



## **2017 Legislative Preview**

**HB 1401 (Landes) - Public institutions of higher education; speech on campus.** Prohibits public institutions of higher education from abridging the freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus, except as otherwise permitted by the First Amendment to the United States Constitution.

**HB 1402 (Landes) - Governing boards of public institutions of higher education; leadership; residency.** Requires each chairman, vice-chairman, rector, and vice-rector of the governing board of a public institution of higher education and each chairman and vice-chairman of each committee of the governing board of a public institution of higher education to be a resident of the Commonwealth. Companion Bill: SB 907 (Surovell).

**HB 1410 (Albo) - Certain educational institutions; designation of governing boards; financial assistance; enrollment.** Renames as boards of trustees the boards of visitors of certain educational institutions in the Commonwealth, including baccalaureate public institutions of higher education. The bill prohibits public institutions of higher education from using (i) tuition revenue from any Virginia student to provide financial assistance to any Virginia student or non-Virginia student and (ii) more than five percent of tuition revenue from non-Virginia students to provide financial assistance to non-Virginia students. The bill also requires the governing board of each public institution of higher education, except the Virginia Military Institute, Norfolk State University, and Virginia State University, to ensure that at least 75 percent of the undergraduate students enrolled at the institution have established domicile in the Commonwealth. The bill requires the governing boards of public institutions that do not meet such 75 percent threshold to submit to the State Council of Higher Education for Virginia a plan to incrementally increase enrolled undergraduate Virginia students each academic year to ensure compliance no later than the 2020-2021 academic year.

**HB 1434 (Head) - Tuition Assistance Grant Program; eligible institutions; student speech and expression.** Requires each nonprofit private institution of higher education otherwise eligible to participate in the Tuition Assistance Grant Program to guarantee in writing, in its student handbook or a similar publication, freedom of speech and expression for enrolled students in order to be considered an eligible institution for the Program.

**HB 1447 (Miyares) - Higher education; student housing; substance abuse recovery housing program.** Requires, by July 1, 2021, certain baccalaureate public institutions of higher education (those with at least 25 percent of undergraduate student population living in on-campus housing) to establish a substance abuse recovery housing program to provide recovering students with a substance-free dormitory environment and appropriate support services. The bill allows participating institutions to designate a portion of a dormitory, and states that no participating institution shall be required to designate an entire dormitory, for such program.

**HB 1452 (Miyares) - Public institutions of higher education; graduation requirements; course in Western civilization or U.S. history.** Requires each student at each public institution of higher education in the Commonwealth to complete a three credit hour course in Western civilization or U.S. history. The bill exempts from such requirement any student who has received a score of 4 or better on an Advanced Placement examination in U.S. history.

**HB 1512 (Bell) - Public institutions of higher education; academic credit for American Sign Language courses.** Clarifies that each public institution of higher education is required to count credit received for successful completion of American Sign Language courses at institutions of higher education from which students transfer or transfer such course credit toward satisfaction of the foreign language entrance requirements of the public institution of higher education.

**HB 1538 (LeMunyon) - Revision of Title 23; corrections.** Corrects typographical errors and makes other technical amendments relating to the revision and recodification of Title 23 and declares such corrections and amendments to be effective retroactively to October 1, 2016. The bill is a recommendation of the Code Commission.

**HB 1539 (LeMunyon) - Virginia Freedom of Information Act (FOIA); public access to records of public bodies.** Clarifies the definition of public record. The bill also (i) defines "personal contact information" that is excluded from FOIA's mandatory disclosure provisions in certain cases; (ii) clarifies that a requester has the right to inspect records or receive copies at his option; (iii) clarifies language in certain record exclusions under FOIA that certain records may be disclosed at the discretion of the custodian; (iv) consolidates the personnel record exclusion with the limitation on the application of that exclusion, and specifically clarifies that the name, in addition to position, job classification, and salary, of a public employee is public information as per opinions of the Attorney General and the FOIA Council; (v) eliminates, effective July 1, 2018, the exclusion for the Alcoholic Beverage Control Authority relating to operating and marketing strategies; (vi) eliminates the exclusion for correspondence of local officials as unnecessary; (vii) consolidates various public safety exclusions relating to building plans and drawings and critical infrastructure into a single exclusion; (viii) eliminates the exclusion for administrative investigations of the Department of Human Resource Management, as the exclusion is already covered under the personnel records exclusion; (ix) expands the exclusion for personal information provided to the Virginia College Savings Plan to cover qualified beneficiaries, designated survivors, and authorized individuals, which terms are defined in the bill; (x) consolidates the various record exclusions for the Department of Health Professions and the Department of Health into single exclusions for each Department; (xi) clarifies certain Department of Social Services exclusions; (xii) provides an exclusion for local finance boards that provide postemployment benefits other than pensions; and (xiii) eliminates the record exclusion for Virginia Wildlife Magazine. The bill also eliminates the correspondence exclusion for certain state and local officials. The bill contains numerous technical amendments. This bill is a recommendation of the Freedom of Information Advisory Council pursuant to the **HJR 96** FOIA study (2014-2016).

**HB 1592 (James) - Comprehensive community colleges; academic credit.** Requires the State Board for Community Colleges to require each comprehensive community college to develop policies and procedures for awarding academic credit to enrolled students who have successfully completed a state-approved registered apprenticeship credential. Companion Bill: SB 999 (Ruff)

**HB 1662 (Greason) - Public institutions of higher education; course credit; dual enrollment courses.** Requires the State Council of Higher Education for Virginia (SCHEV), in consultation with the governing board of each public institution of higher education, to establish a policy for granting undergraduate course credit to any entering freshman student who has successfully completed a dual enrollment course at a comprehensive community college pursuant to an agreement for postsecondary degree attainment. The bill requires SCHEV and each public institution of higher education to make the policy available to the public on their websites.

**HB 1664 (Greason) - State Council of Higher Education for Virginia; collection and publication of wage data and the Virginia Longitudinal Data System.** Authorizes the State Council of Higher Education for Virginia (Council) to publish data on the proportion of graduates of each public institution of higher education and each nonprofit private institution of higher education eligible to participate in the Tuition Assistance Grant Program who are employed at 18 months and five years after the date of graduation. The bill directs that the data include the program and the program level, as recognized by the Council, for each degree awarded by each institution; the percentage of graduates known to be employed in the Commonwealth; the average salary and the average higher education-related debt for the graduates on which the data is based; rates of enrollment in remedial coursework for each institution; individual student credit accumulation for each institution; rates of postsecondary degree completion; and any other information that the Council determines is necessary to address adequate preparation for success in postsecondary education and alignment between secondary and postsecondary education. The bill requires each such institution of higher education to provide a link to such published postsecondary education and employment data. The bill also requires the Council to administer the Virginia Longitudinal Data System as a multiagency partnership for the purposes of developing educational, health, social service, and employment outcome data; improving the efficacy of state services; and aiding decision making.

**HB 1721 (Anderson) - State Board for Community Colleges; reduced rate tuition and mandatory fee charges; certain students who are active duty members of the Armed Forces of the United States.** Permits the State Board for Community Colleges to charge reduced rate tuition and mandatory fees to any student who is (i) an active duty member of the Armed Forces of the United States; (ii) enrolled in a degree program at a comprehensive community college, provided that any such comprehensive community college that offers online degree programs is a member of the National Council for State Authorization Reciprocity; and (iii) enrolled in training that leads to a Military Occupational Specialty in the Army or Marine Corps, an Air Force Specialty Code, or a Navy Enlisted Classification.

**HB 1724 (Anderson) - Eligibility for in-state tuition charges; members of the Virginia National Guard who reside in the Commonwealth.** Declares eligible for in-state tuition charges any member of the Virginia National Guard who resides in the Commonwealth, regardless of the domicile of such individual. The bill removes the current requirement that guard members be mobilized or on temporary active orders for 180 days or more in order to be eligible for in-state tuition charges.

**SB 907 (Surovell) - Governing boards of public institutions of higher education; leadership; residency.** Requires each chairman, vice-chairman, rector, and vice-rector of the governing board of a public institution of higher education and each chairman and vice-chairman of each committee of the governing board of a public institution of higher education to be a resident of the Commonwealth. Companion bill: HB 1402 (Landes)

**SB 931 (Petersen) - Virginia Freedom of Information Act; working papers and correspondence exemption for presidents of public institutions of higher education.**

Eliminates the working papers and correspondence record exemption for the president or other chief executive officer of any public institution of higher education in Virginia. The bill contains a technical amendment.

**SB 944 (Chafin) - Institutions of higher education; possession and administration of epinephrine.** Authorizes and provides liability protection for employees of a public or private institution of higher education who are authorized by a prescriber and trained in the administration of epinephrine to possess and administer epinephrine.

**SB 949 (Ruff) - Southern Virginia Higher Education Center; duties and membership.**

Requires the Southern Virginia Higher Education Center (the Center) to encourage and coordinate the development and delivery of workforce training with a focus on regional and statewide critical shortage areas as well as the needs of industry. The bill replaces the superintendent of the Halifax County Public Schools as an ex officio member of the board of trustees of the Center with a superintendent of a public school division located in the Southside region appointed by the Governor. The bill also broadens the eligibility requirements to serve as one of the representatives of business and industry on the board of trustees. The bill also requires the board to collaborate with local comprehensive community colleges to meet specialized noncredit workforce training needs identified by industry. However if the local comprehensive community college is unable to meet such needs, then the board is authorized to collaborate with other educational providers or offer Center-delivered specialized noncredit workforce training.

**SB 955 (DeSteph) - Certain educational institutions; designation of governing boards.**

Renames as boards of trustees the boards of visitors of certain educational institutions in the Commonwealth, including baccalaureate public institutions of higher education.

**SB 986 (DeSteph) - Higher education; in-state tuition.** Prohibits any percentage increase in in-state tuition or instructional fees for undergraduate students at Virginia's public institutions of higher education that exceeds the annual percentage increase, as determined by the State Council of Higher Education for Virginia, in the national average wage index as defined in § 209(k)(1) of the Social Security Act, 42 U.S.C. 409(k)(1), of the calendar year immediately preceding the affected year.

**SB 987 (DeSteph) - Higher education; in-state tuition.** Prohibits any percentage increase in in-state tuition or instructional fees for undergraduate students at Virginia's public institutions of higher education that exceeds the annual percentage increase, as determined by the State Council of Higher Education for Virginia, of the median household income in the Commonwealth established by the U.S. Department of Housing and Urban Development, of the calendar year immediately preceding the affected year.

**SB 999 (Ruff) - Comprehensive community colleges; academic credit.** Requires the State Board of Community Colleges to require each comprehensive community college to develop policies and procedures for awarding academic credit to enrolled students who have successfully completed a state-approved registered apprenticeship credential. Companion Bill: HB 1592 (James)

**SB 1026 (Dunnivant) - Two-Year College Transfer Grant Program; Expected Family Contribution.** Broadens eligibility for the Two-Year College Transfer Grant Program by including students whose Expected Family Contribution, as calculated by the federal government using the family's financial information reported on the Free Application for Federal Student Aid (FAFSA), is no more than \$12,000. Currently the program is available only to students whose Expected Family Contribution is no more than \$8,000. The bill does not affect additional eligibility requirements for the Two-Year College Transfer Grant Program.

**SB 1035 (Howell) - Student loan servicers; student loan ombudsman.** Prohibits any person from acting as a student loan servicer without first obtaining a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks and credit unions are exempt from the licensing provisions. The servicing of a student loan encompasses (i) receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan; (ii) applying the payments of principal and interest and such other payments with respect to the amounts received from a student loan borrower, as may be required pursuant to the terms of a student education loan; and (iii) performing other administrative services with respect to a student education loan. Student loan servicers are prohibited from, among other things, (a) misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a student loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying student loan payments to the outstanding balance of a student loan; and (c) failing to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau. The measure also establishes the Office of the Student Loan Ombudsman within the SCC's Bureau of Financial Institutions. The Office of the Student Loan Ombudsman is required to provide timely assistance to any student loan borrower of any student education loan in the Commonwealth. The Office of the Student Loan Ombudsman is further required to establish and maintain a student loan borrower education course, which shall cover key loan terms, documentation requirements, monthly payment obligations, income-based repayment options, loan forgiveness, and disclosure requirements. Violations are subject to a civil penalty not exceeding \$2,500. The bill has a delayed effective date of January 1, 2019.

**SB 1036 (Howell) - Virginia Student Loan Refinancing Authority; refinancing loan guaranty program.** Establishes the Virginia Student Loan Refinancing Authority (the Authority), to be governed by a 10-member board, for the purpose of developing and implementing a program by which the Authority may guarantee the obligations of an individual who incurred qualified education loan debt as a Virginia student at an institution of higher education in the Commonwealth under loans that refinance such education loan debt. The Authority is authorized to issue bonds to finance its obligations under such loan guarantees.

**SB 1053 (Howell) - Student loan servicers; student loan ombudsman.** Prohibits any person from acting as a student loan servicer without first obtaining a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks and credit unions are exempt from the licensing provisions. The servicing of a student loan encompasses (i) receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan; (ii) applying the payments of principal and interest and such other payments with respect to the amounts received from a student loan borrower, as may be required pursuant to the terms of a student education loan; and (iii) performing other administrative services with respect to a student education loan. Student loan

servicers are prohibited from, among other things, (a) misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a student loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying student loan payments to the outstanding balance of a student loan; and (c) **failing** to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau. The measure also establishes the Office of the Student Loan Ombudsman within the SCC's Bureau of Financial Institutions. The Office of the Student Loan Ombudsman is required to provide timely assistance to any student loan borrower of any student education loan in the Commonwealth. The Office of the Student Loan Ombudsman is further required to establish and maintain a student loan borrower education course, which shall cover key loan terms, documentation requirements, monthly payment obligations, income-based repayment options, loan forgiveness, and disclosure requirements. Violations are subject to a civil penalty not exceeding \$2,500. The bill has a delayed effective date of January 1, 2019.

**SB 1088 (Sturtevant) - Public institutions of higher education; fixed four-year tuition rate.**

Requires the governing boards of baccalaureate public institutions of higher education to annually establish an in-state tuition rate class cap that identifies the annual amount that the cost of in-state tuition will not exceed for each of the following four years. The bill prohibits the cost of in-state tuition from exceeding the class rate cap for an in-state student in the relevant class.

**SJ 254 (Stanley) - Study; State Council of Higher Education for Virginia; applied baccalaureate degrees at comprehensive community colleges; report.** Requests that the State Council of Higher Education for Virginia study the feasibility and benefits of comprehensive community colleges offering applied baccalaureate degrees by analyzing and making recommendations on (i) the affordability of obtaining an applied baccalaureate degree at a comprehensive community college as compared to a baccalaureate public institution of higher education, including the extent to which obtaining an applied baccalaureate degree at a comprehensive community college would reduce college debt; (ii) the feasibility and benefits of higher education centers on comprehensive community college campuses; (iii) the feasibility and benefits of joint degree programs between comprehensive community colleges and baccalaureate public institutions of higher education that are offered on community college campuses; (iv) the feasibility and benefits of offering applied baccalaureate degrees in engineering and information technology at Danville Community College and Patrick Henry Community College; (v) applied baccalaureate degrees that could be offered at Danville Community College, Patrick Henry Community College, or other comprehensive community colleges in addition to applied baccalaureate degrees in engineering and information technology; and (vi) options for residents in rural parts of the Commonwealth to earn applied baccalaureate degrees.