

LD4400476

HOUSE BILL NO. 2177

Offered January 23, 1995

A BILL to amend the Code of Virginia by adding in Chapter 4.4:2 of Title 23, sections numbered 23-38.53:8, 23-38.53:9, and 23-38.53:10, relating to the Virginia Higher Education Incentive Program and Fund.

Patrons—Van Landingham, Christian, Connally, Cooper, Crittenden, Cunningham, Darner and Van Yahres; Senators: Lambert, Lucas and Miller, Y.B.

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 4.4:2 of Title 23, sections numbered 23-38.53:8, 23-38.53:9, and 23-38.53:10 as follows:

§ 23-38.53:8. State Council of Higher Education to administer; promulgation of regulations.

There is hereby created the Virginia Higher Education Incentive Program to provide financial assistance for the costs of attending a public institution of higher education in Virginia to eligible persons who are incarcerated in the correctional institutions of the state. Funds may be paid to any public institution of higher education on behalf of eligible students who have been awarded financial assistance pursuant to § 23-38.53:10. The Council shall promulgate regulations for the implementation of the provisions of this program.

§ 23-38.53:9. Virginia Higher Education Incentive Fund created.

There is hereby created in the Department of the Treasury a special nonreverting fund which shall be known as the Virginia Higher Education Incentive Fund. The Virginia Higher Education Incentive Fund shall be established on the books of the Comptroller, and any funds remaining in such Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any public institution of higher education on behalf of students who have been awarded financial assistance pursuant to the provisions of § 23-38.53:10.

B. The Department of the Treasury shall administer and manage the Virginia Higher Education Incentive Fund, subject to the authority of the State Council of Higher Education to provide for its disbursement, from such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf. The Fund shall be disbursed for the purpose of making grants to be determined by the use of a needs analysis methodology approved by the Council. The first such awards shall be made after July 1, 1996. The council shall award such grants to eligible students who are enrolled in or accepted for enrollment in any public institution of higher education in Virginia, as provided in § 23-38.53:10.

§ 23-38.53:10. Eligible students; criteria for awarding grants; renewals.

A. Only students who (i) are domiciled residents of Virginia as defined by § 23-7.4, (ii) are incarcerated in a state correctional institution at the time of application to or acceptance for enrollment in any public institution of higher education in Virginia, and for financial assistance, as provided in § 23-38.53:9, (iii) are graduates of a high school in the Commonwealth, or who have completed the requirements for the General Education Development certificate (G.E.D.), or who have completed a prescribed course of study as defined by a local school board, pursuant to § 22.1-253.13:4, or who have completed the requirements of the Literacy Incentive Program, and (iv) are not receiving state discretionary aid and demonstrate financial need as defined by the State Council of Higher Education shall be eligible to receive such awards.

B. The amount of the Virginia Higher Education Incentive Program grant awarded students shall be determined annually by the State Council of Higher Education. Eligibility for such awards shall be determined according to the Congressional methodology for determining financial need and eligibility for financial aid.

C. All grants shall be awarded for one year, but may be renewed annually for no more than three subsequent years of study if the recipient:

1. Is incarcerated in the state correctional system at the time of application for renewal of the grant and the length of the student's sentence exceeds the number of years authorized for renewals in subsection C of this section;

2. Maintains at least a 2.0 grade point average on a scale of 4.0 or its equivalent;

3. Demonstrates continued financial need;

4. Makes satisfactory academic progress toward a degree, earning not less than the minimum

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60 *number of hours of credit required by the public institution of higher education in which the student is*
61 *enrolled; and*
62 *5. Maintains continuous enrollment as determined or required by the public institution of higher*
63 *education in which the student is enrolled, unless granted an exception for cause by the State Council of*
64 *Higher Education.*