



General Assembly Report to Council January 15, 2013

Governance

HB1881 sponsored by Delegate Morrissey adds two members to the University of Virginia Board of Visitors: one member of the faculty senate, nominated by the faculty senate and approved by the remainder of the board, and one currently enrolled student, nominated by the dean of students and approved by the remainder of the board. There is no mention of voting privileges.

HB1875 sponsored by Delegate McClellan adds one faculty member to the board of visitors of each public institution of higher education and of the State Board for Community Colleges to be appointed by the other members of the board for a four-year term after election by the respective institution's faculty senate. The faculty member has voting privileges. Currently, each board of visitors and the State Board for Community Colleges may appoint one or more nonvoting advisory faculty members for a term of at least one year from a list of individuals elected by the respective institution's faculty senate. The bill contains technical amendments.

HB1940 Sponsored by Delegate Landes Requires the State Board for Community Colleges, local community college boards, and boards of visitors of any four-year public institution of higher education to appoint one or more nonvoting, advisory faculty representatives to their respective boards. Current law permits, but does not require, such appointments. The bill removes the option for local community college boards and boards of visitors to choose faculty representatives from individuals elected by the institution's faculty. The bill further requires boards of visitors to choose nonvoting, advisory student representatives from individuals elected by the institution's student government.

HB1952 Sponsored by Delegate Landes adds specific topics to be covered during the educational programs for governing boards and requires such programs to be delivered by the State Council of Higher Education annually. The bill also requires each board of visitors to adopt bylaws with certain provisions relating to the Freedom of Information Act; annually meet with the president of the institution to deliver a review of the president's performance; designate its executive committee to organize the working processes of the board and recommend best practices for board governance; and annually deliver an executive summary of its interim activities to the General Assembly and the Governor.

HB1976 sponsored by Delegate Toscano clarifies that the Virginia Commission on Higher Education Board Appointments is required to evaluate potential appointees to higher education governing boards and to make recommendations to the Governor. Currently, these actions are considered powers and duties of the Commission and the Commission only makes recommendations upon the request of the Governor. The bill also requires the Commission to consider each list of qualified persons submitted to the Governor by the alumni association of any public institution of higher education.

HB1978 sponsored by Delegate Toscano requires at least one member of the University of Virginia Board of Visitors to have administrative experience at an institution of higher education or have experience as a professor in the study of higher education. The bill also requires the board of visitors to appoint a faculty representative to serve in a nonvoting advisory capacity. The bill changes the number of board members that constitutes a quorum from five members to a majority of members. Finally, the bill removes the requirement that the vice-rector automatically succeeds the rector upon expiration of the rector's term.

HB2230 sponsored by Delegate Bulova adds a tenured faculty member from a four-year public institution of higher education and a faculty member from a community college to the Virginia Commission on Higher Education Board Appointments.

SB856 sponsored by Senator Petersen requires BOV's of four-year public institutions of higher education to have served four years on the board prior to being elected or appointed rector. The bill stipulates that such rectors shall serve four-year terms. The bill also changes the terms of all visitors from four years to six years. The bill contains technical amendments and math errors.

SB1085 sponsored by Senator Deeds clarifies that the Virginia Commission on Higher Education Board Appointments is required to evaluate potential appointees to higher education governing boards and to make recommendations to the Governor. Currently, these actions are considered powers and duties of the Commission and the Commission only makes recommendations upon the request of the Governor. The bill also requires the Commission to consider each list of qualified persons submitted to the Governor by the alumni association of any public institution of higher education.

Institutional Purview & Oversight

HB1389 sponsored by Delegate Ramadan requires BOV's of every public institutions to ensure all funds received from in-state undergraduate tuition are dedicated to the purpose of undergraduate education, that 65 percent of such funds are dedicated to undergraduate instructional expenses, and that 65 percent of all funds received from the Commonwealth for the education and general programs of instruction, academic support, student services, institutional support, and operation and maintenance of the physical plant are dedicated to undergraduate instructional expenses.

HB1469 sponsored by Delegate Dickie Bell directs the State Inspector General to conduct a comprehensive financial audit of Virginia's four-year public institutions of higher education, to be completed by July 1, 2015. The bill requires the State Inspector General to submit a report to the Governor and the General Assembly on or before October 15, 2015, detailing any findings or recommendations for improving the efficiency and fiscal practices of such four-year public institutions of higher education, including recommending changes in the law that are necessary to address such findings.

HB1605 and **HB1700** sponsored by Delegates Hugo and Comstock provide that the BOV's of each public institution of higher education, except for Virginia Military Institute, Norfolk State University, and Virginia State University, must establish rules and regulations requiring that by the start of the 2018-2019 academic year at least 75 percent of students admitted and enrolled at the institution are domiciled in Virginia.

HB1617 (SB1074 Obenshain) sponsored by Delegate Gilbert prohibits public institutions of higher education from discriminating against a student organization or group on the basis of the religious, political, philosophical, or other content of the organization or group's speech. The bill authorizes religious or political student organizations or groups to determine that ordering the organization's internal affairs, selecting the organization's leaders and members, defining the organization's doctrines, and resolving the organization's disputes are in furtherance of the organization's religious or political mission and that only persons committed to that mission should conduct those activities. The bill also prohibits public institutions of higher education from denying recognition or any privilege or benefit to any religious or political student organization or group that limits its core functions to persons committed to its mission.

HB2057 sponsored by Delegate Chris Jones clarifies the procedure for adopting new education-related measures to be followed by institutions of higher education that seek to enter into memoranda of understanding for additional operational authority.

Campus Safety and Student Advocacy

HB1380 sponsored by Delegate Yost includes campus police within the enhanced penalty provision of the assault and battery section. The bill will correct an omission in Code and thus avoid the possibility of a defendant avoiding a felony conviction simply because his assault victim was a campus police officer rather than one of the other enumerated officers. Campus police officers have all powers and duties equal to county and municipal officers, pursuant to Code §23-234.

HB1496 sponsored by Delegate Stolle permits a senior citizen whose taxable income exceeded \$15,000 in the year preceding the year in which enrollment is sought to pay reduced tuition at a rate of 25 percent of the total cost for enrollment in courses as a full-time or part-time student for academic credit at a public institution of higher education in the Commonwealth if total student enrollment for the course or courses in which the senior citizen seeks enrollment has not reached 75 percent of the maximum course capacity as of the first day of the academic term. Current law waives tuition for senior citizens whose taxable income was \$15,000 or less in the year preceding the year in which enrollment is sought.

HB1609 sponsored by Delegate Hugo requires the BOV of each public four-year institution of higher education to establish a written memorandum of understanding with its local community services board or behavioral health authority and with local hospitals and other local mental health facilities in order to expand the scope of services available to students seeking treatment. The bill requires each public four-year institution of higher education to designate a contact person to be notified when a student is involuntarily committed, or when a student is discharged from a facility and he consents to such notification. The bill requires the memorandums to include the institution of higher education in the post-discharge planning of a student who has been committed and intends to return to campus, to the extent allowable under state and federal privacy laws.

HB2088 sponsored by Delegate Tata provides that in the event of a postsecondary school closure, the school shall transfer the academic and financial records of its students to the State Council for Higher Education of Virginia. The bill also requires that a closing school develop and submit to SCHEV a "teachout plan," which is a written agreement between or among postsecondary schools that provides for the equitable treatment of students if one of those institutions stops offering an educational program before all students enrolled in that program complete the program.

HB2094 (SB1069/Carrico) sponsored by Delegate Michael Watson requires the Board of Education to establish the Virginia Longitudinal Data System to track and examine student progress from early childhood to postsecondary education to the student entering the workforce. The bill also establishes the Virginia Longitudinal Data System Advisory Council to advise the Board of Education on all matters related to the Virginia Longitudinal Data System.

Immigration

HB1490 (SB1233 Ebbin) sponsored by Delegate Kory establishes that a student shall be eligible for in-state tuition if he meets a list of criteria and has provided an affidavit to the public institution of higher education for which he has registered stating that he has been approved for Deferred Action for Childhood Arrivals by the U.S. Department of Homeland Security.

HB1525 (SB1090 McEachin) sponsored by Delegate Rust establishes that an undocumented person who is unlawfully present in the United States shall not be eligible for in-state tuition unless he (i) entered and began residing in the United States prior to his sixteenth birthday; (ii) has graduated from a public or private high school in the Commonwealth or has received a General Education Development (GED) certificate in the Commonwealth; (iii) has registered as an entering student in a public institution of higher education in the Commonwealth; (iv) has resided in the Commonwealth for at least five years immediately preceding his registration as an entering student in an institution of higher education in the Commonwealth; (v) has provided an affidavit to the institution stating that he has filed an application to become a permanent resident of the United States, is actively pursuing such permanent residency or will do so as soon as he is eligible, and that no grounds exist for the denial of such permanent residency; and (vi) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least one year prior to the date of enrollment.

Military

HB1461 sponsored by Delegate Lingamfelter clarifies eligibility for in-state tuition of current and former military personnel and their dependents. The bill presumably would provide immediate access to the in-state tuition rate for non-domiciled veterans. This bill would enable those qualifying for GI bill benefits, which pays for the in-state portion of tuition, to have the full cost of tuition and fees covered. Public institutions would have some portion of their students convert from paying out-of-state tuition to in-state tuition. The actual number of students impacted is unknown.

HB2027 sponsored by Delegate Dudenhefer allows any active duty member, activated guard or reservist member, or guard or reservist member mobilized or on temporary active orders for six months or more to pay no more than the in-state tuition rate to attend a public institution of higher education if he is stationed or assigned to work in Virginia or resides in Virginia. Currently, such an individual is required to be stationed or assigned to work in Virginia *and* reside in Virginia to receive the rate of no more than in-state tuition.

HJ657 sponsored by Delegate Krupicka requests the Department of Veterans Services to study the unmet needs of Virginia's veteran population and assess the level of preparedness of state and local governments and other service providers to meet those needs. The Department shall recommend whatever changes in law and policy deemed necessary to ensure Virginia veterans have access to the services they need and that the Commonwealth, both at the state and local level, is prepared to provide such services.

SB857 sponsored by Senator Blevins expands eligibility for in-state tuition to certain dependents of active duty military personnel, or activated or temporarily mobilized reservists or guard members, who are either (i) assigned unaccompanied orders and immediately prior to receiving such unaccompanied orders were assigned to a permanent duty station or workplace geographically located in Virginia, or in a state contiguous to Virginia or the District of Columbia, and resided in Virginia or (ii) assigned unaccompanied orders with Virginia listed as the designated place move.

Education Initiatives

HB 1504 sponsored by Delegate Krupicka creates a Commonwealth Teaching Fellows Program in which the Board of Education or a local school division in conjunction with a Virginia college or university with an approved education preparation program may create and serve as Administrator of intensive programs of at least eight weeks in length to prepare career-switchers and recent college graduates who have not completed coursework in education to teach in areas including science, technology, engineering, and math (STEM) and critical teaching shortage areas in public elementary and secondary schools in the Commonwealth. The Administrator would assist Fellows to secure teaching positions. Any Fellow hired as a teacher by a local school division would be awarded a three-year provisional license to teach, would receive such further training as the Board prescribes, and would have the opportunity to obtain a permanent license upon completion of three years of teaching. Governor's initiative.

HB1651 sponsored by Delegate Krupicka consolidates funding for virtual school programs, charter schools, college partnership laboratory schools, and other innovative education projects by repealing the Public Charter School Fund and the College Partnership Laboratory School Fund and creating the Unified Innovation Fund to be disbursed by the Board of Education for the award of grants to individuals and entities on a competitive basis to fund education innovation projects.

HB2097 (SB1188, Martin) sponsored by Delegate James establishes the Career Pathways System Advisory Council with the purpose to ensure coordination and collaboration of career and technical education, adult education, and workforce development programs through business-driven sector strategies that provide for sequences of education and training articulated with higher levels of education and regional and state workforce needs and that also provide career coaching and advising support services and experiential learning. The Council will develop workforce readiness indicators, in coordination with the Virginia Workforce Council and the Council on Virginia's Future, which will include enrollment and graduation statistics in secondary, postsecondary, and adult education programs in science, technology, engineering, math, or health care-related areas; numbers of targeted industry certifications; and the Commonwealth's education and training capacity for key industry sectors, and will produce a scorecard documenting progress in these areas. The scorecard will also include a report on the progress of interagency collaboration and shared funding for the purposes of attaining select education and workforce development goals. The bill includes a sunset provision of July 1, 2016.

SB1069 sponsored by Senator Carrico requires the Board of Education to establish the Virginia Longitudinal Data System to track and examine student progress from early childhood to postsecondary education to the student entering the workforce. The bill also establishes the Virginia Longitudinal Data System Advisory Council to advise the Board of Education on all matters related to the Virginia Longitudinal Data System.

Virginia Community College System

HB1543 (SB1098) sponsored by Delegate Tata expands eligibility for the Two-Year College Transfer Grant Program by including students whose Expected Family Contribution, as calculated by the federal government using the family's financial information reported on the Free Application for Federal Student Aid (FAFSA), is no more than \$12,000. Currently the program is available only to students whose Expected Family Contribution is no more than \$8,000. The additional eligibility requirements for the Two-Year College Transfer Grant Program remain the same.

SB846 sponsored by Senator Stanley requires the State Board for Community Colleges to develop policies directing community colleges to offer any open seat in any career or technical course that is not at full capacity to students enrolled in public high schools that are located in the region served by the community college.

SB1078 sponsored by Senator Barker requires the State Board for Community Colleges to develop a mental health awareness and referral policy that would require community colleges to (i) undertake educational efforts to raise awareness of mental health needs among students and faculty and (ii) designate at least one individual at each college to serve as a point of contact with an emergency services system clinician at a local community services board, or another qualified mental health services provider, for screenings and referrals of students who may have emergency or emerging mental health needs.

Etc.

HB1777 sponsored by Delegate Filler-Corn establishes the Virginia Open Education Resources Council to (i) identify and acquire digital open source textbooks to be used in 50 undergraduate courses in public institutions of higher education in the Commonwealth and (ii) develop the Virginia Digital Open Source Textbook Library as the digital repository of such open source textbooks. The Council shall be staffed by one faculty member from each public institution of higher education in the Commonwealth.

SB848 sponsored by Senator Edwards creates a 65 percent tax credit for donations to scholarship foundations to pay for qualified educational expenses for students enrolled in an associate degree program at a Virginia two-year college based on science, technology, engineering, math, education, or nursing. Scholarship foundations eligible to receive such donations would be preapproved by the State Council of Higher Education for Virginia.

For a complete list of higher education bills for the 2013 General Assembly session go to:
<http://www.schev.edu/policy/longlist.asp>