code, Section 66025.3(a)(2)(A) and the California Military & Veterans Code, Section 980, does not provide CalVet with the authority to grant fee waiver benefits if the veteran in question does not have a service-connected disability or did not die of service-connected causes.

However, under the provisions of the California Military & Veterans Code, Section 890.3(a)(1), a dependent may be eligible for retroactive benefits if; 1) the veteran has a claim for service-connected disability or service-connected death benefits pending with the USDVA, 2) subsequently, the USDVA grant service-connected disability or death benefits, and 3) you immediately provide this office with evidence that the USDVA has awarded service-connected disability or death benefits and bring the CalVet College Fee Waiver denial letter(s) such as this for each academic year.

- ☐ Education Code, Section 66025.3(b), does not provide CalVet with the authority to grant fee waiver benefits for prior academic years, unless the dependent is applying for prior academic years according to California Military & Veterans Code, Section 890.3(a)(1), as explained in the previous paragraph.
- ☐ The applicant is applying as a spouse of a veteran who is not totally (100%) service-connected or whose death is not service-connected. Military and Veterans Code, Sections 890-899 prohibits CalVet from granting fee waiver benefits to the spouse of a veteran if the veteran in question is not rated as totally (100%) service connected disabled or did not die of service-connected causes.
- ☐ The dependent (adopted child/stepchild) does not meet Dependency requirements. Title 38, Code of Federal Regulation, Section 3.57(a), requires the adopted or stepchild status to have occurred prior to the child's 23rd birthday. For Plan A, child must be unmarried.

If you disagree with my decision, you may appeal to CalVet: Deputy Secretary, Veterans Services Division, 1227 "O" Street, Suite 105, Sacramento, California 95814. Your appeal must be in writing, stating the specific reasons why benefits should be granted, and received by CalVet within 90 days of the date of this letter. Your appeal should include evidence, and/or statements that support your belief that denial of benefits is in error. Be sure to include a copy of this letter and a telephone number where you can be reached during normal working hours.

Sincerely,

(Original Signature of CVSO or Authorized Delegated Authority)

(Print First Name & Last Name of CVSO or Authorized Delegated Authority signing above)

cc: **College listed on DVS 40 application**

Sample Retroactive Approval Letter

(per M&V Code, Section 890.3(a)(1))

CVSO Official Letterhead

COLLEGE FEE WAIVER AUTHORIZATION FOR RETRO-ACTIVE BENEFITS PLAN <A or B> FOR DEPENDENTS OF SERVICE-CONNECTED DISABLED OR DECEASED VETERANS

ACADEMIC YEAR: 20XX – 20XX

Date

STUDENT
111 ACADEMIC WAY
COLLEGETOWN, CALIFORNIA 90210

Student SSN: XXX-XX-XXXX
Veteran: Last name, XXXX

Dear Student:

Congratulations! You have been found eligible to receive the CalVet College Fee Waiver, pending confirmation of California residency status, under the provisions of the California Education Code, Section 66025.3(a) and the Military & Veterans Code, Section 890.3(a)(1). These benefits are provided to you by the grateful State of California to recognize the sacrifices made by a veteran while serving our country with honor. Having been found eligible for benefits means that you shall not be charged mandatory system-wide tuition or fees while attending a California Community College, a campus of the California State University system, or a campus of the University of California system.

Please note the following:

- (1) This authorization is valid only for the Academic Year listed above.
- (2) You must re-establish eligibility for each subsequent Academic Year you plan on attending college.
- (3) You must meet the California residency requirements of your college in order to receive these benefits.
- (4) For Plan A, you may not receive benefits under this program, during the time that you are in receipt of federal educational benefits under Chapter 35, Title 38, United States Code.
- (5) Many colleges and universities have campus-based and extension programs which may not be waived, as well as other fees such as parking, health, insurance, etc.

Contact staff at your college's Veterans Affairs Office for additional information and provide them with a copy of this letter.

I wish you success in achieving your educational goals and if you need additional information concerning this program or other veterans benefits, please contact me at the above address.

Sincerely,

(Original Signature of CVSO) _____ **AND** _____ (Original Signature of CalVet-Accredited Rep)
(Print First Name and Last Names of CVSO AND Authorized Delegated Authority signing)

NOTE: TWO signatures are required: Original signature of CVSO, whether they are accredited or not, and original signature of another CalVet-accredited rep.

cc: **College listed on DVS 40 application**

July 1, 2017

VSD-020 - Election to Receive CalVet College Fee Waiver Benefits
Plan A in lieu of Chapter 35 benefits
CalVet College Fee Waiver for Veteran Dependents

ACADEMIC YEAR 20XX-20XX

I understand that state law, specifically the Military and Veterans Code, Section 896.1, prohibits me from receiving State of California Department of Veterans Affairs (CalVet) college fee waiver benefits under Plan A if I am in receipt of United States Department of Veterans Affairs (USDVA) Dependents Education (Chapter 35) benefits.

I understand that if I apply for and receive USDVA Chapter 35 benefits, after being awarded CalVet college fee waiver benefits under Plan A for the same period, my CalVet college fee waiver benefits will be revoked retroactively, my college will be notified of actions taken, and that I shall be held financially responsible for any associated fees waived.

Understanding the above, I elect to receive CalVet college fee waiver benefits under Plan A, and certify under penalties of perjury, that I am not currently nor will I apply and receive USDVA Chapter 35 benefits for AY 20XX-20XX.

Signature

Date Signed

VSD-021 - Non-Veteran Signature Certification For DVS-40 CalVet College Fee Waiver

Explanation of Why Veteran is Unable to Sign DVS 40 Application:

Note: If veteran is deceased, a copy of veteran's death certificate is required. If spouse applying under Plan A, documentation that verifies the explanation is required.

I hereby certify under penalties of perjury that the information contained on this document for the purpose of obtaining CalVet educational benefits is true, correct, and complete.

DATE:

Signature of non-veteran parent

Printed Name of non-veteran parent

Legal Relationship to Veteran Stated on DVS-40 Application

Required Text for CalVet College Fee Waiver (DVS-40) Delegation of Authority Letter

[CVSO Letterhead]

Date:

By means of this letter, I, [CVSO or County Authorized Power Name and Title], delegate the authority herein described to the named senior County Veterans Service Office (CVSO) staff persons, on the following terms and conditions:

1. The named CVSO Staff below are authorized to sign CalVet DVS 40 College Fee Waiver Program Approval and Denial Letters.
2. The named CVSO Staff below are authorized to sign CalVet DVS 40 College Fee Waiver Program Approval and Denial Letters on my behalf from:

☐ February 1, 20XX to July 31, 20XX

☐ August 1, 20XX to January 31, 20XX

A new delegation of authority letter must be completed, signed and submitted to CalVet every six months, immediately prior to the start of each six month delegation period; counties may not submit one letter for the year.

3. A new delegation of authority letter shall be completed at the time any senior staff named herein is no longer employed by the CVSO.
4. The authority delegated is not subject to sub-delegation.
5. The senior delegated staff listed below are currently accredited by the California Department of Veterans Affairs.

Name of Accredited CVSO Staff Person	CVSO Staff Signature	Date

[Original signature of CVSO or County Authorized Power]

Printed Name and Title [of CVSO or County Authorized Power] Date:

cc: VetPro Agency Attachments

Request for Transcript of Tax Return or Verification of Non-filing

If a student did not file a tax return, the student must request a Letter of Non-Filing. If a student filed taxes, then a tax “**Return Transcript**” may be used in place of a copy of the student signed—under penalties of perjury—tax return.

NOTE: There are several different transcripts the IRS has available. **ONLY** the tax “**Return Transcript**” (option 6a on the Form 4506-T) OR “**Verification of Non-filing**” (option 7 on the Form 4506-T) **will be accepted**.

A copy of the Form 4506-T is available on available the Internal Revenue Service (IRS) main webpage under individual forms:

<https://www.irs.gov/forms-pubs>