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HOUSE BILL NO. 2145

Offered January 13, 2021

Prefiled January 12, 2021

A *BILL to amend and reenact § 23.1-307 of the Code of Virginia, relating to public institutions of higher education; virtual instruction; tuition cap.*

Patron—Miyares

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That § 23.1-307 of the Code of Virginia is amended and reenacted as follows:****§ 23.1-307. Public institutions of higher education; tuition and fees.**

A. The governing board of each public institution of higher education shall continue to fix, revise, charge, and collect tuition, fees, rates, rentals, and other charges for the services, goods, or facilities furnished by or on behalf of such institution and may adopt policies regarding any such service rendered or the use, occupancy, or operation of any such facility, *provided, however, that in no case in which instruction is provided solely in a virtual format and from a remote location shall tuition be fixed at a rate that exceeds \$2,500 per semester or its equivalent.*

B. Except to the extent included in the institution's six-year plan as provided in subsection C, if the total of an institution's tuition and educational and general fees for any fiscal year for Virginia students exceeds the difference for such fiscal year between (i) the institution's cost of education for all students, as calculated pursuant to clause (i) of subsection B of § 23.1-303 and (ii) the sum of the tuition and educational and general fees for non-Virginia students, the state general funds appropriated for its basic operations and instruction pursuant to subsection A of § 23.1-303, and its per student funding provided pursuant to § 23.1-304, the institution shall forgo new state funding at a level above the general funds received by the institution during the 2011-2012 fiscal year, at the discretion of the General Assembly, and shall be obligated to provide increased financial aid to maintain affordability for students from low-income and middle-income families. This limitation shall not apply to any portion of tuition and educational and general fees for Virginia students allocated to student financial aid, an institution's share of state-mandated salary or fringe benefit increases, increases in funds other than state general funds for the improvement of faculty salary competitiveness above the level included in the calculation in clause (i) of subsection B of § 23.1-303, the institution's progress towards achieving any financial incentive pursuant to § 23.1-305, unavoidable cost increases such as operation and maintenance for new facilities and utility rate increases, or other items directly attributable to an institution's unique mission and contributions.

C. Nothing in subsection B shall prohibit an institution from including in its six-year plan required by § 23.1-306 (i) new programs or initiatives including quality improvements or (ii) institution-specific funding based on particular state policies or institution-specific programs, or both, that will cause the total of the institution's tuition and educational and general fees for any fiscal year for Virginia students to exceed the difference for such fiscal year between (a) the institution's cost of education for all students, as calculated pursuant to clause (i) of subsection B of § 23.1-303, and (b) the sum of the tuition and educational and general fees for the institution's non-Virginia students, the state general funds appropriated for its basic operations and instruction pursuant to subsection A of § 23.1-303, and its per student funding provided pursuant to § 23.1-304.

D. No governing board of any public institution of higher education shall approve an increase in undergraduate tuition or mandatory fees without providing students and the public a projected range of the planned increase, an explanation of the need for the increase, and notice of (i) the date, time, and location of the meeting at which public comment is permitted pursuant to subsection E on the institution's website and through any other standard means of communication utilized by the institution with students at least 10 days prior to such meeting and (ii) the date and location of any vote on such increase at least 30 days prior to such vote.

E. Prior to any vote referenced in subsection D, the governing board of each public institution of higher education shall permit public comment on the proposed increase at a meeting, as that term is defined in § 2.2-3701, of the governing board. Each such governing board shall establish policies for such public comment, which may include reasonable time limitations.

F. At any meeting at which the governing board of a public institution of higher education approves an increase in undergraduate tuition and mandatory fees, the governing board shall provide an explanation of any deviation from the projected range provided pursuant to subsection D.

INTRODUCED

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59 G. No later than August 1 of each year, the Council shall provide to the Governor and the Chairmen
60 of the House Committee on Appropriations, the House Committee on Education, the Senate Committee
61 on Education and Health, and the Senate Committee on Finance a report on any increase in
62 undergraduate tuition and mandatory fees at a public institution of higher education, the public comment
63 relating to such increase in undergraduate tuition and mandatory fees, and any deviation in the increase
64 in undergraduate tuition and mandatory fees from the increase projected in the institutional six-year plan
65 provided pursuant to § 23.1-306.