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SENATE BILL NO. 40

Offered January 11, 2006

Prefiled December 21, 2005

A BILL to amend and reenact § 23-14 of the Code of Virginia and to amend the Code of Virginia by adding in Title 23 a chapter numbered 16.6, consisting of sections numbered 23-231.30 through 23-341.40, relating to the New College Institute.

Patron—Reynolds

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 23-14 of the Code of Virginia is amended and reenacted and that the Code of Virginia be amended by adding in Title 23 a chapter numbered 16.6, consisting of sections numbered 23-231.30 through 23-231.40, as follows:

§ 23-14. Certain educational institutions declared governmental instrumentalities; powers vested in majority of members of board.

The College of William and Mary in Virginia, at Williamsburg; the rector and visitors of Christopher Newport University, at Newport News; Longwood University, at Farmville; the University of Mary Washington, at Fredericksburg; George Mason University, at Fairfax; the James Madison University, at Harrisonburg; Old Dominion University, at Norfolk; the State Board for Community Colleges, at Richmond; the Virginia Commonwealth University, at Richmond; the Radford University, at Radford; the Roanoke Higher Education Authority and Center; the rector and visitors of the University of Virginia, at Charlottesville; the University of Virginia's College at Wise; the Virginia Military Institute, at Lexington; the Virginia Polytechnic Institute and State University, at Blacksburg; the Virginia Schools for the Deaf and the Blind; the Virginia State University, at Petersburg; Norfolk State University, at Norfolk; the Woodrow Wilson Rehabilitation Center, at Fishersville; the Eastern Virginia Medical School; the Southern Virginia Higher Education Center; the Southwest Virginia Higher Education Center; ~~and~~ the Institute for Advanced Learning and Research; *and the New College Institute* are hereby classified as educational institutions and are declared to be public bodies and constituted as governmental instrumentalities for the dissemination of education. The powers of every such institution derived directly or indirectly from this chapter shall be vested in and exercised by a majority of the members of its board, and a majority of such board shall be a quorum for the transaction of any business authorized by this chapter. Wherever the word "board" is used in this chapter, it shall be deemed to include the members of a governing body designated by another title.

CHAPTER 16.6**THE NEW COLLEGE INSTITUTE.**

§ 23-231.30. *The New College Institute created; responsibilities.*

A. *With such funds as are appropriated or made available for this purpose, there is hereby created and constituted, in the area of Martinsville and Henry Counties, Virginia, a political subdivision of the Commonwealth to be known as the New College Institute, hereinafter referred to as New College.*

B. *New College shall:*

1. *Seek to diversify the region's economy by engaging the resources of other institutions of higher education, public and private bodies, and organizations of the region and state.*

2. *Serve as a catalyst for economic and community transformation by leveraging and brokering resources that support economic diversity.*

3. *Provide a site for the development of the technology and trained workforce necessary for new economic enterprises to flourish, using primarily the teaching, research, outreach, and technology resources available from collaborating institutions and bodies.*

4. *Expand educational opportunities in the region by providing access to degree-granting programs, including undergraduate, graduate, and professional programs, through partnerships with private and public institutions of higher education, the public schools, and public and private sectors.*

5. *Encourage and coordinate the development and delivery of programs with a reasonable focus on statewide and regional critical shortage areas.*

6. *Serve as a resource and referral center by maintaining and disseminating information on existing educational programs, research, and university outreach and technology resources.*

§ 23-231.31. *Board of Directors; membership; appointments; terms; compensation; officers.*

A. *New College shall be governed by a Board of Directors. Until July 1, 2012, the Board shall have between 12 and 15 members to be appointed by the Governor, and shall consist of the chief executives*

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59 or their designees of at least three public institutions of higher education in the Commonwealth, the
60 chief executive or his designee of at least one private institution of higher education in the
61 Commonwealth, and at least three residents of the region. No member may be a person holding local,
62 state, or federal elected office, and no more than two members may be nonresidents of the
63 Commonwealth.

64 B. Initial terms of appointment shall be for three years, and may be renewed for an additional term
65 that would end no later than July 1, 2012. Appointments to fill vacancies occurring otherwise than by
66 expiration of terms shall be for the unexpired terms.

67 C. Beginning July 1, 2012, the Board of Directors shall consist of 12 members appointed by the
68 Governor, subject to confirmation by the General Assembly. Such members shall continue to hold office
69 until their successors have been appointed and have qualified. Of the 12 members, no more than two
70 may be nonresidents of the Commonwealth.

71 D. Of the members first appointed by the Governor for terms beginning July 1, 2012, three shall be
72 appointed for terms of four years, three for terms of three years, three for terms of two years, and three
73 for terms of one year. Subsequent appointments shall be for terms of four years provided, however, that
74 appointments to fill vacancies occurring otherwise than by expiration of terms shall be for the unexpired
75 terms.

76 E. The Board shall elect a chairman and vice chairman from among its members and may establish
77 bylaws as necessary.

78 F. Members of the Board shall not be entitled to receive compensation. All members shall be
79 reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as
80 provided in §§ 2.2-2813 and 2.2-2825. Funding for the cost of expenses of the members shall be
81 provided by New College.

82 § 23-231.32. Eligibility to serve for two terms.

83 No person shall be eligible to serve on the Board of Directors for or during more than two
84 successive terms; except that after the expiration of the remainder of a term to which appointed to fill a
85 vacancy, a member may serve two additional terms if appointed thereto, and except that a member
86 appointed in 2006 to the Board of Directors shall be eligible to serve up to three successive terms.

87 § 23-231.33. Removal of a member of the Board.

88 If any member of the Board fails to perform the duties of his office for one year without sufficient
89 cause shown to the Board, the Board shall, at its next meeting after the end of such year, cause the fact
90 of such failure to be recorded in the minutes of its proceedings, and certify the same to the Governor,
91 and the office of such member shall be thereupon vacant. If so many of such members fail to perform
92 their duties that a quorum thereof do not attend for a year, upon a certificate thereof being made to the
93 Governor by the chairman or any member of the Board or by the Executive Director of New College,
94 the offices of all members so failing to attend shall be vacated.

95 § 23-231.34. Powers and duties of Board; contracts for educational services.

96 A. The Board of Directors shall have, in addition to its other powers, all the corporate powers given
97 to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its
98 provisions, the law is confined to corporations created under that title. The Board shall also have the
99 power to accept, execute, and administer any trust in which it may have an interest under the terms of
100 the instrument creating the trust.

101 B. The Board shall oversee the educational programs of New College and also have the authority to
102 enter into and administer agreements with institutions of higher education to provide continuing
103 education, instructional programs, and degree programs at New College.

104 C. By no later than September 1, 2008, and September 1, 2011, the Board shall provide to the State
105 Council of Higher Education for Virginia a report concerning the development of New College as an
106 institution of higher education. The report shall include, but not be limited to, discussion of New
107 College's continuation as a provider of educational programs through existing institutions and
108 resources, the prospects for New College to become a branch campus of an existing public institution of
109 higher education in the Commonwealth or the readiness of New College to become a baccalaureate
110 college. The State Council of Higher Education for Virginia shall provide an assessment of the report to
111 the Governor and General Assembly by no later than, in the given year, November 1, 2008, and
112 November 1, 2011.

113 § 23-231.35. Rates, fees, and charges.

114 The Board may fix, in its discretion, the rates charged the students of New College for tuition, fees,
115 and other necessary charges.

116 § 23-231.36. Degrees.

117 Upon such time that New College is recognized as a baccalaureate college and has been granted
118 such approvals as are required under the Code of Virginia to permit the exercise of such authority, the
119 Board shall have the authority to confer degrees.

120 § 23-231.37. Curriculum.

121 The Board shall direct the development and focus of New College's curriculum. Until July 1, 2012,
122 New College's curriculum shall focus on students who have completed a community college associate's
123 degree or the first and second years of a baccalaureate degree, with exceptions as appropriate. New
124 College shall enroll students by the fall semester of 2007 or as soon as practicable.

125 § 23-231-38. Sale, etc., of real estate.

126 The Board, with the approval of the Governor first obtained, is hereby authorized to lease, sell, and
127 convey any and all real estate to which New College has acquired title by gift, devise, or purchase since
128 the commencement of New College under any previous names, or which may hereafter be conveyed or
129 devised to it. The proceeds derived from any such lease, sale, or conveyance shall be held by New
130 College upon the identical trusts, and subject to the same uses, limitations, and conditions, if any, that
131 are expressed in the original deed or will under which its title has derived; or if there be no such trusts,
132 uses, limitations, or conditions expressed in such original deed or will, then such funds shall be applied
133 by the Board to such purposes as it may deem best for New College.

134 § 23-231.39. Executive Director; responsibilities.

135 The Board shall appoint an Executive Director of New College who shall supervise and manage New
136 College. The Executive Director shall be authorized, with the oversight of the Board, to employ as state
137 employees such staff and faculty as are necessary to enable New College to perform its duties as set
138 forth in this chapter and the bylaws established by the Board.

139 § 23.231-40. Gifts, grants, and donations; cooperation with other agencies.

140 The Board may, on behalf of New College, apply for, accept, and expend gifts, grants, or donations
141 from public or private sources to enable it to carry out the purposes of this chapter.

142 The Board may also request and accept the cooperation of agencies of the Commonwealth or the
143 local governments located in Southside Virginia in the performance of its duties.