

DRAFT 8/01/2010

Virginia Tuition Relief, Refund, and Reinstatement Guidelines

General Description and Purpose

Pursuant to Virginia Code §23-9.6:2 (full text appended), these guidelines are issued by the State Council of Higher Education for Virginia to ensure the application of uniform criteria in providing for tuition relief and refunds, and for reinstatement of students whose service in the uniformed services has required their sudden withdrawal or prolonged absence from their enrollment in Virginia institutions of higher education. The guidelines were first issued in July, 1991 and have been revised to ensure conformity with the provisions of The Higher Education Opportunity Act (20 U.S.C. 1088 et. seq.), as amended and made effective August 14, 2008, governing readmission requirements for servicemembers (hereinafter referred to as the HEOA). Adherence to these guidelines is required for public institutions of higher education. Private institutions are requested to adhere to them pursuant to House Joint Resolution 454 (1990).

Part I - Definitions

For purposes of these guidelines, the following definitions shall apply:

“Service in the uniformed services” means service (whether voluntary or involuntary) on active duty in the Armed Forces, including such service by a member of the National Guard or Reserve, for a period of more than 30 days under call or order to active duty of more than 30 days.

“Tuition” means the actual price of education charged to a student for the term in which service in the uniformed services caused his or her sudden withdrawal or prolonged absence from enrollment at a Virginia institution of higher education.

“Reinstatement” means the readmittance and reenrollment of a student whose service in the uniformed services has caused his or her sudden withdrawal or prolonged absence from enrollment.

“Sudden withdrawal” means leaving an institution after a semester has begun or after the tuition and required fees for a term have already been billed to or paid by the student.

Part II – Required Policy Provisions

Pursuant to Code of Virginia §23-9.6:2, each public institution of higher education shall adopt a policy or policies providing for tuition relief and refunds, and for reinstatement of students whose documented service in the uniformed services has required their sudden withdrawal or prolonged absence from their enrollment in the institution. Institutional policies must include, but need not be limited to, the following:

- A. **Tuition and Required Fees.** A description of the circumstances under which a student shall be entitled to receive a partial or full refund of the tuition and required fees that have been billed or paid for the term in which the student is forced to withdraw, including the factors that determine the amount of a refund.
- B. **Room and Board.** A description of the circumstances under which the student is entitled to a full or partial refund for fees paid to the institution for room and board.
- C. **Deposits.** A description of the circumstances under which deposits will be refunded and/or credited to the student.
- D. **Academic Credit.** A description of a student's options concerning grades assigned for the semester in which the student is forced to withdraw due to service in the uniformed services. The policy shall provide reasonable time for a student to eliminate any "pending" grades (i.e., "incomplete," or "in progress," or any other label used by the institution to indicate academic work remains to be completed in a given course).
- E. **Reinstatement.**
 - 1. **General Provision:** A description of the circumstances under which a student shall be entitled to reinstatement in the institution following the student's release or return from service in the uniformed services, which shall provide that a student is entitled to reinstatement without having to re-qualify for admission if:
 - a. the student returns to the same institution after a cumulative absence of not more than five years, and
 - b. the student provides notice of intent to return to the institution not later than three years after the completion of the period of service.

Institutional policies should defer to the provisions of the HEOA for application of relevant exceptions to these time periods.
 - 2. **Reinstatement into Specific Program of Study:** A description of the circumstances under which a student may be reinstated in the same program of study in which he or she had been enrolled prior to withdrawal. The policy shall provide for counseling for the student to determine the impact of absence from the program on the ability to resume study and to advise the student of his or her options when a program is no longer available or suitable.
 - 3. **Deferral of Enrollment:** A description of the circumstances under which a student who was admitted to a program but did not begin attendance because of service in the uniformed services may be allowed to defer his or her enrollment in the program.
- F. **Documentation.** A description of the types of documentation the student must submit to preserve his or her prerogatives under the policy and relevant deadlines for submission of such documentation.

Part III - Application, Implementation and Revision

- A. As provided in Code of Virginia §23-9.6:2, these guidelines shall be incorporated by all public institutions of higher education in their tuition and enrollment policies. In accordance with House Joint Resolution 454 (1990), Virginia's private institutions are requested to follow the guidelines.

- B. These revised guidelines shall become effective immediately following approval by the State Council of Higher Education for Virginia. Institutional policies shall reflect conformity with these guidelines no later than the beginning of the 2011-12 academic year. Each institution shall submit a copy of its policy or policies to the State Council of Higher Education upon approval by its Board of Visitors.
- C. These guidelines shall not be interpreted to prohibit an institution from denying reinstatement to a student for causes unrelated to the student's military service in accord with institutional policies governing all students.
- D. These guidelines shall be revised periodically by an advisory committee of institutional representatives as provided for in Code of Virginia §23-9.6:2.

(Note: Order of lettered items has been modified from original version.)

APPROVED BY THE STATE COUNCIL OF HIGHER EDUCATION ON _____.

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Appendix: Virginia Code §23-9.6:2

[23-9.6:2](#). Tuition relief, refunds, and reinstatement for certain students.

The Council shall issue and from time to time revise guidelines for tuition relief, refunds, and reinstatement for students whose active military duty during a defense crisis has required their sudden withdrawal or prolonged absence from their enrollment in a public institution of higher education and shall provide for the required reenrollment of such students by the relevant institution. These guidelines shall be excluded from the provisions of the Administrative Process Act pursuant to § [2.2-4002](#).

The Council shall appoint an advisory committee of at least 10 representatives of the public institutions to assist in the development and subsequent revision of these guidelines. The Council shall consult with the Office of the Attorney General and shall provide opportunity for public comment prior to issuing any such guidelines.

The first set of guidelines shall be issued by July 1, 1991, and shall be immediately incorporated by all public institutions of higher education in their tuition and enrollment policies. These guidelines shall be applied to all persons whose active military duty during a defense crisis required their sudden withdrawal or prolonged absence after January 1, 1990.

The guidelines shall include procedures for the required reenrollment of students whose call to active duty military service precluded their completion of a semester or equivalent term and policies for the required reenrollment of such military students.

(1991, c. 80; 2004, c. [740](#).)