

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 638

An Act to amend and reenact §§ 23.1-508 and 23.1-610 of the Code of Virginia, relating to institutions of higher education; tuition grants; Virginia National Guard.

[S 955]

Approved March 26, 2023

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-508 and 23.1-610 of the Code of Virginia are amended and reenacted as follows:

§ 23.1-508. Special arrangement contracts; reduced rate tuition charges.

A. Public institutions of higher education may enter into special arrangement contracts with employers in the Commonwealth or authorities controlling federal installations or agencies located in the Commonwealth for the purpose of providing reduced rate tuition charges for the employees of such employers or authorities who are non-Virginia students at such institutions when such employers or authorities assume the liability for paying, to the extent permitted by federal law, the tuition charges for such employees.

B. Such special arrangement contracts may be (i) for group instruction in facilities provided by the employer or federal authority or in the institution's facilities or (ii) on a student-by-student basis for specific employment-related programs.

C. Special arrangement contracts are valid for a period not to exceed two years and shall be reviewed for legal sufficiency by the Office of the Attorney General prior to signing. All tuition charges agreed to by the public institutions shall be at least equal to in-state tuition and shall be granted only by the institution with which the employer or the federal authorities have a valid contract for students for whom the employer or federal authority is paying the tuition charges.

D. All special arrangement contracts with authorities controlling federal installations or agencies shall include a specific number of students to be charged reduced tuition rates.

E. *Subject to the restrictions provided in subdivisions 1, 2, and 3, public institutions of higher education may enter into special arrangement contracts with the Department of Military Affairs for the purpose of providing reduced rate tuition charges for any member of the Virginia National Guard receiving state tuition assistance pursuant to § 23.1-610.*

1. No more than 50 non-Virginia students in any year shall receive reduced rate tuition charges pursuant to this subsection. In the event that the number of eligible students in any year exceeds 50, the Department of Military Affairs shall allocate such reduced rate tuition benefits on a first-come, first-served basis.

2. No non-Virginia student shall receive reduced rate tuition pursuant to this subsection unless he has been enrolled as a non-Virginia student in a public institution of higher education in the Commonwealth for at least two years prior to receiving such reduced rate tuition. Additionally, a non-Virginia student shall be eligible to receive reduced rate tuition pursuant to this subsection for no more than two years.

3. The Department of Military Affairs shall develop guidelines for implementing the provisions of this subsection. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

F. Nothing in this section shall change the domicile of any student for the purposes of enrollment reporting or calculating the proportions of general funds and tuition and fees contributed to the cost of education.

§ 23.1-610. Members of the National Guard; grants.

A. Any individual who (i) is a member of the Virginia National Guard and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) is enrolled in any course or program at any public institution of higher education or accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education is eligible for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a member of the National Guard. Grants provided under this section shall be subject to limitation based on the amount of funds appropriated for such purpose. If applications for grants exceed the amount of funding appropriated, the Department of Military Affairs (the Department) shall issue grants to eligible recipients based on the order in which applications were received.

B. Application for a grant shall be made to the Department of Military Affairs (the Department) no later than 30 days prior to the beginning of an academic semester. The Department shall determine whether an applicant is eligible for the grant as described in subsection A and communicate acceptance

and any additional requirements determined by the Department in writing no later than 30 days after receipt of an application. Applicants eligible for a grant pursuant to this section shall:

1. Satisfy all financial obligations with the institution of higher education at the beginning of each semester; and

2. Provide written proof of acceptable academic performance and good standing with the institution of higher education for the current term to the Department no later than 30 days following the end of a term or semester. Upon the receipt of proof of academic performance and continued good standing to the Department, the Department shall issue grants in a manner and amount that is consistent with regulations promulgated by the Adjutant General. As used in this subdivision, "academic performance" means (i) achieving a passing grade in each course during the semester and (ii) maintaining a cumulative grade point average of at least 2.0 on a scale of 4.0 or its equivalent, and "good standing" means that the individual has fulfilled all obligations to the institution of higher education.

C. Any member of the Virginia National Guard ~~receiving grants~~ *shall be eligible to receive a grant under this section shall incur a single two-year if such member has two years remaining on his service obligation to the Virginia National Guard. The two-year obligation shall commence on as of the last day of the last term or semester for which tuition assistance was awarded is requested.* Service in the inactive National Guard, the active duty or reserve forces of the United States, or the National Guard of any other state shall not count as applicable service toward fulfilling this ~~incurred~~ service obligation. Federal active duty mobilizations occurring while still a member of the Virginia National Guard and state active duty for the Commonwealth shall count toward the two-year service obligation.

D. The Department may utilize grant funding in order to recruit qualified applicants for service in the Virginia National Guard. The yearly funding amount for such recruitment shall be at the discretion of the Adjutant General and the Department and not exceed \$50,000 per fiscal year.