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**HOUSE BILL NO. 1960****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education  
on February 2, 2011)

(Patron Prior to Substitute—Delegate Rust)

A *BILL to amend and reenact § 23-38.12 of the Code of Virginia, relating to the Tuition Assistance Grant Program.*

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

**1. That § 23-38.12 of the Code of Virginia is amended and reenacted as follows:**

§ 23-38.12. Program of tuition assistance established.

There is hereby established, from funds provided by law, a program of tuition assistance in the form of grants, as hereinafter provided, to or on behalf of bona fide residents of Virginia who attend private, ~~accredited and~~ nonprofit institutions of collegiate education in the Commonwealth whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education. *Eligible institutions not admitted to this program before January 1, 2011, shall also (i) be formed, chartered, established, or incorporated within the Commonwealth; (ii) have their principal place of business within the Commonwealth; (iii) conduct their primary educational activity within the Commonwealth; and (iv) be accredited by a nationally recognized regional accrediting agency.* Individuals who have failed to meet the federal requirement to register for the Selective Service shall not be eligible to receive these grants. However, a person who has failed to register for the Selective Service shall not be denied a right, privilege, or benefit under this section if: ~~(i)(a)~~ the requirement to so register has terminated or become inapplicable to the person and ~~(ii)(b)~~ the person shows by a preponderance of the evidence that the failure to register was not a knowing and willful failure to register. The State Council of Higher Education shall be assisted in enforcing this provision by the private institutions of higher education whose students benefit from this program. ~~Unless otherwise indicated, as used in this chapter "accredited" means any institution approved to confer degrees pursuant to Chapter 21.1 (§ 23-276.1 et seq.) of this title.~~

*For the purposes of this section, the "principal place of business" of a nonprofit institution of collegiate education means the single state in which the natural persons who establish policy for the direction, control, and coordination of the operations of the institution as a whole primarily exercise that function, considering the following factors: (1) the state in which the primary executive and administrative offices of the institution are located; (2) the state in which the principal office of the chief executive officer of the institution is located; (3) the state in which the board of trustees, or similar governing person or persons, of the institution conducts a majority of its meetings; and (iv) the state from which the overall operations of the institution are directed.*

**2. That the provisions of this act shall not alter the eligibility criteria for participation in the tuition assistance grant program for any nonprofit institution of collegiate education that had an application pending with the State Council of Higher Education as of January 1, 2011.**