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**HOUSE BILL NO. 1926**

Offered January 11, 2023

Prefiled January 10, 2023

*A BILL to amend and reenact §§ 22.1-349.1, 23.1-304, 23.1-309, 23.1-628, and 23.1-631 of the Code of Virginia, relating to the Tuition Assistance Grant Program; eligible institutions; proprietary private institutions of higher education.*

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Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 22.1-349.1, 23.1-304, 23.1-309, 23.1-628, and 23.1-631 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-349.1. Definitions; objectives.**

A. As used in this chapter, unless the context requires a different meaning:

"At-risk student" means a student having a physical, emotional, intellectual, socioeconomic, or cultural risk factor, as defined in Board criteria, that research indicates may negatively influence educational success.

"College partnership laboratory school" means a public, nonsectarian, nonreligious school in the Commonwealth established by a public institution of higher education; public higher education center, institute, or authority; or ~~an eligible institution as defined in § 23.1-628 a nonprofit private institution of higher education eligible to participate in the Tuition Assistance Grant Program.~~ Notwithstanding the provisions of § 22.1-349.5, a public institution of higher education; a public higher education center, institute, or authority; or ~~an eligible institution as defined in § 23.1-628 a nonprofit private institution of higher education eligible to participate in the Tuition Assistance Grant Program~~ may submit an application for formation of a college partnership laboratory school.

"Governing board" means the board of a college partnership laboratory school that is responsible for creating, managing, and operating the college partnership laboratory school and whose members have been selected by the institution of higher education that establishes the college partnership laboratory school. The governing board shall be under the control of the institution of higher education that establishes the college partnership laboratory school.

B. College partnership laboratory schools may be established as provided in this chapter to (i) stimulate the development of innovative programs for preschool through grade 12 students; (ii) provide opportunities for innovative instruction and assessment; (iii) provide teachers with a vehicle for establishing schools with alternative innovative instruction and school scheduling, management, and structure; (iv) encourage the use of performance-based educational programs; (v) establish high standards for both teachers and administrators; (vi) encourage greater collaboration between education providers from preschool to the postsecondary level; and (vii) develop models for replication in other public schools.

**§ 23.1-304. Per student enrollment-based funding at public institutions of higher education.**

A. To incentivize undergraduate Virginia student enrollment growth at the Commonwealth's public institutions of higher education in furtherance of the increased degree conferral purpose of this chapter, the Governor shall recommend and the General Assembly shall determine and appropriate to such institutions a per student amount that follows each Virginia undergraduate student to the public institution of higher education in which the student enrolls. Recommendations regarding such Virginia undergraduate student enrollment growth incentive shall be developed and reviewed as provided in subdivision B 1 of § 23.1-309.

B. The Governor shall consider and may recommend and the General Assembly shall consider and may provide additional general fund appropriations to address the unfunded enrollment growth that occurred between the 2005-2006 fiscal year and July 1, 2011.

C. To assist the General Assembly in determining the per student amount provided for in subsection A and its relation to the per student amount provided to ~~nonprofit private eligible institutions of higher education, as defined in § 23.1-628,~~ pursuant to the Tuition Assistance Grant Act (§ 23.1-628 et seq.), each ~~nonprofit private~~ such institution of higher education eligible to participate in the Tuition Assistance Grant Program shall submit to the Council its Virginia student enrollment projections for that fiscal year and its actual Virginia student enrollment for the prior fiscal year in a manner determined by the Council. The student admissions policies for such ~~private~~ institutions and their specific programs shall remain the sole responsibility of the governing boards of such individual institutions.

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59     **§ 23.1-309. Higher Education Advisory Committee established; duties.**

60     A. The Secretary of Education, in consultation with the Chairmen of the House Committee on  
61 Appropriations and the Senate Committee on Finance and Appropriations, the Secretary of Finance, and  
62 each public institution of higher education, shall convene a Higher Education Advisory Committee  
63 (Advisory Committee) to provide advice and make recommendations on the matters set forth in  
64 subsections B, C, and D. The Advisory Committee shall consist of at least 11 members as follows: one  
65 representative of the Office of the Secretary of Education appointed by the Secretary of Education who  
66 shall serve as chair of the Advisory Committee; one representative of the Office of the Secretary of  
67 Finance appointed by the Secretary of Finance; one representative of the Council appointed by the  
68 Chairman of the Council; the staff directors of the House Appropriations Committee on Appropriations  
69 and the Senate Committee on Finance and Appropriations, or their designees; and the presidents or their  
70 designees of five public institutions of higher education, which shall include two doctoral institutions,  
71 two comprehensive institutions, and one comprehensive community college, appointed by the presidents  
72 of the public institutions of higher education, and a representative from a nonprofit private institution of  
73 higher education appointed by the Governor who shall not provide advice or make recommendations  
74 concerning policies that solely impact public institutions of higher education. Both the Governor and the  
75 Advisory Committee may designate other individuals to serve on the Advisory Committee, including  
76 representatives of academic and instructional faculty or fiscal officers of public institutions of higher  
77 education.

78     B. Consistent with the objective and purposes of this chapter identified in § 23.1-301, the Advisory  
79 Committee shall develop and subsequently review at least once every five years, in consultation with the  
80 staff of the Council and the respective Chairmen of the House Committees on Appropriations and on  
81 Education and the Chairmen of the Senate Committees on Finance and Appropriations and on Education  
82 and Health, or their designees, representatives of public institutions of higher education, and such other  
83 state officials as may be designated by the Governor, and with assistance from the staff of the Council  
84 and such other assistance as it may require:

85     1. The methodology established pursuant to subsection A of § 23.1-304 for determining how a  
86 significant increment of state funding shall follow the student to the associate-degree-granting or  
87 baccalaureate public institution of higher education in which the student enrolls, how the amount of such  
88 per student funding for baccalaureate public institutions of higher education will be made to correspond  
89 as nearly as practical to the per student allocation envisioned under the then-existing appropriation for  
90 the Tuition Assistance Grant Act (§ 23.1-628 et seq.) for students attending ~~nonprofit private~~ *eligible*  
91 *institutions of higher education, as defined in § 23.1-628*, how and as of what date the student  
92 enrollment at each public institution of higher education shall be calculated, and how an increase or  
93 decrease in Virginia undergraduate student enrollment above or below the enrollment level used to  
94 calculate the institution's funding pursuant to § 23.1-303 shall be reflected in the institution's  
95 appropriation pursuant to subsection A of § 23.1-304, and the standards and process for determining  
96 whether an increase or decrease in Virginia undergraduate student enrollment qualifies for funding  
97 pursuant to § 23.1-304;

98     2. Criteria for determining which families qualify as "low-income" and "middle-income" for purposes  
99 of § 23.1-306 and how they relate to federal, state, and institutional policies governing the provision of  
100 financial assistance to students of such families;

101     3. Objective performance criteria for measuring the financial incentives set forth in § 23.1-305 and  
102 the benefits of meeting or consequences of not meeting the incentives included in an institution's  
103 six-year plan pursuant to § 23.1-306;

104     4. Economic opportunity metrics such as marketplace demand, earning potential, and employer  
105 satisfaction and other indicators of the historical and projected economic value of degrees that can be  
106 used to assess degree programs in order to provide useful information on the economic impact of  
107 degrees to students as they make career choices and state policy makers and university decision makers  
108 as they decide how to allocate scarce resources;

109     5. The additional authority that should be granted to all public institutions of higher education under  
110 the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.),  
111 state goals and objectives each public institution of higher education should be expected to achieve,  
112 objective criteria for measuring educational-related performance with regard to those goals and  
113 objectives, and the benefits of meeting or consequences of not meeting those goals and objectives,  
114 including those set forth in subsection C of § 23.1-1002; and

115     6. The role of private institutions of higher education in addressing the goals set forth in this chapter  
116 and recommendations regarding such matters.

117     The Advisory Committee shall submit its recommendations to the Council, which shall review the  
118 recommendations and report its recommendations to the Governor and the Chairmen of the House  
119 Committees on Appropriations and on Education and the Chairmen of the Senate Committees on  
120 Finance and Appropriations and on Education and Health.

C. Consistent with the objective and purposes of this chapter identified in § 23.1-301, the Advisory Committee shall review at least every five years, in consultation with the staff of the Council, the respective Chairmen of the House Committees on Appropriations and on Education and the Chairmen of the Senate Committees on Finance and Appropriations and on Education and Health, or their designees, representatives of public institutions of higher education, and such other state officials as may be designated by the Governor, and with assistance from the staff of the Council and such other assistance as it may require:

1. Federal and state financial aid programs and institutional practices to ensure that the appropriate level of financial assistance is being provided to both low-income and middle-income families, as required by § 23.1-306, including loan forgiveness programs targeted by purpose in furtherance of the objective of this chapter; and

2. The Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.) to identify additional ways to reduce costs and enhance efficiency by increasing managerial autonomy with accountability at the institutional level.

The Advisory Committee shall submit its recommendations to the Council, which shall review the recommendations and report its recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health.

D. The Advisory Committee shall periodically assess, based upon the institutions' six-year plans and other relevant factors, the degree to which the Commonwealth's system of higher education is meeting the statewide objectives of economic impact, reform, affordability, and access reflected in this chapter and the strategic impact of new general fund investments on achieving those objectives. The Advisory Committee shall submit its assessment and recommendations to the Council, which shall review the assessment and recommendations and report its recommendations to the Governor and the Chairmen of the House Committees on Appropriations and on Education and the Chairmen of the Senate Committees on Finance and Appropriations and on Education and Health.

E. In addition to providing advice and making recommendations on the matters set forth in subsections B, C, and D, the Advisory Committee shall perform such other duties and undertake such other responsibilities as requested by the Governor or the General Assembly.

**§ 23.1-628. Tuition Assistance Grant Program.**

A. As used in this article, unless the context requires a different meaning:

"Eligible institution" means a nonprofit private institution of higher education *or proprietary private institution of higher education* whose primary purpose is to provide collegiate, graduate, or professional training or education and not to provide religious training or theological education.

"Grant" means a Tuition Assistance Grant.

"Principal place of business" means the single state in which the natural persons who establish policy for the direction, control, and coordination of the operations of the institution as a whole primarily exercise that function, considering the following factors: (i) the state in which the primary executive and administrative offices of the institution are located; (ii) the state in which the principal office of the chief executive officer of the institution is located; (iii) the state in which the board of trustees or similar governing board of the institution conducts a majority of its meetings; and (iv) the state from which the overall operations of the institution are directed.

"Program" means the Tuition Assistance Grant Program.

B. From such funds as may be provided for such purpose, the Tuition Assistance Grant Program is established to provide Tuition Assistance Grants to or on behalf of Virginia students who attend eligible institutions.

C. Eligible institutions admitted to this program on or after January 1, 2011, shall (i) be formed, chartered, established, or incorporated within the Commonwealth; (ii) have their principal place of business within the Commonwealth; (iii) conduct their primary educational activity within the Commonwealth; and (iv) be accredited by a nationally recognized ~~regional~~ accrediting agency.

**§ 23.1-631. Eligibility; duration.**

A. Virginia students who are obligated to pay tuition as full-time undergraduate, graduate, or professional students at an eligible institution are eligible to receive a grant for the academic year for which they enroll.

B. Eligibility for grants under the Program is limited to a total of four academic years for undergraduate students, pharmacy students, and medical students and a total of three academic years for other graduate students and professional school students. The academic years for which grants are awarded need not be in succession.

C. Grants under the Program shall be used only for undergraduate, graduate, or professional ~~collegiate work~~ *training or coursework* in educational programs other than those providing religious training or theological education.