

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 23-38.12 of the Code of Virginia, relating to the Tuition Assistance*
 3 *Grant Program.*

[S 1439]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 23-38.12 of the Code of Virginia is amended and reenacted as follows:**

8 § 23-38.12. Program of tuition assistance established.

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

26 *For the purposes of this section, the "principal place of business" of a nonprofit institution of*
 27 *collegiate education means the single state in which the natural persons who establish policy for the*
 28 *direction, control, and coordination of the operations of the institution as a whole primarily exercise*
 29 *that function, considering the following factors: (1) the state in which the primary executive and*
 30 *administrative offices of the institution are located; (2) the state in which the principal office of the*
 31 *chief executive officer of the institution is located; (3) the state in which the board of trustees, or similar*
 32 *governing person or persons, of the institution conducts a majority of its meetings; and (4) the state*
 33 *from which the overall operations of the institution are directed.*

ENROLLED

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