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HOUSE BILL NO. 471

Offered January 14, 2026

Prefiled January 12, 2026

A BILL to amend and reenact § 23.1-600 of the Code of Virginia, relating to public institutions of higher education; financial aid and assistance; transition and postsecondary programs for students with intellectual disabilities; eligibility for state-supported financial aid programs.

Patron—Cohen

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:**1. That § 23.1-600 of the Code of Virginia is amended and reenacted as follows:****§ 23.1-600. Participation in and eligibility for state-supported financial aid programs.****A. As used in this section:**

"Comprehensive transition and postsecondary program" means a degree, certificate, nondegree, or noncertificate program, including an inclusive postsecondary education program, that (i) is offered by a public institution of higher education in the Commonwealth to students attending such institution; (ii) is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment; (iii) includes an advising and curriculum structure; (iv) requires students with disabilities enrolled in the program to focus at least one-half of their participation in the program, as determined by the applicable institution, on academic components through one or more of the following: (a) taking credit-bearing courses with students without disabilities, (b) auditing or otherwise participating in courses with students without disabilities for which the student does not receive regular academic credit, (c) taking non-credit bearing, nondegree courses with students without disabilities, or (d) participating in internships or work-based training in settings with individuals without disabilities; and (v) provides students with intellectual disabilities opportunities to participate in coursework and other activities with students without disabilities.

"Eligible transition and postsecondary education program" means any program offered at a public institution of higher education in the Commonwealth that meets the criteria for and is federally designated as a comprehensive transition and postsecondary program, including any inclusive postsecondary education program or similar program.

"Student with an intellectual disability" means a student (i) with a cognitive impairment characterized by significant limitations in intellectual and cognitive functioning and adaptive behavior as expressed in conceptual, social, and practical adaptive skills and (ii) who is currently, or was formerly, eligible for special education and related services under the Individuals with Disabilities Act (20 U.S.C. § 1400 et seq.), including any such student who was determined eligible for special education and related services but received home instruction or attended a private school.

B. Participation in and eligibility for state-supported financial aid or other higher education programs designed to promote greater racial diversity in public institutions of higher education shall not be restricted on the basis of race or ethnic origin. Any individual who is a member of any federally recognized minority is eligible for and may participate in such programs if such individual meets all other qualifications for admission to the relevant institution and the specific program.

B. C. Individuals who have completed a program of home instruction in accordance with § 22.1-254.1 and individuals who have been excused from school attendance pursuant to subsection B of § 22.1-254 shall be deemed to have met the high school graduation requirements for purposes of eligibility for any state-supported financial aid or other higher education programs. When a high school grade point average, class rank, or other academic criteria are specified as a condition of participating in a program, the Council shall develop empirical alternative equivalent measures that may be required for such programs.

D. Any individual who is enrolled in an eligible transition and postsecondary education program shall be eligible for any state-supported financial aid programs or other higher education programs if such individual is a student with an intellectual disability and meets all other eligibility requirements for the applicable program, provided that:

1. No such individual shall be required, as a condition of eligibility, to (i) be enrolled in any program at a public institution of higher education for the purpose of obtaining a degree or certificate or (ii) possess a high school diploma or a high school equivalency certificate, or have passed any high school equivalency examination, ability to benefit test, or another equivalent examination; and

2. If the eligibility requirements for the applicable program include a high school grade point average,

59 *class rank, or other academic criteria, the Council shall develop alternative, equivalent standards for such*
60 *requirements for the purposes of determining eligibility of such students with intellectual disabilities.*