

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 23.1-624 and 23.1-1303 of the Code of Virginia and to repeal § 23.1-632 of*  
 3 *the Code of Virginia, relating to Selective Service; Two-Year College Transfer Grant; Virginia Tuition*  
 4 *Assistance Grant Program.*

5 [H 414]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That §§ 23.1-624 and 23.1-1303 of the Code of Virginia are amended and reenacted as follows:**9 **§ 23.1-624. Eligibility criteria.**

10 A. Grants shall be made under the Program to or on behalf of Virginia students who (i) maintained a  
 11 cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent while enrolled in an associate  
 12 degree program at an associate-degree-granting public institution of higher education, (ii) have received an  
 13 associate degree at an associate-degree-granting public institution of higher education, (iii) have enrolled in  
 14 an eligible institution by the fall or spring following the award of such associate degree, (iv) have applied for  
 15 financial aid, and (v) have demonstrated financial need, defined as an Expected Family Contribution (EFC) of  
 16 no more than \$12,000 as calculated by the federal government using the family's financial information  
 17 reported on the Free Application for Federal Student Aid (FAFSA) form.

18 B. Eligibility for a grant under the Program is limited to three academic years. Grants under the Program  
 19 shall be used only for undergraduate coursework in educational programs other than those providing religious  
 20 training or theological education.

21 C. To remain eligible for a grant under the Program, a student shall continue to demonstrate financial need  
 22 as defined in subsection A, maintain a cumulative grade point average of at least 3.0 on a scale of 4.0 or its  
 23 equivalent, and make satisfactory academic progress toward a degree.

24 ~~D. Individuals who have failed to meet the federal requirement to register for the Selective Service are not~~  
 25 ~~eligible to receive grants pursuant to this article. However, an individual who has failed to register for the~~  
 26 ~~Selective Service shall not be denied a right, privilege, or benefit under this section if (i) the requirement to so~~  
 27 ~~register has terminated or become inapplicable to the individual and (ii) the individual shows by a~~  
 28 ~~preponderance of the evidence that the failure to register was not a knowing and willful failure to register.~~

29 **§ 23.1-1303. Governing boards; duties.**

30 A. For purposes of this section, "intellectual property" means (i) a potentially patentable machine, article  
 31 of manufacture, composition of matter, process, or improvement in any of those; (ii) an issued patent; (iii) a  
 32 legal right that inheres in a patent; or (iv) anything that is copyrightable.

33 B. The governing board of each public institution of higher education shall:

34 1. Adopt and post conspicuously on its website bylaws for its own governance, including provisions that  
 35 (i) establish the requirement of transparency, to the extent required by law, in all board actions; (ii) describe  
 36 the board's obligations under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), as set forth in  
 37 subdivision B 10 of § 23.1-1301, including the requirements that (a) the board record minutes of each open  
 38 meeting and post the minutes on the board's website, in accordance with subsection I of § 2.2-3707 and  
 39 § 2.2-3707.1, (b) discussions and actions on any topic not specifically exempted by § 2.2-3711 be held in an  
 40 open meeting, (c) the board give public notice of all meetings, in accordance with subsection D of  
 41 § 2.2-3707, and (d) any action taken in a closed meeting be approved in an open meeting before it can have  
 42 any force or effect, in accordance with subsection B of § 2.2-3711; and (iii) require that the board invite the  
 43 Attorney General's appointee or representative to all meetings of the board, executive committee, and board  
 44 committees;

45 2. Establish and maintain on the institution's website (i) a listing of all board members, including the name  
 46 of the Governor who made each appointment and the date of each appointment; (ii) a listing of all committees  
 47 created by the board and the membership of each committee; (iii) a schedule of all upcoming meetings of the  
 48 full board and its committees and instructions for the public to access such meetings; (iv) an archive of  
 49 agendas and supporting materials for each meeting of the governing board and its committees that was held;  
 50 and (v) an email address or email addresses that allow board members to receive public communications  
 51 pertaining to board business;

52 3. Establish regulations or institution policies for the acceptance ~~and assistance~~ of students that include  
 53 provisions (i) ~~that specify that individuals who have knowingly and willfully failed to meet the federal~~  
 54 ~~requirement to register for the selective service are not eligible to receive any state direct student assistance,~~  
 55 ~~(ii) that specify that the accreditation status of a public high school in the Commonwealth shall not be~~  
 56 considered in making admissions determinations for students who have earned a diploma pursuant to the

57 requirements established by the Board of Education, and ~~(iii)~~ (ii) relating to the admission of certain  
58 graduates of comprehensive community colleges as set forth in § 23.1-907;

59 4. Assist the Council in enforcing the provisions relating to eligibility for financial aid;

60 5. Notwithstanding any other provision of state law, establish policies and procedures requiring the  
61 notification of the parent of a dependent student when such student receives mental health treatment at the  
62 institution's student health or counseling center and such treatment becomes part of the student's educational  
63 record in accordance with the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d  
64 et seq.) and may be disclosed without prior consent as authorized by the federal Family Educational Rights  
65 and Privacy Act (20 U.S.C. § 1232g) and related regulations (34 C.F.R. Part 99). Such notification shall only  
66 be required if it is determined that there exists a substantial likelihood that, as a result of mental illness the  
67 student will, in the near future, (i) cause serious physical harm to himself or others as evidenced by recent  
68 behavior or any other relevant information or (ii) suffer serious harm due to his lack of capacity to protect  
69 himself from harm or to provide for his basic human needs. However, notification may be withheld if any  
70 person licensed to diagnose and treat mental, emotional, or behavioral disorders by a health regulatory board  
71 within the Department of Health Professions who is treating the student has made a part of the student's  
72 record a written statement that, in the exercise of his professional judgment, the notification would be  
73 reasonably likely to cause substantial harm to the student or another person. No public institution of higher  
74 education or employee of a public institution of higher education making a disclosure pursuant to this  
75 subsection is civilly liable for any harm resulting from such disclosure unless such disclosure constitutes  
76 gross negligence or willful misconduct by the institution or its employees;

77 6. Establish policies and procedures requiring the release of the educational record of a dependent student,  
78 as defined by the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), to a parent at his  
79 request;

80 7. Establish programs to seek to ensure that all graduates have the technology skills necessary to compete  
81 in the twenty-first century and that all students matriculating in teacher-training programs receive instruction  
82 in the effective use of educational technology;

83 8. Establish policies for the discipline of students who participate in varsity intercollegiate athletics,  
84 including a provision requiring an annual report by the administration of the institution to the governing  
85 board regarding enforcement actions taken pursuant to such policies;

86 9. In addition to all meetings prescribed in Chapters 14 (§ 23.1-1400 et seq.) through 29 (§ 23.1-2900 et  
87 seq.), meet with the chief executive officer of the institution at least once annually, in a closed meeting  
88 pursuant to subdivision A 1 of § 2.2-3711 and deliver an evaluation of the chief executive officer's  
89 performance. Any change to the chief executive officer's employment contract during any such meeting or  
90 any other meeting of the board shall be made only by a vote of the majority of the board's members;

91 10. If human research, as defined in § 32.1-162.16, is conducted at the institution, adopt regulations  
92 pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to effectuate the provisions of Chapter 5.1  
93 (§ 32.1-162.16 et seq.) of Title 32.1 for human research. Such regulations shall require the human research  
94 committee to submit to the Governor, the General Assembly, and the chief executive officer of the institution  
95 or his designee at least annually a report on the human research projects reviewed and approved by the  
96 committee and require the committee to report any significant deviations from approved proposals;

97 11. Submit and make publicly available on the institution's website the annual financial statements for the  
98 fiscal year ending the preceding June 30 and the accounts and status of any ongoing capital projects to the  
99 Auditor of Public Accounts for the audit of such statements pursuant to § 30-133;

100 12. No later than December 1 of each year, report to the Council and make publicly available on the  
101 institution's website (i) the value of investments as reflected on the Statement of Net Position as of June 30 of  
102 the previous fiscal year, excluding any funds derived from endowment donations, endowment income, or  
103 other private philanthropy; (ii) the cash earnings on such balances in the previous fiscal year; and (iii) the use  
104 of the cash earnings on such balances. In the event that the commitment of any such investment earnings  
105 spans more than one fiscal year, the report shall reflect the commitments made in each future fiscal year. The  
106 reports of the Boards of Visitors of Virginia Commonwealth University and the University of Virginia shall  
107 exclude the value of and earnings on any investments held by the Virginia Commonwealth University Health  
108 System Authority and the University of Virginia Medical Center, respectively. As used in this subdivision,  
109 "investments" includes all short-term, long-term, liquid, and illiquid Statement of Net Position accounts, and  
110 subaccounts thereof, in which moneys have been invested in securities;

111 13. Submit to the General Assembly and the Governor and make publicly available on the institution's  
112 website an annual executive summary of its interim activity and work no later than the first day of each  
113 regular session of the General Assembly. The executive summary shall be submitted as provided in the  
114 procedures of the Division of Legislative Automated Systems for the processing of legislative documents and  
115 reports and shall be posted on the General Assembly's website;

116 14. Make available to any interested party upon request a copy of the portion of the most recent report of  
117 the Uniform Crime Reporting Section of the Department of State Police entitled "Crime in Virginia"  
118 pertaining to institutions of higher education;

119 15. Adopt policies or institution regulations regarding the ownership, protection, assignment, and use of  
120 intellectual property and provide a copy of such policies or institution regulations to the Governor and the  
121 Joint Commission on Technology and Science. All employees, including student employees, of public  
122 institutions of higher education are bound by the intellectual property policies or institution regulations of the  
123 institution employing them;

124 16. Adopt policies that are supportive of the intellectual property rights of matriculated students who are  
125 not employed by such institution; and

126 17. Solicit the input of representatives of the institution's faculty senate or its equivalent (i) at least twice  
127 per academic year on topics of general interest to the faculty and (ii) in advance of decisions to be made on  
128 the search for the institution's new chief executive officer.

129 **2. That § 23.1-632 of the Code of Virginia is repealed.**

ENROLLED

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