

**164.515 Exemption from tuition for spouse or child under age 26 of permanently disabled member of the National Guard, war veteran, prisoner of war, or member of the Armed Services missing in action -- Conditions.**

- (1) The spouse, regardless of age, and any child, stepchild, or orphan, under the age of twenty-six (26), of a permanently and totally disabled member of the Kentucky National Guard or Reserve Component injured while on state active duty, active duty for training, or inactive duty training, or a permanently and totally disabled war veteran, or a one hundred percent (100%) service-connected disabled veteran regardless of wartime service, or prisoner of war or member of the Armed Services declared missing in action shall not be required to pay any matriculation or tuition fees upon his admission to any state-supported institution of higher education or to any state-supported vocational training school for a period not in excess of forty-five (45) months in order to obtain a diploma, nor in excess of the lesser number of months required for a certificate of completion.
- (2) To be entitled to benefits under this section the parent or stepparent of the child claiming benefits if living must be rated permanently and totally disabled for pension purposes or one hundred percent (100%) disabled for compensation purposes by the United States Veterans Administration or the Department of Defense. If the veteran is deceased, the claim to benefits is to be based on the rating held by the veteran at the time of death or if a prisoner of war or missing in action, must have been declared as such by the Department of Defense. Members of the Kentucky National Guard must be rated permanently and totally disabled as provided in KRS Chapter 342. The parent's, stepparent's, or spouse's service and rating must be evidenced by certification from the records of the Kentucky Department of Military Affairs, Veterans Administration Records, or the Department of Defense of the United States.
- (3) The parent-child relationship must be shown by birth certificate, legal adoption papers, marriage certificate, or other documentary evidence. A stepchild must be a member of the veteran's household. The spousal relationship must be shown by a marriage certificate or other documentary evidence.
- (4) To entitle a spouse, child, stepchild, or orphan to benefit under this section the disabled member of the National Guard or Reserve Component veteran living or deceased must have served on state active duty, active duty for training, or inactive duty training or active duty with the Armed Forces of the United States, and his discharge must have been under honorable conditions. He must be a resident or, if deceased, have been a resident of the Commonwealth of Kentucky.
- (5) No provision of this section shall serve to deny these benefits to an eligible spouse, child, stepchild, or orphan, who enlists, or who fulfills a military obligation, in the Armed Forces of the United States and is discharged under honorable conditions; the period of time spent in the military service to be compensated by like time, beyond the age of twenty-six (26) years if required, but not in excess of the period of enrollment as set forth in subsection (1) of this section.
- (6) The marriage of an eligible child, stepchild, or orphan, shall not serve to deny full entitlement to the benefits provided in this section.

**Effective:** June 26, 2007

**History:** Amended 2007 Ky. Acts ch. 89, sec. 2, effective June 26, 2007. -- Amended 2004 Ky. Acts ch. 155, sec. 2, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 42, sec. 2, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 377, sec. 3, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 181, sec. 101, effective April 4, 1994. -- Amended 1986 Ky. Acts ch. 331, sec. 29, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 295, sec. 7, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 112, sec. 2; and ch. 207, sec. 2. -- Amended 1972 Ky. Acts ch. 14, sec. 1. -- Amended 1966 Ky. Acts ch. 200, sec. 1. -- Created 1960 Ky. Acts ch. 92, secs. 1 to 5.