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**ATTORNEY GENERAL  
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**May 27, 1975**

**FILE NO. S-909**

**VETERANS:**

**Period of Time That  
a Veteran is Entitled to  
a Scholarship**

**James Furman  
Executive Director  
State of Illinois  
Board of Higher Education  
500 Reisch Building  
119 South Fifth Street  
Springfield, Illinois 62701**

**Dear Director Furman:**

**This responds to the request of your predecessor  
for an opinion as to what limitations, if any, exist as to  
the period of time that a veteran is entitled to a scholarship  
under article 30 of the School Code. He attached to his  
request two memoranda from which more specific questions can  
be ascertained and it is to these questions that I will address  
myself.**

The pertinent portions of article 30 of the School Code provide as follows:

"§ 30-5. Scholarships to veterans and certain members of the armed forces. Any person who served in the armed forces of the United States, \* \* \* shall, except as otherwise herein provided, upon application and proper proof, be awarded a scholarship to the State controlled university or Class I junior college of his choice. Such persons shall also be entitled, upon application and proper proof, to enroll in any extension course offered by any State controlled university or Class I junior college without the payment of tuition fees.

Any person who so served and who, at the time of entering upon such service, was a student at a State controlled university or at a Class I junior college, and who was honorably discharged from such service, shall, upon application and proper proof be awarded a scholarship entitling him to complete his course of study at such institution, but shall not be entitled to a scholarship for more than the equivalent of 4 years of full time enrollment.

The holder of any such scholarship shall be entitled to exemption from fees as provided in Section 30-13.

\* \* \*

The scholarships authorized by this Section shall be paid out of the funds available to the State Scholarship Commission and be subject to the 'State Scholarships Law' as now and hereafter amended, except for Sections 30 — 15.5, 30 — 15.6 and 30 — 15.7(a)." (Ill. Rev. Stat. 1973, ch. 122, par. 30 — 5.) (emphasis added.)

"§ 30-13. The scholarships issued under Sections 30 — 1 through 30 — 12, of this Article may be used at the University of Illinois.

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Southern Illinois University, state colleges and universities under jurisdiction of the Board of Governors and Regency Universities under the jurisdiction of the Board of Regents as provided in those sections. In addition, scholarships issued under Section 30 — 5 may be used at any Class I junior college as provided in that Section. Unless otherwise indicated, these scholarships shall be good for a period of not more than 4 years while enrolled for residence credit and shall exempt the holder from the payment of tuition, \* \* \* (Ill. Rev. Stat. 1973, ch. 122, par. 30-13.) (emphasis added.)

Your first two questions concern whether the term "4 years" underscored above, means calendar years or academic years and whether such years must be consecutive. Section 30-5 specifically provides that scholarships awarded to veterans under that section shall be subject to the State Scholarships Law, which is section 30-15 through 30-15.13 of the School Code. (The name of the Act was changed in 1967 to the Higher Education Student Assistance Law. (Laws of 1967, p. 2644.)) Section 30-15.7(b) provides as follows:

"(b) Each scholarship whether granted before or after July 1, 1966, is renewable by the Commission annually, without further competitive examination, for a total of 4 consecutive academic years following the academic year of the first award or until such earlier time as the student receives a baccalaureate degree or has expended 8 semester or 12 quarter terms of scholarship entitlement as determined by the Commission. \* \* \* (Ill. Rev. Stat. 1973, ch. 122, par. 30-15.7(b).)"

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It is clear from this provision that the four years means four consecutive academic years. "Academic year" is defined in section 30-15.2(e) as "the period of time from September 1 of any year through August 31 of the ensuing year". Reference to eight semester or 12 quarter terms refers to circumstances under which a scholarship may be terminated earlier. A veteran is thus entitled to a scholarship for a period of not more than four consecutive academic years as defined in the Act.

Your third question is whether such limitation applies to use of the scholarships at community colleges. While the article uses the term Class I junior colleges, Public Act 78-669 changed Class I junior colleges to community colleges. In general, article 30 of the School Code governs the awarding of scholarships to individuals and does not make a distinction as to whether those scholarships are used at State universities or community colleges. Such time limitation then applies to use of a scholarship at community colleges as well as universities.

Your fourth, fifth and sixth questions are concerned with possible exceptions to the limitations outlined above. I will limit my consideration specifically to the two possible exceptions discussed in one of your attached memoranda. The

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first concerns the leave of absence provided for in section 30-14 (Ill. Rev. Stat. 1973, ch. 122, par. 30-14.) This provision specifically provides as follows:

"§ 30-14. Leaves of absence to holders of scholarships. Any student enrolled in a university to which he is holding a scholarship issued under this Article who satisfies the president of the university or someone designated by him, that he requires leave of absence for the purpose of earning funds to defray his expenses while in attendance or on account of illness or military service may be granted such leave and allowed a period of not to exceed 6 years in which to complete his course at the university. The university shall notify the county superintendent of the county from which the scholarship was issued of the granting of the leave. Time spent in the armed forces shall not be part of the 6 years."

The question is whether this applies to veterans using the scholarships at community colleges or only to those at universities. By its own terms this provision is limited to students enrolled in a university. Other provisions of the statute specifically refer to both "university or Class I junior college" (i.e. community college) which implies a distinction. This provision would therefore not apply to students enrolled in community colleges.

Your second specific exception concerns whether the phrase "equivalent of 4 years of full time enrollment" as used

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in the second paragraph of section 30-5, supra, underscored above, applies only to holders of scholarships under that paragraph or to all holders of veteran scholarships. By the terms of that provision, the qualifying phrase is limited to persons who at the time of entering the armed forces of the United States were students at State controlled universities or Class I junior colleges (i.e. community colleges).

The qualifying phrase does, however, make an exception to the consecutive academic year requirement and therefore, holders of scholarships under this paragraph are not subject to it. The phrase was rewritten by Public Act 77-2468, which amended section 30-5, supra. Prior to that the phrase was simply "4 years". "The equivalent of" and "of full time enrollment" were added by that Act. I interpret this to mean that a holder of a scholarship under this paragraph is not subject to an absolute four year limitation. While such interpretation does conflict with section 30-13 and 30-15.7(b), supra, it is a well settled rule of statutory construction that "where there is found in a statute a particular enactment, it is held to be operative as against the general provisions on the subject either in the same Act or in the general laws relating thereto."

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The People v. Wabash R.R. Co., 395 Ill. 520, 540.

It is stated in the memorandum attached to your request that the administration of veteran scholarships by various governing bodies of State universities and community colleges vary widely. It appears from other information that I have received on the subject of your request that some governing bodies strictly apply a consecutive four year standard while others have devised a point system which allows a veteran to use a scholarship for more than four years if he attends school on a part-time basis. It should be clear from the above discussion that a scholarship is good at most for four consecutive years (with two limited exceptions) and that, therefore, such a point system, while it may be desirable especially since many veterans must work part-time, it is not authorized by law. It is a primary rule in the interpretation and construction of statutes that the intention of the legislature should be ascertained and given effect. The only legitimate function of the courts and of my office in giving opinions is to declare the law as enacted by the legislature, to interpret the language used by the legislature where it requires interpretation, but not to annex new provisions or substitute different ones or read into a statute exceptions.

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limitations or conditions which depart from its plain meaning.  
See Belfield v. Coop. 8 Ill. 2d 295, 306.

There is now pending in the General Assembly legislation which would make veteran scholarships available for a longer period of time when the veteran using such scholarship is attending school only on a part-time basis. If such legislation passes, it will rectify the inequitable terms of the present law and the harsh consequences resulting from its present administration.

Very truly yours,

A T T O R N E Y   G E N E R A L