

# 2026 SESSION

INTRODUCED

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1 **HOUSE BILL NO. 502**

2 Offered January 14, 2026

3 Prefiled January 12, 2026

4 *A BILL to amend and reenact §§ 23.1-307, 23.1-509.1, and 23.1-1301 of the Code of Virginia, relating to*  
5 *baccalaureate public institutions of higher education; fixed in-state tuition rates.*

6 Patron—McAuliff

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That §§ 23.1-307, 23.1-509.1, and 23.1-1301 of the Code of Virginia are amended and reenacted as**  
10 **follows:**

11 **§ 23.1-307. Public institutions of higher education; tuition and fees.**

12 A. *The Subject to the limitations set forth in § 23.1-509.1, the governing board of each public institution*  
13 *of higher education shall continue to fix, revise, charge, and collect tuition, fees, rates, rentals, and other*  
14 *charges for the services, goods, or facilities furnished by or on behalf of such institution and may adopt*  
15 *policies regarding any such service rendered or the use, occupancy, or operation of any such facility.*

16 B. Except to the extent included in the institution's six-year plan as provided in subsection C, if the total of  
17 an institution's tuition and educational and general fees for any fiscal year for Virginia students exceeds the  
18 difference for such fiscal year between (i) the institution's cost of education for all students, as calculated  
19 pursuant to clause (i) of subsection B of § 23.1-303 and (ii) the sum of the tuition and educational and general  
20 fees for non-Virginia students, the state general funds appropriated for its basic operations and instruction  
21 pursuant to subsection A of § 23.1-303, and its per student funding provided pursuant to § 23.1-304, the  
22 institution shall forgo new state funding at a level above the general funds received by the institution during  
23 the 2011-2012 fiscal year, at the discretion of the General Assembly, and shall be obligated to provide  
24 increased financial aid to maintain affordability for students from low-income and middle-income families.  
25 This limitation shall not apply to any portion of tuition and educational and general fees for Virginia students  
26 allocated to student financial aid, an institution's share of state-mandated salary or fringe benefit increases,  
27 increases in funds other than state general funds for the improvement of faculty salary competitiveness above  
28 the level included in the calculation in clause (i) of subsection B of § 23.1-303, the institution's progress  
29 towards achieving any financial incentive pursuant to § 23.1-305, unavoidable cost increases such as  
30 operation and maintenance for new facilities and utility rate increases, or other items directly attributable to  
31 an institution's unique mission and contributions.

32 C. Nothing in subsection B shall prohibit an institution from including in its six-year plan required by  
33 § 23.1-306 (i) new programs or initiatives including quality improvements or (ii) institution-specific funding  
34 based on particular state policies or institution-specific programs, or both, that will cause the total of the  
35 institution's tuition and educational and general fees for any fiscal year for Virginia students to exceed the  
36 difference for such fiscal year between (a) the institution's cost of education for all students, as calculated  
37 pursuant to clause (i) of subsection B of § 23.1-303, and (b) the sum of the tuition and educational and  
38 general fees for the institution's non-Virginia students, the state general funds appropriated for its basic  
39 operations and instruction pursuant to subsection A of § 23.1-303, and its per student funding provided  
40 pursuant to § 23.1-304.

41 D. No governing board of any public institution of higher education shall approve an increase in  
42 undergraduate tuition or mandatory fees without providing students and the public a projected range of the  
43 planned increase, an explanation of the need for the increase, and notice of (i) the date, time, and location of  
44 the meeting at which public comment is permitted pursuant to subsection E on the institution's website and  
45 through any other standard means of communication utilized by the institution with students at least 10 days  
46 prior to such meeting and (ii) the date and location of any vote on such increase at least 30 days prior to such  
47 vote.

48 E. Prior to any vote referenced in subsection D, the governing board of each public institution of higher  
49 education shall permit public comment on the proposed increase at a meeting, as that term is defined in  
50 § 2.2-3701, of the governing board. Each such governing board shall establish policies for such public  
51 comment, which may include reasonable time limitations.

52 F. At any meeting at which the governing board of a public institution of higher education approves an  
53 increase in undergraduate tuition and mandatory fees, the governing board shall provide an explanation of  
54 any deviation from the projected range provided pursuant to subsection D.

55 G. No later than August 1 of each year, the Council shall provide to the Governor and the Chairmen of the  
56 House Committee on Appropriations, the House Committee on Education, the Senate Committee on

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59 Education and Health, and the Senate Committee on Finance and Appropriations a report on any increase in  
60 undergraduate tuition and mandatory fees at a public institution of higher education, the public comment  
61 relating to such increase in undergraduate tuition and mandatory fees, and any deviation in the increase in  
62 undergraduate tuition and mandatory fees from the increase projected in the institutional six-year plan  
63 provided pursuant to § 23.1-306.

64 **§ 23.1-509.1. Fixed in-state tuition rates; alternative tuition or fee structures.**

65 *A. The governing board of each baccalaureate public institution of higher education shall annually  
66 establish a fixed in-state tuition rate for each incoming first year or transfer undergraduate Virginia student.  
67 Each such incoming first year student enrolled in a four-year baccalaureate degree program is eligible to  
68 pay in-state tuition at a rate not to exceed such fixed rate for four academic years or any portion or term  
69 thereof, provided that such student maintains continuous enrollment. Each such incoming transfer student  
70 enrolled in a four-year baccalaureate degree program is eligible to pay in-state tuition at a rate not to exceed  
71 such fixed rate for the remainder of the academic years, or any portion or term thereof, during which he  
72 makes satisfactory progress toward completing such degree program, provided that such student maintains  
73 continuous enrollment.*

74 *B. The governing board of each baccalaureate public institution of higher education may grant (i) an  
75 exception to the requirement for continuous enrollment set forth in subsection A on a case-by-case basis to  
76 students whose enrollment is substantially disrupted or (ii) any other exception to the requirements set forth  
77 in subsection A that the governing board deems appropriate, including an exception for eligible students who  
78 are enrolled in baccalaureate degree programs that require five academic years to complete.*

79 *C. Any public institution of higher education may offer alternative tuition or fee structures to students that  
80 result in lower costs of attendance, including discounted tuition, flat tuition rates, discounted student fees, or  
81 student fee and student services flexibility, to any first-time, incoming freshman undergraduate student who  
82 (i) has established domicile, as that term is defined in § 23.1-500, in the Commonwealth and (ii) enrolls full  
83 time with the intent to earn a degree in a program that leads to employment in a high-demand field in the  
84 region. Such an alternative tuition or fee structure may be renewed each year if the recipient maintains  
85 eligibility for the alternative tuition and fee structure. The State Council of Higher Education for Virginia  
86 shall offer guidance, upon request, to any public institution of higher education in establishing an alternative  
87 tuition or fee structure pursuant to this section.*

88 **§ 23.1-1301. Governing boards; powers.**

89 A. The board of visitors of each baccalaureate public institution of higher education or its designee may:

- 90 1. Make regulations and policies concerning the institution;
- 91 2. Manage the funds of the institution and approve an annual budget;
- 92 3. Appoint the chief executive officer of the institution;
- 93 4. Appoint professors and fix their salaries; and

94 *5. Fix Subject to the limitations set forth in § 23.1-509.1, fix the rates charged to students for tuition,  
95 mandatory fees, and other necessary charges.*

96 B. The governing board of each public institution of higher education or its designee may:

97 1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative  
98 Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has  
99 acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and  
100 conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the  
101 same manner as all other gifts and bequests;

102 2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes  
103 on any property owned by the institution;

104 3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained,  
105 or controlled by the institution;

106 4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers,  
107 instructors, and other employees;

108 5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the  
109 regulations or institution policies required pursuant to § 23.1-1303;

110 6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission  
111 or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such  
112 regulations or policies;

113 7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote  
114 (i) student compliance with state laws on the use of alcoholic beverages and (ii) the awareness and prevention  
115 of sexual crimes committed upon students;

116 8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in  
117 accordance with the prohibition against hazing as defined in § 18.2-56;

118 9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an  
119 interest, provided such assignment is in accordance with the terms of the institution's intellectual property  
120 policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of

121 such property (i) developed wholly or predominantly through the use of state general funds, exclusive of  
122 capital assets and (ii)(a) developed by an employee of the institution acting within the scope of his assigned  
123 duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship  
124 Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit  
125 organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective  
126 institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the  
127 Governor does not approve such transfer, the materials shall remain the property of the respective institutions  
128 and may be used and developed in any manner permitted by law;

129 10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business through  
130 electronic communication means pursuant to § 2.2-3708.3; and

131 11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to  
132 enforce state statutes and local ordinances with respect to offenses occurring on the property of the  
133 institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and  
134 local ordinances with respect to offenses occurring on the property of the institution.