

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB1385S1

Patron: Franklin

Bill Title: Public institutions of higher education; governing boards; powers and duties relating to legal counsel; membership appointment, terms, and composition; duties relating to shared governance; requirements; work group.

Bill Summary: Revises the membership and duties of the governing board of each public institution of higher education by, among other things, increasing from four years to six years the terms of each member of the governing board and requiring the governing board of each public institution of higher education to adopt policies defining and implementing shared governance among the components of the institution's organizational structure. The bill also directs the State Council of Higher Education for Virginia to convene work groups for the purpose of developing model shared governance policies, in accordance with the provisions of the bill, and for the purpose of studying and making recommendations on (i) a process by which (a) the governing board of any public institution of higher education, the Governor, or the General Assembly or a committee thereof with relevant oversight responsibility, upon determining that the Office of General Counsel or other legal counsel of a public institution of higher education is not acting in the best interests of the institution, including due to a conflict of interest, failure to defend the lawful authority of the institution, or failure to comply with state law, may request the Attorney General to review the adequacy of such legal representation and (b) upon a determination by the Attorney General or the General Assembly or a committee thereof that such institution is not receiving adequate legal representation, the governing board may request additional representation or approve alternate counsel as necessary to protect the interests of the institution, and (ii) policies for requiring any individual member of a governing board to recuse himself from or not participate in any vote or decision of the governing board on any matter in which he has a personal or pecuniary interest or any partisan or ideological interest that would compromise his ability to vote or act objectively and in accordance with the primary board duties.

Budget Amendment Necessary: No

Items Impacted: None

Explanation: See below

Fiscal Summary: It is anticipated that any fiscal impact can be supported with existing resources of the affected entities.

Other: This bill incorporates HB780, HB939, and HB1069. This bill is a companion to SB494, which incorporates SB381.