

24103526D

**HOUSE BILL NO. 981**  
Offered January 10, 2024  
Prefiled January 9, 2024

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.*

Patrons—Willett and LeVere Bolling

Referred to Committee on Higher Education

**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, maintain, and publicly post on the financial aid page of such institution's website a dependency override application form. Such form shall:

1. 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;

2. 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 a 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;

3. Explicitly clarify the dependency override application process at such institution; and

4. Provide links to the webpages of any relevant guidance on the dependency override process, including (i) the section in the edition of the Federal Student Aid Handbook applicable to the current academic year relating to "special cases" in applications for and determinations of federal student aid, including those relating to dependency overrides; (ii) the Dear Colleague Letter (GEN-22-15) FAFSA Simplification Act Changes for Implementation in 2023–2024 and such other relevant federal guidance on any future changes to pertinent law; and (iii) any federal guidance on documentation that institutions are permitted to accept to substantiate dependency override applications.

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.

**2. That the State Council of Higher Education for Virginia shall develop and make available to each public institution of higher education by January 1, 2025, model language for the informational materials required pursuant to subsection B of § 23.1-611.2 of the Code of Virginia, as created by this act. The State Council of Higher Education for Virginia shall review and update such model informational materials as necessary to reflect the current law and federal guidance on the dependency override process.**