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HOUSE BILL NO. 1244**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education
on February 10, 2006)

(Patrons Prior to Substitute—Delegates Hugo and Cosgrove [HB 1393])

A *BILL* to amend the Code of Virginia by adding in Title 23 a chapter numbered 4.4:6, consisting of sections numbered 23-38.53:25 through 23-38.53:28, relating to the Virginia Mathematics, Science, and Technology Education 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 4.4:6, consisting of sections numbered 23-38.53:25 through 23-38.53:28, as follows:

*CHAPTER 4.4:6.**VIRGINIA MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION
GRANT PROGRAM.**§ 23-38.53:25. Definitions.**"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 by voucher directly to a student.**"Institution of higher education" means an accredited four-year public or private nonprofit educational institution within the Commonwealth whose primary purpose is to provide undergraduate or graduate education and not to provide religious training or theological education.**"Qualified employment" means full-time employment located in the Commonwealth identified by the Council pursuant to § 23-38.53:27.**"Qualified undergraduate and graduate degree program" means a degree program in the area of mathematics, science, engineering, or technology.**"Student" means an undergraduate or graduate student who is entitled to in-state tuition charges pursuant to the provisions of § 23-7.4.**§ 23-38.53:26. Virginia Mathematics, Science, and Technology Education Grant Program Fund established.*

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Mathematics, Science, and Technology Education Grant Program Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. 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 purposes of providing grants to residents of Virginia who are enrolled in a qualified undergraduate or graduate degree program, as identified by the Council, in a Virginia institution of higher 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.

*§ 23-38.53:27. State Council of Higher Education for Virginia designated as administering agency.**A. 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 and appropriate administration of the program.**B. The Council shall develop terms and conditions of the promissory note in accordance with subsection B of § 23-38.53:28.**§ 23-38.53:28. Eligibility criteria.*

A. Under this program grants shall be made to, or on behalf of, an eligible Virginia resident entitled to in-state tuition for the academic year for which he is enrolled as a full-time undergraduate or graduate student in a qualified degree program. Grants shall be disbursed to an eligible student, or on the student's behalf, to the institution in which the student is enrolled for the academic year and is obligated to pay tuition as a full-time undergraduate or graduate student. A student must maintain at least a 2.5 grade point average on a scale of 4.0 or its equivalent and maintain enrollment in a qualified degree program to be eligible under the grant program.

B. Before any grant is awarded in accordance with the provisions of this chapter, the grant recipient shall sign a promissory note under which he agrees (i) to begin employment in the Commonwealth in the area of mathematics, science, engineering, or technology within six months of receiving an undergraduate or graduate degree in such area and (ii) to continue such employment in the

60 *Commonwealth for at least four years. Any grant amounts disbursed to recipients who fail to honor the*
61 *obligation under this section, and any interest thereon, shall revert back to the Fund to be used only for*
62 *the purposes of this chapter and shall not revert to the general fund. The Council shall collect all*
63 *repayments by grant recipients who fail to honor the obligations under this section.*

64 *C. The Council shall make available at least 25% of the Fund to students pursuing a qualified*
65 *graduate degree as determined by the Council pursuant to § 23-38.53:27.*

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

72 **2. That the provisions of this act shall not become effective unless an appropriation of funds**
73 **effectuating the purposes of this act is included in the general appropriation act for the period of**
74 **July 1, 2006 through June 30, 2008, passed during the 2006 Session of the General Assembly and**
75 **signed into law by the Governor.**