



2016 Legislative Preview

General Interest

HB 209 Revision of Title 23, Educational Institutions. (LeMunyon) Creates proposed Title 23.1 (Institutions of Higher Education; Other Educational and Cultural Institutions) as a revision of existing Title 23 (Educational Institutions). Proposed Title 23.1 consists of 32 chapters divided into five subtitles: Subtitle I (General Provisions); Subtitle II (Students and Campus); Subtitle III (Management and Financing); Subtitle IV (Public Institutions of Higher Education); and Subtitle V (Other Educational and Cultural Institutions). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to institutions of higher education and other educational and cultural institutions in the Commonwealth. The bill is a recommendation of the Virginia Code Commission and has a delayed effective date of October 1, 2016.

Affordability and Access

HB 66 (Byron) Grants for earning workforce training credentials; New Economy Industry Credential Assistance Training Grants. Establishes a grant program that would pay grants to certain individuals who complete eight hours of community service and who subsequently complete a noncredit workforce training program and earn the related credential in a high-demand field. The grant, in an aggregate amount of \$2,000, would be limited to payment of tuition charged for the training program, the cost of any required textbooks, and the cost of any examination required to earn the credential. The noncredit workforce training program must be provided or sponsored by (i) a Virginia community college, (ii) a private institution certified to operate in Virginia by the State Council of Higher Education for Virginia that has elected to participate in the grant program, or (iii) the Institute for Advanced Learning and Research, New College Institute, Roanoke Higher Education Center, Southern Virginia Higher Education Center, Southwest Virginia Higher Education Center, or Eastern Virginia Medical School. Individuals would apply for grants directly to the school that provided or sponsored the workforce training program. The bill requires the Virginia Board of Workforce Development to maintain on its website a list of high-demand fields and industry certifications that qualify as credentials. The bill has a delayed effective date of January 1, 2017.

HB 135 (Krizik) Eligibility for in-state tuition charges; members of state-recognized Virginia tribes. Declares any student who is a member of a state-recognized Virginia tribe to be eligible for in-state tuition charges at public institutions of higher education. The bill provides that any such student granted in-state tuition shall be counted as an in-state student for the purpose of determining college admissions, enrollment, and tuition and fee revenue policies.

HB 400 (Simon, et al) Virginia Student Loan Refinancing Authority established.

Establishes the Virginia Student Loan Refinancing Authority, to be governed by a 10-member board, for the purpose of developing and implementing a program by which each individual who incurred qualified education loan debt as a Virginia student at an institution of higher education in the Commonwealth and who is eligible, on the basis of criteria established by the Authority that are substantially similar to criteria used by private lenders in the Commonwealth to evaluate student eligibility for an unsecured personal loan at market rates, may receive a loan from the Authority to refinance all or part of his qualified education loans, as that term is defined in relevant federal law.

HB 568 (Cox) Virginia Guaranteed Assistance Program; grants. Makes several changes to the Virginia Guaranteed Assistance Program (Program), including adding requirements that (i) each student eligible for the Program receive a grant from the institution's appropriations for undergraduate student financial assistance before grants are awarded to students with equivalent remaining need, (ii) each eligible student receive a grant in an amount greater than other grants awarded to students with equivalent remaining need, (iii) each eligible student receive a Program grant in an amount greater than the grant of each eligible student with equivalent remaining need in the next-lowest class level, and (iv) each Program grant be determined by a proportionate award schedule adopted by each institution and vary according to each student's remaining need and the total of tuition, fees, and other necessary charges, including books.

SB 52 (Howell) Virginia Student Loan Refinancing Authority established. Establishes the Virginia Student Loan Refinancing Authority, to be governed by a 10-member board, for the purpose of developing and implementing a program by which each individual who incurred qualified education loan debt as a Virginia student at an institution of higher education in the Commonwealth and who is eligible, on the basis of criteria established by the Authority that are substantially similar to criteria used by private lenders in the Commonwealth to evaluate student eligibility for an unsecured personal loan at market rates, may receive a loan from the Authority to refinance all or part of his qualified education loans, as that term is defined in relevant federal law.

SB 245 (Stanley) Comprehensive community colleges; dual enrollment agreements.

Requires each comprehensive community college to enter into agreements with the local school divisions it serves to facilitate dual enrollment of students into a program preparing students to pass a high school equivalency examination offered by the local school division and a postsecondary credential, certification, or license attainment program offered by the comprehensive community college

Guns on Campus

HB 79 (R.G. Marshall) Possession of concealed handguns; faculty members at public institutions of higher education. Allows full-time faculty members of public institutions of higher education who possess a valid Virginia concealed handgun permit to carry a concealed handgun on campus.

HB 133 (R.G. Marshall) Risk management plan; coverage for injury or death on college property; concealed handgun prohibition. Provides that the risk management plan established by the Division of Risk Management shall include coverage for any claim made by or on behalf of a person possessing a valid concealed handgun permit who is injured or killed upon any buildings, grounds, or properties owned or leased by a public institution of higher education as a result of the criminal act of a third party if the carrying of a concealed handgun on such buildings, grounds, or properties was prohibited by regulation. The bill also provides that, in addition to providing for the actual damages arising from the person's injury or death, the coverage shall include an additional amount of \$350,000.

HB 382 Control of firearms by state agencies; rights of employees (Fowler). Prohibits state agencies within the executive branch and boards of visitors or other governing bodies of public institutions of higher education from adopting any rule or regulation preventing officers or employees of such agencies or institutions from storing a lawfully possessed firearm and ammunition in a locked private motor vehicle at their workplace. The bill also provides that any such regulation or rule adopted prior to July 1, 2016, is invalid.

Academic/Curricular

HB 228 (Albo) Board of Education; graduation requirements; computer programming as foreign language. Requires the Board of Education, in establishing course and credit requirements for a high school diploma, to provide that the standard units of credit in foreign language required to graduate with an advanced studies diploma may be satisfied by the successful completion of computer programming courses approved by the Board. The bill also requires the Board to establish criteria for the approval of computer programming coursework completed at an associate-degree-granting public institution of higher education or an associate-degree-granting private institution of higher education for the purpose of satisfying such foreign language graduation requirements. The bill has a delayed effective date of July 1, 2018.

HB 229 (Bell) State Council of Higher Education for Virginia; uniform bachelor's degree credit hours and lower division curriculum. Requires the State Council of Higher Education (the Council) to set a uniform number of credit hours required to earn any bachelor's degree at any public institution of higher education. The bill also requires the Council to develop a uniform lower division curriculum consisting of no more than 60 credit hours that is uniform across all public institutions of higher education and that specifies the lower division courses and the number of such courses that satisfy the requirements, prerequisites, and electives for each program major, including the lower division courses that satisfy general education requirements. The bill requires the Council to determine specific criteria for courses in the lower division curriculum and ensure that courses that meet such criteria are easily identifiable to students. The bill specifies that any student who completes the uniform lower division curriculum at a two-year public institution of higher education shall earn an associate degree and shall be permitted to transfer all such credit hours earned to any public institution of higher education to which the

student has been admitted and apply such credit hours toward the degree requirements at such institution.

Finance

SB 61 (Hanger) Bonds for institutions of higher education. Authorizes issuance of bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$14,387,000 plus financing costs for revenue-producing capital projects at institutions of higher education. The bill contains an emergency clause.

Sexual Assault Prevention and Response

SB 81 (Favola) Campus sexual assault investigations. Requires the Department of Criminal Justice Services, in consultation with the State Council of Higher Education for Virginia, to develop a curriculum on conducting campus sexual assault investigations and to provide training on the curriculum to campus sexual assault investigatory personnel. The curriculum must include information on institutional, state, and federal requirements regarding campus sexual assault investigations.

SB 83 (Favola) Institutions of higher education; required agreements with law enforcement. Requires all mutual aid agreements and memoranda of understanding required between public or private institutions of higher education and other law-enforcement agencies to specify (i) the law-enforcement agency that has primary responsibility for the investigation and (ii) the procedure for sharing information.

SB 159 (Favola) Campus police departments; retention of physical evidence recovery kits. Requires campus police departments to retain and store physical evidence recovery kits for a minimum of two years where the victim of the sexual assault elects not to report the sexual assault to law enforcement at the time of the collection of such evidence.

Student Mental Health

HB 523 (LeMunyon) Higher education; student mental health policies. Specifies that the contact person designated by a memorandum of understanding between a public four-year institution of higher education and a mental health care provider to be notified when a student is involuntarily committed, or when a student is discharged from a facility and consents to such notification, shall be notified only to the extent allowable under state and federal privacy laws.

Other Bills of Interest

HB 61 (Morris) Virginia Freedom of Information Act; misdemeanor violations; penalty. Provides that in addition to the civil enforcement provisions of the Virginia Freedom of Information Act (FOIA), any officer, employee, or member of a public body who, without legal excuse or justification, deliberately, willfully, and knowingly violates certain FOIA provisions is guilty of a Class 1 misdemeanor.

HB 145 (Webert) Virginia Public Procurement Act; public works contracts; prevailing wage provisions. Prohibits states agencies from requiring bidders, offerors, contractors, or subcontractors to pay, or require the payment of, wages, salaries, benefits, or other remuneration to persons employed to perform services in connection with a public works project at a rate that is based on the wages and benefits prevailing for the corresponding classes of labors and mechanics employed. A corresponding prohibition is made applicable to state agencies providing grants or other financial assistance for public works projects, unless otherwise required under federal law. The measure further states that it is the policy of the Commonwealth not to implement, adopt, enforce, or require any program, policy, or provision that requires a public works contract that requires the payment of wages or other remuneration at a rate based on the prevailing wage, whether modeled on the federal Davis-Bacon Act or similar state law.

HB 179 (Kory) Virginia Human Rights Act; prohibited discrimination in employment. Prohibits discrimination in private or public employment based on sexual orientation or status as a veteran. Under the Virginia Human Rights Act, such discrimination is actionable if the violating employer has between five and 15 employees. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" does not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill also conforms various provisions prohibiting discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or veteran status. The bill contains technical amendments.

HB 220 (Taylor) Virginia Freedom of Information Act; public access to resumes and other information related to gubernatorial appointees. Provides that the personnel, working papers, and correspondence record exemption shall not be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor. The bill further provides that the resumes and applications for appointment submitted by persons who are appointed by the Governor shall be available to the public upon request. The bill contains technical amendments.

HB 515 (Landes) Public institutions of higher education; efforts to stimulate economic development. Requires each public institution of higher education to annually report to the Governor and the General Assembly on the institution's active contributions to efforts to stimulate the economic development of the Commonwealth, the area in which the institution is located, and, for those institutions subject to a management agreement, the areas that lag the Commonwealth in terms of income, employment, and other factors.

SB 12 (Ebbin) Nondiscrimination in public employment. Prohibits discrimination in public employment on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a special disabled veteran or other veteran.

SB 28 (Lucas) Virginia Sports Hall of Fame. Creates the Virginia Sports Hall of Fame as a public body with a board of directors (the Board) consisting of 21 members, of whom six are to be members of the House of Delegates, four are to be members of the Senate, six are to be nonlegislative citizen members appointed by the Governor, subject to confirmation by the General Assembly, and five are to be nonlegislative citizen members elected by the Board.

SB 88 (Marsden) Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.00 per hour effective July 1, 2016, to \$9.00 per hour effective July 1, 2017, and to \$10.10 per hour effective July 1, 2018, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the cash wage paid to a tipped employee shall not be less than 50 percent of the minimum wage and that the tip credit shall equal the difference between the cash wage required to be paid to a tipped employee and the minimum wage.

SB 129 (Edwards) Minimum wage. Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.00 per hour effective July 1, 2016, to \$9.00 per hour effective July 1, 2017, and to \$10.10 per hour effective July 1, 2018, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA.