

## 2008 SESSION

LEGISLATION NOT PREPARED BY DLS  
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### SENATE BILL NO. 652

Offered January 9, 2008

Prefiled January 9, 2008

*A BILL to amend and reenact § 23-9.2:3 of the Code of Virginia, relating to prohibiting the receipt of in-state tuition benefits by certain individuals at public institutions of higher learning.*

Patron—Hanger

Referred to Committee on Education and Health

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

#### 1. That § 23-9.2:3 of the Code of Virginia is amended and reenacted as follows:

§ 23-9.2:3. Power of governing body of educational institution to establish rules and regulations; offenses occurring on property of institution; state direct student financial assistance.

A. In addition to the powers now enjoyed by it, the board of visitors or other governing body of every educational institution shall have the power:

1. To establish rules and regulations for the acceptance and assistance of students except that (i) individuals who have failed to meet the federal requirement to register for the selective service shall not be eligible to receive any state direct student assistance; (ii) *an individual who is not either (a) a citizen or national of the United States, (b) a lawful permanent resident of the United States, or (c) an alien who submits documentary evidence of (1) a valid, unexpired nonimmigrant visa status, (2) a pending or approved application for asylum in the United States, (3) refugee status, (4) temporary protected status, (5) a pending application for adjustment of status to lawful permanent resident, or (6) otherwise lawfully present in the United States as defined in federal law or regulations, shall not be eligible for in-state tuition rates at any public institution of higher education in the Commonwealth;* (iii) the accreditation status of a Virginia public high school shall not be considered in making admissions determinations for students who have earned a diploma pursuant to the requirements established by the Board of Education; and ~~(iii)~~ (iv) the governing boards of the four-year institutions shall establish policies providing for the admission of certain graduates of Virginia community colleges as set forth in § 23-9.2:3.02.

2. To establish rules and regulations for the conduct of students while attending such institution.

3. To establish programs, in cooperation with the State Council of Higher Education and the Office of the Attorney General, to promote compliance among students with the Commonwealth's laws relating to the use of alcoholic beverages.

4. To establish rules and regulations for the rescission or restriction of financial aid, within the discretionary authority provided to the institution by federal or state law and regulations, and the suspension and dismissal of students who fail or refuse to abide by such rules and regulations for the conduct of students.

5. To establish rules and regulations for the employment of professors, teachers, instructors and all other employees and provide for their dismissal for failure to abide by such rules and regulations.

6. To provide parking and traffic rules and regulations on property owned by such institution.

7. To establish guidelines for the initiation or induction into any social fraternity or sorority in accordance with § 18.2-56.

8. To establish programs, in cooperation with the State Council of Higher Education for Virginia and the Office of the Attorney General, to promote the awareness and prevention of sexual crimes committed upon students.

B. Upon receipt of an appropriate resolution of the board of visitors or other governing body of an educational institution, the governing body of a political subdivision which is contiguous to the institution shall enforce state statutes and local ordinances with respect to offenses occurring on the property of the institution.

The governing bodies of the public institutions of higher education shall assist the State Council of Higher Education in enforcing the provisions related to eligibility for financial aid.

C. In order to improve the quality of the Commonwealth's work force and educational programs, the governing bodies of the public institutions of higher education shall establish programs to seek to ensure that all graduates have the technology skills necessary to compete in the 21st Century and, particularly, that all students matriculating in teacher-training programs receive instruction in the effective use of educational technology.

D. *Notwithstanding the provisions of subsection A, any person shall be eligible for in-state tuition who:*

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59       1. *Has resided with his parent, guardian, or other person standing in loco parentis while attending a*  
60 *public or private high school in this state;*  
61       2. *Has graduated from a public or private high school in Virginia or has received a General*  
62 *Education Development (GED) certificate in Virginia;*  
63       3. *Has resided in the Commonwealth for at least three years as of the date the individual graduated*  
64 *from high school;*  
65       4. *Has registered as an entering student in an institution of higher education;*  
66       5. *Has provided an affidavit to the institution stating that he is a direct or derivative beneficiary of a*  
67 *petition to become a permanent resident of the United States that has been filed with the United States*  
68 *Citizenship and Immigration Services (USCIS), and that he is actively pursuing such permanent*  
69 *residency; and*  
70       6. *Has submitted evidence that he, or in the case of a dependent student, at least one parent,*  
71 *guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income*  
72 *tax returns for at least three years prior to the date of enrollment.*  
73       *E. Subsection D will become effective immediately after section 505 of the Immigration and*  
74 *Nationality Act (8 U.S.C. § 1623) is repealed by the United States government or is declared*  
75 *unconstitutional or otherwise unenforceable by a final decision of a federal court whose jurisdiction*  
76 *includes the Commonwealth.*