

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 765

An Act to amend and reenact §§ 23-38.53:12, 23-38.53:13, and 23-38.53:16 through 23-38.53:19 of the Code of Virginia, relating to the Advantage Virginia Incentive Program; qualified jobs; selection of beneficiaries.

[H 2565]

Approved March 26, 2001

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-38.53:12, 23-38.53:13, and 23-38.53:16 through 23-38.53:19 of the Code of Virginia are amended and reenacted as follows:

§ 23-38.53:12. Definitions.

As used in this chapter:

"Council" shall mean the Virginia Workforce Council, created in § 9-329.1.

"Degree" shall have the same meaning as defined in § 23-265.

"Degree-granting institution" shall mean an institution authorized to confer degrees pursuant to Chapter 21 (§ 23-265 et seq.) of this title and regulations promulgated under the authority of that chapter.

"Degree program" shall have the same meaning as defined in § 23-265.

"Eligible degree programs" shall mean degree programs that the Council shall designate as eligible for the Advantage Virginia Incentive Program pursuant to § 23-38.53:16.

"Eligible institutions" shall mean two or four-year Virginia (i) public institutions of higher education and (ii) private, nonprofit and for-profit, nonsectarian, degree-granting institutions of higher education that are institutionally accredited by an accrediting commission recognized by the United States Department of Education, and whose primary purpose is to provide collegiate, graduate, technical or professional education and not to provide religious training or theological education.

"Foundation" shall mean Advantage Virginia Incentive Program Foundation as created by this chapter.

"Fund" shall mean Advantage Virginia Incentive Fund established pursuant to this chapter.

"Planning district" means a contiguous area within the boundaries established by the Department of Housing and Community Development.

"Qualified job" means a job that is so designated by the Council, pursuant to § 23-38.53:16, as being in high demand in the Commonwealth.

§ 23-38.53:13. Establishment and administration of Advantage Virginia Incentive Program Foundation; appointment, terms, chairman, quorum, etc., of board of trustees.

The Advantage Virginia Incentive Program Foundation (Foundation) is established for the express purpose of preparing persons, through education, to enter ~~occupational areas where there is high demand for workers fill jobs that are in high demand~~ in the Commonwealth by carrying out the duties as imposed to the Foundation by this chapter. The Foundation is a body politic of the Commonwealth and shall be governed and administered by a board of trustees composed of the chairman of the Virginia Workforce Council and six trustees from the Commonwealth at large, to be appointed by the Governor for four-year terms. Vacancies shall be filled for unexpired terms.

The Governor shall appoint a chairman of the board from among the six trustees-at-large. A majority of the members of the board serving at any one time shall constitute a quorum for the transaction of business.

§ 23-38.53:16. Advantage Virginia Incentive Program created; purpose.

A. There is hereby created the Advantage Virginia Incentive Program (AVIP) to provide scholarships to students attending eligible institutions who ~~become employed in occupational areas where there is high demand for workers fill jobs that are in high demand~~ in the Commonwealth. Moneys from the Fund may be paid to eligible institutions on behalf of students who have been awarded AVIP scholarships and who are or will be attending such institutions.

B. By September 1 of each year the Council shall designate (i) ~~occupational areas where there is jobs that are in high demand for workers~~ in the Commonwealth *as qualified jobs for the purpose of AVIP*; (ii) professions and skill areas directly related to such ~~occupational areas where there is high demand for workers in the Commonwealth qualified jobs~~; (iii) the geographical concentration of such ~~occupational areas qualified jobs~~; and (iv) eligible degree programs that shall be two-year or four-year degree programs, offered by eligible institutions, and that directly lead to employment in such ~~occupational areas where there is high demand for workers in the Commonwealth qualified jobs~~. An ~~occupational area where there is high demand for workers in the Commonwealth~~ shall include occupations in Virginia localities and planning districts that (i) have annual average unemployment rates for the most recent

calendar year that are fifty percent higher than the final statewide average unemployment rate for the most recent calendar year or (ii) are within planning districts that have annual average unemployment rates for the most recent calendar year that are at least one percent greater than the final annual statewide average for the most recent calendar year; provided that such occupational areas in such Virginia localities and planning districts require, for successful completion, the level of education, skills, and training for which scholarships are granted under this chapter. In making such designations, the Council shall (i) consult with the State Council of Higher Education, the Secretaries of Commerce and Trade, Education, and Technology, and any interested representatives from private sector businesses, labor organizations, trade associations, and individuals, public agencies, or private companies with expertise related to labor markets or geographic and demographic analysis and (ii) seek to ensure that the diverse needs of the Commonwealth are considered and that such designations reflect Virginia's broad, long-term economic, educational, and public policy interests in both the public and private sectors.

C. Subject to the Administrative Process Act (§ 9-6.14:1 et seq.), the Council shall promulgate regulations and procedures which are necessary, convenient, or desirable in administering AVIP as provided in this chapter.

§ 23-38.53:17. Eligibility for AVIP; criteria for maintaining scholarships.

A. In order to be eligible for AVIP, a student must meet the following requirements:

1. Be a citizen of the United States who is domiciled in Virginia as defined by § 23-7.4;
2. Be a graduate of a high school in the Commonwealth with a cumulative secondary school grade point average of at least 2.5 on a scale of 4.0 or its equivalent; and
3. Be enrolled in or accepted for enrollment in any two-year or four-year degree programs designated by the Council as directly leading to employment in occupational areas where there is high demand for workers in the Commonwealth pursuant to § 23-38.53:16 *qualified jobs*.

B. All scholarships shall be awarded for one year, but may be renewed annually if the recipient maintains at least a 2.0 grade point average on a scale of 4.0 or its equivalent and demonstrates continued financial need.

§ 23-38.53:18. Amount of scholarships; contract terms and conditions; repayment of scholarship through employment in an occupational area where there is high demand for workers in the Commonwealth.

A. An eligible student may participate in AVIP for up to ten semesters, or their equivalent, whether or not consecutive, and may be awarded a scholarship of up to \$3,000 per academic year by the Council, not to exceed a maximum of \$12,000, to be used for tuition, books, or fees. No student shall participate in AVIP more than seven years after beginning such participation.

B. Before an AVIP scholarship is awarded, a student shall sign a written contract under the terms of which he agrees to be employed in an occupational area where there is high demand for workers in the Commonwealth *a qualified job*, as designated by the Council pursuant to § 23-38.53:16. Such employment shall begin within one calendar year after the student's graduation from an eligible institution and continue thereafter until he has been continuously employed in an occupational area where there is high demand for workers in the Commonwealth *a qualified job* for a period of years equal in number to the years that he has been or shall be a beneficiary of an AVIP scholarship. The employment qualifying as repayment of an AVIP scholarship shall be approved by the Council on a yearly basis, with each year of approved employment qualifying the student for repayment of one year's AVIP scholarship.

C. The contract shall provide that if the student fails to comply with the provisions thereof, he shall repay to the Fund all amounts received by him as a beneficiary of an AVIP scholarship with interest, such repayment to be upon such terms and conditions as may be determined by the Council. Such contract shall contain such other provisions as may be necessary, convenient, or desirable in the opinion of the Council to accomplish the purposes of this chapter.

D. As further evidence of the student's promise to make repayment through employment in an occupational area where there is high demand for workers in the Commonwealth *by filling a qualified job*, he shall, as to each AVIP scholarship awarded to him and at the time such scholarship is awarded, be required to execute and deliver to the Council a note in a principal sum equal to the amount of such scholarship with interest and penalties, if any, to be determined by the Council. The note shall be accepted by the Council upon the condition that such note, and any other similar notes so given, shall be cancelled by the Council upon the basis of one note for each year in which the student shall be continuously employed in an occupational area where there is high demand for workers in the Commonwealth *a qualified job*. No student shall be permitted to plead the statute of limitations or interpose a plea of infancy in the event of an action being brought against him on any such note.

E. As part of its regulations to implement the provisions of this chapter, the Council shall specify repayment procedures in the event a student fails or refuses to maintain eligibility for AVIP during the scholarship year or to fulfill the terms and conditions of his contract with the Council. All money repaid by the student shall be placed in the Fund.

§ 23-38.53:19. Selection of beneficiaries.

A. In selecting beneficiaries of the AVIP scholarship, the Council shall not select more beneficiaries than the moneys available in the Fund to grant scholarships to such beneficiaries.

B. In selecting beneficiaries, priority shall be given to eligible students (i) who are closest to completing their degree programs designated by the Council under § 23-38.53:16 as directly leading to ~~an occupational area where there is high demand for workers in the Commonwealth~~ *a qualified job*, (ii) who demonstrate financial need, ~~and~~ (iii) *who attended a high school located in a planning district that has annual average unemployment rates for the most recent calendar year that are higher than the final statewide average unemployment rate for the most recent calendar year*, and (iv) whose applications were received earliest by the Council.

C. After selecting the beneficiaries, the Council shall inform the Foundation of such beneficiaries, upon which notification the Foundation shall issue scholarship moneys to the beneficiaries or to the institutions in behalf of the beneficiaries as provided in subsection B of § 23-38.53:15.