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SENATE BILL NO. 602

Offered January 26, 1998

A BILL relating to the Equal Educational Opportunity and Diversity Incentive Grants Program.

Patrons—Couric and Quayle; Delegates: Barlow, Christian, Crittenden, Darner, Jones, D.C., Jones, J.C. and McEachin

Referred to the Committee on Education and Health

Whereas, House Joint Resolution No. 184 (1996) established a commission (the Commission) to examine the legal obligations certain federal court decisions placed on the public colleges and universities in Virginia, determine and recommend appropriate strategies to ensure compliance, and ascertain ways to remove any remaining vestiges of the dual system of higher education; and

Whereas, House Joint Resolution No. 525 (1997) continued the Commission's study to provide additional time to examine further the issues and objectives to which it was charged; and

Whereas, the United States Supreme Court, in *United States v. Fordice* 112 S. Ct. 2727 (1992), ruled that states such as Virginia, which previously operated dual segregated systems of higher education, have a legal obligation to remove all vestiges of past discrimination "to the extent practicable and consistent with sound educational practices"; and

Whereas, the Commission, together with other relevant legislative study committees, sponsored a statewide conference in October 1997 at Norfolk State University to address issues pertaining to minority representation in higher education and race relations relative to the reversal of affirmative action policies; and

Whereas, an outcome of the conference is the recommendation that the interest, dialogue, and commitment of conference participants be sustained through grants to public schools and institutions of higher education to implement programs and promote opportunities to ensure equal opportunities for higher education by minority students; now, therefore,

Be it enacted by the General Assembly of Virginia:**1. § 1. Equal Educational Opportunity and Diversity Incentive Grants Program; eligibility criteria.**

A. With such funds as may be available and as may be appropriated for the purposes of this section in accordance with the appropriation act, there is hereby created the Equal Educational Opportunity and Diversity Incentive Grants Program to facilitate and promote exemplary programs in higher education designed to increase the representation of under-represented populations in undergraduate, graduate, and professional schools. The Commission on the Impact of Certain Federal Court Decisions on the Commonwealth's Institutions of Higher Education, established pursuant to House Joint Resolution No. 184 (1996) and hereinafter referred to as the Commission on Access and Diversity in Higher Education in Virginia, shall establish criteria for awarding grants to eligible projects and shall administer the Program.

B. On and after July 1, 1998, the Program shall consist of up to ten projects located in regions throughout the Commonwealth to provide geographical distribution of such projects. Priority for awarding such grants shall be given to projects designed to increase the academic performance and achievement of under-represented populations in higher education, address and propose feasible and appropriate solutions to ensure racial equality and equal opportunity, and promote the dissemination of best practices among public schools and institutions of higher education to increase the representation of such groups in public and private colleges and universities in the Commonwealth.

C. Eligible projects shall (i) satisfy the criteria as may be established by the Commission for receiving awards pursuant to subsection B of this section; (ii) comply with federal and state laws and regulations prohibiting discrimination; (iii) demonstrate success in promoting a campus climate supportive of racial and ethnic diversity among students and faculty; (iv) facilitate creative ways of improving the rate of minority college admissions and retention; (v) encourage the development of innovative teaching strategies to improve the under-achievement of at-risk, minority, and low-income students; and (vi) include a component to evaluate the effectiveness of the project. Grant recipients shall be encouraged to develop a mechanism to address one of the themes discussed during the Commission's statewide conference on access, diversity and the law in Virginia. Grant recipients may also work collaboratively, upon request, to provide approved service delivery and to implement the objectives of the project. The Commission may seek the assistance of a public policy center at a public institution of higher education to assist it in evaluating each project. The Commission shall include the report of the data analysis regarding the objectives and evaluation of the projects in its final report to the Governor and the 2000 Session of the General Assembly.

60 2. That this act shall expire on July 1, 2000.