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HOUSE BILL NO. 1137

Offered January 11, 2006

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A BILL to amend and reenact §§ 23-31, 23-40, and 23-49.1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 5 of Title 23 a section numbered 23-49.1:2 and in Chapter 16.5 of Title 23 a section numbered 23-231.30, relating to the closure of Richard Bland College.

Patron—Cline

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-31, 23-40, and 23-49.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 5 of Title 23 a section numbered 23-49.1:2 and in Chapter 16.5 of Title 23 a section numbered 23-231.30 as follows:

§ 23-31. Unfunded scholarships.

A. The corporate authorities of the University of Virginia, the University of Virginia's College at Wise, Virginia Military Institute, Virginia Polytechnic Institute and State University, The College of William and Mary, Christopher Newport University, George Mason University, Longwood University, the University of Mary Washington, James Madison University, Virginia Commonwealth University, Radford University, Old Dominion University, the Virginia Community College System, Virginia State University, and Norfolk State University, ~~and Richard Bland College~~ may establish scholarships, hereafter to be designated as unfunded scholarships, in their respective institutions under such regulations and conditions as they may prescribe, but subject to the following limitations and restrictions:

1. All such scholarships shall be applied exclusively to the remission, in whole or in part, of tuition and required fees.

2. The respective corporate authorities shall determine the number of such scholarships annually awarded to undergraduate Virginia and non-Virginia students.

The total value of all such scholarships annually awarded by an institution to undergraduate Virginia students shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by 20 percent of the enrollment of Virginia students in undergraduate studies in the institution during the preceding academic year. The total value of all such scholarships annually awarded by an institution to non-Virginia undergraduate students shall not exceed in any year the amount of the applicable, per capita out-of-state differential paid by non-Virginia undergraduate students for tuition and required fees multiplied by 20 percent of the enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year.

All such scholarships awarded to undergraduate students shall be awarded only to undergraduate students in the first four years of undergraduate work and shall be awarded and renewed on a selective basis to students of character and ability who are in need of financial assistance. For purposes of determining need under this section, a nationally recognized needs-analysis system approved by the State Council of Higher Education shall be used.

3. The respective corporate authorities shall determine the number of such scholarships annually awarded to graduate students or teachers serving as clinical faculty pursuant to § 22.1-290.1. The total value of all such scholarships annually awarded to such graduate students and clinical faculty shall not exceed in any year the amount arrived at by multiplying the applicable figure for graduate tuition and required fees by the number of graduate students who are employed as teaching or research assistants with significant academic responsibilities and who are paid a stipend of at least \$2,000 in the particular academic year and such clinical faculty. All graduate scholarships shall be awarded and renewed on a selective basis to such graduate students and clinical faculty of character and ability.

4. A scholarship awarded under this program shall entitle the holder to the following award, as appropriate:

a. A Virginia undergraduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

b. A non-Virginia undergraduate student may receive an annual remission not to exceed the amount of the out-of-state differential required to be paid by the student for tuition and fees;

c. A qualified graduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

d. A clinical faculty member may receive an award as determined by the governing body of the

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59 institution.

60 5. Notwithstanding the limitations on the awards of unfunded scholarships to undergraduate students
61 pursuant to subdivision A 4 of this section, an institution may award additional unfunded scholarships to
62 visiting foreign exchange students; however, the number of such awards in any fiscal year shall not
63 exceed one quarter of one percent of the total institutional headcount enrollment.

64 B. No institution named herein shall remit any tuition or required fees or any special fees or charges
65 to any student at such institution except as authorized in this section. Each institution named herein shall
66 make a report to the State Council of Higher Education, upon request, showing the number and value of
67 scholarships awarded under this section according to each student classification.

68 C. Nothing in this section shall be construed to prevent or limit in any way the admission of certain
69 students, known as state cadets, at the Virginia Military Institute or to affect the remission of tuition or
70 required fees or other charges to such state cadets as permitted under existing law.

71 D. Nothing in this section shall be construed to affect or limit in any way the control of the
72 governing bodies of the respective institutions over any other scholarships; or over any gifts or
73 donations made to such institutions for scholarships or other special purposes; or over any funds
74 provided by the federal government or otherwise for the purpose of career and technical education or
75 vocational rehabilitation in this Commonwealth; or over any funds derived from endowment or
76 appropriations from the federal government for instruction in agriculture and mechanic arts in land grant
77 colleges.

78 E. Nothing in this section shall be construed to prevent the governing bodies of the respective
79 institutions from fixing a reasonably lower tuition charge for Virginia students than for non-Virginia
80 students.

81 F. Nothing in this section or any other provision of law shall prohibit the awarding of 10 full tuition
82 unfunded scholarships each year by Old Dominion University under the terms and conditions provided
83 for in a deed conveying certain property in Norfolk known as the Old Larchmont School made July 5,
84 1930, between the City of Norfolk and The College of William and Mary.

85 CHAPTER 5.

86 COLLEGE OF WILLIAM AND MARY 87 AND RICHARD BLAND COLLEGE.

88 § 23-40. Property transferred to College of William and Mary and owned by State.

89 All the real estate and personal property relating to the College of William and Mary in Virginia, in
90 Williamsburg, ~~or relating to the Richard Bland College in Petersburg~~ now existing and standing in the
91 name of the corporate body designated "The Colleges of William and Mary" and all real estate and
92 personal property standing in the name of or heretofore exclusively used by the Virginia Institute of
93 Marine Science shall be transferred to and be known and taken as standing in the name, and to be under
94 the control of the corporate body designated "The College of William and Mary in Virginia." Such real
95 estate and personal property shall be the property of the Commonwealth.

96 § 23-49.1. Administration, bylaws, titles, etc.

97 A. The College of William and Mary in Virginia, in Williamsburg, ~~and the Richard Bland College,~~
98 ~~in Petersburg~~ shall be subject to the supervision, management and control of the board of visitors of the
99 College of William and Mary in Virginia. ~~Such colleges shall be separate from each other and each~~
100 ~~college~~ *The College* shall report directly to the board of visitors through the president ~~in the case of the~~
101 ~~College of William and Mary in Virginia, and as the board of visitors may direct in the case of the~~
102 ~~Richard Bland College.~~

103 B. All property, property rights, duties, contracts and agreements of the ~~colleges~~ *College* are vested
104 in the board of visitors of the College of William and Mary in Virginia. The chief executive officer of
105 the College of William and Mary in Virginia shall be the president; ~~the title of the chief executive~~
106 ~~officer of the Richard Bland College shall be designated by the board of visitors.~~ The board of visitors
107 of the College of William and Mary in Virginia is charged with the care and preservation of all property
108 belonging to the ~~colleges~~ *College*. ~~With respect to the Richard Bland College, the board of visitors shall~~
109 ~~have the same powers as to fixing tuitions, fees, and other charges, as to the appointment and removal~~
110 ~~of administrative officers, professors, agents and employees, and the making of rules and regulations, as~~
111 ~~are now vested in them with respect to the College of William and Mary in Virginia.~~

112 C. Appropriations directly and indirectly from the Commonwealth to the ~~colleges~~ *College* shall be
113 expended as directed by the board of visitors of the College of William and Mary in Virginia.

114 D. The board of visitors of the College of William and Mary in Virginia is authorized and directed
115 to prepare the bylaws for the ~~colleges~~ *College* and to publish the same and to define the functions of the
116 ~~colleges~~ *College*, and to specify the responsibilities of the chief executive ~~officers~~ *officer*, all professors,
117 teachers and agents of the ~~colleges~~ *College*, as the board may deem necessary.

118 E. The board of visitors of the College of William and Mary in Virginia shall designate the
119 organizational channel of coordination and supervision of the Richard Bland College for administration
120 by the board of visitors.

121 FE. The use of the library of the College of William and Mary in Virginia, in Williamsburg, shall be
122 granted to the students and faculty of Christopher Newport University.

123 GF. The board of visitors of the College of William and Mary in Virginia shall make cooperative
124 agreements with the board of visitors of Christopher Newport University for the sharing of faculty and
125 of laboratory and other facilities.

126 § 23-49.1:2. *Conveyance of real estate; disposition of proceeds.*

127 *Notwithstanding any provision of law to the contrary, in the month of July 2007, the president and*
128 *board of visitors of the College of William and Mary in Virginia shall transfer any and all real and*
129 *personal property held in the name of Richard Bland College as of July 1, 2007, to which it has*
130 *acquired title by gift, devise or purchase since the commencement of Richard Bland College to the*
131 *Executive Director and Board of Trustees of the Southern Virginia Higher Education Center.*

132 § 23-231.30. *Conveyance of real estate; disposition of proceeds.*

133 *Upon the conveyance of the real and personal property of Richard Bland College to the Executive*
134 *Director and Board of Trustees of the Southern Virginia Higher Education Center from the president*
135 *and board of visitors of the College of William and Mary in Virginia in accordance with § 23-49.1:2,*
136 *the Executive Director and Board of Trustees of the Southern Virginia Higher Education Center, with*
137 *the prior approval of the Governor, are hereby authorized to lease, sell, and convey any such property.*
138 *The proceeds derived from any such transfer or conveyance shall be held by the Executive Director and*
139 *Board of Trustees of the Southern Virginia Higher Education Center for the purposes stated in*
140 *§ 23-231.24.*

141 2. That any costs or negative fiscal impact to the general fund associated with the provisions of
142 this act shall be reimbursed to the general fund by the Southern Virginia Higher Education
143 Center within 60 days of the transfer of all real and personal property from the President and
144 Board of Visitors of the College of William and Mary to the Executive Director and Board of
145 Trustees of the Southern Virginia Higher Education Center in accordance with the provisions of
146 this act.

147 3. That Richard Bland College shall not accept or enroll any new students after January 1, 2006.

148 4. That Richard Bland College shall begin the transition to close on July 1, 2006, and shall be
149 closed on August 1, 2007.

150 5. That the Board of Visitors of the College of William and Mary shall institute an orderly
151 phase-out of programs at Richard Bland College in a manner to assist the students who are
152 enrolled at Richard Bland College on January 1, 2006, to complete their educational programs
153 including, but not limited to, providing such students as may be eligible an opportunity to transfer
154 to the College of William and Mary.

155 6. An entity, location, or precinct including the title "Richard Bland College" shall not be affected
156 by the provisions of this act.