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SENATE BILL NO. 1386

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 26, 2023)

(Patron Prior to Substitute—Senator Deeds)

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 6 of Title 23.1 a section numbered 23.1-611.2, relating to public institutions of higher education; tuition and financial aid; dependency override application form.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 6 of Title 23.1 a section numbered 23.1-611.2 as follows:

§ 23.1-611.2. *Dependency override application form.*

A. As used in this section, "dependency override" means the documented determination by a financial aid administrator pursuant to 20 U.S.C. § 1087vv(d)(1)(I) that, for the purposes of tuition and financial aid eligibility determinations, a student is an independent student by reason of other unusual circumstances.

B. Each public institution of higher education shall create and maintain a dependency override application form. Such form shall:

1. Be published electronically on the financial aid page of the institution's website;

2. Clearly explain, in language understandable to a student enrolled at the institution, the purposes of a dependency override, potential circumstances that may qualify a student for a dependency override, and common circumstances that do not qualify a student for a dependency override;

3. Explicitly include, in language understandable to a student enrolled at the institution, a statement that institutions of higher education are permitted to accept a range of documents to substantiate dependency override applications, including those documents specified by relevant federal law, such as:

a. A documented interview between the student and the financial aid administrator;

b. A court order or official federal or state documentation showing that the student's parents or legal guardians are incarcerated;

c. A documented phone call with or written statement from an attorney, a guardian ad litem, a court-appointed special advocate or an individual with a similar title and role, or a representative of federal TRIO Programs or Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) that confirms the qualifying unusual circumstances and such individual's relationship to the student;

d. A documented determination of independence made by a financial aid administrator at another institution of higher education in the same or a prior award year;

e. A utility bill, a health insurance document, or another document that demonstrates a separation from the student's parents or legal guardians; or

f. A documented phone call with or written statement from a state, local, or tribal welfare agency; an independent living case worker who supports current and former foster youth with the transition to adulthood; or a public or private agency, facility, or program servicing the victims of abuse, neglect, assault, or violence that confirms the qualifying unusual circumstances; and

4. Explicitly include, in language understandable to a student enrolled at the institution, the option to apply for a dependency override based on:

a. The student's estrangement from his parent or legal guardian, including estrangement as result of the student's membership in or relationship to a class of individuals protected from discrimination pursuant to subdivision B 1 of § 2.2-3900;

b. Abuse of the student by his parent or legal guardian;

c. The incarceration of the student's parent or legal guardian; or

d. The student's inability to contact or locate his parent or legal guardian.

C. Nothing in this section shall be construed to limit the circumstances under which the financial aid office of any public institution of higher education may grant a dependency override.