

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 1135

An Act to amend and reenact § 23.1-230 of the Code of Virginia, relating to postsecondary schools; enrollment agreements; disputes; arbitration.

[H 375]

Approved April 11, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-230 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-230. Enrollment agreements required.

A. No postsecondary school that is required to be certified by the Council shall enroll students without entering into an enrollment agreement with each student. Such enrollment agreement shall be signed by the student and an authorized representative of the school and shall contain all disclosures prescribed by the Council.

B. *No postsecondary school that is required to be certified by the Council shall condition the enrollment of a student on:*

1. Entering into an agreement that requires the student to arbitrate any dispute between the student and the school, regardless of whether the agreement permits the student to opt out of the requirement to arbitrate any such dispute in the future; or

2. Entering into an agreement that requires the student to resolve a dispute on an individual basis and waive the right to class or group actions.

2. That nothing in the provisions of this act shall be construed to affect any agreement between a postsecondary school that is required to be certified by the State Council of Higher Education for Virginia pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2 of Title 23.1 of the Code of Virginia and a student enrolled at such school to arbitrate an existing dispute that is entered into after the dispute arises.