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## HOUSE BILL NO. 1137

Offered January 14, 2014

A *BILL to amend and reenact § 23-31 of the Code of Virginia, relating to public institutions of higher education; unfunded scholarships.*

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Patron—Cox

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Referred to Committee on Appropriations

**Be it enacted by the General Assembly of Virginia:****1. That § 23-31 of the Code of Virginia is amended and reenacted as follows:****§ 23-31. Unfunded scholarships.**

A. The corporate authorities of the University of Virginia, the University of Virginia's College at Wise, Virginia Military Institute, Virginia Polytechnic Institute and State University, The College of William and Mary, Christopher Newport University, George Mason University, Longwood University, the University of Mary Washington, James Madison University, Virginia Commonwealth University, Radford University, Old Dominion University, the Virginia Community College System, Virginia State University, Norfolk State University, and Richard Bland College may establish scholarships, hereafter to be designated as unfunded scholarships, in their respective institutions under such regulations and conditions as they may prescribe, but subject to the following limitations and restrictions:

1. All such scholarships shall be applied exclusively to the remission, in whole or in part, of tuition and required fees.

2. The respective corporate authorities shall determine the number of such scholarships annually awarded to undergraduate Virginia and non-Virginia students.

The total value of all such scholarships annually awarded by an institution to undergraduate Virginia students shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by 20 percent of the enrollment of Virginia students in undergraduate studies in the institution during the preceding academic year. The total value of all such scholarships annually awarded by an institution to non-Virginia undergraduate students shall not exceed in any year the amount of the applicable, per capita out-of-state differential paid by non-Virginia undergraduate students for tuition and required fees multiplied by 20 percent of the enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year.

All such scholarships awarded to undergraduate students shall be awarded only to undergraduate students in the first four years of undergraduate work and shall be awarded and renewed on a selective basis to students of character and ability who are in need of financial assistance. For purposes of determining need under this section, a nationally recognized needs-analysis system approved by the State Council of Higher Education shall be used.

3. The respective corporate authorities shall determine the number of such scholarships annually awarded to graduate students or teachers serving as clinical faculty pursuant to § 22.1-290.1. The total value of all such scholarships annually awarded to such graduate students and clinical faculty shall not exceed in any year the amount arrived at by multiplying the applicable figure for graduate tuition and required fees by the number of graduate students who are employed as teaching *assistants*, *graduate assistants*, or research assistants with significant academic *or academic support* responsibilities and who are paid a stipend of at least \$2,000 in the particular academic year and such clinical faculty. All graduate scholarships shall be awarded and renewed on a selective basis to such graduate students and clinical faculty of character and ability.

4. A scholarship awarded under this program shall entitle the holder to the following award, as appropriate:

a. A Virginia undergraduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

b. A non-Virginia undergraduate student may receive an annual remission not to exceed the amount of the out-of-state differential required to be paid by the student for tuition and fees;

c. A qualified graduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

d. A clinical faculty member may receive an award as determined by the governing body of the institution.

5. Notwithstanding the limitations on the awards of unfunded scholarships to undergraduate students pursuant to subdivision A 4 of this section, an institution may award additional unfunded scholarships to visiting foreign exchange students; however, the number of such awards in any fiscal year shall not

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59 exceed one quarter of one percent of the total institutional headcount enrollment.

60 B. No institution named herein shall remit any tuition or required fees or any special fees or charges  
61 to any student at such institution except as authorized in this section. Each institution named herein shall  
62 make a report to the State Council of Higher Education, upon request, showing the number and value of  
63 scholarships awarded under this section according to each student classification.

64 C. Nothing in this section shall be construed to prevent or limit in any way the admission of certain  
65 students, known as state cadets, at the Virginia Military Institute or to affect the remission of tuition or  
66 required fees or other charges to such state cadets as permitted under existing law.

67 D. Nothing in this section shall be construed to affect or limit in any way the control of the  
68 governing bodies of the respective institutions over any other scholarships; or over any gifts or  
69 donations made to such institutions for scholarships or other special purposes; or over any funds  
70 provided by the federal government or otherwise for the purpose of career and technical education or  
71 vocational rehabilitation in this Commonwealth; or over any funds derived from endowment or  
72 appropriations from the federal government for instruction in agriculture and mechanic arts in land grant  
73 colleges.

74 E. Nothing in this section shall be construed to prevent the governing bodies of the respective  
75 institutions from fixing a reasonably lower tuition charge for Virginia students than for non-Virginia  
76 students.

77 F. Nothing in this section or any other provision of law shall prohibit the awarding of 10 full tuition  
78 unfunded scholarships each year by Old Dominion University under the terms and conditions provided  
79 for in a deed conveying certain property in Norfolk known as the Old Larchmont School made July 5,  
80 1930, between the City of Norfolk and The College of William and Mary.

81 G. *Nothing in this section shall be construed to limit other financial aid programs provided pursuant*  
82 *to state law.*