

24102067D

HOUSE BILL NO. 486
Offered January 10, 2024
Prefiled January 8, 2024

A BILL to amend the Code of Virginia by adding in Chapter 6 of Title 23.1 an article numbered 2.1, consisting of sections numbered 23.1-616.1 through 23.1-616.5, and by adding in Chapter 13 of Title 23.1 a section numbered 23.1-1311, relating to certain public institutions of higher education; enrollment limitations in incoming freshman classes; Virginia Higher Education Scholarship Act Fund and Program established.

Patron—Garrett

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 6 of Title 23.1 an article numbered 2.1, consisting of sections numbered 23.1-616.1 through 23.1-616.5, and by adding in Chapter 13 of Title 23.1 a section numbered 23.1-1311 as follows:

Article 2.1.

Virginia Higher Education Scholarship Act.

§ 23.1-616.1. Definitions.

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

"Eligible institution" means any public institution of higher education to which an eligible student may apply his Program scholarship pursuant to § 23.1-616.5.

"Eligible student" means a student who is eligible for a Program scholarship pursuant to § 23.1-616.4.

"Fund" means the Virginia Higher Education Scholarship Act Fund established in § 23.1-616.2.

"Program" means the Virginia Higher Education Scholarship Act Program established in § 23.1-616.3.

§ 23.1-616.2. Virginia Higher Education Scholarship Act Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Higher Education Scholarship Act Fund. The Fund shall be established on the books of the Comptroller. All funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of awarding scholarships to eligible students pursuant to the Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Council.

§ 23.1-616.3. Virginia Higher Education Scholarship Program.

A. There is hereby established the Virginia Higher Education Scholarship Program whereby, beginning with the 2024–2025 academic year, any eligible student may apply to the Council for a scholarship from the Fund. Each such scholarship shall be in an amount equal to the cost of tuition, room and board, and mandatory fees for eight semesters at the student's selected eligible institution. Each such scholarship shall expire five calendar years after it is awarded.

B. Program scholarships shall be awarded in the order that each completed application is received from an eligible student. In the event that the amount of scholarships requested in a fiscal year exceeds the funds available in the Fund, scholarships shall be paid in the next fiscal year in which funds are available.

C. The Council shall develop guidelines setting forth the general requirements for qualifying for a Program scholarship and shall establish a Program scholarship application form. Such guidelines and form shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 23.1-616.4. Eligible students.

A. A student is eligible for a Program scholarship if he (i) graduated from public high school in the Commonwealth; (ii) graduated in the top two percent of his graduating class based on grade point average, or if the graduating class was fewer than 50 students, if he was the top student in the class based on grade point average; (iii) is eligible for in-state tuition pursuant to Chapter 5 (§ 23.1-500 et seq.); and (iv) is accepted for admission at an eligible institution.

B. The percentage of eligible students at any public high school shall not exceed two percent of the school's graduating class unless the graduating class was fewer than 50 students. In the event of a tie between students that would result in the percentage of eligible students exceeding two percent, the high school principal shall make the tiebreaking decision.

C. The scholarship of any eligible student who is dismissed from an eligible institution shall be revoked.

59 **§ 23.1-616.5. Eligible institutions.**

60 *An eligible student may utilize a Program scholarship to attend the following eligible institutions:*

61 1. *Norfolk State University.*

62 2. *Virginia Military Institute.*

63 3. *Virginia State University.*

64 4. *Christopher Newport University, if the eligible student graduated from a public high school located in*
65 *Greensville, Isle of Wight, James City, Southampton, Surry, Sussex, or York County or the City of Emporia,*
66 *Franklin, Hampton, Newport News, Poquoson, or Williamsburg.*

67 5. *George Mason University, if the eligible student graduated from a public high school located in*
68 *Arlington, Fairfax, Fauquier, Loudoun, or Prince William County or the City of Alexandria, Fairfax, Falls*
69 *Church, Manassas, or Manassas Park.*

70 6. *James Madison University, if the eligible student graduated from a public high school located in*
71 *Albemarle, Alleghany, Amherst, Augusta, Bath, Bedford, Botetourt, Clarke, Culpeper, Frederick, Greene,*
72 *Highland, Madison, Nelson, Orange, Page, Rappahannock, Rockbridge, Rockingham, Shenandoah, or*
73 *Warren County or the City of Buena Vista, Charlottesville, Covington, Harrisonburg, Lexington, Lynchburg,*
74 *Staunton, Waynesboro, or Winchester.*

75 7. *Longwood University, if the eligible student graduated from a public high school located in Amelia,*
76 *Appomattox, Brunswick, Buckingham, Campbell, Charlotte, Cumberland, Fluvanna, Halifax, Lunenburg,*
77 *Mecklenburg, Nottoway, Pittsylvania, or Prince Edward County or the City of Danville.*

78 8. *The University of Mary Washington, if the eligible student graduated from a public high school located*
79 *in Caroline, Essex, Gloucester, King and Queen, King George, King William, Lancaster, Mathews,*
80 *Middlesex, Northumberland, Richmond, Spotsylvania, Stafford, or Westmoreland County or the City of*
81 *Fredericksburg.*

82 9. *Old Dominion University, if the eligible student graduated from a public high school located in*
83 *Accomack or Northampton County or the City of Chesapeake, Norfolk, Portsmouth, Suffolk, or Virginia*
84 *Beach.*

85 10. *Radford University, if the eligible student graduated from a public high school located in Bland,*
86 *Carroll, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski, Roanoke, or Wythe County or*
87 *the City of Martinsville, Radford, Roanoke, or Salem.*

88 11. *The University of Virginia's College at Wise, if the eligible student graduated from a public high*
89 *school located in Buchanan, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, or Wise*
90 *County or the City of Bristol, Galax, or Norton.*

91 12. *Virginia Commonwealth University, if the eligible student graduated from a public high school*
92 *located in Charles City, Chesterfield, Dinwiddie, Goochland, Hanover, Henrico, Louisa, New Kent,*
93 *Powhatan, or Prince George County or the City of Colonial Heights, Hopewell, Petersburg, or Richmond.*

94 **§ 23.1-1311. Boards of visitors of certain baccalaureate public institutions of higher education; certain**
95 **student enrollment limitations.**

96 *Beginning with the incoming freshman class in the 2025 academic year, the board of visitors of each*
97 *baccalaureate public institution of higher education, with the exception of Norfolk State University, Virginia*
98 *Military Institute, and Virginia State University, shall ensure that the annual percentage of undergraduate*
99 *non-Virginia students in each incoming freshman class does not exceed 45 percent.*