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HOUSE BILL NO. 1425

Offered January 15, 2018

A BILL to amend and reenact § 23.1-612 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 23.1-611.1, relating to tuition waivers for dependent children of faculty; public institutions of higher education.

Patron—Rodman

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-612 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 23.1-611.1 as follows:

§ 23.1-611.1. Tuition waivers authorized for dependent children of faculty at public institutions of higher education.

A. Any public institution of higher education may provide full or partial tuition waivers for dependent children of faculty employed by the institution, to be used for undergraduate education at the institution. The institution may establish general eligibility criteria for participation in the program, including the length of time that a faculty member must be employed by the institution to be eligible for the program, the maximum age of eligible dependents, and the maximum amount of credit hours for which a tuition waiver shall be authorized. The cost of such waivers shall be paid out of the institution's nongeneral funds.

B. Two or more public institutions of higher education may enter into a reciprocal agreement whereby the dependents of the faculty at any institution that is party to the agreement may use the waivers for undergraduate education at any other institution that is party to the agreement.

§ 23.1-612. Unfunded scholarships.

A. The governing board of each public institution of higher education may establish unfunded scholarships that are subject to such regulations and conditions as the governing board establishes and the following limitations and restrictions:

1. All such scholarships shall be applied exclusively to the remission, in whole or in part, of tuition and mandatory fees.

2. The governing board shall determine the number of such scholarships annually awarded to undergraduate Virginia students and non-Virginia students.

3. The total value of all such scholarships annually awarded to undergraduate Virginia students shall not exceed the amount of the applicable sum of undergraduate tuition and mandatory fees multiplied by 20 percent of the enrollment of undergraduate Virginia students during the preceding academic year.

4. The total value of all such scholarships annually awarded by an institution to undergraduate non-Virginia students shall not exceed the amount of the applicable per capita out-of-state tuition differential paid by undergraduate non-Virginia students for tuition and mandatory fees multiplied by 20 percent of the enrollment of undergraduate non-Virginia students during the preceding academic year.

5. All such scholarships awarded to undergraduate students shall be awarded only to 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, each governing board shall use a nationally recognized needs-analysis system approved by the Council.

6. The governing board of each public institution of higher education 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 the amount of the sum of graduate tuition and mandatory fees multiplied by the number of teachers serving as clinical faculty pursuant to § 22.1-290.1 and graduate students who are employed as teaching assistants, graduate assistants, or research assistants with significant academic or academic support responsibilities and who are paid a stipend of at least \$2,000 in the particular academic year. All unfunded scholarships awarded to graduate students or teachers serving as clinical faculty shall be awarded and renewed on a selective basis to such graduate students and clinical faculty of character and ability.

7. An unfunded scholarship shall entitle the holder to the following award, as appropriate:

a. An undergraduate Virginia student may receive an annual remission of an amount not to exceed the cost of tuition and mandatory fees;

b. An undergraduate non-Virginia student may receive an annual remission not to exceed the amount

59 of the out-of-state tuition differential required to be paid by the student for tuition and mandatory fees;
60 c. A qualified graduate student may receive an annual remission of an amount not to exceed the cost
61 of tuition and mandatory fees; and
62 d. A teacher serving as clinical faculty may receive an award as determined by the governing board
63 of the institution.

64 8. Notwithstanding the limitations on the awards of unfunded scholarships to undergraduate students
65 pursuant to subdivision A 7, an institution may award unfunded scholarships to visiting foreign
66 exchange students as long as the number of such awards in any fiscal year does not exceed one quarter
67 of one percent of the total institutional headcount enrollment.

68 B. No public institution of higher education shall remit any tuition or mandatory fees to any student
69 at such institution except as authorized in this section. Each such institution shall make a report to the
70 Council, upon request, showing the number and value of scholarships awarded under this section
71 according to each student classification.

72 C. Nothing in this section shall be construed to prevent or limit in any way the admission of state
73 cadets at Virginia Military Institute or to affect the remission of tuition, mandatory fees, or other charges
74 to such state cadets as permitted under existing law.

75 D. Nothing in this section shall be construed to affect or limit in any way the control of the
76 governing boards of the respective institutions over (i) any other scholarships, (ii) any gifts or donations
77 made to such institutions for scholarships or other special purposes, (iii) any funds provided by the
78 federal government or otherwise for the purpose of career and technical education or vocational
79 rehabilitation in the Commonwealth, or (iv) any funds derived from endowment or appropriations from
80 the federal government for instruction in agriculture and mechanic arts at land-grant universities.

81 E. Nothing in this section shall be construed to prevent the governing board of any public institution
82 of higher education from fixing a tuition charge for Virginia students reasonably lower than that for
83 non-Virginia students.

84 F. Nothing in this section or any other provision of law shall prohibit the awarding of 10 full tuition
85 unfunded scholarships each year by Old Dominion University under the terms and conditions provided
86 for in a deed conveying certain property in Norfolk known as the Old Larchmont School made July 5,
87 1930, between the City of Norfolk and The College of William and Mary in Virginia.

88 G. Nothing in this section shall be construed to limit other financial aid programs provided pursuant
89 to state law.

90 *H. Nothing in this section shall apply to tuition waivers provided by an institution pursuant to §*
91 *23.1-508.2.*