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**HOUSE BILL NO. 204**

Offered January 9, 2008

Prefiled December 27, 2007

*A BILL to amend and reenact §§ 23-31, 23-40, 23-49.1, and 23-214 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, relating to the integration of Richard Bland College into the Virginia Community College System.*

Patron—Marshall, R.G.

Referred to Committee on Appropriations

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 23-31, 23-40, 23-49.1, and 23-214 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 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.

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

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

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

*Notwithstanding any provision of law to the contrary, in the month of July 2008, the president and board of visitors of the College of William and Mary in Virginia shall transfer any and all real and personal property held in the name of Richard Bland College as of July 1, 2008, to which it has acquired title by gift, devise or purchase since the commencement of Richard Bland College to the State Board for Community Colleges.*

§ 23-214. Definitions.

As used in this chapter:

(a) "Comprehensive community college" means an institution of higher education, including Richard Bland College, which offers instruction in one or more of the following fields:

(1) Freshman and sophomore courses in arts and sciences acceptable for transfer in baccalaureate degree programs;

(2) Diversified technical curricula including programs leading to the associate degree;

(3) Career and technical education leading directly to employment;

(4) Courses in general and continuing education for adults in the above fields;

(5) Noncredit training and retraining courses and programs of varying lengths to meet the needs of business and industry in the Commonwealth.

(b) "State Board" or "Board" means the State Board for Community Colleges.

(c) "Local community college board" means the board established to act in an advisory capacity to the State Board and to perform such duties with respect to the operation of a single comprehensive community college as may be delegated to it by the State Board.

(d) "Career and technical education" means the training, or retraining, which is given in school classes (including field or laboratory work incidental thereto), under public supervision and control, exclusive of those career and technical education programs provided and administered by, or through, the public school system and is conducted as part of a program designed to fit individuals for gainful employment as semiskilled or skilled, workers or technicians in recognized occupations.

(e) "Area career and technical school" means a career or technical school used exclusively, or principally, for providing career and technical education to persons who have completed, or left, high school, or are recommended for transfer by the school last attended, and who are available for full-time study in preparation for entering the labor market, or for part-time study after entering the labor market.

(f) "System" means the Virginia Community College System.

**2. That as of July 1, 2008, the State Board of Community Colleges shall be deemed successor in interest to the board of visitors of the College of William and Mary to the extent that this act transfers powers and duties related to Richard Bland College.**

**3. That the Governor may transfer an appropriation or any portion thereof within a state agency established, abolished, or otherwise affected by the provisions of this act, or from one such agency to another, to support the changes in organization or responsibility resulting from or required by the provisions of this act.**

**4. Any entity, location, or precinct including the title "Richard Bland College" shall not be affected by the provisions of this act.**