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HOUSE BILL NO. 1136**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education
on January 30, 2006)

(Patrons Prior to Substitute—Delegates Cline, Jones, S.C. [HB 734], and Athey [HB 1102])

A *BILL* to amend the Code of Virginia by adding in Title 23 a chapter numbered 4.02, consisting of sections numbered 23-38.10:8 through 23-38.10:14, relating to the establishment of a Community College Transfer Grant program.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 23 a chapter numbered 4.02, consisting of sections numbered 23-38.10:8 through 23-38.10:14 as follows:

CHAPTER 4.02.**COMMUNITY COLLEGE TRANSFER GRANT PROGRAM.**

§ 23-38.10:8. Definitions.

As used in this chapter:

"Accredited institution" means any institution approved to confer degrees pursuant to Chapter 21.1 (§ 23-276.1 et seq.) of this title.

"Council" means the State Council of Higher Education for Virginia.

"Grant" means the amount of financial assistance awarded under this chapter whether disbursed by warrant directly to an institution of higher education or directly to a student.

"Institution of higher education" means a four-year public or private nonprofit educational institution within the Commonwealth whose primary purpose is to provide undergraduate collegiate education and not to provide religious training or theological education.

"Student" means an undergraduate student who is entitled to in-state tuition charges pursuant to the provisions of § 23-7.4.

§ 23-38.10:9. Community College Transfer Grant Program Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Community College Transfer Grant Program Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller and all funds appropriated by the General Assembly and any gifts, grants, or donations from public or private sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of providing need-based higher education grants to domiciles of Virginia who have successfully completed an acceptable associate degree program at a Virginia community college or two-year public educational institution and have been admitted to an accredited nonprofit public or private institution of higher education in the Commonwealth whose primary purpose is to provide undergraduate collegiate education and not to provide religious training or theological education. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the State Council of Higher Education for Virginia.

§ 23-38.10:10. State Council of Higher Education designated as administering agency.

The State Council of Higher Education for Virginia is hereby designated as the administering agency for the program established by this chapter and is authorized to promulgate regulations for the disbursement of grants consistent therewith and appropriate to the administration of the program.

§ 23-38.10:11. Eligibility criteria.

A. Under this program, grants shall be made to or on behalf of eligible Virginia domiciles on the basis of financial need for the academic year for which they enroll and are obligated to pay tuition as full-time undergraduate students transferring from a Virginia community college or two-year public educational institution as a junior, as specified in the relevant articulation agreement between the community college or two-year educational institution and the institution of higher education, at a qualified institution of higher education as described in § 23-38.10:8. Only students who maintained a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent while enrolled in an associate degree program at a Virginia community college shall be eligible to receive a grant under this chapter.

B. Eligibility for a higher education grant under this program shall be limited to two academic years or the equivalent number of credit hours and shall be used only for undergraduate collegiate work in educational programs other than those providing religious training or theological education. Further, students shall only be eligible to receive a grant under this program for no more than one year

60 following receipt of an associate degree.

61 C. Individuals who have failed to meet the federal requirement to register for the Selective Service
62 shall not be eligible to receive grants pursuant to this chapter. However, a person who has failed to
63 register for the Selective Service shall not be denied a right, privilege, or benefit under this section if (i)
64 the requirement to so register has terminated or become inapplicable to the person and (ii) the person
65 shows by a preponderance of the evidence that the failure to register was not a knowing and willful
66 failure to register.

67 § 23-38.10:12. Amount of award.

68 The amount of grants awarded under this chapter shall be based on the difference between the cost
69 of tuition and educational and general fees paid by the recipient at a Virginia community college or
70 public two-year educational institution and the average cost of such tuition and fees at a Virginia public
71 institution of higher education, as determined by the State Council for Higher Education for Virginia.

72 § 23-38.10:13. Determination of domicile.

73 For the purposes of determining the eligibility of a student for a community college transfer grant,
74 domicile shall be determined by the enrolling institution, as provided in § 23-7.4, and the State Council
75 of Higher Education's guidelines for domiciliary status determinations.

76 § 23-38.10:14. Receipt by student of other financial aid.

77 Tuition assistance received by a student under this program shall not be reduced by the receipt of
78 other financial aid from any source by such student. However, a student shall not receive a grant
79 pursuant to this chapter that, when added to other financial aid received by that student, would enable
80 the student to receive total assistance in excess of the estimated cost to the student of attending the
81 institution in which he is enrolled.