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HOUSE BILL NO. 2177

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on January 30, 1995)

(Patron Prior to Substitute—Delegate Van Landingham)

A BILL to amend and reenact § 22.1-343 of the Code of Virginia, and 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.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-343 of the Code of Virginia is amended and reenacted, and 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:

§ 22.1-343. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To adopt and enforce all necessary rules and regulations for the management and operation of the schools in the Department except that the rules and regulations adopted hereunder shall not conflict with rules and regulations relating to security adopted by the institutions to which the pupils are committed;

2. To visit and inspect the schools at reasonably frequent intervals;

3. To establish schools of the appropriate grades, levels and types in the institutions comprising the Department and to adopt regulations for the admission of pupils thereto;

4. To enter into such agreements with private entities, school divisions, ~~community colleges and public and private junior colleges, colleges and universities~~ and public and private two-year and four-year institutions of higher education as it may deem to be appropriate for the purpose of carrying out necessary to provide age appropriate educational programs, vocational and technical training, career development opportunities, and other learning experiences in the furtherance of its duties and responsibilities under this chapter for persons committed to the institutions comprising the Department;

5. To develop and administer, cooperatively with the State Council of Higher Education, the Virginia Higher Education Incentive Program, pursuant to § 23-38.53:8;

6. To receive such private gifts, donations, grants, bequests, and other private funds on behalf of and for use by the Virginia Higher Education Incentive Fund, as provided in § 23-38.53:9.

5-7. To name the various individual schools, but such names need not be associated or identified with the institution or facility within which they are located;

6-8. To receive and disburse funds from any source for the purposes of providing education in such Department; and

7-9. To provide technical assistance to local correctional facilities which house convicted state felons, upon request of any such facility, in establishing or improving vocational, technical, adult and special education programs.

§ 23-38.53:8. Program created; purpose; State Council of Higher Education and Board of Correctional Education to develop program; Council and Board to administer program cooperatively; promulgation of regulations.

There is hereby created the Virginia Higher Education Incentive Program to provide financial assistance for the costs of attending a public or private institution of higher education in Virginia to eligible persons who are incarcerated in the correctional institutions of the state. The State Council of Higher Education and the Board of Correctional Education shall develop by July 1, 1996, a statewide program to provide private financial assistance for higher education to eligible persons who are incarcerated in the correctional institutions of the state. The Program shall be administered cooperatively by the State Council of Higher Education and the Board of Correctional Education. Funds may be paid to any public or private institution of higher education on behalf of eligible students who have been awarded financial assistance pursuant to the provisions of § 23-38.53:10. The Council and the Board shall promulgate regulations for the implementation of the provisions of this program.

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

A. From such private funds as may be received for this purpose, 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 or private institution of higher education on behalf of students who have been awarded financial assistance pursuant to the provisions of § 23-38.53:10.

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60 *B. The Department of the Treasury shall administer and manage the Virginia Higher Education*
61 *Incentive Fund, subject to the authority of the State Council of Higher Education to provide for its*
62 *disbursement, from such private gifts, donations, grants, bequests, and other private funds as may be*
63 *received on its behalf for this purpose. The Fund shall be disbursed for the purpose of making grants to*
64 *be determined by the use of a needs analysis methodology approved by the Council. The first such*
65 *awards shall be made after July 1, 1996. The Council shall award such grants to eligible students who*
66 *are enrolled in or accepted for enrollment in any public or private institution of higher education in*
67 *Virginia, as provided in § 23-38.53:10. The amount of each grant awarded to an eligible student shall*
68 *be used only for payment of charges for tuition and fees, and to cover the costs of books, supplies, or*
69 *other educational expenses as may be approved by the State Council of Higher Education.*

70 *§ 23-38.53:10. Eligible students; criteria for awarding grants; renewals.*

71 *A. To be eligible to receive such awards, students shall (i) be domiciled residents of Virginia as*
72 *defined by § 23-7.4; (ii) be incarcerated in a state correctional institution at the time of application to*
73 *or acceptance for enrollment in any public or private institution of higher education in Virginia, and at*
74 *the time of application for financial assistance, as provided in subsection B of § 23-38.53:9; (iii) have*
75 *graduated from a high school in the Commonwealth, or have completed the requirements for the*
76 *General Education Development certificate (G.E.D.), or have completed a prescribed course of study as*
77 *defined by a local school board, pursuant to § 22.1-253.13:4, or have completed the requirements of the*
78 *Literacy Incentive Program; (iv) be approved by the Board of Correctional Education for participation*
79 *in the Virginia Higher Education Incentive Program, in accordance with such rules and regulations of*
80 *the Board of Corrections relating to the suitability of offenders for programs and services, and security*
81 *at the institutions; and (v) demonstrate financial need as defined by the State Council of Higher*
82 *Education.*

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

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

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

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

93 *3. Demonstrates continued financial need;*

94 *4. Maintains Board of Correctional Education approval for participation in the Virginia Higher*
95 *Education Incentive Program, as provided in subsection A of this section;*

96 *5. Makes satisfactory academic progress toward a degree, earning not less than the minimum*
97 *number of hours of credit required by the institution of higher education in which the student is*
98 *enrolled; and*

99 *6. Maintains continuous enrollment as determined or required by the institution of higher education*
100 *in which the student is enrolled, unless granted an exception for cause by the State Council of Higher*
101 *Education.*