CODE OF VIRGINIA

Title 23

Educational Institutions

Title 23 - EDUCATIONAL INSTITUTIONS

Chapter 1 - GENERAL PROVISIONS

§ 23-1. Repealed
Repealed by Acts 1984, c. 734.

§ 23-1.01. (Repealed effective October 1, 2016) Annual reports required of boards of visitors
The board of visitors of each institution of higher education shall submit the annual financial statements for the year ending the preceding June 30 and the accounts and status of any ongoing capital projects to the Auditor of Public Accounts for the audit of such statements pursuant to § 30-133.

1984, c. 734; 1985, c. 146; 2004, c. 650; 2005, c. 633.

§ 23-1.1. (Repealed effective October 1, 2016) Report of athletic receipts and disbursements
It shall be the duty of the president or chairman of the board of visitors or trustees of every state institution of higher learning which maintains an intercollegiate athletic program to cause to be made out by the proper officer of such institution, and forwarded to the Comptroller annually by December thirty-first a detailed statement of all athletic receipts and disbursements of such institution and of any affiliated committee, group, corporation or association charged with administering the athletic program. Such report shall include all receipts from admission tickets, programs, refreshment concessions, radio, television, newsreel or movie rights, and all other receipts related to any athletic contest or event. The report of disbursements shall include the name of each person, firm or corporation to whom such disbursement was made and the amount thereof. The report shall be kept on file by the Comptroller and shall be open to public inspection at all reasonable times.

1952, c. 172; 1979, c. 630.

§ 23-1.2. (Repealed effective October 1, 2016) Intercollegiate athletics programs
A. For the purposes of this section:

"Athletics revenue" means the total revenue received by an institution that is generated by any of the institution's intercollegiate athletics programs. "Athletics revenue" includes contributions; game guarantees; income received from endowments and investments; income received from the sale of food, game programs, novelties, and other concessions at an intercollegiate athletics contest; income received from intercollegiate athletics conferences for participation in bowl games, tournaments, and other intercollegiate athletics contests; income received from the provision of parking at intercollegiate athletics contests or other events associated with intercollegiate athletics; rights and licensing; school funds; student fees; support from third parties guaranteed by the institution, such as income received from athletics camps, income received from television, and housing allowances; and all other income from any other source generated by the institution's intercollegiate athletics programs.

"Contributions" means any income received directly from individuals, corporations, associations, foundations, clubs, or other donors for the operation of an institution's intercollegiate athletics programs. "Contributions" includes amounts paid in excess of the face value of an admissions ticket to an intercollegiate athletics contest or any other event associated with intercollegiate athletics; cash; marketable securities; income generated from preferential seating arrangements at intercollegiate athletics contests or other events associated with intercollegiate athletics; and in-kind contributions such as cars provided to an intercollegiate athletics program by car dealers at no cost and apparel and sports drink products provided to intercollegiate athletes and coaches at no cost.

"Generated revenue" means all athletics revenue with the exception of the subsidy.

"Institution" means a four-year public institution of higher education in the Commonwealth.

"Intercollegiate athletics program" means any athletics program for a particular sport that is operated by an institution and governed by the National Collegiate Athletic Association (NCAA).

"Rights and licensing" includes income from radio and television broadcasts; Internet and e-commerce rights resulting from institution-negotiated contracts; revenue-sharing agreements with the NCAA or an intercollegiate athletics conference; licensing; the sale of advertisements, trademarks, or royalties; corporate sponsorships; and the value of in-kind contributions of products and services provided to an intercollegiate athletics program at no cost as part of such corporate sponsorship, such as equipment, apparel, isotonic sports drinks, other sports drink products, or water.

"School funds" means the direct and indirect financial support provided by the institution to any of its intercollegiate athletics programs. "School funds" includes state funds, tuition, tuition waivers, federal work awards for student athletes, administrative costs, facilities and grounds maintenance, security, risk management, utilities, and depreciation and debt services.

"Student fees" means any fees assessed by an institution against a student that are used to support any of the institution's intercollegiate athletics programs.

"Subsidy" means the sum of school funds and student fees.

"Subsidy percentage" means the subsidy divided by the athletics revenue, provided that revenues allocated to (i) support spirit groups associated with any intercollegiate athletics program, (ii) meet any indirect cost policy requirements, or (iii) debt service for previously approved intercollegiate athletics capital outlay projects may be excluded from the subsidy for the purposes of such calculation.

"Ticket sales" means the sale of the right to gain admission to an intercollegiate athletics contest or any other event associated with intercollegiate athletics. "Ticket sales" includes sums received from any associated shipping and handling charges and includes sales to the public, faculty, and students. "Ticket sales" does not include (i) amounts paid in excess of the face value of an admissions ticket to an intercollegiate athletics contest or any other event associated with

intercollegiate athletics such as preferential seating arrangements or (ii) pass-through sales transactions such as sales for admission tickets to bowl games and conference and national tournaments.

B. No later than November 1, 2015, the Auditor of Public Accounts, in collaboration with the State Council of Higher Education for Virginia, the State Comptroller, the Department of Planning and Budget, and each institution, shall develop and implement a standardized reporting format for each institution to annually report its intercollegiate athletics revenue and expenses to the Auditor of Public Accounts that shall include treatment of student fees and classification of specific intercollegiate athletics programs and shall require expenses for spirit groups, indirect cost policy requirements, and debt service for previously approved intercollegiate athletics capital outlay projects and other intercollegiate athletics capital outlay projects to be reported on separate lines.

C. The subsidy percentage shall not exceed:

1. 20 percent for NCAA Division I-A institutions affiliated with the Atlantic Coast Conference, Big Ten Conference, Big 12 Conference, Pac-12 Conference, or Southeastern Conference;

2. 55 percent for NCAA Division I-A institutions affiliated with conferences other than the Atlantic Coast Conference, Big Ten Conference, Big 12 Conference, Pac-12 Conference, or Southeastern Conference;

3. 70 percent for NCAA Division I-AA institutions;

4. 78 percent for NCAA Division I-AAA institutions;

5. 81 percent for NCAA Division II institutions that operate intercollegiate football programs;

6. 85 percent for NCAA Division II institutions that do not operate intercollegiate football programs;

7. 89 percent for NCAA Division III institutions that operate intercollegiate football programs; and

8. 92 percent for NCAA Division III institutions that do not operate intercollegiate football programs.

D. Effective with the fiscal year beginning July 1, 2016, any percentage increase in the subsidy at an institution that complies with subsection C shall be matched by a like percentage increase in generated revenue, except that each such institution shall utilize a rolling average of the change in generated revenue and student fees over the immediately preceding five years for the purposes of such calculation.

E. When necessary, each institution shall submit to the Governor and the General Assembly for approval a plan that reduces the subsidy in accordance with targets outlined in the plan over a five-year period until the subsidy percentage complies with the requirements of subsection C.

F. The Auditor of Public Accounts shall annually review each institution's progress towards meeting the requirements of each plan approved pursuant to subsection E as part of his annual audit pursuant to § 30-133.

G. Failure to meet the progress requirements of each plan approved pursuant to subsection E for one year, as determined by the Auditor of Public Accounts, shall result in such reduction of the financial and administrative operations authority granted to the institution pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.) as the Governor or General Assembly determines.

H. Failure to meet the progress requirements of each plan approved pursuant to subsection E for two consecutive years, as determined by the Auditor of Public Accounts, shall result in revocation of all financial and administrative operations authority granted to the institution pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.).

I. The board of visitors of any institution that seeks to add a major intercollegiate athletics program such as football or basketball or change the division level of any of its existing intercollegiate athletics programs shall first submit to the Intercollegiate Athletics Review Commission (Commission) established pursuant to Chapter 57 (§ 30-359 et seq.) of Title 30 a plan and recommendations for financing the addition or change. The institution shall not in any way undertake any such addition or agree or commit to any such change until it has received the findings and recommendations of the Commission pursuant to § 30-360. Any such addition or change shall be subject to the approval of the General Assembly expressed in the general appropriation act. The board of visitors of any institution that adds a non-major intercollegiate athletics program shall report such decision within 15 days of the board's action.

2015, c. 704.

§ 23-2. (Repealed effective October 1, 2016) Penalty for failure to make report

If the report required by § 23-1.01 is not made from any educational institution which receives any portion of the revenue of the Literary Fund, or to which any loan has been made out of the fund, the Comptroller shall withhold, until the report is made, the payment of such portion of the Literary Fund, or proceed to enforce payment of the loan.

Code 1919, § 989.

§ 23-2.01. (Repealed effective October 1, 2016) Boards of visitors; public access to information

Notwithstanding § 2.2-4342 and the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), the board of visitors of each public institution of higher education and the State Board for Community Colleges may conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and may conduct business as a "state public body" for purposes of subsection B of § 2.2-3708.

2013, c. 577.

§ 23-2.02. (Repealed effective October 1, 2016) Boards of visitors; bylaws

The board of visitors of each public institution of higher education and the State Board for Community Colleges shall adopt bylaws for its own governance. This document shall be posted conspicuously on the board's website and shall include provisions that:

1. Establish the requirement of transparency, to the extent required by law, in all board actions;

2. Describe the board's obligations under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), as set forth in § 23-2.01, including the requirements that:

a. The board shall record minutes of each open meeting and post the minutes on the board's website, in accordance with subsection I of § 2.2-3707 and § 2.2-3707.1;

b. Discussions and actions on any topic not specifically exempted by § 2.2-3711 shall be held in an open meeting;

c. The board shall give public notice of all meetings, in accordance with subsection C of § 2.2-3707; and

d. Any official action taken in a closed meeting shall be approved in an open meeting before it can have any force or effect, in accordance with subsection B of § 2.2-3711; and

3. Require that the board notify and invite the Attorney General's appointee or representative to all meetings of the board, executive committee, and board committees.

2013, c. 577.

§ 23-2.03. (Repealed effective October 1, 2016) Boards of visitors; annual meeting with the president of the institution

A. In addition to all meetings prescribed in Chapters 5 (§ 23-39 et seq.) through 16 (§ 23-214 et seq.), the board of visitors of each public institution of higher education and the State Board for Community Colleges shall meet with the president of that institution at least once annually, in a closed meeting pursuant to subdivision A 1 of § 2.2-3711, and deliver an evaluation of the president's performance.

B. Any change to the president's employment contract during any such meeting or any other meeting of the board shall be made only by a vote of the majority of the board's members.

2013, c. 577.

§ 23-2.04. (Repealed effective October 1, 2016) Boards of visitors; executive committee

The executive committee of the board of visitors of each public institution of higher education and the State Board for Community Colleges shall (i) organize the working processes of the board and (ii) recommend best practices for board governance.

The committee shall:

1. Develop and recommend to the board a statement of governance setting out the board's role;

2. Periodically review the board's bylaws and recommend amendments;

3. Provide advice to the board on committee structure, appointments, and meetings;

4. Develop an orientation and continuing education process for visitors that includes training on the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

5. Create, monitor, oversee, and review compliance with a code of ethics for visitors; and

6. Develop a set of qualifications and competencies for membership on the board for approval by the board and recommendation to the Governor.

2013, c. 577.

§ 23-2.05. (Repealed effective October 1, 2016) Boards of Visitors; annual executive summaries

The board of visitors of each public institution of higher education and the State Board for Community Colleges shall submit to the General Assembly and the Governor an annual executive summary of its interim activity and work no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

2013, c. 577.

§ 23-2.06. (Repealed effective October 1, 2016) Members of governing boards; removal; terms

A. If any member of the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges fails to attend (i) the meetings of the board for one year without sufficient cause, as determined by a majority vote of the board, or (ii) the educational programs required by § 23-9.14:1 in his first two years of membership without sufficient cause, as determined by a majority vote of the board, the remaining members of the board shall record such failure in the minutes at its next meeting and notify the Governor, and the office of such member shall be vacated. No member of the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges who fails to attend the educational programs required by § 23-9.14:1 during his first four-year term is eligible for reappointment to such board.

B. The board of visitors of each four-year public institution of higher education and the State Board for Community Colleges shall adopt in its bylaws policies (i) for removing members pursuant to subsection A and (ii) referencing the Governor's power to remove members described in § 2.2-108.

C. No person who has served two consecutive four-year terms on the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges shall be eligible to serve on the same board until at least four years have passed since the end of his second consecutive four-year term.

2015, c. 560; 2016, c. 473.

§ 23-2.1. (Repealed effective October 1, 2016) Collection and dissemination of information concerning religious preferences and affiliations

Notwithstanding any provision of law to the contrary any state institution of higher learning may collect and disseminate information concerning the religious preferences and affiliations of its students; provided that no student may be required to indicate his religious preference or affiliation and that no dissemination of the information shall be made except to categories of persons as to whom the student has given his consent that dissemination may be made.

1977, c. 506.

§ 23-2.1:1. (Repealed effective October 1, 2016) Access to campus and student directory for certain persons and groups

If a public institution of higher education provides access to its campus and student directory to persons or groups for occupational, professional or educational recruitment, the institution shall provide access on the same basis to official recruiting representatives of the military forces of the Commonwealth and the United States.

1982, c. 258.

§ 23-2.1:2. (Repealed effective October 1, 2016) Retention of certain documents; authorized

If any public institution of higher education in Virginia, as a condition of enrollment, requests that a student present a certified copy of his birth certificate, a copy may be retained by the institution in the student's record.

2007, c. 49.

§ 23-2.1:3. (Repealed effective October 1, 2016) Student records and personal information; social media

A. As used in this section:

"Social media account" means a personal account with an electronic medium or service through which users may create, share, or view user-generated content, including, without limitation, videos, photographs, blogs, podcasts, messages, emails, or website profiles or locations. "Social media account" does not include an account (i) opened by a student at the request of a public or private institution of higher education or (ii) provided to a student by a public or private institution of higher education such as the student's email account or other software program owned or operated exclusively by a public or private institution of higher education.

B. Each public and private institution of higher education may require that any student accepted to and who has committed to attend, or is attending, such institution provide, to the extent available, from the originating secondary school and, if applicable, any institution of higher education he has attended a complete student record, including any mental health records held by the school. These records shall be kept confidential as required by state and federal law, including the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

C. No public institution of higher education shall sell students' personal information, including names, addresses, phone numbers, and email addresses, to any person. This subsection shall not apply to transactions involving credit, debit, employment, finance, identity verification, risk assessment, fraud prevention, or other transactions initiated by the student.

D. No public or private institution of higher education shall require a student to disclose the username or password to any of such student's personal social media accounts. Nothing in this subsection shall prevent a campus police officer appointed under Chapter 17 (§ 23-232 et seq.) from performing his official duties.

2008, c. 571; 2012, cc. 347, 382; 2014, c. 748; 2016, c. 597.

§ 23-2.2. (Repealed effective October 1, 2016) Reporting of certain students issued student visas

Each public and private two- and four-year institution of higher education in the Commonwealth and the governing board, president, or director of any correspondence school, postsecondary school, or proprietary career school, as defined in § 23-276.1, or flight school in the Commonwealth shall inform the Attorney General of the Commonwealth whenever a student who has been accepted for admission to such an educational institution pursuant to a student visa fails to enroll or who has been attending such an educational institution pursuant to a student visa and withdraws at such institution or violates the terms of his visa. The notification shall contain all available information from the U.S. Immigration and Naturalization Service form I-20 and shall be submitted not later than thirty days after the discovery of the reportable event.

The Attorney General shall notify the U.S. Immigration and Naturalization Service and other appropriate national, state, and local agencies of any such failure to enroll, withdrawal, or student visa violations.

This section shall be effective until superceded by federal action.

2002, c. 367.

§ 23-2.2:1. (Repealed effective October 1, 2016) Reporting of enrollment information to Sex Offender and Crimes Against Minors Registry

Each public and private two- and four-year institution of higher education physically located in the Commonwealth shall electronically transmit enrollment data including (i) complete name, (ii) social security number or other identifying number, (iii) date of birth, and (iv) gender to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry File, for all applicants that are offered acceptance to attend the institution. This data shall be transmitted before such time that an applicant becomes a "student in attendance" pursuant to 20 U.S.C. 1232g(a)(6) at that institution. However, institutions with a rolling or instantaneous admissions policy shall report enrollment in accordance with guidelines developed by the Department of State Police in consultation with the State

Council of Higher Education and the Virginia Community College System. Such guidelines shall be developed no later than January 1, 2007.

Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person was enrolled with the educational institution.

2006, cc. 857, 914.

§ 23-2.3. (Repealed effective October 1, 2016) Annual reporting of the use of student fees

Each public two- and four-year institution of higher education in the Commonwealth shall publish annually a descriptive report detailing the (i) amount and distribution of student activity fees assessed each semester or during an academic year; and (ii) the name of each organization, including the nature of the organization's activity, that receives funding of $100 or more from student activity fees. Each institution shall post the annual report of the use of student activity fees to its website to facilitate access and availability of the report to students enrolled at the institution and their parents.

2005, c. 532.

§ 23-2.4. (Repealed effective October 1, 2016) Postsecondary education and employment data

Each institution of higher education shall provide a link to the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23-9.2:3.04.

2014, c. 472.

§ 23-2.5. (Repealed effective October 1, 2016) Student-athlete discipline policies

The board of visitors or other governing board of each public institution of higher education in the Commonwealth shall establish policies for the discipline of students who participate in varsity intercollegiate athletics. Such policies shall include a provision requiring an annual report by the administration of the institution to the board of visitors or other governing board regarding enforcement actions taken pursuant to such policies.

2014, c. 557.

§ 23-2.6. (Repealed effective October 1, 2016) Transparency in higher education information

Each four-year public institution of higher education shall maintain and update annually no later than September 30 a tab or link on the home page of its website that shall include the following information:

1. The institution's six-year undergraduate graduation rate for each of the past 10 years;

2. The institution's freshman-to-sophomore retention rate for full-time undergraduate students for each of the past 10 years;

3. The institution's average annual percentage increase in base undergraduate tuition for each of the past 10 years;

4. The institution's average annual percentage increase in mandatory undergraduate comprehensive student fees for each of the past 10 years;

5. A link to the annual report of the use of student fees as required by § 23-2.3;

6. A link to the postsecondary education and employment data referenced in § 23-2.4; and

7. A summary of the institution's budget, consistent with the institution's annual budgeting process, that includes (i) the major budget units (MBUs) in the institution and standard expenditure categories within each MBU for the current fiscal year and the previous fiscal year or (ii) a link to the annual reports required by § 23-1.01.

2015, cc. 325, 328.

§ 23-3. (Repealed effective October 1, 2016) Expenses of visitors

The members of the board of visitors of each educational institution owned and controlled by the Commonwealth shall receive their actual expenses, when properly itemized, incurred in the discharge of their duties in attending the meetings of the board.

Code 1919, § 988.

§ 23-3.1. (Repealed effective October 1, 2016) Conveyance of property and appropriation of funds to Commonwealth for certain educational purposes

The governing body of any county, city or town may, subject to written advice from the Governor that the gift is acceptable, convey to the Commonwealth by deed of gift any land, either heretofore or hereafter acquired, which, in the discretion of such governing body, is not required for the purposes of such county, city, or town, provided such land is to be used for the establishment, operation or maintenance of a branch of a state-supported college or university. For the purpose of acquiring such land the governing body may appropriate a portion of the general funds of such county, city or town.

The governing body of any county, city or town may appropriate a portion of the public funds thereof for capital outlays in connection with, and the operation or maintenance of, any state-supported college or university or branch thereof.

1995, c. 250.

§ 23-4. (Repealed effective October 1, 2016) Register of state property

The chief officer of every state institution shall keep a book in which he shall cause to be registered all the property of the Commonwealth at such institution, with a correct description

thereof, for the information of the board of visitors, and others interested. Any officer failing to comply with this section shall forfeit fifty dollars.

Code 1919, § 999.

§ 23-4.01. (Repealed effective October 1, 2016) Approval for transfer of property

A. The property known as College Woods that includes Lake Matoaka and is possessed and controlled by a college founded in 1693, regardless of whether such property has been declared surplus property pursuant to § 2.2-1153, shall not be transferred or disposed of without the approval of the board of visitors of such college by a two-thirds vote of all board members at a regularly scheduled board meeting. The General Assembly shall also approve such disposal or transfer.

B. The provisions of subsection A shall not operate to prevent the transfer or dedication to the Virginia Department of Transportation of a portion of the property described in subsection A, together with a temporary construction easement and a permanent easement for drainage, sufficient to permit the reconstruction of the intersection of Virginia Route 615 (Ironbound Road) and Virginia Route 321 (Monticello Avenue).

C. In order for any transfer or dedication set forth in subsection B to the Department to occur:

1. The Department shall remain within the boundaries or dedication area identified as a right-of-way addition of approximately 1.63 acres and easement areas as detailed on Exhibit A, labeled Proposed Right-of-Way and Easement Dedication by The College of William and Mary for Widening of the Intersection of Monticello Avenue and Ironbound Road and dated January 9, 2004, drawn by AES Consulting Engineers of Williamsburg, Virginia, in completion of any reconstruction of such intersection;

2. The Department shall employ and construct all required best management practices and erosion and sediment control measures to minimize and mitigate any impacts to College Woods and Lake Matoaka; and

3. The Department shall vacate, subject to a reserved drainage easement, approximately 3.22 acres of right-of-way and re-designate such to the College so that the College has confirmed encumbrances. This vacation shall create not less than a 78 foot right-of-way and shall not create or provide for any easements except for such reserved drainage easement from approximately 1,000 feet east of Virginia Route 615 (Ironbound Road) to approximately 4,000 feet east of Virginia Route 615 (Ironbound Road) along Virginia Route 321 (Monticello Avenue) identified on Exhibit A, labeled Proposed Right-of-Way and Easement Dedication by The College of William and Mary for Widening of the Intersection of Monticello Avenue and Ironbound Road and dated January 9, 2004, drawn by AES Consulting Engineers of Williamsburg, Virginia, as right-of-way abandonment. This vacation to create a right-of-way width shall not allow for a road widening to add additional travel lanes for the remainder of Virginia Route 321 (Monticello Avenue).

D. The provisions of subsection A shall not operate to prevent the transfer or dedication to the Department of a portion of the property described in subsection A, together with easements for slope, drainage, and utilities, sufficient to permit the reconstruction and widening of Virginia Route 615 (Ironbound Road).

E. For any transfer or dedication to the Department to occur pursuant to subsection D, the Department:

1. Shall remain within the boundaries identified as a proposed right-of-way dedication area of approximately 0.38 acres and easement areas as detailed on Exhibit B, labeled Proposed Right-of-Way and Easement Dedication by The College of William and Mary for Widening of Ironbound Road to Four Lanes and dated January 9, 2004, drawn by AES Consulting Engineers of Williamsburg, Virginia, in completion of the widening of Virginia Route 615 (Ironbound Road), except with respect to that portion of Virginia Route 615 (Ironbound Road) to be widened in connection with the reconstruction of the intersection as described, and as provided for, in subsections B and C; and

2. Shall employ and construct all required best management practices and erosion and sediment control measures to minimize and mitigate any impacts to College Woods and Lake Matoaka.

F. The provisions of subsections B and C shall not become effective until a reconstruction of the intersection has been designed and fully funded as required by the Department.

G. The provisions of subsections D and E shall not become effective until the widening of the portion of Ironbound Road described therein has been designed and fully funded as required by the Department.

1995, c. 774; 2001, c. 360; 2004, c. 339.

§ 23-4.1. (Repealed effective October 1, 2016) Sale or lease of interest in real property granted by purchase, deed or gift; granting of easements

The boards of visitors or trustees of all State educational institutions, with the approval of the Governor first obtained, are hereby authorized to lease or sell and convey whatever interest they may have in real property that has been or may hereafter be acquired by purchase, will or deed of gift.

The proceeds from such leases, sales and conveyances shall be held, used and administered in the same manner as all other gifts and bequests are held, used and administered.

Nothing in this section shall be construed as authorizing or empowering the lease, or sale and conveyance of such real property contrary to the terms and conditions of the will or deed of gift.

Such boards of visitors or trustees are authorized to grant easements for roads, streets, sewers, waterlines, electric and other utility lines or other purposes on any property now owned or hereafter acquired by such boards of visitors or trustees, when, in the discretion of such visitors or trustees it is deemed proper to grant such easements.

1954, c. 92; 1966, c. 313; 1970, c. 166.

§ 23-4.2. (Repealed effective October 1, 2016) Disposition of unclaimed property

The board of visitors or other governing body of every state institution of higher education and every private accredited nonprofit institution of higher education in the Commonwealth may provide by regulation for the care, restitution, sale, destruction or disposal of unclaimed personal property, whether lost or abandoned, in the possession of the institution. Whenever procedures in accordance with such regulations and this section are followed and ownership cannot be established with respect to certain property, the institution, and the employees and agents thereof, shall have no liability to any person claiming any interest in the property.

A. In the case of tangible personal property other than registered motor vehicles:

1. The institution, upon receipt of lost property, shall make reasonable efforts to give notice that the property has been found to any person the institution determines reasonably appears to be the owner. The property shall be held by the institution for a period of not less than 120 days. The institution shall allow a claim upon satisfactory proof of it and payment of the institution's reasonable charges for storage or other services necessary to preserve the property.

2. After the 120-day period, the institution may sell the property to the highest bidder at public auction or by sealed bid at whatever location the institution reasonably determines affords the most favorable market for the property. The institution may decline the highest bid and reoffer the property for sale if it considers the price bid insufficient. The net proceeds of any sale hereunder shall be held for a period of ninety days and if no claim is made thereon within that time, such funds shall be credited to the institution's operating fund. If the institution determines that the probable cost of sale of property will exceed the sale proceeds, the property is inherently dangerous, or the property may not lawfully be sold or used, the institution may provide for any such property, as appropriate under the circumstances, to be destroyed or discarded at an appropriate location, retained for use by the institution, or donated to an appropriate charitable organization.

3. Any sale held hereunder shall be preceded by reasonable notice thereof, considering the type and value of property. Such notice shall include as a minimum the posting on a student bulletin board and publication in a school newspaper. The institution, by the same time, shall mail notice of the sale to the last known address of any person the institution determines reasonably appears to be the owner.

B. Whenever a motor vehicle is abandoned on the campus of any institution that lies within a county, city, or town which has adopted an ordinance as provided in Chapter 12 of Title 46.2, such motor vehicle shall be disposed of as provided in that ordinance. Notwithstanding any provisions of Chapter 12 of Title 46.2, the proceeds of any sale of a motor vehicle abandoned and unclaimed on institutional property shall be credited to the institution's operating fund after the ninety-day holding period. The board of visitors or other governing body of an institution of higher education having a campus or part of a campus lying in a locality which has not adopted such an ordinance,

may promulgate a regulation dealing with motor vehicles abandoned within such campus or part of campus. Such regulations shall comply with all provisions of Chapter 12 of Title 46.2 and shall have the same legal effect as though the institution were a political subdivision as defined in that chapter and the regulation was an ordinance. The proceeds from any sale resulting from such regulations shall be held for a period of ninety days and if no claim is made therefor within that time, such funds shall be credited to the institution's operating fund.

C. Whenever any intangible personal property is believed to be abandoned or unclaimed on the campus of a state institution of higher education, it shall be administered as provided in Article 4 (§ 55-210.12 et seq.) of Chapter 11.1 of Title 55.

D. Whenever any personal property, tangible or intangible, has been accepted for safekeeping during a patient's stay by any hospital operated by a state institution of higher education, and said property is believed by the appropriately designated official to be abandoned or unclaimed, it shall be administered as provided in Article 4 (§ 55-210.12 et seq.) of Chapter 11.1 of Title 55.

1981, c. 517; 1982, c. 210.

§ 23-4.2:1. (Repealed effective October 1, 2016) Formation of not-for-profit benefits consortium

A. As used in this section:

"Benefits consortium" means a nonstock corporation formed pursuant to subsection B.

"Benefits plan" means plans adopted by the board of directors of a benefits consortium to provide health and welfare benefits to employees of private educational institutions that are members of the benefits consortium, employees of the sponsoring association of the benefits consortium, employees of the benefits consortium, and their dependents.

"Employee welfare benefit plan" has the meaning set forth in § 3(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(1).

"Private educational institution" means a nonpublic, nonprofit college or university that is accredited by a nationally recognized regional accreditation body or by the Board of Governors of the American Bar Association; and

1. Has its primary campus located within the Commonwealth;

2. Is owned and operated by a corporation, trust, association or religious institution or any subsidiary or affiliate of any such entity;

3. Has been in existence as a private educational institution in the Commonwealth for at least 10 years;

4. Is a member in good standing of the sponsoring association; and

5. Otherwise qualifies as an institution of higher education as defined in § 23-276.1.

"Sponsoring association" means an association of private educational institutions that is incorporated under the laws of the Commonwealth, has been in existence for at least 20 years and exists for purposes other than arranging for or providing health and welfare benefits to members.

B. Notwithstanding any provision of law to the contrary, five or more private educational institutions may form a not-for-profit benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan by acting as incorporators of a nonstock corporation pursuant to the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.). In addition to provisions required or permitted by the Virginia Nonstock Corporation Act, the organizational documents of the benefits consortium shall:

1. Limit membership in the benefits consortium to private educational institutions, the sponsoring association of the benefits consortium, and the benefits consortium;

2. Set forth the name and address of each of the initial members of the corporation;

3. Set forth requirements for the admission of additional private educational institutions to the corporation and the procedure for admission of additional members;

4. Require that each initial member of the corporation and each additional private educational institution admitted to membership agree to remain a member of the benefits consortium for a period of at least five years from the date the consortium begins operations or the date of its admission to membership, as the case may be;

5. Provide that the number of directors of the corporation shall be equal to the number of members and include one person employed by each member and may provide for an additional director who shall be an employee of the sponsoring association; however, two individuals affiliated with the same member may not serve on the board of directors at the same time;

6. Provide that the board of directors shall have exclusive fiscal control over and be responsible for the operation of the benefits plan and shall govern the benefits consortium in accordance with the fiduciary duties defined in the federal Employee Retirement Income Security Act of 1974;

7. Vest in the board of directors the power to make and collect special assessments against members and, if any assessment is not timely paid, to enforce collection of same in the name of the corporation;

8. State the purposes of the benefits consortium, including the types of risks to be shared by its members;

9. Provide that each member shall be liable for its allocated share of the liabilities of the benefits consortium as determined by the board of directors;

10. Require that the benefits consortium purchase and maintain (i) a bond that satisfies the requirements of the Employee Retirement Income Security Act of 1974, (ii) fiduciary liability insurance, and (iii) a policy or policies of excess insurance with a retention level determined in

accordance with sound actuarial principles from an insurer licensed to transact the business of insurance in the Commonwealth;

11. Require that the benefits consortium be audited annually by an independent certified public accountant engaged by the board of directors;

12. Prohibit the payment of commissions or other remuneration to any person on account of the enrollment of persons in any benefit plan offered by the benefits consortium; and

13. Not include in the name of the corporation the words "insurance, " "insurer, " "underwriter, " "mutual" or any other word or term or combination of words or terms that is uniquely descriptive of an insurance company or insurance business unless the context of the remaining words or terms clearly indicate that the corporation is not an insurance company and is not carrying on the business of insurance.

C. A benefits consortium shall establish and maintain reserves determined in accordance with sound actuarial principles. Capital may be maintained in the form of an irrevocable letter of credit issued to the benefits consortium by a state or national bank authorized to engage in the banking business in the Commonwealth.

D. Except to the extent specifically provided in this section, a benefits consortium organized under and operated in conformity with this section, so long as it remains in good standing under the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) and otherwise meets the requirements set forth in this section, shall be governed solely by and be subject only to the provisions of the Employee Retirement Income Security Act of 1974 as implemented by the United States Department of Labor, shall be exempt from all state taxation, and shall not otherwise be subject to the provisions of Title 38.2, including regulation as a multiple employer welfare arrangement.

2007, c. 136; 2014, c. 578.

§ 23-4.3. (Repealed effective October 1, 2016) Adoption of intellectual property policies; employees to be bound by such policies

A. The boards of visitors of state-supported institutions of higher education and the State Board for Community Colleges shall adopt policies regarding the ownership, protection, assignment, and use of intellectual property.

B. All employees, including student employees, of state-supported institutions of higher education, including the Virginia Community College System, as a condition of employment, shall be bound by the intellectual property policies of the institution employing them.

C. Upon adoption of policies pursuant to subsection A, the boards of visitors of state-supported institutions of higher education, including the State Board for Community Colleges, shall provide a copy of their intellectual property policies to the Governor and the Joint Commission on Technology and Science.

D. The boards of visitors of state-supported institutions of higher education shall adopt policies that are supportive of the intellectual property rights of matriculated students who are not employed by such institution.

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

1986, c. 358; 2006, cc. 77, 899; 2016, c. 441.

§ 23-4.3:1. (Repealed effective October 1, 2016) Policies addressing textbook sales and bookstores

A. No employee at a Virginia public college or university shall demand or receive any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, as an inducement for requiring students to purchase a specific textbook required for coursework or instruction; with the exception that the employee may receive (i) sample copies, instructor's copies, or instructional material, not to be sold; and (ii) royalties or other compensation from sales of textbooks that include such instructor's own writing or work.

B. The governing boards shall implement procedures for making available to students in a central location and in a standard format on the relevant institutional website listings of textbooks required or assigned for particular courses at the institution.

The lists of those required or assigned textbooks for each particular course shall include the International Standard Book Number (ISBN) along with other relevant information.

Institutions maintaining a bookstore supported by auxiliary services or operated by a private contractor shall post the listing of such textbooks when the relevant instructor or academic department identifies the required textbooks for order and subsequent student purchase.

C. The governing boards of public institutions of higher education shall implement policies, procedures, and guidelines that encourage efforts to minimize the cost of textbooks for students at public colleges and universities while maintaining the quality of education and academic freedom. The guidelines shall ensure the following:

1. That faculty textbook adoptions are made with sufficient lead time to university- or contract-managed bookstores so as to confirm availability of the requested materials and, where possible, ensure maximum availability of used textbooks;

2. That in the textbook adoption process, the intent to use all items ordered, particularly each individual item sold as part of a bundled package, is affirmatively confirmed by the faculty member before the adoption is finalized. If the faculty member does not intend to use each item in the bundled package, he shall notify the bookstore, and the bookstore shall order the individualized items when their procurement is cost effective for both institutions and students and such items are made available by the publisher;

3. That faculty members affirmatively acknowledge the bookstore's quoted retail price of textbooks selected for use in each course;

4. That faculty members are encouraged to limit their use of new edition textbooks when previous editions do not significantly differ in a substantive way as determined by the appropriate faculty member; and

5. That the establishment of policies shall include provisions for the availability of required textbooks to students otherwise unable to afford the cost.

D. No funds provided for financial aid from university bookstore revenue shall be counted in the calculation for state appropriations for student financial aid.

2005, c. 530; 2006, c. 561.

§ 23-4.3:2. (Repealed effective October 1, 2016) Policies addressing student loan vendors

A. No employee at a Virginia public institution of higher education shall demand or receive any payment, loan, advance, deposit of money, services, or anything, present or promised, as an inducement for promoting any student loan vendor.

B. No public institution of higher education shall enter into any agreement with any student loan vendor that states or implies an exclusive relationship between the school and vendor regarding student loans.

2008, c. 624; 2014, c. 484.

§ 23-4.4. (Repealed effective October 1, 2016) Authorization to transfer interest; Governor's approval required under certain circumstances

A. The boards of visitors, the State Board for Community Colleges, or their designees are authorized to assign any interest they possess in intellectual property or in materials in which the institution claims an interest, provided such assignment is in accordance with the terms of the institution's intellectual property policies adopted pursuant to subsection A of § 23-4.3. However, the Governor's prior written approval shall be required for transfers of such property developed wholly or predominately through the use of state general funds, exclusive of capital assets, and either (i) such property was developed by an employee of the institution acting within the scope of his assigned duties, or (ii) such property is to be transferred to an entity other than the Innovation and Entrepreneurship Investment Authority, an entity whose purpose is to manage intellectual properties on behalf of nonprofit organizations, colleges and universities, or an entity whose purpose is to benefit the respective institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the Governor does not approve such transfer, the materials shall remain the property of the respective institutions and may be used and developed in any manner permitted by law.

B. The president of each state-supported institution of higher education, including the chancellor of the Virginia Community College System, shall, beginning with fiscal year 2016, include in its

six-year plan adopted pursuant to § 23-38.87:17 the following for the most recently ended fiscal year: (i) the assignment during the year of any intellectual property interests to a person or non-governmental entity by the institution, any foundation supporting the intellectual property research performed by the institution, or any entity affiliated with the institution; (ii) the value of externally sponsored research funds received during the year from a person or nongovernmental entity by the institution, any foundation supporting the intellectual property research performed by the institution, or any entity affiliated with the institution; and (iii) the number and types of patents awarded during the year to the institution, any foundation supporting the intellectual property research funded by the institution, or any entity affiliated with the institution that were developed in whole or part from externally sponsored research provided by a person or non-governmental entity. The plan shall report separate aggregate data on (a) those persons or non-governmental entities that have a principal place of business in Virginia as reflected in the assignment agreement or awarding documents and (b) those persons or nongovernmental entities that do not have a principal place of business in Virginia as reflected in the assignment agreement or awarding documents.

1986, c. 358; 2003, c. 708; 2006, cc. 77, 899; 2009, cc. 325, 810; 2015, cc. 579, 580.

§ 23-5. (Repealed effective October 1, 2016) Payment of interest on bonds of State held by colleges, etc

The Comptroller is authorized and directed to draw upon the state treasury in favor of the proper authorities of any incorporated college, institution, or seminary of learning, or manual labor school, in this Commonwealth, for all interest which has accrued, or may hereafter accrue, and as the same may fall due, upon all obligations of the Commonwealth, or of the James River and Kanawha Company, guaranteed by the Commonwealth, held by or for such college, institution, or seminary of learning, or manual labor school, or to which they were entitled, on the first day of January, 1882, so long as they may continue to hold the same; provided, that no interest shall be paid upon any bonds, the payment of which is forbidden by the Constitution.

Code 1919, § 990.

§ 23-6. (Repealed effective October 1, 2016) Exchange and cancellation of consol coupon bonds of State

The following sections of the Code of Virginia of 1919 are continued in effect:

(1) Section 991, relating to the exchange of consol coupon bonds held by colleges, etc., for funded registered consol bonds; and

(2) Section 992, relating to the cancellation of such bonds surrendered in exchange.

Code 1919, §§ 991, 992.

§ 23-7. Repealed

Repealed by Acts 1984, c. 422.

§§ 23-7.1, 23-7.1:01. Repealed

Repealed by Acts 1996, cc. 931 and 981.

§ 23-7.1:02. (Repealed effective October 1, 2016) Participation in or eligibility for state-supported financial aid programs

A. Participation in and eligibility for state-supported financial aid or other higher education programs designed to promote greater racial diversity in state-supported institutions of higher education shall not be restricted on the basis of race or ethnic origin and any person who is a member of any federally recognized minority shall be eligible for and may participate in such programs, if all other qualifications for admission to the relevant institution and the specific program are met.

B. Persons who have completed a program of home school instruction in accordance with § 22.1-254.1 and persons who have been excused from school attendance pursuant to subsection B of § 22.1-254 shall be deemed to have met the high school graduation requirements for purposes of eligibility for any state-supported financial aid or other higher education programs. When a high school grade point average, class rank, or other academic criteria is specified as a condition of participating in a program, the State Council of Higher Education for Virginia shall develop empirical alternative equivalent measures that may be required for such programs.

1993, c. 843; 2009, c. 879.

§§ 23-7.2 through 23-7.3. Repealed

Repealed by Acts 1996, cc. 931 and 981.

§ 23-7.4. (Repealed effective October 1, 2016) Eligibility for in-state tuition charges

A. For purposes of this section and §§ 23-7.4:1, 23-7.4:2, and 23-7.4:3, the following definitions shall apply:

"Date of the alleged entitlement" means the first official day of class within the term, semester or quarter of the student's program.

"Dependent student" means one who is listed as a dependent on the federal or state income tax return of his parents or legal guardian or who receives substantial financial support from his spouse, parents or legal guardian. It shall be presumed that a student under the age of 24 on the date of the alleged entitlement receives substantial financial support from his parents or legal guardian, and therefore is dependent on his parents or legal guardian, unless the student (i) is a veteran or an active duty member of the U.S. Armed Forces; (ii) is a graduate or professional student; (iii) is married; (iv) is a ward of the court or was a ward of the court until age 18; (v) has no adoptive or legal guardian when both parents are deceased; (vi) has legal dependents other than a spouse; or (vii) is able to present clear and convincing evidence that he is financially self-sufficient.

"Domicile" means the present, fixed home of an individual to which he returns following temporary absences and at which he intends to stay indefinitely. No individual may have more than one domicile at a time. Domicile, once established, shall not be affected by (i) mere transient or temporary physical presence in another jurisdiction or (ii) the establishment and maintenance of a

place of residence in another jurisdiction for the purpose of maintaining a joint household with an active duty United States military spouse.

"Domiciliary intent" means present intent to remain indefinitely.

"Emancipated minor" means a student under the age of 18 on the date of the alleged entitlement whose parents or guardians have surrendered the right to his care, custody and earnings and who no longer claim him as a dependent for tax purposes.

"Full-time employment" means employment resulting in, at least, an annual earned income reported for tax purposes equivalent to 50 work weeks of 40 hours at minimum wage.

"Independent student" means one whose parents have surrendered the right to his care, custody and earnings, do not claim him as a dependent on federal or state income tax returns, and have ceased to provide him substantial financial support.

"Special arrangement contract" means a contract between a Virginia employer or the authorities controlling a federal installation or agency located in Virginia and a public institution of higher education for reduced rate tuition charges as described in subsection F of § 23-7.4:2.

"Substantial financial support" means financial support in an amount which equals or exceeds that required to qualify the individual to be listed as a dependent on federal and state income tax returns.

"Surviving spouse" means the spouse of a military service member who, while serving as an active duty member in the United States Armed Forces, United States Armed Forces Reserves, Virginia National Guard, or Virginia National Guard Reserve, during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict subsequent to December 6, 1941, was killed in action, is missing in action, or is a prisoner of war.

"Unemancipated minor" means a student under the age of 18 on the date of the alleged entitlement who is under the legal control of and is financially supported by either of his parents, legal guardian or other person having legal custody.

"Veteran" means an individual who has served in the active military, naval or air service and who was discharged or released therefrom under conditions other than dishonorable.

"Virginia employer" means any employing unit organized under the laws of Virginia or having income from Virginia sources regardless of its organizational structure, or any public or nonprofit organization authorized to operate in Virginia.

B. To become eligible for in-state tuition, an independent student shall establish by clear and convincing evidence that for a period of at least one year immediately prior to the date of the alleged entitlement, he was domiciled in Virginia and had abandoned any previous domicile, if such existed.

To become eligible for in-state tuition, a dependent student or unemancipated minor shall establish by clear and convincing evidence that for a period of at least one year prior to the date of the alleged entitlement, the person through whom he claims eligibility was domiciled in Virginia and had abandoned any previous domicile, if such existed. If the person through whom the dependent student or unemancipated minor established such domicile and eligibility for in-state tuition abandons his Virginia domicile, the dependent student or unemancipated minor shall be entitled to such in-state tuition for one year from the date of such abandonment.

In determining domiciliary intent, all of the following applicable factors shall be considered: continuous residence for at least one year prior to the date of alleged entitlement, except in the event of the establishment and maintenance of a place of residence in another jurisdiction for the purpose of maintaining a joint household with an active duty United States military spouse; state to which income taxes are filed or paid; driver's license; motor vehicle registration; voter registration; employment; property ownership; sources of financial support; military records; a written offer and acceptance of employment following graduation; and any other social or economic relationships with the Commonwealth and other jurisdictions.

Domiciliary status shall not ordinarily be conferred by the performance of acts which are auxiliary to fulfilling educational objectives or are required or routinely performed by temporary residents of the Commonwealth. Mere physical presence or residence primarily for educational purposes shall not confer domiciliary status. A matriculating student who has entered an institution and is classified as an out-of-state student shall be required to rebut by clear and convincing evidence the presumption that he is in the Commonwealth for the purpose of attending school and not as a bona fide domiciliary.

Those factors presented in support of entitlement to in-state tuition shall have existed for the one-year period prior to the date of the alleged entitlement. However, in determining the domiciliary intent of active duty military personnel residing in the Commonwealth, retired military personnel residing in the Commonwealth at the time of their retirement, surviving spouses, or veterans, or the domiciliary intent of their dependent spouse or children who claim domicile through them, who voluntarily elect to establish Virginia as their permanent residence for domiciliary purposes, the requirement of one year shall be waived.

C. A married person may establish domicile in the same manner as an unmarried person.

An emancipated minor may establish domicile in the same manner as any other independent student. A nonmilitary student whose parent or spouse is a member of the armed forces may establish domicile in the same manner as any other student.

Any alien holding an immigration visa or classified as a political refugee shall also establish eligibility for in-state tuition in the same manner as any other student. However, absent congressional intent to the contrary, any person holding a student or other temporary visa shall not

have the capacity to intend to remain in Virginia indefinitely and, therefore, shall be ineligible for Virginia domicile and for in-state tuition charges.

The domicile of a dependent student shall be rebuttably presumed to be the domicile of the parent or legal guardian claiming him as an exemption on federal or state income tax returns currently and for the tax year prior to the date of the alleged entitlement or providing him substantial financial support. The spouse of an active duty military service member, if such spouse has established domicile and claimed the dependent student on federal or state income tax returns, shall not be subject to minimum income tests or requirements.

For the purposes of this section, the domicile of an unemancipated minor or a dependent student 18 years of age or older may be either the domicile of the parent with whom he resides, the parent who claims the student as a dependent for federal or Virginia income tax purposes for the tax year prior to the date of the alleged entitlement and is currently so claiming the student, or the parent who provides the student substantial financial support. If there is no surviving parent or the whereabouts of the parents are unknown, then the domicile of an unemancipated minor shall be the domicile of the legal guardian of such unemancipated minor unless there are circumstances indicating that such guardianship was created primarily for the purpose of conferring a Virginia domicile on the unemancipated minor.

D. It is incumbent on the student to apply for change in domiciliary status on becoming eligible for such change. Changes in domiciliary status shall only be granted prospectively from the date such application is received.

A student who knowingly provides erroneous information in an attempt to evade payment of out-of-state fees shall be charged out-of-state tuition fees for each term, semester or quarter attended and may be subject to dismissal from the institution. All disputes related to the veracity of information provided to establish Virginia domicile shall be appealable through the due process procedure required by § 23-7.4:3.

E. Notwithstanding any other provision of law, all dependents, as defined by 37 U.S.C. § 401, of active duty military personnel, or activated or temporarily mobilized reservists or guard members, (i) assigned to a permanent duty station or workplace geographically located in Virginia, or in a state contiguous to Virginia or the District of Columbia, who reside in Virginia; (ii) assigned unaccompanied orders and immediately prior to receiving such unaccompanied orders were assigned to a permanent duty station or workplace geographically located in Virginia, or in a state contiguous to Virginia or the District of Columbia, and resided in Virginia; or (iii) assigned unaccompanied orders with Virginia listed as the designated place move shall be deemed to be domiciled in Virginia for purposes of eligibility for in-state tuition and shall be eligible to receive in-state tuition in Virginia in accordance with this section. All such dependents shall be afforded the same educational benefits as any other individual receiving in-state tuition pursuant to this section. Such benefits and in-state tuition status shall continue so long as they are continuously enrolled in an

institution of higher education in Virginia or are transferring between Virginia institutions of higher education or from an undergraduate degree program to a graduate degree program, regardless of any change of duty station or residence of the military service member.

For the purpose of this subsection:

"Date of alleged entitlement" means the date of admission or acceptance for dependents currently residing in Virginia or the final add/drop date for dependents of members newly transferred to Virginia.

"Temporarily mobilized" means activated for service for six months or more.

"Unaccompanied orders" means orders that assign the active duty military personnel, or activated or temporarily mobilized reservists or guard members, an unaccompanied tour listed in Appendix Q of the Joint Federal Travel Regulations.

F. After August 1, 2006, for students who enroll at a public, baccalaureate degree-granting, institution of higher education in Virginia and who have established Virginia domicile and eligibility for in-state tuition in compliance with this section, the entitlement to in-state tuition shall be modified to require the assessment of a surcharge, as defined herein, for each semester that the student continues to be enrolled after such student has completed 125 percent of the credit hours needed to satisfy the degree requirements for a specified undergraduate program, hereinafter referred to as the "credit hour threshold."

In calculating the 125 percent credit hour threshold, the following courses and credit hours shall be excluded: (i) remedial courses; (ii) transfer credits from another college or university that do not meet degree requirements for general education courses or the student's chosen program of study; (iii) advanced placement or international baccalaureate credits that were obtained while in high school or another secondary school program; and (iv) dual enrollment, college-level credits obtained by the student prior to receiving a high school diploma.

The relevant public institution of higher education may waive the surcharge assessment for students who exceed the 125 percent credit hour threshold in accordance with the guidelines and criteria established by the State Council of Higher Education for Virginia. Waiver criteria may include, but shall not be limited to, illness or disability and active service in the armed forces of the United States.

For the purpose of this subsection, "surcharge" shall mean an amount calculated to equal 100 percent of the average cost of the student's education at the relevant institution less tuition and mandatory educational and general fee charges assessed to a student meeting Virginia domiciliary status who has not exceeded the 125 percent credit hour threshold.

1984, c. 422; 1985, cc. 179, 572; 1988, c. 124; 1989, c. 371; 1990, c. 680; 1991, c. 590; 1996, cc. 931, 981; 1999, c. 439; 2006, cc. 783, 797, 806; 2007, cc. 108, 491; 2008, c. 723; 2011, cc. 38, 44, 782, 860; 2013, cc. 139, 166, 243; 2014, c. 341.

§ 23-7.4:1. (Repealed effective October 1, 2016) Waiver of tuition and certain charges and fees for eligible children and spouses of certain military service members, eligible children and spouses of certain public safety personnel, and certain foreign students

A. There is hereby established the Virginia Military Survivors and Dependents Education Program. Qualified survivors and dependents of military service members, who have been admitted to any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia, upon certification to the Commissioner of the Department of Veterans Services of eligibility under this subsection, shall be admitted free of tuition and all required fees.

The Virginia Military Survivors and Dependents Education Program shall be implemented pursuant to the following:

1. For the purposes of this subsection, "qualified survivors and dependents" means the spouse or a child between the ages of 16 and 29 of a military service member who, while serving as an active duty member in the United States Armed Forces, United States Armed Forces Reserves, the Virginia National Guard, or Virginia National Guard Reserve, during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict subsequent to December 6, 1941, was killed or is missing in action or is a prisoner of war, or of a veteran who, due to such service, has been rated by the United States Department of Veterans Affairs as totally and permanently disabled or at least 90% disabled, and has been discharged or released under conditions other than dishonorable. However, the Commissioner of the Department of Veterans Services may certify dependents above the age of 29 in those cases in which extenuating circumstances prevented the dependent child from using his benefits before the age of 30.

2. Such qualified survivors and dependents shall be eligible for the benefits conferred by this subsection if the military service member who was killed, is missing in action, is a prisoner of war, or is disabled (i) was a bona fide domiciliary of Virginia at the time of entering such active military service or called to active duty as a member of the Armed Forces Reserves or Virginia National Guard Reserve; (ii) is and has been a bona fide domiciliary of Virginia for at least five years immediately prior to, or has had a physical presence in Virginia for at least five years immediately prior to, the date on which the admission application was submitted by or on behalf of such qualified survivor or dependent for admission to such institution of higher education or other public accredited postsecondary institution; (iii) if deceased, was a bona fide domiciliary of Virginia on the date of his death and had been a bona fide domiciliary of Virginia for at least five years immediately prior to his death or had a physical presence in Virginia on the date of his death and has had a physical presence in Virginia for at least five years immediately prior to his death; (iv) in the case of a qualified child, is deceased and the surviving parent had been, at some time previous to marrying the deceased parent, a bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years immediately prior to or has had a

physical presence in Virginia for at least five years immediately prior to the date on which the admission application was submitted by or on behalf of such child; or (v) in the case of a qualified spouse, is deceased and the surviving spouse had been, at some time previous to marrying the deceased spouse, a bona fide domiciliary of Virginia for at least five years or is and has been a bona fide domiciliary of Virginia for at least five years or has had a physical presence in Virginia for at least five years prior to the date on which the admission application was submitted by such qualified spouse.

3. From such funds as may be appropriated and from such gifts, bequests, and any gifts, grants, or donations from public or private sources, there is hereby established the Virginia Military Survivors and Dependents Education Fund for the sole purpose of providing financial assistance, in an amount (i) up to $2,000 or (ii) as provided in the appropriation act, for board and room charges, books and supplies, and other expenses at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in the Commonwealth of Virginia for the use and benefit of qualified survivors and dependents.

Each year, from the funds available in the Virginia Military Survivors and Dependents Education Fund, the State Council of Higher Education for Virginia and its member institutions shall determine the amount and the manner in which financial assistance shall be made available to beneficiaries and shall make that information available to the Commissioner of the Department of Veterans Services for distribution.

The State Council of Higher Education for Virginia shall be responsible for disbursing to the institutions the funds appropriated or otherwise made available by the Commonwealth of Virginia to support the Virginia Military Survivors and Dependents Education Fund and shall report to the Commissioner of the Department of Veterans Services the beneficiaries' completion rate.

The maximum amount to be expended for each such survivor or dependent pursuant to this subsection shall not exceed, when combined with any other form of scholarship, grant, or waiver, the actual costs related to the survivor's or dependent's educational expenses allowed under this subsection.

4. The Commissioner of the Department of Veterans Services shall designate a senior-level official who shall be responsible for developing and implementing the agency's strategy for disseminating information about the Military Survivors and Dependents Education Program to those spouses and dependents who may qualify. The Department of Veterans Services shall coordinate with the United States Department of Veterans Affairs to identify veterans and qualified survivors and dependents. The Commissioner of the Department of Veterans Services shall report annually to the Governor and the General Assembly as to the agency's policies and strategies relating to dissemination of information about the Program. The report shall also include the number of current beneficiaries, the educational institutions attended by beneficiaries, and the completion rate of the beneficiaries.

B. The surviving spouse and any child between the ages of 16 and 25 whose parent or whose spouse has been killed in the line of duty while employed or serving as a law-enforcement officer, including as a campus police officer appointed under Chapter 17 (§ 23-232 et seq.), sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of the Department of Alcoholic Beverage Control, state correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff, member of the Virginia National Guard while serving on official state duty or federal duty under Title 32 of the United States Code, or member of the Virginia Defense Force while serving on official state duty, and any person whose spouse was killed in the line of duty while employed or serving in any of such occupations, shall be entitled to free undergraduate tuition and the payment of required fees at any public institution of higher education or other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia under the following conditions:

1. The chief administrative officer of the Alcoholic Beverage Control Board, emergency medical services agency, law-enforcement agency, or other appropriate agency or the Superintendent of State Police certifies that the deceased parent or spouse was employed or serving as a law-enforcement officer, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, or member of a rescue squad or in any other capacity as specified in this section and was killed in the line of duty while serving or living in the Commonwealth; and

2. The child or spouse shall have been offered admission to such public institution of higher education or other public accredited postsecondary institution. Any child or spouse who believes he is eligible shall apply to the public institution of higher education or other accredited postsecondary institution to which he has been admitted for the benefits provided by this subsection. The institution shall determine the eligibility of the applicant for these benefits and shall also ascertain that the recipients are in attendance and are making satisfactory progress. The amounts payable for tuition, institutional charges and required fees, and books and supplies for the applicants shall be waived by the institution accepting the students.

C. For the purposes of subsection B, user fees, such as room and board charges, shall not be included in this authorization to waive tuition and fees. However, all required educational and auxiliary fees shall be waived along with tuition.

D. Tuition and required fees may be waived for a student from a foreign country enrolled in a public institution of higher education through a student exchange program approved by such institution, provided the number of foreign students does not exceed the number of students paying full tuition and required fees to the institution under the provisions of the exchange program for a given three-year period.

E. Each public institution of higher education and other public accredited postsecondary institution granting a degree, diploma, or certificate in Virginia shall include in its catalogue or equivalent publication a statement describing the benefits provided by subsections A and B.

1996, cc. 931, 981; 1998, c. 377; 2001, c. 330; 2003, cc. 657, 670; 2005, cc. 773, 783; 2006, c. 793; 2007, cc. 116, 161, 717; 2011, cc. 572, 586; 2012, c. 776; 2013, c. 719; 2014, cc. 184, 657; 2015, cc. 38, 730.

§ 23-7.4:2. (Repealed effective October 1, 2016) Eligibility for in-state or reduced tuition for students not domiciled in Virginia; tuition grants and in-state tuition for members of the National Guard

A. Students who live outside the Commonwealth and have been employed full time inside Virginia for at least one year immediately prior to the date of the alleged entitlement for in-state tuition shall be eligible for in-state tuition charges if such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Students claimed as dependents for federal and Virginia income tax purposes who live outside the Commonwealth shall become eligible for in-state tuition charges if the nonresident parents claiming them as dependents have been employed full time inside Virginia for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such students shall continue to be eligible for in-state tuition charges for so long as they or their qualifying parent is employed full time in Virginia, paying Virginia income taxes on all taxable income earned in the Commonwealth and the student is claimed as a dependent for Virginia and federal income tax purposes. Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

B. Any person who (i) is a member of the National Guard of the Commonwealth of Virginia and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) is enrolled in any state institution of higher education, any private, accredited, and nonprofit institution of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education, any course or program offered by any such institution or any public career and technical education school shall be eligible for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a member of the National Guard. Application for a grant shall be made to the Department of Military Affairs. Grants shall be awarded from funds available for the purpose by such Department.

Notwithstanding the foregoing requirement that a member of the National Guard have a minimum of two years remaining on his service obligation, if a member is activated or deployed for federal military service, an additional day shall be added to the member's eligibility for the grant for each day of active federal service up to 365 days. Additional credit, or credit for state duty, may be given at the discretion of the Adjutant General.

In addition, any person who met the requirements for in-state tuition prior to being called to active duty in the National Guard of another state shall be eligible for in-state tuition following completion of active duty service if during active duty that person maintained one or more of the following in Virginia rather than in another state or jurisdiction: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support. Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

C. Notwithstanding the provisions of § 23-7.4 or any other provision of the law to the contrary, the governing board of any state institution of higher education or the governing board of the Virginia Community College System may charge the same tuition as is charged to any person domiciled in Virginia pursuant to the provisions of § 23-7.4 to:

1. Any person enrolled in one of the institution's programs designated by the State Council of Higher Education who is domiciled in and is entitled to reduced tuition charges in the institutions of higher education in any state which is a party to the Southern Regional Education Compact which has similar reciprocal provisions for persons domiciled in Virginia;

2. Any student from a foreign country who is enrolled in a foreign exchange program approved by the state institution during the same period that an exchange student from the same state institution, who is entitled to in-state tuition pursuant to § 23-7.4, is attending the foreign institution; and

3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is enrolled in courses specifically designed as part of the high school or magnet school curriculum in a community college for which he may, upon successful completion, receive high school and community college credit pursuant to a dual enrollment agreement between the high school or magnet school and the community college.

Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as out-of-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

D. The governing board of the Virginia Community College System shall charge in-state tuition to any person enrolled in one of the System's institutions who lives within a 30-mile radius of a Virginia institution, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in any state which is contiguous to Virginia and which has similar reciprocal provisions for persons domiciled in Virginia.

Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

E. The board of the University of Virginia's College at Wise and the board of visitors of the University of Virginia may charge reduced tuition to any person enrolled at the University of Virginia's College at Wise who lives within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in Kentucky, if Kentucky has similar reciprocal provisions for persons domiciled in Virginia.

In addition, the board of the University of Virginia's College at Wise and the board of visitors of the University of Virginia may charge reduced tuition to any person enrolled at the University of Virginia's College at Wise who lives within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in Tennessee, if Tennessee has similar reciprocal provisions for persons domiciled in Virginia. The board of the University of Virginia's College at Wise and its partners or associates offering programs jointly at a regional off-campus center may also charge reduced tuition to any person enrolled in such joint programs who lives within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in Tennessee, if Tennessee has similar reciprocal provisions for persons domiciled in Virginia. Any such respective partners or associates shall establish and charge separately tuition rates for their independent classes or programs at such regional centers.

Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as out-of-state students for the purposes of determining admissions, enrollment, and tuition and fee revenue policies.

F. Public institutions of higher education may enter into special arrangement contracts with Virginia employers or authorities controlling federal installations or agencies located in Virginia. The special arrangement contracts shall be for the purpose of providing reduced rate tuition charges for the employees of the Virginia employers or federal personnel when the employers or federal authorities are assuming the liability for paying, to the extent permitted by federal law, the tuition for the employees or personnel in question and the employees or personnel are classified by the requirements of this section as out-of-state.

Special arrangement contracts with Virginia employers or federal installations or agencies may be for group instruction in facilities provided by the employer or federal authority or in the institution's facilities or on a student-by-student basis for specific employment-related programs.

Special arrangement contracts shall be valid for a period not to exceed two years and shall be reviewed for legal sufficiency by the Office of the Attorney General prior to signing. All rates agreed to by the public institutions shall be at least equal to in-state tuition and shall only be granted by the institution with which the employer or the federal authorities have a valid contract for students for whom the employer or federal authorities are paying the tuition charges.

All special arrangement contracts with authorities controlling federal installations or agencies shall include a specific number of students to be served at reduced rates.

Nothing in this subsection shall change the domiciliary status of any student for the purposes of enrollment reporting or calculating the proportions of general funds and tuition and fees contributed to the cost of education.

G. Any active duty members, activated guard or reservist members, or guard or reservist members mobilized or on temporary active orders for six months or more, who reside in Virginia, shall be eligible for in-state tuition charges. Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

H. Notwithstanding any other provision of law, veterans residing within the Commonwealth shall be eligible for in-state tuition charges. Any students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purpose of determining college admissions, enrollment, and tuition and fee revenue policies.

I. Notwithstanding any other provision of law, surviving spouses, as that term is defined in § 23-7.4, residing within the Commonwealth shall be eligible for in-state tuition charges. Any students granted in-state tuition pursuant to this subsection shall be counted as in-state students for the purpose of determining college admissions, enrollment, and tuition and fee revenue policies.

1996, cc. 931, 981; 1998, cc. 62, 79; 1999, cc. 424, 437; 2000, c. 196; 2001, c. 483; 2004, cc. 501, 520; 2006, cc. 783, 797; 2007, cc. 76, 102, 112; 2008, c. 723; 2009, c. 470; 2011, c. 376; 2013, cc. 166, 243, 302; 2014, cc. 341, 762.

§ 23-7.4:3. (Repealed effective October 1, 2016) Determinations of eligibility; appeals and guidelines

A. Each public institution of higher education shall establish an appeals process for those students who are aggrieved by decisions regarding eligibility for in-state or reduced tuition charges pursuant to §§ 23-7.4 and 23-7.4:2. The Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to these administrative reviews.

An initial determination shall be made. Each appeals process shall include an intermediate review of the initial determination and a final administrative review. The final administrative decision shall be in writing. A copy of this decision shall be sent to the student. Either the intermediate review or the final administrative review shall be conducted by an appeals committee consisting of an odd number of members. No person who serves at one level of this appeals process shall be eligible to serve at any other level of this review. All such due process procedures shall be in writing and shall include time limitations in order to provide for orderly and timely resolutions of all disputes.

Any party aggrieved by a final administrative decision shall have the right to review in the circuit court for the jurisdiction in which the relevant institution is located. A petition for review of the final administrative decision shall be filed within thirty days of receiving the written decision. In any such action, the institution shall forward the record to the court, whose function shall be only

to determine whether the decision reached by the institution could reasonably be said, on the basis of the record, not to be arbitrary, capricious or otherwise contrary to law.

B. To ensure the application of uniform criteria in administering this section and determining eligibility for in-state tuition charges, the State Council of Higher Education shall issue and from time to time revise guidelines, including domiciliary status questions to be incorporated by all state institutions of higher education in their admissions applications. These guidelines shall not be subject to the Administrative Process Act.

An advisory committee, composed of at least ten representatives of institutions of higher education, shall be appointed by the Council each year to cooperate with the Council in developing the guidelines for determining eligibility or revisions thereof. The Council shall consult with the Office of the Attorney General and provide opportunity for public comment prior to issuing any such guidelines.

1996, cc. 931, 981.

§ 23-7.4:4. Repealed

Repealed by Acts 2002, c. 84.

§ 23-7.4:5. (Repealed effective October 1, 2016) Grant for tuition and fees for certain individuals

A. The payment of tuition or fees, except fees established for the purpose of paying for course materials, such as laboratory fees, shall be provided for a person who is a bona fide domiciliary of Virginia, as defined in § 23-7.4, and who:

1. Has received a high school diploma or has passed a high school equivalency examination approved by the Board of Education and was in foster care or in the custody of the Department of Social Services or is considered a special needs adoption at the time such diploma or certificate was awarded, or was in foster care when he turned 18 and subsequently received a high school diploma or passed a high school equivalency examination approved by the Board of Education;

2. Is enrolled or has been accepted for enrollment as a full-time or part-time student, taking a minimum of six credit hours per semester, in a degree or certificate program of at least one academic year in length in a public two-year institution of higher education in the Commonwealth;

3. Has not been enrolled in postsecondary education as a full-time student for more than five years and/or does not have a prior bachelor's degree;

4. Maintains the required grade point average established by the State Board for Community Colleges;

5. Has submitted applications for federal student financial aid programs for which he may be eligible; and

6. Demonstrates financial need and meets any additional financial need requirements established by the State Board for Community Colleges for the purposes of such grant.

B. The State Board for Community Colleges, in consultation with the State Council of Higher Education and the Department of Social Services, shall establish regulations governing such grants. The regulations shall include, but shall not be limited to, provisions addressing renewals of grants; financial need; the calculation of grant amounts, after consideration of any additional financial resources or aid the student may hold; the grade point average required to retain such grant; and procedures for the repayment of tuition and fees for failure to meet the requirements imposed by this section.

2000, c. 968; 2009, cc. 430, 603; 2014, c. 84.

§ 23-7.4:6. Expired

Expired.

§ 23-7.4:7. (Repealed effective October 1, 2016) Combined cooperative degree program

The Secretary of Education (Secretary) and the Director of the State Council of Higher Education for Virginia (Director), in consultation with each two-year or four-year public or private, nonprofit institution of higher education in the Commonwealth and the Virginia Community College System, shall develop a plan to establish and advertise a cooperative degree program whereby any undergraduate student enrolled at any two-year or four-year public or private, nonprofit institution of higher education in the Commonwealth may complete, through the use of online courses at any such institution, the course credit requirements to receive a degree at a tuition cost not to exceed $4,000, or such cost that is achievable, per academic year.

No later than October 1, 2016, the Secretary and the Director shall report to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance, and the Senate Committee on Education and Health on the progress made by the Secretary and Director toward developing a cooperative degree program plan pursuant to this section.

2015, c. 664.

§ 23-7.4:8. (Repealed effective October 1, 2016) Alternative tuition or fee structures

Any public institution of higher education may offer alternative tuition or fee structures to students that result in lower costs of attendance, including discounted tuition, flat tuition rates, discounted student fees, or student fee and student services flexibility, to any first-time, incoming freshman undergraduate student who (i) has established domicile, as that term is defined in § 23-7.4, in the Commonwealth and (ii) enrolls full time with the intent to earn a degree in a program that leads to employment in a high-demand field in the region. Such an alternative tuition or fee structure may be renewed each year if the recipient maintains eligibility for the alternative tuition and fee structure. The State Council of Higher Education for Virginia shall offer guidance, upon request, to any public institution of higher education in establishing an alternative tuition or fee structure pursuant to this section.

2016, c. 523.

§ 23-7.5. (Repealed effective October 1, 2016) Health histories required; immunizations

A. No full-time student shall be enrolled for the first time in any four-year, public institution of higher education in this Commonwealth unless he has furnished, before the beginning of the second semester or quarter of enrollment, a health history consistent with guidelines adopted by each institution's board of visitors, pursuant to the requirements of this section. Any student who fails to furnish the history will not be eligible for registration for the second semester or quarter. Any student who objects on religious grounds shall be exempt from the health history requirement set forth in this section.

B. The health history shall include documented evidence, provided by a licensed health professional or health facility, of the diseases for which the student has been immunized, the numbers of doses given, the dates when administered and any further immunizations indicated. Prior to enrollment, all students shall be immunized by vaccine against diphtheria, tetanus, poliomyelitis, measles (rubeola), German measles (rubella), and mumps according to the guidelines of the American College Health Association.

C. In addition to the immunization requirements set forth in subsection B, all incoming full-time students, prior to enrollment in any public four-year institution of higher education, shall be vaccinated against (i) meningococcal disease and (ii) hepatitis B.

However, if the institution of higher education provides the student or, if the student is a minor, the student's parent or other legal representative, detailed information on the risks associated with meningococcal disease and hepatitis B and on the availability and effectiveness of any vaccine, the student or, if the student is a minor, the student's parent or other legal representative may sign a written waiver stating that he has received and reviewed the information on meningococcal disease and hepatitis B and the availability and effectiveness of any vaccine and has chosen not to be or not to have the student vaccinated.

D. Any student shall be exempt from the immunization requirements set forth in this section who (i) objects on the grounds that administration of immunizing agents conflicts with his religious tenets or practices, unless an emergency or epidemic of disease has been declared by the Board of Health, or (ii) presents a statement from a licensed physician which states that his physical condition is such that administration of one or more of the required immunizing agents would be detrimental to his health.

E. The Board and Commissioner of Health shall cooperate with any board of visitors seeking assistance in the implementation of this section.

F. Further, the State Council of Higher Education shall, in cooperation with the Board and Commissioner of Health, encourage private colleges and universities to develop a procedure for providing information about the risks associated with meningococcal disease and hepatitis B and the availability and effectiveness of any vaccine against meningococcal disease and hepatitis B.

1986, c. 621; 1987, c. 366; 1990, c. 273; 2001, c. 340; 2005, c. 15.

§ 23-8. Repealed

Repealed by Acts 2014, c. 6.

§ 23-8.1. Repealed
Repealed by Acts 1980, c. 658.

§ 23-8.2. Repealed
Repealed by Acts 1991, c. 590 .

§ 23-8.2:1. (Repealed effective October 1, 2016) Compensation of cooperating teachers
In addition to the provisions of § 22.1-290.1 relating to compensation of certain licensed teachers while engaged in supervising and evaluating student teachers, any institution of higher education engaged in educating students to be teachers may, from such funds as may be available for such purpose, develop and implement a program to compensate public-school or private-school teachers who agree to be cooperating teachers as defined in this section. Such compensation programs may provide for payment in the form of money or in the form of authorization to enroll, without charge, for a designated number of credit hours in the school, department, or other unit of the relevant institution of higher education in which the student teacher being supervised is enrolled.

For the purposes of this section, "cooperating teacher" means an individual licensed by the Board of Education who meets the criteria established by the relevant institution of higher education and is engaged in supervising and evaluating one or more student teachers.

1994, c. 533.

§§ 23-8.3, 23-9. Repealed
Repealed by Acts 1980, c. 658.

§ 23-9.1. (Repealed effective October 1, 2016) Granting easements across lands of certain schools and institutions
The State Board of Education is authorized, subject to the approval of the Governor in writing first obtained, to convey upon such terms and conditions and for such consideration as it deems proper easements upon, over, across or under the property of any school or educational institution of which it serves as the governing body, to any political subdivision of this Commonwealth or to any public utility or public service company or to any cable television company for the purpose of erecting or maintaining power, telephone, cable television, water, sewer or gas lines and mains; provided, that any deed or other conveyance executed hereunder shall be in a form approved by the Attorney General; and provided, further, that any funds derived by the Board in consideration of the granting of any such easement shall be paid into the general fund of the state treasury.

Any such grant heretofore made by the Board subject to the approval of the General Assembly, is hereby ratified and confirmed.

1952, c. 74; 1958, c. 47; 1986, c. 536.

§ 23-9.1:1. (Repealed effective October 1, 2016) Reports of certain acts to State Police

The board of visitors or the governing body of any public institution of higher education in Virginia shall make available to any interested party upon request a copy of that portion of the most recent report of the Uniform Crime Reporting Section of the Department of State Police entitled "Crime in Virginia" pertaining to colleges and universities.

1990, c. 646.

§ 23-9.2. (Repealed effective October 1, 2016) Public policy of Commonwealth in respect to endowment funds of state-supported institutions of higher education

Whereas, the state-supported system of higher education can be greatly strengthened by increases in the endowment funds and unrestricted gifts of the several institutions of higher education derived from private sources; and

Whereas, prospective donors to the endowment funds and donors of unrestricted gifts of the several institutions hesitate to contribute thereto on the ground that, to the extent that the income of the respective institutions is increased from private sources, the Commonwealth will withdraw its support; and

Whereas, in § 10 of Chapter 33 of the Acts of Assembly of 1927, the General Assembly, by setting endowment funds and income therefrom apart from other revenues of and appropriations to the institutions of higher education, indicated an intention that endowments and unrestricted gifts from private sources are to be in addition to such other revenues and appropriations; now, therefore,

(1) It is hereby declared to be the public policy of the Commonwealth to encourage the state-supported institutions of higher education in Virginia in their attempts to increase their endowment funds and unrestricted gifts from private sources.

(2) It is further declared to be the public policy of the Commonwealth that, in measuring the extent to which the Commonwealth shall finance higher education in Virginia, the availability of the endowment funds and unrestricted gifts from private sources of institutions of higher education received by such institutions shall not be taken into consideration in, nor used to reduce, state appropriations or payments, but such funds shall be used in accordance with the wishes of the donors thereof to strengthen the services rendered by these institutions to the people of the Commonwealth.

1952, c. 707; 1956, c. 390; 1981, c. 505.

§ 23-9.2:1. Repealed

Repealed by Acts 1980, c. 229.

§ 23-9.2:2. Repealed

Repealed by Acts 1972, c. 697.

§ 23-9.2:3. (Repealed effective October 1, 2016) Power of governing body of educational institution to establish rules and regulations; offenses occurring on property of institution; state direct student financial assistance; release of educational records

A. In addition to the powers now enjoyed by it, the board of visitors or other governing body of every educational institution shall have the power:

1. To establish rules and regulations for the acceptance and assistance of students except that (i) individuals who have failed to meet the federal requirement to register for the selective service shall not be eligible to receive any state direct student assistance; (ii) the accreditation status of a Virginia public high school shall not be considered in making admissions determinations for students who have earned a diploma pursuant to the requirements established by the Board of Education; and (iii) the governing boards of the four-year institutions shall establish policies providing for the admission of certain graduates of Virginia community colleges as set forth in § 23-9.2:3.02.

2. To establish rules and regulations for the conduct of students while attending such institution.

3. To establish programs, in cooperation with the State Council of Higher Education and the Office of the Attorney General, to promote compliance among students with the Commonwealth's laws relating to the use of alcoholic beverages.

4. To establish rules and regulations for the rescission or restriction of financial aid, within the discretionary authority provided to the institution by federal or state law and regulations, and the suspension and dismissal of students who fail or refuse to abide by such rules and regulations for the conduct of students.

5. To establish rules and regulations for the employment of professors, teachers, instructors and all other employees and provide for their dismissal for failure to abide by such rules and regulations.

6. To provide parking and traffic rules and regulations on property owned by such institution.

7. To establish guidelines for the initiation or induction into any social fraternity or sorority in accordance with § 18.2-56.

8. To establish programs, in cooperation with the State Council of Higher Education for Virginia and the Office of the Attorney General, to promote the awareness and prevention of sexual crimes committed upon students.

B. Upon receipt of an appropriate resolution of the board of visitors or other governing body of an educational institution, the governing body of a political subdivision which is contiguous to the institution shall enforce state statutes and local ordinances with respect to offenses occurring on the property of the institution.

The governing bodies of the public institutions of higher education shall assist the State Council of Higher Education in enforcing the provisions related to eligibility for financial aid.

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

D. The board of visitors or other governing body of every public institution of higher education in Virginia shall establish policies and procedures requiring the release of the educational record of a dependent student, as defined by 20 U.S.C. § 1232g, to a parent at his request.

E. In order to improve the quality of the Commonwealth's work force and educational programs, the governing bodies of the public institutions of higher education shall establish programs to seek to ensure that all graduates have the technology skills necessary to compete in the 21st Century and, particularly, that all students matriculating in teacher-training programs receive instruction in the effective use of educational technology.

F. The board of visitors or other governing body of every public institution of higher education shall not refer a student account to collections for nonpayment before required by the provisions of § 2.2-4806. This subsection shall not apply to public institutions of higher education that have entered into Management Agreements with the Commonwealth.

1970, c. 197; 1985, c. 520; 1987, c. 109; 1992, c. 630; 1997, c. 827; 1998, cc. 39, 362, 483, 784; 2001, cc. 664, 673; 2005, c. 818; 2006, c. 121; 2008, cc. 441, 495; 2012, cc. 448, 658, 716.

§ 23-9.2:3.01. Repealed

Repealed by Acts 2002, c. 84.

§ 23-9.2:3.02. (Repealed effective October 1, 2016) Articulation, dual admissions, and guaranteed admissions agreements; admission of certain community college graduates

A. The governing board of each four-year public institution of higher education shall develop, consistent with the State Council of Higher Education Guidelines and the institution's six-year plan as set forth in § 23-38.87:17, articulation, dual admissions, and guaranteed admissions agreements with all institutions within the Virginia Community College System and any two-year public institution of higher education.

B. A Uniform Certificate of General Studies shall be developed by the State Council of Higher Education, the Virginia Community College System, and the public institutions of higher education as set forth in subdivision 20 of § 23-9.6:1. All credits earned in academic subject coursework by students attending a two-year college who complete an approved one-year certificate of general studies program shall be transferrable to a four-year public institution of higher education in accordance with Council guidelines.

C. The State Council of Higher Education for Virginia shall prepare an annual report on the pertinent aspects of the pipeline of students transferring from institutions within the Virginia Community College System to four-year public institutions of higher education.

D. The State Council of Higher Education, consistent with its responsibility to facilitate the development of articulation, dual admissions, and guaranteed admissions agreements set forth in §§ 23-9.6:1 and 23-9.14:2, shall develop guidelines for such agreements.

E. Each institution within the Virginia Community College System shall develop agreements for postsecondary degree attainment with the public high schools in the school divisions that they serve, specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma. Such agreements shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher. Agreements shall be submitted by the institutions to the Chancellor of the Virginia Community College System and the Superintendent of Public Instruction by April 15, 2013.

2005, c. 818; 2006, cc. 379, 531; 2007, c. 46; 2011, cc. 828, 869; 2012, cc. 142, 794; 2014, c. 628.

§ 23-9.2:3.03. Repealed

Repealed by Acts 2011, cc. 828 and 869, cl. 5.

§ 23-9.2:3.04. (Repealed effective October 1, 2016) (Expires June 30, 2017) Post-graduation employment rates

By August 1, 2013, and each year thereafter, the State Council of Higher Education for Virginia shall publish data on its website on the proportion of graduates with employment at 18 months and five years after the date of graduation for each public institution and each private nonprofit institution of higher education eligible to participate in the Tuition Assistance Grant Program. The data shall include the program and the program level, as recognized by the State Council of Higher Education, for each degree awarded by each institution and shall, at a minimum, include 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 Council shall disseminate to each public high school and each institution of higher education in the Commonwealth for which the Council has student-level data a link on its website to the published data. The Council shall provide a notification template that each public high school may use to annually notify students and their parents about the availability of such data. The published data shall be consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) and the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

2012, c. 694; 2014, c. 472.

§ 23-9.2:3.1. (Repealed effective October 1, 2016) Authority to establish incentives for voluntary early retirement; eligibility; contents of plans

A. The board of visitors or other governing body of any public institution of higher education may establish a compensation plan designed to provide incentives for voluntary early retirement of teaching and research staff employed in nonclassified, faculty positions. Participation in such compensation plan shall be voluntary for eligible employees and no employee shall be penalized in any way for not participating.

B. In order to qualify for participation in such compensation plan, an eligible faculty employee shall (i) be at least 60 years of age; (ii) have completed at least 10 years of full-time service at the institution offering the plan; (iii) have been awarded tenure or have a contractual right to continued employment; (iv) agree to withdraw from active membership in the Virginia Retirement System; and (v) comply with any additional criteria established by the governing body of the institution.

C. Any compensation plan established pursuant to this section shall include the institutional needs and objectives to be served, the kind of incentives to be offered, the sources of available funding for implementation, and any additional qualifications required of eligible faculty employees established by the governing body of the institution. Any such compensation plan shall explicitly reserve to the governing body of the institution the authority to modify, amend or repeal the plan. However, no such amendment, modification or repeal shall be effective as to any individual who retires under the plan prior to the effective date of the amendment, modification or repeal.

D. The cash payments offered under any such compensation plan shall not exceed 150 percent of the employee's base annual salary reflected in the Personnel Management Information System at the time of election to participate. Any such payment shall be allocated over at least two years. Such compensation may include payment of insurance benefits by the institution until the participant reaches the age of 65. The total cost in any fiscal year for any compensation plan

established under this section shall not exceed one percent of the institution's corresponding fiscal year state general fund appropriation for faculty salaries and associated benefits.

E. The Governor may establish, with the assistance of the State Council of Higher Education, uniform criteria for such compensation plans. Prior to the adoption, modification, amendment or repeal of any such compensation plan, the Governor's approval shall be obtained by the governing body of the institution. The Governor shall provide a copy of each approved plan to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. All compensation plans shall be reviewed for legal sufficiency by the Office of the Attorney General prior to adoption, modification, amendment or repeal.

F. The Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to the establishment of such compensation plans or any implementing regulations or criteria.

1988, c. 246; 2005, c. 633.

§ 23-9.2:3.2. (Repealed effective October 1, 2016) Education program on human immunodeficiency virus infection

Virginia public institutions of higher education, in cooperation with the Department of Health, shall develop and implement education programs for college students on the etiology, effects, and prevention of infection with human immunodeficiency virus.

1989, c. 613; 1991, c. 590; 2014, c. 484.

§ 23-9.2:3.3. (Repealed effective October 1, 2016) Human research

Each board of visitors or other governing body of any public or private institution of higher education in which human research, as defined in § 32.1-162.16, is conducted shall promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 for human research. The regulations shall require the human research committee to submit to the Governor, the General Assembly, and the president of the institution or his designee at least annually a report on the human research projects reviewed and approved by the committee and shall require the committee to report any significant deviations from approved proposals.

1992, c. 603.

§ 23-9.2:3.4. Repealed

Repealed by Acts 2006, cc. 27 and 349, cl. 2.

§ 23-9.2:3.5. (Repealed effective October 1, 2016) Education programs on economic education and financial literacy

Virginia public colleges and universities shall make provisions for the promotion of the development of student life skills through the inclusion of the principles of economics education and financial literacy within an existing general education course, the freshman orientation process or other appropriate venue. These principles may include, but need not be limited to, instruction

concerning personal finance, such as credit card use, opening and managing an account in a financial institution, completing a loan application, managing student loans, savings and investments, consumer rights and responsibilities, predatory lending practices and interest rates, consumer fraud, identity theft and protection, and debt management.

The State Council of Higher Education for Virginia shall also encourage private colleges and universities to include such principles as part of their student orientation programs.

2005, c. 741; 2007, c. 47.

§ 23-9.2:3.6. (Repealed effective October 1, 2016) Education preparation programs offered by institutions of higher education

A. Education preparation programs shall be required to meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations.

B. As provided in § 22.1-298.2, the Board of Education shall prescribe an assessment of basic skills for individuals seeking entry into an approved education program and shall establish a minimum passing score for such assessment. The Board also may prescribe other requirements for admission to Virginia's approved education programs in its regulations.

C. Candidates who fail to achieve the minimum score established by the Board of Education may be denied entrance into the relevant education program on the basis of such failure; however, if enrolled in the program, they shall have the opportunity to address any deficiencies.

2006, cc. 27, 349.

§ 23-9.2:3.7. (Repealed effective October 1, 2016) Course credit; veterans; active duty military students

A. The governing boards of each public institution of higher education shall implement policies that provide students called to active military duty during an academic semester with the opportunity to earn full course credit. Such policies shall include, as one option, that such students who have completed 75 percent of the course requirements at the time of activation and who meet other specified requirements receive full course credit.

B. The governing boards of each public institution of higher education shall, in accordance with guidelines developed by the State Council of Higher Education for Virginia, implement policies for the purpose of awarding academic credit to students for educational experience gained from service in the armed forces of the United States.

C. The governing boards of each public institution of higher education shall, in accordance with guidelines developed by the State Council of Higher Education for Virginia, implement policies that recognize the scheduling difficulties and obligations encountered by active duty members of the United States armed forces.

2009, c. 190; 2012, cc. 167, 169.

§ 23-9.2:3.8. Repealed

Repealed by Acts 2015, c. 578, cl. 2, effective July 1, 2016.

§ 23-9.2:3.9. (Repealed effective October 1, 2016) Academic credit for American Sign Language

Academic credit received for successful completion of American Sign Language courses either in a secondary school or higher education institution shall be counted toward satisfaction of the foreign language entrance requirements of a public institution of higher education.

2011, c. 762.

§ 23-9.2:3.10. (Repealed effective October 1, 2016) Course credit; Advanced Placement, Cambridge Advanced, College-Level Examination Program, and International Baccalaureate examinations

A. The State Council of Higher Education for Virginia (Council), in consultation with the governing board of each public institution of higher education, shall establish a policy for granting undergraduate course credit to entering freshman students who have taken one or more Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations. The policy shall:

1. Outline the conditions necessary for each public institution of higher education to grant course credit, including the minimum required scores on such examinations;

2. Identify each public institution of higher education's course credit or other academic requirements that the student satisfies by achieving the minimum required scores on such examinations; and

3. Ensure, to the extent possible, that the grant of course credit is consistent across each public institution of higher education and each such examination.

B. The Council and each public institution of higher education shall make the policy available to the public on its website.

2015, c. 578.

§ 23-9.2:3.11. (Repealed effective October 1, 2016) Medical school; rotation requirement

Any public institution of higher education that awards medical degrees shall create and support at least one clinical rotation in a hospital or clinic located in a medically underserved area of the state as determined by the Virginia Department of Health, in an area of the state that has an unemployment rate of one and one-half times the statewide average unemployment rate, or in a locality with a population of 50,000 or less in the Commonwealth.

2016, c. 691.

§ 23-9.2:4. (Repealed effective October 1, 2016) Payments to institutions of higher education for certain courses taken by law-enforcement officers

The State Department of Criminal Justice Services is hereby authorized and directed to enter into contracts to make payments to accredited institutions of higher education within this

Commonwealth for tuition, books and mandatory fees for law-enforcement officers of the Commonwealth, or its political subdivisions, departments or authorities, or of any county, city or town thereof enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which leads to a degree or certificate in an area related to law enforcement or an area suitable for law-enforcement officers. No payments shall be made pursuant to this section to any institution of higher education operating within this Commonwealth whose primary campus is outside this Commonwealth. Assistance under this section may be granted only on behalf of an applicant who enters into an agreement to continue to serve as a law-enforcement officer in Virginia upon completion of his course of study for a period at least as long as the length of the course of study undertaken and paid for under the provisions of this section, and in the event such service is not completed, to repay the full amount of such payments on the terms and in the manner the State Department of Criminal Justice Services may prescribe.

Any person receiving the benefit of funds expended pursuant to this section shall be required to make reimbursement of such funds if he fails to satisfactorily complete the course or courses for which the funds were expended.

Any reimbursement of money advanced under the provisions of this section shall be returned to the State Department of Criminal Justice Services and used in accordance with the purposes of this section.

1972, c. 697; 1974, c. 162; 1977, c. 162; 1982, c. 18; 1986, c. 236.

§ 23-9.2:4.1. (Repealed effective October 1, 2016) Faculty representatives to the State Board for Community Colleges, local community college boards, and boards of visitors

A. The State Board for Community Colleges, local community college boards, and the boards of visitors of any four-year state institution of higher education may appoint one or more nonvoting, advisory faculty representatives to their respective boards. In the case of local community college boards and boards of visitors, the representatives appointed by the boards shall be chosen from individuals elected by the faculty or the institution's faculty senate or other equivalent group of the relevant institution. In the case of the State Board for Community Colleges, representatives appointed by the Board shall be chosen from individuals elected by the Chancellor's Faculty Advisory Committee. Such representatives shall be appointed to serve terms of not less than one 12-month period, which shall be coterminous with the institution's fiscal year, or for such terms as may be mutually agreed to by the State Board for Community Colleges and the Chancellor's Faculty Advisory Committee, or by the local community college board or the board of visitors, as the case may be, and the institution's faculty senate or other equivalent group.

B. Nothing in this section shall prohibit the State Board for Community Colleges, local community college boards, or any boards of visitors from excluding such representatives from discussions of faculty grievances, faculty or staff disciplinary matters, or salaries, or other matters, at the discretion of the relevant board.

2004, cc. 499, 519.

§ 23-9.2:5. (Repealed effective October 1, 2016) Student representatives to boards of visitors
A. The board of visitors of any four-year state institution of higher education shall appoint one or more students as nonvoting, advisory representatives. Such representatives shall be appointed under such circumstances and serve for such terms as the board of visitors of the institution shall prescribe.

B. Nothing in this section shall prohibit any board of visitors from excluding such representatives from discussions of faculty grievances, faculty or staff disciplinary matters or salaries or other matters at the discretion of the board.

1982, c. 356; 2000, cc. 699, 715.

§ 23-9.2:6. Repealed
Repealed by Acts 1990, c. 800 .

§ 23-9.2:7. (Repealed effective October 1, 2016) Distance learning
Effective January 1, 2005, each public institution of higher education shall include in its strategic plan information indicating to what extent, if any, it will use distance learning to expand access, improve quality, and minimize the cost of education. For institutions using or planning to use distance learning in the future, such information shall include the degree to which distance learning will be integrated into the curriculum, benchmarks for measuring such integration, and a schedule for the evaluation of such courses.

The State Council shall assist the governing boards in the development of such information.

2004, c. 146.

§ 23-9.2:8. (Repealed effective October 1, 2016) Student mental health policies
A. The governing board of each public institution of higher education shall develop and implement policies that advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students exhibiting suicidal tendencies or behavior, and provide for training, where appropriate. Such policies shall require procedures for notifying the institution's student health or counseling center for the purposes set forth in subsection C of § 23-9.2:3 when a student exhibits suicidal tendencies or behavior.

B. The governing board of each public four-year institution of higher education shall establish a written memorandum of understanding with its local community services board or behavioral health authority and with local hospitals and other local mental health facilities in order to expand the scope of services available to students seeking treatment. The memorandum shall designate a contact person to be notified, to the extent allowable under state and federal privacy laws, when a student is involuntarily committed, or when a student is discharged from a facility. The memorandum shall also provide for the inclusion of the institution in the post-discharge planning of a student who has been committed and intends to return to campus, to the extent allowable under state and federal privacy laws.

2007, c. 705; 2012, cc. 697, 721; 2013, cc. 714, 735; 2015, cc. 663, 716; 2016, cc. 573, 684.

§ 23-9.2:9. (Repealed effective October 1, 2016) Institutional crisis and emergency management plan; review required; annual functional exercise required

A. The board of visitors or other governing body of each public institution of higher education shall develop, adopt, and keep current a written crisis and emergency management plan. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

B. Every four years, each institution shall conduct a comprehensive review and revision of its crisis and emergency management plan to ensure the plan remains current, and the revised plan shall be adopted formally by the board of visitors or other governing body. Such review shall also be certified in writing to the Department of Emergency Management. The institution shall coordinate with the local emergency management organization, as defined by § 44-146.16, to ensure integration into the local emergency operations plan.

C. In addition, the president and vice-president of each public institution of higher education, or in the case of the Virginia Military Institute, the superintendent, shall annually (i) review the institution's crisis and emergency management plan; (ii) certify in writing to the Department of Emergency Management that the president and vice-president, or the superintendent, have reviewed the plan; and (iii) make recommendations to the institution for appropriate changes to the plan.

D. Each public institution of higher education shall annually conduct a functional exercise in accordance with the protocols established by the institution's crisis and emergency management plan and certify in writing to the Department of Emergency Management that such exercise was conducted.

2008, cc. 450, 526; 2009, cc. 222, 269; 2010, cc. 104, 478; 2012, cc. 18, 112, 418.

§ 23-9.2:10. (Repealed effective October 1, 2016) Violence prevention committee; threat assessment team

A. Each public college or university shall have in place policies and procedures for the prevention of violence on campus, including assessment and intervention with individuals whose behavior poses a threat to the safety of the campus community.

B. The board of visitors or other governing body of each public institution of higher education shall determine a committee structure on campus of individuals charged with education and prevention of violence on campus. Each committee shall include representatives from student affairs, law enforcement, human resources, counseling services, residence life, and other constituencies as needed. Such committee shall also consult with legal counsel as needed. Once formed, each com-

mittee shall develop a clear statement of: (i) mission, (ii) membership, and (iii) leadership. Such statement shall be published and available to the campus community.

C. Each committee shall be charged with: (i) providing guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a physical threat to the community; (ii) identifying members of the campus community to whom threatening behavior should be reported; (iii) establishing policies and procedures that outline circumstances under which all faculty and staff are to report behavior that may represent a physical threat to the community, consistent with state and federal law; and (iv) establishing policies and procedures for the assessment of individuals whose behavior may present a threat, appropriate means of intervention with such individuals, and sufficient means of action, including interim suspension, referrals to community services boards or health care providers for evaluation or treatment, medical separation to resolve potential physical threats, or notification of family members or guardians, or both, unless such notification would prove harmful to the individual in question, consistent with state and federal law.

D. The board of visitors or other governing body of each public institution of higher education shall establish a specific threat assessment team that shall include members from law enforcement, mental health professionals, representatives of student affairs and human resources, and, if available, college or university counsel. Such team shall implement the assessment, intervention and action policies set forth by the committee pursuant to subsection C.

E. Each threat assessment team shall establish relationships or utilize existing relationships with local and state law-enforcement agencies as well as mental health agencies to expedite assessment and intervention with individuals whose behavior may present a threat to safety. Upon a preliminary determination that an individual poses a threat of violence to self or others, or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in §§ 19.2-389 and 19.2-389.1, and health records, as provided in § 32.1-127.1:03. No member of a threat assessment team shall redisclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

2008, cc. 450, 533; 2010, cc. 456, 524; 2013, c. 710; 2014, cc. 793, 799.

§ 23-9.2:11. (Repealed effective October 1, 2016) First warning and emergency notification system required

By January 1, 2009, the governing boards of each public institution of higher education shall establish a comprehensive, prompt, and reliable first warning notification and emergency broadcast system for their students, faculty, and staff, both on and off campus. Such system shall be activated in the case of an emergency and may rely on website announcements; email notices; phone, cellular phone, and text messages; alert lines; public address systems; and other means of

communication. In addition, each institution shall designate individuals authorized to activate the warning system and provide such individuals with appropriate training for its use.

2008, cc. 413, 450.

§ 23-9.2:12. (Repealed effective October 1, 2016) Student organizations; rights and recognition

To the extent allowed by state and federal law:

1. A religious or political student organization may determine that ordering the organization's internal affairs, selecting the organization's leaders and members, defining the organization's doctrines, and resolving the organization's disputes are in furtherance of the organization's religious or political mission and that only persons committed to that mission should conduct such activities; and

2. No public institution of higher education that has granted recognition of and access to any student organization or group shall discriminate against any such student organization or group that exercises its rights pursuant to subdivision 1.

2013, cc. 696, 701.

§ 23-9.2:13. (Repealed effective October 1, 2016) Restrictions on student speech; limitations

Public institutions of higher education shall not impose restrictions on the time, place, and manner of student speech that (i) occurs in the outdoor areas of the institution's campus and (ii) is protected by the First Amendment to the United States Constitution unless the restrictions (a) are reasonable, (b) are justified without reference to the content of the regulated speech, (c) are narrowly tailored to serve a significant governmental interest, and (d) leave open ample alternative channels for communication of the information.

2014, c. 559.

§ 23-9.2:14. (Repealed effective October 1, 2016) Mental health resources website page required

Each four-year public institution of higher education shall create and feature on its website a page with information dedicated solely to the mental health resources available to students at the institution.

2014, c. 558.

§ 23-9.2:15. (Repealed effective October 1, 2016) Reporting of acts of sexual violence

A. For purposes of this section:

"Campus" means (i) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the institution but controlled by another

person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

"Noncampus building or property" means (i) any building or property owned or controlled by a student organization officially recognized by an institution of higher education or (ii) any building or property owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

"Public property" means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

"Responsible employee" means a person employed by a public institution of higher education or private nonprofit institution of higher education who has the authority to take action to redress sexual violence, who has been given the duty of reporting acts of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate institution designee, or whom a student could reasonably believe has this authority or duty.

"Sexual violence" means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

"Title IX coordinator" means an employee designated by a public institution of higher education or private nonprofit institution of higher education to coordinate the institution's efforts to comply with and carry out the institution's responsibilities under Title IX (20 U.S.C. § 1681 et seq.). If no such employee has been designated by the institution, the institution shall designate an employee who will be responsible for receiving information of alleged acts of sexual violence from responsible employees in accordance with subsection B.

B. Any responsible employee who in the course of his employment obtains information that an act of sexual violence may have been committed against a student attending the institution or may have occurred on campus, in or on a noncampus building or property, or on public property shall report such information to the Title IX coordinator as soon as practicable after addressing the immediate needs of the victim.

C. Upon receipt of information pursuant to subsection B, the Title IX coordinator or his designee shall promptly report the information, including any personally identifiable information, to a review committee established pursuant to subsection D. Nothing in this section shall prevent the Title IX coordinator or any other responsible employee from providing any information to law enforcement with the consent of the victim.

D. Each public institution of higher education or private nonprofit institution of higher education shall establish a review committee for the purposes of reviewing information related to acts of sexual violence, including information reported pursuant to subsection C. Such review committee

shall consist of three or more persons and shall include the Title IX coordinator or his designee, a representative of law enforcement, and a student affairs representative. If the institution has established a campus police department pursuant to Chapter 17 (§ 23-232 et seq.) of this title, the representative of law enforcement shall be a member of such department, otherwise the representative of law enforcement shall be a representative of campus security. The review committee may be the threat assessment team established under § 23-9.2:10 or a separate body. The review committee may obtain law-enforcement records, criminal history record information as provided in §§ 19.2-389 and 19.2-389.1, health records as provided in § 32.1-127.1:03, available institutional conduct or personnel records, and known facts and circumstances of the information reported pursuant to subsection C or information or evidence known to the institution or to law enforcement. The review committee shall be considered to be a threat assessment team established pursuant to § 23-9.2:10 for purposes of (i) obtaining criminal history record information and health records and (ii) the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The review committee shall conduct its review in compliance with federal privacy law.

E. Upon receipt of information of an alleged act of sexual violence reported pursuant to subsection C, the review committee shall meet within 72 hours to review the information and shall meet again as necessary as new information becomes available.

F. If, based on consideration of all factors, the review committee, or if the committee cannot reach a consensus, the representative of law enforcement on the review committee, determines that the disclosure of the information, including personally identifiable information, is necessary to protect the health or safety of the student or other individuals as set forth in 34 C.F.R. § 99.36, the representative of law enforcement on the review committee shall immediately disclose such information to the law-enforcement agency that would be responsible for investigating the alleged act of sexual violence. Such disclosure shall be for the purposes of investigation and other actions by law enforcement. Upon such disclosure, the Title IX coordinator or his designee shall notify the victim that such disclosure is being made. The provisions of this subsection shall not apply if the law-enforcement agency responsible for investigating the alleged act of sexual violence is located outside the United States.

G. In cases in which the alleged act of sexual violence would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, the representative of law enforcement on the review committee shall inform the other members of the review committee and shall within 24 hours consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence and provide to him the information received by the review committee without disclosing personally identifiable information, unless such information was disclosed pursuant to subsection F. In addition, if such consultation does not occur and any other member of the review committee individually concludes that the alleged act of sexual violence would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, that member shall within 24 hours consult with the attorney for the Commonwealth or other

prosecutor responsible for prosecuting the alleged act of sexual violence and provide to him the information received by the review committee without disclosing personally identifiable information, unless such information was disclosed pursuant to subsection F.

H. At the conclusion of the review, the Title IX coordinator and the law-enforcement representative shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the review team's considerations, which shall be maintained under applicable state and federal law.

I. No responsible employee shall be required to make a report pursuant to subsection B if:

1. The responsible employee obtained the information through any communication considered privileged under state or federal law or the responsible employee obtained the information in the course of providing services as a licensed health care professional, an employee providing administrative support for such health care professionals, a professional counselor, an accredited rape crisis or domestic violence counselor, a campus victim support personnel, a member of clergy, or an attorney; or

2. The responsible employee has actual knowledge that the same matter has already been reported to the Title IX coordinator or to the attorney for the Commonwealth or the law-enforcement agency responsible for investigating the alleged act of sexual violence.

J. Any responsible employee who makes a report required by this section or testifies in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability alleged to have resulted therefrom unless such person acted in bad faith or with malicious intent.

K. The provisions of this section shall not require a person who is the victim of an alleged act of sexual violence to report such violation.

L. The institution shall ensure that a victim of an alleged act of sexual violence is informed of (i) the available law-enforcement options for investigation and prosecution; (ii) the importance of collection and preservation of evidence; (iii) the available options for a protective order; (iv) the available campus options for investigation and adjudication under the institution's policies; (v) the victim's rights to participate or decline to participate in any investigation to the extent permitted under state or federal law; (vi) the applicable federal or state confidentiality provisions that govern information provided by a victim; (vii) the available on-campus resources and any unaffiliated community resources, including sexual assault crisis centers, domestic violence crisis centers, or other victim support services; and (viii) the importance of seeking appropriate medical attention.

2015, cc. 737, 745.

§ 23-9.2:16. (Repealed effective October 1, 2016) Sexual assault; memoranda of understanding; policies

A. Each public institution of higher education or private nonprofit institution of higher education shall establish and the State Board for Community Colleges shall adopt a policy requiring each

community college to establish a written memorandum of understanding with a sexual assault crisis center or other victim support service in order to provide sexual assault victims with immediate access to a confidential, independent advocate who can provide a trauma-informed response that includes an explanation of options for moving forward.

B. Each public institution of higher education or private nonprofit institution of higher education shall adopt policies to provide to sexual assault victims information on contacting such sexual assault crisis center or other victim support service.

C. Each public institution of higher education or nonprofit private institution of higher education may request the cooperation of the primary law-enforcement agency of the locality in which the institution is located to establish a written memorandum of understanding with such law-enforcement agency to address the prevention of and response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2.

2015, cc. 737, 745; 2016, c. 481.

§ 23-9.2:17. (Repealed effective October 1, 2016) Sexual violence policy review

By October 31 of each year, each public institution of higher education or private nonprofit institution of higher education and the State Board for Community Colleges shall certify to the State Council of Higher Education for Virginia that it has reviewed its sexual violence policy and updated it as appropriate. The State Council of Higher Education for Virginia and the Department of Criminal Justice Services shall establish criteria for the certification process and may request information relating to the policies for the purposes of sharing best practices and improving campus safety. The State Council of Higher Education for Virginia and the Department of Criminal Justice Services shall report to the Secretary of Education on the certification status of each institution and the Virginia Community College System by November 30 of each year.

2015, cc. 737, 745.

§ 23-9.2:18. (Repealed effective October 1, 2016) Academic transcripts; suspension, permanent dismissal, or withdrawal from institution

A. The registrar of each (i) private institution of higher education that is eligible to participate in the Tuition Assistance Grant Program or to receive project financing from the Virginia College Building Authority pursuant to the Educational Facilities Authority Act of 1972 (§ 23-30.39 et seq.) and (ii) public institution of higher education, or the other employee, office, or department of the institution that is responsible for maintaining student academic records, shall include a prominent notation on the academic transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct stating that such student was suspended for, was permanently dismissed for, or withdrew from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards. Such notation shall be substantially in the

following form: "[Suspended, Dismissed, or Withdrew while under investigation] for a violation of [insert name of institution's code, rules, or set of standards]." Each such institution shall (a) notify each student that any such suspension, permanent dismissal, or withdrawal will be documented on the student's academic transcript and (b) adopt a procedure for removing such notation from the academic transcript of any student who is subsequently found not to have committed an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct. For purposes of this section, "sexual violence" means physical sexual acts perpetrated against a person's will or against a person incapable of giving consent.

B. The institution shall remove from a student's academic transcript any notation placed on such transcript pursuant to subsection A due to such student's suspension if the student (i) completed the term of the suspension and any conditions thereof and (ii) has been determined by the institution to be in good standing according to the institution's code, rules, or set of standards governing such a determination.

C. The provisions of this section shall apply only to a student who is taking or has taken a course at a campus of a public or private institution of higher education located in the Commonwealth; however, the provisions of this section shall not apply to any public institution of higher education established pursuant to Chapter 10 (§ 23-92 et seq.).

2015, c. 771.

§ 23-9.2:19. (Repealed effective October 1, 2016) Study abroad programs

A. As used in this section, "study abroad program" means a program sponsored, offered, or approved for credit by an institution of higher education in which program participants travel outside the United States in connection with an educational experience.

B. The Council shall develop guidelines for study abroad programs.

2016, c. 572.

Chapter 1.1 - STATE COUNCIL OF HIGHER EDUCATION

§ 23-9.3. (Repealed effective October 1, 2016) State Council of Higher Education for Virginia created; purpose; membership; terms; officers

A. There is hereby created a State Council of Higher Education for Virginia, hereinafter sometimes referred to as the Council. The purpose of the Council shall be, through the exercise of the powers and performance of the duties set forth in this chapter, to advocate and promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the Commonwealth of Virginia and to lead state-level strategic planning and policy development and implementation based on research and analysis and in accordance with § 23-38.87:10 and subsection B of § 23-38.88. The Council shall also seek to facilitate collaboration among institutions of higher education that will enhance quality and create oper-

ational efficiencies and shall work with institutions of higher education and their boards on board development.

B. The Council shall be composed of persons selected from the Commonwealth at large without regard to political affiliation but with due consideration of geographical representation. Appointees shall have demonstrated experience, knowledge, and understanding of higher education and workforce needs. Appointees shall be selected for their ability and all appointments shall be of such nature as to aid the work of the Council and to inspire the highest degree of cooperation and confidence. No officer, employee, trustee, or member of the governing board of any institution of higher education, employee of the Commonwealth, member of the General Assembly, or member of the State Board of Education shall be eligible for appointment to the Council except as specified in this section. All members of the Council shall be deemed members at large charged with the responsibility of serving the best interests of the whole Commonwealth. No member shall act as the representative of any particular region or of any particular institution of higher education.

C. The Council shall consist of 13 members: 12 members appointed by the Governor and subject to confirmation by the General Assembly at its next regular session and one ex officio member. At least one appointee shall have served as a president or chief executive of a public institution of higher education in the Commonwealth. At least one member shall be a sitting Virginia school superintendent, either at the state or local level. The President of the Virginia Economic Development Partnership shall serve ex officio with voting privileges. All terms shall begin July 1. Members shall be appointed for four-year terms, except that appointments to fill vacancies occurring shall be for the unexpired term.

D. No person having served on the Council for two terms of four years shall be eligible for reappointment to the Council for two years thereafter.

E. The Council shall elect a chairman and a vice-chairman from its own membership and appoint a secretary and such other officers as it deems necessary or advisable and shall prescribe their duties and term of office.

F. At each meeting, the Council shall involve the presidents of the public institutions of higher education in its agenda. The presidents shall present information and comment on issues of common interest. The presidents shall choose presenters to the Council from among themselves who reflect the diversity of the institutions.

At each meeting, the Council may involve other groups, including the presidents of private, nonprofit institutions of higher education, in its agenda.

1956, c. 311; 1964, c. 597; 1970, c. 117; 1972, c. 210; 1974, c. 544; 1980, c. 728; 1991, c. 590; 2013, c. 605.

§ 23-9.3:1. (Repealed effective October 1, 2016) Student advisory committee

The State Council of Higher Education shall appoint a student advisory committee comprised of students enrolled in public institutions of higher education in the Commonwealth and students enrolled in private and accredited institutions of higher education in the Commonwealth, whose primary purpose is to provide collegiate or graduate education and not to provide religious training. Appointments shall be made in a manner to ensure broad student representation from among such institutions.

All appointments shall be made for a term of one year each, except that appointments to fill vacancies shall be for the unexpired term. Members of the student advisory committee may be reappointed to serve subsequent or consecutive terms.

The State Council shall ensure that at least one member of the student advisory committee is reappointed each year. The student advisory committee shall elect a chairman from among its members.

The advisory committee shall meet at least twice annually and shall advise the State Council of Higher Education regarding such matters as may come before the advisory committee.

2003, c. 710; 2006, c. 92; 2009, c. 434.

§ 23-9.4. (Repealed effective October 1, 2016) Employment of director and other personnel
The Council shall employ and appoint a director who shall be the chief executive officer of the Council, and such personnel as may be required to assist it in the exercise and performance of its powers and duties.

1956, c. 311; 1974, c. 544; 1997, cc. 803, 888, 891; 2002, cc. 591, 612.

§ 23-9.5. (Repealed effective October 1, 2016) Coordinating council for state-supported institutions of higher education
The Council shall constitute a coordinating council for the College of William and Mary in Virginia, George Mason University, Longwood University, James Madison University, the University of Mary Washington, Norfolk State University, Old Dominion University, Radford University, the University of Virginia, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, Virginia State University, Christopher Newport University and the Virginia Community College System, branches, divisions or colleges of any of the foregoing, and such other state-supported institutions of higher education as may in the future be established.

1956, c. 311; 1974, c. 544; 1977, cc. 296, 319, 413; 1979, cc. 2, 136, 145; 1992, c. 103; 2002, cc. 158, 257; 2004, cc. 176, 195.

§ 23-9.6. Repealed
Repealed by Acts 1974, c. 544.

§ 23-9.6:1. (Repealed effective October 1, 2016) Duties of Council generally

In addition to such other duties as may be prescribed elsewhere, the State Council of Higher Education shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection B of § 23-38.88 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23-38.87:20 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in Virginia at both the undergraduate and the graduate levels, as well as the mission, programs, facilities and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plans at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any presently existing public institution of higher education and to define the mission of all public institutions of higher education created after the effective date of this provision. The Council shall, within the time prescribed in subdivision 1, make a report to the Governor and the General Assembly with respect to its actions hereunder. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing contained in this provision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly, nor to empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution, whether related to academic standards, residence or other criteria; it being the intention of this section that faculty selection and student admission policies shall remain a function of the individual institutions.

3. Study any proposed escalation of any public institution to a degree-granting level higher than that level to which it is presently restricted and to submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be in numerical terms by level of enrollment and shall be used for budgetary and fiscal planning purposes only. The Council shall develop estimates of the number of degrees to be awarded by each institution and include those estimates in its reports of enrollment projections. The student admissions policies for the institutions and their specific programs shall remain the sole responsibility of the individual boards of visitors; however, all four-year institutions shall adopt dual admissions policies with the community colleges, as required by § 23-9.2:3.02.

5. Review and approve or disapprove all new academic programs which any public institution of higher education proposes. As used herein, "academic programs" include both undergraduate and graduate programs.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations, or (ii) supported by state funds and is unnecessarily duplicative of academic programs offered at other public institutions of higher education in the Commonwealth. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the creation and establishment of any department, school, college, branch, division or extension of any public institution of higher education that such institution proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation and establishment of departments, schools, colleges, branches, divisions and extensions, whether located on or off the main campus of the institution in question. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall be construed to authorize the Council to disapprove the creation and establishment of any department, school, college, branch, division or extension of any institution that has been created and established by the General Assembly.

8. Review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan, when needed.

9. Develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollments, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities and such other areas as the Council deems appropriate. When consistent with the Government Data Collection and Dissemination Practices Act, the Virginia Unemployment Compensation Act, and applicable federal law, the Council, acting solely or in partnership with the Virginia Department of Education or the Virginia Employment Commission, may contract with private entities to create de-identified student records for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth. For the purposes of this section, "de-identified student records" means records in which all personally identifiable information has been removed.

10. Develop in cooperation with institutions of higher education guidelines for the assessment of student achievement. An institution shall use an approved program that complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report the institutions' assessments of student achievement in the biennial revisions to the state's master plan for higher education.

11. Develop in cooperation with the appropriate state financial and accounting officials and to establish uniform standards and systems of accounting, record keeping and statistical reporting for the public institutions of higher education.

12. Review biennially and approve or disapprove all changes in the inventory of educational and general space that any public institution of higher education may propose, and to make a report to the Governor and the General Assembly with respect thereto. No such change shall be made until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

13. Visit and study the operations of each of the public institutions of higher education at such times as the Council shall deem appropriate and to conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

14. Provide advisory services to private, accredited and nonprofit institutions of higher education, whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education, on academic, administrative, financial and space utilization matters. The Council may also review and advise on joint activities, including contracts for services between such public and private institutions of higher education or between such private institutions and any agency of the Commonwealth or political subdivision thereof.

15. Adopt such rules and regulations as the Council believes necessary to implement all of the Council's duties and responsibilities as set forth in this Code. The various public institutions of higher education shall comply with such rules and regulations.

16. Issue guidelines consistent with the provisions of the federal Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g requiring public institutions of higher education to release a student's academic and disciplinary record to a student's parent.

17. Require that each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, shall ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth of Virginia. An institution may provide for the preservation of student transcripts by binding agreement with another institution of higher education with which it is not corporately connected or in such other way as the Council may authorize by regulation. In the event an institution closes, or has its approval to operate in the Commonwealth revoked, the Council, through its Director, may take such action as is necessary to secure and preserve the student transcripts until such time as an

appropriate institution accepts all or some of the transcripts. Nothing in this section shall be deemed to interfere with the right of a student to his own transcripts; nor shall this section authorize disclosure of student records except as may otherwise be authorized by law.

18. Require the development and submission of articulation, dual admissions, and guaranteed admissions agreements between two-year and four-year public institutions of higher education in Virginia.

19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for the various public institutions.

20. Develop a uniform certificate of general studies program, in consultation with the Virginia Community College System and Virginia public institutions of higher education, to be offered at each community college in Virginia. Such program shall ensure that a community college student who completes the one-year certificate program shall be able to transfer all credits earned in academic subject coursework to a four-year public institution of higher education in the Commonwealth upon acceptance to the institution.

21. Assist the Virginia Research Investment Committee with the administration of the Virginia Research Investment Fund consistent with the provisions of Chapter 28 (§ 23-304 et seq.).

In carrying out its duties and responsibilities, the Council, insofar as practicable, shall preserve the individuality, traditions and sense of responsibility of the respective institutions. The Council, insofar as practicable, shall seek the assistance and advice of the respective institutions in fulfilling all of its duties and responsibilities.

1974, c. 544; 1979, c. 619; 1989, c. 105; 1991, c. 590; 1996, c. 215; 1999, cc. 451, 460; 2001, c. 841; 2002, c. 95; 2003, cc. 715, 725; 2004, c. 502; 2005, cc. 818, 933, 945; 2006, c. 379; 2009, cc. 55, 56; 2010, cc. 68, 527; 2011, cc. 828, 869; 2012, c. 142; 2014, c. 628; 2016, c. 775.

§ 23-9.6:1.01. (Repealed effective October 1, 2016) Assessments of institutional performance

A. 1. The State Council shall develop and revise from time to time, in consultation with the respective chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health or their designees, representatives of public institutions of higher education, and such other state officials as may be designated by the Governor, objective measures of educational-related performance and institutional performance benchmarks for such objective measures. At a minimum, the State Council shall develop objective measures and institutional performance benchmarks for the goals and objectives set forth in subdivisions B 1 through B 10 of § 23-38.88.

The State Council shall develop the initial objective measures and performance benchmarks for consideration by the Governor and the General Assembly no later than October 1, 2005.

2. The Governor shall develop and revise from time to time objective measures of financial and administrative management performance and related institutional performance benchmarks for

the goals and objectives set forth in subdivision B 11 of § 23-38.88. The Governor shall develop the initial measures and performance benchmarks and report his recommendations to the General Assembly prior to November 15, 2005.

B. The Governor shall include objective measures of financial and administrative management and educational-related performance and related institutional performance benchmarks as described in subsection A in "The Budget Bill" submitted as required by subsection A of § 2.2-1509 or in his proposed gubernatorial amendments to the general appropriation act pursuant to subsection E of § 2.2-1509.

C. The State Council shall annually assess the degree to which each individual public institution of higher education has met the financial and administrative management and educational-related performance benchmarks set forth in the appropriation act in effect. Such annual assessment shall be based upon the objective measures and institutional performance benchmarks included in the annual appropriation act in effect. The State Council shall request assistance from the Secretaries of Finance and Administration, who shall provide such assistance, for purposes of assessing whether or not public institutions of higher education have met the financial and administrative management performance benchmarks.

No later than June 1 of every fiscal year beginning with the fiscal year that immediately follows the fiscal year of implementation as defined in § 2.2-5005, the State Council shall provide a certified written report of the results of such annual assessment to the Governor and the respective chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health.

Those institutions that are certified by the State Council as having met the financial and administrative management and educational-related performance benchmarks in effect for the fiscal year as set forth in the general appropriation act shall be entitled to the financial benefits set forth in § 2.2-5005. Such benefits shall first be provided as determined under such section.

D. Notwithstanding any other provision of this section, no institution shall be required to submit documentation that it has met the financial and administrative management and educational-related performance benchmarks set forth in the general appropriations act for the fiscal years 2011-2012 and 2012-2013. If an institution is certified by the State Council as having met the financial and administrative management and educational-related performance benchmarks for the fiscal year 2010-2011, then such institution shall be entitled to the financial benefits set forth in subdivision B 14 of § 2.2-1124, subsection C of § 2.2-1132, subdivisions 4 and 5 of § 2.2-1149, subsection C of § 2.2-1150, subdivision C 2 of § 2.2-1153, § 2.2-1609, subdivision B 3 of § 2.2-2007.1, subsection E of § 2.2-2901, § 2.2-5005, subdivisions 1 and 3 of § 23-38.90, and subsection C of § 36-98.1 for the fiscal years 2011-2012 and 2012-2013.

2005, cc. 933, 945; 2011, cc. 828, 869; 2013, c. 482; 2016, c. 296.

§ 23-9.6:2. (Repealed effective October 1, 2016) 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 service in the uniformed services 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 guidelines shall include procedures for the required reenrollment of students whose service in the uniformed services 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; 2011, c. 27.

§ 23-9.7. Repealed

Repealed by Acts 1974, c. 544.

§ 23-9.8. (Repealed effective October 1, 2016) Cooperation with State Board of Education

The Council shall cooperate with the State Board of Education in matters of interest to both the public schools and the state-supported institutions of higher education, particularly in connection with coordination of the college admission requirements and teacher training programs with the public school program. In accomplishing this responsibility, the Council shall consult with the Board on its Six-Year Educational Technology Plan for Virginia and shall encourage the public institutions of higher education to design programs which include the skills necessary for the successful implementation of the Plan.

1956, c. 311; 1997, c. 827.

§ 23-9.8:1. (Repealed effective October 1, 2016) State Council of Higher Education to advise the Brown v. Board of Education Scholarship Awards Committee

Consistent with its statutory responsibilities for higher education in the Commonwealth, the Council shall advise and provide technical assistance to the Brown v. Board of Education Scholarship Awards Committee in the implementation and administration of the Brown v. Board of Education Scholarship Program, pursuant to Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

2005, cc. 753, 834.

§ 23-9.9. (Repealed effective October 1, 2016) Preparation of budget requests; submission of budget requests to Council; coordinating requests; submission of recommendations to Governor and General Assembly

The Council of Higher Education shall develop policies, formulae and guidelines for the fair and equitable distribution and use of public funds among the public institutions of higher education, taking into account enrollment projections and recognizing differences as well as similarities in institutional missions. Such policies, formulae and guidelines as are developed by the Council shall include provisions for operating expenses and capital outlay programs and shall be utilized by all public institutions of higher education in preparing requests for appropriations. The Council shall consult with the Department of Planning and Budget in the development of such policies, formulae and guidelines to insure that they are consistent with the requirements of the Department of Planning and Budget.

Not less than thirty days prior to submitting its biennial budget request to the Governor, the governing board of each public institution of higher education shall transmit to the Council such selected budgetary information relating to its budget request for maintenance and operation and for capital outlay as the Council shall reasonably require. The Council shall analyze such information in light of the Council's plans, policies, formulae and guidelines and shall submit to the Governor recommendations for approval or modification of each institution's request together with a rationale for each such recommendation. The Council shall make available to the General Assembly its analyses and recommendations concerning institutional budget requests.

Nothing herein shall prevent any institution from appearing through its representatives or otherwise before the Governor and his advisory committee on the budget, the General Assembly or any committee thereof at any time.

1956, c. 311; 1974, c. 544; 1991, c. 590.

§ 23-9.9:01. (Repealed effective October 1, 2016) Reports of expenditures of state funds

The governing body of each public institution of higher education shall provide the State Council of Higher Education annual data indicating the apportionment and amounts of expenditures that the relevant institution expends by category, including academic costs, administration, research, and public service, as defined by the Council. The Council shall compile and submit a report of such data annually to the Governor and the General Assembly.

2003, c. 184; 2007, c. 630; 2012, cc. 803, 835.

§ 23-9.9:1. (Repealed effective October 1, 2016) Funds for graduate marine science consortium

Funds for any consortium created by the College of William and Mary, Old Dominion University, the University of Virginia and Virginia Polytechnic Institute and State University for the purpose of promoting graduate marine science education may be included in the budget request of and the appropriations to the State Council of Higher Education.

1979, c. 294.

§ 23-9.10. Repealed

Repealed by Acts 1996, cc. 110 and 127.

§ 23-9.10:1. (Repealed effective October 1, 2016) Coordinating agency for post-secondary educational programs for health professions and occupations

The State Council of Higher Education is hereby designated the planning and coordinating agency for all post-secondary educational programs for all health professions and occupations. The Council shall make recommendations, including those relating to financing, whereby adequate and coordinated educational programs may be provided to produce an appropriate supply of properly trained personnel. The Council is authorized to conduct such studies as it deems appropriate. All state departments and agencies shall cooperate with the Council in the execution of its responsibilities under this section.

1970, c. 294; 1979, c. 28; 1980, c. 728; 1985, c. 448; 1991, cc. 454, 590.

§ 23-9.10:2. (Repealed effective October 1, 2016) Advisory services to private nonprofit colleges and universities; Private College Advisory Committee continued as Private College Advisory Board

(a) The Council shall provide advisory services to, and with respect to, the private, accredited, nonprofit colleges and universities within the Commonwealth on academic and administrative matters. The Council may also review and advise on joint activities, including contracts for services, between private and public colleges and universities and between private colleges and universities and any agency of the Commonwealth or political subdivision thereof. The Council may collect and analyze such data as may be pertinent to such activities.

(b) The Private College Advisory Committee established and maintained by the Council is continued and shall hereafter be known as the Private College Advisory Board. The Council shall seek the advice of the Private College Advisory Board and the Advisory Board shall assist the Council in the performance of its duties as required by subsection (a) herein. The Private College Advisory Board shall be composed of college and university representatives and such other members as the Council may select.

(c) The Private College Advisory Board shall be broadly representative of the private sector of nonprofit higher education in the Commonwealth. The Private College Advisory Board shall meet at least twice each year and shall advise the Council and the private accredited nonprofit colleges and universities in the Commonwealth with respect to such matters as may come before it. The Council may employ such qualified personnel as may be required to assist the Private College Advisory Board in the performance of its duties.

1974, c. 40; 1980, c. 728; 1985, c. 448.

§ 23-9.10:3. (Repealed effective October 1, 2016) Authorization for Commonwealth or any political subdivision thereof to contract to furnish or to obtain educational or other related services to or from certain nonprofit institutions of higher education

A. For the purposes of this section:

1. "Private college" means a private, nonprofit institution of higher education in the Commonwealth approved to confer degrees pursuant to Chapter 21.1 (§ 23-276.1 et seq.) of this title whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education.

2. "Public college" means any of the institutions of higher education listed in § 23-9.5.

3. "Services" includes but is not limited to a program or course of study offered, or approved for offer, by a private college or by a public college; use of professional personnel; use of any real or personal property owned, controlled, or leased for educational or educationally related purposes by such private and public colleges; a study, research or investigation or the like by employees or students or both of such colleges; any other activity dealing with scientific, technological, humanistic, or other educational or related subjects, or providing public service or student service activities.

B. The Commonwealth and any of its political subdivisions may contract to obtain or furnish educational or related services from or to private colleges.

1. No contract for services between private colleges on the one hand and public colleges or educational agencies of the Commonwealth, including but not limited to the State Board of Education, on the other, shall be valid unless approved by the State Council of Higher Education.

2. Except as provided in paragraph B 1, contracts for services between private colleges on the one hand and the Commonwealth or any of its political subdivisions on the other may be entered into in any circumstances where the Commonwealth or its political subdivisions would, by virtue of law, have authority to contract with private contractors for educational or related services and with public institutions of higher education in Virginia.

C. When contracts covered by paragraph B 2 of this section are made by private colleges, such colleges shall report the contracts to the State Council of Higher Education for information.

D. The State Council shall provide continuing evaluation of the effectiveness of such contracts, whether made under paragraph B 1 or B 2 of this section, and shall make recommendations regarding such contracts.

E. The authority to contract for educational or related services shall include authority to accept gifts, donations, and matching funds to facilitate or advance programs.

F. Unless an appropriations act specifically provides otherwise, all appropriations shall be construed to authorize contracts with private colleges for the provision of educational or related services which may be the subject of or included in the appropriation. Nothing in this chapter shall be construed to restrict or prohibit the use of any federal, state, or local funds made available under any federal, state, or local appropriation or grant.

1975, c. 399; 1991, c. 590; 2015, c. 709.

§ 23-9.10:4. Repealed

Repealed by Acts 2006, cc. 77 and 899, cl. 2.

§§ 23-9.11, 23-9.12. Repealed

Repealed by Acts 1974, c. 544.

§ 23-9.13. (Repealed effective October 1, 2016) Cooperating with and utilizing facilities of existing state departments, etc

In making the studies herein directed and in the performance of its duties hereunder the Council shall, insofar as possible, seek the cooperation and utilize the facilities of existing state departments, institutions and agencies.

1956, c. 311.

§ 23-9.13:1. Repealed

Repealed by Acts 2014, c. 484, cl. 2.

§ 23-9.14. (Repealed effective October 1, 2016) Effect upon powers of governing boards of institutions; endowment funds

The powers of the governing boards of the several institutions over the affairs of such institutions shall not be impaired by the provisions of this chapter except to the extent that powers and duties are herein specifically conferred upon the State Council of Higher Education. The Council shall have no authority over the solicitation, investment or expenditure of endowment funds now held or in the future received by any of the public institutions of higher education.

1956, c. 311; 1974, c. 544.

§ 23-9.14:1. (Repealed effective October 1, 2016) Educational programs for governing boards

A. From such funds as are appropriated for such purpose, the Council shall develop, in consultation with public institutions of higher education and members of their governing boards, and annually deliver educational programs for the governing boards of such institutions. New members of such governing boards shall participate, at least once during their first two years of membership, in the programs, which shall be designed to address the role, duties, and responsibilities of the governing boards and may include in-service programs on current issues in higher education. In developing such programs, the Council may consider similar educational programs for institutional governing boards in other states.

B. Educational programs for the governing boards of public institutions of higher education shall include presentations related to:

1. Board members' duty to the Commonwealth;

2. Governing board committee structure and function;

3. The duties of the executive committee set forth in § 23-2.04;

4. Professional accounting and reporting standards;

5. Methods for meeting the statutory, regulatory, and fiduciary obligations of the board;

6. The requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), developed and delivered in conjunction with the Freedom of Information Advisory Council;

7. Institutional ethics and conflicts of interest;

8. Creating and implementing institution-wide rules and regulations;

9. Business operations, administration, budgeting, financing, financial reporting, and financial reserves, including a segment on endowment management;

10. Fixing student tuition and fees;

11. Overseeing planning, construction, maintenance, expansion, and renovation projects that impact the University's consolidated infrastructure, physical facilities, and natural environment, including its lands, improvements, and capital equipment;

12. Workforce planning, strategy, and investment;

13. Institutional advancement, including philanthropic giving, fundraising initiatives, alumni programming, communications and media, government and public relations, and community affairs;

14. Student welfare issues, including academic studies; curriculum; residence life; student governance and activities; and the general physical and psychological well-being of undergraduate and graduate students;

15. Current national and state issues in higher education;

16. Future national and state issues in higher education;

17. Relations between the board of visitors and the president of the institution, including perspectives from presidents of public institutions of higher education in the Commonwealth;

18. Best practices for board governance, including perspectives from current board members; and

19. Any other topics that the Council, public institutions of higher education, and members of their governing boards deem necessary or appropriate.

C. The Council shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Council pursuant to this section no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

1996, cc. 868, 992; 2013, c. 577; 2014, c. 644.

§ 23-9.14:2. (Repealed effective October 1, 2016) State Transfer Tool

A. The Council shall develop, in cooperation with the public two-year and four-year institutions of higher education, a State Transfer Tool that designates those general education courses that are

offered within various associate degree programs at the public two-year institutions that are transferable for credit to the public four-year institutions.

In developing the Transfer Tool, the Council shall also seek the participation of private institutions of higher education in the Commonwealth.

B. The Council shall develop guidelines to govern the development and implementation of articulation, dual admissions, and guaranteed admissions agreements between the Commonwealth's public two-year and four-year institutions of higher education. Dual admissions agreements shall set forth (i) the obligations of the students accepted in such programs, including grade point average requirements, acceptable associate degree majors, and completion timetables, and (ii) the student's access to the privileges of enrollment in both institutions during the time enrolled in either institution. Such agreements shall be subject to the admissions requirements of the four-year institutions.

C. The Council shall develop and make available to the public information identifying all general education courses offered at public two-year institutions and designating those that are accepted for purposes of transfer for course credit at four-year public and private institutions of higher education in Virginia.

2004, c. 553; 2005, c. 818; 2006, c. 379; 2014, c. 628.

§ 23-9.14:3. (Repealed effective October 1, 2016) Distance learning reciprocity agreements; participation; Distance Learning Reciprocity Advisory Council

A. The State Council of Higher Education may enter into interstate reciprocity agreements that authorize accredited degree-granting institutions of higher education located in the Commonwealth to offer postsecondary distance education. The State Council shall administer such agreements and shall approve or disapprove participation in such agreements by accredited degree-granting institutions of higher education located in the Commonwealth. Participation in the agreements shall be voluntary. The State Council shall establish the Distance Learning Reciprocity Advisory Council, which shall include representatives from each participating institution. The Advisory Council shall advise the State Council on the development of policies governing the terms of participation by eligible institutions, including the establishment of fees to be paid by participating institutions to cover direct and indirect administrative costs incurred by the State Council.

B. Nothing in this section shall be construed to prohibit accredited degree-granting institutions of higher education located in the Commonwealth that do not participate in any interstate reciprocity agreement entered into by the State Council of Higher Education from offering postsecondary distance education.

2014, c. 323.

Chapter 1.2 - PARTICIPATION IN FEDERAL FINANCIAL-ASSISTANCE PROGRAMS [Repealed]

§§ 23-9.15 through 23-9.21. Repealed
Repealed by Acts 1977, c. 676.

Chapter 2 - AID TO PERSONS DENIED ADMISSION [Repealed]

§§ 23-10 through 23-13. Repealed
Repealed by Acts 1971, Ex. Sess., c. 102.

Chapter 3 - BONDS AND OTHER OBLIGATIONS

§ 23-14. (Repealed effective October 1, 2016) Certain educational institutions declared governmental instrumentalities; powers vested in majority of members of board
The College of William and Mary in Virginia, at Williamsburg; Richard Bland College of the College of William and Mary at Dinwiddie and Prince George; the rector and visitors of Christopher Newport University, at Newport News; Longwood University, at Farmville; the University of Mary Washington, at Fredericksburg; George Mason University, at Fairfax; the James Madison University, at Harrisonburg; Old Dominion University, at Norfolk; the State Board for Community Colleges, at Richmond; the Virginia Commonwealth University, at Richmond; the Radford University, at Radford; the Roanoke Higher Education Authority and Center; the rector and visitors of the University of Virginia, at Charlottesville; the University of Virginia's College at Wise; the Virginia Military Institute, at Lexington; the Virginia Polytechnic Institute and State University, at Blacksburg; the Virginia Schools for the Deaf and the Blind; the Virginia State University, at Petersburg; Norfolk State University, at Norfolk; the Wilson Workforce and Rehabilitation Center, at Fishersville; the Eastern Virginia Medical School; the Southern Virginia Higher Education Center; the Southwest Virginia Higher Education Center; the Institute for Advanced Learning and Research; and the New College Institute are hereby classified as educational institutions and are declared to be public bodies and constituted as governmental instrumentalities for the dissemination of education. The powers of every such institution derived directly or indirectly from this chapter shall be vested in and exercised by a majority of the members of its board, and a majority of such board shall be a quorum for the transaction of any business authorized by this chapter. Wherever the word "board" is used in this chapter, it shall be deemed to include the members of a governing body designated by another title.

1933, p. 83; 1946, p. 183; 1956, c. 373; 1960, c. 180; 1962, c. 69; 1964, cc. 358, 440, 635; 1966, c. 616; 1972, cc. 550, 861; 1974, c. 317; 1975, c. 396; 1976, c. 189; 1977, cc. 296, 319, 668; 1979, cc. 136, 145; 1987, c. 329; 1992, c. 103; 1999, cc. 424, 437; 2000, cc. 108, 671; 2001, c. 578; 2002, cc. 87, 158, 257, 478; 2004, cc. 176, 195, 857; 2005, cc. 774, 799; 2006, cc. 808, 842; 2008, c. 56; 2013, c. 805; 2015, cc. 369, 542.

§ 23-15. (Repealed effective October 1, 2016) Definitions

Whenever as used in this chapter, unless a different meaning clearly appears from the context:

"Institution" means any educational institution referred to in § 23-14 hereof.

"Board" means the board of visitors, board of trustees, or other governing body, by whatever name known, of an institution.

"Bonds" means any bonds, notes or other evidences of indebtedness or other obligations of an institution issued by an institution pursuant to this chapter.

"Governor" means the Governor of the Commonwealth of Virginia.

"Project" means (i) any building, facility, addition, extension or improvement of a capital nature required by or convenient for the purposes of an educational institution, including, without limitation, administration, teaching, lecture and exhibition halls, libraries, dormitories, student apartments, faculty dwellings, dining halls, cafeterias, snack bars, laundries, hospitals, laboratories, research centers, infirmaries, field houses, gymnasiums, auditoriums, student unions, recreation centers, stadiums, athletic facilities, garages, parking facilities, warehouses and storage buildings, book and student supplies centers and all buildings, lands and any other appurtenances, furnishings and equipment necessary or desirable in connection therewith or incidental thereto and (ii) any personal property at the institutions.

"To erect" or "erection" includes building, constructing, reconstructing, erecting, demolishing, extending, bettering, equipping, installing, modifying, and improving.

1933, p. 83; 1946, p. 184; 1964, c. 635; 1996, cc. 672, 689.

§ 23-16. (Repealed effective October 1, 2016) Powers of institutions

In addition to any powers to sue and be sued heretofore conferred upon it, every institution shall have power, in its proper corporate name and style, if any, to sue, and also power to be sued on any bonds, agreements or other contractual or quasi-contractual obligations issued, made or incurred pursuant to this chapter and for the enforcement thereof and of any duty in connection therewith and of any debt thereon or evidence thereby and of any terms, provisions, conditions, or covenants contained therein or made in connection with the issuance, making or procuring thereof, and for the enforcement of any contract or agreement with or liability of any nature to a federal agency or the holders of any bonds or any trustee therefor or representative thereof.

In addition to the powers now enjoyed by it, every institution shall have power in its proper corporate name and style, if any:

(a) To have a common seal and alter the same at pleasure.

(b) To acquire and hold real or personal property or interests therein in its own name.

(c) To execute all instruments necessary or convenient for the purposes of this chapter.

(d) With the consent of the Governor, to issue bonds and to provide for the rights of the holders thereof and to secure the same, all as hereinafter provided.

(e) To perform any acts and do any things authorized by this chapter under, through or by means of its own officers, agents or employees, or by contracts with private corporations, firms or individuals.

(f) To do all acts and things necessary or convenient to carry out the powers and purposes expressly given in this chapter.

1933, p. 84.

§ 23-17. (Repealed effective October 1, 2016) Purposes of institutions to acquire, install, modify, and erect projects

In addition to any other purposes provided by law or otherwise, the purpose of every institution shall be to acquire, install, modify, and erect any project as defined in § 23-15.

1933, p. 85; 1996, cc. 672, 689.

§ 23-18. (Repealed effective October 1, 2016) Consent of Governor to acquisition, erection or refinancing of project; borrowing money and issuing bonds; securing grants or loans under acts of Congress or of Commonwealth

The consent of the Governor being first had and obtained, every institution shall have power and is hereby authorized and empowered to acquire by purchase, gift, or otherwise, any project or to erect the same or to refinance the cost of acquisition or erection of any project, and in connection therewith to borrow money, and make, issue, and sell its bonds as hereinafter provided, and to enter into and perform all lawful contracts and agreements and do all lawful acts and things necessary or proper, and further to make such lawful contracts and agreements and do and perform all such lawful acts and things as may be necessary, proper or advisable for the purpose of obtaining and/or securing grants, loans and/or financial assistance of any kind or sort in connection therewith under any act of Congress or of this Commonwealth.

1933, p. 85; 1946, p. 184; 1966, c. 572.

§ 23-19. (Repealed effective October 1, 2016) Amount of bonds; purposes; resolutions; Treasury Board to be paying agent and to approve terms and structure; payment or purchase by institution; no personal liability

(a) Every institution shall have power and is hereby authorized and empowered from time to time to execute its bonds in such aggregate principal amount as may be determined upon by its board and approved by the Governor. All such bonds shall be approved by the Treasury Board pursuant to § 2.2-2416, and the Treasury Board is hereby designated the paying agent of such institutions under this chapter. The Treasury Board's duties shall include the approval of the terms and structure of such bonds. Such aggregate principal amount may include without limitation any costs associated with the development and management of the project or legal or accounting expenses incurred by the institution in connection with the project for the erection of which such bonds are issued, and the cost of issuance of the bonds, including printing, engraving, advertising, legal and other similar expenses.

(b) Such bonds shall be authorized by resolution of the board, approved by the Governor, and may be issued in one or more series, shall bear such date or dates, mature at such time or times, bear interest at such rate not exceeding the rate specified in § 23-30.03 payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide. Such bonds may be sold at public or private sale for such price or prices as the board with the approval of the Governor shall determine, provided that the interest cost to maturity of the money received for any issue of such bonds shall not exceed the rate specified in § 23-30.03; however, prior to the issuance of bonds to finance any "project, " the approval of the General Assembly must be obtained; and provided further, that biennially on or before the first day of September in the odd-numbered years, each educational institution shall submit to the Governor any project or projects and the estimated cost of each separate project such educational institution desires to have financed under the provisions of this chapter, and the Governor shall consider such projects and make his recommendation to the General Assembly in the budget submitted in accordance with the provisions of § 2.2-1508. Each educational institution is authorized to finance only those projects approved by the General Assembly in the appropriations act for the biennium covered by such appropriations act, which projects need not be limited to the projects recommended by the Governor.

(c) Such bonds may be issued to finance all or a portion of the cost of any project plus amounts to fund issuance costs, reserve funds, capitalized interest for a period not to exceed one year following completion of the project and for the corporate purpose or purposes of the institution specified by § 23-17 hereof or to carry out the powers conferred on the institution by § 23-18 hereof.

(d) Any resolution or resolutions authorizing such bonds may contain a provision or provisions which shall be part of the contract with the holders of such bonds as to:

(1) Fixing, revising, charging and collecting fees, rents and charges for or in connection with the use, occupation or services of the project and pledging the same and any increases in revenues to be derived from any existing facilities at such institution resulting from any increase in the fees, rents or charges for or in connection with the use, occupation or services of any such existing facilities to the payment of the principal of and the interest on such bonds;

(2) Fixing, revising, charging and collecting fees, rents and charges for or in connection with the use, occupation or services of any existing facilities at such institution and pledging the same to the payment of the principal of and the interest on such bonds;

(3) Fixing, revising, charging and collecting student building fees and other student fees from students enrolled at such institution and pledging the same in whole or in part to the payment of the principal of and the interest on such bonds;

(4) Pledging to the payment of the principal of and the interest on such bonds any moneys available for the use of such institution, including, but not limited to, and subject to Treasury Board guidelines and approval pursuant to § 2.2-2416, moneys appropriated to such institution from the general fund of the Commonwealth or from nongeneral funds, without regard to the source of such moneys, and which are not required by law or by previous binding contract to be devoted to some other purpose;

(5) Paying the cost of operating and maintaining any project and any such existing facilities from any one or more of the revenue sources mentioned in subdivisions (1), (2), (3) and (4) of this subsection creating reserves for such purposes and providing for the use and application thereof;

(6) Creating sinking funds for the payment of the principal of and the interest on such bonds, creating reserves for such purposes and providing for the use and application thereof;

(7) Limiting the right of the institution to restrict and regulate the use, occupation and services of the project and such other existing facilities or the services rendered therein;

(8) Limiting the purposes to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied;

(9) Limiting the issuance of additional bonds;

(10) Setting forth the procedure, if any, by which the terms of any contract with the holders of such bonds may be amended or abrogated and the manner in which such consent of such holders to any such amendment or abrogation may be given; and

(11) Setting forth such other condition or conditions as may be required by the United States of America or any federal agency as a condition precedent to or a requirement in connection with the obtaining of a direct grant or grants of money for or in aid of the erection of any project, or to defray or to partially defray the cost of labor and material employed in the erection of any project, or to obtain a loan or loans of money for or in aid of the erection of any project from the United States of America or any federal agency, provided that such other condition or conditions are approved by the Governor.

(e) The power and obligation of an institution to pay any bonds issued under this chapter shall be limited. Such bonds shall be payable only from any one or more of the revenue sources mentioned in subdivisions (1), (2), (3) and (4) of subsection (d) of this section and pledged therefor pursuant to a resolution adopted under said subsection (d). Such bonds shall in no event constitute an indebtedness of the institution, except to the extent of the collection of such revenues and such institution shall not be liable to pay such bonds or the interest thereon from any other funds; and no contract entered into by the institution pursuant to subsection (b) of this section shall be construed to require the costs or expenses of operation and maintenance of the project for the erection of which the bonds are issued and any such other existing facilities to be paid out of any funds other than the revenues derived from the sources mentioned in subdivisions (1), (2), (3) and

(4) of subsection (d) of this section and pledged therefor. Any provision of the general laws to the contrary notwithstanding, any bonds issued pursuant to the authority of this chapter shall be fully negotiable within the meaning and for all the purposes of Title 8.3A.

(f) Neither the Governor nor the members of the board nor any person executing such bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

(g) The institution shall have power out of any funds available therefor to purchase any bonds issued by it at a price not more than the principal amount thereof and the accrued interest. All bonds so purchased shall be cancelled unless purchased as an endowment fund investment. This paragraph shall not apply to the redemption of bonds.

(h) In any case in which an institution shall have obtained a loan for or in aid of the erection of any project from the United States of America or any federal agency, which loan requires the establishment of a debt service reserve, the institution, with the consent of the Governor, may deposit securities in a separate collateral account in an amount equal to the required debt service reserve, which securities shall be pledged to meet the debt service requirements only if the revenues derived from any one or more of the sources mentioned in subdivisions (1), (2), (3) and (4) of subsection (d) of this section and pledged for the payment of such loan become insufficient for such purpose. The face value of United States government securities and the market value of all other securities shall be deemed to be the value of any securities so deposited. Nothing herein shall be construed as prohibiting repayment of any portion of such loan from income derived from the securities so deposited. No securities shall be deposited in any such collateral account unless the same shall have been purchased with funds, the use of which is in nowise limited or restricted or shall have been donated to such institution for the purpose of establishing such debt service reserve.

1933, p. 85; 1936-7, p. 28; 1946, p. 184; 1950, p. 366; 1954, c. 397; 1958, cc. 17, 486; 1959, Ex. Sess., c. 61; 1962, c. 373; 1964, c. 635; 1970, c. 609; 1990, cc. 54, 856; 1996, cc. 636, 656, 672, 689.

§ 23-20. (Repealed effective October 1, 2016) Remedies of holders of bonds; powers of trustee representing holders

(a) The provisions of this section shall be applicable to an issue of bonds only if the resolution or resolutions authorizing such bonds shall provide in substance that the holders of such bonds are entitled to all the benefits of and subject to the provisions of this section.

(b) In the event that any institution shall default in the payment of principal of or interest on any series of its bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that such institution shall fail or refuse to comply with the provisions of this chapter, or shall default in any agreement made with the holders of its bonds of any series, the holders of twenty-five per centum

in aggregate principal amount of the bonds of such series then outstanding, by instrument or instruments filed with the Governor and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such series for the purposes herein provided.

(c) Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of the bonds of such series then outstanding shall, in his or its own name:

(1) By mandamus or other suit, action or proceeding at law or in equity enforce all rights of the holders of bonds of such series, including the right to require such institution and its board to collect fees, rents, charges or other revenues adequate to carry out any agreement as to, or pledge of, such revenues, and to require such institution and board to carry out any other agreements with the holders of the bonds of such series and to perform it and their duties under this chapter;

(2) Bring suit upon such bonds;

(3) By action or suit in equity, require such institution to account as if it were the trustees of an express trust for the holders of such bonds;

(4) By action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds.

(d) If the resolution or resolutions which authorize any bonds contain the provision authorized by subsection (a) of this section and further provide in substance that any trustee appointed by the holders of the bonds pursuant to this section shall have the powers provided by this subsection, then any such trustee, whether or not all such bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver who may enter and take possession of any property of the institution any of the revenues from which are pledged for the security of the bonds the holders of which are represented by such trustee and operate and maintain the same and collect and receive all fees, rents, charges and other revenues thereafter arising therefrom in the same manner as the institution itself might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee the fees, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable costs and disbursements and all costs and disbursements allowed by the court shall be a first charge on any fees, rents, charges and other revenues of the institution pledged for the security of the bonds.

(e) Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the holders of bonds represented by such trustee in the enforcement and protection of their rights.

1933, p. 87; 1946, p. 186.

§ 23-20.1. (Repealed effective October 1, 2016) Bonds mutilated, lost or destroyed

Should any bond issued by an institution become mutilated or be lost or destroyed, the board may cause a new bond of like date, number and tenor to be executed and delivered in exchange and substitution for, and upon cancellation of, such mutilated bond and its interest coupons, or in lieu of and in substitution for such lost or destroyed bond and its unmatured interest coupons. Such new bond or coupon shall not be executed or delivered until the holder of the mutilated, lost or destroyed bond (1) has paid the reasonable expense and charges in connection therewith and (2) in the case of a lost or destroyed bond, has filed with the board and the State Treasurer satisfactory evidence that such bond was lost or destroyed and that the holder was the owner thereof and (3) has furnished indemnity satisfactory to the State Treasurer.

1962, c. 205.

§ 23-21. (Repealed effective October 1, 2016) Proceeds of bonds and revenues to be paid into state treasury; disposition

All moneys derived from the sale of bonds pursuant to § 23-19 and all revenues derived from any one or more of the sources mentioned in subdivisions (1), (2) and (3) of subsection (d) of § 23-19, except those moneys that are exempt from deposit into the state treasury, shall be paid into the state treasury and any such moneys and revenues so paid into the state treasury shall be set aside in special funds and devoted solely to the payment of the cost of erecting the project for which such bonds shall have been issued and to the payment of the principal of and the interest on such bonds and of the cost of maintenance and operation of such project and of any other existing facilities the revenues of which are pledged either in whole or in part to the payment of the principal of and the interest on such bonds, respectively, and are hereby specifically appropriated for those purposes to be paid out by the State Treasurer on warrants of the Comptroller to be issued on vouchers of the treasurer or other fiscal officer of the board of such institution.

1933, p. 88; 1946, p. 187; 1962, c. 373; 1964, c. 635; 1997, c. 308.

§ 23-22. (Repealed effective October 1, 2016) Accounts to be kept by boards

The board of every institution shall keep and preserve complete and accurate accounts of all sums of money received and disbursed in connection with the acquisition, erection, lease, operation and maintenance of any project and any such other existing facilities including without limitation a complete and accurate record of all revenues derived from any one or more of the sources mentioned in subdivisions (1), (2), (3) and (4) of subsection (d) of § 23-19 and all sums disbursed for the payment of the principal of or interest on or other debt service with respect to any bonds issued pursuant to the authority of this chapter and such annual portion of such revenues as shall not be required to discharge in due course any obligation, liability or debt of the institution incurred in connection with the project or such other existing facilities, including the creation of reserves for such purposes, shall be paid into the state treasury, as provided in § 23-21.

1933, p. 89; 1962, c. 373; 1964, c. 635; 1984, c. 734.

§ 23-23. (Repealed effective October 1, 2016) Bonds as legal investments

Any bonds issued pursuant to the authority of this chapter are hereby made securities in which all public officers and bodies of this Commonwealth and all political subdivisions thereof, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, in the Commonwealth may properly and legally invest funds in their control.

1933, p. 90.

§ 23-24. (Repealed effective October 1, 2016) Prohibition against obligating Commonwealth
The bonds and other obligations of an institution shall not be in any way a debt of the Commonwealth and shall not create or constitute any indebtedness or obligation of the Commonwealth, either legal, moral or otherwise, nor shall they be payable out of any funds other than those of the institution and nothing in this chapter contained shall be construed to authorize any institution to incur any indebtedness on behalf of or in any way to obligate the Commonwealth.

1933, p. 91.

§ 23-25. (Repealed effective October 1, 2016) Exemptions from taxation
The acquisition, erection, leasing, operation and maintenance of any project authorized by this chapter are in all respects for the benefit of the people of the Commonwealth of Virginia, for the increase of their pleasure, knowledge and welfare and for the dissemination of education among them, and every institution shall be regarded as performing a governmental function and shall be deemed to be an incorporated institution of learning in carrying out its purposes and exercising its powers derived from this chapter and, so far as may be consistent with the Constitution of Virginia, shall be required to pay no taxes or assessments of any kind whatsoever upon any project acquired, erected or leased and operated and maintained by it and such project shall be exempt from taxation, and insofar as may be permitted under the Constitution of Virginia the bonds of such institution shall be exempt from taxation except for inheritance taxes.

1933, p. 91.

§ 23-26. (Repealed effective October 1, 2016) Commonwealth not to limit revenues of institutions
The Commonwealth of Virginia does pledge to and agree with the holders of the bonds issued by any institution that the Commonwealth will not limit or alter the rights hereby vested in such institution to establish and collect the fees, rents and charges, including student building fees and other student fees and to pledge the same, all as provided for in subdivisions (1), (2), (3) and (4) of subsection (d) of § 23-19 as may be convenient or necessary to produce sufficient revenues to meet the expense of maintenance and operation of such project and such other existing facilities and to fulfill the terms of any agreements made with the holders of the bonds or in any way to impair the rights and remedies of such holders, until the bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders are fully met and discharged.

1933, p. 91; 1962, c. 373; 1964, c. 635.

§ 23-27. (Repealed effective October 1, 2016) Discretion of Governor in granting or withholding consent or approval

The Governor is hereby vested with absolute discretion in respect to the withholding or granting of any consent or approval required in connection with any act or thing authorized by this chapter.

1933, p. 91.

§ 23-28. (Repealed effective October 1, 2016) Surplus to be paid into state treasury

When any institution shall have fully met and discharged its bonds, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders of such bonds and shall have paid in full or otherwise discharged all its liabilities incurred pursuant to this chapter, such institution shall pay into the state treasury as now required by general law all such sum or sums of money received by it pursuant to the provisions of this chapter or derived from any project erected pursuant to this chapter as may then remain in its possession or control.

1933, p. 91.

§ 23-29. (Repealed effective October 1, 2016) Provisions of chapter to control

Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, general or special, or of the charter or other organic law of any institution, the provisions of this chapter shall be controlling.

1933, p. 92; 1962, c. 577; 1964, c. 90; 1997, c. 310.

§ 23-30. (Repealed effective October 1, 2016) Certificates of indebtedness

Chapter 489 of the Acts of 1926, approved March 25, 1926, and codified as §§ 992(1)-992(13) of Michie Code 1942, authorizing the governing boards of certain state educational institutions to issue certificates of indebtedness to raise funds for dormitory construction purposes, and Chapter 61 of the Acts of 1928, approved February 28, 1928, relating to similar certificates, are continued in effect.

§ 23-30.01. (Repealed effective October 1, 2016) Borrowing upon endowment and other investments

(a) In addition to the powers conferred upon institutions by other provisions of this chapter, any institution is hereby authorized, by and with the approval of the Governor, upon the affirmative vote of at least two-thirds of its board to borrow from time to time, for and in the name of the institution, such sum or sums as it may determine necessary for its uses and purposes and to secure payment thereof by the pledge of any stocks, notes, bonds, and other assets held by such institution as a part of its endowment funds or unrestricted gifts from private sources.

(b) Notes or bonds issued by an institution pursuant to this section may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates not exceeding the rate specified in § 23-30.03 payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, with or without premium, as may be provided by resolution of the board of such institution. Notes or bonds so issued may be sold at public or private sale for such price or prices as the board shall determine, provided that the interest cost to maturity of the money received for any such issue of notes or bonds shall not exceed the rate specified in § 23-30.03. Notes or bonds so issued and the interest thereon shall be payable only out of the sale or the liquidation of the endowment investments, investments of unrestricted gifts from private sources, and interest accruing thereon pledged to secure the notes or bonds so issued, and shall in no event constitute a general obligation of such institution, the Commonwealth, the Governor, the members of the board, nor any person executing the notes or bonds so issued.

(c) All moneys received or derived from the sale of any notes or bonds so issued shall not constitute state funds, but shall be and constitute a part of the local funds of such institution.

(d) The institution shall have power out of any funds available therefor to purchase any notes or bonds so issued, but at a price not more than the principal amount thereof and accrued interest thereon, and any note or bond so purchased shall be canceled unless purchased as an endowment fund investment. This subsection shall not apply to the redemption of bonds.

(e) Any notes or bonds so issued are hereby made securities in which all public officers and bodies of this Commonwealth and all political subdivisions thereof, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations in this Commonwealth, may properly and legally invest funds under their control; and all notes or bonds so issued, their transfer and the income therefrom, including any profit derived from the sale thereof, shall at all times be free and exempt from taxation by this Commonwealth, and by any municipality, county or any political subdivision hereof.

(f) Any resolution or resolutions of the board authorizing notes or bonds to be issued pursuant to this section may, at the discretion of the board, contain any provision or provisions, which shall be a part of the contract with the holders of notes or bonds so issued, as are authorized by any other section of this chapter in connection with the issuance of bonds by institutions. (1969, Ex. Sess., c. 22; 1970, c. 609; 1981, c. 505.)

§ 23-30.02. (Repealed effective October 1, 2016) Borrowing to purchase real estate

(a) In addition to the powers conferred upon institutions by other provisions of this chapter, and notwithstanding any other provision of this title, any institution is hereby authorized by and with the approval of the Governor, upon the affirmative vote of at least two thirds of its board, to borrow from time to time, for and in the name of the institution, such sum or sums as it may

determine necessary for the acquisition of real estate, improved or unimproved, whether or not such acquisition is in pursuance of the erection of a project, and to secure payment thereof by a lien on such real estate; provided that interest upon the notes or bonds issued by an institution pursuant to this section may be further secured by the pledge of any endowment funds or unrestricted gifts from private sources available for the use of such institution and which are not required by law or by previous binding contract to be devoted to some other purpose.

(b) Notes or bonds issued by an institution pursuant to this section and the interest thereon shall be required to be paid only from the real estate, endowment funds, or unrestricted gifts from private sources, including interest thereon, pledged to secure the notes or bonds so issued, or the proceeds from the sale or liquidation thereof, and shall in no event constitute a general obligation of such institution, the Commonwealth, the Governor, the members of the board, nor any person executing the notes or bonds so issued.

(c) Any notes or bonds so issued are hereby made securities in which all public officers and bodies of this Commonwealth and all political subdivisions thereof, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations in this Commonwealth, may properly and legally invest funds under their control; and all notes or bonds so issued, their transfer and the income therefrom, including any profit derived from the sale thereof, shall at all times be free and exempt from taxation by this Commonwealth, and by any municipality, county or any political subdivision thereof.

(d) Any resolution or resolutions of the board authorizing notes or bonds to be issued pursuant to this section may, at the discretion of the board, contain any provision or provisions which shall be a part of the contract with the holders of notes or bonds so issued as are authorized by any other section of this chapter in connection with the issuance of bonds by institutions.

1970, c. 609; 1981, c. 505.

§ 23-30.03. (Repealed effective October 1, 2016) Interest

No bond issued by institutions pursuant to this chapter (a) shall bear interest at a per centum per annum rate exceeding the greater of the rates authorized under § 6.2-303 or under § 15.2-2612, or (b) shall be sold at public or private sale such that the interest cost to maturity shall exceed the greater of such per centum per annum rates as is authorized under § 6.2-303 or under § 15.2-2612.

1970, c. 609.

Chapter 3.1 - VIRGINIA COLLEGE BUILDING AUTHORITY [Repealed]

§§ 23-30.1 through 23-30.22. Repealed

Repealed by Acts 1966, c. 685.

Chapter 3.2 - VIRGINIA COLLEGE BUILDING AUTHORITY

§ 23-30.23. (Repealed effective October 1, 2016) Title

This chapter shall be known and may be cited as the "Virginia College Building Authority Act of 1966."

1964, c. 607; 1966, c. 685.

§ 23-30.24. (Repealed effective October 1, 2016) Legislative declaration; definitions

It is hereby found, determined and declared that the providing of funds for the construction of projects of capital improvement at educational institutions within this Commonwealth is or may be hindered, impeded and delayed by the high financing costs resulting from the sale of bonds of such educational institutions in the open market, and it is desirable that a state agency be created as hereinafter provided, authorized either (i) to purchase such bonds in order to serve educational institution purposes by financing the construction of projects of capital improvement at less cost, thereby facilitating such construction or (ii) to issue its own revenue bonds for purposes of paying for the costs of such projects.

It is hereby further found, determined and declared that there is an urgent need to provide substantial amounts of new scientific, technical and other equipment for teaching, research and related activities at such educational institutions so that they may remain competitive in attracting high-quality faculty and obtaining research grants, and it is desirable that a state agency be empowered, as hereinafter provided, to purchase such equipment for lease or sale to such educational institutions in order to provide them with such equipment at the lowest possible cost, thereby facilitating the acquisition and supply of such equipment to educational institutions and increasing the purchasing power of their funds, including funds provided by tuition and fees and by appropriations from the General Assembly.

As used in this chapter, the following words and terms shall have the following meanings unless the context shall otherwise indicate:

"Authority" means the Virginia College Building Authority created by § 23-30.25, or, if said Authority shall be abolished, the board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers given by this chapter to the Authority shall be given by law.

"Bonds" means bonds, notes or other evidences of indebtedness or other obligations of the Authority pursuant to this chapter.

"Educational institution" means those institutions enumerated in § 23-14, area career and technical schools established under Chapter 16 (§ 23-214 et seq.) of this title, and all other schools owned and operated by the Commonwealth in which a college education is taught for less than four years.

"Equipment" means any personal property, including, but without limitation, computer hardware and software and any other improvements of all types, including infrastructure improvements

related to equipment, to be used to support academic instruction and research, at educational institutions.

"Project" has the same meaning as it is defined in § 23-15.

1964, c. 607; 1966, c. 685; 1986, c. 597; 1996, cc. 672, 689.

§ 23-30.25. (Repealed effective October 1, 2016) Creation and organization of Authority; surety bonds

The Virginia College Building Authority is hereby created as a public body corporate and as a political subdivision and an agency and instrumentality of the Commonwealth of Virginia, and as such, shall have and is hereby vested with the powers, rights and duties hereinafter conferred in this chapter.

The Virginia College Building Authority shall consist of the State Treasurer, the State Comptroller, the Director of Planning and Budget, the Director of the State Council of Higher Education for Virginia, and seven additional members appointed by the Governor, subject to confirmation by the General Assembly, if in session when such appointments are made, and if not in session, at its first session subsequent to such appointment, who shall serve at the pleasure of the Governor. The initial members shall be the members of the Authority heretofore appointed under the Virginia College Building Authority Act of 1964 for the terms appointed pursuant to that act and until their successors shall be appointed and qualified. The successors of each of the appointed members shall be appointed for a term of four years, except that appointments to fill vacancies shall be made for the unexpired terms. Such members shall serve no more than two consecutive terms. The secretary and the assistant secretary may receive such compensation as the Authority may provide.

The Governor shall appoint one member as chairman who shall serve a two-year term. No member shall be eligible to serve more than two consecutive terms as chairman. The chairman shall be the chief executive officer of the Authority and shall receive such compensation as the Governor shall fix. Neither the State Treasurer, the State Comptroller, the Director of the State Council of Higher Education for Virginia nor the Director of Planning and Budget shall be eligible to serve as chairman. Six members of the Authority shall constitute a quorum for the transaction of all business of the Authority. The Authority shall elect one member from the group of seven members appointed by the Governor as vice-chairman, who shall exercise the powers of the chairman in the absence of the chairman. The Authority shall elect a treasurer, a secretary, and an assistant secretary, each of whom may perform the duties and functions commonly performed by such officers. All such officers, except the secretary and the assistant secretary, shall be selected from members of the Authority. Each member of the Authority hereafter appointed and the secretary and the assistant secretary of the Authority shall execute a surety bond in such penal sum as shall be determined by the Attorney General, each such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the

Commonwealth of Virginia as surety and to be approved by the Attorney General and filed in the office of the Secretary of the Commonwealth.

1964, c. 607; 1966, c. 685; 1980, c. 728; 1986, c. 597; 2011, cc. 691, 714.

§ 23-30.26. (Repealed effective October 1, 2016) Administration of assets, moneys or obligations

The Authority shall manage and administer as hereinafter provided all assets, moneys or obligations that may be set aside and transferred to it by the General Assembly or educational institutions.

1966, c. 685; 1996, cc. 672, 689.

§ 23-30.27. (Repealed effective October 1, 2016) Purchase and sale of bonds or other obligations of educational institutions

The Authority is authorized to purchase, with any funds of the Authority available for such purpose, at public or private sale and for such price and on such terms as it shall determine, bonds or other obligations issued by educational institutions pursuant to Chapter 3 (§ 23-14 et seq.) of this title.

The Authority may pledge to the payment of the interest on and the principal of any bonds of the Authority all or any part of the educational institution bonds so purchased, including payments of principal and interest thereon as they shall become due. The Authority may also, subject to any such pledge, sell any such educational institution bonds so purchased and apply the proceeds of such sale in the purchase of other like educational institution bonds or for such purpose and in such manner as shall be provided by any resolution authorizing the issuance of bonds of the Authority.

1966, c. 685.

§ 23-30.27:1. (Repealed effective October 1, 2016) Acquisition and disposition of equipment

A. The Authority is authorized to acquire equipment or any interest therein by purchase, exchange, gift, lease or otherwise, to sell, exchange, donate, convey, lease and dispose of the same, or any portion thereof or interest therein, including security interests therein, and to retain or receive security interests in such equipment.

B. Without regard to the requirements, restrictions, limitations or other provisions contained in any other general, special or local law, educational institutions are authorized to grant security interests in or other liens on equipment held or acquired by the educational institution under any lease or agreement of sale with the Authority.

C. The Authority is authorized to acquire equipment with any funds of the Authority available for such purpose. Acquisition and disposition of equipment may be at public or private sale and for such price and on such terms as the Authority shall determine, provided that the Authority shall acquire equipment for, and shall lease or sell the same to, educational institutions only pursuant

to standards and procedures as approved through the Commonwealth's budget and appropriation process. The budget document shall present the lease payments and corresponding total value of equipment to be acquired by each institution. Each institution shall make available such additional detail on specific equipment to be purchased as may be requested by the Governor or the General Assembly. If emergency acquisitions and leases are necessary when the General Assembly is not in session, the Governor may approve such acquisitions and leases. Prior to such acquisitions and leases the Governor shall submit such proposed acquisitions and leases to the House Appropriations Committee and the Senate Finance Committee for their review and approval.

D. The Authority is authorized to establish and maintain such funds as it may deem appropriate from time to time to provide funds for acquisition of equipment on a continuing basis. The Authority may deposit therein such funds as it deems appropriate, including, but without limitation, the proceeds of any Authority bonds issued to finance the purchase of equipment and payments made to the Authority under equipment leases and sale agreements with educational institutions and others. Any moneys held in such funds may also be used in the Authority's discretion to secure payment of principal of and interest on any Authority bonds, whether issued to finance the purchase of equipment, or to pay administrative costs of the authority, whether incurred in connection with the purchase, lease or sale of equipment, or may be transferred by the Authority to be used in connection with any other program of the Authority. However, no funds of the Authority derived from the equipment program authorized under this section may be used in connection with the issuance or securing of indebtedness for the benefit of private institutions for higher education pursuant to Chapter 3.3 (§ 23-30.39 et seq.) of this title.

E. The Authority is authorized to determine and charge rent or sale prices for equipment leased or sold by the Authority to educational institutions and terminate such leases or sale agreements upon the failure of an educational institution to comply with any of the obligations thereof, and may include in such leases, options for the educational institution to renew such leases, or to purchase any or all of the leased equipment and provisions for the Authority to repossess and sell equipment leased or sold upon any default under the lease or agreement for the sale of such equipment.

1986, c. 597.

§ 23-30.28. (Repealed effective October 1, 2016) Bonds of Authority generally

In order to provide funds for the purchase of educational institution bonds as authorized by § 23-30.27, to provide funds for the acquisition of equipment as authorized by § 23-30.27:1, to provide funds for the reimbursement of the Central Capital Planning Fund, established under § 2.2-1520, for payments made for pre-planning or detailed planning of all projects that have been approved for construction by the General Assembly, and to provide funds for the purpose of paying all or any part of the cost of any one or more projects or of any portion or portions thereof, the Authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of bonds of the Authority in such amount or amounts as the Authority shall determine. Such

bonds of the Authority shall be payable solely from funds of the Authority, including, but without limitation, any one or more of the following: (i) payments of principal of and interest on educational institution bonds purchased by the Authority, (ii) the proceeds of the sale of any such educational institution bonds, (iii) payments of principal of and interest on obligations transferred to the Authority by the General Assembly or from other assets or moneys transferred to the Authority by the General Assembly or educational institutions, including lease payments or any other source of revenue, (iv) the proceeds of the sale of any such obligations or assets, (v) the proceeds from the sale of bonds of the Authority, (vi) payments made by educational institutions under leases or sales of equipment by the Authority, (vii) funds realized from the enforcement of security interests or other liens securing such bonds, (viii) payments due under letters of credit, policies of bond insurance, bond purchase agreements or other credit enhancements securing payment of principal of and interest on bonds of the Authority, (ix) any moneys held in funds established by the Authority pursuant to § 23-30.27:1, (x) any reserve or sinking funds created to secure such payment, and (xi) other available funds of the Authority. Bonds of the Authority issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or a pledge of the faith or credit of the Commonwealth and all bonds of the Authority shall contain on the face thereof a statement to the effect that neither the faith and credit, nor the taxing power of the Commonwealth or of any political subdivision thereof is, or shall be, pledged to the payment of the principal of or the interest on such bonds.

The bonds of each issue shall be dated, shall mature at such time or times, not exceeding 40 years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The bonds may bear interest payable at such time or times and at such rate or rates as determined by the Authority or as determined in such manner as the Authority may provide, including the determination by agents designated by the Authority under guidelines established by it. The principal and interest of such bonds may be made payable in any lawful medium. The Authority shall determine the form of the bonds and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at the office of the State Treasurer or at any bank or trust company within or without the Commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All revenue bonds issued under the provisions of this chapter (other than bonds registered as to principal or in registered form) shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the law of this Commonwealth. The bonds shall be in such form, shall bear interest at such rate or rates, either fixed rates or rates established by formula or other method, and may contain such other provisions, all as the Authority may determine. The

principal of and premium, if any, and interest on the bonds shall be payable in lawful money of the United States of America. The Authority shall fix the denomination or denominations of the bonds and place or places of payments of principal, premium, if any, and interest at any one or more banks or trust companies within or without the Commonwealth.

Bonds may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments of principal of and premium, if any, and interest on the bonds.

The Authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine to be in the best interests of the Authority. The proceeds of such bonds shall be disbursed for the purposes for which such bonds shall have been issued under such restrictions, if any, as the resolution authorizing the issuance of such bonds or the trust indenture hereinafter mentioned may provide. Prior to the preparation of definitive bonds, the Authority may under like restrictions issue temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bond which shall become mutilated or shall be destroyed or lost. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than the proceedings, conditions, and things which are specified and required by this chapter.

Neither the members of the Authority nor any person executing any bonds issued under the provisions of this chapter shall be liable personally on such bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

No project for an institution listed in § 23-14 shall be undertaken by the Authority if such project was not specifically included in a bill passed by a majority of those elected to each house of the General Assembly, authorizing such project or projects. In addition, any such project to be financed by bonds issued by the Authority secured by a pledge of any one or more of the revenue sources cited in subdivisions (1) through (4) of subsection (d) of § 23-19 shall have been designated by the institution's board of visitors as a project to be undertaken by the Authority.

1964, c. 607; 1966, c. 685; 1986, c. 597; 1994, cc. 191, 219; 1996, cc. 672, 689; 2000, cc. 414, 445; 2004, c. 711; 2008, Sp. Sess. I, cc. 1, 2.

§ 23-30.29. (Repealed effective October 1, 2016) Security for bonds

In the discretion of the Authority, any bonds issued under the provisions of this chapter may be secured by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without this Commonwealth. Such trust indenture or the resolution providing for the issuance of such bonds may pledge or assign all or any part of the funds of the Authority available for such purpose, including, but without limitation, (i) payments of principal of and interest on educational institution bonds purchased by the Authority, (ii) proceeds of the sale of any such educational institution bonds, (iii)

payments of principal of and interest on obligations transferred to the Authority by the General Assembly or from other assets or moneys transferred to the Authority by the General Assembly or educational institutions, including lease payments and other sources of revenue, (iv) proceeds of the sale of any such obligations or assets, (v) proceeds from the sale of bonds of the Authority, (vi) security interests granted by the Authority or any educational institution in, or other liens on, equipment, whether such equipment has been leased or sold to an educational institution, (vii) all or any part of the payments due the Authority from educational institutions under any leases, sale agreements, loans or other agreements made by the Authority with the educational institutions pursuant to § 23-30.27:1, and any funds realized from enforcing security for such payments, (viii) payments due under policies of bond insurance, letters of credit or other credit enhancement securing payment of principal of and interest on bonds of the Authority, (ix) any moneys in any, or all of the funds as the Authority may from time to time establish pursuant to § 23-30.27:1, (x) any reserve or sinking funds created by the Authority to secure such bonds, and (xi) other available funds of the Authority. Such trust indenture or resolution may also pledge or assign any other rights of the Authority in equipment owned by, or leases or sales of equipment made by, the Authority. Such trust indenture or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law. Such trust indenture or resolution providing for the issuance of such bonds may provide for the creation and maintenance of such reserves as the Authority shall determine to be proper, and may include covenants setting forth the duties of the Authority in relation to the acquisition of any equipment or educational institution bonds; the care, leasing or sale of equipment to educational institutions; the substitution of any educational institution bonds, equipment, leases, security interest or other security as security for the payment of the bonds of the Authority; care, use and insurance of equipment; the repossession and sale of leased or sold equipment by the Authority or the trustee under any trust indenture upon any default under the lease or sale of such equipment; and the collection of payments due the Authority under leases or agreements of sale of equipment and payments of principal and interest on any educational institution bonds and on any obligations or other assets held by the Authority. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust indenture may set forth the rights and remedies of the bondholders and the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust indenture or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust indenture or resolution may be treated as a part of the administration costs of the Authority. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Authority.

1964, c. 607; 1966, c. 685; 1986, c. 597; 1996, cc. 672, 689.

§ 23-30.29:1. (Repealed effective October 1, 2016) Reserve fund; limitations

A. If the Authority deems it proper to create a reserve fund or funds from bond proceeds or other funds of the Authority to support an issuance of bonds in accordance with the provisions of this section, all moneys held in such reserve fund, except as hereinafter provided, shall be pledged solely for the payment of the principal of and interest on the bonds secured in whole or in part by such a fund. Any income or interest earned on, or increment to, any reserve fund may be transferred by the Authority to other funds or accounts of the Authority to the extent it does not reduce the amount of the reserve fund below its minimum requirement.

B. In order to assure further the maintenance of reserve funds established in accordance with the provisions of this section, the chairman of the Authority shall annually, on or before November 15, make and deliver to the Governor and the Secretary of Finance a certificate stating the sum, if any, required to restore each reserve fund to its minimum requirement. The Governor shall submit to the presiding officer of each house of the General Assembly printed copies of a budget including the sum, if any, required to restore each reserve fund to its minimum requirement; such submission shall be made at the time the Governor presents his budget and budget bill to the General Assembly pursuant to §§ 2.2-1508 and 2.2-1509. All sums, if any, which may be appropriated by the General Assembly for any restoration and paid to the Authority shall be deposited by the Authority in the applicable reserve fund. All sums paid to the Authority pursuant to this section shall constitute and be accounted for as advances by the Commonwealth to the Authority and, subject to the rights of the holders of any bonds of the Authority, shall be repaid to the Commonwealth without interest from available revenues of the Authority in excess of the amounts required for payment of bonds or other obligations of the Authority, maintenance of reserve funds, and operating expenses.

C. The Authority shall not at any time issue bonds secured in whole or in part by any reserve fund referred to in subsection A if, upon the issuance of the bonds, the amount in the reserve fund will be less than its minimum requirement unless the Authority, at the time of the issuance of the bonds, deposits in the fund an amount which, together with the amount then in the fund, will not be less than the fund's minimum reserve requirement.

D. The total principal amount of bonds outstanding at any one time, secured by a reserve fund in accordance with the provisions of this section, shall not exceed the sum of $300 million without the prior approval of the General Assembly.

E. Nothing in this section shall be construed as limiting the power of the Authority to issue bonds (i) not secured by a reserve fund or (ii) secured by a reserve fund not described in this section.

1996, cc. 672, 689.

§ 23-30.29:2. (Repealed effective October 1, 2016) Educational institutions' pledge of tuition, fees, etc

In order to provide funds for the repayment of bonds issued by the Authority either (i) for the purchase of any educational institution's bonds or (ii) to provide funds for the purpose of paying all or any part of the cost of any one or more projects or of any portion or portions thereof, each educational institution is authorized to agree to pledge and transfer to the Authority all or a part of the educational institution's revenues derived from any one or more of the sources mentioned in subdivisions (1) through (4) of subsection (d) of § 23-19. Any agreement related to such transfer may contain such other provisions the Authority and educational institution deem reasonable and proper and not in violation of law. Any such agreement shall not be deemed to constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth. Neither the full faith and credit of the Commonwealth nor the taxing power of the Commonwealth or any political subdivision thereof is or shall be pledged to the payment of the principal of and interest on bonds so secured by such agreement. Prior to execution, any such agreement shall be approved by (i) the Secretary of Finance and (ii) the Secretary of Education.

1996, cc. 672, 689.

§ 23-30.29:3. (Repealed effective October 1, 2016) Investigation by Governor of alleged defaults; withholding of state funds from defaulting institution; payment of funds withheld; receipts, reports, etc

A. Whenever it appears to the Governor from an affidavit filed with him by the paying agent for the bonds issued by the Authority that the institution has defaulted in the payment of the principal of or premium, if any, or interest on its bonds pursuant to this chapter, the Governor shall immediately make a summary investigation into the facts set forth in the affidavit. If it is established to the satisfaction of the Governor that the institution is in default in the payment of its bonds or the interest thereon, the Governor immediately shall make an order directing the State Comptroller to make payment immediately to the owners of the bonds in default, or the paying agent for the bonds, on behalf of the institution from any appropriation available to the institution in the amount due and remaining unpaid by the institution on its bonds.

B. Any payment so made by the State Comptroller to the owners of the bonds in default, or to the paying agent of the bonds for the bonds, shall be credited as if made directly by the institution and shall be charged by the State Comptroller against the appropriations of the institution. The owners of the bonds in default, or the paying agent for the bonds, at the time of payment or at the time of each payment shall deliver to the State Comptroller, in a form satisfactory to the State Comptroller, a receipt for payment of the principal or interest satisfied by the payment. The State Comptroller shall report each payment made to the governing body of the defaulting institution under the provisions of this section.

C. In addition, for any institution which defaulted on its bonds pursuant to this section, the Governor shall direct the State Comptroller to charge against the appropriations available to such institution all future payments of principal of and interest on the institution's bonds when due and payable and to make such payments to the owners of the bonds, or the paying agent for the

bonds, on behalf of the institution so as to ensure that no future default will occur on such bonds. The charge and payment shall be made upon receipt of such documentation as in the opinion of the State Comptroller provides satisfactory evidence of the claim. The owners of the bonds, or the paying agent for the bonds, at the time of each payment shall deliver to the State Comptroller, in a form satisfactory to the State Comptroller, a receipt for payment of the principal or interest satisfied by the payment.

D. Nothing in this section shall be construed to create any obligation on the part of the State Comptroller or the Commonwealth to make any payment on behalf of the defaulting institution other than from funds appropriated to the defaulting institution.

1996, cc. 672, 689.

§ 23-30.30. (Repealed effective October 1, 2016) Investment of funds

Any moneys or funds held by the Authority or by the trustee under any trust indenture under the provisions of this chapter may be invested and reinvested in securities that are legal investments under the laws of the Commonwealth for moneys or funds held by fiduciaries.

1966, c. 685.

§ 23-30.31. (Repealed effective October 1, 2016) Powers of Authority

In order to enable the Authority to carry out the purposes for which it is established, the Authority is vested with the powers of a public body corporate, including the power to sue and be sued, to make contracts, and to adopt and use a common seal and to alter the same, and is authorized and empowered:

1. To have perpetual succession as a public body corporate, and to adopt bylaws and regulations for the conduct of its affairs;

2. To maintain an office at such place or places as it may designate;

3. To collect, or to authorize the trustee under any trust indenture securing any bonds of the Authority to collect, as the same shall become due, (i) the principal of and the interest on all obligations transferred to the Authority by the General Assembly and (ii) other assets or moneys transferred to the Authority by the General Assembly or educational institutions, including lease payments and other sources of revenue;

4. To conduct a program of purchasing equipment for lease or sale to educational institutions as authorized by this chapter;

5. To collect, or to authorize the trustee under any trust indenture securing any bonds of the Authority to collect, as the same shall become due, payments due under leases or agreements of sale of equipment or leases or other obligations of real property by the Authority to educational institutions, and the principal of and the interest on all educational institution bonds purchased by the Authority;

6. To repossess and sell, or to authorize the trustee under any trust indenture securing any bonds of the Authority to repossess and sell, any equipment upon any default under the lease or agreement for the sale of such equipment;

7. To repossess and re-lease, or to authorize the trustee under any trust indenture securing any bonds of the Authority to repossess and re-lease, any project upon any default under the lease of such project;

8. To assist educational institutions in applying for grants from, or entering into other agreements with, the federal or state government or foundations or others designed to provide guarantees of or funds for payments under leases or contracts of sale or other benefits and to enter into similar agreements with such entities itself;

9. To select in such manner as it deems fit, and to appoint and employ financial experts, corporate depositories, trustees, paying agents, attorneys, accountants, consulting engineers, construction experts and for such other services as may be necessary in the judgment of the Authority, and to pay their compensation and reasonable expenses either from moneys received by the Authority under the provisions of this chapter, or from appropriations made by the General Assembly for such purposes;

10. To issue bonds of the Authority as authorized by this chapter, and to refund any of such bonds;

11. To receive and accept any grants, aid or contributions from any source of either money, property, labor or other things of value, or to reject the same in the judgment of the Authority; and

12. To do any and all other acts and things necessary, appropriate, incidental or convenient to carrying out the powers expressly granted in this chapter.

1964, c. 607; 1966, c. 685; 1986, c. 597; 1996, cc. 672, 689.

§ 23-30.32. (Repealed effective October 1, 2016) Enforcement of rights and duties by bondholder or trustee under trust indenture

Any holder of bonds issued under the provisions of this chapter or any of the coupons appertaining thereto, and the trustee under any trust indenture, except to the extent the rights herein given may be restricted by such trust indenture or the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the Commonwealth of Virginia or granted hereunder or under such trust indenture or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this chapter or by such trust indenture or resolution to be performed by the Authority or by any officer thereof.

1964, c. 607; 1966, c. 685.

§ 23-30.33. (Repealed effective October 1, 2016) Exemption of bonds from taxation

The bonds issued by the Authority under the provisions of this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any municipality, county, or any other political subdivision thereof.

1964, c. 607; 1966, c. 685.

§ 23-30.34. (Repealed effective October 1, 2016) Bonds made lawful investments

All bonds issued by the Authority under the provisions of this chapter are hereby made securities in which all public officers and bodies of the Commonwealth, and all counties, cities and towns, and municipal subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, commercial banks and trust companies, beneficial and benevolent associations, administrators, guardians, executors, trustees and other fiduciaries in the Commonwealth may properly and legally invest funds under their control. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter [after June 27, 1966] be authorized by law.

1964, c. 607; 1966, c. 685.

§ 23-30.35. (Repealed effective October 1, 2016) Action by Authority may be authorized by resolution

Any action taken by the Authority under the provisions of this chapter may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

1964, c. 607; 1966, c. 685.

§ 23-30.36. (Repealed effective October 1, 2016) Annual report; examination of records, books and accounts

The Authority shall submit an annual report to the Governor and General Assembly on or before November 1 of each year. Such report shall contain, at a minimum, the annual financial statements of the Authority for the year ending the preceding June 30. The records, books and accounts of the Authority shall be subject to examination and inspection by duly authorized representatives of the General Assembly and any bondholder or bondholders at any reasonable time, provided the business of the Authority is not unduly interrupted or interfered with thereby.

1964, c. 607; 1966, c. 685; 1984, c. 734; 1985, c. 146; 2004, c. 650.

§ 23-30.36:1. (Repealed effective October 1, 2016) Annual audit

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the accounts of the Authority, and the cost of such audit services as shall be required shall be borne by the Authority.

1987, c. 74.

§ 23-30.37. (Repealed effective October 1, 2016) Chapter liberally construed; powers of Authority not subject to supervision by municipalities, etc

This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purpose thereof.

Except as otherwise expressly provided in this chapter, none of the powers granted to the Authority under the provisions of this chapter shall be subject to the supervision or regulation or require the approval or consent of any municipality or political subdivision or any commission, board, bureau, official or agency thereof or of the Commonwealth.

1964, c. 607; 1966, c. 685; 2015, c. 709.

§ 23-30.38. (Repealed effective October 1, 2016) Jurisdiction of suits against Authority; service of process

The Circuit Court of the City of Richmond shall have exclusive jurisdiction of any suit brought in Virginia against the Authority, and process in such suit shall be served either on the State Comptroller or the chairman of the Authority.

1964, c. 607; 1966, c. 685.

Chapter 3.3 - EDUCATIONAL FACILITIES AUTHORITY ACT

§ 23-30.39. (Repealed effective October 1, 2016) Declaration of policy

It is hereby declared that for the benefit of the people of the Commonwealth, the increase of their commerce, welfare and prosperity and the improvement of their health and living conditions it is essential that this and future generations of youth be given the fullest opportunity to learn and to develop their intellectual and mental capacities; that it is essential that institutions for higher education within the Commonwealth be provided with appropriate additional means to assist such youth in achieving the required levels of learning and development of their intellectual and mental capacities; and that it is the purpose of this chapter to provide a measure of assistance and an alternative method to enable institutions for higher education in the Commonwealth to provide the facilities and structures which are sorely needed to accomplish the purposes of this chapter, all to the public benefit and good, to the extent and manner provided herein.

1972, c. 686.

§ 23-30.40. (Repealed effective October 1, 2016) Title of chapter

This chapter may be cited as the "Educational Facilities Authority Act."

1972, c. 686.

§ 23-30.41. (Repealed effective October 1, 2016) Definitions

As used in this chapter, unless the context requires a different meaning:

(a) "Authority" means the Virginia College Building Authority created by § 23-30.25.

(b) "Project" in the case of a participating institution, means a structure or structures suitable for use as a dormitory or other multi-unit housing facility for students, faculty, officers or employees, a dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, maintenance, storage or utility facility and other structures or facilities related to any of the foregoing or required or useful for the instruction of students or the conducting of research or the operation of an institution of higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution of higher education, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination.

(c) "Costs" as applied to a project or any portion thereof financed under the provisions of this chapter means all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction and remodeling of a project including all lands, structures, real or personal property, rights, rights-of-way, air rights, franchises, easements and interests acquired or used for or in connection with a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period after completion of such construction and acquisition, provisions for reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the project and such other expenses as may be necessary or incident to the construction and acquisition of the project, the financing of such construction and acquisition and the placing of the project in operation.

(d) "Bonds" or "revenue bonds" means revenue bonds of the Authority issued under the provisions of this chapter, including revenue refunding bonds, notes and other obligations, notwithstanding that the same may be secured by mortgage or by the full faith and credit or by any other lawfully pledged security of either one or more participating institutions.

(e) "Participating institution" means any (i) organization that is exempt from federal income taxation pursuant to § 501(c)(3) of the Internal Revenue Code and that is owned or controlled by a public institution of higher education or whose purpose is to support or otherwise benefit a public institution of higher education or (ii) nonprofit private institution of higher education in the

Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education that, pursuant to the provisions of this chapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

1972, c. 686; 1973, c. 205; 2016, cc. 532, 658.

§ 23-30.42. (Repealed effective October 1, 2016) Powers and duties of Authority

The Authority shall assist participating institutions in the acquisition, construction, and financing, and the refinancing of projects begun after July 1, 1972, and for this purpose the Authority is authorized and empowered. In addition to such other powers as are granted to the Authority by law, it is further empowered:

(a) To determine the location and character of any project to be financed under the provisions of this chapter, and to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, to enter into contracts for any or all of such purposes, to enter into contracts for the management and operation of a project, and to designate a participating institution as its agent to determine the location and character of a project undertaken by such participating institution under the provisions of this chapter and, as the agent of the Authority, to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, and, as the agent of the Authority, to enter into contracts for any or all of such purposes, including contracts for the management and operation of such project;

(b) To issue bonds, bond anticipation notes, and other obligations of the Authority for any of its corporate purposes, and to fund or refund the same all as provided in this chapter;

(c) Generally, to fix and revise from time to time and charge and collect rates, rents, fees, and charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with any person, partnership, association, or corporation or other body public or private in respect thereof and to designate a participating institution or a participating hospital as its agent to fix, revise, charge, and collect such rates, rents, fees, and charges and to make such contracts;

(d) To establish rules and regulations for the use of a project or any portion thereof and to designate a participating institution as its agent to establish rules and regulations for the use of a project in which such participating institution is participating;

(e) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment and to fix their compensation;

(f) To receive and accept from any public agency loans or grants for or in aid of the construction of a project or any portion thereof and to receive and accept loans, grants, aid, or contributions from

any source of either money, property, labor, or other things of value to be held, used, and applied only for the purposes for which such loans, grants, aid, and contributions are made;

(g) To mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance such project;

(h) To make loans to any participating institution for the cost of a project in accordance with an agreement between the Authority and one or more participating institutions, provided that no such loan shall exceed the total cost of the project as determined by such participating institution and approved by the Authority;

(i) To make loans to participating institutions to refund outstanding obligations, mortgages, or advances issued, made, or given by such participating institutions for the cost of a project;

(j) To charge to and equitably apportion among participating institutions its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter; and

(k) To do all things necessary or convenient to carry out the purposes of this chapter.

In carrying out the purposes of this chapter, the Authority may undertake a joint project for two or more participating institutions and, thereupon, all other provisions of this chapter shall apply to and for the benefit of the Authority and the participants in such joint project or projects.

1972, c. 686; 2016, cc. 532, 658.

§ 23-30.43. (Repealed effective October 1, 2016) Expenses of administering chapter

All expenses incurred in carrying out the provisions of this chapter shall be payable solely from funds provided under the authority of this chapter and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been provided under the provisions of this chapter.

1972, c. 686.

§ 23-30.44. (Repealed effective October 1, 2016) Acquisition of property

The Authority is authorized and empowered, directly or by and through a participating institution, as its agent, to acquire by purchase solely from funds provided under the authority of this chapter, or by gifts or devise, such lands, structures, property, real or personal, rights, rights-of-way, air rights, franchises, easements, and other interests in lands, including lands lying under water and riparian rights, that are located within the Commonwealth as it may deem necessary or convenient for the acquisition, construction, or operation of a project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the Authority or in the name of one or more participating institutions as its agent.

1972, c. 686; 2016, cc. 532, 658.

§ 23-30.45. (Repealed effective October 1, 2016) Execution of deeds and conveyances

When the principal of and interest on revenue bonds of the Authority issued to finance the cost of a particular project or projects for one or more participating institutions, including any revenue refunding bonds issued to refund and refinance such revenue bonds, have been fully paid and retired or when adequate provision has been made to fully pay and retire the same, and all other conditions of the resolution or trust agreement authorizing and securing the same have been satisfied and the lien of such resolution or trust agreement has been released in accordance with the provisions thereof, the Authority shall promptly do such things and execute such deeds and conveyances as are necessary and required to convey title to such project or projects to such participating institution, free and clear of all liens and encumbrances, all to the extent that title to such project or projects is not, at the time, vested in such participating institution.

1972, c. 686; 2016, cc. 532, 658.

§ 23-30.46. (Repealed effective October 1, 2016) Issuance of negotiable notes

The Authority may from time to time issue negotiable notes for any corporate purpose and may from time to time renew any notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The Authority may issue notes partly to renew notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed and delivered in the same manner as bonds. Any resolution or resolutions authorizing notes of the Authority or any issue thereof may contain any provisions which the Authority is authorized to include in any resolution or resolutions authorizing revenue bonds of the Authority or any issue thereof, and the Authority may include in any notes any terms, covenants or conditions which it is authorized to include in any bonds. All such notes shall be payable solely from the revenues of the Authority, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

1972, c. 686.

§ 23-30.47. (Repealed effective October 1, 2016) Issuance of revenue bonds

(a) The Authority may from time to time issue revenue bonds for any corporate purpose and all such revenue bonds, notes, bond anticipation notes, or other obligations of the Authority issued pursuant to this chapter shall be and are hereby declared to be negotiable for all purposes notwithstanding their payment from a limited source and without regard to any other law or laws. In anticipation of the sale of such revenue bonds, the Authority may issue negotiable bond anticipation notes and may renew the same from time to time, but the maximum maturity of any such note, including renewals thereof, shall not exceed five years from the date of issue of the original note. Such notes shall be paid from any revenues of the Authority available therefor and not otherwise pledged, or from the proceeds of sale of the revenue bonds of the Authority in anticipation of which they were issued. The notes shall be issued in the same manner as the revenue bonds. Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations that a bond resolution of the Authority may contain.

(b) The revenue bonds and notes of every issue shall be payable solely out of revenues to the Authority, subject only to any agreements with the holders of particular revenue bonds or notes pledging any particular revenues and subject to any agreements with any participating institution. Notwithstanding that revenue bonds and notes may be payable from a special fund, they shall be and be deemed to be, for all purposes, negotiable instruments, subject only to the provisions of the revenue bonds and notes for registration.

(c) The revenue bonds may be issued as serial bonds or as term bonds, or the Authority, in its discretion, may issue bonds of both types. The revenue bonds shall be authorized by resolution of the members of the Authority and shall bear such date or dates, mature at such time or times, not exceeding fifty years from their respective dates, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. The revenue bonds or notes may be sold at public or private sale for such price or prices as the Authority shall determine. Pending preparation of the definitive bonds, the Authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(d) Any resolution or resolutions authorizing any revenue bonds or any issue of revenue bonds may contain provisions, which shall be a part of the contract with the holders of the revenue bonds to be authorized, as to:

(1) Pledging all or any part of the revenues of a project or projects, any revenue producing contract or contracts made by the Authority with any individual, partnership, corporation or association or other body, public or private, to secure the payment of the revenue bonds or of any particular issue of revenue bonds, subject to such agreements with bondholders as may then exist; (2) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues; (3) the establishment and setting aside of reserves or sinking funds, and the regulation and disposition thereof; (4) limitations on the right of the Authority or its agent to restrict and regulate the use of the project; (5) limitations on the purpose to which the proceeds of sale of any issue of revenue bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the revenue bonds or any issue of the revenue bonds; (6) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds; (7) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (8) limitations on the amount of moneys derived from the project to be expended for operating, administrative or other expenses of the Authority; (9) defining the acts or omissions to act which shall constitute a default in the duties of the Authority to holders of its obligations and providing the rights and remedies of such holders in the event of a

default; (10) the duties, obligations and liabilities of any trustee or paying agent; and (11) the mortgaging of a project and the site thereof for the purpose of securing the bondholders.

(e) Neither the members of the Authority nor any person executing the revenue bonds or notes shall be liable personally on the revenue bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

(f) The Authority shall have power out of any funds available therefor to purchase its bonds or notes. The Authority may hold, pledge, cancel or resell such bonds or notes subject to and in accordance with agreements with bondholders.

1972, c. 686; 2016, cc. 532, 658.

§ 23-30.48. (Repealed effective October 1, 2016) Security for revenue bonds

In the discretion of the Authority any revenue bonds issued under the provisions of this chapter may be secured by a trust agreement by and between the Authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within the Commonwealth. Such trust agreement or the resolution providing for the issuance of such revenue bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged and may convey or mortgage the project or any portion thereof. Such trust agreement or resolution providing for the issuance of such revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly such provisions as have hereinabove been specifically authorized to be included in any resolution or resolutions of the Authority authorizing revenue bonds thereof. Any bank or trust company incorporated under the laws of the Commonwealth which may act as depository of the proceeds of bonds or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the Authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of a project.

1972, c. 686.

§ 23-30.49. (Repealed effective October 1, 2016) Revenue bonds not obligations of Commonwealth or political subdivision

Revenue bonds issued under the provisions of this chapter shall not be deemed to constitute a debt or liability of the Commonwealth or of any political subdivision thereof or a pledge of the faith and credit of the Commonwealth or of any such political subdivision, but shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the Commonwealth of Virginia nor

the Authority shall be obligated to pay the same or the interest thereon except from revenues of the project or projects or the portion thereof for which they are issued and that neither the faith and credit nor the taxing power of the Commonwealth of Virginia or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds. The issuance of revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

1972, c. 686.

§ 23-30.50. (Repealed effective October 1, 2016) Rates, rents, fees and charges; sinking fund

The Authority may fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Such rates, rents, fees and charges shall be fixed and adjusted in respect of the aggregate of rates, rents, fees and charges from such project so as to provide funds sufficient with other revenues, if any, (i) to pay the cost of maintaining, repairing and operating the project and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for, (ii) to pay the principal of and the interest on outstanding revenue bonds of the Authority issued in respect of such project as the same shall become due and payable and (iii) to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such revenue bonds of the Authority. Such rates, rents, fees and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this Commonwealth other than the Authority. A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves and for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of any revenue bonds of the Authority or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such revenue bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to

the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking or other similar fund shall be a fund for all such revenue bonds issued to finance a project or projects by one or more participating institutions, without distinction or priority of one over another, provided the Authority in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project by a participating institution and for the revenue bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of revenue bonds having a subordinate lien in respect of the security herein authorized to other revenue bonds of the Authority and, in such case, the Authority may create separate or other similar funds in respect of such subordinate lien bonds.

1972, c. 686; 2016, cc. 532, 658.

§ 23-30.51. (Repealed effective October 1, 2016) Moneys received deemed trust funds

All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this chapter. Any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this chapter and the resolution authorizing the bonds of any issue or the trust agreement securing such bonds may provide.

1972, c. 686.

§ 23-30.52. (Repealed effective October 1, 2016) Remedies of bondholders, etc

Any holder of revenue bonds, notes, bond anticipation notes, other notes or other obligations of the Authority, issued under the provisions of this chapter or any of the coupons appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights herein given may be restricted by any resolution authorizing the issuance of, or any such trust agreement securing, such bonds or other obligations, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the Commonwealth or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this chapter or by such resolution or trust agreement to be performed by the Authority or any officer, employee or agent thereof, including the fixing, charging and collecting of the rates, rents, fees and charges herein authorized and required by the provisions of such resolution or trust agreement to be fixed, established and collected.

1972, c. 686.

§ 23-30.53. (Repealed effective October 1, 2016) Exemption from taxation

The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of this Commonwealth, for the increase of their commerce, welfare and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of a

project by the Authority or its agent will constitute the performance of an essential public function, neither the Authority nor its agent shall be required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the Authority or its agent under the provisions of this chapter or upon the income therefrom, and any bonds issued under the provisions of this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the Commonwealth and by the municipalities and other political subdivisions in the Commonwealth.

1972, c. 686.

§ 23-30.54. (Repealed effective October 1, 2016) Issuance of refunding bonds

(a) The Authority is hereby authorized to provide for the issuance of revenue bonds of the Authority for the purpose of refunding any revenue bonds of the Authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of such revenue bonds, and, if deemed advisable by the Authority, for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project or any portion thereof.

(b) The proceeds of any such revenue bonds issued for the purpose of refunding outstanding revenue bonds may, in the discretion of the Authority, be applied to the purchase or retirement at maturity or redemption of such outstanding revenue bonds either on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the Authority.

(c) Any such escrowed proceeds, pending such use, may be invested and reinvested in direct obligations of the United States of America, or in certificates of deposit or time deposits secured by direct obligations of the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, of the outstanding revenue bonds to be so refunded. The interest, income and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding revenue bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income and profits, if any, earned or realized on the investments thereof may be returned to the Authority for use by it in any lawful manner.

(d) The portion of the proceeds of any such revenue bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project may be invested and reinvested in direct obligations of the United States of America, or in certificates of deposit or time deposits secured by direct obligations of the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost. The interest, income and profits, if

any, earned or realized on such investment may be applied to the payment of all or any part of such cost or may be used by the Authority in any lawful manner.

(e) All such revenue bonds shall be subject to the provisions of this chapter in the same manner and to the same extent as other revenue bonds issued pursuant to this chapter.

1972, c. 686.

§ 23-30.55. (Repealed effective October 1, 2016) Bonds to be legal investments

Bonds issued by [the] Authority under the provisions of this chapter are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any Commonwealth or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations of the Commonwealth is now or may hereafter be authorized by law.

1972, c. 686.

§ 23-30.56. (Repealed effective October 1, 2016) Chapter supplemental; application of other laws; Authority not subject to supervision, etc., by other agencies

The foregoing sections of this chapter shall be deemed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws; provided the issuance of revenue bonds and revenue refunding bonds under the provisions of this chapter need not comply with the requirements of any other law applicable to the issuance of bonds. Except as otherwise expressly provided in this chapter, none of the powers granted to the Authority under the provisions of this chapter shall be subject to the supervision or regulation or require the approval or consent of any municipality or political subdivision or any department, division, commission, board, body, bureau, official or agency thereof or of the Commonwealth.

1972, c. 686.

§ 23-30.57. (Repealed effective October 1, 2016) Chapter liberally construed

This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.

1972, c. 686.

§ 23-30.58. (Repealed effective October 1, 2016) Chapter controls inconsistent laws

To the extent that the provisions of this chapter are inconsistent with the provisions of any general statute or special act or parts thereof, the provisions of this chapter shall be deemed controlling.

1972, c. 686; 1973, c. 205; 2015, c. 709.

Chapter 4 - COLLEGE AND UNIVERSITY SCHOLARSHIPS

§ 23-31. (Repealed effective October 1, 2016) Unfunded scholarships

A. The corporate authorities of the University of Virginia, the University of Virginia's College at Wise, Virginia Military Institute, Virginia Polytechnic Institute and State University, The College of William and Mary, Christopher Newport University, George Mason University, Longwood University, the University of Mary Washington, James Madison University, Virginia Commonwealth University, Radford University, Old Dominion University, the Virginia Community College System, Virginia State University, Norfolk State University, and Richard Bland College may establish scholarships, hereafter to be designated as unfunded scholarships, in their respective institutions under such regulations and conditions as they may prescribe, but subject to the following limitations and restrictions:

1. All such scholarships shall be applied exclusively to the remission, in whole or in part, of tuition and required fees.

2. The respective corporate authorities shall determine the number of such scholarships annually awarded to undergraduate Virginia and non-Virginia students.

The total value of all such scholarships annually awarded by an institution to undergraduate Virginia students shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by 20 percent of the enrollment of Virginia students in undergraduate studies in the institution during the preceding academic year. The total value of all such scholarships annually awarded by an institution to non-Virginia undergraduate students shall not exceed in any year the amount of the applicable, per capita out-of-state differential paid by non-Virginia undergraduate students for tuition and required fees multiplied by 20 percent of the enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year.

All such scholarships awarded to undergraduate students shall be awarded only to undergraduate students in the first four years of undergraduate work and shall be awarded and renewed on a selective basis to students of character and ability who are in need of financial assistance. For purposes of determining need under this section, a nationally recognized needs-analysis system approved by the State Council of Higher Education shall be used.

3. The respective corporate authorities shall determine the number of such scholarships annually awarded to graduate students or teachers serving as clinical faculty pursuant to § 22.1-290.1. The total value of all such scholarships annually awarded to such graduate students and clinical faculty shall not exceed in any year the amount arrived at by multiplying the applicable figure for graduate tuition and required fees by the number of graduate students who are employed as teaching assistants, graduate assistants, or research assistants with significant academic or academic support responsibilities and who are paid a stipend of at least $2,000 in the particular academic year

and such clinical faculty. All graduate scholarships shall be awarded and renewed on a selective basis to such graduate students and clinical faculty of character and ability.

4. A scholarship awarded under this program shall entitle the holder to the following award, as appropriate:

a. A Virginia undergraduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

b. A non-Virginia undergraduate student may receive an annual remission not to exceed the amount of the out-of-state differential required to be paid by the student for tuition and fees;

c. A qualified graduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

d. A clinical faculty member may receive an award as determined by the governing body of the institution.

5. Notwithstanding the limitations on the awards of unfunded scholarships to undergraduate students pursuant to subdivision A 4 of this section, an institution may award additional unfunded scholarships to visiting foreign exchange students; however, the number of such awards in any fiscal year shall not exceed one quarter of one percent of the total institutional headcount enrollment.

B. No institution named herein shall remit any tuition or required fees or any special fees or charges to any student at such institution except as authorized in this section. Each institution named herein shall make a report to the State Council of Higher Education, upon request, showing the number and value of scholarships awarded under this section according to each student classification.

C. Nothing in this section shall be construed to prevent or limit in any way the admission of certain students, known as state cadets, at the Virginia Military Institute or to affect the remission of tuition or required fees or other charges to such state cadets as permitted under existing law.

D. Nothing in this section shall be construed to affect or limit in any way the control of the governing bodies of the respective institutions over any other scholarships; or over any gifts or donations made to such institutions for scholarships or other special purposes; or over any funds provided by the federal government or otherwise for the purpose of career and technical education or vocational rehabilitation in this Commonwealth; or over any funds derived from endowment or appropriations from the federal government for instruction in agriculture and mechanic arts in land grant colleges.

E. Nothing in this section shall be construed to prevent the governing bodies of the respective institutions from fixing a reasonably lower tuition charge for Virginia students than for non-Virginia students.

F. Nothing in this section or any other provision of law shall prohibit the awarding of 10 full tuition unfunded scholarships each year by Old Dominion University under the terms and conditions provided for in a deed conveying certain property in Norfolk known as the Old Larchmont School made July 5, 1930, between the City of Norfolk and The College of William and Mary.

G. Nothing in this section shall be construed to limit other financial aid programs provided pursuant to state law.

Code 1919, § 993; 1936, p. 447; 1952, c. 139; 1964, c. 440; 1966, c. 621; 1974, c. 317; 1975, c. 397; 1976, c. 189; 1977, cc. 296, 319; 1979, cc. 136, 145, 730; 1990, c. 447; 1992, c. 103; 1996, c. 103; 1999, cc. 424, 437; 2001, c. 483; 2002, cc. 158, 257; 2004, cc. 58, 176, 195, 739; 2014, c. 594.

§ 23-31.1. (Repealed effective October 1, 2016) State cadets

From funds appropriated by the Commonwealth to Mary Baldwin College for the Virginia Women's Institute for Leadership and to Virginia Polytechnic Institute and State University, their respective boards of visitors may, in their discretion, provide for financial assistance awards to students designated as state cadets, on terms and conditions comparable to the provisions of §§ 23-105 through 23-107.

1996, c. 203.

§ 23-32. (Repealed effective October 1, 2016) Investment of funds donated for scholarships

Whenever any person shall deposit in the state treasury, or bequeath money to be so deposited, or devise or bequeath property to be sold and the proceeds to be so deposited, for the benefit of any of the educational institutions in the Commonwealth, to such an amount that the interest thereof will be sufficient to educate and maintain thereat one or more cadets or students, the fund shall be invested in securities that are legal investments under the laws of the Commonwealth for public funds in the name and for the benefit of the institution.

Code 1919, § 994; 1936, p. 536; 1956, c. 184.

§ 23-33. (Repealed effective October 1, 2016) Donations irrevocable; right of nomination by donor

Such donation shall be irrevocable, but the donor, or his heirs, or their guardian, if they be under twenty-one years of age, shall have the right to nominate and place in such institution one or more cadets or students, according to the regulations aforesaid.

Code 1919, § 995.

§ 23-34. (Repealed effective October 1, 2016) Selection when donor fails to nominate

If such donor, or his heirs, or such guardian, shall fail for one year to nominate as aforesaid, the board of visitors, trustees, or corporate authorities may appropriate the income of such fund to the education and maintenance of indigent cadets or students, to be selected by them from the Commonwealth at large.

Code 1919, § 996.

§ 23-35. (Repealed effective October 1, 2016) Alumni scholarships
The society of alumni of any institution aforesaid may provide for and maintain a scholarship therein, by annual contributions, under such regulations as may be prescribed as aforesaid.

Code 1919, § 997.

§§ 23-35.1 through 23-35.8. Repealed
Repealed by Acts 1994, c. 867.

§ 23-35.9. (Repealed effective October 1, 2016) Nursing scholarships; Advisory Committee
Annual nursing scholarships are hereby established for part-time and full-time students enrolled in undergraduate and graduate nursing programs. For the purposes of §§ 23-35.9 through 23-35.13, undergraduate nursing programs are defined as programs leading to an associate degree, diploma, or baccalaureate degree in nursing; graduate nursing programs are herein defined as those programs offering masters and doctoral degrees in nursing or related to nursing activities. Undergraduate nursing scholarships shall not exceed $2,000 annually. Graduate nursing scholarships shall not exceed $4,000 annually. These awards shall be made by the Advisory Committee to the State Board of Health and the recipients shall be required to attend a school of professional nursing in this Commonwealth if such schools are available and the student can receive admission thereto. This section shall not be construed to prohibit such scholarship from being available to any first-year college student at the beginning of the first college year who presents to the Advisory Committee a notice of intention to pursue an undergraduate nursing program as defined for the purposes of this section.

The Advisory Committee shall be appointed by the State Board of Health. The Committee shall consist of eight members: four of whom shall be deans or directors of schools of nursing or their designees; two of whom shall be past recipients of nursing scholarships awarded pursuant to this title; and, two of whom shall have experience in the administration of student financial aid programs. Appointments shall be for two-year terms. No member of the Committee shall be eligible to serve more than two successive terms in addition to the portion of any unexpired term for which such member was appointed. Following initial appointments, the State Board of Health shall schedule appointments to the Advisory Committee in such a manner that at least two persons who have not served during the previous two years are appointed to the Committee.

1950, p. 1291; 1956, c. 644; 1962, c. 81; 1966, c. 162; 1968, c. 441; 1970, c. 653; 1973, c. 401; 1974, c. 654; 1989, c. 330; 2002, c. 290.

§ 23-35.10. (Repealed effective October 1, 2016) Nursing scholarships; recipients to be bona fide residents; basis of awards
Each applicant for such scholarship must be a bona fide resident of the Commonwealth pursuant to § 23-7.4 when such scholarship is awarded. Awards shall be made upon such basis, competitive or otherwise, as determined by the Advisory Committee, with due regard for scholastic

attainments, character, need, and adaptability of the applicant for the service contemplated in such award. No award shall be made if the applicant fails to possess the requisite qualifications. With due consideration of the number of applications and the qualifications of all such applicants, the Advisory Committee will, so far as practical, award an equal number of scholarships among the various congressional districts within the Commonwealth.

1950, p. 1291; 1974, c. 654; 1989, c. 330.

§ 23-35.11. (Repealed effective October 1, 2016) Nursing scholarships; contract to be signed before award

Before any such scholarship is awarded, the applicant must sign a written contract, under the terms of which the applicant agrees to pursue a nursing program until completion and thereupon to promptly begin and thereafter engage continuously in nursing work in the Commonwealth in a region with a critical shortage of nurses for one month for each $100 of scholarship awarded pursuant to § 23-35.9. The requirement for continuous engagement in nursing work may be waived by the Committee if the scholarship recipient requests leave to pursue an undergraduate or graduate degree in nursing or related to nursing activities. The contract shall contain such other provisions as are necessary, in the opinion of the State Board of Health, to accomplish the purposes of the scholarship.

1950, p. 1291; 1973, c. 401; 1974, c. 654; 1989, c. 330.

§ 23-35.12. (Repealed effective October 1, 2016) Nursing scholarships; scholarship may be from year to year

Each said scholarship shall be awarded for a single year, but the same student may, after making satisfactory progress toward the completion of his training in the school, receive such award for any succeeding year or years; however, no student shall receive any such scholarship for more than a total of five years.

1950, p. 1291; 1973, c. 401; 1974, c. 654; 1989, c. 330.

§ 23-35.13. (Repealed effective October 1, 2016) Nursing scholarships; how payments made

The funds making up each scholarship shall be paid to the recipient. No recipient shall receive for any such scholarship less than $150.

1950, p. 1292; 1973, c. 401; 1974, c. 654; 1989, c. 330.

§§ 23-36, 23-36.1. Repealed

Repealed by Acts 1950, p. 1292.

§ 23-36.2. (Repealed effective October 1, 2016) Nursing scholarships at the Medical College of Virginia and the University of Virginia

The governing board of the Medical College of Virginia may establish thirteen annual nursing scholarships which thirteen scholarships hereby authorized shall be of the annual value of $150 each, and the governing board of the University of Virginia may establish fifteen annual nursing

scholarships, which fifteen scholarships hereby authorized shall be of the annual value of $100 each, and shall be awarded and paid subject to the conditions and restrictions set out in the following subsections:

(1) Each applicant for any such scholarship must be a bona fide resident of the Commonwealth of Virginia when such scholarship is awarded. The awards shall be made upon such basis, competitive or otherwise, as may be determined by the president or other proper officer of the school with due regard to the scholastic attainments, character, and adaptability of the applicant for the service contemplated in such award; provided, that no award shall be made if the applicant fails to possess the requisite qualifications.

(2) Before any such scholarship is awarded the applicant shall sign written contract under the terms of which he agrees to pursue the nursing course of the school awarding the scholarship until completion and thereupon to promptly begin and thereafter engage continuously in nursing work in the Commonwealth of Virginia, for a period of years equal in number to the years that he has been or shall be a beneficiary of any such scholarship or scholarships. The contract shall provide that if the applicant shall fail to comply with the provisions thereof or any of them he shall repay to the school all amounts received by him as a beneficiary of such awards, such repayment to be upon such terms and conditions as may be determined by the school. Such contract shall contain such other provisions as may be necessary, in the opinion of the president or other proper officer of the school, to accomplish the purposes of the scholarships.

(3) As further evidence of the promise of such recipient to make such repayment, as to each scholarship awarded him in the event he shall fail or refuse to fulfill the conditions and requirements herein specified as to such scholarships, he shall, when such scholarship is awarded, be required to execute and deliver to the school awarding the scholarship a note in a principal sum equal to the amount of such scholarship with interest at not less than two nor more than four per centum, which note shall be accepted by the school upon the condition that such note, and any other similar notes so given, shall be cancelled by the school upon the basis of one note for each year in which he shall continuously engage in nursing work in the Commonwealth of Virginia; provided, however, that no recipient of any such scholarship shall be permitted to plead the statute of limitations or interpose a plea of infancy in the event of an action being brought against him on any such note.

(4) All money repaid by any such recipient shall be placed in a special fund which shall be used for nursing scholarships in accordance with the provisions of this section.

(5) Each such scholarship shall be awarded for a single year, but the same student shall, after making satisfactory progress towards completion of his training in the school, receive such award for any succeeding year or years, provided no student shall receive any such scholarship for more than a total of three years.

(6) The funds making up each such scholarship shall be paid to the recipient thereof, or applied to the payment of his expenses, at such medical school, in such amounts and at such times during such school year as may be determined by the president or other proper officer of the school; provided, however, that no recipient shall receive for any such scholarship less than $100.

1952, c. 651; 1960, c. 378; 1973, c. 401.

§ 23-37. Repealed

Repealed by Acts 1979, c. 730.

§ 23-37.1. (Repealed effective October 1, 2016) Scholarships for dental hygienists; established

There are established twelve annual scholarships of $500 each. These awards shall be made by the State Board of Health and the recipients shall be allowed to attend any accredited school of dental hygiene in this Commonwealth.

1968, c. 790; 1972, c. 198.

§ 23-37.2. (Repealed effective October 1, 2016) Scholarships for dental hygienists; qualifications of applicants; how awarded

Each applicant for such scholarship must be a bona fide resident of the Commonwealth of Virginia when such scholarship is awarded. Awards shall be made upon such basis, competitive or otherwise, as determined by the State Board of Health, with due regard for scholastic attainments, character and adaptability of the applicant for the service contemplated in such award; provided no award shall be made if the applicant fails to possess the requisite qualifications.

1968, c. 790.

§ 23-37.3. (Repealed effective October 1, 2016) Scholarships for dental hygienists; contracts to be signed by applicants

Before any such scholarship is awarded, the applicant must sign a written contract, under the terms of which the applicant agrees to pursue the dental hygiene course of the school awarding the scholarship until completion, and thereupon to promptly begin and thereafter engage continuously in dental hygiene work in the Commonwealth of Virginia for a period of years equal in number to the years the applicant has been a beneficiary of such scholarship or scholarships. The contract shall contain such other provisions as are necessary, in the opinion of the State Board of Health, to accomplish the purposes of the scholarship.

1968, c. 790; 1972, c. 198.

§ 23-37.4. (Repealed effective October 1, 2016) Scholarships for dental hygienists; duration

Each said scholarship shall be awarded for a single year, but the same student shall, after making satisfactory progress toward the completion of the student's training in the school, receive such award for any succeeding year or years, providing no student shall receive any such scholarship for more than a total of three years.

1968, c. 790; 1972, c. 198.

§ 23-37.5. (Repealed effective October 1, 2016) Scholarships for dental hygienists; how payments made

The funds making up such scholarship shall be paid to the recipient thereof or applied toward the payment of the student's expenses at the school in such a manner and at such a time during the school year as determined by the director or other proper officer of the school of dental hygiene attended, provided no recipient shall receive for any such scholarship less than $500.

1968, c. 790; 1972, c. 198.

§ 23-38. (Repealed effective October 1, 2016) Service in armed forces discharges obligation to render services to Commonwealth in consideration of scholarship

Service by any person in any of the armed forces of the United States as an officer, private or nurse, or in any other capacity, regardless of length of service, in time of war or other declared national emergency, is a complete and final discharge of any obligation of such person to serve the Commonwealth as a teacher in the public schools, or in any other capacity, including any such obligation which has been reduced or computed into terms of a monetary obligation in lieu of such service, arising by virtue of any statute or of any contract entered into between such person and any state-owned or state-supported institution of higher learning, in consideration of any state scholarship awarded to or received by such person as a student in such institution; provided, that such service is terminated by an honorable or medical discharge; provided, further, that such person shall have entered such service with the armed forces within four years after leaving such state-owned or state-operated institution.

1942, p. 504; Michie Code 1942, § 997c.

§ 23-38.1. Repealed

Repealed by Acts 1964, Ex. Sess., c. 8.

§ 23-38.2. (Repealed effective October 1, 2016) Virginia Behavioral Health and Developmental Services Scholarship Fund

(a) There is hereby established a fund, to be known as the Virginia Behavioral Health and Developmental Services Scholarship Fund, which shall consist of funds appropriated to it from time to time by the General Assembly and which shall be administered by the Department of Behavioral Health and Developmental Services, for the purpose of providing scholarships for study in various professions and skills that deal with the treatment, training and care of individuals with mental illness and intellectual disability.

(b) The State Board of Behavioral Health and Developmental Services shall adopt the necessary rules and regulations, not inconsistent with other laws, for the implementation of this section. Such rules and regulations shall provide:

(1) That scholarships be awarded for a period no longer than one year, but that certain scholarships may be reawarded not more than two times;

(2) That persons who receive such scholarships agree to serve in state employment upon completion of training for a period at least as long as the length of training provided by the scholarship, and that if they do not fulfill this agreement they shall repay to the Commonwealth the amount of the scholarship with interest;

(3) That priorities be given for training in professions and skills where shortages exist and are anticipated in state hospitals and training centers; and

(4) That priorities be given to citizens of the Commonwealth.

(c) The Commissioner of Behavioral Health and Developmental Services is hereby authorized to receive gifts, donations, bequests, and federal grants to the Virginia Behavioral Health and Developmental Services Scholarship Fund.

1970, c. 384; 1987, c. 413; 2009, cc. 813, 840; 2012, cc. 476, 507.

§ 23-38.3. (Repealed effective October 1, 2016) Soil scientist scholarships; governing body of Virginia Polytechnic Institute and State University authorized to establish

The governing board of Virginia Polytechnic Institute and State University is authorized to establish twenty annual soil scientist scholarships to be awarded from the Commonwealth at large, each of the value of the University fee of Virginia Polytechnic Institute and State University. The awarding and payment of such scholarships shall be subject to the conditions and restrictions hereinafter set out in §§ 23-38.4 to 23-38.10.

1970, c. 620.

§ 23-38.4. (Repealed effective October 1, 2016) Soil scientist scholarships; recipients to be bona fide residents; basis of awards

Each applicant for a scholarship must be a bona fide resident of the Commonwealth of Virginia before such scholarship may be awarded to him. The award shall be made upon such basis, competitive or otherwise, as is determined by the president or other proper officer of the institution of higher education which the applicant plans to attend, hereinafter referred to as "school, " with due regard to scholastic attainments, character, and adaptability of the applicant to the service contemplated under such award; provided, that no award shall be made unless the applicant possesses the requisite qualifications.

1970, c. 620.

§ 23-38.5. (Repealed effective October 1, 2016) Soil scientist scholarships; contract to be signed before award

Before any such scholarship is awarded, the applicant shall sign a written contract, under the terms of which the applicant agrees to pursue the agronomy course at the school at which the scholarship is awarded, until his graduation, and that upon graduating he will promptly begin and thereafter engage continuously as a soil scientist as an employee of the Commonwealth of Virginia for a period of years equal in number to the years which he has been a beneficiary of such

scholarship; provided, no suitable vacancy exists as an employee of the Commonwealth of Virginia then the obligation of such contract may be discharged by being engaged continuously in Virginia as a soil scientist as an employee of a local, Virginia or federal government agency for a period of years, equal in number to the years which he has been a beneficiary of such scholarship. The contract shall contain such other provisions as are necessary in the opinion of Virginia Polytechnic Institute and State University to accomplish the purposes of the scholarship. In the event the holder of any soil scientist scholarship awarded dies while receiving instruction under such a scholarship, any balance unpaid and agreed to be repaid by the holder thereof shall be deemed paid, and no liability shall be attached to his estate.

1970, c. 620; 1972, c. 188.

§ 23-38.6. (Repealed effective October 1, 2016) Soil scientist scholarships; scholarship may be from year to year

Each such scholarship shall be awarded for a single year, but the same student shall, after making satisfactory progress toward completion of his training in the school, receive such award for any succeeding year or years, provided no student shall receive any such scholarship for more than a total of four years.

1970, c. 620.

§ 23-38.7. (Repealed effective October 1, 2016) Soil scientist scholarships; how payments made

The funds making up each scholarship shall be paid to the recipient thereof or applied toward the payment of his expenses at the school in such a manner and at such a time during the school year as determined by the president or other proper officer of the school attended.

1970, c. 620.

§ 23-38.8. (Repealed effective October 1, 2016) Soil scientist scholarships; military service

The contract shall provide that the applicant will not obligate himself for more than the minimum military service required by virtue of either being drafted into such service or voluntarily enlisting therein in lieu of being drafted. It shall further provide that on termination of the minimum period of obligatory military service, he shall promptly begin the discharge of his obligation by compliance with the conditions set forth in § 23-38.5.

1970, c. 620.

§ 23-38.9. (Repealed effective October 1, 2016) Soil scientist scholarships; relief from obligation of contract

The contract shall have a clause under which the holder may be relieved of his obligation to serve the Commonwealth as a soil scientist at any time the holder fails to maintain a scholastic standard at least equal to the standard required of the general student body in such school, or if the holder, at any time, becomes permanently disabled so as not to be able to engage in the profession of soil scientist. In such case, the contract shall provide that upon certificate of a faculty

committee, the holder shall be relieved of his obligation to serve the Commonwealth as a soil scientist for a period equal to that during which he has been a beneficiary of such scholarship. Any applicant, upon being so relieved from the obligations imposed by such contract, shall arrange to reimburse the Commonwealth for the amount he has received on account of such scholarship plus interest on such amount computed at the prevailing rate charged on student loans at the school attended by the applicant. Provided, however, if such applicant, or any applicant who for any reason repays all or any part of the amount received of such scholarships, after reimbursing such amount plus interest to the Commonwealth, later fulfills the terms of his contract by completing his studies and serving the Commonwealth as a soil scientist for a period equal to that during which he received such scholarship, such applicant shall have reimbursed to him, from the general fund of the state treasury, the amount of the scholarship and interest previously repaid to the Commonwealth. This reimbursement shall be made on any contract made under the provisions of this section.

1970, c. 620.

§ 23-38.10. (Repealed effective October 1, 2016) Soil scientist scholarships; disposition of funds repaid

All funds repaid by any applicant in pursuance of the provisions of § 23-38.9, or otherwise, shall be paid into the state treasury and shall become a part of the general fund. The governing board of the school attended by the applicant shall collect such payments and shall pay all moneys so received into the state treasury promptly. If any applicant fails to abide by the terms of such contract, such fact shall be communicated to the Attorney General by the proper officer of the school or by the employing state agency, respectively. The Attorney General shall take such action thereon as he deems proper.

There is hereby appropriated to Virginia Polytechnic Institute and State University from the general fund of the state treasury the sum of $8,000 each year of the biennium for carrying out the purpose of §§ 23-38.3 to 23-38.10.

1970, c. 620.

§ 23-38.10:1. Repealed

Repealed by Acts 2014, c. 484, cl. 2.

Chapter 4.01 - STUDENT LOAN FUNDS

§ 23-38.10:2. (Repealed effective October 1, 2016) Definitions

As used in this chapter:

1. "Council" means the State Council of Higher Education for Virginia.

2. "Fund" means a student loan fund.

3. "Institution" means a state institution of higher education which has established a student loan fund from appropriations from the general fund of the state treasury for fellowships, scholarships and loans.

4. "Student" means a medical student, dental student, intern, resident or undergraduate student who is entitled to reduced tuition charges pursuant to the provisions of § 23-7.4.

1978, c. 745.

§ 23-38.10:3. (Repealed effective October 1, 2016) Loans to students

A. Any institution may make loans from its student loan fund only to needy students who might be unable to attend such institution without such loans and who are duly admitted into degree or certificate programs at the institution. Such loans shall be made upon such terms and according to such rules as may be prescribed by the governing board of the institution.

B. In any one academic year no student may receive a loan or loans from the fund of an institution which would result in that student owing a net outstanding amount at the end of that year in excess of the tuition and required fees charged by the institution.

C. The rate of interest charged on loans to students from a fund shall be three per centum per annum.

1978, c. 745; 1991, c. 590.

§ 23-38.10:4. (Repealed effective October 1, 2016) Collection of loans

An institution shall make every effort to collect each loan made from its student loan fund. Institutions shall follow the provisions of the Virginia Debt Collection Act (§ 2.2-4801 et seq.) with regard to the collection of student loans.

1978, c. 745; 1988, c. 544.

§ 23-38.10:5. Repealed

Repealed by Acts 1991, c. 590.

§ 23-38.10:6. (Repealed effective October 1, 2016) Biennial audits

The Auditor of Public Accounts shall at least biennially audit and exhibit the account of student loan funds at each institution.

1978, c. 745; 1991, c. 590.

§ 23-38.10:7. (Repealed effective October 1, 2016) Additional student loan funds

A. Whenever the student loan fund at an institution is inadequate to carry out fully the purpose for which the fund was established, the governing board and president of such institution, with the written consent and approval of the Governor first obtained, are authorized, for the purpose of providing an additional student loan fund, to borrow from such sources and on such terms as may be approved by the Governor an amount not to exceed $25,000, and to provide for such extensions or renewals of such loans as may be necessary. Such additional student loan fund shall be

used only in making loans to students as provided in this chapter and for no other purpose whatsoever.

B. The repayments and interest accretions to the additional student loan fund shall be used insofar as may be necessary to repay the indebtedness of the institution created by the governing board and president in establishing the additional student loan fund.

C. Such additional amounts may be borrowed as may be deemed necessary by the governing board and president of the institution, with the Governor's approval, but in no event may the amount of the additional student loan fund, including cash, notes receivable and all amounts heretofore borrowed and not repaid exceed $50,000.

D. Accounts shall be kept and reports rendered for each such additional student loan fund in all respects as required by this chapter for student loan fund created by appropriations from the general fund of the state treasury, and the Auditor of Public Accounts shall biennially exhibit in his report the amount of the additional student loan fund at each institution.

1978, c. 745.

Chapter 4.02 - TWO-YEAR COLLEGE TRANSFER GRANT PROGRAM

§ 23-38.10:8. (Repealed effective October 1, 2016) Definitions
As used in this chapter:

"Accredited institution" means any institution approved to confer degrees pursuant to Chapter 21.1 (§ 23-276.1 et seq.) of this title.

"Council" means the State Council of Higher Education for Virginia.

"Grant" means the amount of financial assistance awarded under this chapter whether disbursed by warrant directly to an institution of higher education or directly to a student.

"Institution of higher education" means a four-year public or private nonprofit educational institution within the Commonwealth whose primary purpose is to provide undergraduate collegiate education and not to provide religious training or theological education.

"Student" means an undergraduate student who is entitled to in-state tuition charges pursuant to the provisions of § 23-7.4.

2007, cc. 850, 899.

§ 23-38.10:9. (Repealed effective October 1, 2016) Two-Year College Transfer Grant Program created; State Council of Higher Education for Virginia to promulgate regulations
There is hereby created the Two-Year College Transfer Grant Program to provide financial assistance to eligible students, beginning with the first-time entering freshman class of the fall 2007 academic year, for the costs of attending a public or private institution of higher education in Virginia. Funds may be paid to any institutions of higher education on behalf of students who have been awarded financial assistance pursuant to § 23-38.10:10. The Council shall promulgate

regulations for the implementation of the provisions of this chapter and the disbursement of funds consistent therewith and appropriate to the administration of the program.

2007, cc. 850, 899.

§ 23-38.10:10. (Repealed effective October 1, 2016) Eligibility criteria

A. Under this program, grants shall be made to or on behalf of eligible Virginia domiciles who (i) have received an associate degree at a Virginia two-year public institution of higher education, (ii) have enrolled in a Virginia four-year public or private institution of higher education by the fall or spring following the award of the associate degree, (iii) have applied for financial aid, and (iv) have financial need, defined by an Expected Family Contribution (EFC) of no more than $8,000 as calculated by the federal government using the family's financial information reported on the Free Application for Federal Student Aid (FAFSA) form. Only students who maintained a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent while enrolled in an associate degree program at a Virginia two-year public institution of higher education shall be eligible to receive a grant under this chapter.

B. Eligibility for a higher education grant under this program shall be limited to three academic years or 70 credit hours and shall be used only for undergraduate collegiate work in educational programs other than those providing religious training or theological education. To remain eligible for a grant under this program, a student must continue to demonstrate financial need, as defined in this section, maintain a 3.0 on a scale of 4.0 or its equivalent, and make satisfactory academic progress towards a degree.

C. Individuals who have failed to meet the federal requirement to register for the Selective Service shall not be eligible to receive grants pursuant to this chapter. However, a person who has failed to register for the Selective Service shall not be denied a right, privilege, or benefit under this section if (i) the requirement to so register has terminated or become inapplicable to the person and (ii) the person shows by a preponderance of the evidence that the failure to register was not a knowing and willful failure to register.

2007, cc. 850, 899; 2014, c. 806.

§ 23-38.10:11. (Repealed effective October 1, 2016) Amount of award

The amount of the grant for an eligible student shall be provided in accordance with the appropriation act and shall be fixed at $1,000 per year. An additional $1,000 per year shall be provided to those students pursuing undergraduate collegiate work in engineering, mathematics, nursing, teaching, or science.

2007, cc. 850, 899.

§ 23-38.10:12. (Repealed effective October 1, 2016) Determination of domicile

For the purposes of determining the eligibility of a student for a two-year college transfer grant, domicile shall be determined by the enrolling institution, as provided in § 23-7.4, and the State Council of Higher Education's guidelines for domiciliary status determinations.

2007, cc. 850, 899.

§ 23-38.10:13. (Repealed effective October 1, 2016) State financial aid eligibility
The institutions of higher education shall reduce state financial aid eligibility by the amount of the grant awarded pursuant to this chapter. Tuition assistance received by a student under this program shall not be reduced by the receipt of other financial aid from any source by such student. However, a student shall not receive a grant pursuant to this chapter that, when added to other financial aid received by that student, would enable the student to receive total assistance in excess of the estimated cost to the student of attending the institution in which he is enrolled.

2007, cc. 850, 899.

Chapter 4.1 - TUITION ASSISTANCE GRANT ACT

Article 1 - GENERAL PROVISIONS

§ 23-38.11. (Repealed effective October 1, 2016) Short title
This chapter may be cited as the "Tuition Assistance Grant Act."

1972, c. 18; 1975, c. 400; 1980, c. 101.

§ 23-38.12. (Repealed effective October 1, 2016) Program of tuition assistance established
There is hereby established, from funds provided by law, a program of tuition assistance in the form of grants, as hereinafter provided, to or on behalf of bona fide residents of Virginia who attend private nonprofit institutions of collegiate education in the Commonwealth whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education. Eligible institutions not admitted to this program before January 1, 2011, shall also (i) be formed, chartered, established, or incorporated within the Commonwealth; (ii) have their principal place of business within the Commonwealth; (iii) conduct their primary educational activity within the Commonwealth; and (iv) be accredited by a nationally recognized regional accrediting agency. Individuals who have failed to meet the federal requirement to register for the Selective Service shall not be eligible to receive these grants. However, a person who has failed to register for the Selective Service shall not be denied a right, privilege, or benefit under this section if: (a) the requirement to so register has terminated or become inapplicable to the person and (b) the person shows by a preponderance of the evidence that the failure to register was not a knowing and willful failure to register. The State Council of Higher Education shall be assisted in enforcing this provision by the private institutions of higher education whose students benefit from this program.

For the purposes of this section, the "principal place of business" of a nonprofit institution of collegiate education means the single state in which the natural persons who establish policy for the direction, control, and coordination of the operations of the institution as a whole primarily exercise that function, considering the following factors: (1) the state in which the primary executive and administrative offices of the institution are located; (2) the state in which the principal office

of the chief executive officer of the institution is located; (3) the state in which the board of trustees, or similar governing person or persons, of the institution conducts a majority of its meetings; and (4) the state from which the overall operations of the institution are directed.

1972, c. 18; 1973, c. 2; 1975, c. 400; 1980, c. 101; 1981, c. 257; 1985, c. 520; 1998, c. 483; 1999, c. 434; 2011, cc. 419, 421.

§ 23-38.13. (Repealed effective October 1, 2016) State Council of Higher Education designated as administering agency; power to define certain terms

The State Council of Higher Education is hereby designated as the administering agency for the program established by this chapter, and authorized to promulgate regulations consistent therewith and appropriate to the administration of the program. The administering agency shall have the power to define by regulation such terms as, but not limited to, "full-time," "undergraduate," "graduate," "professional," "successful academic year," "financial aid," "meritorious extenuating circumstances," and "incapacity" as used in this chapter.

1972, c. 18; 1973, c. 2; 1981, c. 257.

§ 23-38.14. (Repealed effective October 1, 2016) Maximum amount of tuition assistance per student

The amount of tuition assistance, in the form of a grant pursuant to this chapter, which shall be available annually to a bona fide resident of Virginia attending a qualified private institution, as described in § 23-38.12, shall not exceed in amount the annual average appropriation per full-time equivalent student for the previous year from the general fund of the state treasury for operating costs at two- and four-year public institutions of collegiate education in Virginia.

1972, c. 18; 1975, c. 400; 1980, c. 101.

§ 23-38.15. (Repealed effective October 1, 2016) To whom grants made

Under this program, grants shall be made to or on behalf of eligible Virginia residents for the academic year for which they enroll and are obligated to pay tuition as full-time undergraduate, graduate, or professional students at a qualified private institution, as described in § 23-38.12.

1972, c. 18; 1973, c. 2; 1975, c. 400; 1980, c. 101; 1981, c. 257; 2000, cc. 94, 660.

§ 23-38.16. (Repealed effective October 1, 2016) Duration of eligibility; grants to be used only for undergraduate, graduate, or professional work

Eligibility for tuition assistance under this program shall be limited to a total of four academic years for undergraduate students, pharmacy students, and medical students, and three academic years for graduate students and other professional school students, which years need not be in succession. Tuition grants under this program shall be used only for undergraduate, graduate, or professional collegiate work in educational programs other than those providing religious training or theological education of an indoctrinating nature.

1972, c. 18; 1973, c. 2; 1975, c. 400; 1980, c. 101; 1981, c. 257; 1987, c. 600; 2000, cc. 94, 660.

§ 23-38.17. (Repealed effective October 1, 2016) Receipt by student of other financial aid
Tuition assistance received by a student under this program shall not be reduced by the receipt by such student of other financial aid from any source, provided, however, that in no case shall a student receive a grant pursuant to this chapter which when added to said other financial aid, would enable the student to receive total assistance in excess of the estimated cost to the student of attending the institution in which he is enrolled.

1972, c. 18; 1973, c. 2; 1975, c. 400; 1980, c. 101.

§ 23-38.17:1. (Repealed effective October 1, 2016) Prompt crediting and expeditious refunding of funds
Institutions acting as agents for students receiving awards under this program shall promptly credit disbursed funds to student accounts following verification of eligibility by the relevant institution. These institutions shall also expeditiously distribute any refunds due recipients.

1985, c. 359; 2000, cc. 94, 660.

§ 23-38.18. (Repealed effective October 1, 2016) Determination of bona fide residence
For the purposes of determining the eligibility of a student for a tuition assistance grant, domicile shall be determined by the enrolling institution, as provided in § 23-7.4, and the State Council of Higher Education's guidelines for domiciliary status determinations. In addition, in order to ensure consistency and fairness, the State Council of Higher Education shall require all participating institutions to file student specific data, shall monitor the domiciliary status decisions of these institutions, and shall make final decisions on any disputes between the institutions and the grant recipients. The Council shall report to the Governor and the General Assembly, as the Council deems necessary, on issues related to domiciliary status determinations for students receiving tuition assistance grants.

1972, c. 18; 1973, c. 2; 1985, c. 359; 1995, c. 663.

§ 23-38.19. Repealed
Repealed by Acts 2015, c. 709, cl. 2.

Article 2 - VIRGINIA GRADUATE AND UNDERGRADUATE ASSISTANCE PROGRAM [Repealed]

§§ 23-38.19:1, 23-38.19:2. Repealed
Repealed by Acts 2014, c. 484, cl. 2.

Article 3 - VIRGINIA UNDERGRADUATE CAREER AND TECHNICAL INCENTIVE SCHOLARSHIP PROGRAM [Repealed]

§§ 23-38.19:3 through 23-38.19:5. Repealed
Repealed by Acts 2004, c. 872, cl. 8, effective May 4, 2005.

Chapter 4.10 - RESTRUCTURED HIGHER EDUCATION FINANCIAL AND ADMINISTRATIVE OPERATIONS ACT

§ 23-38.88. (Repealed effective October 1, 2016) Eligibility for restructured financial and administrative operational authority

A. Public institutions of higher education shall be eligible for the following restructured financial and operational authority:

1. To dispose of their surplus materials at the location where the surplus materials are held and to retain any proceeds from such disposal as provided in subdivision B 14 of § 2.2-1124;

2. To have the option, as provided in subsection C of § 2.2-1132 and pursuant to the conditions and provisions under such subsection, to contract with a building official of the locality in which construction is taking place and for such official to perform any inspection and certifications required for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) pursuant to subsection C of § 36-98.1;

3. For those public institutions of higher education that have in effect a signed memorandum of understanding with the Secretary of Administration regarding participation in the nongeneral fund decentralization program as set forth in the appropriation act, as provided in subsection C of § 2.2-1132, to enter into contracts for specific construction projects without the preliminary review and approval of the Division of Engineering and Buildings of the Department of General Services, provided such institutions are in compliance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and utilize the general terms and conditions for those forms of procurement approved by the Division and the Office of the Attorney General;

4. To acquire easements as provided in subdivision 4 of § 2.2-1149;

5. To enter into an operating/income lease or capital lease pursuant to the conditions and provisions provided in subdivision 5 of § 2.2-1149;

6. To convey an easement pertaining to any property such institution owns or controls as provided in subsection C of § 2.2-1150;

7. In accordance with the conditions and provisions of subdivision C 2 of § 2.2-1153, to sell surplus real property valued at less than $5 million, which is possessed and controlled by the institution;

8. For purposes of compliance with § 2.2-4310, to procure goods, services, and construction from a vendor that the institution has certified as a small, women-owned, and minority-owned business enterprise pursuant to the conditions and provisions provided in § 2.2-1609;

9. To be exempt from review of their budget request for information technology by the CIO as provided in subdivision B 3 of § 2.2-2007.1;

10. To be allowed to establish policies for the designation of administrative and professional faculty positions at the institution pursuant to the conditions and provisions provided in subsection E of § 2.2-2901;

11. To receive the financial benefits described under § 2.2-5005 pursuant to the conditions and provisions of such section;

12. To be exempt from reporting its purchases to the Secretary of Education, provided that all purchases, including sole source purchases, are placed through the Commonwealth's electronic procurement system using proper system codes for the methods of procurement;

13. To utilize as methods of procurement a fixed price, design-build or construction management contract notwithstanding the provisions of § 2.2-4306; and

14. The restructured financial and operational authority set forth in Subchapter 2 (§ 23-38.90) and Subchapter 3 (§ 23-38.91 et seq.).

No such authority shall be granted unless the institution meets the conditions set forth in this chapter.

B. The Board of Visitors of a public institution of higher education shall commit to the Governor and the General Assembly by August 1, 2005, through formal resolution adopted according to its own bylaws, to meeting the state goals specified below, and shall be responsible for ensuring that such goals are met, in addition to such other responsibilities as may be prescribed by law. Each such institution shall commit to the Governor and the General Assembly to:

1. Consistent with its institutional mission, provide access to higher education for all citizens throughout the Commonwealth, including underrepresented populations, and, consistent with subdivision 4 of § 23-9.6:1 and in accordance with anticipated demand analysis, meet enrollment projections and degree estimates as agreed upon with the State Council of Higher Education for Virginia. Each such institution shall bear a measure of responsibility for ensuring that the statewide demand for enrollment is met;

2. Consistent with § 23-38.87:17, ensure that higher education remains affordable, regardless of individual or family income, and through a periodic assessment, determine the impact of tuition and fee levels net of financial aid on applications, enrollment, and student indebtedness incurred for the payment of tuition and fees;

3. Offer a broad range of undergraduate and, where appropriate, graduate programs consistent with its mission and assess regularly the extent to which the institution's curricula and degree programs address the Commonwealth's need for sufficient graduates in particular shortage areas, including specific academic disciplines, professions, and geographic regions;

4. Ensure that the institution's academic programs and course offerings maintain high academic standards, by undertaking a continuous review and improvement of academic programs, course availability, faculty productivity, and other relevant factors;

5. Improve student retention such that students progress from initial enrollment to a timely graduation, and that the number of degrees conferred increases as enrollment increases;

6. Consistent with its institutional mission, develop articulation, dual admissions, and guaranteed admissions agreements with all Virginia community colleges and offer dual enrollment programs in cooperation with high schools;

7. Actively contribute to efforts to stimulate the economic development of the Commonwealth and the area in which the institution is located, and for those institutions subject to a management agreement set forth in Subchapter 3 (§ 23-38.91 et seq.), in areas that lag the Commonwealth in terms of income, employment, and other factors;

8. Consistent with its institutional mission, increase the level of externally funded research conducted at the institution and facilitate the transfer of technology from university research centers to private sector companies;

9. Work actively and cooperatively with elementary and secondary school administrators, teachers, and students in public schools and school divisions to improve student achievement, upgrade the knowledge and skills of teachers, and strengthen leadership skills of school administrators;

10. Prepare a six-year financial plan consistent with § 23-38.87:17;

11. Conduct the institution's business affairs in a manner that maximizes operational efficiencies and economies for the institution, contributes to maximum efficiencies and economies of state government as a whole, and meets the financial and administrative management standards as specified by the Governor pursuant to § 2.2-5004 and included in the appropriation act that is in effect, which shall include best practices for electronic procurement and leveraged purchasing, information technology, real estate portfolio management, and diversity of suppliers through fair and reasonable consideration of small, women-owned, and minority-owned business enterprises; and

12. Seek to ensure the safety and security of the Commonwealth's students on college and university campuses.

Upon making such commitments to the Governor and the General Assembly by August 1, 2005, the public institution of higher education shall be allowed to exercise the restructured financial and operational authority set forth in subdivisions A 1 through A 13, subject to such conditions as may be provided under the enabling statutes granting the additional authority.

C. As provided in § 23-9.6:1.01, the State Council of Higher Education shall in consultation with the respective chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health or their designees, representatives of public institutions of higher education, and such other state officials as may be designated by the Governor, develop objective measures of educational-related performance and institutional performance benchmarks for such objective measures. At a minimum, the State Council shall develop

such objective measures and institutional performance benchmarks for the goals and objectives set forth in subdivisions B 1 through B 10 and B 12. In addition, the Governor shall develop objective measures of financial and administrative management performance and related institutional performance benchmarks for the goals and objectives set forth in subdivision B 11.

As provided in subsection C of § 23-9.6:1.01, any public institution of higher education that has been certified during the fiscal year by the State Council of Higher Education for Virginia as meeting the institutional performance benchmarks in effect for the fiscal year as set forth in the general appropriation act shall be provided the financial benefits under § 2.2-5005. Such benefits shall first be provided as determined under such section. Objective criteria for measuring performance with regard to the state goals and objectives developed pursuant to subsection B, and benefits or consequences for meeting or not meeting those goals and objectives, shall be developed as provided in subdivision B 5 of § 23-38.87:20.

D. 1. The restructured financial and operational authority set forth in Subchapter 3 (§ 23-38.91 et seq.) shall only be granted in accordance with the expressed terms of a management agreement between the public institution of higher education and the Commonwealth.

No restructured financial or operational authority set forth in Subchapter 3 (§ 23-38.91 et seq.) shall be granted to a public institution of higher education unless such authority is expressly included in the management agreement. In addition, the only implied authority that shall be granted from entering into a management agreement is that implied authority that is actually necessary to carry out the expressed grant of restructured financial or operational authority. As a matter of law, the initial presumption shall be that any restructured financial or operational authority set forth in Subchapter 3 (§ 23-38.91 et seq.) is not included in the management agreement. These requirements shall also apply to any other provision included in Subchapter 3 (§ 23-38.91 et seq.).

2. No public institution of higher education shall enter into a management agreement unless:

a. (i) Its most current and unenhanced bond rating received from (a) Moody's Investors Service, Inc., (b) Standard & Poor's, Inc., or (c) Fitch Investor's Services, Inc. is at least AA- (i.e., AA minus) or its equivalent, provided that such bond rating has been received within the last three years of the date that the initial agreement is entered into or (ii) the institution has (a) participated in decentralization pilot programs in the areas of finance and capital outlay, (b) demonstrated management competency in those two areas as evidenced by a written certification from the Cabinet Secretary or Secretaries designated by the Governor, (c) received additional operational authority under a memorandum of understanding pursuant to § 23-38.90 in at least one functional area, and (d) demonstrated management competency in that area for a period of at least two years. In submitting "The Budget Bill" for calendar year 2005 pursuant to subsection A of § 2.2-1509, the Governor shall include criteria for determining whether or not an institution has demonstrated the management competency required by clause (ii);

b. An absolute two-thirds, or more, of the institution's governing body shall have voted in the affirmative for a resolution expressing the sense of the body that the institution is qualified to be, and should be, governed by the provisions of Subchapter 3 (§ 23-38.91 et seq.), which resolution shall be included in the initial management agreement;

c. The institution agrees to reimburse the Commonwealth for any additional costs to the Commonwealth in providing health or other group insurance benefits to employees, and in undertaking any risk management program, that are attributable to the institution's exercise of any restructured financial or operational authority set forth in Subchapter 3 (§ 23-38.91 et seq.). The institution's agreement to reimburse the Commonwealth for such additional costs shall be expressly included in each management agreement with the institution. The Secretary of Finance and the Secretary of Administration, in consultation with the Virginia Retirement System and the affected institutions, shall establish procedures for determining any amounts to be paid by each institution and a mechanism for transferring the appropriate amounts directly and solely to the programs whose costs have been affected.

In developing management agreements, public institutions of higher education shall give consideration to potential future impacts of tuition increases on the Virginia College Savings Plan (§ 23-38.75) and shall discuss such potential impacts with parties participating in development of such agreements. The chief executive officer of the Virginia College Savings Plan shall provide to the institution and such parties the Plan's assumptions underlying the contract pricing of the program; and

d. Before executing a management agreement with the Commonwealth that affects insurance or benefit programs administered by the Virginia Retirement System, the Governor shall transmit a draft of the relevant provisions to the Board of Trustees of the Virginia Retirement System, which shall review the relevant provisions in order to ensure compliance with the applicable provisions of Title 51.1, administrative policies and procedures and federal regulations governing retirement plans. The Board shall advise the Governor and appropriate Cabinet Secretaries of any conflicts.

3. Each initial management agreement with an institution shall remain in effect for a period of three years. Subsequent management agreements with the institution shall remain in effect for a period of five years.

If an existing agreement is not renewed or a new agreement executed prior to the expiration of the three-year or five-year term, as applicable, the existing agreement shall remain in effect on a provisional basis for a period not to exceed one year. If, after the expiration of the provisional one-year period, the management agreement has not been renewed or a new agreement executed, the institution shall no longer be granted any of the financial or operational authority set forth in Subchapter 3 (§ 23-38.91 et seq.), unless and until such time as a new management agreement is entered into between the institution and the Commonwealth.

The Joint Legislative Audit and Review Commission, in cooperation with the Auditor of Public Accounts, shall conduct a review relating to the initial management agreement with each public institution of higher education. The review shall cover a period of at least the first 24 months from the effective date of the management agreement. The review shall include, but shall not be limited to, the degree of compliance with the expressed terms of the management agreement, the degree to which the institution has demonstrated its ability to manage successfully the administrative and financial operations of the institution without jeopardizing the financial integrity and stability of the institution, the degree to which the institution is meeting the objectives described in subsection B, and any related impact on students and employees of the institution from execution of the management agreement. The Joint Legislative Audit and Review Commission shall make a written report of its review no later than June 30 of the third year of the management agreement. The Joint Legislative Audit and Review Commission is authorized, but not required, to conduct a similar review of any management agreement entered into subsequent to the initial agreement.

4. The right and power by the Governor to void a management agreement shall be expressly included in each management agreement. The management agreement shall provide that if the Governor makes a written determination that a public institution of higher education that has entered into a management agreement with the Commonwealth is not in substantial compliance with the terms of the agreement or with the requirements of this chapter in general, (i) the Governor shall provide a copy of that written determination to the chairmen of the Board of Visitors or other governing body of the public institution of higher education and to the members of the General Assembly, and (ii) the institution shall develop and implement a plan of corrective action, satisfactory to the Governor, for purposes of coming into substantial compliance with the terms of the management agreement and with the requirements of this chapter, as soon as practicable, and shall provide a copy of such corrective action plan to the members of the General Assembly. If after a reasonable period of time after the corrective action plan has been implemented by the institution, the Governor determines that the institution is not yet in substantial compliance with the management agreement or the requirements of this chapter, the Governor may void the management agreement. Upon the Governor voiding a management agreement, the affected public institution of higher education shall not be allowed to exercise any restructured financial or operational authority pursuant to the provisions of Subchapter 3 (§ 23-38.91 et seq.) unless and until the institution enters into a subsequent management agreement with the Secretary or Secretaries designated by the Governor or the void management agreement is reinstated by the General Assembly.

5. A management agreement with a public institution of higher education shall not grant any of the restructured financial or operational authority set forth in Subchapter 3 (§ 23-38.91 et seq.) to the Virginia Cooperative Extension and Agricultural Experiment Station, the University of Virginia College at Wise, or the Virginia Institute of Marine Sciences or to an affiliated entity of the insti-

tution unless such intent, as well as the degree of the restructured financial or operational authority to be granted, is expressly included in the management agreement.

6. Following the execution of each management agreement with a public institution of higher education and submission of that management agreement to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance, and the Senate Committee on Education and Health pursuant to § 23-38.97, the Governor shall include a recommendation for approval of the management agreement in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his gubernatorial amendments submitted pursuant to subsection E of § 2.2-1509 due by the December 20 that immediately follows the date of submission of the management agreement to such Committees. Following the General Assembly's consideration of whether to approve or disapprove the management agreement as recommended, if the management agreement is approved as part of the general appropriation act, it shall become effective on the effective date of such general appropriation act. However, no management agreement shall be entered into by a public institution of higher education and the Secretary or Secretaries designated by the Governor after November 15 of a calendar year.

E. A covered institution and the members of its governing body, officers, directors, employees, and agents shall be entitled to the same sovereign immunity to which they would be entitled if the institution were not governed by this chapter; provided further, that the Virginia Tort Claims Act (§ 8.01-195.1 et seq.) and its limitations on recoveries shall remain applicable with respect to institutions governed by this chapter.

2005, cc. 933, 945; 2006, c. 775; 2009, cc. 827, 845; 2011, cc. 828, 869; 2013, c. 482; 2014, c. 628; 2016, cc. 152, 296.

§ 23-38.89. (Repealed effective October 1, 2016) Definitions

As used in this chapter, the following terms have the following meanings, unless the context requires otherwise:

"Bonds, notes or other obligations" means bonds, notes, commercial paper, bond anticipation notes, revenue certificates, capital leases, lease participation certificates or other evidences of indebtedness or deferred purchase financing arrangements.

"Capital project" means the acquisition of any interest in land, including improvements on the acquired land, either new construction of 5,000 square feet or more or new construction costing $1 million or more, improvements or renovations costing $1 million or more, or capital leases.

"Covered Employee" means any person who is employed by a covered institution on either a salaried or wage basis.

"Covered institution" means, on and after its effective date of the initial Management Agreement, a public institution of higher education of the Commonwealth that has entered into a man-

agement agreement with the Commonwealth to be governed by the provisions of Subchapter 3 (§ 23-38.91 et seq.) of this chapter.

"Enabling legislation" means those chapters, other than this chapter, of Title 23, as amended, creating, continuing, or otherwise setting forth the powers, purposes, and missions of the individual public institutions of higher education of the Commonwealth, and as provided in §§ 2.2-2817.2, 2.2-2905, 51.1-126.3, and 51.1-1100 in the case of the University of Virginia Medical Center, unless otherwise expressly provided in this subchapter.

"Facilities" means all property or rights in property, real and personal, tangible and intangible, including but not limited to all facilities and infrastructure suitable for supporting a covered institution's mission and ancillary activities and including any and all structures, buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in land, furnishings, landscaping, approaches, roadways, and other related and supporting facilities, now or hereafter held, possessed, owned, leased, operated, or used, in whole or in part, by a covered institution.

"Management agreement" means an agreement required by subsection D of § 23-38.88 between the Commonwealth and a public institution of higher education seeking to become governed by Subchapter 3 (§ 23-38.91 et seq.) of this chapter.

"Project" means any research programs and any research or educational facility of an institution governed by Subchapter 3 (§ 23-38.91 et seq.) of this chapter or equipment necessary or convenient to or consistent with the purposes of such institution, whether or not owned by the institution, including, without limitation, research, training, teaching, dormitory, and classroom facilities; all related and supporting facilities, and equipment necessary or desirable in connection therewith or incidental thereto; or equipment alone; and also including, without limitation, office, parking, kitchen, laundry, laboratory, wellness, pharmaceutical, administrative, communications, computer, and recreational and athletic facilities; hotels and related facilities; power plants and equipment; storage space; hospitals; nursing homes; continuing care facilities; self-care facilities; health maintenance centers; medical office facilities; clinics; outpatient clinics; surgical centers; alcohol, substance abuse, and drug treatment centers; laboratories; sanitariums; hospices; facilities for the residence or care of the elderly, the handicapped, or the chronically ill; residential facilities for nurses, interns, and physicians; other kinds of facilities for the treatment of sick, disturbed, or infirm persons or the prevention of disease or maintenance of health; colleges, schools, or divisions offering undergraduate, graduate, professional, or extension programs, or any combination of such programs, for such branches of learning as may be appropriate; vehicles and other transportation equipment, together with mobile medical facilities; air transport equipment, including equipment necessary or desirable for the transportation of medical equipment, medical personnel or patients; and all lands, buildings, improvements, approaches, and appurtenances necessary or desirable in connection with or incidental to any such program, facility or equipment.

"Public institution of higher education" means a two-year or four-year public institution of higher education.

"Virginia Retirement System" means that retirement system, or other authorized retirement system, established pursuant to Title 51.1.

2005, cc. 933, 945.

§ 23-38.90. (Repealed effective October 1, 2016) Memoranda of understanding

Effective July 1, 2008, any public institution of higher education may enter into a memorandum of understanding with the appropriate Cabinet Secretary or Secretaries, as designated by the Governor, for additional operational authority in any operational area or areas adopted by the General Assembly in accordance with law provided that the authority granted in the memorandum of understanding is consistent with that institution's ability to manage its operations in the particular area or areas and provided that the following general criteria are met:

1. The institution has received and maintained Council certification (i) pursuant to § 23-9.6:1.01, or (ii) upon the completion of the development of the objective criteria for measuring goals and objectives described in subdivision B 5 of § 23-38.87:20, pursuant to § 23-38.87:21 for the most recent year that the Council has completed certification;

2. An absolute two-thirds or more of the institution's governing body shall have voted in the affirmative for a resolution expressing the sense of the body that the institution is qualified to be, and should be, governed by memoranda of understanding as provided in this chapter;

3. The institution shall adopt at least one new measure for each area of operational authority for which a memorandum of understanding is requested. Each measure shall be developed in consultation with the appropriate Cabinet Secretary. If the adopted measure is education-related, then it shall be developed in consultation with the Secretary of Education and the Council. Any education-related measure shall be approved by the Council; and

4. The institution shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

Within 15 days of receipt of a request from a public institution of higher education to enter into a memorandum of understanding as provided in this section, the Cabinet Secretary or Secretaries receiving that request shall notify the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance of the request. The Cabinet Secretary or Secretaries shall determine within 90 calendar days whether or not to enter into the requested memorandum of understanding, or some variation thereof. If the determination is to enter into a memorandum of understanding with the institution, the Cabinet Secretary or Secretaries shall forward a copy of the governing body's resolution and a copy of the memorandum of understanding to the Chairmen of

the House Committee on Appropriations and the Senate Committee on Finance. Each initial memorandum of understanding shall remain in effect for a period of three years. Subsequent memoranda of understanding shall remain in effect for a period of five years. If the determination is not to enter into a memorandum of understanding with the institution, the Cabinet Secretary or Secretaries shall notify the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance of the reasons for denying the institution's request. If an institution's request is denied, nothing in this section shall prohibit the institution from submitting a future request to enter into a memorandum of understanding pursuant to this section.

2005, cc. 933, 945; 2008, cc. 824, 829; 2011, cc. 332, 828, 869; 2013, c. 438.

Article 1 - GOVERNANCE; SCOPE OF SUBCHAPTER; OTHER LAWS

§ 23-38.91. (Repealed effective October 1, 2016) Responsibility and accountability for management of institution; governance

A. The Board of Visitors and administration of a public university or college of the Commonwealth that meets the requirements of this subchapter to demonstrate the ability to manage successfully the administrative and financial operations of the institution without jeopardizing the financial integrity and stability of the institution may enter into negotiation with the Governor to develop a management agreement with the Commonwealth, as provided in this subchapter. Consistent with the terms of the management agreement, the Board of Visitors shall assume full responsibility for management of the institution, subject to the requirements and conditions set forth in this subchapter, the general requirements for management agreements as provided in § 23-38.88, and the specific management agreement with the Commonwealth. The Board of Visitors shall be fully accountable for (a) the management of the institution of higher education as provided in this subchapter, (b) meeting the requirements of §§ 2.2-5004, 23-9.6:1.01, and 23-38.87:17 or, upon the completion of the development of the objective criteria for measuring goals and objectives described in subdivision B 5 of § 23-38.87:20, § 23-38.87:21, and (c) meeting such other provisions as may be set forth in the management agreement with the Commonwealth.

B. Each covered institution shall be governed and administered in the manner provided in this subchapter but subject to the expressed terms of the management agreement entered into pursuant to § 23-38.88, in the appropriation act, and in each such institution's enabling legislation.

2005, cc. 933, 945; 2011, cc. 828, 869.

§ 23-38.92. (Repealed effective October 1, 2016) Scope of subchapter

A. Any public institution of higher education that complies with the requirements of this subchapter shall thereafter have the powers and authority set forth in this subchapter that are expressly included in the management agreement described in § 23-38.88.

B. Except as specifically made inapplicable under this subchapter and the express terms of a management agreement described in § 23-38.88, the provisions of Title 2.2 relating generally to the operation, management, supervision, regulation, and control of public institutions of higher

education shall be applicable to covered institutions as provided by the express terms of the management agreement described in § 23-38.88.

C. In the event of a conflict between any provision of Title 2.2 and any provision of this subchapter as expressed by the management agreement, the provisions of the management agreement shall control. In the event of a conflict between any provision of this subchapter and an institution's enabling legislation, the enabling legislation shall control.

2005, cc. 933, 945.

§ 23-38.93. (Repealed effective October 1, 2016) Educational policies of the Commonwealth; other requirements

A. For purposes of §§ 2.2-5004, 23-1.01, 23-1.1, 23-2, 23-2.1, 23-2.1:1, 23-3, 23-4.2, 23-4.3, 23-4.4, 23-7.1:02, 23-7.4, 23-7.4:1, 23-7.4:2, 23-7.4:3, 23-7.5, 23-8.2:1, 23-9.1, 23-9.2, 23-9.2:3, 23-9.2:3.1 through 23-9.2:5, 23-9.6:1.01, Chapter 4.9 (§ 23-38.75 et seq.), and § 23-38.87:17, each covered institution shall remain a public institution of higher education of the Commonwealth following its conversion to a covered institution governed by this chapter, and shall retain the authority granted and any obligations required by such provisions. In addition, each covered institution shall retain the authority, and any obligations related to the exercise of such authority, that is granted to institutions of higher education pursuant to Chapter 1.1 (§ 23-9.3 et seq.); Chapter 3 (§ 23-14 et seq.); Chapter 3.2 (§ 23-30.23 et seq.); Chapter 3.3 (§ 23-30.39 et seq.); Chapter 4 (§ 23-31 et seq.); Chapter 4.01 (§ 23-38.10:2 et seq.); Chapter 4.1 (§ 23-38.11 et seq.); Chapter 4.4:1 (§ 23-38.53:1 et seq.); Chapter 4.4:2 (§ 23-38.53:4 et seq.); Chapter 4.4:3 (§ 23-38.53:11); Chapter 4.5 (§ 23-38.54 et seq.); Chapter 4.7 (§ 23-38.70 et seq.); and Chapter 4.9 (§ 23-38.75 et seq.).

B. State government-owned or operated and state-owned teaching hospitals that are a part of a covered institution as of the institution's effective date of the initial Management Agreement shall continue to be characterized as state government-owned or operated and state-owned teaching hospitals for purposes of payments under the State Plan for Medicaid Services adopted pursuant to § 32.1-325 et seq., provided that the covered institution commits to serve indigent and medically indigent patients, in which event the Commonwealth, through the Department of Medical Assistance Services, shall, subject to the appropriation in the appropriation act in effect, continue to reimburse the full cost of the provision of care, treatment, health-related and educational services to indigent and medically indigent patients and continue to treat hospitals that were part of a covered institution and that were Type One Hospitals prior to the institution's effective date of the initial Management Agreement as Type One Hospitals for purposes of such reimbursement.

2005, cc. 933, 945; 2011, cc. 828, 869; 2014, cc. 484, 815.

§ 23-38.94. (Repealed effective October 1, 2016) Audits

The Auditor of Public Accounts or his legally authorized representatives shall audit annually accounts of all covered institutions and shall distribute copies of each annual audit to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate

Committee on Finance. Pursuant to § 30-133, the Auditor of Public Accounts and his legally authorized representatives shall examine annually the accounts and books of each such institution; however, a covered institution shall not be deemed to be a state or governmental agency, advisory agency, public body, or agency or instrumentality for purposes of Chapter 14 (§ 30-130 et seq.) of Title 30 except for those provisions in such chapter that relate to requirements for financial recordkeeping and bookkeeping. Each covered institution shall be subject to periodic external review by the Joint Legislative and Audit Review Commission and such other reviews and audits as shall be required by law.

2005, cc. 933, 945.

§ 23-38.95. Repealed

Repealed by Acts 2013, c. 577, cl. 2.

§ 23-38.96. (Repealed effective October 1, 2016) Conflicts of interests

The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) that are applicable to officers and employees of a state governmental agency shall continue to apply to the members of the governing body and the Covered Employees of a covered institution.

2005, cc. 933, 945.

Article 2 - ELIGIBILITY REQUIREMENTS AND PROCEDURES; MANAGEMENT AGREEMENT

§ 23-38.97. (Repealed effective October 1, 2016) Eligibility requirements and procedures; management agreement

A. Any public institution of higher education may initiate the process to be governed by this subchapter by complying with the following requirements:

1. An absolute two-thirds, or more, of the institution's governing body shall have voted in the affirmative for a resolution expressing the sense of the body that the institution is qualified to be, and should be, governed by this subchapter.

2. Following such affirmative vote by such governing body, the institution shall submit to the Governor a written request for his approval to be governed by this subchapter. A copy of such request shall be sent to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance and the Senate Committee on Education and Health. Such written request shall provide documentation substantiating that: (i) the institution possesses the necessary administrative infrastructure, experience, and expertise to perform successfully its public educational mission as a covered institution; (ii) the institution is financially able to operate as a covered institution without jeopardizing the financial integrity and stability of the institution; (iii) the institution consistently meets the financial and administrative management standards pursuant to § 2.2-5004; and (iv) the institution's governing body has adopted performance and accountability standards, in addition to any institutional performance

benchmarks included in the general appropriation act and developed pursuant to § 23-9.6:1.01, against which its implementation of this additional authority can be measured.

B. If the Governor finds that the institution meets the criteria set forth in subdivision A 2, he shall authorize those Cabinet Secretaries he deems appropriate to enter into a management agreement, as described in § 23-38.88, with the governing body of that institution addressing such matters as that institution's in-state undergraduate student enrollment, its financial aid requirements and capabilities, and its tuition policy for in-state undergraduate students.

C. Any such management agreement, executed by the designated Cabinet Secretaries and governing body of the institution shall be submitted by no later than November 15 of any given year to the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance, and the Senate Committee on Education and Health. The Governor shall include a recommendation for approval of the management agreement with the public institution of higher education in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his gubernatorial amendments submitted pursuant to subsection E of § 2.2-1509 due by the December 20 that immediately follows the date of submission of the management agreement to such Committees. Following the General Assembly's consideration of whether to approve or disapprove the management agreement as recommended, if the management agreement is approved as part of the general appropriation act, it shall become effective on the effective date of such general appropriation act.

2005, cc. 933, 945.

§ 23-38.98. (Repealed effective October 1, 2016) Revocation of management agreement
An institution's status as a covered institution may be revoked by an act of the General Assembly (i) if the institution fails to meet the requirements of this subchapter, or (ii) if the institution fails to meet the requirements of the management agreement as provided in § 23-38.88. An institution's status as a covered institution shall terminate upon the Governor voiding the management agreement with the institution as provided under subdivision D 4 of § 23-38.88.

2005, cc. 933, 945.

Article 3 - POWERS AND AUTHORITY GENERALLY

§ 23-38.99. (Repealed effective October 1, 2016) Powers and authority generally
In addition to those powers granted in each covered institution's enabling legislation and in the appropriation act, a covered institution, subject to the express provisions of the management agreement as provided in § 23-38.88, shall have all the powers and authority necessary or convenient to carry out the purposes and provisions of this subchapter. The powers of the Board of Visitors of the institution shall include:

1. To make and execute contracts, guarantees, or any other instruments and agreements necessary or convenient for the exercise of its powers, authority, and functions including, without

limitation, to make and execute contracts with persons to operate and manage any or all of the institution's facilities or operations, and to incur liabilities and secure the obligations of any entity or individual; provided, however, that no covered institution may pledge the faith and credit of the Commonwealth or enter into an indemnification agreement or binding arbitration agreement contrary to the law of Virginia applicable to state agencies.

2. To conduct or engage in any lawful business, activity, effort, or project consistent with the institution's purposes or necessary or convenient to exercise its powers and authority.

3. To procure such insurance, participate in such insurance plans, provide such self-insurance, continue participation in the Commonwealth's insurance or self-insurance plans, continue to participate in the Commonwealth's risk management programs, continue participation in the Virginia Retirement System or other Commonwealth sponsored retirement plans subject to the conditions and provisions of Article 6 (§ 23-38.114 et seq.) of this subchapter, or any combination of the foregoing, as provided in this subchapter. The purchase of insurance, participation in an insurance plan, or creation of a self-insurance plan by the institution shall not be deemed a waiver or relinquishment of any sovereign immunity to which the institution or its officers, directors, employees, or agents are otherwise entitled. The fact that a covered institution is governed by this subchapter shall not disqualify it from participating in any Commonwealth or Virginia Retirement System insurance, self-insurance, or risk management program on the same terms and conditions applicable to other state agencies and other public institutions of higher education.

2005, cc. 933, 945.

§ 23-38.100. (Repealed effective October 1, 2016) Operation of projects

A. A covered institution may acquire, plan, design, construct, own, rent as landlord or tenant, operate, control, remove, renovate, enlarge, equip, and maintain, directly or through stock or nonstock corporations or other entities, any project as defined in this subchapter. Such projects may be owned or operated by the institution or other persons, or jointly by such institution and other persons, and may be operated within or without the Commonwealth, so long as their operations are necessary or desirable to assist the institution in carrying out its public purposes within the Commonwealth, and so long as any private benefit resulting to any such other private persons from any such project is merely incidental to the public benefit of such project.

B. In the operation of any facility, including any veterinary facility or any hospital or other health care and related facilities owned or operated by a covered institution, such institution may continue in effect or adopt and enforce all policies necessary or desirable for such operation. Any such policies pertaining to the operation of veterinary, hospital, or other health care or related facilities may include, without limitation, rules relating to the conditions under which the privilege of practicing any health profession or veterinary medicine may be available therein, the admission and treatment of patients, the procedures for determining the qualification of patients for indigent care or other programs, and the protection of patients and employees, provided that such policies

shall not discriminate on the basis of race, religion, color, sex, national origin, or other factor prohibited by law.

2005, cc. 933, 945.

§ 23-38.101. (Repealed effective October 1, 2016) Creation of entities; participation in joint ventures

A. A covered institution may create or assist in the creation of; may own in whole or in part or otherwise control; may participate in or with any entities, public or private; and may purchase, receive, subscribe for, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise acquire or dispose of any (i) shares or obligations of, or other interests in, any entities organized for any purpose within or without the Commonwealth, and (ii) obligations of any person or corporation. No part of the assets or net earnings of such institution shall inure to the benefit of, or be distributable to, any private individual, except that reasonable compensation may be paid for services rendered to or for such institution in furtherance of its public purposes, and benefits may be conferred that are in conformity with said purposes.

B. A covered institution may participate in joint ventures with individuals, corporations, governmental bodies or agencies, partnerships, associations, insurers or other entities to facilitate any activities or programs consistent with the public purposes and intent of this subchapter.

C. A covered institution may create or continue the existence of one or more nonprofit entities for the purpose of soliciting, accepting, managing, and administering grants, gifts and bequests, endowment gifts and bequests, and gifts and bequests in trust.

D. In carrying out any activities authorized by this subchapter, a covered institution may provide appropriate assistance, including (i) making loans from its funds, other than general fund appropriations or proceeds of bonds issued under Article X, Section 9(a), 9(b), or 9(c), or 9(d), if such issuance is Commonwealth general fund supported, of the Constitution of Virginia, and (ii) providing the time of its employees to corporations, partnerships, associations, joint ventures or other entities, whether or not such corporations, partnerships, associations, joint ventures or other entities are owned or controlled in whole or in part, directly or indirectly, by such institution.

2005, cc. 933, 945.

§ 23-38.102. (Repealed effective October 1, 2016) Campus police

A covered institution may continue to operate or establish a campus police department in accordance with the provisions of Chapter 17 (§ 23-232 et seq.), as those provisions are modified by this subchapter. Campus police shall possess the powers provided in Chapter 17; provided however, that a covered institution's employment of campus police shall be governed by the provisions of this subchapter rather than by Chapter 28 (§ 2.2-2800 et seq.) and Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

Campus police officers of a covered institution shall be eligible to participate in the same state-sponsored retirement plans, and on the same terms and conditions, that campus police officers of other public institutions of higher education are eligible to participate in.

2005, cc. 933, 945.

Article 4 - INSTITUTIONAL MANAGEMENT

§ 23-38.103. (Repealed effective October 1, 2016) Tuition, fees, rentals, and other charges; moneys

A covered institution shall fix, revise from time to time, charge and collect tuition, rates, rentals, fees and other charges for the services, goods, or facilities furnished by or on behalf of such institution, and may adopt policies regarding any such service rendered or the use, occupancy, or operation of any such facility.

2005, cc. 933, 945.

§ 23-38.104. (Repealed effective October 1, 2016) Financial operations of covered institutions

A. Subject to such accountability measures and audits as are provided in this subchapter or as may otherwise be specifically made applicable by other law to institutions governed by this subchapter and subject to the expressed terms of the management agreement described in § 23-38.88, a covered institution may be permitted (i) to independently manage its operations and finances, including holding and investing its tuition, fees, research funds, auxiliary enterprise funds, and all other public funds; (ii) to create any and all financial policies deemed necessary to conduct its financial operations; (iii) to adopt the budget for the institution; and (iv) to control the expenditures of all moneys generated or received by the institution, including tuition, fees and other nongeneral fund revenue sources.

B. Subject to the express terms of the management agreement described in § 23-38.88, in managing its operations and finances, the Board of Visitors of a covered institution shall have sole authority to establish tuition, fee, room, board, and other charges consistent with sum sufficient appropriation authority for all nongeneral funds as provided by the Governor and the General Assembly in the Commonwealth's biennial appropriations authorization. The Board of Visitors shall include the institution's commitment to provide need-based grant aid for middle- and lower-income Virginia students in a manner that encourages student enrollment and progression without respect to potential increases in tuition and fees. In the event that any or all of the nongeneral funds are retained by the institution, the institution shall invest such funds consistent with an investment policy established by the Board of Visitors and retain all income earned on such investments. In the event that any or all of the nongeneral funds are held on behalf of the institution by the Commonwealth of Virginia, the institution shall receive a share of the income earned by the Commonwealth on the investment of such funds as provided in § 2.2-5005.

C. The management agreement described in § 23-38.88 shall include the quantification of cost savings realized as a result of the additional operational flexibility provided pursuant to this subchapter.

D. A covered institution may enter into any contract which the institution determines to be necessary or appropriate to place any bond or investment of the institution, in whole or in part, on the interest rate, cash flow, or other basis desired by the institution, which contract may include, without limitation, contracts commonly known as interest rate swap agreements, and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the institution in connection with, incidental to, entering into, or maintaining any (i) agreement that secures bonds, notes, or other obligations or (ii) investment or contract providing for investment, otherwise authorized by law, including but not limited to § 23-38.105. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the institution, after giving due consideration to the creditworthiness of the counterpart or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. Any money set aside and pledged to secure payments of bonds, notes or other obligations or any of the contracts entered into pursuant to this section may be pledged to and used to service any of the contracts or agreements entered into pursuant to this section.

2005, cc. 933, 945.

§ 23-38.105. (Repealed effective October 1, 2016) Investments of operating funds

A covered institution may invest its operating funds in any obligations or securities that are considered legal investments for public funds in accordance with Chapter 45 (§ 2.2-4500 et seq.) of Title 2.2. Such institution's governing body shall adopt written investment guidelines which provide that such investments shall be made solely in the interest of the covered institution and shall be undertaken with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

2005, cc. 933, 945.

§ 23-38.106. (Repealed effective October 1, 2016) Records of financial transactions

The governing body of a covered institution shall adopt a system of independent financial management that includes bookkeeping and accounting procedures that have been prescribed for governmental organizations by the Government Accounting Standards Board.

2005, cc. 933, 945.

§ 23-38.107. (Repealed effective October 1, 2016) Financing and indebtedness

A. A covered institution shall have the authority to:

1. Borrow money and issue bonds, notes, or other obligations as provided in this subchapter and to purchase such bonds, notes or other obligations;

2. Seek financing from, incur or assume indebtedness to, and enter into contractual commitments with, the Virginia Public Building Authority and the Virginia College Building Authority, which authorities are authorized to borrow money and make and issue negotiable notes, bonds, notes or other obligations and other evidences of indebtedness to provide such financing relating to facilities or any project; and

3. Seek financing from, incur or assume indebtedness to, and enter into contractual commitments with the Commonwealth as otherwise provided by law relating to the institution's facilities or any project.

B. Notwithstanding the provisions of this chapter, no covered institution shall be deemed to be exempt from any requirement or covenant contained in any outstanding bonds, notes, or other evidences of indebtedness.

2005, cc. 933, 945.

§ 23-38.108. (Repealed effective October 1, 2016) Power to issue bonds, notes or other obligations

A. Notwithstanding the provisions of § 23-29, which shall be inapplicable to the exercise by a covered institution of the authority granted in this article, a covered institution may issue bonds, notes, or other obligations from time to time for any purpose that is consistent with its institutional mission, including, without limitation, to finance or refinance any project, to appropriately manage operational cash flows, to provide for short term financing, to refund bonds, notes or other obligations issued therefore by or on behalf of such institution, or otherwise, including bonds, notes, or other obligations or obligations not then subject to redemption, and may guarantee, assume or otherwise agree to pay, in whole or in part, indebtedness issued by such institution or any affiliated entity for managing operational cash flows or resulting in the acquisition or construction of facilities for the benefit of such institution, or the refinancing thereof; provided, however, that nothing in this subchapter shall preclude a covered institution from participation in any financing program or bond issue established and implemented by the Commonwealth, or any agency thereof, including, without limitation, any financing program or bond issue under Article X, Section 9(b) or 9(c) of the Constitution of Virginia, or any financing program or bond issue under Article X Section 9(d) of the Constitution of Virginia undertaken by the Treasury Board, the Virginia College Building Authority or the Virginia Public Building Authority, if such institution is otherwise eligible for and approved for such participation and is otherwise able to fulfill any requirements that may be imposed upon it in relation to such participation.

B. Notwithstanding Article 8 (§ 2.2-2415 et seq.) of Chapter 24 of Title 2.2, Chapter 3 (§ 23-14 et seq.) of Title 23, and § 23-65, covered institutions may issue bonds, notes, or other obligations consistent with debt capacity and management policies and guidelines established by its Board of Visitors without obtaining the consent of any legislative body, elected official, commission, board, bureau, or agency of the Commonwealth or of any political subdivision, and without any

proceedings or conditions other than those specifically required by this subchapter. Bonds, notes, or other obligations may be issued for the benefit of covered institutions without the approval required by the provisions of Article 8 (§ 2.2-2415 et seq.) of Chapter 24 of Title 2.2. No bonds, notes, or other obligations issued under the authority of this article shall be subject to any review or approval procedure, rules, regulations, or procedures adopted pursuant to Chapter 3 (§ 23-14 et seq.) of Title 23.

C. A covered institution may issue such types of bonds, notes, or other obligations as it may determine are appropriate consistent with debt capacity and management policies and guidelines established by its Board of Visitors, including, without limitation, bonds, notes or other obligations payable as to principal and interest from any one or more of the following sources: (i) its revenues generally; (ii) income and revenues derived from the operation, sale, or lease of a particular project or projects, whether or not they are financed or refinanced from the proceeds of such bonds, notes, or other obligations; (iii) funds realized from the enforcement of security interests or other liens or obligations securing such bonds, notes, or other obligations; (iv) proceeds from the sale of bonds, notes, or other obligations; (v) payments under letters of credit, policies of municipal bond insurance, guarantees, or other credit enhancements; (vi) any reserve or sinking funds created to secure such payment; (vii) accounts receivable of such institution; or (viii) other available funds of such institution.

D. Any bonds, notes, or other obligations may be additionally supported by any grant, contribution, or appropriation from a participating political subdivision, the covered institution, the Commonwealth or any political subdivision, agency, or instrumentality thereof, any federal agency or any unit, private corporation, partnership, association, or individual.

E. Bonds, notes, or other obligations of a covered institution are declared to be for an essential public and governmental purpose.

F. It shall be lawful for any bank or trust company within or without the Commonwealth to serve as depository of the proceeds of bonds, notes, or other obligations or of other revenues of a covered institution and to furnish indemnifying bonds, notes, or other obligations or to pledge such securities as may be required by such institution, provided that any such deposits shall be collateralized in accordance with the Security for Public Deposits Act (§ 2.2-4400 et seq.) in the case of a bank or savings institution or in accordance with Article 3 (§ 6.2-1047 et seq.) of Chapter 10 of Title 6.2 in the case of a trust company.

2005, cc. 933, 945.

Article 5 - CAPITAL PROJECTS; PROCUREMENT; PROPERTY GENERALLY

§ 23-38.109. (Repealed effective October 1, 2016) Capital projects

A. All capital projects of a covered institution, whether funded by an appropriation of the General Assembly or otherwise, shall be approved by such institution's governing body, and the governing

body of each covered institution shall adopt policies for the review, approval, and implementation of all capital projects undertaken by the institution.

B. Except as otherwise provided in subdivision C 2, capital projects undertaken at a covered institution may be exempt from any capital outlay oversight performed or required by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget, and any other state agency that supports the functions performed by these departments.

C. Capital projects undertaken at a covered institution shall be subject to the institution's capital project policies adopted pursuant to subsection A, and:

1. Any capital project undertaken at a covered institution shall be subject to the environmental, historic preservation and conservation requirements of state statutes that are generally applicable to capital projects in the Commonwealth. For purposes of this subdivision, "capital project" means a capital project as defined in § 23-38.89 costing $300,000 or more; and

2. If the capital project is funded in whole or in part with a general fund appropriation for that purpose or proceeds from bonds issued under Article X, Section 9(a), 9(b), or 9(c), or 9(d), if such issuance is Commonwealth general fund supported, of the Constitution of Virginia, the project shall remain subject to such pre-appropriation approvals as are in effect from time to time within the executive and legislative branches of state government, but such project may nevertheless be exempt from any and all state post-appropriation review, approval, administrative or other policy or procedure functions performed or required by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget, and any other state agency that supports the functions performed by these departments, subject to the terms of any management agreement.

3. If a covered institution constructs improvements on land, or renovates property, that originally was acquired or constructed in whole or in part with a general fund appropriation for that purpose or proceeds from bonds issued under Article X, Section 9(a), 9(b), or 9(c), or 9(d), if such issuance is Commonwealth general fund supported, of the Constitution of Virginia, and such improvements or renovations are undertaken entirely with funds not appropriated by the General Assembly, such improvements or renovations must be consistent with such institution's master plan approved by its governing body and, if the cost of such improvements or renovations is reasonably expected to exceed $2 million, the institution's decision to undertake such improvements or renovations shall be communicated to the Governor and to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations no later than 60 days prior to (i) commencement of construction or renovation or (ii) issuance of bonds, notes, or other obligations to finance such construction or renovation.

D. A covered institution shall have the authority to designate its own building official who shall be a full-time employee and who is hereby authorized to determine the suitability for occupancy of, and to issue certifications for building occupancy for, all capital projects undertaken at that

institution, and who, prior to issuing any such certification, shall ensure that the Virginia Uniform Statewide Building Code (§ 36-97 et seq.) requirements are met for that capital project and that such project has been inspected by the State Fire Marshal or his designee. When serving as the building official, such individual shall report directly and exclusively to the Board of Visitors of the institution and shall be subject to review by the appropriate personnel in the Department of General Services. The designated official shall be certified by the Department of Housing and Community Development to perform this function. The individual employed or contracted to serve in such capacity shall have adequate resources and staff who are certified by the Department of Housing and Community Development in accordance with § 36-137 for such purpose, and who shall review plans, specifications, and documents for compliance with codes and standards and perform required inspections of the work in progress and the completed project. No individual licensed professional architect or engineer hired or contracted to perform these functions shall also perform other code-related design, construction, facilities-related project management or facilities management functions for the institution on the same project.

2005, cc. 933, 945.

§ 23-38.110. (Repealed effective October 1, 2016) Procurement; discrimination prohibited; participation of small, women-owned, and minority-owned business enterprises

A. Subject to the express provisions of the management agreement described in § 23-38.88, covered institutions may be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except for § 2.2-4342 (which section shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317), provided, however, that any deviations from the Virginia Public Procurement Act approved in a Management Agreement shall be uniform across all covered institutions; and provided further that the governing body of a covered institution shall adopt, and the covered institution shall comply with, policies for the procurement of goods and services, including professional services, that shall be based upon competitive principles and shall in each instance seek competition to the maximum practical degree. The policies shall implement a system of competitive negotiation for professional services pursuant to § 2.2-4303.1 and subsections A, B, and C of § 2.2-4302.2; shall prohibit discrimination because of race, religion, color, sex or national origin of the bidder or offeror in the solicitation or award of contracts; shall incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354; and shall consider the impact on correctional enterprises under § 53.1-47.

B. Such policies may, among other things, (i) provide for consideration of the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; (ii) implement a prequalification procedure for contractors or products; and (iii) include provisions for cooperative arrangements with other covered institutions, other public or private educational institutions, other public or private organizations or entities, including public-private partnerships, public bodies, charitable organizations, health care provider alliances or purchasing organizations or entities, state agencies or institutions of the Commonwealth or the several

states, the District of Columbia, the territories and the United States, and any combination thereof. Nothing in this section shall preclude a covered institution from requesting and utilizing, and covered institutions are hereby encouraged to utilize, the assistance of the Virginia Information Technologies Agency in information technology procurements.

C. In the solicitation and awarding of contracts, no covered institution shall discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state or federal law. The procurement policies of a covered institution shall provide that, whenever solicitations are made seeking competitive procurement of goods or services, it shall be a priority of the institution to provide for fair and reasonable consideration of small, women-owned, and minority-owned businesses and to promote and encourage a diversity of suppliers. The institution shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

D. As part of any procurement provisions of a management agreement, the governing board of a covered institution shall identify the public, educational, and operational interests served by any procurement rule or rules that deviate from those in the Virginia Public Procurement Act.

2005, cc. 933, 945; 2011, c. 332; 2013, c. 583; 2015, cc. 760, 776.

§ 23-38.111. (Repealed effective October 1, 2016) Information technology

Subject to the terms of the management agreement, covered institutions may be exempt from the provisions governing the Virginia Information Technologies Agency, Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2, and the provisions governing the Information Technology Advisory Council, Article 35 (§ 2.2-2699.5 et seq.) of Chapter 26 of Title 2.2; provided, however, that the governing body of a covered institution shall adopt, and the covered institution shall comply with, policies for the procurement of information technology goods and services, including professional services, that are consistent with the requirements of § 23-38.110 and that include provisions addressing cooperative arrangements for such procurement as described in § 23-38.110, and shall adopt and comply with institutional policies and professional best practices regarding strategic planning for information technology, project management, security, budgeting, infrastructure, and ongoing operations.

2005, cc. 933, 945; 2010, cc. 136, 145.

§ 23-38.112. (Repealed effective October 1, 2016) Acquisition, possession, operation, and disposition of property; acceptance of grants and loans

A. Nothing in this subsection shall limit or reduce the authority granted to a covered institution in §§ 23-38.109 and 23-38.113, which shall govern the planning, design, construction, and implementation of capital projects and leases by covered institutions. In order to continue its mission as a public institution of higher education:

1. A covered institution may continue to hold, possess, operate, and dispose of any property, real or personal, tangible or intangible, that such covered institution held, possessed, or operated prior to its effective date of the initial Management Agreement as follows:

a. If the property is real property, including land, buildings, and any improvements to land or buildings, and it was acquired or constructed in whole or in part with general fund appropriations or proceeds from a general obligation bond issue under Article X, Section 9(a) or 9(b) of the Constitution of Virginia, the covered institution (i) shall hold, possess, and operate such property in accordance with the institution's enabling legislation, with this subchapter, and with any policies adopted by the governing body of the institution pursuant thereto, and (ii) shall dispose of such property in accordance with general law applicable to state-owned property and with the institution's enabling legislation.

b. If the property is real property, including land, buildings, and any improvements to land or buildings, and it was acquired or constructed either (i) entirely with nongeneral fund appropriations or proceeds from a nongeneral fund revenue bond issue under Article X, Section 9(c) or 9(d) of the Constitution of Virginia, or (ii) entirely with funds other than funds appropriated by the General Assembly or proceeds from a general obligation bond issue under Article X, Section 9 (a) or 9(b) of the Constitution of Virginia, the covered institution shall hold, possess, operate, and dispose of such property in accordance with the institution's enabling legislation, notwithstanding the approval requirements of § 23-77.1, with this subchapter, and with any policies adopted by the governing body of the institution pursuant thereto.

c. If the property is personal property, the covered institution shall hold, possess, operate, and dispose of such property in accordance with the institution's enabling legislation, with this subchapter, and with any policies adopted by the governing body of the institution pursuant thereto.

2. After the effective date of the initial Management Agreement as provided in § 23-38.88, a covered institution may acquire any real property, construct improvements thereon in accordance with § 23-38.109, and acquire any personal property, tangible or intangible, and hold, possess, operate, and dispose of such real and personal property as follows:

a. If the property is real property, including land, buildings, and improvements to land or buildings, and it is acquired or constructed with funds appropriated by the General Assembly for that purpose or with proceeds from a general obligation bond issue under Article X, Section 9(a) or 9(b) of the Constitution of Virginia, the covered institution (i) shall hold, possess, and operate such property in accordance with the institution's enabling legislation, with this subchapter, and with any policies adopted by the governing body of the institution pursuant thereto, and (ii) shall dispose of such property in accordance with general law applicable to state-owned property and with the covered institution's enabling legislation.

b. If the property is real property, including land, buildings, and improvements to land or buildings, and the property is acquired with any funds in the covered institution's possession, other than any funds appropriated by the General Assembly or proceeds from a general obligation bond issue under Article, X, Section 9(a) or 9(b) of the Constitution of Virginia, the institution shall hold, possess, operate, dispose of, and otherwise deal with such property, or any right, easement, estate, or interest therein, acquired by purchase, exchange, gift, assignment, transfer, foreclosure, lease, bequest, devise, operation of law, or other means, in accordance with the covered institution's enabling legislation, notwithstanding the approval requirements of § 23-77.1, with this subchapter, and with any policies adopted by the governing body of the institution pursuant thereto.

c. If the property is personal property, the institution shall hold, possess, operate, and dispose of such property in accordance with the institution's enabling legislation, with this subchapter, and with any policies adopted by the governing body of the institution pursuant thereto.

3. With the approval of the Governor or as otherwise provided by law, and consistent with the provisions of subdivisions 1 and 2 of this subsection, a covered institution may sell, assign, encumber, mortgage, demolish, or otherwise dispose of any project or any other property, real or personal, tangible or intangible, or any right, easement, estate, or interest therein, or any deed of trust or mortgage lien interest owned by it, under its control or custody or in its possession, and may release or relinquish any right, title, claim, lien, interest, easement, or demand however acquired, including any equity or right of redemption in property foreclosed by it; and

4. May do any of the foregoing by public or private transaction.

B. A covered institution may accept loans, grants, contributions, or other assistance from the federal government, the Commonwealth or any political subdivision thereof, or from any other public or private source to carry out its mission as a public institution of higher education of the Commonwealth and any of the purposes of this subchapter. A covered institution may enter into any agreement or contract regarding or relating to the acceptance, use, or repayment of any such loan, grant, contribution, or assistance, and may enter into such other agreements with any such entity in furtherance of the purposes of this subchapter. Counties, cities, and towns are hereby authorized to lend or donate money or other property to a covered institution for any of its purposes. Any local government making the grant or loan may restrict the use of the grant or loan to a specific project, within or without that locality.

C. Notwithstanding the provisions of this chapter, no covered institution shall take action with regard to any property, real or personal, if such action would be deemed to be in violation of any requirement or covenant contained in any outstanding bonds, notes, or other evidences of indebtedness.

2005, cc. 933, 945.

§ 23-38.113. (Repealed effective October 1, 2016) Leases of property

The governing body of a covered institution shall adopt such policies relating to the leasing of real property, including capital or operating/income leases, that reasonably ensure that such leases are efficiently procured on appropriate terms and for appropriate purposes. With respect to capital or operating/income leases for real property to be used for academic purposes, or for real property owned by the institution or a foundation related to the institution to be used for non-academic purposes in accordance with the institution's land use plan pursuant to § 2.2-1153, other than applicable policies adopted by a covered institution's board of visitors and provisions of general law that expressly apply to covered institutions, such institutions shall be exempt from any state or local statutes or ordinances, rules, regulations, and guidelines relating to operating/income leases of real property by public entities and, except as otherwise provided in §§ 23-38.109 and 23-38.112, to capital leases.

2005, cc. 933, 945.

Article 6 - HUMAN RESOURCES

§ 23-38.114. (Repealed effective October 1, 2016) General; definition

A. Covered Employees are state employees of a covered institution of the Commonwealth of Virginia. Notwithstanding subsections B and C of this section, the state retirement system, state health insurance program, state workers' compensation coverage program, and state grievance procedure, as they may be amended from time to time, shall continue to apply to and govern all eligible Covered Employees. If, however, a covered institution has been or is permitted by law other than in this chapter to establish an alternative health insurance plan or an alternative faculty or University of Virginia Medical Center retirement plan or plans, such alternative health insurance or faculty or University of Virginia Medical Center retirement plan or plans shall apply to and govern the Covered Employees included in such plan or plans. Each Covered Employee shall continue to be governed by and be eligible to participate in the human resources and benefits programs which governed him and in which he was eligible to participate immediately prior to the effective date of the initial Management Agreement for the covered institution by which he is employed unless and until a human resources program or programs, plan, or procedure applicable to him is established by that covered institution pursuant to §§ 23-38.116, 23-38.118, 23-38.119 and 23-38.120.

B. Even if a covered institution establishes a human resources program or programs, plan, or procedure pursuant to §§ 23-38.116, 23-38.118, 23-38.119 and 23-38.120, a salaried nonfaculty Covered Employee who was in the employment of that covered institution as of the day prior to the effective date of the initial Management Agreement, except employees of the University of Virginia Medical Center, may elect pursuant to § 23-38.115 to continue to participate in and be governed by the state human resources program set forth in Chapters 28 (§ 2.2-2800 et seq.) and 29 (§ 2.2-2900 et seq.) of Title 2.2 and administered by the Department of Human Resource Management. In such case, in addition to the state human resources plans, programs, policies and

procedures set forth in subsection A, all other state human resources and benefit plans, programs, policies and procedures that apply to and govern state employees shall continue to apply to and govern such salaried nonfaculty Covered Employees.

C. Any human resources program or programs, plans, policies or procedures established by the governing body of a covered institution pursuant to §§ 23-38.116, 23-38.118, 23-38.119, and 23-38.120 shall apply to and govern (i) all salaried nonfaculty Covered Employees of that covered institution who were in its employment as of the day prior to the effective date of the initial Management Agreement and who elect pursuant to § 23-38.115 to participate in and be governed by such program or programs, plans, policies, and procedures, (ii) all salaried nonfaculty Covered Employees of that covered institution who are employed by that institution on or after the effective date of the initial Management Agreement, (iii) all non-salaried nonfaculty Covered Employees of that covered institution without regard to when they were hired, (iv) all faculty Covered Employees of that covered institution without regard to when they were hired, and (v) all employees of the University of Virginia Medical Center without regard to when they were hired. For purposes of this article, "participating Covered Employee" means a Covered Employee described in subdivisions (i) through (v) of this subsection.

D. All covered institutions shall be responsible for human resource reporting requirements established by the Governor or General Assembly.

2005, cc. 933, 945.

§ 23-38.115. (Repealed effective October 1, 2016) Election by certain Covered Employees

A. If the governing body of a covered institution establishes a human resources program or programs pursuant to § 23-38.116, a salaried nonfaculty Covered Employee of that covered institution who was in its employment as of the day prior to the effective date of the initial Management Agreement, except employees of the University of Virginia Medical Center, shall be permitted to elect to participate in and be governed by either (i) the state human resources program set forth in Chapters 28 (§ 2.2-2800 et seq.) and 29 (§ 2.2-2900 et seq.) of Title 2.2, or (ii) the human resources program or programs established by the governing body of that covered institution pursuant to § 23-38.116. A salaried nonfaculty Covered Employee who elects to participate in and be governed by the human resources program or programs established by the governing body of that covered institution pursuant to § 23-38.116 also, by that election, shall be deemed to have elected to be eligible to participate in and to be governed by the human resources plans, programs, policies and procedures that are or may be adopted by that covered institution for his classification of employees pursuant to §§ 23-38.118, 23-38.119, and 23-38.120.

B. If the governing body of a covered institution establishes a human resources program or programs pursuant to § 23-38.116, the covered institution shall provide each of its salaried nonfaculty Covered Employees who was in its employment as of the day prior to the effective date of the initial Management Agreement, except employees of the University of Virginia Medical Center,

with a period of at least 90 days after the effective date of the institution's human resource program for his classification of employees to make the election required by subsection A. If such a salaried nonfaculty Covered Employee does not make an election by the end of that 90-day period, he shall be deemed not to have elected to participate in the human resources program or programs established by the covered institution pursuant to § 23-38.116. If such a salaried nonfaculty Covered Employee elects to participate in the human resources program or programs established by the covered institution pursuant to § 23-38.116, that election shall be irrevocable. At least every two years, a covered institution shall offer to salaried nonfaculty Covered Employees who have elected to continue to participate in the state human resources program set forth in Chapters 28 (§ 2.2-2800 et seq.) and 29 (§ 2.2-2900 et seq.) of Title 2.2 an opportunity to elect to participate in the human resources program or programs established by the covered institution pursuant to § 23-38.116; provided that, each time prior to offering such opportunity to such salaried nonfaculty Covered Employees, and at least once every two years after the effective date of the human resources program or programs established pursuant to § 23-38.116, the covered institution shall make available to each of its salaried nonfaculty Covered Employees a comparison of its human resources program for that classification of salaried nonfaculty Covered Employee with the state human resources program for comparable state employees, including but not limited to a comparability assessment of compensation and benefits.

2005, cc. 933, 945.

§ 23-38.116. (Repealed effective October 1, 2016) Human resources programs

A. The governing body of each covered institution may elect to adopt for its nonfaculty participating Covered Employees either (i) one or more human resources programs that is or are generally consistent with the provisions of Chapters 28 (§ 2.2-2800 et seq.) and 29 (§ 2.2-2900 et seq.) of Title 2.2, pertaining generally to state employees, or (ii) such other human resources program or programs as it determines to be appropriate. The covered institution may administer such human resources program or programs itself or may contract with another covered institution or with the Department of Human Resource Management to administer some or all of its human resources programs, subject to the execution of any participation or operating agreement as the parties to that agreement may deem necessary and appropriate.

B. Each covered institution may establish a human resources program or programs for participating Covered Employees not included in subsection A, including a program or programs relating to those other personnel that its enabling legislation authorizes it to employ. In addition, such institution may, in its discretion, contract for such consultants, attorneys, accountants, and financial experts, and such independent providers of expert advice and consultation as may be necessary or desirable in the judgment of the covered institution.

C. Any human resources program adopted by the governing body of a covered institution for participating Covered Employees shall be based on merit principles and objective methods of appoint-

ment, promotion, transfer, layoff, removal, severance, discipline, and other appropriate topics included in such a human resources program based on such principles and methods.

2005, cc. 933, 945.

§ 23-38.117. (Repealed effective October 1, 2016) Grievance procedures

A. No covered institution shall be exempt from the State Grievance Procedure (§ 2.2-3000 et seq.), which shall continue to apply to all eligible nonfaculty Covered Employees of a covered institution. The governing body of each covered institution shall adopt policies that encourage the resolution of employment-related problems and complaints of its nonfaculty Covered Employees. Such policies shall provide that nonfaculty Covered Employees of the institution shall be able to discuss their concerns with their immediate supervisors and management freely and without retaliation. To the extent that such concerns cannot be resolved informally, the State Grievance Procedure (§ 2.2-3000 et seq.) of Title 2.2 shall apply (i) to the covered institution's participating nonfaculty Covered Employees to the same extent that it applied to the same classifications of nonfaculty employees prior to the institution's effective date of the initial Management Agreement and (ii) to the covered institution's salaried nonfaculty Covered Employees who have elected pursuant to § 23-38.115 to continue to participate in the state human resources program set forth in Chapters 28 (§ 2.2-2800 et seq.) and 29 (§ 2.2-2900 et seq.) of Title 2.2.

B. A covered institution shall continue to make grievance policies available to faculty Covered Employees to the extent that such policies were applicable to faculty Covered Employees prior to its effective date of the initial Management Agreement, and may amend any such policies.

C. A covered institution is not required to adopt grievance policies governing Covered Employees not included in subsections A and B, but it may, in its discretion, do so for some or all such Covered Employees, and such grievance policies may be the same as or different from the grievance policies adopted pursuant to subsection A.

2005, cc. 933, 945.

§ 23-38.118. (Repealed effective October 1, 2016) Miscellaneous personnel matters

A. All appointments to, and promotions and tenure in, positions in the service of a covered institution shall be based upon merit and fitness, to be ascertained, as far as possible, by the competitive rating of qualifications by that institution.

B. No establishment of a position or rate of pay, and no change in rate of pay, shall become effective except on order of the appointing covered institution.

C. No participating Covered Employee of, or applicant for employment with, any covered institution shall be required, as a condition of employment, to smoke or use tobacco products on the job, or to abstain from smoking or using tobacco products outside the course of his employment, provided that this section shall not apply to those classes of employees to which § 27-40.1 or 51.1-813 is applicable.

D. The human resources policies adopted by the governing body of a covered institution shall, consistent with applicable federal law, address (i) employment of participating Covered Employees who leave the service of a covered institution for service in any of the armed forces of the United States, and the employment of other veterans of such military service, following the termination of their military service; and (ii) leave and other policies affecting the employment of participating Covered Employees who have been ordered to active military service in the armed forces of the United States, or in the organized reserve forces of any of the armed services of the United States, or of the Virginia National Guard. "Active military duty, " as used in this subsection, means federally funded military duty as (i) a member of the armed forces of the United States on active duty pursuant to Title 10 of the United States Code or (ii) a member of the Virginia National Guard on active duty pursuant to either Title 10 or Title 32 of the United States Code.

2005, cc. 933, 945.

§ 23-38.119. (Repealed effective October 1, 2016) Certain insurance plans; legal process and assignment

A. Insurance provided under this article and all proceeds therefrom shall be subject to the same provisions regarding exemption from levy, garnishment and other legal process as is provided to Virginia Retirement System plans under § 51.1-510; provided, however, that permitted assignments shall be effected through completion of forms provided by the covered institution or its vendor, and provided further, that for insurance plans established by a covered institution, the authority granted to the Board of the Virginia Retirement System in § 51.1-510 is hereby granted to and shall be exercised by the covered institution.

B. Each covered institution (i) shall purchase or make available group life and accidental death and dismemberment insurance policies covering in whole or in part those of its participating Covered Employees eligible to participate in the Virginia Retirement System, and (ii) may purchase or make available such additional insurance policies covering its participating Covered Employees as it deems appropriate. Participating Covered Employees shall not be required to present evidence of insurability satisfactory to an insurance company for basic group life insurance coverage. All salaried participating Covered Employees shall be offered basic group life insurance at a level of coverage determined by such institution's governing body. A covered institution may require participating Covered Employees to pay all or a portion of the cost of the insurance coverage offered pursuant to this subsection, which may be collected through a payroll deduction program. If the institution's governing body so elects, and subject to the execution of such participation agreements as the Virginia Retirement System may require, the covered institution's participating Covered Employees may be covered by the Virginia Retirement System's group insurance programs established pursuant to Chapter 5 (§ 51.1-500 et seq.) of Title 51.1 under the same terms, costs, and conditions that apply to, and with the same benefits that are available to, other state employees.

C. For those of its participating Covered Employees eligible to participate in the Virginia Retirement System, a covered institution shall (i) purchase disability insurance, (ii) subject to the execution of such participation agreements as may be necessary, appropriate, and in the best interests of the Commonwealth, continue to participate in the disability insurance program established for state agencies, (iii) establish a self-insured disability insurance program, or (iv) any combination of clauses (i) through (iii). A covered institution may require participating Covered Employees to pay all or a portion of the cost of the insurance coverage offered pursuant to clauses (i), (iii), or (iv) of this subsection, which may be collected through a payroll deduction program. However, the covered institution shall not be required to contribute to the program established for state agencies on behalf of participating Covered Employees who do not participate in that program.

D. If a covered institution's governing body so elects, and subject to the execution of such participation agreements as may be necessary, appropriate, and in the best interests of the Commonwealth, each such institution or its participating Covered Employees, or both, may participate in any future insurance programs established for state employees under the same terms and conditions that apply to, and with the same benefits that are available to, other state employees.

2005, cc. 933, 945.

§ 23-38.120. (Repealed effective October 1, 2016) Severance policies

A. Each covered institution shall adopt one or more severance policies for its eligible participating Covered Employees, applicable to voluntary or involuntary separations, including reductions in workforce. The provisions of the Workforce Transition Act (§ 2.2-3200 et seq.) shall not apply to participating Covered Employees.

B. The terms and conditions of a covered institution's severance policy or policies for eligible participating Covered Employees shall be determined by the institution's governing body. The covered institution and the Board of the Virginia Retirement System shall negotiate a formula according to which cash severance benefits may be converted to years of age or creditable service for participating Covered Employees who participate in the Virginia Retirement System.

C. Covered Employees who were employees of a covered institution and were covered by the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2 prior to its effective date of the initial Management Agreement, who otherwise would be eligible for severance benefits under the Workforce Transition Act (§ 2.2-3200 et seq.), and who are separated by a covered institution because of a reduction in workforce shall have the same preferential hiring rights with state agencies and other executive branch institutions as other state employees have under § 2.2-3201. Conversely, a covered institution shall recognize the hiring preference conferred by § 2.2-3201 on state employees who were hired by a state agency or executive branch institution before the covered institution's effective date of the initial Management Agreement and who were separated after that date by that state agency or executive branch institution because of a reduction in workforce. If a

covered institution has adopted a classification system pursuant to § 23-38.116 that differs from the classification system administered by the Department of Human Resource Management, the covered institution shall classify the separated employee according to its classification system and shall place the separated employee appropriately. Any such separated employee who is hired by a covered institution shall be a participating Covered Employee for purposes of this article. Classification decisions made under this subsection and applying to employees transferring between state agencies or other executive branch institutions and covered institutions, or between covered institutions, as a result of a reduction in force and with the preferential hiring rights provided in this subsection and in § 2.2-3201 shall be presumed appropriate, and a separated employee who grieves the classification decision shall bear the burden of demonstrating that the classification violates the separated employee's preferential hiring rights.

D. An employee's transition on the effective date of a covered institution's initial Management Agreement from being an employee of a public institution of higher education to being a Covered Employee of a covered institution shall not, in and of itself, constitute a severance of that employee or a reduction in force that would make either the covered institution's severance policy or policies adopted pursuant to subsection A or the Workforce Transition Act (§ 2.2-3200 et seq.) applicable to that employee.

2005, cc. 933, 945.

Article 7 - ADDITIONAL AUTHORITY SUBJECT TO MANAGEMENT AGREEMENT

§ 23-38.121. (Repealed effective October 1, 2016) Restructured authority subject to management agreement

As provided in subsection D of § 23-38.88, no restructured financial or operational authority set forth in Subchapter 3 (§ 23-38.91 et seq.) of this chapter or any other provision of such chapter shall become effective unless and until the authority or provision is expressly included in a management agreement and all other conditions of subdivisions D 1 and D 2 of § 23-38.88 have been met.

2005, cc. 933, 945.

Chapter 4.2 - VIRGINIA GRANT AND LOAN COMMISSION [Repealed]

§§ 23-38.20 through 23-38.29. Repealed

Repealed by Acts 1973, cc. 24, 106.

Chapter 4.3 - VIRGINIA STUDENT ASSISTANCE AUTHORITIES [Repealed]

§§ 23-38.30 through 23-38.44:4. Repealed

Repealed by Acts 1998, cc. 39 and 784.

Chapter 4.4 - COLLEGE SCHOLARSHIP ASSISTANCE ACT [Repealed]

§§ 23-38.45 through 23-38.53. Repealed

Repealed by Acts 2014, c. 484, cl. 2.

Chapter 4.4:1 - VIRGINIA SCHOLARS PROGRAM [Repealed]

§§ 23-38.53:1 through 23-38.53:3. Repealed

Repealed by Acts 2006, c. 50.

Chapter 4.4:2 - VIRGINIA GUARANTEED ASSISTANCE PROGRAM AND FUND

§ 23-38.53:4. (Repealed effective October 1, 2016) State Council of Higher Education to administer; promulgation of regulations

There is hereby created the Virginia Guaranteed Assistance Program to provide financial assistance to eligible students for the costs of attending a public institution of higher education in Virginia. Funds may be paid to any public institution of higher education on behalf of students who have been awarded financial assistance pursuant to § 23-38.53:6. The Council shall promulgate regulations for the implementation of the provisions of this chapter.

1992, c. 879; 1994, c. 789.

§ 23-38.53:5. (Repealed effective October 1, 2016) Virginia Guaranteed Assistance Fund created

A. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be known as the Virginia Guaranteed Assistance Fund. The Virginia Guaranteed Assistance Fund shall be established on the books of the Comptroller, and any funds remaining in such Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any public institution of higher education on behalf of students who have been awarded financial assistance pursuant to the provisions of § 23-38.53:6. On and after July 1, 1995, any funds remaining in the Fund shall be credited to the account of the State Council of Higher Education.

B. The Department of the Treasury shall administer and manage the Virginia Guaranteed Assistance Fund, subject to the authority of the State Council of Higher Education to provide for its disbursement, from such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf. The Fund shall be disbursed for the purpose of making grants to be determined by the use of a needs analysis methodology approved by the Council. The first such awards shall be made after July 1, 1994. The Council shall award such grants to students who are enrolled in or accepted for enrollment in any public institution of higher education in Virginia.

1992, c. 879; 1994, c. 789.

§ 23-38.53:6. (Repealed effective October 1, 2016) Eligible students; criteria for awarding grants; renewals

A. Only students who (i) are domiciled residents of Virginia as defined by § 23-7.4 and who are graduates of a high school in the Commonwealth with a cumulative secondary school grade point

average of at least 2.5 on a scale of 4.0 or its equivalent, or (ii) are dependent children of active duty military personnel residing outside the Commonwealth pursuant to military orders and claiming Virginia on their State of Legal Residence Certificate and satisfying the domicile requirements for such active duty military personnel pursuant to subsection B of § 23-7.4, and who are graduates of a high school inside or outside the Commonwealth with a cumulative secondary school grade point average of at least 2.5 on a scale of 4.0 or its equivalent, and who (iii) are accepted for enrollment as dependent students in any public institution of higher education in Virginia, and (iv) are not receiving state discretionary aid and demonstrate financial need as defined by the State Council of Higher Education shall be eligible to receive such awards.

B. The amount of the Guaranteed Assistance Program grant awarded students shall be determined annually by the State Council of Higher Education. Eligibility for such awards shall be determined according to the Congressional methodology for determining financial need and eligibility for financial aid.

C. All grants shall be awarded for one year, but may be renewed annually for no more than three subsequent years of study if the recipient:

1. Maintains at least a 2.0 grade point average on a scale of 4.0 or its equivalent;

2. Demonstrates continued financial need;

3. Makes satisfactory academic progress toward a degree, earning not less than the minimum number of hours of credit required for full-time standing in each academic period during enrollment at a public institution of higher education in Virginia; and

4. Maintains continuous enrollment for not less than two semesters or three quarters in each successive academic year, unless granted an exception for cause by the State Council of Higher Education.

1992, c. 879; 1993, c. 832; 1994, c. 789; 2002, c. 114.

§ 23-38.53:7. Repealed
Repealed by Acts 1994, c. 789.

§§ 23-38.53:8. Repealed
Repealed by Acts 2004, c. 872, cl. 10, effective May 4, 2005.

§ 23-38.53:9. Repealed
Repealed by Acts 2004, c. 872, cl. 2, effective July 1, 2004.

§ 23-38.53:10. Repealed
Repealed by Acts 2004, c. 872, cl. 10, effective May 4, 2005.

Chapter 4.4:3 - STEPHEN J. WRIGHT SCHOLARS PROGRAM

§ 23-38.53:11. (Repealed effective October 1, 2016) Stephen J. Wright Scholars Program established

The Graduate Student Recruitment Program and the Southern Regional Education Board Minority Doctoral Program, currently established only in the appropriation act, are hereby renamed and established as the Stephen J. Wright Scholars Program for the purpose of fostering scholarship among the Commonwealth's graduate students, and retaining Virginia's outstanding and promising young adults through awards based on scholarship and achievement.

1997, cc. 713, 746.

Chapter 4.4:4 - ADVANTAGE VIRGINIA INCENTIVE PROGRAM [Repealed]

§§ 23-38.53:12 through 23-38.53:20. Repealed
Repealed by Acts 2014, c. 815, cl. 2.

Chapter 4.4:5 - BROWN V. BOARD OF EDUCATION SCHOLARSHIP PROGRAM AND FUND [Repealed]

§§ 23-38.53:21 through 23-38.53:24. Repealed
Repealed by Acts 2005, cc. 753 and 834, effective March 26, 2005.

Chapter 4.5 - SENIOR CITIZENS HIGHER EDUCATION

§ 23-38.54. (Repealed effective October 1, 2016) Title of chapter
This chapter may be cited as the "Senior Citizens Higher Education Act of 1974."

1974, c. 463.

§ 23-38.55. (Repealed effective October 1, 2016) Definitions
For the purposes of this chapter, the following words shall have the meanings ascribed to them by this section:

"Course" means any course of study offered in any state institution of higher education including the regular curriculum of any department, or school, or subdivision of any such institution or any special course given for any purpose, including, but not limited to, adult education.

"Senior citizen" means any person who, before the beginning of any term, semester or quarter in which such person claims entitlement to the benefits of this chapter, (i) has reached 60 years of age, and (ii) has had his legal domicile in this Commonwealth for one year.

Nothing in this section shall be construed to exclude any other rules and requirements now or hereafter made applicable for all other persons with respect to residency in this Commonwealth by a state institution of higher learning.

1974, c. 463; 1976, c. 19; 1977, c. 281; 2002, c. 521; 2003, c. 700.

§ 23-38.56. (Repealed effective October 1, 2016) Attendance at state institutions; conditions
A senior citizen shall be permitted, under regulations as may be prescribed by the State Council of Higher Education:

(i) To register for and enroll in courses as a full-time or part-time student for academic credit if such senior citizen had a taxable individual income not exceeding $23,850 for Virginia income tax purposes for the year preceding the year in which enrollment is sought;

(ii) To register for and audit courses offered for academic credit; and

(iii) To register for and enroll in courses not offered for academic credit in any state institution of higher education in this Commonwealth.

Such senior citizen shall pay no tuition or fees except fees established for the purpose of paying for course materials, such as laboratory fees, but shall be subject to the admission requirements of the institution and a determination by the institution of its ability to offer the course or courses for which the senior citizen registers. The State Council of Higher Education shall establish procedures to ensure that tuition-paying students are accommodated in courses before senior citizens participating in this program are enrolled. However, the state institutions of higher education may make individual exceptions to these procedures when the senior citizen has completed seventy-five percent of the requirements for a degree.

1974, c. 463; 1977, c. 281; 1982, c. 677; 1984, c. 371; 1988, c. 90; 1989, c. 101; 1999, c. 381; 2002, c. 521; 2015, c. 146.

§ 23-38.57. Repealed

Repealed by Acts 1977, c. 281.

§ 23-38.58. (Repealed effective October 1, 2016) Courses; terms; number and limitations

There shall be no limit to the number of terms, quarters or semesters in which a senior citizen who is not enrolled for academic credit may register for courses but he may register for no more than three courses in any one term, quarter or semester.

1974, c. 463; 1977, c. 281.

§ 23-38.59. (Repealed effective October 1, 2016) Catalogue to include statement of benefits

Each state institution of higher learning shall prominently include in its catalogue a statement of the benefits provided by this chapter for senior citizens.

1974, c. 463; 1977, c. 281.

§ 23-38.60. (Repealed effective October 1, 2016) Determination of senior citizen status; forms

The registrar or other admissions officer of an institution of higher learning shall determine whether a person is a senior citizen pursuant to the provisions of this chapter. Upon determination that a person qualifies as a senior citizen, the registrar or other admissions officer may require such person to execute appropriate forms to request the benefits provided by this chapter.

1974, c. 463.

Chapter 4.6 - STATE EDUCATION ASSISTANCE AUTHORITY [Repealed]

§§ 23-38.61 through 23-38.69:3. Repealed
Repealed by Acts 1992, c. 630 .

Chapter 4.7 - VIRGINIA WORK-STUDY PROGRAM [Repealed]

§§ 23-38.70, 23-38.71. Repealed
Repealed by Acts 2006, c. 51.

Chapter 4.8 - VIRGINIA COLLEGE SAVINGS PROGRAM [Repealed]

§§ 23-38.72 through 23-38.74. Repealed
Repealed by Acts 2014, c. 484, cl. 2.

Chapter 4.9 - VIRGINIA COLLEGE SAVINGS PLAN AND ABLE SAVINGS TRUST ACCOUNTS

§ 23-38.75. (Repealed effective October 1, 2016) Definitions
As used in this chapter, unless the context requires a different meaning:

"ABLE savings trust account" means an account established pursuant to this chapter to assist individuals and families to save private funds to support individuals with disabilities to maintain health, independence, and quality of life, with such account used to apply distributions for qualified disability expenses for an eligible individual, both as defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

"Board" means the Board of the Virginia College Savings Plan.

"College savings trust account" means an account established pursuant to this chapter to assist individuals and families to enhance the accessibility and affordability of higher education, with such account used to apply distributions from the account toward qualified higher education expenses at eligible educational institutions, both as defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

"Contributor" means a person who contributes money to a savings trust account established pursuant to this chapter on behalf of a qualified beneficiary and who is listed as the owner of the savings trust account.

"Plan" means the Virginia College Savings Plan.

"Prepaid tuition contract" means the contract entered into by the Board and a purchaser pursuant to this chapter for the advance payment of tuition at a fixed, guaranteed level by the purchaser for a qualified beneficiary to attend any two-year or four-year public institution of higher education in the Commonwealth to which the qualified beneficiary is admitted.

"Purchaser" means a person who makes or is obligated to make advance payments in accordance with a prepaid tuition contract and who is listed as the owner of the prepaid tuition contract.

"Qualified beneficiary" or "beneficiary" means (i) a resident of the Commonwealth, as determined by the Board, who is the beneficiary of a prepaid tuition contract and who may apply advance tuition payments to tuition as set forth in this chapter; (ii) a beneficiary of a prepaid tuition contract purchased by a resident of the Commonwealth, as determined by the Board, who may apply advance tuition payments to tuition as set forth in this chapter; or (iii) a beneficiary of a savings trust account established pursuant to this chapter.

"Savings trust account" means an ABLE savings trust account or a college savings trust account.

"Savings trust agreement" means the agreement entered into by the Board and a contributor establishing a savings trust account.

"Tuition" means the quarter, semester, or term charges imposed for undergraduate tuition by any two-year or four-year public institution of higher education in the Commonwealth and all mandatory fees required as a condition of enrollment of all students. A beneficiary may apply benefits under a prepaid tuition contract and distributions from a savings trust account toward graduate-level tuition and toward tuition costs at such eligible educational institutions, as that term is defined in 26 U.S.C. § 529 or any other applicable section of the Internal Revenue Code of 1986, as amended, as determined by the Board in its sole discretion.

1994, c. 661; 1997, cc. 785, 861; 1998, cc. 61, 85; 1999, cc. 485, 518; 2000, cc. 382, 400; 2015, cc. 227, 311.

§ 23-38.76. (Repealed effective October 1, 2016) Virginia College Savings Plan established; governing board; terms

A. To enhance the accessibility and affordability of higher education for all citizens of the Commonwealth, there is hereby established as a body politic and corporate and an independent agency of the Commonwealth, the Virginia College Savings Plan (the Plan). Certain moneys of the Plan that are contributions to savings trust accounts made pursuant to this chapter, except as otherwise authorized or provided in this chapter, shall be deposited as soon as practicable in a separate account or accounts in banks or trust companies organized under the laws of the Commonwealth, national banking associations, federal home loan banks, or to the extent then permitted by law, savings institutions organized under the laws of the Commonwealth or the United States. The savings program moneys in such accounts shall be paid out on checks, drafts payable on demand, electronic wire transfers, or other means authorized by officers or employees of the Plan.

All other moneys of the Plan, including payments received pursuant to prepaid tuition contracts, bequests, endowments, grants from the United States government or its agencies or instrumentalities, and any other available sources of funds, public or private, shall be first deposited in the state treasury in a special nonreverting fund (the Fund). Such moneys then shall be deposited as soon as practicable in a separate account or accounts in banks or trust companies organized

under the laws of the Commonwealth, national banking associations, federal home loan banks, or to the extent then permitted by law, savings institutions organized under the laws of the Commonwealth or the United States. Benefits related to prepaid tuition contracts and Plan operating expenses shall be paid from the Fund. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest and income earned from the investment of such funds shall remain in the Fund and be credited to it.

B. The Plan shall be administered by an 11-member Board, as follows: the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; the State Treasurer or his designee; the State Comptroller or his designee; and seven nonlegislative citizen members, four to be appointed by the Governor, one to be appointed by the Senate Committee on Rules and two to be appointed by the Speaker of the House of Delegates, with significant experience in finance, accounting, law, or investment management.

Appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be appointed to serve for or during more than two successive four-year terms, but after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Ex officio members of the Board shall serve terms coincident with their terms of office.

C. Members of the Board shall receive no compensation but shall be reimbursed for actual expenses incurred in the performance of their duties. The Board shall elect from its membership a chairman and a vice-chairman annually. A majority of the members of the Board shall constitute a quorum.

1994, c. 661; 1997, cc. 785, 861; 1999, cc. 485, 518; 2000, cc. 382, 400; 2009, cc. 827, 845; 2013, cc. 586, 649; 2014, cc. 23, 687; 2015, cc. 227, 311.

§ 23-38.77. (Repealed effective October 1, 2016) Powers and duties of Board

The Board shall administer the Plan established by this chapter and shall develop and implement programs for (i) the prepayment of undergraduate tuition, as defined in § 23-38.75, at a fixed, guaranteed level for application at a two-year or four-year public institution of higher education in the Commonwealth; (ii) contributions to college savings trust accounts established pursuant to this chapter on behalf of a qualified beneficiary in order to apply distributions from the account toward qualified higher education expenses at eligible educational institutions, both as defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law; and (iii) contributions to ABLE savings trust accounts established pursuant to this chapter on behalf of a qualified beneficiary in order to apply distributions from the account toward qualified disability expenses for an eligible individual, both as defined in § 529A of the Internal Revenue Code of

1986, as amended, or other applicable federal law. In addition, the Board shall have the power and duty to:

1. Invest moneys in the Plan in any instruments, obligations, securities, or property deemed appropriate by the Board;

2. Develop requirements, procedures, and guidelines regarding prepaid tuition contracts and savings trust accounts, including, but not limited to, residency and other eligibility requirements; the number of participants in the Plan; the termination, withdrawal, or transfer of payments under a prepaid tuition contract or savings trust account; time limitations for the use of tuition benefits or savings trust account distributions; and payment schedules;

3. Enter into contractual agreements, including contracts for legal, actuarial, financial, and consulting services and contracts with other states to provide savings trust accounts for residents of contracting states;

4. Procure insurance against any loss in connection with the Plan's property, assets, or activities and indemnifying Board members from personal loss or accountability from liability arising from any action or inaction as a Board member;

5. Make arrangements with two-year and four-year public institutions in the Commonwealth to fulfill obligations under prepaid tuition contracts and to apply college savings trust account distributions, including, but not limited to, payment from the Plan of the then actual in-state undergraduate tuition cost on behalf of a qualified beneficiary of a prepaid tuition contract to the institution in which the beneficiary is admitted and enrolled and application of such benefits towards graduate-level tuition and towards tuition costs at such eligible educational institutions, as that term is defined in 26 U.S.C. § 529 or any other applicable section of the Internal Revenue Code of 1986, as amended, as determined by the Board in its sole discretion;

6. Develop and implement scholarship and/or matching grant programs, as the Board may deem appropriate, to further its goal of making higher education more affordable and accessible to all citizens of the Commonwealth;

7. Apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its objectives;

8. Promulgate regulations and procedures and to perform any act or function consistent with the purposes of this chapter; and

9. Reimburse, at its option, all or part of the cost of employing legal counsel and such other costs as are demonstrated to have been reasonably necessary for the defense of any Board member, officer, or employee of the Plan upon the acquittal, dismissal of charges, nolle prosequi, or any other final disposition concluding the innocence of such member, officer or employee who is brought before any regulatory body, summoned before any grand jury, investigated by any law-enforcement agency, arrested, indicted, or otherwise prosecuted on any criminal charge arising out

of any act committed in the discharge of his official duties which alleges a violation of state or federal securities laws. The Board shall provide for the payment of such legal fees and expenses out of funds appropriated or otherwise available to the Board.

1994, c. 661; 1997, cc. 785, 861; 1998, cc. 61, 85; 1999, cc. 485, 518; 2000, cc. 382, 400; 2009, cc. 827, 845; 2015, cc. 227, 311.

§ 23-38.78. (Repealed effective October 1, 2016) Board actions not a debt of Commonwealth

A. No act or undertaking of the Board shall be deemed to constitute a debt of the Commonwealth or any political subdivision thereof, or a pledge of the full faith and credit of the Commonwealth or of any political subdivision, but shall be payable solely from the Plan.

B. Notwithstanding the provisions of subsection A, in order to ensure that the Plan is able to meet its current obligations, the Governor shall include in the budget bills submitted pursuant to § 2.2-1509 a sum sufficient appropriation for the purpose of ensuring that the Plan can meet the current obligations of the Plan. Any sums appropriated by the General Assembly for such purpose shall be deposited into the Fund. All amounts paid into the Fund pursuant to this subsection shall constitute and be accounted for as advances by the Commonwealth to the Plan and, subject to the rights of the Plan's contract holders, shall be repaid to the Commonwealth without interest from available operating revenue of the Plan in excess of amounts required for the payment of current obligations of the Plan. As used in this section, "current obligations of the Plan" means amounts required for the payment of contract benefits or other obligations of the Plan, the maintenance of the Plan, and operating expenses for the current biennium.

1994, c. 661; 1998, c. 373; 2000, cc. 382, 400.

§ 23-38.79. (Repealed effective October 1, 2016) Chief executive officer; qualifications; duties

A. The Board shall employ a chief executive officer to direct, manage, and administer the Plan, and who shall be authorized to employ such staff as necessary to accomplish the Plan's stated objectives.

B. The chief executive officer shall demonstrate extensive experience in management, finance, law, regulatory affairs and/or investments, and such other qualifications as the Board may set.

C. The chief executive officer shall, in addition to such other duties as the Board may establish, (i) oversee the development, structure, evaluation, and implementation of the Plan's strategic goals and objectives; (ii) facilitate communication among and between the Board, advisory committees, employees, account owners, beneficiaries, and outside entities interested in the Plan; (iii) enhance the Board's ability to make effective and prompt decisions in all matters related to the administration of the Plan; (iv) with the assistance of the Investment Advisory Committee appointed by the Board and investment consultants, direct, manage, and administer the Plan's assets and programs; and (v) report periodically and as requested to the Board.

1994, c. 661; 2009, cc. 827, 845.

§ 23-38.79:1. (Repealed effective October 1, 2016) Advisory committees to the Board; membership; terms; qualifications; duties

A. To further assist the Board in fulfilling its fiduciary duty as trustee of the funds of the Plan and to assist the chief executive officer in directing, managing, and administering the Plan's assets, the Board shall appoint an Investment Advisory Committee to provide sophisticated, objective, and prudent investment advice and direction.

1. Members of the Investment Advisory Committee shall demonstrate extensive experience in any one or more of the following areas: domestic or international equity or fixed-income securities, cash management, alternative investments, institutional real estate investments, or managed futures.

2. The Investment Advisory Committee shall (i) review, evaluate, and monitor investments and investment opportunities; (ii) make appropriate recommendations to the Board about such investments and investment opportunities; (iii) make appropriate recommendations to the Board about overall asset allocation; and (iv) perform such other duties as the Board may delegate to the Committee.

B. To further assist the Board in fulfilling its responsibilities relating to the integrity of the Plan's financial statements, financial reporting process, and systems of internal accounting and financial controls, the Board shall appoint an Audit and Actuarial Committee.

1. Members of the Audit and Actuarial Committee shall demonstrate an understanding of generally accepted accounting principles, generally accepted auditing standards, enterprise risk management principles, and financial statements, and evidence an ability to assess the general application of such principles to the Plan's activities. The members should have experience in preparing, auditing, analyzing, or evaluating financial statements of the same complexity as those of the Plan, and an understanding of internal controls and procedures for financial reporting.

2. In order to establish and maintain its effectiveness and independence, the following persons shall not be members of the Audit and Actuarial Committee: (i) current Plan employees; (ii) individuals who have been employees of the Plan in any of the prior three fiscal years; and (iii) immediate family members of an individual currently employed as an officer of the Plan or who has been employed in such a capacity within the past three fiscal years.

3. The Audit and Actuarial Committee shall (i) review, examine, and monitor the Plan's accounting and financial reporting processes and systems of internal controls; (ii) review and examine financial statements and financial disclosures and discuss any findings with the Plan's senior management; (iii) make appropriate recommendations and reports to the Board; and (iv) perform such other duties as the Board may delegate to the Committee.

4. The Audit and Actuarial Committee shall also monitor the Plan's external audit function by (i) participating in the retention, review, and discharge of independent auditors; (ii) discussing the

Plan's financial statements and accounting policies with independent auditors; and (iii) reviewing the independence of independent auditors.

C. In addition, the Board may appoint such other advisory committees as it deems necessary and the qualifications for members of any other advisory committee shall be set by the Board by resolution.

D. Advisory committee members shall serve at the pleasure of the Board and may be removed by a majority vote of the Board.

E. Members of advisory committees shall receive no compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

F. The disclosure requirements of subsection B of § 2.2-3114 of the State and Local Government Conflict of Interests Act shall apply to any member of any advisory committee who is not also a Board member.

G. The recommendations of an advisory committee are not binding upon the Board or the designee appointed by the Board to make investment decisions pursuant to subsections A and B of § 23-38.80.

2009, cc. 827, 845; 2011, cc. 18, 26.

§ 23-38.80. (Repealed effective October 1, 2016) Standard of care; investment and administration of Plan

A. In acquiring, investing, reinvesting, exchanging, retaining, selling, and managing property for the benefit of the Plan, the Board, and any person, investment manager, or committee to whom the Board delegates any of its investment authority, shall act as trustee and shall exercise the judgment of care under the circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but to the permanent disposition of funds, considering the probable income as well as the probable safety of their capital. If the annual accounting and audit required by § 23-38.85 reveal that there are insufficient funds to ensure the actuarial soundness of the Plan, the Board shall be authorized to adjust the terms of subsequent prepaid tuition contracts, arrange refunds for current purchasers to ensure actuarial soundness, or take such other action the Board deems appropriate.

B. The assets of the Plan shall be preserved, invested, and expended solely pursuant to and for the purposes of this chapter and shall not be loaned or otherwise transferred or used by the Commonwealth for any other purpose. Within the standard prescribed in subsection A, the Board, and any person, investment manager, or committee to whom the Board delegates any of its investment authority, is authorized to acquire and retain every kind of property and every kind of investment, specifically including but not limited to (i) debentures and other corporate obligations of foreign or domestic corporations; (ii) common or preferred stocks traded on foreign or domestic stock exchanges; (iii) not less than all of the stock or 100 percent ownership of a corporation or

other entity organized by the Board under the laws of the Commonwealth for the purposes of acquiring and retaining real property that the Board is authorized under this chapter to acquire and retain; and (iv) securities of any open-end or closed-end management type investment company or investment trust registered under the federal Investment Company Act of 1940, as amended, including such investment companies or investment trusts which, in turn, invest in the securities of such investment companies or investment trusts, which persons of prudence, discretion, and intelligence acquire or retain for their own account. Within the limitations of the foregoing standard, the Board may retain property properly acquired, without time limitation and without regard to its suitability for original purchase. This section shall not be construed to prohibit the investment of the Plan, by purchase or otherwise, in bonds, notes, or other obligations of the Commonwealth or its agencies and instrumentalities.

All provisions of this subsection shall apply to the portion of the Plan assets attributable to savings trust account contributions and the earnings thereon.

C. The selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, recordkeeping, or consulting services, shall be governed by the foregoing standard and shall not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

D. No Board member nor any person, investment manager, or committee to whom the Board delegates any of its investment authority who acts within the standard of care set forth in subsection A shall be held personally liable for losses suffered by the Plan on investments made pursuant to this chapter.

E. To the extent necessary to lawfully administer the Plan and in order to comply with federal, state, and local tax reporting requirements, the Plan may obtain all necessary social security account or tax identification numbers and such other data as the Plan deems necessary for such purposes, whether from a contributor or purchaser or from another state agency.

1994, c. 661; 1996, c. 508; 1997, cc. 785, 861; 1999, cc. 485, 518; 2000, cc. 382, 400; 2009, cc. 827, 845; 2015, cc. 227, 311.

§ 23-38.81. (Repealed effective October 1, 2016) Prepaid tuition contracts and college and ABLE savings trust agreements; terms; termination; etc

A. Each prepaid tuition contract made pursuant to this chapter shall include the following terms and provisions:

1. The amount of payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary;

2. The terms and conditions under which purchasers shall remit payments, including the dates of such payments;

3. Provisions for late payment charges, defaults, withdrawals, refunds, and any penalties;

4. The name and date of birth of the qualified beneficiary on whose behalf the contract is made;

5. Terms and conditions for a substitution for the qualified beneficiary originally named;

6. Terms and conditions for termination of the contract, including any refunds, withdrawals, or transfers of tuition prepayments, and the name of the person or persons entitled to terminate the contract;

7. The time period during which the qualified beneficiary must claim benefits from the Plan;

8. The number of credit hours or quarters, semesters, or terms contracted for by the purchaser;

9. All other rights and obligations of the purchaser and the trust; and

10. Any other terms and conditions which the Board deems necessary or appropriate, including those necessary to conform the contract with the requirements of Internal Revenue Code § 529, as amended, which specifies the requirements for qualified state tuition programs.

B. Each college savings trust agreement made pursuant to this chapter shall include the following terms and provisions:

1. The maximum and minimum contribution allowed on behalf of each qualified beneficiary for the payment of qualified higher education expenses at eligible institutions, both as defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law;

2. Provisions for withdrawals, refunds, transfers, and any penalties;

3. The name, address, and date of birth of the qualified beneficiary on whose behalf the savings trust account is opened;

4. Terms and conditions for a substitution for the qualified beneficiary originally named;

5. Terms and conditions for termination of the account, including any refunds, withdrawals, or transfers, and applicable penalties, and the name of the person or persons entitled to terminate the account;

6. The time period during which the qualified beneficiary must use benefits from the savings trust account;

7. All other rights and obligations of the contributor and the Plan; and

8. Any other terms and conditions which the Board deems necessary or appropriate, including those necessary to conform the savings trust account with the requirements of § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

C. Each ABLE savings trust agreement made pursuant to this chapter shall include the following terms and provisions:

1. The maximum and minimum annual contribution and maximum account balance allowed on behalf of each qualified beneficiary for the payment of qualified disability expenses, as defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law;

2. Provisions for withdrawals, refunds, transfers, return of excess contributions, and any penalties;

3. The name, address, and date of birth of the qualified beneficiary on whose behalf the savings trust account is opened;

4. Terms and conditions for a substitution for the qualified beneficiary originally named;

5. Terms and conditions for termination of the account, including any transfers to the state upon the death of the qualified beneficiary, refunds, withdrawals, transfers, applicable penalties, and the name of the person or persons entitled to terminate the account;

6. The time period during which the qualified beneficiary must use benefits from the savings trust account;

7. All other rights and obligations of the contributor and the Plan; and

8. Any other terms and conditions that the Board deems necessary or appropriate, including those necessary to conform the savings trust account with the requirements of § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

D. In addition to the provisions required by subsection A, each prepaid tuition contract shall include provisions for the application of tuition prepayments (i) at accredited, nonprofit, independent institutions of higher education located in Virginia, including actual interest and income earned on such prepayments and (ii) at public and at accredited, nonprofit, independent institutions of higher education located in other states, including principal and reasonable return on such principal as determined by the Board. Payments authorized for accredited, nonprofit, independent institutions located in Virginia may not exceed the projected highest payment made for tuition at a public institution of higher education in Virginia in the same academic year, less a fee to be determined by the Board. Payments authorized for public and for accredited, nonprofit, independent institutions of higher education located in other states may not exceed the projected average payment made for tuition at a public institution of higher education in Virginia in the same academic year, less a fee to be determined by the Board.

E. All prepaid tuition contracts and savings trust agreements shall specifically provide that, if after a specified period of time the contract or savings trust agreement has not been terminated nor the qualified beneficiary's rights exercised, the Board, after making reasonable effort to contact the purchaser or contributor and the qualified beneficiary or their agents, shall report such unclaimed moneys to the State Treasurer pursuant to § 55-210.12.

F. Notwithstanding any provision of law to the contrary, money in the Plan shall be exempt from creditor process and shall not be liable to attachment, garnishment, or other process, nor shall it be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to

pay any debt or liability of any purchaser, contributor or beneficiary, provided, however, that the state of residence of the beneficiary of an ABLE savings trust account shall be a creditor of such account in the event of the death of the beneficiary.

G. Notwithstanding any other provision of state law that requires consideration of one or more financial circumstances of an individual for the purpose of determining (i) the individual's eligibility to receive any assistance or benefit pursuant to such provision of state law or (ii) the amount of any such assistance or benefit that such individual is eligible to receive pursuant to such provision of state law, any (a) moneys in an ABLE savings trust account for which such individual is the beneficiary, including any interest on such moneys, (b) contributions to an ABLE savings trust account for which such individual is the beneficiary, and (c) distribution for qualified disability expenses for such individual from an ABLE savings trust account for which such individual is the beneficiary shall be disregarded for such purpose with respect to any period during which such individual remains the beneficiary of, makes contributions to, or receives distributions for qualified disability expenses from such ABLE savings trust account.

H. No contract or savings trust account shall be assigned for the benefit of creditors, used as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge.

I. The Board's decision on any dispute, claim, or action arising out of or related to a prepaid tuition contract or savings trust agreement made or entered into pursuant to this chapter or benefits thereunder shall be considered a case decision as defined in § 2.2-4001 and all proceedings related thereto shall be conducted pursuant to Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act. Judicial review shall be exclusively provided pursuant to Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

1994, c. 661; 1995, c. 315; 1997, cc. 785, 861; 1999, cc. 485, 518; 2000, cc. 382, 400; 2015, cc. 227, 311; 2016, c. 639.

§ 23-38.82. Repealed

Repealed by Acts 1997, cc. 785 and 861.

§ 23-38.83. (Repealed effective October 1, 2016) Plan property tax exempt

The assets of the Plan and its income shall be exempt from state and local taxation.

1994, c. 661; 2000, cc. 382, 400.

§ 23-38.84. (Repealed effective October 1, 2016) Annual report

The Board shall post on its website and submit to the Governor, the Senate Committee on Finance, and the House Committees on Appropriations and Finance, an annual statement on or before December 15 of the receipts, disbursements, and current investments of the Plan for the preceding year. The report shall set forth a complete operating and financial statement covering the operation of the Plan during the year and shall include a statement of projected receipts, disbursements, investments, and costs for the further operation of the Plan.

1994, c. 661; 1995, c. 315; 2000, cc. 382, 400; 2005, c. 633; 2011, cc. 18, 26.

§ 23-38.85. (Repealed effective October 1, 2016) Forms of accounts and records; audit of same

The accounts and records of the Board showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes, provided that such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by corporate enterprises. The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the accounts of the Board, and the cost of such audit services as shall be required shall be borne by the Board.

1994, c. 661.

§ 23-38.86. (Repealed effective October 1, 2016) Admission to institutions not guaranteed

Nothing in this chapter nor in any prepaid tuition contract or savings trust agreement shall be construed as a promise or guarantee by the Board or the Commonwealth of any admission, continued enrollment, or graduation at any public two-year or four-year institution of higher education in the Commonwealth.

Nothing in this chapter or in any prepaid tuition contract entered into pursuant to this chapter shall be construed as a promise or guarantee that the beneficiary's cost of tuition at an institution of higher education other than a public institution of higher education will be covered in full by the proceeds of the beneficiary's tuition credits.

Nothing in this chapter or in any savings trust agreement entered into pursuant to this chapter shall be construed as a promise or guarantee that any qualified higher education expense shall be covered in full by contributions to or earnings on any savings trust account.

1994, c. 661; 1999, cc. 485, 518.

§ 23-38.87. (Repealed effective October 1, 2016) Payroll deductions

The Commonwealth and its agencies and localities and their subdivisions and any employer in the Commonwealth are authorized to agree, by contract or otherwise, to remit payments or contributions on behalf of an employee toward prepaid tuition contracts or savings trust accounts through payroll deductions.

1994, c. 661; 1999, cc. 485, 518; 2009, cc. 827, 845.

§ 23-38.87:1. (Repealed effective October 1, 2016) Liberal construction of chapter

Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, general, special, or local, the provisions of this chapter shall be controlling. This chapter shall also constitute full and complete authority, without regard to the provisions of any other law, for the doing of the acts and things herein authorized and shall be liberally construed to effect the purposes hereof.

2009, cc. 827, 845.

Chapter 4.9:1 - THE VIRGINIA HIGHER EDUCATION OPPORTUNITY ACT OF 2011

§ 23-38.87:10. (Repealed effective October 1, 2016) Short title; purpose

This chapter may be cited as the "Preparing for the Top Jobs of the 21st Century: The Virginia Higher Education Opportunity Act of 2011," the "Top Jobs Act," or "TJ21." The objective of this chapter is to fuel strong economic growth in the Commonwealth and prepare Virginians for the top job opportunities in the knowledge-driven economy of the 21st century by establishing a long-term commitment, policy, and framework for sustained investment and innovation that will enable the Commonwealth to build upon the strengths of its excellent higher education system and achieve national and international leadership in college degree attainment and personal income, and that will ensure these educational and economic opportunities are accessible and affordable for all capable and committed Virginia students.

In furtherance of this objective, the following purposes shall inform the development and implementation of funding policies, performance criteria, economic opportunity metrics, and recommendations required by this chapter:

1. To ensure an educated workforce in Virginia through a public-private higher education system whose hallmarks are instructional excellence, affordable access, economic impact, institutional diversity and managerial autonomy, cost-efficient operation, technological and pedagogical innovation, and reform-based investment;

2. To take optimal advantage of the demonstrated correlation between higher education and economic growth by investing in a manner that will generate economic growth, job creation, personal income growth, and revenues generated for state and local government in Virginia;

3. To place Virginia among the most highly educated states and countries by conferring approximately 100,000 cumulative additional undergraduate degrees on Virginians between 2011 and 2025, accompanied by a comparable percentage increase in privately conferred Virginia undergraduate degrees over the same period, and to achieve these targets by expanding enrollment of Virginians at public and private higher education institutions in the Commonwealth, improving undergraduate graduation and retention rates in the Virginia higher education system, and increasing degree completion by Virginians with partial credit toward a college degree, including students with ongoing job and family commitments who need access to nontraditional college-level educational opportunities;

4. To enhance personal opportunity and earning power for individual Virginians by increasing college degree attainment in the Commonwealth, especially in high-demand, high-income fields such as science, technology, engineering, mathematics, and health care, and by providing information about the economic value and impact of individual degree programs by institution;

5. To promote university-based research that produces outside investment in Virginia, fuels economic advances, triggers commercialization of new products and processes, fosters the formation of new businesses, leads businesses to bring their facilities and jobs to Virginia, and in other ways helps place the Commonwealth on the leading edge in the knowledge-driven economy;

6. To support the national effort to enhance the security and economic competitiveness of the United States of America, and to secure a leading economic position for the Commonwealth of Virginia, through increased research and instruction in science, technology, engineering, mathematics, and related fields, which require qualified faculty, appropriate research facilities and equipment, public-private and intergovernmental collaboration, and sustained state support;

7. To preserve and enhance the Virginia higher education system's excellence and cost-efficiency through reform-based investment that promotes innovative instructional models and pathways to degree attainment, including optimal use of physical facilities and instructional resources throughout the year, technology-enhanced instruction, sharing of instructional resources between and among colleges, universities, and other degree-granting entities in the Commonwealth, increased online learning opportunities for nontraditional students, improved rate and pace of degree completion, expanded availability of dual enrollment and advanced placement options and early college commitment programs, expanded community college transfer options leading to bachelor's degree completion, and enhanced college readiness before matriculation, among other reforms;

8. To realize the potential for enhanced benefits from the Restructured Higher Education Financial and Administrative Operations Act of 2005 (§ 23-38.88 et seq.), through a sustained commitment to the principles of autonomy, accountability, affordable access, and mutual trust and obligation underlying the restructuring initiative;

9. To establish a higher education funding framework and policy that promotes stable, predictable, equitable, and adequate funding, facilitates effective planning at the institutional and state levels, provides incentives for increased enrollment of Virginia students at public and private nonprofit colleges and universities in the Commonwealth, provides need-based financial aid for low-income and middle-income students and families, relieves the upward pressure on tuition associated with loss of state support due to economic downturns or other causes, and provides financial incentives to promote innovation and enhanced economic opportunity in furtherance of the objective of this chapter; and

10. To recognize that the unique mission and contributions of each institution of higher education in the Commonwealth is consistent with the desire to build upon the strengths of the Commonwealth's excellent system of higher education, to afford these unique missions and contributions appropriate safeguards, and to allow these attributes to inform the development and implementation of funding policies, performance criteria, economic opportunity metrics, and recommendations in the furtherance of this chapter's objectives.

2011, cc. 828, 869.

§ 23-38.87:11. (Repealed effective October 1, 2016) Definitions

For purposes of this chapter, unless the context clearly requires otherwise:

"College degree" means an undergraduate degree from an accredited two-year or four-year public or private institution of higher education.

"Cost of education" means the operating funds necessary during a fiscal year to provide educational and general services, other than research and public service, to students attending an institution in that fiscal year.

"Council" means the State Council of Higher Education for Virginia.

"Educational and general fees" means fees over and above tuition charged for certain educational and general services.

"Educational and general services" means services associated with instruction, academic support, student services, institutional support, research, public service, and operation and maintenance of physical plant, with adjustments based on particular state policies related to specific institutional conditions, but does not include services associated with programs and administrative services that are required to be self-supporting or are otherwise supported by funds other than general funds, such as food services, university-owned or university-leased dormitories or other living facilities, athletic programs, and other self-supporting programs.

"Enrollment" or "student enrollment" means the number of full-time equivalent students.

"Fiscal year" means the period from July 1 of one calendar year to June 30 of the next calendar year.

"Institution" or "public institution of higher education" means each two-year and four-year public institution of higher education in the Commonwealth and, in the case of the Virginia Community College System, the system as a whole, not each community college.

"Peer institutions" for an institution means those institutions determined by the Council, in consultation with the institution, the Secretary of Education or his designee, the Director of the Department of Planning and Budget or his designee, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance or their designees, to be most similar to the institution and therefore to provide a fair comparison in determining what the appropriate and competitive faculty salaries for that institution should be.

"STEM" means science, technology, engineering, and mathematics.

"Student" means a full-time or part-time undergraduate, graduate, or professional student attending a public institution of higher education and enrolled in a degree program.

"Virginia student" means a student who is eligible for in-state tuition pursuant to § 23-7.4.

2011, cc. 828, 869.

§ 23-38.87:12. (Repealed effective October 1, 2016) Higher education funding policy

The funding policy for public institutions of higher education shall be comprised of amounts for each institution from the state general fund, from funds other than the state general fund, or both, for each fiscal year of a biennium for:

1. Basic operations and instruction, as provided in § 23-38.87:13;

2. Each Virginia undergraduate student actually enrolled at the institution, as provided in § 23-38.87:14;

3. Need-based financial aid, as provided in § 23-38.87:15; and

4. Support for targeted financial incentives that encourage and reward progress toward the policy objectives specified in this chapter, as provided in § 23-38.87:16.

2011, cc. 828, 869.

§ 23-38.87:13. (Repealed effective October 1, 2016) Calculation of state general fund share of an institution's basic operations and instruction funding need; cost of education

A. Following consultation with each institution and the Higher Education Advisory Committee described in § 23-38.87:20, the Council shall calculate each institution's basic operations and instruction funding need as provided in subsection B for each year of the next biennium and shall make that calculation available to the Governor, the General Assembly, and all public institutions of higher education. Each institution's basic operations and instruction funding need, and the Commonwealth's funding split policy by which 67 percent of an institution's cost of education for Virginia students is funded from the state general fund and 33 percent from funds other than the state general fund, shall be taken into account by the Governor during the preparation of his proposed biennial budget bill recommending the appropriation act for the next biennium and by the General Assembly in enacting that act. Between these biennial recalculations, an institution's appropriated basic operations and instruction funding may be increased or decreased for (i) an increase or decrease in Virginia undergraduate student enrollment as provided in § 23-38.87:14, (ii) meeting or not meeting targeted financial incentives listed in § 23-38.87:16, and (iii) any other purpose deemed appropriate by the General Assembly.

B. An institution's basic operations and instruction funding need for each fiscal year of the biennium shall be the sum of (i) the institution's cost of education for the total enrollment of students who actually attended that institution during the fiscal year that ended on June 30 of each odd-numbered year, which shall be determined using a cost-based funding policy that consists of a set of formulas for calculating educational cost based on faculty-student ratios by discipline and level, and the educational and general programs of instruction, academic support, student services, institutional support, and operation and maintenance of physical plant, with adjustments to the funding policy based on particular state policies or specific institutional missions or conditions, (ii) the amount required to reach the Commonwealth's faculty salary goal of the 60th percentile of the most recently reported average faculty salaries paid by that institution's peer institutions, and (iii) such other funding for educational and general services as the General Assembly may appropriate.

C. State general funds shall be allocated and appropriated to institutions in a fair and equitable manner such that, to the extent practicable, the percentage of the cost of education for Virginia students enrolled at an institution to be funded from state general funds is the same for each institution. To the extent that the percentages differ among institutions, that fact shall be taken into account as the Governor deems appropriate in his budget bill and by the General Assembly as it deems appropriate in the appropriation act.

2011, cc. 828, 869.

§ 23-38.87:14. (Repealed effective October 1, 2016) Per student enrollment-based funding

A. In order to incentivize Virginia undergraduate student enrollment growth at the Commonwealth's public institutions of higher education in furtherance of the increased degree conferral objectives of this chapter, the Governor shall recommend and the General Assembly shall determine and appropriate to the institutions a per student amount that shall follow each Virginia undergraduate student to the institution in which the student enrolls. Recommendations regarding this Virginia undergraduate student enrollment growth incentive shall be developed and reviewed as provided in subdivision B 1 of § 23-38.87:20.

B. The Governor shall consider and recommend as he deems appropriate and the General Assembly shall consider and provide as it deems appropriate additional general fund appropriations to address the unfunded enrollment growth that occurred between the 2005-2006 fiscal year and the enactment of this chapter.

C. In order to assist the General Assembly in determining the per student amount provided for in subsection A and its relation to the per student amount provided to private nonprofit institutions of higher education pursuant to the Tuition Assistance Grant Act (§ 23-38.11 et seq.), each private nonprofit institution of higher education eligible to participate in the Tuition Assistance Grant Program shall submit to the Council its Virginia student enrollment projections for that fiscal year and its actual Virginia student enrollment for the prior fiscal year in a manner determined by the Council. The student admissions policies for the private institutions and their specific programs shall remain the sole responsibility of the governing boards of the individual institutions.

2011, cc. 828, 869.

§ 23-38.87:15. (Repealed effective October 1, 2016) Need-based financial aid

Each institution shall include in its six-year plan required by § 23-38.87:17 an institutional student financial aid commitment that, in conjunction with general funds appropriated for that purpose, provides assistance to students from both low-income and middle-income families. Each institution's six-year plan required by § 23-38.87:17 shall take into account the information and recommendations resulting from the review of federal and state financial aid programs and institutional practices conducted pursuant to subdivisions B 2 and C 1 of § 23-38.87:20. The definitions of "low-income family" and "middle-income family" shall be developed and reviewed pursuant to subdivision B 2 of § 23-38.87:20.

2011, cc. 828, 869.

§ 23-38.87:16. (Repealed effective October 1, 2016) Targeted economic and innovation incentives

A. The Governor shall consider and may recommend and the General Assembly shall consider and may fund targeted economic and innovation incentives to achieve the purposes of this chapter. Such incentives may include, but are not limited to:

1. Increased enrollment of Virginia students, in addition to the per student funding provided by § 23-38.87:14;

2. Increased degree completion for Virginia residents who have partial credit completion for a degree;

3. Increased degree completion in a timely or expedited manner;

4. Improved retention and graduation rates;

5. Increased degree production in the areas of science, technology, engineering, and mathematics and other high-need areas such as the health care-related professions;

6. Increased research, including regional and public-private collaboration;

7. Optimal year-round utilization of resources and other efficiency reforms designed to reduce total institutional cost;

8. Technology-enhanced instruction, including course redesign, online instruction, and resource sharing among institutions;

9. Enhanced community college transfer programs and grants and other enhanced degree path programs; and

10. Other incentives based on the economic opportunity metrics developed pursuant to subdivision B 4 of § 23-38.87:20.

Maintenance of effort initiatives shall also be considered for individual institutions with unique missions and demonstrable performance in specific incentive areas.

B. The criteria for measuring whether the incentives in subsection A have been met, and the benefits or consequences for meeting or not meeting such incentives, shall be developed and reviewed as provided in subdivisions B 3 and B 4 of § 23-38.87:20.

2011, cc. 828, 869.

§ 23-38.87:17. (Repealed effective October 1, 2016) Institutional six-year plans

A. The governing board of each public institution of higher education shall develop and adopt biennially and amend or affirm annually a six-year plan for the institution and shall submit that plan to the Council, the General Assembly, the Governor, and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and

Health, and the Senate Committee on Finance no later than July 1 of each odd-numbered year, and shall submit amendments to or an affirmation of that plan no later than July 1 of each even-numbered year or at any other time permitted by the Governor or General Assembly to the Council, the General Assembly, the Governor, and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance. Each such plan and amendment to or affirmation of such plan shall include a report of 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 set forth in Subchapter 3 (§ 23-38.91 et seq.) of Chapter 4.10, the areas that lag behind the Commonwealth in terms of income, employment, and other factors.

B. The Secretary of Finance, Secretary of Education, Director of the Department of Planning and Budget, Executive Director of the Council, Staff Director of the House Committee on Appropriations, and Staff Director of the Senate Committee on Finance, or their designees, shall review each institution's plan or amendments and provide comments to the institution on that plan by September 1 of the relevant year. Each institution shall respond to any such comments by October 1 of that year.

C. Each plan shall be structured in accordance with, and be consistent with, the purposes of this chapter set forth in § 23-38.87:10 and the criteria developed pursuant to § 23-38.87:20, and shall be in a form and manner prescribed by the Council, in consultation with the Secretary of Finance, Secretary of Education, Director of the Department of Planning and Budget, Executive Director of the Council, Staff Director of the House Committee on Appropriations, and Staff Director of the Senate Committee on Finance, or their designees.

D. Each plan shall address the institution's academic, financial, and enrollment plans, to include the number of Virginia and out-of-state students, for the six-year period and shall include:

1. Financial planning reflecting the institution's anticipated level of general fund, tuition, and other nongeneral fund support for each year of the next biennium. The plan also shall include the institution's anticipated annual tuition and educational and general fee charges required by (i) degree level and (ii) domiciliary status, as provided in § 23-38.87:18, and shall indicate the planned use of any projected increase in general fund, tuition, or other nongeneral fund revenues. The plan shall be based upon any assumptions provided by the Council, following consultation with the Department of Planning and Budget and the staffs of the House Committee on Appropriations and the Senate Committee on Finance, for funding related to state general fund support pursuant to §§ 23-38.87:13, 23-38.87:14, 23-38.87:15, and 23-38.87:16, and shall be aligned with the institution's six-year enrollment projections;

2. Plans for providing financial aid to help mitigate the impact of tuition and fee increases on low-income and middle-income students and their families as described in § 23-38.87:15, including the projected mix of grants and loans;

3. Degree conferral targets for Virginia undergraduate students;

4. Plans for optimal year-round use of the institution's facilities and instructional resources;

5. Plans for the development of an instructional resource sharing program with other institutions of higher education in the Commonwealth;

6. Plans with regard to any other incentives set forth in § 23-38.87:16 or to any other matters the institution deems appropriate; and

7. The identification of (i) new programs or initiatives including quality improvements and (ii) institution-specific funding based on particular state policies or institution-specific programs, or both, as provided in subsection C of § 23-38.87:18.

E. In developing such plans, each public institution of higher education shall give consideration to potential future impacts of tuition increases on the Virginia College Savings Plan (§ 23-38.75 et seq.) and shall discuss such potential impacts with the Virginia College Savings Plan. The chief executive officer of the Virginia College Savings Plan shall provide to each institution the Plan's assumptions underlying the contract pricing of the program.

2011, cc. 828, 869; 2016, c. 149.

§ 23-38.87:18. (Repealed effective October 1, 2016) Tuition and fees

A. The board of visitors of each of the Commonwealth's public institutions of higher education, or in the case of the Virginia Community College System the State Board for Community Colleges, shall continue to fix, revise from time to time, charge and collect tuition, fees, rates, rentals, and other charges for the services, goods, or facilities furnished by or on behalf of such institution and may adopt policies regarding any such service rendered or the use, occupancy, or operation of any such facility.

B. Except to the extent included in the institution's six-year plan as provided in subsection C, if the total of an institution's tuition and educational and general fees for a fiscal year for Virginia students exceeds the difference for that fiscal year between (i) the institution's cost of education for all students, as calculated pursuant to clause (i) of subsection B of § 23-38.87:13, and (ii) the sum of the tuition and educational and general fees for non-Virginia students, the state general funds appropriated for its basic operations and instruction pursuant to subsection A of § 23-38.87:13, and its per student funding provided pursuant to § 23-38.87:14, the institution shall forego new state funding at a level above the general funds received by the institution during the 2011-2012 fiscal year, at the discretion of the General Assembly, and shall be obligated to provide increased financial aid to maintain affordability for students from low-income and middle-income families. This limitation shall not apply to any portion of tuition and educational and general fees

for Virginia students allocated to student financial aid, to an institution's share of state-mandated salary or fringe benefit increases, to increases with funds other than state general funds for the improvement of faculty salary competitiveness above the level included in the calculation in clause (i) of subsection B of § 23-38.87:13, to the institution's share of any of the targeted financial incentives described in § 23-38.87:16, to unavoidable cost increases such as operation and maintenance for new facilities and utility rate increases, or to other items directly attributable to an institution's unique mission and contributions.

C. Nothing in subsection B shall prohibit an institution from including in its six-year plan required by § 23-38.87:17 (i) new programs or initiatives including quality improvements or (ii) institution-specific funding based on particular state policies or institution-specific programs, or both, that will cause the total of the institution's tuition and educational and general fees for a fiscal year for Virginia students to exceed the difference for that fiscal year between (a) the institution's cost of education for all students, as calculated pursuant to clause (i) of subsection B of § 23-38.87:13, and (b) the sum of the tuition and educational and general fees for the institution's non-Virginia students, the state general funds appropriated for its basic operations and instruction pursuant to subsection A of § 23-38.87:13, and its per student funding provided pursuant to § 23-38.87:14.

2011, cc. 828, 869.

§ 23-38.87:19. (Repealed effective October 1, 2016) Creation of STEM public-private partnership; duties and responsibilities

In order to increase the number of students completing degrees in the high-demand, high-impact fields of science, technology, engineering, and mathematics (STEM), and other high-demand, anticipated-shortage fields such as the health care-related professions, and to help develop and guide the implementation of a comprehensive plan for higher degree attainment in these fields, the Secretaries of Education and Finance, in cooperation with the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health, shall cause to be formed a public-private partnership comprised of private-sector leaders, distinguished representatives from the scientific community (including retired military personnel, government scientists, and researchers), educational experts, relevant state and local government officials, and others as they deem appropriate. The partnership shall advise on, and may collaborate with public and private entities to develop and implement strategies to address, such priority issues as (i) determining the need for additional high-demand degree enrollment, capacity, and resources at the Commonwealth's public and private institutions of higher education; (ii) incentivizing greater coordination, innovation, and private collaboration in kindergarten through secondary school STEM and other high-demand degree initiatives; (iii) determining and refining best practices in STEM instruction and leveraging those best practices to promote STEM education in both the Commonwealth's higher education institutions and its elementary and secondary schools; (iv) enhancing teacher education and professional development in STEM disciplines; (v) strengthening

mathematics readiness in secondary schools through earlier diagnosis and remediation of deficiencies; (vi) providing financial incentives to increase STEM enrollment and degree production at the Commonwealth's public and private colleges and universities; (vii) providing assistance to the Commonwealth's public and private colleges and universities in the acquisition and improvement of STEM-related facilities and equipment; (viii) providing STEM incentives in early college and university pathway programs and in the community college transfer grant program; (ix) assessing degree programs using such economic opportunity metrics as marketplace demand, earning potential, employer satisfaction, and other indicators of the historical and projected economic value and impact of degrees to provide useful information on degrees to students as they make career choices and to state policy makers and university decision makers as they decide how to allocate scarce resources; (x) aligning state higher education efforts with marketplace demands; and (xi) determining such other issues as the partnership deems relevant to increasing the number of students completing college and university degrees in STEM and other high-demand fields.

2011, cc. 828, 869.

§ 23-38.87:20. (Repealed effective October 1, 2016) Creation of Higher Education Advisory Committee; duties and responsibilities

A. The Secretary of Education, in consultation with the Chairs of the House Committee on Appropriations and the Senate Committee on Finance, the Secretary of Finance and the public institutions of higher education in the Commonwealth, shall convene a Higher Education Advisory Committee (Advisory Committee) to provide advice and make recommendations on the matters set forth in subsections B, C and D. The Advisory Committee shall consist of 10 members as follows: a representative of the Office of the Secretary of Education, to be appointed by the Secretary of Education, and who shall serve as chair of the Advisory Committee; a representative of the Office of the Secretary of Finance, to be appointed by the Secretary of Finance; a representative of the Council, to be appointed by the Chairman of the Council; the staff directors of the House Appropriations Committee and the Senate Finance Committee, or their designees; and the presidents or their designees of five public institutions of higher education, including two doctoral institutions, two comprehensive institutions, and one from the Virginia Community College System. The presidents of all of the public institutions of higher education shall select the institutions to be represented on the Advisory Committee, subject to the parameters set forth in this section. The Governor shall also appoint a representative from a private, nonprofit institution of higher education; however, such representative shall not provide advice or make recommendations concerning policies that solely impact public institutions of higher education. Both the Governor and the Advisory Committee may designate other persons to serve on the Advisory Committee, including but not limited to representatives of academic and instructional faculty or fiscal officers from state institutions of higher education.

B. Consistent with the objectives of this chapter identified in § 23-38.87:10, the Advisory Committee, in consultation with and with assistance from the staff of the Council and such other

assistance it may need, shall develop and review at least every five years, in consultation with the respective Chairs of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health, or their designees, representatives of public institutions of higher education in the Commonwealth, and such other state officials as may be designated by the Governor:

1. The methodology pursuant to subsection A of § 23-38.87:14 for determining how a significant increment of state funding shall follow the student to the two-year or four-year institution in which the student enrolls, how the amount of such per student funding for four-year institutions will be made to correspond as nearly as practical to the per student allocation envisioned under the then-existing appropriation for the Tuition Assistance Grant Act (§ 23-38.11 et seq.) for students attending private nonprofit higher education institutions in the Commonwealth, how and as of what date an institution's student enrollment shall be calculated, how an increase or decrease in Virginia undergraduate student enrollment above or below the enrollment level used to calculate the institution's funding under § 23-38.87:13 shall be reflected in the institution's appropriation pursuant to subsection A of § 23-38.87:14, and the standards and process for determining whether an increase or decrease in Virginia undergraduate student enrollment qualifies for funding under § 23-38.87:14;

2. Criteria for determining which families qualify as "low-income" and "middle-income" for purposes of § 23-38.87:15 and how they relate to federal, state and institutional policies governing the provision of financial assistance to students of such families;

3. Objective performance criteria for measuring the financial incentives set forth in § 23-38.87:16, and benefits or consequences for meeting or not meeting the incentives included in an institution's six-year plan pursuant to § 23-38.87:17;

4. Economic opportunity metrics, such as marketplace demand, earning potential, and employer satisfaction, and other indicators of the historical and projected economic value of degrees that can be used to assess degree programs in order to provide useful information on the economic impact of degrees to students as they make career choices and to state policy makers and university decision makers as they decide how to allocate scarce resources;

5. The additional authority that should be granted to all public institutions of higher education under the Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.), state goals and objectives each public institution of higher education should be expected to achieve, objective criteria for measuring educational-related performance with regard to those goals and objectives, and the benefits or consequences for meeting or not meeting those goals and objectives, including those set forth in § 2.2-5005; and

6. The role of nonpublic institutions in addressing the goals set forth in this chapter and make recommendations regarding such matters.

The Advisory Committee shall submit its recommendations to the Council, which shall review the recommendations and report its recommendations to the Governor and the Chairs of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health.

C. Consistent with the purposes of this chapter identified in § 23-38.87:10, the Advisory Committee, in consultation with and with assistance from the staff of the Council and such other assistance as it may need, shall review at least every five years, in consultation with the respective Chairs of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health, or their designees, representatives of public institutions of higher education in the Commonwealth, and such other state officials as may be designated by the Governor:

1. Federal and state financial aid programs and institutional practices to ensure that the appropriate level of financial assistance is being provided to both low-income and middle-income families, as required by § 23-38.87:15, including loan forgiveness programs targeted by purpose in furtherance of the objective of this chapter; and

2. The Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.) to identify additional ways to reduce costs and enhance efficiency by increasing managerial autonomy with accountability at the institutional level.

The Advisory Committee shall submit its recommendations to the Council, which shall review the recommendations and report its recommendations to the Governor and the Chairs of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health.

D. The Advisory Committee shall periodically assess, based upon the institutions' six-year plans and other relevant factors, the degree to which the Commonwealth's system of higher education is meeting the statewide objectives of economic impact, reform, affordability, and access reflected in this chapter, as well as the strategic impact of new general fund investments on achieving those objectives. The Advisory Committee shall submit its assessment and recommendations to the Council, which shall review the assessment and recommendations and report its recommendations to the Governor and the Chairs of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health.

E. In addition to providing advice and making recommendations on the matters set forth in subsections B, C and D, the Advisory Committee shall perform such other duties and undertake such other responsibilities as requested by the Governor or the General Assembly.

2011, cc. 828, 869.

§ 23-38.87:21. (Repealed effective October 1, 2016) Certification by Council

Upon the completion of the development of the objective criteria for measuring goals and objectives described in subdivision B 5 of § 23-38.87:20, and each year thereafter, the Council shall annually assess the degree to which each institution has satisfied any goals or criteria developed by the Higher Education Advisory Committee pursuant to § 23-38.87:20, and shall, by no later than October 1 of each fiscal year, provide a certified written report of the results of such annual assessment to the Governor and the Chairs of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health. In order to assist the Council in its assessment, each public institution, and each private nonprofit institution eligible for and seeking to qualify for state general funds, shall furnish periodic reports and other pertinent information, including student-level data, as may be required by the Council. The reports shall include, but not be limited to, copies of institutional financial aid audit reports and audited financial statements.

2011, cc. 828, 869.

Chapter 5 - COLLEGE OF WILLIAM AND MARY AND RICHARD BLAND COLLEGE

§ 23-39. (Repealed effective October 1, 2016) Corporate name

The board of visitors of the College of William and Mary in Virginia shall be a corporation under the style of "The College of William and Mary in Virginia."

Code 1919, § 936; 1960, c. 180; 1962, c. 69.

§ 23-40. (Repealed effective October 1, 2016) Property transferred to College of William and Mary and owned by State

All the real estate and personal property relating to the College of William and Mary in Virginia, in Williamsburg, or relating to the Richard Bland College in Petersburg now existing and standing in the name of the corporate body designated "The Colleges of William and Mary" and all real estate and personal property standing in the name of or heretofore exclusively used by the Virginia Institute of Marine Science shall be transferred to and be known and taken as standing in the name, and to be under the control of the corporate body designated "The College of William and Mary in Virginia." Such real estate and personal property shall be the property of the Commonwealth.

Code 1919, § 936; 1960, c. 180; 1962, cc. 69, 610; 1976, c. 21; 1979, c. 294.

§ 23-41. (Repealed effective October 1, 2016) Appointment of visitors generally; number and terms; vacancies

The board of visitors is to consist of 17 members to be appointed by the Governor, four of whom may be nonresidents of Virginia.

All appointments shall be for terms of four years each, except appointments to fill unexpired vacancies which shall be made by the Governor for the remainder of the unexpired terms.

However, the term of the member holding the office of Rector on March 1, 2005, shall be extended for one year to June 30, 2006. The Governor may make an appointment for the member whose term is so extended to June 30, 2006, as though this service extension had not been granted and the term had expired as scheduled.

The board of visitors may be expanded to no more than 18 members from July 1, 2005, to June 30, 2006. Thereafter, the membership shall revert to 17 members. Reappointment by the Governor of any member eligible for the service extension shall be for the term of four years.

No person shall be eligible to serve more than two consecutive four-year terms, except that a member may be appointed to a term of less than four years immediately prior to or between the four-year terms. For the purpose of determining service eligibility, any term of service extended to June 30 of the respective year pursuant to this section shall be treated as a four-year term. Hereafter, all appointments shall expire June 30 of the year in which the term expires.

All appointments are subject to confirmation by the General Assembly if in session when such appointments are made, and if not in session, at its next succeeding session.

Code 1919, § 935; 1938, p. 443; 1944, p. 401; 1945, p. 51; 1960, c. 180; 1962, c. 69; 1966, c. 14; 1974, c. 29; 1975, c. 484; 1992, c. 53; 2004, c. 695; 2005, c. 12.

§ 23-42. (Repealed effective October 1, 2016) Appointment of visitors from alumni

(a) The Governor may appoint visitors from a list of qualified persons submitted to him, before or after induction into office, by the alumni association of the College of William and Mary in Virginia, on or before the first day of December of any year next preceding a year in which the terms of any visitors will expire.

(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall certify this fact to the association and nominations may be submitted of qualified persons and the Governor may fill the vacancy, if his discretion so dictates, from among the eligible nominees of the association, whether or not alumni or alumnae.

(c) Every list shall contain at least three names for each vacancy to be filled.

(d) The Governor is not to be limited in his appointments to the persons so nominated.

Code 1919, § 935; 1938, p. 443; 1944, p. 402; 1945, p. 51; 1960, c. 180; 1962, c. 69.

§ 23-43. Repealed

Repealed by Acts 1975, c. 484.

§ 23-44. (Repealed effective October 1, 2016) Rights, powers and duties of board in general

The board of visitors shall be vested with all the rights and powers conferred by the provisions of this chapter and by the ancient royal charter of the College of William and Mary in Virginia, insofar as the same are not inconsistent with the provisions of this chapter and the general laws of the Commonwealth.

The board shall control and expend the funds of the colleges and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the colleges, and generally direct the affairs of the colleges.

Code 1919, §§ 935, 936; 1938, p. 444; 1944, p. 402; 1945, p. 52; 1960, c. 180.

§ 23-44.1. (Repealed effective October 1, 2016) Investment of endowment funds, endowment income, and gifts; standard of care; liability; exemption from the Virginia Public Procurement Act

A. The board of visitors shall invest and manage the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the College in accordance with this section and the provisions of the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

B. No member of the board of visitors shall be personally liable for losses suffered by an endowment fund, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the College, arising from investments made pursuant to the provisions of subsection A.

C. The investment and management of endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the College shall not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

D. In addition to the investment practices authorized by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board of visitors may also invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the College in derivatives, options, and financial securities.

1. In this section, "derivative" means a contract or financial instrument or a combination of contracts and financial instruments, including, without limitation, any contract commonly known as a "swap," which gives the College the right or obligation to deliver or receive delivery of, or make or receive payments based on, changes in the price, value, yield, or other characteristic of a tangible or intangible asset or group of assets, or changes in a rate, an index of prices or rates, or other market indicator for an asset or a group of assets.

2. In this section, an "option" means an agreement or contract whereby the College may grant or receive the right to purchase or sell, or pay or receive the value of, any personal property asset including, without limitation, any agreement or contract that relates to any security, contract, or agreement.

3. In this section, "financial security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest, collateral-trust certificate, preorganization certificate of subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, any put,

call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities (including any interest therein or based on the value thereof), or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency, or in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim security for, receipt for, guarantee of, or warrant or right to subscribe to or purchase any of the foregoing.

E. The authority as provided in this section as it relates to nongeneral fund reserves and balances of or held by the College is predicated upon an approved management agreement between the College and the Commonwealth of Virginia.

2009, cc. 737, 767.

§ 23-45. (Repealed effective October 1, 2016) Board may fix tuition, fees and other charges
The board of visitors may fix in their discretion, the rates charged the students of the colleges for tuition, fees and other necessary charges.

1922, p. 319; 1924, pp. 164, 208; Michie Code 1942, § 938a; 1960, c. 180.

§ 23-46. (Repealed effective October 1, 2016) Conferring of degrees
The board of visitors shall have the right to confer degrees.

Code 1919, § 936.

§ 23-47. (Repealed effective October 1, 2016) Courses for educating and training teachers to be maintained
The College shall maintain in connection with its courses a system of instruction and training for the purpose of educating and training teachers for the public schools of the Commonwealth.

Code 1919, § 934; 1960, c. 180; 1962, c. 69; 1972, c. 35.

§ 23-48. Repealed
Repealed by Acts 1960, c. 180.

§ 23-49. (Repealed effective October 1, 2016) Students
The College shall admit properly prepared men and women to its courses, and upon completion of the requirements shall grant them degrees.

1918, p. 424; Michie Code 1942, § 938b; 1960, c. 180; 1962, c. 69; 1972, c. 35.

§ 23-49.1. (Repealed effective October 1, 2016) Constituent colleges; administration, bylaws, titles, etc
A. The College of William and Mary in Virginia, in Williamsburg, and the Richard Bland College, in Petersburg shall be subject to the supervision, management and control of the board of visitors of the College of William and Mary in Virginia. Such colleges shall be separate from each other and each college shall report directly to the board of visitors through the president in the case of the

College of William and Mary in Virginia, and as the board of visitors may direct in the case of the Richard Bland College.

B. All property, property rights, duties, contracts and agreements of the colleges are vested in the board of visitors of the College of William and Mary in Virginia. The chief executive officer of the College of William and Mary in Virginia shall be the president; the title of the chief executive officer of the Richard Bland College shall be designated by the board of visitors. The board of visitors of the College of William and Mary in Virginia is charged with the care and preservation of all property belonging to the colleges. With respect to the Richard Bland College, the board of visitors shall have the same powers as to fixing tuitions, fees, and other charges, as to the appointment and removal of administrative officers, professors, agents and employees, and the making of rules and regulations, as are now vested in them with respect to the College of William and Mary in Virginia.

C. Appropriations directly and indirectly from the Commonwealth to the colleges shall be expended as directed by the board of visitors of the College of William and Mary in Virginia.

D. The board of visitors of the College of William and Mary in Virginia is authorized and directed to prepare the bylaws for the colleges and to publish the same and to define the functions of the colleges, and to specify the responsibilities of the chief executive officers, all professors, teachers and agents of the colleges, as the board may deem necessary.

E. The board of visitors of the College of William and Mary in Virginia shall designate the organizational channel of coordination and supervision of the Richard Bland College for administration by the board of visitors.

F. The use of the library of the College of William and Mary in Virginia, in Williamsburg, shall be granted to the students and faculty of Christopher Newport University.

G. The board of visitors of the College of William and Mary in Virginia shall make cooperative agreements with the board of visitors of Christopher Newport University for the sharing of faculty and of laboratory and other facilities.

1958, c. 15; 1960, cc. 56, 180; 1962, cc. 69, 610; 1966, cc. 14, 707; 1976, c. 21; 1992, c. 103.

§ 23-49.1:1. (Repealed effective October 1, 2016) Virginia Institute of Marine Science subject to board of visitors

The Virginia Institute of Marine Science shall be subject to the supervision, management and control of the board of visitors of the College of William and Mary in Virginia. The board of visitors shall provide for the administration of the Institute and shall appoint and remove its administrative and professional staff.

1979, c. 294.

Chapter 5.1 - RICHMOND PROFESSIONAL INSTITUTE [Repealed]

§§ 23-49.2 through 23-49.10. Repealed

Repealed by Acts 1968, c. 93.

Chapter 5.2 - OLD DOMINION UNIVERSITY

Article 1 - GENERAL PROVISIONS

§ 23-49.11. (Repealed effective October 1, 2016) Corporate name; powers; subject to control of General Assembly

The board of visitors of the Old Dominion University shall be a corporation under the style of "Old Dominion University," and shall have, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1; except in those cases where, by the express terms of the provisions thereof, it is confined to corporations created under such title; and shall also have the power to accept, execute and administer any trust in which it may have an interest under the terms creating the trust. The rector and visitors of Old Dominion University shall at all times be subject to the control of the General Assembly.

1962, c. 69; 1966, c. 18; 1974, c. 317.

§ 23-49.12. (Repealed effective October 1, 2016) Visitors empowered to choose title

"The board of visitors of Old Dominion University" is empowered to choose and maintain a distinctive and appropriate title, in addition to its other powers.

1962, c. 69; 1966, c. 18; 1974, c. 317.

§ 23-49.13. (Repealed effective October 1, 2016) Property transferred to visitors and owned by Commonwealth; gifts or bequests

All the real estate and personal property now existing and heretofore (before June 27, 1966) standing in the name of the corporate body designated "Norfolk College," located in Norfolk, and heretofore exclusively used by the Norfolk College, shall be transferred to and be known and taken as standing in the name, and to be under the control, of the corporate body designated "The Visitors of Old Dominion University." Such real estate and personal property shall be the property of the Commonwealth of Virginia.

Every gift, grant, devise or bequest heretofore or hereafter made to Old Dominion University, for any purpose or purposes, designated by the donor, the corporation is empowered to receive, take, hold and enjoy the same for the uses and purposes designated by the donor if he or she shall so designate, or for the general purposes of the corporation when the gift, grant, devise or bequest is not so designated, whether the same be given directly to the corporation, or to trustees for its benefit.

1962, c. 69; 1966, c. 18; 1974, c. 317.

§ 23-49.14. (Repealed effective October 1, 2016) Appointment of visitors generally; number and terms; vacancies; confirmation

(a) The board of visitors is to consist of seventeen members to be appointed by the Governor, three of whom may be nonresidents of the Commonwealth of Virginia and at least three of whom shall be alumni of Old Dominion University.

(b) Prior to July 1, 1980, the Governor shall appoint successors to the members whose terms expire in 1980 for terms of four years and four additional members, one for a term of one year, one for a term of two years, one for a term of three years and one for a term of four years. Annually thereafter, the Governor shall appoint members to fill vacancies caused by the expiration of terms for terms of four years.

(c) All vacancies, whether occasioned by failure to make an appointment within the sixty days preceding any regular expiration as required, or otherwise, are to be filled by the Governor for the unexpired term.

(d) All appointments are subject to confirmation by the General Assembly if in session when such appointments are made, and if not in session, then at its next succeeding session. Visitors shall continue to discharge their duties after their terms have expired until their successors have been appointed and have qualified.

1962, c. 69; 1966, c. 18; 1970, c. 624; 1980, c. 100.

§ 23-49.15. (Repealed effective October 1, 2016) Nominations for appointment to board of visitors

(a) The Governor may appoint visitors from a list of qualified persons submitted to him, by the alumni association of Old Dominion University, or its titular successor, on or before April 1 of any year in which the terms of any visitors will expire.

(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall certify this fact to the association and nominations may be submitted of qualified persons and the Governor may fill the vacancy, if his discretion so dictates, from among the eligible nominees of the association, whether or not alumni or alumnae.

(c) [Repealed.]

(d) The Governor is not to be limited in his appointments to the persons so nominated.

1962, c. 69; 1966, c. 18; 1974, c. 317; 1980, c. 100.

§ 23-49.16. (Repealed effective October 1, 2016) Visitor ineligible for more than two successive terms

No person shall be eligible to serve for or during more than two successive four-year terms.

1962, c. 69; 1966, c. 18; 1974, c. 317; 1980, c. 100; 2015, c. 560.

§ 23-49.17. (Repealed effective October 1, 2016) Rights, powers and duties of board in general; meetings; rector, vice-rector and secretary; executive committee

A. The board of visitors shall be vested with all the rights and powers conferred by the provisions of this chapter insofar as the same are not inconsistent with the provisions of this chapter and the general laws of the Commonwealth.

The board shall control and expend the funds of the University and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the University, appoint the president, who shall be its chief executive officer, and all professors, teachers, staff members and agents, and fix their salaries, and generally direct the affairs of the University.

B. The board of visitors shall meet at the University once a year, and at such other times as they shall determine, the days of meetings to be fixed by them. A majority of voting members shall constitute a quorum. At the first meeting after July 1, 1962, and every second year thereafter, they shall elect from their own body a rector, who shall preside at their meetings, a secretary and a vice-rector. In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and on the absence of all three, the board may appoint a pro tempore officer to preside. Any vacancies in the offices of rector, vice-rector or secretary may be filled by the board for the unexpired term. Special meetings of the board may be called by the rector or any three members. In either of such cases, notice of the time of meetings shall be given by the secretary to every member.

C. At every regular annual meeting of the board an executive committee of no fewer than five members may be appointed for the transaction of business in the recess of the board. The executive committee shall be the officers of the board and such other members as shall be appointed by the rector.

1962, c. 69; 1966, c. 18; 1974, c. 317; 1980, c. 100; 2002, c. 368.

§ 23-49.18. (Repealed effective October 1, 2016) Board may fix tuition, fees and other necessary charges

The board of visitors may fix, in their discretion, the rates charged the students of the University for tuition, fees and other necessary charges.

1962, c. 69; 1974, c. 317.

§ 23-49.19. (Repealed effective October 1, 2016) Right to confer degrees

The board of visitors shall have the right to confer degrees.

1962, c. 69.

§ 23-49.20. (Repealed effective October 1, 2016) Normal course to be maintained

The University may maintain in connection with its collegiate course, which shall be continued, a system of normal instruction and training for the purpose of educating and training teachers for the public free schools of the Commonwealth.

1962, c. 69; 1966, c. 18; 1974, c. 317.

§ 23-49.21. (Repealed effective October 1, 2016) Lease or sale of real estate

The rector and visitors of Old Dominion University, with the approval of the Governor first obtained, are hereby authorized to lease, sell and convey any and all real estate to which it has acquired title by gift, devise or purchase since the commencement of the University under any previous name or names, or which may hereafter be conveyed or devised to it. The proceeds derived from any such lease, sale or sales shall be held by said rector and visitors of Old Dominion University upon the identical trusts, and subject to the same uses, limitations and conditions, if any, that are expressed in the original deed or will under which its title was derived, or if there be no such trusts, uses, limitations or conditions expressed in such original deed or will, then said funds shall be applied by the rector and visitors of the University to such purposes as said board may deem best for the University.

1966, c. 18; 1968, c. 545; 1974, c. 317.

§ 23-49.22. Repealed
Repealed by Acts 1968, c. 545.

Article 2 - CENTER FOR GRADUATE AND UNDERGRADUATE STUDIES

§ 23-49.22:1. (Repealed effective October 1, 2016) Center for graduate and undergraduate studies authorized; executive director
A. In addition to such powers conferred by this chapter and Chapter 13.1 (§ 23-174.1 et seq.) of this title, the boards of visitors of Old Dominion University and Norfolk State University shall be empowered to jointly establish, from such funds as may be appropriated or received, and to supervise and control a center for graduate and undergraduate studies to serve the Cities of Chesapeake, Portsmouth, and Suffolk. The boards of visitors may enter into agreements for the sharing of faculty and equipment for the operation of the center.

B. The boards may appoint an executive director for the center, who shall perform the specific duties imposed by the boards of visitors and shall employ such personnel and contract for such services as may be required for the operation of the center.

1992, cc. 176, 436.

§ 23-49.22:2. (Repealed effective October 1, 2016) Administration
The boards of visitors of Old Dominion University and Norfolk State University shall have the same powers as to determining the fields of instruction to be offered; fixing tuition, fees, and other charges; appointing and removing administrative officers, professors, and agents; and the making of rules and regulations as are now vested in their respective boards. The boards shall have the power to grant appropriate diplomas or certificates upon the successful completion of the curriculum of the center.

1992, cc. 176, 436.

§ 23-49.22:3. (Repealed effective October 1, 2016) Curriculum

The curriculum offered by the center shall be limited to upper level undergraduate and graduate courses of instruction which are offered by Old Dominion University and Norfolk State University. The approval of the State Council of Higher Education shall be required for the addition of any new academic programs pursuant to § 23-9.6:1. In developing upper level undergraduate educational programs, the boards shall consider articulation agreements and course offerings at area community colleges to ensure the appropriate breadth and availability of coursework.

1992, cc. 176, 436.

§ 23-49.22:4. (Repealed effective October 1, 2016) Care, preservation, and acquisition of property; gifts and donations

The boards of visitors of Old Dominion University and Norfolk State University shall be charged with the care and preservation of all real and personal property belonging to the center. The boards are authorized to lease or acquire by gift or purchase a suitable site for the center and to accept and expend gifts and donations of any kind from individuals, firms, corporations, and organizations.

1992, cc. 176, 436.

Chapter 5.3 - CHRISTOPHER NEWPORT UNIVERSITY

§ 23-49.23. (Repealed effective October 1, 2016) Board of visitors a corporation and under control of General Assembly

There is hereby established a corporate body composed of the board of visitors of Christopher Newport University under the style "The Rector and Visitors of Christopher Newport University," hereafter referred to in this chapter as "the board" or "the board of visitors," which shall have, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of the provisions thereof, it is confined to corporations created under such title, and the board shall also have the power to accept, execute and administer any trust in which it may have an interest under the terms of the instrument creating the trust. Such corporation shall be subject at all times to the control of the General Assembly. The University shall be known as Christopher Newport University.

1976, c. 21; 1992, c. 103.

§ 23-49.24. (Repealed effective October 1, 2016) Transfer and control of certain property in Newport News

All real estate and personal property now existing and heretofore standing in the name and under the control of the corporate body designated "The College of William and Mary" that is located in Newport News and that was heretofore exclusively used by Christopher Newport University is hereby transferred to and shall be known and taken as standing in the name and under the control of the rector and visitors of Christopher Newport University. The term "control" shall include, without limitation, management, control, operation and maintenance. Such real estate and personal property shall be the property of the Commonwealth.

1976, c. 21; 1992, c. 103.

§ 23-49.25. (Repealed effective October 1, 2016) Appointments of visitors generally; terms
A. The board shall consist of 14 members appointed by the Governor, at least six of whom shall be alumni of Christopher Newport University.

Appointments shall be for terms of four years; however, appointments to fill vacancies occurring otherwise than by expiration of terms shall be for the unexpired terms.

B. All appointments of the Governor shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

1976, c. 21; 1978, c. 376; 1992, c. 103; 1995, c. 40; 2014, cc. 190, 597.

§ 23-49.26. (Repealed effective October 1, 2016) Eligibility to serve for more than two terms
No person shall be eligible to serve on the board of visitors for or during more than two successive four-year terms; but after the expiration of a term of two years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, a member may serve two additional four-year terms if appointed thereto.

1976, c. 21.

§ 23-49.27. Repealed
Repealed by Acts 2015, c. 560, cl. 2.

§ 23-49.28. (Repealed effective October 1, 2016) Powers and duties of visitors generally; meetings; rector, secretary and vice-rector; executive committee
A. The board of visitors shall be vested with all the rights and powers conferred by the provisions of this title insofar as the same are not inconsistent with the provisions of this chapter and the general laws of the Commonwealth.

The board shall control and expend the funds of the University and any appropriation hereafter provided; make all needful rules and regulations concerning the University; appoint the president, who shall be its chief executive officer, and all teachers; fix their salaries; provide for the employment of other personnel as required; and generally direct the affairs of the University.

B. The board of visitors shall meet at the University at least four times a year and at such other times as it shall determine, the days of meetings to be fixed by the board. Seven members shall constitute a quorum. At the first meeting after July 1 in every even-numbered year, the board shall elect from its membership a rector, who shall preside at meetings, a secretary and a vice-rector. In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and in the absence of all three, the board may appoint a pro tempore officer to preside. Any vacancies in the offices of rector, vice-rector or secretary may be filled by the board for the unexpired term. Special meetings of the board may be called by the rector or any three members. In either of such cases, notice of the time of meetings shall be given by the secretary to every member.

C. At every regular annual meeting of the board, the board may appoint an executive committee for the transaction of business in the recess of the board, to serve for a period of one year or until the next regular annual meeting.

1976, c. 21; 1978, c. 376; 1990, c. 106; 1992, c. 103.

§ 23-49.29. (Repealed effective October 1, 2016) Rates, fees and charges

The board may fix, in its discretion, the rates charged the students of the University for tuition, fees and other necessary charges.

1976, c. 21; 1992, c. 103.

§ 23-49.30. (Repealed effective October 1, 2016) Degrees

The board shall have the right to confer degrees.

1976, c. 21.

§ 23-49.31. (Repealed effective October 1, 2016) Curriculum

The existing collegiate curriculum of the University shall be continued; however, the board may make such alterations therein as it shall from time to time deem necessary.

1976, c. 21; 1992, c. 103.

§ 23-49.32. (Repealed effective October 1, 2016) Sale, etc., of real estate

The rector and visitors of Christopher Newport University, with the approval of the Governor first obtained, are hereby authorized to lease, sell and convey any and all real estate to which it has acquired title by gift, devise or purchase since the commencement of the University under any previous names, or which may hereafter be conveyed or devised to it. The proceeds derived from any such lease, sale or conveyance shall be held by the rector and the visitors of Christopher Newport University, upon identical trusts, and subject to the same uses, limitations and conditions, if any, that are expressed in the original deed or will under which its title was derived; or if there be no such trusts, uses, limitations or conditions expressed in such original deed or will, then such funds shall be applied by the rector and visitors of the University to such purposes as the board may deem best for the University.

1976, c. 21; 1992, c. 103.

§ 23-49.33. (Repealed effective October 1, 2016) Use of library; sharing of faculty and facilities with College of William and Mary

A. Use of the library of the University shall be granted to students and faculty of the College of William and Mary in Virginia.

B. The board of visitors shall make cooperative agreements with the board of visitors of the College of William and Mary in Virginia for the sharing of faculty and of laboratory and other facilities.

1976, c. 21; 1992, c. 103.

Chapter 6 - MEDICAL COLLEGE OF VIRGINIA [Repealed]

§§ 23-50 through 23-50.3. Repealed
Repealed by Acts 1968, c. 93.

Chapter 6.1 - VIRGINIA COMMONWEALTH UNIVERSITY

§ 23-50.4. (Repealed effective October 1, 2016) Corporation established
There is hereby established a corporation consisting of the board of visitors of the Virginia Commonwealth University under the style of "Virginia Commonwealth University," and shall at all times be under the control of the General Assembly.

1968, c. 93.

§ 23-50.5. (Repealed effective October 1, 2016) Transfer of property, rights, duties, etc., of Medical College of Virginia and Richmond Professional Institute
All real estate and personal property existing and standing in the name of the corporate bodies designated "Medical College of Virginia" and "Richmond Professional Institute" as of July 1, 1968, shall be transferred automatically to and, by virtue of this chapter, shall be known and taken as standing in the name and to be under the control of the corporate body designated "Virginia Commonwealth University." Such real estate and personal property shall be the property of the Commonwealth. All rights, duties, contracts and agreements of the Medical College of Virginia and Richmond Professional Institute as of July 1, 1968, are hereby vested in such corporate body designated "Virginia Commonwealth University," which shall thenceforth be responsible and liable for all the liabilities and obligations of each of the predecessor institutions.

1968, c. 93.

§ 23-50.6. (Repealed effective October 1, 2016) Appointment, terms, etc., of board of visitors; boards of predecessor institutions to serve as advisory boards
(a) The board of visitors is to consist of sixteen members to be appointed by the Governor for four-year terms except that vacancies other than by expiration of term shall be filled as provided in subsection (d) and except that the initial term of the member appointed to increase the board of visitors to sixteen members shall be three years.

(b) [Repealed.]

(c) Members shall be eligible for service for two consecutive terms of four years only (exclusive of that portion of any unexpired term or any term on the board of less than four years to which he may have been appointed).

(d) All vacancies shall be filled by the Governor for the unexpired terms.

(e) All appointments are subject to confirmation by the General Assembly if in session when such appointments are made, and if not in session, at its next succeeding session. Visitors shall con-

tinue to discharge their duties after their terms have expired until their successors have been appointed and have qualified.

(f), (g) [Repealed.]

1968, c. 93; 1972, c. 51; 1981, c. 225.

§ 23-50.7. (Repealed effective October 1, 2016) Purpose of corporation; redesignation of Medical College of Virginia

The corporation is formed for the purpose of establishing and maintaining a university consisting of colleges, schools and divisions offering undergraduate and graduate programs in the liberal arts and sciences and programs of education for the professions and such other branches of learning as may be appropriate, and in connection therewith, it is empowered to maintain and conduct hospitals, infirmaries, dispensaries, laboratories, research centers, power plants and such other necessary related facilities as in the opinion of the board of visitors are deemed proper. The colleges, schools, and divisions heretofore existing as The Medical College of Virginia shall, as of July 1, 1968, be designated The Medical College of Virginia, Health Sciences Division of Virginia Commonwealth University.

1968, c. 93.

§ 23-50.8. (Repealed effective October 1, 2016) Rights, powers and privileges of corporation generally

The corporation is vested with all the rights, powers and privileges conferred upon and subject to all the provisions relating to similar corporations under the laws of this Commonwealth so far as they are applicable and shall have, in addition to those other powers, all the corporate powers given to nonstock corporations by the provisions of Chapter 10 (§ 13.1-801 et seq.) of Title 13.1, except in those cases where by the express terms of the provisions thereof it is confined to corporations created under Title 13.1. The corporation shall also have the power to take, hold, receive and enjoy any gift, grant, devise or bequest to Virginia Commonwealth University or its predecessors, the same to be held for the uses and purposes designated by the donor, if any, or if not so designated, for the general purposes of the corporation, whether given directly or indirectly; and to accept, execute and administer any trust in which it may have an interest under the terms of the instrument creating the trust. The corporation shall control and expend the funds appropriated to it by the Commonwealth provided by law.

1968, c. 93.

§ 23-50.9. (Repealed effective October 1, 2016) Principal office of corporation; meetings, etc., and officers of board of visitors; executive committee

(a) The principal office of the corporation shall be located, and all meetings of the board of visitors held, as far as practicable, in the City of Richmond. The board shall fix the date for its annual meeting and such other meetings as it may deem advisable. Due notice of all meetings shall be given to each visitor. A majority of the members serving at any time shall constitute a quorum. Such

reasonable expenses as the visitors may incur in the discharge of their duties shall be paid out of the funds of the University.

(b) The board shall elect from its members a rector, a vice-rector, a secretary and such other officers as it deems necessary or advisable, and prescribe their duties, term of office, and fix their compensation if any. The board shall also designate an executive committee, determine the number of members thereof and the number which shall constitute a quorum; such executive committee shall perform all the duties as are delegated to it by the board.

1968, c. 93.

§ 23-50.10. (Repealed effective October 1, 2016) Rights and powers of board generally; appointment, etc., of president, faculty and staff; rules and regulations

The board of visitors shall be vested with all the rights and powers conferred upon it by this chapter insofar as the same are not inconsistent with the general laws of the Commonwealth.

The board shall appoint the president, who shall be the chief executive officer of the University, and all professors, teachers, staff members and agents, and shall fix their salaries and shall prescribe their duties.

The board shall make all rules and regulations it deems advisable concerning the University and shall generally direct the affairs and business of the University.

1968, c. 93.

§ 23-50.10:01. (Repealed effective October 1, 2016) Investment of endowment funds, endowment income, and gifts; standard of care; liability; exemption from the Virginia Public Procurement Act

A. The board of visitors shall invest and manage the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in accordance with this section and the provisions of the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

B. No member of the board of visitors shall be personally liable for losses suffered by an endowment fund, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the University, arising from investments made pursuant to the provisions of subsection A.

C. The investment and management of endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the University shall not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

D. In addition to the investment practices authorized by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board of visitors may also invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in derivatives, options, and financial securities.

1. In this section, "derivative" means a contract or financial instrument or a combination of contracts and financial instruments, including, without limitation, any contract commonly known as a "swap," which gives the University the right or obligation to deliver or receive delivery of, or make or receive payments based on, changes in the price, value, yield or other characteristic of a tangible or intangible asset or group of assets, or changes in a rate, an index of prices or rates, or other market indicator for an asset or a group of assets.

2. In this section, an "option" means an agreement or contract whereby the University may grant or receive the right to purchase or sell, or pay or receive the value of, any personal property asset including, without limitation, any agreement or contract that relates to any security, contract, or agreement.

3. In this section, "financial security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest, collateral-trust certificate, preorganization certificate of subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities (including any interest therein or based on the value thereof), or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency, or in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim security for, receipt for, guarantee of, or warrant or right to subscribe to or purchase any of the foregoing.

E. The authority as provided in this section as it relates to nongeneral fund reserves and balances of or held by the University is predicated upon an approved management agreement between the University and the Commonwealth of Virginia.

2009, cc. 737, 767.

§ 23-50.11. (Repealed effective October 1, 2016) Tuition, fees and other charges

The board may fix the rates charged the students of the University for tuition, fees and other necessary charges, and may fix and collect fees and charges for services rendered by or through any facilities maintained or conducted by the corporation.

1968, c. 93; 1996, cc. 905, 1046.

§ 23-50.12. (Repealed effective October 1, 2016) Degrees

The board of visitors shall have the right to confer all degrees heretofore conferred by the Medical College of Virginia and the Richmond Professional Institute and such other degrees including honorary degrees as it may deem proper.

1968, c. 93.

§ 23-50.13. (Repealed effective October 1, 2016) Conveyance of real property and interests therein

The board of visitors of Virginia Commonwealth University, with the approval of the Governor first obtained, is hereby authorized to sell and convey any and all real estate or interests therein including easements for roads, streets, sewers, water lines, electric and other utility lines or other purposes to which it has acquired title by gift, devise or purchase. The proceeds derived from any such sale or sales shall be held by the University upon the identical trusts, and subject to the same uses, limitations and conditions, if any, that are expressed in the original instrument under which its title was derived, or if there be no such trusts, uses, limitations or conditions expressed in such original instrument, then such funds shall be applied by the board to such purposes as it may deem best for the University.

1968, c. 93.

§ 23-50.14. (Repealed effective October 1, 2016) Process or notice

Process against or notice to the corporation may be served only in the City of Richmond upon the rector, vice-rector, or secretary of the board, or upon the president of Virginia Commonwealth University.

1968, c. 93.

§ 23-50.15. (Repealed effective October 1, 2016) Virginia Center on Aging

Chapter 170 of the Acts of 1978, relating to the Virginia Center on Aging at Virginia Commonwealth University, is incorporated in this Code by this reference.

§ 23-50.15:1. Expired

Expired.

§ 23-50.16. (Repealed effective October 1, 2016) Operations of Medical Center

A. In enacting this section, the General Assembly recognizes that the ability of Virginia Commonwealth University to provide medical and health sciences education and related research is dependent upon the maintenance of high-quality teaching hospitals and related health care and health maintenance facilities, collectively referred to in this section as the Medical Center, and that the maintenance of a medical center serving such purposes requires specialized management and operation that permit the Medical Center to remain economically viable and to participate in cooperative arrangements reflective of changes in health care delivery.

B. Without limiting the powers provided in §§ 23-50.8 and 23-50.10, Virginia Commonwealth University may create, own in whole or in part or otherwise control corporations, partnerships, insurers or other entities whose activities will promote the operations of the Medical Center and its mission, may cooperate or enter into joint ventures with such entities and government bodies and may enter into contracts in connection therewith. Without limiting the power of Virginia Commonwealth University to issue bonds, notes, guarantees, or other evidence of indebtedness under subsection C in connection with such activities, no such creation, ownership or control shall create any responsibility of the University, the Commonwealth or any other agency thereof for the operations or obligations of any entity or in any way make the University, the Commonwealth, or

any other agency thereof responsible for the payment of debt or other obligations of such entity. All such interests shall be reflected on the financial statements of the Medical Center.

C. Notwithstanding the provisions of Chapter 3 (§ 23-14 et seq.) of this title, Virginia Commonwealth University may issue bonds, notes, guarantees, or other evidence of indebtedness without the approval of any other governmental body subject to the following provisions:

1. Such debt is used solely for the purpose of paying not more than fifty percent of the cost of capital improvements in connection with the operation of the Medical Center or related issuance costs, reserve funds, and other financing expenses, including interest during construction or acquisition and for up to one year thereafter;

2. The only revenues of the University pledged to the payment of such debt are those derived from the operation of the Medical Center and related health care and educational activities, and there are pledged therefor no general fund appropriation and special Medicaid disproportionate share payments for indigent and medically indigent patients who are not eligible for the Virginia Medicaid Program;

3. Such debt states that it does not constitute a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth;

4. Such debt is not sold to the public;

5. The total principal amount of such debt outstanding at any one time does not exceed twenty-five million dollars;

6. The Treasury Board has approved the terms and structure of such debt;

7. The purpose, terms, and structure of such debt are promptly communicated to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees; and

8. All such indebtedness is reflected on the financial statements of the Medical Center.

Subject to meeting the conditions set forth above, such debt may be in such form and have such terms as the board of visitors may provide and shall be in all respects debt of the University for the purposes of §§ 23-23, 23-25, and 23-26.

1994, c. 621.

§ 23-50.16:01. (Repealed effective October 1, 2016) Virginia Commonwealth University School of Medicine-Northern Virginia Division; authority to create

The board of visitors of Virginia Commonwealth University is authorized to establish the Virginia Commonwealth University School of Medicine-Northern Virginia Division, hereinafter referred to as the Division. If established, the Division shall be operated with areas of program and service emphasis as may be approved by the State Council of Higher Education for Virginia pursuant to subdivision 7 of § 23-9.6:1.

The board of visitors shall have the same powers with respect to the operation of the Division as are vested in the board regarding Virginia Commonwealth University pursuant to this chapter.

2002, c. 694.

Chapter 6.2 - VIRGINIA COMMONWEALTH UNIVERSITY HEALTH SYSTEM AUTHORITY

§ 23-50.16:1. (Repealed effective October 1, 2016) Short title
This chapter shall be known and may be cited as the "Virginia Commonwealth University Health System Authority Act."

1996, cc. 905, 1046; 2000, c. 720.

§ 23-50.16:2. (Repealed effective October 1, 2016) Findings and declaration of necessity
The General Assembly finds that:

1. Provision of health care, including indigent care, is an essential governmental function protecting and promoting the health and welfare of the citizens of the Commonwealth;

2. Education of medical and health sciences professionals and the performance of medical and related research are essential to promote such health care;

3. Teaching hospitals and related facilities of high quality are essential both to provide high levels of health care and to promote medical and health sciences education, because such hospitals and related facilities (i) provide facilities necessary to train physicians and other health sciences professionals, (ii) provide medical services not generally available at other hospitals, and (iii) treat patients of the type and on the scale necessary to facilitate medical research and to attract physicians, faculty members, researchers and other persons necessary to maintain quality medical and health sciences education;

4. The missions of the Medical College of Virginia Hospitals are to (i) serve as a general hospital and health care facility, (ii) facilitate and support the health education, research and public service activities of the Health Sciences Schools of the Medical College of Virginia, Health Sciences Division of Virginia Commonwealth University, (iii) provide high quality patient care and other specialized health services not widely available in the Commonwealth, including the provision of medical care to indigent patients, (iv) serve as the principal teaching and training hospital for undergraduate and graduate students of the Schools of the Health Sciences Division of Virginia Commonwealth University, and (v) provide a site for faculty members of the Health Sciences Division of Virginia Commonwealth University to conduct medical and biomedical research, all of which missions constitute essential governmental functions for protecting and promoting the health and welfare of the citizens of the Commonwealth;

5. Such hospital, health care and related facilities require specialized management and operation to remain economically viable, to earn revenues necessary for their operation, and to engage in

arrangements with public and private entities and other activities, taking into account changes that have occurred or may occur in the future in the provision of health care and related services; and

6. The needs of the citizens of the Commonwealth and the needs of the Health Sciences Division of Virginia Commonwealth University will best be served if the Medical College of Virginia Hospitals are transferred to and operated by an independent public authority charged with the missions of operating such Hospitals as teaching hospitals for the benefit of the Schools of the Health Sciences Division of Virginia Commonwealth University, providing high quality patient care, and providing a site for medical and biomedical research, all in close affiliation with the Health Sciences Division of Virginia Commonwealth University so that the public authority does not duplicate or compete with the undergraduate and graduate programs, research, training and teaching facilities offered at or operated by the University.

The exercise of the powers permitted by this chapter shall be deemed the performance of essential governmental functions and matters of public necessity for the entire Commonwealth in the provision of health care, medical and health sciences education and research, for which public moneys may be borrowed, loaned, spent or otherwise utilized and for which private property may be utilized or acquired.

1996, cc. 905, 1046.

§ 23-50.16:3. (Repealed effective October 1, 2016) Authority created; purposes

A. There is hereby created as a public body corporate and as a political subdivision of the Commonwealth, the Virginia Commonwealth University Health System Authority, referred to in this chapter as the Authority, with such public and corporate powers as are set forth in this chapter. The Authority is hereby constituted a public instrumentality, exercising public and essential governmental functions with the power and purpose to provide for the health, welfare, convenience, knowledge, benefit and prosperity of the residents of the Commonwealth and such other persons who might be served by the Authority by delivering and supporting the delivery of medical care and related services to such residents and persons, by providing educational opportunities in the medical field and related disciplines, by conducting and facilitating research in the medical field and related disciplines, and by enhancing the delivery of health care and related services to the Commonwealth's indigent population.

B. The Authority is authorized to provide, promote, support and sponsor education, public knowledge and scientific research in medicine, public health and related fields; to administer programs to assist in the delivery of medical and related services to the citizens of the Commonwealth and others; and to participate in and administer federal, state and local programs affecting, supporting or carrying out any of its purposes. The Authority is further authorized to exercise independently the powers conferred by this chapter in furtherance of its corporate and public purposes, and the Authority is directed to undertake the operation of teaching hospitals and related facilities and to

maintain and, as appropriate, to expand the same, all for the benefit of the Commonwealth, its citizens and such other persons who might be served by the Authority.

1996, cc. 905, 1046; 2000, c. 720.

§ 23-50.16:4. (Repealed effective October 1, 2016) Definitions

As used in this chapter, the following terms have the following meanings, unless the context requires otherwise:

"Authority" means the Virginia Commonwealth University Health System Authority.

"Board" means the Board of Directors of the Authority.

"Bonds" means bonds, notes, revenue certificates, lease participation certificates or other evidences of indebtedness or deferred purchase financing arrangements.

"Costs" means costs of construction, reconstruction, renovation, site work and acquisition of lands, structures, rights-of-way, franchises, easements and other property rights and interests; costs of demolition, removal or relocation of buildings or structures; costs of labor, materials, machinery and all other kinds of equipment; financing charges; costs of engineering and inspections; costs of financial, legal and accounting services; costs of plans, specifications, studies, and surveys; estimates of costs and of revenues; feasibility studies and administrative expenses, including administrative expenses during the start-up of any project; costs of issuance of bonds, including printing, engraving, advertising, legal and other similar expenses; credit enhancement and liquidity facility fees; fees for interest rate caps, collars, swaps or other financial derivative products; interest on bonds in connection with a project prior to and during construction or acquisition thereof and for a period not exceeding one year thereafter; provisions for working capital to be used in connection with any project; redemption premiums, obligations purchased to provide for the payment of bonds being refunded and other costs necessary or incident to refunding of bonds; operating and maintenance reserve funds, debt reserve funds and other reserves for the payment of principal and interest on bonds; and all other expenses necessary, desirable or incidental to the operation of the Authority's facilities or the construction, reconstruction, renovation, acquisition or financing of projects or other facilities or equipment appropriate for carrying out the purposes of this chapter and the placing of the same in operation; or the refunding of bonds.

"Chief executive officer" means the chief executive officer of the Virginia Commonwealth University Health System Authority.

"Hospital facilities" means all property or rights in property, real and personal, tangible and intangible, including all facilities suitable for providing hospital and health care services and including any and all structures, buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in land, furnishings, landscaping, approaches, roadways and other related and supporting facilities, now or hereafter owned, leased, operated or used, in whole or in part, by

Virginia Commonwealth University as part of, or in connection with, the Medical College of Virginia Hospitals in the normal course of its operations as a teaching, research and medical treatment facility.

"Hospital obligations" means all debts or other obligations, contingent or certain, owing to any person or other entity on the transfer date, arising out of the operation of the Medical College of Virginia Hospitals as a medical treatment facility or arising out of the financing or refinancing of hospital facilities, and including all bonds and other debts for the purchase of goods and services, whether or not delivered, and obligations for the delivery of services, whether or not performed.

"Project" means any health care, research or educational facility or equipment necessary or convenient to or consistent with the purposes of the Authority, whether or not owned by the Authority, including, without limitation, hospitals; nursing homes; continuing care facilities; self-care facilities; wellness and health maintenance centers; medical office facilities; clinics; out-patient clinics; surgical centers; alcohol, substance abuse, and drug treatment centers; laboratories; sanitariums; hospices; facilities for the residence or care of the elderly, the handicapped, or the chronically ill; residential facilities for nurses, interns, and physicians; other kinds of facilities for the treatment of sick, disturbed, or infirm persons or the prevention of disease or maintenance of health; colleges, schools or divisions offering undergraduate or graduate programs for the health professions and sciences and such other branches of learning as may be appropriate, together with research, training, and teaching facilities; all related and supporting facilities and equipment necessary or desirable in connection therewith or incidental thereto; or equipment alone, including, without limitation, parking, kitchen, laundry, laboratory, wellness, pharmaceutical, administrative, communications, computer, and recreational facilities; power plants and equipment; storage space; mobile medical facilities; vehicles; air transport equipment and other equipment necessary or desirable for the transportation of medical equipment, medical personnel or patients; and all lands, buildings, improvements, approaches and appurtenances necessary or desirable in connection with or incidental to any project.

"Transfer date" means a date or dates agreed to by the Board of Visitors of Virginia Commonwealth University and the Authority for the transfer of employees to the Authority and for the transfer of hospital facilities, or any parts thereof, to and the assumption, directly or indirectly, of hospital obligations by the Authority, which dates for the various transfers and the various assumptions may be different, but in no event shall any date be later than June 30, 1997.

"University" means Virginia Commonwealth University.

1996, cc. 905, 1046; 2000, c. 720.

§ 23-50.16:5. (Repealed effective October 1, 2016) Board of Directors; appointment; officers; employees

A. The Authority shall be governed by a Board of Directors consisting of 21 members as follows: six nonlegislative citizen members, including two physician-faculty members, to be appointed by

the Governor; five members, including two physician-faculty members, to be appointed by the Speaker of the House of Delegates; three members, including one physician-faculty member, to be appointed by the Senate Committee on Rules; five nonlegislative citizen members of the Board of Visitors of Virginia Commonwealth University, to be appointed by the Rector, all of whom shall also be members of the Board of Visitors of the University at all times while serving on the Board; the President of the University and the Vice-President for Health Sciences of the University, or the person who holds such other title as subsequently may be established by the Board of Visitors of the University for the chief academic and administrative officer for the Health Sciences Campus of the University, both of whom shall serve as ex officio voting members during their respective terms of office.

The five physician-faculty members shall be faculty members of Virginia Commonwealth University with hospital privileges at Medical College of Virginia Hospitals at all times while serving on the Board.

After the initial staggering of terms, all appointments shall be for terms of three years each, except appointments to fill unexpired vacancies which shall be made for the remainder of the unexpired terms.

The Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules shall appoint faculty physicians after consideration of the names from lists submitted by the faculty physicians of the School of Medicine of Virginia Commonwealth University through the Vice-President for Health Sciences of the University. The list shall contain not less than two names for each expired or unexpired vacancy that occurs.

No person shall be eligible to serve more than two consecutive full three-year terms as an appointed member, but after the expiration of a term of two years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, or after one year following the expiration of a second full three-year term, two additional three-year terms may be served by a member if so appointed. The terms of members serving by virtue of their office shall expire upon termination of their holding such office. All members shall continue to hold office until their successors have been appointed and have qualified.

All appointed members, other than those who are members of the Board of Visitors, shall have demonstrated experience or expertise in business, health-care management or legal affairs. Immediately after their appointments, members shall enter upon the performance of their duties. The Board members appointed from the Board of Visitors and the ex officio members shall not vote on matters that shall require them to breach their fiduciary duties to the University or to the Authority.

B. All appointments, including the initial appointments to the Board and appointments to fill vacancies, are subject to confirmation by the affirmative vote of a majority of those voting in each house of the General Assembly if in session when such appointments are made and, if not in

session, at its first regular session subsequent to such appointment. Any member whose nomination is subject to confirmation during a regular session of the General Assembly shall be deemed terminated when the General Assembly rejects the nomination or when it adjourns without confirming the nomination, whichever is earlier. No such termination shall affect the validity of any action taken by such member prior to such termination.

C. A Board member may be removed for malfeasance, misfeasance, incompetence or gross neglect of duty by the individual or entity that appointed him or, if such appointing individual no longer holds the office creating the right of appointment, by the current holder of that office.

D. The President of the University shall serve as the chairman of the Board of Directors. The Board of Directors of the Authority shall elect annually a vice-chairman from among its membership. The Board shall also elect a secretary and treasurer and such assistant secretaries and assistant treasurers as the Board may authorize for terms determined by the Board, each of whom may or may not be a member of the Board. The same person may serve as both secretary and treasurer. The Board may also appoint an executive committee and other standing or special committees and prescribe their duties and powers, and any executive committee may exercise all such powers and duties of the Board under this chapter as the Board may delegate.

E. The Board may provide for the appointment, employment, term, compensation, and removal of a director, officers, employees and agents of the Authority, including engineers, consultants, lawyers and accountants as the Board deems appropriate.

F. The Board shall meet at least four times each year and may hold such special meetings as it deems appropriate. The Board may adopt, amend and repeal such rules, regulations, procedures and bylaws, not contrary to law or inconsistent with this chapter, as it deems expedient for its own governance and for the governance and management of the Authority. A majority of the Board shall constitute a quorum for meetings, and the Board may act by a majority of those present at any meeting.

G. Legislative board members shall be entitled to such compensation as provided § 30-19.12 and nonlegislative citizen board members shall be entitled to such compensation as provided in § 2.2-2813 for their services. All members shall be entitled to reimbursement for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

H. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall apply to the members of the Board and the employees of the Authority.

1996, cc. 905, 1046; 1998, c. 449; 2000, c. 720; 2004, c. 1000; 2014, cc. 3, 456.

§ 23-50.16:6. (Repealed effective October 1, 2016) Powers generally

The Authority shall have all the powers necessary or convenient to carry out the purposes and provisions of this chapter, including, without limitation, the following powers:

1. To sue and be sued in its own name.

2. To have and alter an official seal.

3. To have perpetual duration and succession in its name.

4. To locate and maintain offices at such places as it may designate.

5. To make and execute contracts, guarantees or any other instruments and agreements necessary or convenient for the exercise of its powers and functions including, without limitation, to make and execute contracts with hospitals or health-care businesses to operate and manage any or all of the hospital facilities or operations, and to incur liabilities and secure the obligations of any entity or individual.

6. To conduct or engage in any lawful business, activity, effort or project consistent with the Authority's purposes or necessary or convenient to exercise its powers.

7. To exercise, in addition to its other powers, all powers that are granted to corporations by the provisions of Title 13.1 or similar provisions of any successor law, except in those cases where, by the express terms of the provisions thereof, the power is confined to corporations created under such title, and that are not inconsistent with the purposes and intent of this chapter or the limitations included in this chapter.

8. To accept, hold and enjoy any gift, devise or bequest to the Authority or its predecessors, the same to be held for the uses and purposes designated by the donor, if any, or if not so designated, for the general purposes of the Authority, whether given directly or indirectly; and to accept, execute and administer any trust or endowment fund in which it has or may have an interest under the terms of the instrument creating the trust or endowment fund.

9. To borrow money and issue bonds as provided in this chapter and to purchase such bonds.

10. To seek financing from, incur or assume indebtedness to and enter into contractual commitments with, the Virginia Public Building Authority and the Virginia College Building Authority, which authorities are authorized to borrow money and make and issue negotiable notes, bonds and other evidences of indebtedness to provide such financing relating to the hospital facilities or any project.

11. To seek financing from, incur or assume indebtedness to, and enter into contractual commitments with the Commonwealth of Virginia as otherwise provided by law relating to the hospital facilities or any project.

12. To procure such insurance, participate in such insurance plans and/or provide such self-insurance as it deems necessary or convenient to carry out the purposes and provisions of this chapter. The purchase of insurance, participation in an insurance plan, or creation of a self-insurance plan

by the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Authority or its officers, directors, employees, or agents are otherwise entitled.

13. To develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2.

14. To develop policies and procedures generally applicable to the procurement of goods, services and construction, based upon competitive principles.

1996, cc. 905, 1046.

§ 23-50.16:7. (Repealed effective October 1, 2016) Appointment, salary and powers of the Chief Executive Officer

A. The Authority shall be under the immediate supervision and direction of a Chief Executive Officer, subject to the policies and direction established by the Board. The Chief Executive Officer shall be the person who holds the title of Vice-President for Health Sciences of Virginia Commonwealth University, or such other title as subsequently may be established by the Board of Visitors of the University for the chief academic and administrative officer for the Health Sciences Campus of the University, subject to the following: notwithstanding any other provision of law to the contrary, the selection and removal of the Chief Executive Officer, as well as the conditions of appointment, including salary, shall be made jointly by the Board and the Board of Visitors of the University at a joint meeting of the Board and the Board of Visitors of the University upon a vote of a majority of the members of each board, present and voting at the aforementioned joint meeting, acting separately in accordance with applicable provisions of law.

B. In the event that a majority of the members of each board do not agree upon the selection, removal, or conditions of appointment, including salary, of the Chief Executive Officer as provided in subsection A, then each board shall appoint a committee of three members of its respective board to consider the matter or matters upon which the boards disagree. The selection, removal, or conditions of appointment shall be made jointly by the two committees at a joint meeting of the committees upon a vote by a majority of the members of each committee present and voting at the joint meeting. In the event that a majority of the members of each committee agree upon the selection, removal, or conditions of appointment of the Chief Executive Officer, then the decision shall be reported to the Board and the Board of Visitors of the University, each of which shall be bound by the decision of the committees. In the event that a majority of the members of each committee do not agree on the selection, removal, or conditions of appointment of the Chief Executive Officer within 30 days of the appointment of the committees by each board, then the President of the University shall decide upon the matter or matters upon which the committees disagree. The President of the University shall report his decision to both boards, each of which shall be bound by the decision of the President.

C. The Chief Executive Officer shall devote his full time to the performance of his official duties and shall not be engaged in any other profession or occupation.

D. The Chief Executive Officer shall supervise and administer the operation of the Authority in accordance with the provisions of this chapter.

1996, cc. 905, 1046; 2000, c. 720; 2014, cc. 3, 456.

§ 23-50.16:8. (Repealed effective October 1, 2016) Audit

The accounts of the Authority shall be audited annually by the Auditor of Public Accounts, or his legally authorized representatives, or by a certified public accounting firm, as selected by the Authority. The Authority shall select a certified public accounting firm or the Auditor of Public Accounts through a process of competitive negotiation. Copies of the annual audit shall be distributed to the Governor and to the chairmen of the House Committee on Appropriations and the Senate Committee on Finance. The Auditor of Public Accounts and his legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of the Authority; however, the Authority shall not be deemed to be a state or governmental agency, advisory agency, public body or agency or instrumentality for purposes of Chapter 14 (§ 30-130 et seq.) of Title 30. The Authority shall be subject to periodic external review under the provisions of the Legislative Program Review and Evaluation Act (§ 30-65 et seq.).

1996, cc. 905, 1046.

§ 23-50.16:9. (Repealed effective October 1, 2016) Operation of projects

A. The Authority may acquire, plan, design, construct, own, rent as landlord or tenant, operate, control, remove, renovate, enlarge, equip, and maintain, directly or through stock or nonstock corporations or other entities, any project as defined in this chapter. Such projects may be owned or operated by the Authority or other parties, or jointly by the Authority and other parties, and may be operated within or without the Commonwealth, so long as their operations are necessary or desirable to assist the Authority in carrying out its public purposes within the Commonwealth, and so long as any private benefit resulting to any such other private parties from any such project is merely incidental to the public benefit of such project.

B. In the operation of hospitals and other health-care and related facilities, the Authority may make and enforce all rules and regulations necessary or desirable for such operation, including those relating to the conditions under which the privilege of practicing may be available therein, the admission and treatment of patients, the procedures for determining the qualification of patients for indigent care or other programs, and the protection of patients and employees, provided that such rules and regulations shall not discriminate on the basis of race, religion, color, sex or national origin.

1996, cc. 905, 1046.

§ 23-50.16:10. (Repealed effective October 1, 2016) Police power

A. The Authority is empowered to adopt and enforce reasonable rules and regulations governing access to, conduct in or on, and use of its property and facilities and surrounding streets, sidewalks and other public areas, and governing other matters affecting the safety and security of

Authority property and of those using or occupying Authority property. Such rules and regulations shall have the force and effect of law (i) after publication one time in full in a newspaper of general circulation in the city or county where the affected property is located and (ii) when posted where the public using such property may conveniently see them.

B. The campus police department of Virginia Commonwealth University, established in accordance with the provisions of Chapter 17 (§ 23-232 et seq.) of this title, may enforce on Authority property the laws of the Commonwealth and rules and regulations adopted pursuant to subsection A of this section. To the extent that such police services are not provided by the University, the Authority is authorized to establish a police department in accordance with the provisions of Chapter 17 of this title, except that the employment of such personnel by the Authority shall not be subject to the Virginia Personnel Act (§ 2.2-2900 et seq.).

1996, cc. 905, 1046.

§ 23-50.16:11. (Repealed effective October 1, 2016) Acquisition and disposition of property; acceptance of grants and loans

A. Except as to those hospital facilities or any parts thereof that are leased to the Authority by the University, the control and disposition of which shall be determined by such lease instruments, the Authority may:

1. Own, hold, improve, use and otherwise deal with real or personal property, tangible or intangible, or any right, easement, estate or interest therein, acquired by purchase, exchange, gift, assignment, transfer, foreclosure, lease, bequest, devise, operation of law or other means on such terms and conditions and in such manner as it may deem proper;

2. Sell, assign, lease, encumber, mortgage or otherwise dispose of any project or any other real or personal property, tangible or intangible, or any right, easement, estate or interest therein, or any deed of trust or mortgage lien interest owned by it, under its control or custody or in its possession. The Authority may release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it; and

3. Do any of the foregoing by public or private sale, with or without public bidding, notwithstanding the provisions of any other law.

B. The Authority may accept loans, grants, contributions or other assistance from the federal government, the Commonwealth or any political subdivision thereof, or from any other public or private source to carry out any of the purposes of this chapter. The Authority may enter into any agreement or contract regarding or relating to the acceptance, use or repayment of any such loan, grant, contribution or assistance and may enter into such other agreements with any such entity in furtherance of the purposes of this chapter.

Counties, cities and towns are hereby authorized to lend or donate money or other property to the Authority for any of its purposes. The local government making the grant or loan may restrict the use of such grants or loans to a specific project, within or without that locality.

1996, cc. 905, 1046.

§ 23-50.16:12. (Repealed effective October 1, 2016) Eminent domain

The Authority may exercise the power of eminent domain pursuant to the provisions of Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 to acquire by condemnation any real property, including fixtures and improvements, which it may deem necessary to carry out the purposes of this chapter, upon its adoption of a resolution declaring that the acquisition of such property is in the public interest and necessary for public use and upon the approval of the Governor. The Authority may acquire property already devoted to a public use, provided that no property belonging to any city, town or county, government or to any religious corporation, unincorporated church or charitable corporation may be acquired without its consent.

1996, cc. 905, 1046; 2003, c. 940; 2006, c. 673.

§ 23-50.16:13. (Repealed effective October 1, 2016) Fees, rentals and other charges

The Authority may fix, revise from time to time, charge and collect rates, rentals, fees and other charges for the services or facilities furnished by or on behalf of the Authority, and establish regulations regarding any such service rendered or the use, occupancy or operation of any such facility. Such charges and regulations shall not be subject to supervision or regulation by any commission, board, bureau, or agency of the Commonwealth except as otherwise provided by law for the providers of health care.

1996, cc. 905, 1046.

§ 23-50.16:14. (Repealed effective October 1, 2016) Creation of entities; participation in joint ventures; provision of assistance by Authority; moneys; investments

A. Consistent with § 23-50.16:15, the Authority may create or assist in the creation of; may own in whole or in part or otherwise control; may participate in or with any entities, public or private; and may purchase, receive, subscribe for, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise acquire or dispose of any (i) shares or obligations of, or other interests in, any entities organized for any purpose within or without the Commonwealth, and (ii) obligations of any person or corporation.

B. The Authority may participate in joint ventures with individuals, corporations, governmental bodies or agencies, partnerships, associations, insurers or other entities to facilitate any activities or programs consistent with the public purposes and intent of this chapter.

C. The Authority may create a nonprofit entity or entities for the purpose of soliciting, accepting and administering grants, outright gifts and bequests, endowment gifts and bequests, and gifts and bequests in trust, which entity or entities shall not engage in trust business; however, the

Authority shall not be empowered to create a nonprofit entity or entities that would in any way duplicate such activities by the University or its related foundations.

D. In carrying out any activities authorized by this chapter, the Authority may provide appropriate assistance, including making loans and providing time of employees, to corporations, partnerships, associations, joint ventures or other entities, whether or not such corporations, partnerships, associations, joint ventures or other entities are owned or controlled in whole or in part, directly or indirectly, by the Authority.

E. Effective July 1, 1997, all moneys of the Authority, from whatever source derived, shall be paid to the treasurer of the Authority. Such moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies, in one or more special accounts. All banks and trust companies are authorized to give security for such deposits, if required by the Authority. The moneys in such accounts shall be paid out on the warrant or other orders of the treasurer of the Authority or such other person or persons as the Authority may authorize to execute such warrants or orders.

F. Notwithstanding any provision of law to the contrary, the Authority may, effective July 1, 1997, invest its operating funds in any obligations or securities that are considered legal investments for public funds in accordance with Chapter 45 (§ 2.2-4500 et seq.) of Title 2.2. The Board shall adopt written investment guidelines and shall retain an independent investment advisory firm or consultant to review, a minimum of every five years, the suitability of the Authority's investments and their consistency with the investment guidelines.

1996, cc. 905, 1046.

§ 23-50.16:15. (Repealed effective October 1, 2016) Public purpose

The exercise of the powers granted by this chapter shall be in all respects for the benefit of the inhabitants of the Commonwealth and for the promotion of their safety, health, welfare, knowledge, convenience and prosperity. No part of the assets or net earnings of the Authority shall inure to the benefit of, or be distributable to, any private individual, except that reasonable compensation may be paid for services rendered to or for the Authority affecting one or more of its purposes, and benefits may be conferred that are in conformity with said purposes, and no private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Authority.

1996, cc. 905, 1046.

§ 23-50.16:16. (Repealed effective October 1, 2016) Exemption from taxation

As set forth in § 23-50.16:3, the Authority will be performing essential governmental functions in the exercise of the powers conferred upon it by this chapter. Accordingly, the Authority shall not be required to pay any taxes or assessments upon any project or any property or upon any operations of the Authority or the income therefrom, or any taxes or assessments upon any project or any property or local obligation acquired or used by the Authority under the provisions of this

chapter or upon the income therefrom. The exemptions hereby granted shall not extend to persons or entities conducting on the Authority's property businesses for which payment of state or local taxes would otherwise be required. Any bonds issued by the Authority under the provisions of this chapter, the transfer thereof and the income therefrom, and all rents, fees, charges, gifts, grants, revenues, receipts and other moneys received or pledged to pay or secure the payment of such notes or bonds, shall at all times be free from taxation and assessment of every kind by the Commonwealth and by the local governments and other political subdivisions of the Commonwealth.

1996, cc. 905, 1046.

§ 23-50.16:17. (Repealed effective October 1, 2016) Assistance by the University; transfer of existing facilities

A. The University is hereby authorized to lease, convey or otherwise transfer to the Authority any or all assets and liabilities appearing on the balance sheet of the Medical College of Virginia Hospitals and any or all of the hospital facilities, except real estate which may be leased to the Authority for a term not to exceed ninety-nine years, upon such terms as may be approved by the University.

B. Any transfer of hospital facilities shall be conditioned upon the following:

1. The existence of a binding agreement between the University and the Authority that requires the Authority to assume, directly or indirectly, those hospital obligations directly related to the hospital facilities, or any parts thereof, that are transferred, which in the case of a lease of hospital facilities may take the form of rental, as provided in subsection C of this section, or a combination of assumption and such rental;

2. The existence of a binding agreement between the University and the Authority that provides that, effective on the transfer date and thereafter, the Authority shall assume responsibility for and shall defend, indemnify and hold harmless the University and its officers and directors with respect to:

a. All liabilities and duties of the University pursuant to contracts, agreements and leases for commodities, services and supplies used by the Medical College of Virginia Hospitals, including property leases;

b. All claims related to the employment relationship between employees of the Authority and the University on and after the transfer date;

c. All claims for breach of contract resulting from the Authority's action or failure to act on and after the transfer date; and

d. All claims related to the Authority's errors and omissions, including, but not limited to, medical malpractice, directors' and officers' liability, workers' compensation, automobile liability, and premises, completed operations and products liability, resulting from the Authority's action or failure to act on and after the transfer date; and

3. The existence of a binding agreement between the University and the Authority by which the Authority shall accept and agree to abide by provisions that ensure the continued support of the education, research, patient care and public service missions of the Medical College of Virginia Hospitals, specifically including, without limitation:

a. A requirement that the Authority continue to provide emergency and inpatient indigent care services on the Medical College of Virginia campus of the University in a location or locations including, without limitation, downtown Richmond; and

b. A requirement that the Authority continue to act as the primary teaching facility for the Medical College of Virginia School of Medicine and Health Sciences Center of the University.

C. Any lease of hospital facilities, or any parts thereof, from the University to the Authority may include a provision that requires the Authority to pay the University a rental payment for the hospital facilities, or any parts thereof, that are leased. For those hospital facilities for which rental is paid, the rental shall be an amount that may not be less than the greater of the following:

1. An amount equal to the debt service accruing during the term of the lease on all outstanding bonds issued for the purpose of financing the acquisition, construction or improvement of the hospital facilities, or any parts thereof, on which rental is paid; or

2. A nominal amount determined by the parties to be necessary to prevent the lease from being unenforceable because of a lack of consideration.

D. Any lease of hospital facilities, or any parts thereof, shall include a provision that requires the Authority to continue to support the education, research, patient care and public service missions of the Medical College of Virginia Hospitals, specifically including, without limitation:

1. A requirement that the Authority continue to provide emergency and inpatient indigent care services on the Medical College of Virginia campus of the University in a location or locations including, without limitation, downtown Richmond; and

2. A requirement that the Authority continue to act as the primary teaching facility for the Medical College of Virginia School of Medicine and Health Sciences Center of the University.

E. All other agencies and officers of the Commonwealth are authorized and directed to take such actions as may be necessary or desirable in the judgment of the University to permit such conveyance and the full use and enjoyment of the hospital facilities, including, without limitation, the transfer of property of any type held in the name of the Commonwealth or some instrumentality or agency thereof but used by the University in the operation of the hospital facilities.

F. The Authority may pay to or on behalf of the University some or all of the costs of the hospital facilities. The University may apply some or all of such proceeds to the payment or defeasance of its obligations issued to finance the hospital facilities, and the Authority may issue its bonds to finance or refinance such payment to or on behalf of the University.

G. Funds held by or for the University or any predecessor or division thereof, specifically including, without limitation, funds held by the University Foundation or the Medical College of Virginia Foundation for the benefit of the Medical College of Virginia Hospitals or any predecessor thereof, for use in operating, maintaining or constructing hospital facilities, providing medical and health sciences education, or conducting medical or related research may be transferred, in whole or in part, to the Authority if the University or any foundation determines that the transfer is consistent with the intended use of the funds. The University may direct in writing that all or part of the money or property representing its beneficial interest under a will, trust agreement or other donative instrument be distributed to the Authority if the University determines that such direction will further any of the original purposes of the will, trust agreement or other instrument. Such a direction shall not be considered a waiver, disclaimer, renunciation, assignment or disposition of the beneficial interest by the University. A fiduciary's distribution to the Authority pursuant to such a written direction from the University shall be deemed a distribution to the University for all purposes relating to the donative instrument, and the fiduciary shall have no liability for distributing any money or property to the Authority pursuant to such a direction. None of the foregoing shall deprive any court of its jurisdiction to determine whether such a distribution is appropriate, under its cy pres powers or otherwise.

1996, cc. 905, 1046.

§ 23-50.16:18. (Repealed effective October 1, 2016) Capital projects

A. All capital projects shall be approved by the Board. Within thirty days after approval of any capital project in excess of $5 million, the Board shall notify the House Appropriations and Senate Finance Committees of the scope, cost, and construction schedule of the proposed capital project. The Board may undertake the project unless objections are raised by either Committee within thirty days of the notification. If objections are made, the Authority may not undertake the project until the objections are resolved.

B. No capital project that has been presented to the Committees without objection, no capital project for which objections were raised and resolved, and no capital project for which construction has commenced shall be materially increased in size or materially changed in scope without following the procedure of subsection A of this section.

C. Notwithstanding any laws or regulations to the contrary, the Authority shall not be subject to any further process or procedure that requires the submission, review or approval of any capital project; however, the Authority shall ensure that BOCA Code and fire safety inspections of any capital project are conducted and that such projects are inspected by the State Fire Marshal or his designee prior to certification for building occupancy.

1996, cc. 905, 1046.

§ 23-50.16:19. (Repealed effective October 1, 2016) Leases of property

The Authority shall be exempt from the provisions of § 2.2-1149 and from any rules, regulations and guidelines of the Division of Engineering and Buildings in relation to leases of real property into which it enters.

1996, cc. 905, 1046.

§ 23-50.16:20. (Repealed effective October 1, 2016) Operation of hospital facilities

The Authority shall not operate any of the hospital facilities prior to execution of the lease or leases and agreement or agreements required by § 23-50.16:17, and such other agreements as may be necessary or convenient in the University's judgment to provide for the transfer of the operations of the hospital facilities to the Authority, unless, and to the extent that, the University approves otherwise.

1996, cc. 905, 1046.

§ 23-50.16:21. (Repealed effective October 1, 2016) Assignment of agreements

The University may assign, and the Authority may accept the rights and assume the obligations under, any contracts or other agreements of any type relating to the financing or the operating of the hospital facilities. Upon evidence that such assignment and acceptance have been made, all agencies and instrumentalities of the Commonwealth are directed to consent to such assignment and to accept the substitution of the Authority for the University as a party to such agreements to the extent that the University's obligations thereunder relate to the ownership, operation or financing of the hospital facilities. Indebtedness previously incurred by the Commonwealth, the Virginia Public Building Authority, the Virginia College Building Authority and any other agencies and instrumentalities of the Commonwealth to finance the hospital facilities may continue to remain outstanding after the transfer and the assignment of the agreements relating thereto by the University to the Authority.

1996, cc. 905, 1046.

§ 23-50.16:22. (Repealed effective October 1, 2016) Licenses and permits

The transfer of the hospital facilities from the University to the Authority shall not require a certificate of public need pursuant to Article 1.1 (§ 32.1-102.1 et seq.) of Chapter 4 of Title 32.1. All licenses, permits, certificates of public need or other authorizations of the Commonwealth or any agency thereof or of any county, city or town held by the University in connection with the ownership or operation of the hospital facilities shall be deemed to be transferred, without further action, to the Authority as and to the extent the Authority undertakes the activity thereby permitted. All agencies and officers of the Commonwealth and all agencies and officers of counties, cities and towns are directed to confirm such transfer by the issuance of new or amended licenses, permits, certificates of public need or other authorizations upon the request of the University and the Authority.

1996, cc. 905, 1046.

§ 23-50.16:23. (Repealed effective October 1, 2016) Agent for University

If for any reason the Authority cannot replace the University as a party to any agreement in connection with the financing, ownership or operation of the hospital facilities, the Authority and the University may provide that the Authority shall act as agent for the University in carrying out its obligations under such agreement or in receiving the benefits thereunder, or both.

1996, cc. 905, 1046.

§ 23-50.16:24. (Repealed effective October 1, 2016) Employees of the Authority

A. Until July 1, 2001, employees of the Authority shall be considered employees of the Commonwealth. Employees of the Authority shall be employed on such terms and conditions as established by the Authority. The Board of Directors of the Authority shall develop and adopt policies and procedures that will afford its employees grievance rights, ensure that employment decisions shall be based upon the merit and fitness of applicants and shall prohibit discrimination because of race, religion, color, sex or national origin. Any grievance procedure adopted by the Board other than that contained in § 2.2-1202.1 shall take effect no earlier than July 1, 1997; however, such grievance procedure shall not take effect unless the Authority delivers copies of such grievance procedure to the chairmen of the House Committee on Appropriations and the Senate Committee on Finance on or before January 1, 1997.

B. The Authority shall issue a written notice to all persons whose employment will be transferred to the Authority. The date upon which such written notice is issued shall be referred to herein as the "Option Date." Each person whose employment will be transferred to the Authority may, by written request made within 180 days of the Option Date, elect not to become employed by the Authority. Any employee of the Medical College of Virginia Hospitals who (i) elects not to become employed by the Authority and who is not reemployed by any department, institution, board, commission or agency of the Commonwealth; (ii) is not offered the opportunity to transfer to employment by the Authority; or (iii) is not offered a position with the Authority for which the employee is qualified or is offered a position that requires relocation or a reduction in salary, shall be eligible for the severance benefits conferred by the provisions of the Workforce Transition Act (§ 2.2-3200 et seq.). Any employee who accepts employment with the Authority shall not be considered to be involuntarily separated from state employment and shall not be eligible for the severance benefits conferred by the provisions of the Workforce Transition Act.

C. Without limiting its power generally with respect to employees, the Authority may employ any person employed by the University in the operation of the hospital facilities and may assume obligations under any employment agreement for such person and the University may assign any such contract to the Authority.

D. The Authority and the University may also enter into agreements providing for the purchase of services of employees of the University utilized in the operation of the hospital facilities by payment of such amounts as may be agreed upon to cover all or part of the salaries and other costs of such employees.

E. Notwithstanding any other provision of law to the contrary, any person whose employment is transferred to the Authority as a result of this chapter and who is a member of any plan for providing health insurance coverage pursuant to Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2, shall continue to be a member of such health insurance plan under the same terms and conditions as if no transfer had occurred. Notwithstanding subsection A of § 2.2-2818, the costs of providing health insurance coverage to such employees who elect to continue to be members of the state employees' health insurance plan shall be paid by the Authority. Alternatively, an employee may elect to become a member of any health insurance plan established by the Authority. The Authority is authorized to (i) establish a health insurance plan for the benefit of its employees, residents and interns and (ii) enter into agreements with the Department of Human Resource Management providing for the coverage of its employees, interns and residents under the state employees' health insurance plan, provided that such agreement shall require the Authority to pay the costs of providing health insurance coverage under such plan.

F. Notwithstanding any other provision of law to the contrary, any person whose employment is transferred to the Authority as a result of this chapter and who is a member of the Virginia Retirement System, or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1, shall continue to be a member of the Virginia Retirement System or other such authorized retirement plan under the same terms and conditions as if no transfer had occurred. Alternatively, such employee (and any employee employed by the Authority between July 1, 1997, and June 30, 1998, who elected to be covered by the Virginia Retirement System) may elect, during an open enrollment period from April 1, 2001, through April 30, 2001, to become a member of the retirement program established by the Authority for the benefit of its employees pursuant to § 23-50.16:24.1 by transferring assets equal to the actuarially determined present value of the accrued basic benefit as of the transfer date. The Authority shall reimburse the Virginia Retirement System for the actual cost of actuarial services necessary to determine the present value of the accrued basic benefit of employees who elect to transfer to the Authority's retirement plan. The following rules shall apply:

1. With respect to any transferred employee who elects to remain a member of the Virginia Retirement System or other such authorized retirement plan, the Authority shall collect and pay all employee and employer contributions to the Virginia Retirement System or other such authorized retirement plan for retirement in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1 for such transferred employees.

2. Transferred employees who elect to become members of the retirement program established by the Authority for the benefit of its employees shall be given full credit for their creditable service as defined in § 51.1-124.3, vesting and benefit accrual under the retirement program established by the Authority. For any such employee, employment with the Authority shall be treated as employment with any nonparticipating employer for purposes of the Virginia Retirement System or other retirement plan as authorized by Article 4 of Chapter 1 of Title 51.1.

3. For transferred employees who elect to become members of the retirement program established by the Authority, the Virginia Retirement System or other such authorized plan shall transfer to the retirement plan established by the Authority assets equal to the actuarially determined present value of the accrued basic benefit as of the transfer date. For purposes hereof, the basic benefits shall be the benefit accrued under the Virginia Retirement System or other such authorized retirement plan, based on creditable service and average final compensation as defined in § 51.1-124.3 and determined as of the transfer date. The actuarial present value shall be determined on the same basis, using the same actuarial factors and assumptions used in determining the funding needs of the Virginia Retirement System or other such authorized retirement plan, so that the transfer of assets to the retirement plan established by the Authority will have no effect on the funded status and financial stability of the Virginia Retirement System or other such authorized retirement plan.

1996, cc. 905, 1046; 1998, c. 449; 2000, cc. 66, 657; 2012, cc. 803, 835.

§ 23-50.16:24.1. (Repealed effective October 1, 2016) Retirement benefits for employees of the Authority

A. The Authority may establish one or more retirement plans covering in whole or in part its employees, including employees who, prior to the effective date of any plan established pursuant to this section, had been participants in any plan established pursuant to §§ 51.1-126, 51.1-126.1, or former § 51.1-126.2. The Authority is authorized to make contributions for the benefit of its employees who elect to participate in such plan or arrangement rather than in any other retirement system established by Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1. Any such alternative retirement plan shall become effective at such time as determined by the Authority.

B. Notwithstanding any other provision of law to the contrary, any employee of the Authority employed prior to July 1, 1998, may make an irrevocable election to participate in the retirement plan established by Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1 or any plan established by the Authority, in accordance with guidelines established by the Authority. The election herein provided shall, as to any employee of the Authority employed following the effective date of any plan established pursuant to this section, be exercised not later than thirty-one days from the time of entry upon the performance of his duties. Any employee of the Authority hired on or after July 1, 1998, shall participate in a plan established by the Authority, subject to the plan's eligibility criteria.

C. No employee of the Authority who is an active member of a plan established under this section shall also be an active member of the retirement system established pursuant to Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1 or a beneficiary of such retirement system other than as a contingent annuitant.

D. Notwithstanding any other provision of law to the contrary, the contribution by the Authority to any other retirement plan established on behalf of employees of the Authority hired before July

1, 1998, pursuant to subsection A shall be (i) equal to the contribution the Commonwealth would be required to make if the employee were a member of the retirement system established by Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1 or (ii) eight percent of creditable compensation, whichever is less. The contribution by the Authority to any retirement plan established on behalf of employees of the Authority hired on or after July 1, 1998, pursuant to subsection A shall be determined by the Board.

E. If the institution of higher education with which the Authority is affiliated has adopted a retirement plan under § 51.1-126 for its employees who are engaged in the performance of teaching, administrative, or research duties, the plan established under this section shall offer similar investment opportunities as are available to the participants of the plan established pursuant to § 51.1-126.

F. The Authority shall develop policies and procedures for the administration of any retirement plan established by the Authority under this section. A copy of such policies and procedures shall be filed with the Board of Trustees of the Virginia Retirement System.

1998, c. 449.

§ 23-50.16:24.2. (Repealed effective October 1, 2016) Insurance for employees of the Authority

The Authority shall purchase group life, accidental death and dismemberment, and disability insurance policies covering in whole or in part its employees. Authority employees shall not be required to present at their own expense evidence of insurability satisfactory to an insurance company for basic group life insurance coverage. Any employee hired prior to July 1, 1998, shall be provided basic group life insurance at the same level of coverage as provided by the Virginia Retirement System. Any employee hired on or after July 1, 1998, shall be provided basic group life insurance at a level of coverage determined by the Board, provided that the level of coverage shall not be less than the equivalent of one times the employee's annual salary. The Authority may require employees hired on or after July 1, 1998, to pay all or a portion of the required basic group life insurance coverage, which may be collected through a payroll deduction program. The Authority may increase the insurance coverage under such policies to make available to active insured employees optional life, accidental death and dismemberment, and disability insurance. Authority employees shall not be covered by the Virginia Retirement System's group insurance program under § 51.1-501.

1998, c. 449.

§ 23-50.16:25. (Repealed effective October 1, 2016) Power to issue bonds

The Authority may issue bonds from time to time for any of its purposes, including financing or refinancing all or any part of its programs or general operations, costs of any project, including the hospital facilities, whether or not owned by the Authority, or to refund bonds or other obligations issued therefor by or on behalf of the Authority, the University or otherwise, including

bonds or obligations not then subject to redemption, and may guarantee, assume or otherwise agree to pay, in whole or in part, indebtedness issued by the University or any other party resulting in the acquisition or construction of facilities for the benefit of the Authority or the refinancing thereof. Notwithstanding Article 1 (§ 2.2-1800 et seq.) of Chapter 18 of Title 2.2, bonds may be issued under the provisions of this chapter without obtaining the consent of any commission, board, bureau or agency of the Commonwealth or of any political subdivision, and without any proceedings or the happening of conditions or things other than those proceedings, conditions or things that are specifically required by this chapter; however, each debt offering shall be submitted to the State Treasurer sufficiently prior to the sale of such offering to allow the State Treasurer to undertake a review for the sole purposes of determining (i) whether the offering may constitute tax-supported debt of the Commonwealth and (ii) the potential impact of the offering on the debt capacity of the Commonwealth. After such review, the State Treasurer shall determine if the offering constitutes tax-supported debt of the Commonwealth and the potential impact of the offering on the debt capacity of the Commonwealth. If the State Treasurer determines that the debt offering may constitute tax-supported debt of the Commonwealth, or may have an adverse impact on the debt capacity of the Commonwealth, then the debt offering shall be submitted to the Treasury Board for review and approval of the terms and structure of the offering in a manner consistent with § 2.2-2416. The Authority may issue such types of bonds as it may determine, including, without limitation, bonds payable as to principal and interest from any one or more of the following sources: (i) its revenues generally; (ii) income and revenues derived from the operation, sale or lease of a particular project or projects, whether or not they are financed or refinanced from the proceeds of such bonds; (iii) funds realized from the enforcement of security interests or other liens or obligations securing such bonds; (iv) proceeds from the sale of bonds; (v) payments under letters of credit, policies of municipal bond insurance, guarantees or other credit enhancements; (vi) any reserve or sinking funds created to secure such payment; (vii) accounts receivable of the Authority; or (viii) other available funds of the Authority.

Any bonds may be additionally guaranteed by, or secured by a pledge of, any grant, contribution or appropriation from a participating political subdivision, the University, the Commonwealth or any political subdivision, agency or instrumentality thereof, any federal agency or any unit, private corporation, partnership, association or individual.

1996, cc. 905, 1046.

§ 23-50.16:26. (Repealed effective October 1, 2016) Liability on bonds

No member of the Board of Directors or officer, employee or agent of the Authority or any person executing bonds of the Authority shall be liable personally on the bonds by reason of their issuance or execution. Bonds of the Authority shall not be a debt of the Commonwealth or any political subdivision thereof other than the Authority and shall so state on their face. Neither the Commonwealth nor any political subdivision thereof other than the Authority shall be liable for payment of bonds of the Authority, nor shall such bonds be payable out of any funds or properties

of the Commonwealth or any political subdivision thereof other than those of the Authority, except as permitted by § 23-50.16:25. Bonds of the Authority are declared to be issued for an essential public and governmental purpose.

1996, cc. 905, 1046.

§ 23-50.16:27. (Repealed effective October 1, 2016) Form of bonds

Bonds of the Authority shall be authorized by resolution setting forth the maximum principal amount issuable and may be issued in one or more series, shall be dated, shall mature at such time or times not exceeding forty years from their date and may be made redeemable or subject to tender before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority or its agents prior to issuance. Bonds of the Authority shall bear interest payable at such times and at such rates as may be determined by the Authority, or as may be determined in such manner as the Authority or its agents may provide, including rates approved by officers of the Authority under authorization of the Board, rates tied to indices, rates of other securities or other standards and determinations by agents designated by the Authority under guidelines established by the Authority.

The Authority shall determine the form of its bonds and the manner of execution and shall fix the denominations thereof and the place or places of payment of principal and interest, which may be at any bank or trust company or securities depository within or without the Commonwealth. The bonds may be issued in coupon or registered form, or both, and provision may be made for their registration in whole or in part. Bonds issued in registered form may be issued under a system of book-entry for recording the ownership and transfer of ownership of rights to receive payments thereon. If any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before delivery of such bond, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes. The Authority may contract for the services of one or more banks, trust companies, financial institutions or other entities or persons, within or outside the Commonwealth, for the authentication, registration, transfer, exchange and payment of bonds, or may provide such services itself. The Authority may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine.

Notwithstanding any of the other provisions of this chapter or any recitals in any bonds issued under the provisions of this chapter, all such bonds shall be deemed to be negotiable instruments under the laws of the Commonwealth.

Prior to the preparation of definitive bonds, the Authority may issue interim receipts or temporary bonds, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any mutilated, destroyed, stolen or lost bonds.

1996, cc. 905, 1046.

§ 23-50.16:28. (Repealed effective October 1, 2016) Trust indentures and mortgages; security for the bonds

Any bond issued under this chapter may be issued pursuant to or secured by a trust indenture, deed of trust or mortgage of any project or projects or any other property of the Authority, whether or not financed, in whole or in part, from the proceeds of such bonds, by a trust or other agreement with a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth, or other agent for bondholders, or any combination thereof. Any such trust indenture or other agreement, or the resolution providing for the issuance of bonds, may pledge or assign fees, rents and other charges to be received and may contain provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law. Such provisions may include covenants: (i) providing for the collection and application of revenues and the repossession and sale by the Authority, or any trustees under any trust indenture or agreement, of any project or other property upon default; (ii) setting forth duties of the Authority in relation to the acquisition, construction, maintenance, operation and insurance of any project or other property of the Authority and the amounts of fees, rents and other charges to be charged; (iii) providing for the collection of such fees, rents and other charges, and the custody, safeguarding and application of all moneys of the Authority; (iv) providing for the creation of sinking funds and the creation and maintenance of reserves; and (v) setting forth conditions or limitations with respect to the incurrence of indebtedness or the granting of mortgages or other liens. Such trust indenture, trust or other agreement or resolution may set forth the rights and remedies of the bondholders and of the trustee or other agent for bondholders and may restrict the individual right of action by bondholders.

In addition, the Authority may grant mortgages, deeds of trust, security interests and other liens on its real and personal property, including its accounts receivable, to secure bonds. All pledges of revenues of the Authority for payment of bonds shall be valid and binding from the time when the pledge is made, and the revenues pledged and thereafter received by the Authority shall be subject immediately to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. The Authority may also provide for the recording or filing of any mortgage, deed of trust, security interest or other lien, or any financing statement or other instrument, necessary or desirable to create, perfect or evidence any lien created pursuant to this chapter.

It shall be lawful for any bank or trust company within or without the Commonwealth to serve as depository of the proceeds of bonds or of other revenues of the Authority and to furnish indemnifying bonds or to pledge such securities as may be required by the Authority.

All expenses incurred in carrying out the provisions of such trust indenture or agreement or resolution or other agreements relating to any project, including those to which the Authority may not be a party, may be treated as a part of the costs of a project.

1996, cc. 905, 1046.

§ 23-50.16:29. (Repealed effective October 1, 2016) Remedies of obligees of Authority

Except to the extent that the rights herein given may be restricted by such trust indenture or trust or other agreement, any holder of bonds or coupons issued under the provisions of this chapter and the trustee or other agent for bondholders under any trust indenture or trust or other agreement may, either at law or in equity, by suit, action, injunction, mandamus or other proceedings, protect and enforce any and all rights under the laws of the Commonwealth or granted by this chapter or under such trust indenture, trust or other agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this chapter or by such trust indenture, trust or other agreement or resolution to be performed by the Authority or by any officer or agent thereof, including the fixing, charging and collecting of fees, rents and other charges.

1996, cc. 905, 1046.

§ 23-50.16:30. (Repealed effective October 1, 2016) Bonds to be legal investments

Bonds issued by the Authority under the provisions of this chapter are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities that may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

1996, cc. 905, 1046.

§ 23-50.16:31. (Repealed effective October 1, 2016) Existing bonds

The Authority may assume, or may agree to make payments in amounts sufficient for the University to pay, some or all of the hospital obligations incurred under resolutions previously adopted by the University with respect to the hospital facilities and may issue bonds to refund bonds issued under such resolutions or to refinance such payment obligations. If the Authority has assumed all hospital obligations under any such bond resolution and commenced its operation of substantially all of the hospital facilities financed or refinanced thereby, the University, the State Treasurer, the Virginia Public Building Authority and the Virginia College Building Authority shall take such steps as are appropriate to provide for the substitution of the Authority for the University under such resolution and to transfer to the Authority any funds payable to the University under the terms of such resolution.

1996, cc. 905, 1046.

§ 23-50.16:32. (Repealed effective October 1, 2016) Confidential and public information

A. The Authority shall be subject to the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.), which shall include the exclusions set forth in subdivision 15 of § 2.2-3705.7 and subdivision 23 of subsection A of § 2.2-3711.

B. For purposes of the Freedom of Information Act (§ 2.2-3700 et seq.), meetings of the Board shall not be considered meetings of the Board of Visitors of the University. Meetings of the Board may be conducted through telephonic or video means as provided in § 2.2-3708 or similar provisions of any successor law.

1996, cc. 905, 1046; 1998, c. 449; 1999, cc. 703, 726; 2004, c. 690; 2007, c. 945.

§ 23-50.16:33. (Repealed effective October 1, 2016) Chapter liberally construed

This chapter shall constitute full and complete authority, without regard to the provisions of any other law, for the doing of the acts and things herein authorized and shall be liberally construed to effect the purposes hereof. Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, general, specific or local, the provisions of this chapter shall be controlling.

1996, cc. 905, 1046.

§ 23-50.16:34. (Repealed effective October 1, 2016) Exemption of Authority from Personnel Act, Workforce Transition Act, Administrative Process Act, and Public Procurement Act

The provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, Chapter 32 (§ 2.2-3200 et seq.) of Title 2.2, Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2, and Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2 shall not apply to the Authority in the exercise of any power conferred under this chapter.

1996, cc. 905, 1046.

§ 23-50.16:35. (Repealed effective October 1, 2016) Reversion to University

Upon dissolution of the Authority, all assets of the Authority, after satisfaction of creditors, shall revert to the University.

1996, cc. 905, 1046.

Chapter 6.3 - BRANCH CAMPUS IN QATAR

§ 23-50.16:36. (Repealed effective October 1, 2016) Establishment of a branch campus in the State of Qatar

In recognition that global educational opportunities benefit the intellectual and economic interests of the Commonwealth, the board of visitors of the Virginia Commonwealth University is authorized to establish, operate, and govern a branch campus of Virginia Commonwealth University in the State of Qatar. The board of visitors shall have the same powers with respect to operation and governance of its branch campus in Qatar as vested in the board by the Code of Virginia with respect to Virginia Commonwealth University in Virginia, including, but not limited to, the fixing of fees and charges, the establishment of academic standards, and the conferral of degrees. In operating such branch campus, the board of visitors shall provide appropriate

professional opportunities for Virginia-based faculty to teach or conduct research on the Qatar campus and educational opportunities for Virginia-based students to study or conduct research on the Qatar campus.

Nothing contained in this section shall be deemed a waiver of the sovereign immunity of the Commonwealth or of Virginia Commonwealth University.

In its operation of any branch campus established in the State of Qatar, the board of visitors and its employees shall not discriminate on the basis of race, color, religion, national origin, or sex, and shall not abridge the constitutional rights of freedom of speech and religion. Any agreement the board of visitors enters to establish, operate, or govern the branch campus in Qatar shall contain contractual assurances to the board that the branch campus shall operate without discrimination on the basis of race, color, religion, national origin, or sex, and without abridging the constitutional rights of freedom of speech and religion.

2002, c. 801.

Chapter 7 - THE MILLER SCHOOL OF ALBEMARLE

§ 23-51. (Repealed effective October 1, 2016) Miller Manual Labor School continued as The Miller School of Albemarle

The Miller Manual Labor School of Albemarle, created pursuant to Chapter 61 of the Acts of Assembly of 1874, is continued as The Miller School of Albemarle, an educational institution of the Commonwealth of Virginia, as a corporation with all of the rights and powers of nonprofit, nonstock corporations chartered under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 for the purpose of providing quality education to certain worthy students.

Code 1919, § 1000; 1946, p. 421; 1950, p. 1216; 1966, c. 462; 1986, c. 306.

§ 23-52. (Repealed effective October 1, 2016) Certain statutes continued in force

The second through seventh clauses of section one, and the second section of the act entitled "an act to give effect to a compromise of the litigation in respect to the construction and effect of the will of Samuel Miller, deceased, and to establish the manual labor school provided for in the twenty-fifth clause of the said will," approved February 24, 1874, as amended by Chapter 258 of the Acts of 1946, approved March 25, 1946, by Chapter 553 of the Acts of 1950, approved April 7, 1950, and by Chapter 462 of the Acts of 1966, effective April 4, 1966; the act approved February 19, 1884, amending and reenacting the fourth clause of the second section of the act approved April 2, 1877 relating to the Miller Manual Labor School of Albemarle; and the act to authorize the board of the Miller Manual Labor School to convert coupon bonds into registered bonds, approved August 23, 1884, shall severally continue in force.

Code 1919, § 1001; 1946, p. 421; 1950, c. 553.

§ 23-53. (Repealed effective October 1, 2016) Jurisdiction and powers of Circuit Court for Albemarle County

All of the jurisdiction and powers by law vested in and exercised by the Circuit Court for Albemarle County, and the judge thereof in vacation, over the Miller Manual Labor School of Albemarle, or in connection with the government, control and management thereof, are continued, and the compensation for such duties and services shall be paid to such judge.

Code 1919, § 1002.

Chapter 8 - STATE TEACHERS COLLEGE AT FARMVILLE; MADISON COLLEGE [Repealed]

§§ 23-54 through 23-61. Repealed
Repealed by Acts 1964, c. 97.

Chapter 9 - UNIVERSITY OF VIRGINIA

Article 1 - GENERAL PROVISIONS

§ 23-62. (Repealed effective October 1, 2016) University continued
The University of Virginia shall be continued.

Code 1919, § 806.

§ 23-63. (Repealed effective October 1, 2016) Branches of learning to be taught
The following branches of learning shall be taught at the University: the Latin, Greek, Hebrew, French, Spanish, Italian, German, and Anglo-Saxon languages; the different branches of mathematics, pure and physical; natural philosophy, chemistry, mineralogy, including geology; the principles of agriculture; botany, anatomy, surgery, and medicine; zoology, history, ideology, general grammar, ethics, rhetoric, and belles lettres; civil government, political economy, the law of nature and of nations and municipal law.

Code 1919, § 817.

§ 23-64. (Repealed effective October 1, 2016) Salary of president and professors; fees
The president and each of the professors shall receive a stated salary, and may also receive such additional compensation out of the fees for tuition and other revenues of the University as the visitors may from time to time direct.

Code 1919, § 816.

§ 23-65. (Repealed effective October 1, 2016) Secured obligations
It shall not be lawful for the rector and visitors of the University of Virginia to issue its obligations, to be secured by deed of trust on its real estate, without the consent of the General Assembly previously obtained.

Code 1919, § 821.

§ 23-66. (Repealed effective October 1, 2016) Payment of bonds of the University

For the payment of the bonds, with the interest thereon, issued in pursuance of the act entitled "An act to authorize the rector and board of visitors of the University of Virginia to issue bonds to pay off and discharge their floating debt and maturing obligations," approved March 28, 1871, not only the current revenue of the University, but also the property now held by the Commonwealth for the purposes of the University, shall continue liable.

Code 1919, § 818.

§ 23-67. (Repealed effective October 1, 2016) Payment of interest on debt of University; sinking fund

Out of the appropriation made by the General Assembly for the support of the University of Virginia, there shall be first set apart, annually, a sum sufficient to pay the interest accruing on the existing interest-bearing debt of the University, except as provided in § 23-21, and to constitute a sinking fund for the liquidation of the principal of the same; and such sum shall be applied to no other purpose or object whatever.

Code 1919, § 820.

§ 23-68. (Repealed effective October 1, 2016) Provision for interest on certain bonds

Two several sums of $50,000 in consol bonds of the Commonwealth having been donated by William W. Corcoran, of Washington, D.C., to the University, and the consol bonds, having, under the act of January 13, 1877, and the act of April 2, 1879, been converted into registered bonds in the name of the rector and visitors of the University, bearing interest at the rate of six per centum per annum, payable semiannually: It is enacted, that for the continued payment of such interest, the Comptroller is authorized and required to place, from time to time, in the state treasury a sufficient sum to pay the same as it falls due.

Code 1919, § 827.

Article 2 - BOARD OF VISITORS

§ 23-69. (Repealed effective October 1, 2016) Board a corporation

The board of visitors of the University of Virginia shall be and remain a corporation, under the style of "the Rector and Visitors of the University of Virginia," and shall have, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1; except in those cases where, by the express terms of the provisions thereof, it is confined to corporations created under such title; and shall also have the power to accept, execute and administer any trust in which it may have an interest under the terms of the instrument creating the trust. The rector and visitors of the University of Virginia shall be at all times subject to the control of the General Assembly.

Code 1919, § 806.

§ 23-70. (Repealed effective October 1, 2016) Appointment of visitors generally; number and terms of office

A. The board of visitors is to consist of 17 visitors appointed by the Governor, of whom (i) at least 12 shall be appointed from the Commonwealth at large, (ii) at least 12 shall be alumni of the University of Virginia, and (iii) at least one shall be a physician with administrative and clinical experience in an academic medical center.

B. All appointments on or after July 1, 2008, shall be for terms of four years and commence July 1 of the first year of appointment, except that appointments to fill vacancies shall be made for the unexpired terms. Members shall complete their service on June 30 of the year in which their respective terms expire, including appointments made prior to July 1, 2008. All appointments for full terms, as well as to fill vacancies, shall be made by the Governor subject to confirmation by the Senate and the House of Delegates.

Code 1919, § 807; 1924, p. 145; 1930, p. 80; 1944, p. 399; 1945, p. 52; 1954, c. 343; 1980, c. 559; 1989, Sp. Sess., c. 5; 2008, cc. 55, 155; 2012, c. 599.

§ 23-71. (Repealed effective October 1, 2016) Appointment of visitors from nominees of alumni association

A. The Governor may appoint visitors from a list of qualified persons submitted to him, before or after induction into office, by the alumni association of the University of Virginia, on or before the first day of April of any year in which the terms of any visitors will expire.

B. Whenever a vacancy occurs otherwise than by expiration of term, the Governor shall certify this fact to the association and nominations may be submitted of qualified persons and the Governor may fill the vacancy, if his discretion so dictates, from among the eligible nominees of the association, whether or not alumni or alumnae.

C. Every list shall contain at least three names for each vacancy to be filled.

D. The Governor is not to be limited in his appointments to the persons so nominated.

E. At no time shall less than 12 of the visitors be alumni or alumnae of the University.

Code 1919, § 807; 1924, p. 145; 1930, p. 80; 1944, p. 400; 1945, p. 52; 1954, c. 343; 1980, c. 559; 2012, c. 599.

§ 23-72. (Repealed effective October 1, 2016) Eligibility to serve more than two successive terms

No person shall be eligible to serve for or during more than two successive four-year terms; but after the expiration of a term of two years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional four-year terms may be served by such a member if appointed thereto.

Code 1919, § 807; 1944, p. 400; 1945, p. 53; 1980, c. 559; 1989, Sp. Sess., c. 5.

§ 23-73. Repealed

Repealed by Acts 2015, c. 560, cl. 2.

§ 23-74. (Repealed effective October 1, 2016) Meetings of board of visitors; quorum; rector and vice-rector; secretary

The board of visitors shall meet at the University once a year, and at such other times as they shall determine, the days of meeting to be fixed by them. Five members shall constitute a quorum.

The board of visitors shall appoint, from among its members, a rector to preside at their meetings and a vice-rector to preside at their meetings in the absence of the rector. The rector and the vice-rector shall also perform such additional duties as the board may prescribe. The terms of the rector and vice-rector shall be for two years, commencing and expiring as provided in the board's bylaws.

The board shall also appoint a secretary for such term and with such duties as the board shall prescribe.

The board may also appoint a substitute pro tempore, as provided in its bylaws, to preside in the absence of the rector or the vice-rector.

Vacancies in the office of rector, vice-rector or secretary may be filled by the board for the unexpired term, as provided in the Board's bylaws.

Special meetings of the board may be called by the rector or any three members. In either of such cases, notice of the time of meeting shall be given by the secretary to every member.

Code 1919, § 809; 2003, c. 655; 2015, c. 327.

§ 23-75. (Repealed effective October 1, 2016) Executive committee of board

At every regular annual meeting of the board, the members shall appoint an executive committee for the transaction of business in the recess of the board, which shall consist of not less than three nor more than seven members, to serve for the period of one year or until the next regular annual meeting.

Code 1919, § 810; 1966, c. 467; 2003, c. 655; 2014, c. 567.

§ 23-76. (Repealed effective October 1, 2016) Powers and duties of board; president and other officers; professors and instruction; regulations

The board shall be charged with the care and preservation of all property belonging to the University. They shall appoint a president, with such duties as may be prescribed by the board, and who shall have supreme administrative direction under the authority of the board over all the schools, colleges and branches of the University wherever located, and they shall appoint as many professors as they deem proper, and, with the assent of two-thirds of the whole number of visitors, may remove such president or any professor. They may prescribe the duties of each professor, and the course and mode of instruction. They may appoint a comptroller and proctor, and employ any other agents or servants, regulate the government and discipline of the students, and the renting of the rooms and dormitories, and, generally, in respect to the government and management of the University, make such regulations as they may deem expedient, not being contrary to law. To enable the proctor and visitors of the University to procure a supply of water, and to

construct and maintain a system of waterworks, drainage, and sewerage for the University they shall have power and authority to acquire such springs, lands and rights-of-way as may be necessary, according to the provisions of Title 25.1.

Code 1919, § 811; 1938, p. 442; 1956, cc. 12, 689.

§ 23-76.1. (Repealed effective October 1, 2016) Investment of endowment funds, endowment income, and gifts; standard of care; liability; exemption from the Virginia Public Procurement Act

A. The board of visitors shall invest and manage the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in accordance with this section and the provisions of the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

B. No member of the board of visitors shall be personally liable for losses suffered by an endowment fund, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the University, arising from investments made pursuant to the provisions of subsection A.

C. The investment and management of endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the University shall not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

D. In addition to the investment practices authorized by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board of visitors may also invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in derivatives, options, and financial securities.

1. In this section, "derivative" means a contract or financial instrument or a combination of contracts and financial instruments, including, without limitation, any contract commonly known as a "swap," which gives the University the right or obligation to deliver or receive delivery of, or make or receive payments based on, changes in the price, value, yield or other characteristic of a tangible or intangible asset or group of assets, or changes in a rate, an index of prices or rates, or other market indicator for an asset or a group of assets.

2. In this section, an "option" means an agreement or contract whereby the University may grant or receive the right to purchase or sell, or pay or receive the value of, any personal property asset including, without limitation, any agreement or contract which relates to any security, contract or agreement.

3. In this section, "financial security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, any put,

call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities (including any interest therein or based on the value thereof), or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency, or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

E. The authority as provided in this section as it relates to nongeneral fund reserves and balances of or held by the University is predicated upon an approved management agreement between the University and the Commonwealth of Virginia.

1998, cc. 121, 132; 2000, cc. 818, 1014; 2002, cc. 582, 595; 2007, c. 434; 2008, c. 184.

§ 23-77. (Repealed effective October 1, 2016) Confirmation of certain proceedings and contracts

All proceedings heretofore had before any court or in any clerk's office, and all contracts heretofore entered into, for acquiring land by condemnation or purchase, for any of the purposes mentioned in § 23-76, are hereby confirmed and made valid.

Code 1919, § 812.

§ 23-77.1. (Repealed effective October 1, 2016) Authority to sell and convey certain lands

The rector and visitors of the University of Virginia, with the approval of the Governor first obtained, are hereby authorized to sell and convey any and all real estate to which it has acquired title by gift, devise or purchase since January 1, 1900, or which may hereafter be conveyed or devised to it. The proceeds derived from any such sale or sales shall be held by said rector and visitors of the University of Virginia upon the identical trusts, and subject to the same uses, limitations and conditions, if any, that are expressed in the original deed or will under which its title was derived, or if there be no such trusts, uses, limitations or conditions expressed in such original deed or will, then said funds shall be applied by the rector and visitors of the University to such purposes as said board may deem best for the University.

1936, p. 522; 1954, c. 185.

§ 23-77.2. (Repealed effective October 1, 2016) Granting easements on property of the University

The rector and visitors of the University of Virginia are hereby authorized to grant easements for roads, streets, sewers, water lines, electric and other utility lines or other purpose on any property now owned or hereafter acquired by said rector and visitors of the University of Virginia, when in the discretion of the rector and visitors it is deemed proper to grant such easement.

1954, c. 296.

§ 23-77.3. (Repealed effective October 1, 2016) Operations of Medical Center

A. In enacting this section, the General Assembly recognizes that the ability of the University of Virginia to provide medical and health sciences education and related research is dependent upon the maintenance of high quality teaching hospitals and related health care and health maintenance facilities, collectively referred to in this section as the Medical Center, and that the maintenance of a Medical Center serving such purposes requires specialized management and operation that permit the Medical Center to remain economically viable and to participate in cooperative arrangements reflective of changes in health care delivery.

B. Notwithstanding the provisions of § 32.1-124 exempting hospitals and nursing homes owned or operated by an agency of the Commonwealth from state licensure, the Medical Center shall be, for so long as the Medical Center maintains its accreditation by a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to ensure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb), deemed to be licensed as a hospital for purposes of other law relating to the operation of hospitals licensed by the Board of Health. The Medical Center shall not, however, be deemed to be a licensed hospital to the extent any law relating to licensure of hospitals specifically excludes the Commonwealth or its agencies. As an agency of the Commonwealth, the Medical Center shall, in addition, remain (i) exempt from licensure by the Board of Health pursuant to § 32.1-124 and (ii) subject to the Virginia Tort Claims Act (§ 8.01-195.1 et seq.). Further, this subsection shall not be construed as a waiver of the Commonwealth's sovereign immunity.

C. Without limiting the powers provided in this chapter, the University of Virginia may create, own in whole or in part or otherwise control corporations, partnerships, insurers or other entities whose activities will promote the operations of the Medical Center and its mission, may cooperate or enter into joint ventures with such entities and government bodies and may enter into contracts in connection therewith. Without limiting the power of the University of Virginia to issue bonds, notes, guarantees, or other evidence of indebtedness under subsection D in connection with such activities, no such creation, ownership or control shall create any responsibility of the University, the Commonwealth or any other agency thereof for the operations or obligations of any such entity or in any way make the University, the Commonwealth, or any other agency thereof responsible for the payment of debt or other obligations of such entity. All such interests shall be reflected on the financial statements of the Medical Center.

D. Notwithstanding the provisions of Chapter 3 (§ 23-14 et seq.) of this title, the University of Virginia may issue bonds, notes, guarantees, or other evidence of indebtedness without the approval of any other governmental body subject to the following provisions:

1. Such debt is used solely for the purpose of paying not more than 50 percent of the cost of capital improvements in connection with the operation of the Medical Center or related issuance costs, reserve funds, and other financing expenses, including interest during construction or acquisitions and for up to one year thereafter;

2. The only revenues of the University pledged to the payment of such debt are those derived from the operation of the Medical Center and related health care and educational activities, and there are pledged therefor no general fund appropriation and special Medicaid disproportionate share payments for indigent and medically indigent patients who are not eligible for the Virginia Medicaid Program;

3. Such debt states that it does not constitute a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth;

4. Such debt is not sold to the public;

5. The total principal amount of such debt outstanding at any one time does not exceed $25 million;

6. The Treasury Board has approved the terms and structure of such debt;

7. The purpose, terms, and structure of such debt are promptly communicated to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees; and

8. All such indebtedness is reflected on the financial statements of the Medical Center.

Subject to meeting the conditions set forth above, such debt may be in such form and have such terms as the board of visitors may provide and shall be in all respects debt of the University for the purposes of §§ 23-23, 23-25, and 23-26.

1994, c. 621; 2003, c. 701; 2014, c. 320.

§ 23-77.4. (Repealed effective October 1, 2016) Medical center management

A. The General Assembly recognizes and finds that the economic viability of the University of Virginia Medical Center, hereafter referred to as the Medical Center, together with the requirement for its specialized management and operation, and the need of the Medical Center to participate in cooperative arrangements reflective of changes in health care delivery, as set forth in § 23-77.3, are dependent upon the ability of the management of the Medical Center to make and implement promptly decisions necessary to conduct the affairs of the Medical Center in an efficient, competitive manner. The General Assembly also recognizes and finds that it is critical to, and in the best interests of, the Commonwealth that the University continue to fulfill its mission of providing quality medical and health sciences education and related research and, through the presence of its Medical Center, continue to provide for the care, treatment, health-related services, and education activities associated with Virginia patients, including indigent and medically indigent patients. Because the General Assembly finds that the ability of the University to fulfill this mission is highly dependent upon revenues derived from providing health care through its Medical Center, and because the General Assembly also finds that the ability of the Medical Center to continue to be a reliable source of such revenues is heavily dependent upon its ability to compete with other providers of health care that are not subject to the requirements of law applicable to agencies of the Commonwealth, the University is hereby authorized to implement the following

modifications to the management and operation of the affairs of the Medical Center in order to enhance its economic viability:

B. Capital projects; leases of property; procurement of goods, services and construction.

1. Capital projects.

a. For any Medical Center capital project entirely funded by a nongeneral fund appropriation made by the General Assembly, all post-appropriation review, approval, administrative, and policy and procedure functions performed by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget and any other agency that supports the functions performed by these departments are hereby delegated to the University, subject to the following stipulations and conditions: (i) the Board of Visitors shall develop and implement an appropriate system of policies, procedures, reviews and approvals for Medical Center capital projects to which this subdivision applies; (ii) the system so adopted shall provide for the review and approval of any Medical Center capital project to which this subdivision applies in order to ensure that, except as provided in clause (iii), the cost of any such capital project does not exceed the sum appropriated therefor and that the project otherwise complies with all requirements of the Code of Virginia regarding capital projects, excluding only the post-appropriation review, approval, administrative, and policy and procedure functions performed by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget and any other agency that supports the functions performed by these departments; (iii) the Board of Visitors may, during any fiscal year, approve a transfer of up to a total of 15 percent of the total nongeneral fund appropriation for the Medical Center in order to supplement funds appropriated for a capital project or capital projects of the Medical Center, provided that the Board of Visitors finds that the transfer is necessary to effectuate the original intention of the General Assembly in making the appropriation for the capital project or projects in question; (iv) the University shall report to the Department of General Services on the status of any such capital project prior to commencement of construction of, and at the time of acceptance of, any such capital project; and (v) the University shall ensure that Building Officials and Code Administrators (BOCA) Code and fire safety inspections of any such project are conducted and that such projects are inspected by the State Fire Marshal or his designee prior to certification for building occupancy by the University's assistant state building official to whom such inspection responsibility has been delegated pursuant to § 36-98.1. Nothing in this section shall be deemed to relieve the University of any reporting requirement pursuant to § 2.2-1513. Notwithstanding the foregoing, the terms and structure of any financing of any capital project to which this subdivision applies shall be approved pursuant to § 2.2-2416.

b. No capital project to which this subdivision applies shall be materially increased in size or materially changed in scope beyond the plans and justifications that were the basis for the project's appropriation unless: (i) the Governor determines that such increase in size or change in scope is necessary due to an emergency or (ii) the General Assembly approves the increase or

change in a subsequent appropriation for the project. After construction of any such capital project has commenced, no such increase or change may be made during construction unless the conditions in (i) or (ii) have been satisfied.

2. Leases of property.

a. The University shall be exempt from the provisions of § 2.2-1149 and from any rules, regulations and guidelines of the Division of Engineering and Buildings in relation to leases of real property that it enters into on behalf of the Medical Center and, pursuant to policies and procedures adopted by the Board of Visitors, may enter into such leases subject to the following conditions: (i) the lease must be an operating lease and not a capital lease as defined in guidelines established by the Secretary of Finance and Generally Accepted Accounting Principles (GAAP); (ii) the University's decision to enter into such a lease shall be based upon cost, demonstrated need, and compliance with guidelines adopted by the Board of Visitors which direct that competition be sought to the maximum practical degree, that all costs of occupancy be considered, and that the use of the space to be leased actually is necessary and is efficiently planned; (iii) the form of the lease is approved by the Special Assistant Attorney General representing the University; (iv) the lease otherwise meets all requirements of law; (v) the leased property is certified for occupancy by the building official of the political subdivision in which the leased property is located; and (vi) upon entering such leases and upon any subsequent amendment of such leases, the University shall provide copies of all lease documents and any attachments thereto to the Department of General Services.

b. Notwithstanding the provisions of §§ 2.2-1155 and 23-4.1, but subject to policies and procedures adopted by the Board of Visitors, the University may lease, for a purpose consistent with the mission of the Medical Center and for a term not to exceed 50 years, property in the possession or control of the Medical Center.

c. Notwithstanding the foregoing, the terms and structure of any financing arrangements secured by capital leases or other similar lease financing agreements shall be approved pursuant to § 2.2-2416.

3. Procurement of goods, services and construction.

Contracts awarded by the University in compliance with this section, on behalf of the Medical Center, for the procurement of goods; services, including professional services; construction; and information technology and telecommunications, shall be exempt from (i) the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except as provided below; (ii) the requirements of the Division of Purchases and Supply of the Department of General Services as set forth in Article 3 (§ 2.2-1109 et seq.) of Chapter 11 of Title 2.2; (iii) the requirements of the Division of Engineering and Buildings as set forth in Article 4 (§ 2.2-1129 et seq.) of Chapter 11 of Title 2.2; and (iv) the authority of the Chief Information Officer and the Virginia Information Technologies Agency as set forth in Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 regarding the review and approval of contracts for (a)

the construction of Medical Center capital projects and (b) information technology and telecommunications projects; however, the provisions of this subdivision may not be implemented by the University until such time as the Board of Visitors has adopted guidelines generally applicable to the procurement of goods, services, construction and information technology and telecommunications projects by the Medical Center or by the University on behalf of the Medical Center. Such guidelines shall be based upon competitive principles and shall in each instance seek competition to the maximum practical degree. The guidelines shall implement a system of competitive negotiation for professional services; shall prohibit discrimination because of race, religion, color, sex, or national origin of the bidder or offeror in the solicitation or award of contracts; may take into account in all cases the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; may implement a prequalification procedure for contractors or products; may include provisions for cooperative procurement arrangements with private health or educational institutions, or with public agencies or institutions of the several states, territories of the United States or the District of Columbia; shall incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354; and may implement provisions of law. The following sections of the Virginia Public Procurement Act shall continue to apply to procurements by the Medical Center or by the University on behalf of the Medical Center: §§ 2.2-4311, 2.2-4315, and 2.2-4342 (which section shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317), 2.2-4330, 2.2-4333 through 2.2-4341, and 2.2-4367 through 2.2-4377.

C. Subject to such conditions as may be prescribed in the budget bill under § 2.2-1509 as enacted into law by the General Assembly, the State Comptroller shall credit, on a monthly basis, to the nongeneral fund operating cash balances of the University of Virginia Medical Center the imputed interest earned by the investment of such nongeneral fund operating cash balances, including but not limited to those balances derived from patient care revenues, on deposit with the State Treasurer.

1996, cc. 933, 995; 2002, cc. 574, 602; 2004, c. 145; 2010, cc. 136, 145.

§ 23-78. (Repealed effective October 1, 2016) Testimonials to students

The board shall examine into the progress of the students in each year, and shall give to those who excel in any branch of learning such honorary testimonials of approbation as they deem proper.

Code 1919, § 813.

§ 23-79. (Repealed effective October 1, 2016) Visitors' expenses

Such reasonable expenses as the visitors may incur in the discharge of their duties shall be paid out of the funds of the University.

Code 1919, § 814.

§ 23-80. Repealed

Repealed by Acts 2009, c. 72.

Article 3 - DONATIONS

§ 23-81. (Repealed effective October 1, 2016) Gifts, bequests and devises

Any person may deposit in the state treasury, or bequeath money, stocks or public bonds of any kind to be so deposited, or grant, devise or bequeath property, real or personal, to be sold and the proceeds to be so deposited, in sums not less than $100, which shall be invested in securities that are legal investments under the laws of the Commonwealth for public funds for the benefit of the University, and in such case the interest or dividends accruing on such investments shall be paid to the rector and visitors of the University, to be by them appropriated to the general purposes thereof, unless some particular appropriation shall have been designated by the donor or testator, as hereinafter provided.

Code 1919, § 822; 1956, c. 184.

§ 23-82. (Repealed effective October 1, 2016) When donations for special objects, how applied, etc

If any particular purpose or object connected with the University be specified by the donor at the time of such deposit, by writing filed in the State Treasurer's office (which may also be recorded in the clerk's office of the Circuit Court of Albemarle County, as a deed for land is recorded), or in the will of such testator, the interest, income and profits of such fund shall be appropriated to such purpose and object, and none other; or, if the donor or testator shall so direct in such writing or will the interest accruing on such fund shall be reinvested by the State Treasurer every six months, in the manner prescribed in § 23-81, and the interest thereon shall be, from time to time, reinvested in like manner for such period as such writing or will shall prescribe, not exceeding thirty years; and at the expiration of the time so prescribed or thirty years, whichever shall happen first, the fund, with its accumulations, shall be paid over to the rector and visitors of the University, or the interest, income and profits thereafter accruing upon the aggregate fund shall be paid to them as the same shall accrue, according as the one or the other disposition shall be directed by such writing or will, and in either case the same shall be appropriated and employed according to the provisions of such writing or will, and not otherwise; and the rector and visitors of the University shall render to the General Assembly, at each regular session, an account of the disbursement of any funds so derived.

Code 1919, § 823.

§ 23-83. (Repealed effective October 1, 2016) Donations irrevocable; disposition thereof, if refused, etc

Such donations shall be irrevocable by the donor or his representatives; but if the authorities of the University, within one year after being notified thereof (which it shall be the duty of the State Treasurer to do immediately upon the making of such deposit with him), shall give notice, in writing, to the State Treasurer, that they decline to receive the benefit of such deposit, the same, with

whatever interest and profits may have accrued thereon, shall thereupon be held subject to the order of such donor or his legal representatives; and if at any time the object for such donation or deposit is intended, by the legal destruction of the University, or by any other means, shall fail, so that the purpose of the gift, bequest or devise shall be permanently frustrated, the whole fund, principal and interest, then unexpended as it shall then be, shall revert to and be vested in the donor or his legal representatives.

Code 1919, § 824.

§ 23-84. (Repealed effective October 1, 2016) Reservation of nomination by donor
If the donor shall, in such writing, filed as aforesaid, reserve to himself or to any other person the power to nominate to any professorship, scholarship, or other place or appointment in the University, or to do any other act connected therewith, and he or such other person shall fail at any time for six months to make such nomination in writing, or to do such other act, the board of visitors may proceed to make such appointment or to do such act at their discretion.

Code 1919, § 825.

§ 23-85. (Repealed effective October 1, 2016) Commonwealth to be trustee of donations; liability of State Treasurer
The Commonwealth is hereby constituted the trustee for the safekeeping and due application of all funds which may be deposited in the treasury in pursuance of § 23-81. The State Treasurer and the sureties in his official bond shall be liable for the money or other funds deposited as aforesaid, and separate accounts of each such deposit shall be kept by the accounting officers of the Commonwealth in the same manner as are other public funds.

Code 1919, § 826.

Article 4 - MARY WASHINGTON COLLEGE

§§ 23-86 through 23-91. Repealed
Repealed by Acts 1972, c. 861.

Article 5 - CLINCH VALLEY COLLEGE AND NORTHERN VIRGINIA BRANCH COLLEGE

§§ 23-91.1 through 23-91.4. Repealed
Repealed by Acts 1966, c. 68.

Article 6 - PATRICK HENRY COLLEGE OF THE UNIVERSITY OF VIRGINIA

§§ 23-91.5 through 23-91.8. Repealed
Repealed by Acts 1983, c. 63.

Article 7 - EASTERN SHORE BRANCH OF SCHOOL OF GENERAL STUDIES

§§ 23-91.9 through 23-91.12. Repealed

Repealed by Acts 1983, c. 63.

§ 23-91.13. (Repealed effective October 1, 2016) Reserved
Reserved.

Article 8 - GEORGE MASON COLLEGE

§§ 23-91.14 through 23-91.17. Repealed
Repealed by Acts 1972, c. 550.

§§ 23-91.18, 23-91.19. (Repealed effective October 1, 2016) Reserved
Reserved.

Article 9 - THE UNIVERSITY OF VIRGINIA'S COLLEGE AT WISE

§ 23-91.20. (Repealed effective October 1, 2016) Institution a division of University of Virginia under supervision, etc., of rector and visitors; authorized to grant degrees
The University of Virginia's College at Wise, established in Wise County, Virginia, shall be a division of the University of Virginia. It shall be a four-year college with the right to prepare students for the granting of degrees upon graduation therefrom. It shall be an integral part of the University of Virginia and be subject to the supervision, management and control of the rector and visitors of the University of Virginia.

1966, c. 68; 1999, cc. 424, 437.

§ 23-91.21. (Repealed effective October 1, 2016) Property, duties, contracts, etc., vested in rector and visitors of University; principal administrative officer of division; powers of board of visitors generally; title of local administrative officer
All property, property rights, duties, contracts and agreements of such division are vested in the rector and visitors of the University of Virginia. The president of the University of Virginia, by virtue of his office, shall be the principal administrative officer of such division. The board of visitors of the University is charged with the care and preservation of all property belonging to such division. With respect to such division the board of visitors shall have the same powers as to granting degrees, as to fixing tuitions, fees and charges, as to borrowing money and issuing bonds, as to the appointment and removal of administrative officers, professors, agents and servants, and the making of rules and regulations, as are now vested in them with respect to the University. The title of the chief local administrative officer of such division shall be fixed by the board of visitors.

1966, c. 68.

§ 23-91.22. (Repealed effective October 1, 2016) Expenditure of appropriations
Appropriations, directly or indirectly, from the Commonwealth to such division shall be expended as directed by the rector and visitors of the University of Virginia.

1966, c. 68.

§ 23-91.23. (Repealed effective October 1, 2016) Validation of prior acts and proceedings of rector and visitors

All acts and proceedings heretofore [before September 1, 1968] taken by the rector and visitors of the University of Virginia with respect to the establishment and maintenance of the University of Virginia's College at Wise, including all contracts, loan agreements and other agreements of whatsoever nature, are hereby ratified, validated and confirmed.

1966, c. 68; 1999, cc. 424, 437.

Article 10 - BRANCH CAMPUS IN QATAR

§ 23-91.23:1. (Repealed effective October 1, 2016) Establishment of branch campus in the State of Qatar

In recognition that global educational opportunities benefit the intellectual and economic interests of the Commonwealth, the board of visitors of the University of Virginia is authorized to establish, operate, and govern a branch campus of the University of Virginia in the State of Qatar. The board of visitors shall have the same powers with respect to operation and governance of its branch campus in Qatar as vested in the board by the Code of Virginia with respect to the University of Virginia in Virginia, including, but not limited to, the fixing of fees and charges, the establishment of academic standards, and the conferral of degrees. In operating such branch campus, the board of visitors shall provide appropriate professional opportunities for Virginia-based faculty to teach or conduct research on the Qatar campus and educational opportunities for Virginia-based students to study or conduct research on the Qatar campus.

Nothing contained in this section shall be deemed a waiver of the sovereign immunity of the Commonwealth or of the University of Virginia.

In its operation of any branch campus established in the State of Qatar, the board of visitors and its employees shall not discriminate on the basis of race, color, religion, national origin, or sex, and shall not abridge the constitutional rights of freedom of speech and religion. Any agreement the board of visitors enters to establish, operate, or govern the branch campus in Qatar shall contain contractual assurances to the board that the branch campus shall operate without discrimination on the basis of race, color, religion, national origin, or sex, and without abridging the constitutional rights of freedom of speech and religion.

1999, cc. 507, 565.

Chapter 9.1 - GEORGE MASON UNIVERSITY

§ 23-91.24. (Repealed effective October 1, 2016) Board of visitors a corporation and under control of General Assembly

There is hereby established a corporate body composed of the board of visitors of George Mason University under the style "The Rector and Visitors of George Mason University" hereinafter

referred to in this chapter as the board. Such corporation shall be subject at all times to the control of the General Assembly. The University shall be known as George Mason University.

1972, c. 550.

§ 23-91.25. (Repealed effective October 1, 2016) Transfer of property

All the real estate and personal property now existing and heretofore standing in the name of the rector and visitors of the University of Virginia, located in Fairfax and heretofore exclusively used by the George Mason College Division of the University of Virginia, shall be transferred to and be known and taken as standing in the name and under the control of the rector and visitors of George Mason University. Such real estate and personal property shall be the property of the Commonwealth.

1972, c. 550.

§ 23-91.26. (Repealed effective October 1, 2016) Appointment and terms of visitors generally

(a) The board shall consist of sixteen members, who shall be appointed by the Governor. Of the sixteen members, two may be nonresidents of Virginia.

(b) In 1972 the Governor shall appoint the members of the board for terms beginning July 1, 1972. At least one of the members appointed each year beginning in 1978 shall be an alumnus of George Mason University or of the George Mason College Division of the University of Virginia and, insofar as is possible, ten of the sixteen members shall be representative of the principal political subdivisions comprising Planning District Number Eight and of Fauquier County. Four of such appointments shall be for terms of four years each, four for terms of three years, four for terms of two years, and four for terms of one year. Subsequent appointments shall be for terms of four years; provided, however, that appointments to fill vacancies occurring otherwise than by expiration of terms shall be for the unexpired terms.

(c) All appointments shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

1972, c. 550; 1977, c. 670.

§ 23-91.27. (Repealed effective October 1, 2016) Appointment of visitors from nominees submitted by board and association

(a) The Governor may, if his discretion so dictates appoint visitors from a list of qualified persons submitted to him by the board of visitors and the alumni association of George Mason University on or before the first day of July of any year next preceding a year in which the terms of any of such visitors will expire.

(b) Every list of prospective appointees submitted by the board and such alumni association shall contain at least three names for each vacancy to be filled.

(c) The Governor is not to be limited in his appointments to the persons so nominated.

1972, c. 550; 1977, c. 670.

§ 23-91.28. (Repealed effective October 1, 2016) No person eligible to serve more than two successive terms

No person shall be eligible to serve for more than two successive terms; however, a member appointed to serve an unexpired term shall be eligible to serve two successive four-year terms.

1972, c. 550; 2015, c. 560.

§ 23-91.29. (Repealed effective October 1, 2016) Powers and duties of board generally; meetings; officers; executive committee

(a) The board of visitors shall be vested with all the rights and powers conferred by the provisions of this title insofar as the same are not inconsistent with the provisions of this chapter and the general laws of the Commonwealth.

The board shall control and expend the funds of the University and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the University, appoint the president, who shall be its chief executive officer, and all professors, teachers, staff members and agents, and fix their salaries, and generally direct the affairs of the University.

(b) The board of visitors shall meet at the University once a year, and at such other times as they shall determine, the days of meetings to be fixed by them. Eight members shall constitute a quorum. At the first meeting after July 1, 1972, and every second year thereafter, they shall appoint from their own body a rector, who shall preside at their meetings, a secretary and a vice-rector. In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and on the absence of all three, the board may appoint a pro tempore officer to preside. Any vacancies in the offices of rector, vice-rector or secretary may be filled by the board for the unexpired term. Special meetings of the board may be called by the rector or any three members. In either of such cases, notice of the time of meetings shall be given by the secretary to every member.

(c) At every regular annual meeting of the board they may appoint an executive committee for the transaction of business in the recess of the board, not less than three nor more than five members, to serve for a period of one year or until the next regular annual meeting.

1972, c. 550.

§ 23-91.29:1. (Repealed effective October 1, 2016) Establishment of branch campus in the Republic of Korea

In recognition that global educational opportunities benefit the intellectual and economic interests of the Commonwealth, the board of visitors of George Mason University is authorized to create a corporation or other legal entity controlled by George Mason University to establish and operate a branch campus of George Mason University in the Republic of Korea. Establishment of the branch campus shall be subject to State Council of Higher Education for Virginia guidelines governing the approval of branch campuses, pursuant to § 23-9.6:1. The board of visitors shall have the same powers with respect to operation and governance of its branch campus in Korea as

are vested in the board by the Code of Virginia with respect to George Mason University in Virginia, including, but not limited to, fixing of fees and charges, the establishment of academic standards, and the conferral of degrees. No corporation or other legal entity created for the above purpose shall be deemed a state or governmental agency, advisory agency, public body or agency, or other instrumentality. Further, no director, officer, or employee of any such corporation or other legal entity shall be deemed an officer or employee of the Commonwealth for any purpose. In operating the branch campus, the board of visitors shall provide for appropriate professional opportunities for Virginia-based faculty to teach or conduct research on the campus and educational opportunities for Virginia-based students to study or conduct research on the Republic of Korea campus.

Nothing contained in this section shall be deemed a waiver of the sovereign immunity of the Commonwealth or of George Mason University.

2010, c. 694.

§ 23-91.30. (Repealed effective October 1, 2016) Tuition, fees and other charges

The board may fix, in its discretion, the rates charged the students of the University for tuition, fees and other necessary charges.

1972, c. 550.

§ 23-91.31. (Repealed effective October 1, 2016) Right to confer degrees

The board shall have the right to confer degrees.

1972, c. 550.

§ 23-91.32. (Repealed effective October 1, 2016) Curriculum

The existing collegiate curriculum shall be continued; however, the board may make such alterations therein as it shall from time to time deem necessary.

1972, c. 550.

§ 23-91.33. (Repealed effective October 1, 2016) Conveyance of real estate; disposition of proceeds

The rector and visitors of George Mason University with the approval of the Governor first obtained, are hereby authorized to lease, sell and convey any and all real estate to which it has acquired title by gift, devise or purchase since the commencement of the University under any previous names, or which may hereafter be conveyed or devised to it. The proceeds derived from any such lease, sale or conveyance shall be held by the rector and visitors of George Mason University upon the identical trusts, and subject to the same uses, limitations and conditions, if any, that are expressed in the original deed or will under which its title was derived; or if there be no such trusts, uses, limitations or conditions expressed in such original deed or will, then such funds shall be applied by the rector and visitors of the University to such purposes as said board may deem best for the University.

1972, c. 550.

Chapter 9.2 - UNIVERSITY OF MARY WASHINGTON

§ 23-91.34. (Repealed effective October 1, 2016) Board of visitors a corporation and under control of General Assembly

There is hereby established a corporate body composed of the board of visitors of the University of Mary Washington under the style "The Rector and Visitors of the University of Mary Washington" hereinafter referred to in this chapter as the board, which shall have, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where by the express terms of the provisions thereof, it is confined to corporations created under such title, and the board shall also have the power to accept, execute and administer any trust in which it may have an interest under the terms of the instrument creating the trust. Such corporation shall be subject at all times to the control of the General Assembly. The institution shall be known as the University of Mary Washington.

1972, c. 861; 2004, cc. 176, 195.

§ 23-91.35. (Repealed effective October 1, 2016) Transfer of certain property

Upon July 1, 1972, all real estate and personal property held by the University of Mary Washington prior to its union with the rector and visitors of the University of Virginia; control of the real estate acquired from Corinne Lawton Melchers and known as "Belmont" (see Chapter 51 of the Acts of Assembly, 1960), and the real estate known as the James Monroe Law Office -- Museum and Memorial Library (see Chapter 641 of the Acts of Assembly, 1964), together with the personal property associated with the respective real estate, all of such real and personal properties existing and standing in the name of the Commonwealth of Virginia but controlled by the rector and visitors of the University of Virginia; and all real and personal property acquired in the name of the rector and visitors of the University of Virginia for the use of the University of Mary Washington during the time in which the University of Mary Washington was a part of the University of Virginia, hereby is transferred to and shall be known and taken as standing in the name and under the control of the rector and visitors of the University of Mary Washington (the term "control" shall include, without limitation, "management, control, operation and maintenance"). Such real estate and personal property shall be the property of the Commonwealth.

1972, c. 861; 1977, c. 168; 2004, cc. 176, 195.

§ 23-91.36. (Repealed effective October 1, 2016) Appointment of visitors generally; terms

(a) The board shall consist of twelve members, who shall be appointed by the Governor. Of the twelve members, no more than three may be nonresidents of Virginia.

(b) In 1972 the Governor shall appoint the members of the board for terms beginning July 1, 1972. Three of such appointments shall be for terms of four years each, three for terms of three years, three for terms of two years, and three for terms of one year. Subsequent appointments shall be

for terms of four years; provided, however, that appointments to fill vacancies occurring otherwise than by expiration of terms shall be for the unexpired terms.

(c) All appointments shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

1972, c. 861.

§ 23-91.37. (Repealed effective October 1, 2016) Appointment of visitors from nominees of alumni association

(a) The Governor may, if his discretion so dictates, appoint visitors from a list of qualified persons submitted to him by the alumni association of the University of Mary Washington on or before the first day of December of any year next preceding a year in which the terms of any of such visitors will expire.

(b) Whenever a vacancy occurs otherwise than by expiration of term, the Governor shall certify this fact to the association and nominations may be submitted of qualified persons. The Governor may fill the vacancy, if his discretion so dictates, from among the eligible nominees of the association, whether or not alumni or alumnae.

(c) Every such list of prospective appointees shall contain at least three names for each vacancy to be filled.

(d) The Governor is not to be limited in his appointments to the persons so nominated.

(e) At no time shall fewer than six of the members of the board be alumni or alumnae of the University.

1972, c. 861; 2004, cc. 176, 195.

§ 23-91.38. (Repealed effective October 1, 2016) Eligibility to serve for more than two terms

No person shall be eligible to serve on the board of visitors for or during more than two successive four-year terms; but after the expiration of a term of two years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, a member may serve two additional four-year terms if appointed thereto.

1972, c. 861.

§ 23-91.39. Repealed

Repealed by Acts 2015, c. 560, cl. 2.

§ 23-91.40. (Repealed effective October 1, 2016) Powers and duties of visitors generally; meetings; rector, secretary and vice-rector; executive committee

(a) The board of visitors shall be vested with all the rights and powers conferred by the provisions of this title insofar as the same are not inconsistent with the provisions of this chapter and the general laws of the Commonwealth.

The board shall control and expend the funds of the University and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the University; appoint the president, who shall be its chief executive officer, and all teachers, and fix their salaries, and provide for the employment of other personnel as required, and generally direct the affairs of the University.

(b) The board of visitors shall meet at the University once a year, and at such other times as they shall determine, the days of meetings to be fixed by them. A majority of the members shall constitute a quorum. At the first meeting after July 1, 1972, and every second year thereafter, they shall appoint from their own body a rector, who shall preside at their meetings, a secretary and a vice-rector. In the absence of the rector or vice-rector at any meeting, the secretary shall preside, and in the absence of all three, the board may appoint a pro tempore officer to preside. Any vacancies in the offices of rector, vice-rector or secretary may be filled by the board for the unexpired term. Special meetings of the board may be called by the rector or any three members. In either of such cases, notice of the time of meetings shall be given by the secretary to every member.

(c) At every regular annual meeting of the board they may appoint an executive committee for the transaction of business in the recess of the board, not less than three nor more than five members, to serve for a period of one year or until the next regular annual meeting.

1972, c. 861; 2004, cc. 176, 195.

§ 23-91.41. (Repealed effective October 1, 2016) Rates, fees and charges

The board may fix, in its discretion, the rates charged the students of the University for tuition, fees and other necessary charges.

1972, c. 861; 2004, cc. 176, 195.

§ 23-91.42. (Repealed effective October 1, 2016) Degrees

The board shall have the right to confer degrees.

1972, c. 861.

§ 23-91.43. (Repealed effective October 1, 2016) Curriculum

The existing collegiate curriculum of the University shall be continued; however, the board may make such alterations therein as it shall from time to time deem necessary.

1972, c. 861; 2004, cc. 176, 195.

§ 23-91.44. (Repealed effective October 1, 2016) Sale, etc., of real estate

The rector and visitors of the University of Mary Washington, with the approval of the Governor first obtained, are hereby authorized to lease, sell and convey any and all real estate to which it has acquired title by gift, devise or purchase since the commencement of the University under any previous names, or which may hereafter be conveyed or devised to it. The proceeds derived from any such lease, sale or conveyance shall be held by the rector and visitors of the University of Mary Washington, upon identical trusts, and subject to the same uses, limitations and conditions,

if any, that are expressed in the original deed or will under which its title was derived; or if there be no such trusts, uses, limitations or conditions expressed in such original deed or will, then such funds shall be applied by the rector and visitors of the University to such purposes as said board may deem best for the University.

1972, c. 861; 2004, cc. 176, 195.

Chapter 10 - VIRGINIA MILITARY INSTITUTE

§ 23-92. (Repealed effective October 1, 2016) Virginia Military Institute continued

The military school established in the County of Rockbridge, at the Town of Lexington, shall be continued, and the visitors thereof and their successors shall be and remain a corporation under the style of "Virginia Military Institute," and shall be at all times subject to the control of the General Assembly. For the support of the school there shall be paid out of the public treasury, from time to time, such sums as shall be appropriated therefor by the General Assembly.

Code 1919, § 834; 1968, c. 719.

§ 23-93. (Repealed effective October 1, 2016) Appointment of visitors generally

A. The board of visitors shall consist of sixteen visitors to be appointed by the Governor and the Adjutant General, ex officio. Of the visitors appointed by the Governor, twelve shall be alumni of the Institute and four shall not be alumni of the Institute. The four visitors appointed by the Governor who are not alumni of the Institute shall be residents of the Commonwealth. Until June 30, 1985, nine of the twelve alumni visitors shall be residents of the Commonwealth. Thereafter eight of the twelve alumni visitors shall be residents of the Commonwealth. The remaining alumni visitors shall be nonresidents.

B. Each appointive visitor in office on July 1, 1980, shall continue in office until the expiration of the term for which he was appointed. Of the visitors to be appointed for terms commencing July 1, 1980, four shall be appointed for terms of three years and four for terms of four years. One of such visitors appointed for a four-year term and one appointed for a three-year term shall not be alumni of the Institute. One of such visitors appointed for a four-year term and one appointed for a three-year term shall be nonresident alumni. Thereafter all appointments shall be for terms of four years and one visitor appointed each year shall not be an alumnus of the Institute. Beginning in 1985 and thereafter, one visitor appointed each year shall be a nonresident alumnus.

All appointments for full terms, as well as to fill vacancies, shall be made by the Governor subject to confirmation by the General Assembly.

Code 1919, § 835; 1930, p. 81; 1936, p. 262; 1944, p. 400; 1945, p. 49; 1946, p. 414; 1960, c. 187; 1968, c. 719; 1978, c. 453; 1979, c. 17; 1980, c. 648.

§ 23-94. (Repealed effective October 1, 2016) Appointment of visitors from nominees of alumni association; nonalumni visitors

(a) The Governor may appoint visitors from a list of qualified persons submitted to him by the alumni association of the Virginia Military Institute, on or before the first day of April of any year in which the terms of any visitors will expire.

(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall certify this fact to the association and nominations may be submitted of qualified persons and the Governor may fill the vacancy, if his discretion so dictates, from among the eligible nominees of the association.

(c) Every list shall contain not more than three names for each vacancy to be filled.

(d) The Governor is not to be limited in his appointments to the persons so nominated.

(e) [Repealed.]

Code 1919, § 835; 1930, p. 82; 1936, p. 262; 1944, p. 401; 1945, p. 50; 1946, p. 415; 1960, c. 187; 1968, c. 719; 1975, c. 111; 1978, c. 453.

§ 23-95. (Repealed effective October 1, 2016) Eligibility to serve more than two successive terms

No person except ex officio members shall be eligible to serve for or during more than two successive four-year terms; but after the expiration of the remainder of an unexpired term to which appointed, two additional four-year terms may be served by such a member if appointed thereto.

Code 1919, § 835; 1944, p. 401; 1945, p. 50; 1946, p. 415; 1952, c. 213.

§ 23-95.1. (Repealed effective October 1, 2016) Executive committee

The board of visitors may appoint an executive committee from its own body for the purpose of transacting business during the recess of the board. Such executive committee shall consist of not less than three nor more than five members, one of whom shall be the president.

1987, c. 143; 2014, c. 367.

§ 23-96. (Repealed effective October 1, 2016) Quorum

Six visitors shall constitute a quorum for business.

Code 1919, § 835; 1930, p. 82; 1936, p. 263; 1944, p. 401; 1945, p. 50; 1946, p. 415.

§ 23-97. (Repealed effective October 1, 2016) Suits by and against board

The board of visitors may sue and be sued for any cause or matters which have heretofore arisen, or which hereafter arise.

Code 1919, § 835; 1930, p. 82; 1936, p. 263; 1944, p. 401; 1945, p. 50; 1946, p. 415.

§ 23-98. (Repealed effective October 1, 2016) Meetings of board; president and secretary; superintendent of Institute

The board of visitors shall meet at the Institute once a year or more often, and at any other times and places, when, in its opinion, or that of the superintendent of the Institute, or president of the board of visitors, it shall be necessary to do so. It shall appoint a superintendent of the Institute

with such duties as may be prescribed by the board. Special meetings may also be called at any time by the superintendent of the Institute, or the president of the board of visitors, when either may deem it advisable; and the board may adjourn from time to time. The board shall appoint from its own body a president, and shall also appoint a secretary to the board. In the absence of the president or secretary at any meeting, the board may appoint a president or secretary pro tempore, and vacancies in the offices of president or secretary may be filled by the board for the unexpired term. Notice of the time and place of meeting shall be given to every member of the board.

Code 1919, § 836; 1954, c. 154; 2014, c. 367.

§ 23-99. (Repealed effective October 1, 2016) Bylaws and regulations

The board may make bylaws and regulations for their own government and the management of the affairs of the Institute, and may, for the purpose of transacting such business as, in its opinion, can be properly transacted by a less number than the majority, authorize not less than four members to constitute a quorum.

Code 1919, § 837.

§ 23-100. (Repealed effective October 1, 2016) Power to borrow money and secure its payment

The act entitled "an act to authorize the Virginia Military Institute to borrow money and to secure the same by creating a lien on real estate," approved December 19, 1874; and the third and fourth sections of the act entitled "an act for the relief of the Virginia Military Institute," approved March 15, 1884, shall continue in force until all the objects of the acts shall have been fully accomplished.

Code 1919, § 839.

§ 23-100.1. (Repealed effective October 1, 2016) Power to receive gifts, grants, devises and bequests

The Virginia Military Institute, or its board of visitors on its behalf, upon the prior written consent of the Governor is empowered to receive, take, hold and enjoy any and every gift, grant, devise, or bequest heretofore or hereafter made to the Institute or its board of visitors for charitable or educational purposes, and to use and administer same for the uses and purposes designated by the donor if designation be made, or for the general purposes of the Institute if no designation be made.

1956, c. 254.

§§ 23-101, 23-102. Repealed

Repealed by Acts 2005, c. 633, cl. 2.

§ 23-103. (Repealed effective October 1, 2016) Appointment, removal and salaries of professors

The board of visitors shall appoint professors to give instruction in military science and in such other branches of knowledge as they may deem proper. The board shall fix the salaries of professors, and may remove them for good cause; but no order to remove a professor shall be made without the concurrence therein of a majority of the whole number of visitors, and the board shall forthwith communicate to the Governor a full statement of the reasons for making the removal.

Code 1919, § 842.

§ 23-104. (Repealed effective October 1, 2016) Admission of pay cadets; course of instruction, etc

The board of visitors shall prescribe the terms upon which cadets may be admitted, their number, the course of their instruction, the nature of their service, and the duration thereof.

Code 1919, § 844.

§ 23-105. (Repealed effective October 1, 2016) Admission of state cadets

The board shall admit annually as state cadets upon evidence of fair moral character, sufficient young men and women selected from the Commonwealth at large, who shall be not less than sixteen nor more than twenty-five years of age.

Code 1919, § 845; 1997, c. 788; 2006, c. 810.

§ 23-106. (Repealed effective October 1, 2016) Financial assistance for state cadets

The board shall provide financial assistance equal to the applicant's demonstrated need up to the Institute's prevailing charges for tuition and board.

1924, pp. 170, 214; Michie Code 1942, § 845a; 2006, c. 810.

§ 23-107. (Repealed effective October 1, 2016) Service requirement

Each cadet received on state account and who shall have remained in the Institute during the period of two years or more, shall act in the capacity of teacher in some school in this Commonwealth for two years, and such cadet shall be required to discharge his obligation as teacher within the three years immediately after leaving the Institute, and he shall report in writing to the superintendent of the Institute on or before the first day of June of each year succeeding the date of his leaving the Institute until he shall have discharged fully such obligation to the Commonwealth; or, at his option, such cadet may serve an enlistment in the National Guard of the Commonwealth, or serve for a period of two years as an engineer for the Commonwealth Transportation Board or for a period of two years as an engineer with the State Department of Health, or serve on active duty for a period of two years as a member of some component of the armed services of the United States of America, or, with the approval of the board of visitors, serve for a period of two years in any capacity as an employee of the Commonwealth of Virginia. Any cadet failing to fulfill his or her obligation shall repay all funds received from the Commonwealth. The board of visitors may excuse such cadet from any and all of these obligations in such cases as they deem proper.

Code 1919, § 849; 1928, p. 1227; 1952, c. 482; 1958, c. 569; 1973, c. 83; 2006, c. 810.

§ 23-107.1. (Repealed effective October 1, 2016) Admission of military scholarship cadets
The board shall admit annually as military scholarship cadets, up to 40 young men and women, who shall be not less than 16 nor more than 25 years of age. The board shall provide financial assistance for tuition, fees, room and board entirely from federal funds, Virginia National Guard funds, or private gifts. The federal funds, Virginia National Guard funds, or private gifts shall have no matching requirement.

2006, c. 810.

§ 23-107.2. (Repealed effective October 1, 2016) Military scholarship cadet to serve as a commissioned officer in the Virginia National Guard
Each military scholarship cadet shall agree to serve as a commissioned officer in the Virginia National Guard for a term in accordance with Guard policy and regulation. Any cadet failing to fulfill his or her obligation shall repay all funds received in support of his or her cost of education. The board of visitors, in consultation with the Virginia National Guard, may excuse such cadet from any and all of these obligations in such cases as they deem proper.

2006, c. 810.

§ 23-108. (Repealed effective October 1, 2016) Commissioned officers may become students
Any commissioned officer of the organized militia and Governor's military staff of the Commonwealth may become a student at any state institution of higher education for a period not exceeding 10 months, and receive instruction in any or all the departments of military science, emergency management, emergency services, public safety, and disaster management taught therein without being required to pay any fee or charge for tuition.

Code 1919, § 846; 1983, c. 385; 2014, c. 778.

§ 23-109. (Repealed effective October 1, 2016) Cadets a military corps; arsenal
The cadets shall be a military corps under the command of the superintendent, and constitute the guard of the Institute.

The arsenal and all its grounds and buildings shall be considered as belonging to the Institute, and the board shall cause the same and all the arms and other property therein, or belonging thereto, to be guarded and preserved.

Code 1919, §§ 838, 847.

§ 23-110. (Repealed effective October 1, 2016) Conferring of degrees
The Governor and the board of visitors and faculty of the Institute may confer a degree upon any graduate found qualified to receive it, after examination upon such of the branches of the arts and sciences and of literature taught at the Institute as the board may deem requisite. The board may also, in its discretion, confer honorary degrees or diplomas of distinguished merit.

Code 1919, § 848; 1926, p. 718; 1927, p. 201; 1952, c. 272.

§ 23-111. Repealed

Repealed by Acts 1984, c. 734.

§ 23-112. (Repealed effective October 1, 2016) Musicians, how enlisted and paid
The superintendent may enlist musicians for service at the Institute, to be paid out of the annual appropriation provided for in § 23-92.

Code 1919, § 851.

§ 23-113. (Repealed effective October 1, 2016) Supply of water
To enable the Institute to procure a supply of water, it shall have authority to proceed under the provisions of Title 25.1 to acquire such springs, lands, and rights-of-way as may be necessary.

Code 1919, § 852.

Chapter 11 - VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

Article 1 - GENERAL PROVISIONS

§ 23-114. (Repealed effective October 1, 2016) Board of visitors a corporation and under control of General Assembly
The board of visitors shall be and remain a corporation under the name and style of the Virginia Polytechnic Institute and State University and shall at all times be under the control of the General Assembly. All acts and parts of acts and statutes relating to Virginia Polytechnic Institute, its predecessors by whatever name known, or to the boards of visitors thereof, shall be construed as relating to the Virginia Polytechnic Institute and State University.

Code 1919, § 860; 1944, p. 341; 1970, c. 98.

§ 23-115. (Repealed effective October 1, 2016) Appointment of visitors generally; number and eligibility
The board of visitors is to consist of fourteen members, thirteen of whom shall be appointed by the Governor, and one of whom shall be the President of the Board of Agriculture and Consumer Services, ex officio. Of the members appointed by the Governor, three may be nonresidents. The visitors in the office on April 9, 1945, are continued in office until the end of their respective terms, or until June 30, 1945, whichever last occurs.

As soon as practicable after April 9, 1945, the Governor shall appoint four members to fill the unexpired portions of the terms which began on July 1, 1944, and shall appoint three additional members for new terms of two years and two for new terms of four years, each term beginning July 1, 1945. He shall, in addition, appoint the President of the State Board of Agriculture and Consumer Services as an ex officio member for a term of four years to begin July 1, 1945; provided that, if the tenure in office as President of such ex officio member expires within that time, the Governor shall appoint such member's successor to fill the unexpired term. Such President shall remain eligible for appointment as an ex officio member so long as he continues in office as Pres-

ident. All appointments for full terms, as well as to fill vacancies, shall be made by the Governor subject to confirmation by the Senate.

Code 1919, § 859; 1930, p. 739; 1944, p. 344; 1945, p. 55; 1964, c. 48; 1980, c. 559.

§ 23-116. (Repealed effective October 1, 2016) Appointment of visitors from nominees of alumni association

(a) The Governor may appoint visitors from a list of qualified persons submitted to him by the alumni association of the University on or before the first day of April of any year in which the terms of any visitors will expire.

(b) Whenever a vacancy occurs, otherwise than by expiration of term, the Governor shall certify this fact to the association and nominations may be submitted of qualified persons and the Governor may fill the vacancy, if his discretion so dictates, from among the eligible nominees of the association, whether or not alumni or alumnae.

(c) Every list shall contain at least three names for each vacancy to be filled.

(d) The Governor is not to be limited in his appointments to the persons so nominated.

(e) At no time shall less than six of the appointive visitors be alumni or alumnae of the University.

Code 1919, § 859; 1944, p. 344; 1945, p. 55; 1970, c. 98.

§ 23-117. (Repealed effective October 1, 2016) Eligibility to serve for more than two successive terms

No person, except the ex officio member, shall be eligible to serve for or during more than two successive four-year terms; but after the expiration of a term of two years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional four-year terms may be served by such a member if appointed thereto. Incumbents on April 5, 1945, appointed for full terms prior to June 1, 1944, shall be deemed to be serving their first terms.

Code 1919, § 859; 1944, p. 345; 1945, p. 55; 1980, c. 559.

§ 23-118. (Repealed effective October 1, 2016) Officers and committees of the board; officers of the University

The board of visitors shall appoint from their own body a rector, who shall preside at their meetings, and, in his absence, a president pro tempore. The board may appoint a vice-president of the University and, by appropriate regulations, prescribe his authority, duties, and compensation, if any, and he shall hold office at the pleasure of the board. The board shall also appoint from its membership an executive committee of not less than three nor more than six, which, during the interim between board meetings, shall be empowered to exercise all or such part of the powers of the board as the board may by resolution prescribe. The board may likewise appoint special committees and prescribe their duties and powers. The executive committee, and other committees shall make reports to the board, at its annual meeting or oftener if required, of the acts performed by them from time to time. The board shall also appoint a treasurer of the University and may

appoint a secretary thereof, and also a clerk to the board, and such other officers, assistants and deputies as they deem advisable to conduct the business and affairs of the University.

Code 1919, § 861; 1945, p. 74; 1970, c. 98.

§ 23-119. (Repealed effective October 1, 2016) Quorum of board and of committees

A majority of the board and also of all committees appointed pursuant to § 23-118 shall constitute a quorum.

Code 1919, § 861; 1945, p. 75.

§ 23-120. Repealed

Repealed by Acts 2015, c. 560, cl. 2.

§ 23-121. (Repealed effective October 1, 2016) Meetings of board

The board shall meet at Blacksburg, in the County of Montgomery, at least once a year, and at such other times or places as they shall determine, the days of meeting to be fixed by them. Special meetings of the board may be called by the Governor, the rector, or any three members. In either of such cases, notice of the time and place of meeting shall be given to every other member.

Code 1919, § 863.

§ 23-122. (Repealed effective October 1, 2016) Powers and duties of board generally; expenses

The board shall be charged with the care and preservation and improvement of the property belonging to the University, and with the protection and safety of students and other persons residing on the property, and in pursuance thereof shall be empowered to change roads or driveways on the property or entrances thereto, or to close temporarily or permanently the roads, driveways and entrances; to prohibit entrance to the property of undesirable and disorderly persons, or to eject such persons from the property, and to prosecute under the laws of the state trespassers and persons committing offenses on the property.

The board shall regulate the government and discipline of the students; and, generally, in respect to the government of the University, may make such regulations as they deem expedient, not contrary to law. Such reasonable expenses as the visitors may incur in the discharge of their duties shall be paid out of the funds of the University.

Code 1919, § 864; 1924, p. 143; 1970, c. 98.

§ 23-122.1. (Repealed effective October 1, 2016) Investment of endowment funds, endowment income, and gifts; standard of care; liability; exemption from the Virginia Public Procurement Act

A. The board of visitors shall invest and manage the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in accordance with this section and the provisions of the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

B. No member of the board of visitors shall be personally liable for losses suffered by an endowment fund, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the University, arising from investments made pursuant to the provisions of subsection A.

C. The investment and management of endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the University shall not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

D. In addition to the investment practices authorized by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board of visitors may also invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in derivatives, options, and financial securities.

1. In this section, "derivative" means a contract or financial instrument or a combination of contracts and financial instruments, including, without limitation, any contract commonly known as a "swap," which gives the University the right or obligation to deliver or receive delivery of, or make or receive payments based on, changes in the price, value, yield or other characteristic of a tangible or intangible asset or group of assets, or changes in a rate, an index of prices or rates, or other market indicator for an asset or a group of assets.

2. In this section, an "option" means an agreement or contract whereby the University may grant or receive the right to purchase or sell, or pay or receive the value of, any personal property asset including, without limitation, any agreement or contract that relates to any security, contract, or agreement.

3. In this section, "financial security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest, collateral-trust certificate, preorganization certificate of subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities (including any interest therein or based on the value thereof), or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency, or in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim security for, receipt for, guarantee of, or warrant or right to subscribe to or purchase any of the foregoing.

E. The authority as provided in this section as it relates to nongeneral fund reserves and balances of or held by the University is predicated upon an approved management agreement between the University and the Commonwealth of Virginia.

2009, cc. 737, 767.

§ 23-123. Repealed

Repealed by Acts 1981, c. 319.

§ 23-124. (Repealed effective October 1, 2016) Appointment of professors; removal of professors and officers

The board shall appoint as many professors as they deem proper, and, with the assent of two-thirds of the members of the board, may remove any professor or, subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, any other officer of the University.

Code 1919, § 864; 1924, p. 144; 1970, c. 98.

§ 23-125. (Repealed effective October 1, 2016) Prescribing duties of professors and course of instruction

The board shall prescribe the duties of each professor and the course and mode of instruction.

Code 1919, § 864; 1924, p. 144.

§ 23-126. (Repealed effective October 1, 2016) Appointment of president; employment of agents or servants

The board shall appoint a president of the University and may employ such agents or servants as may be necessary.

Code 1919, § 864; 1924, p. 144; 1970, c. 98.

§ 23-127. (Repealed effective October 1, 2016) Bond of treasurer

The board shall require the treasurer, or the officer in whose hands the funds of the University may be placed, to give bond in the sum of $50,000, payable to the Commonwealth, with condition for the faithful discharge of the duties of his office, which bond being approved by the board and entered at large on its journal, shall be transmitted to the Comptroller, and remain filed in his office.

Code 1919, § 866; 1970, c. 98.

§ 23-128. (Repealed effective October 1, 2016) Professors' salaries; fees of students

Each professor shall receive a stated salary, to be fixed by the board of visitors. The board shall fix the fees to be charged for tuition of students, other than those allowed scholarships under § 23-31, which shall be a credit to the fund of the University.

Code 1919, § 865; 1970, c. 98.

§ 23-129. Repealed

Repealed by Acts 1981, c. 319.

§ 23-130. (Repealed effective October 1, 2016) Curriculum

The curriculum of the Virginia Polytechnic Institute and State University shall embrace such branches of learning as relate to agriculture and the mechanic arts, without excluding other scientific and classical studies, and including military tactics.

Code 1919, § 856; 1970, c. 98.

§ 23-131. (Repealed effective October 1, 2016) School of mines continued

The school of mines now established at the Virginia Polytechnic Institute and State University is continued, and shall receive for its support such sums as may be appropriated by law for the purpose.

Code 1919, § 857; 1970, c. 98.

§ 23-132. Repealed
Repealed by Acts 1972, c. 48.

Article 1.1 - VIRGINIA COOPERATIVE EXTENSION AND AGRICULTURAL EXPERIMENT STATION DIVISION

§ 23-132.1. (Repealed effective October 1, 2016) Virginia Cooperative Extension and Agricultural Experiment Station Division established; Cooperative Extension Service recognized
There is hereby established within the Virginia Polytechnic Institute and State University a division to be known as the Virginia Cooperative Extension and Agricultural Experiment Station Division, hereinafter referred to as the Division, which shall encompass and administer the Virginia Cooperative Extension Service and the Agricultural Experiment Station with appropriate supporting programs. Further, the Cooperative Extension Service Program within Virginia State University, hereinafter referred to as "the Service Program," is hereby recognized. The Cooperative Extension Service Program shall be operated cooperatively by Virginia Polytechnic Institute and State University and Virginia State University, with agreed upon areas of program and service emphasis as set forth in the unified plan submitted by the two institutions to the U.S. Department of Agriculture.

1994, c. 433.

§ 23-132.2. (Repealed effective October 1, 2016) Administration of Division
The board of visitors of the Virginia Polytechnic Institute and State University shall provide for the administration of such Division through the regular administrative and fiscal officers of the Virginia Polytechnic Institute and State University and shall make appointments to the administrative and research staff on recommendation of the president of the Virginia Polytechnic Institute and State University.

1994, c. 433.

§ 23-132.3. (Repealed effective October 1, 2016) Duties of Division; how work to be performed
A. The Virginia Cooperative Extension Service shall provide the people of the Commonwealth with information and knowledge on subjects related to agriculture, including horticulture and silviculture, agribusiness, home economics, community resource development, 4-H Clubs, and subjects relating thereto, through instruction and the dissemination of useful and practical information through demonstrations, conferences, courses, workshops, publications, meetings, and mass media. The necessary printing and distribution of information in connection with the

foregoing and this work shall be carried on in such manner as may be mutually agreed upon by Virginia Polytechnic Institute and State University for the work of the Division, the Virginia State University for the work of the Service Program, the Governor or his designated representative, the United States Secretary of Agriculture, the United States Secretary of Commerce, and other participating bodies.

B. The Cooperative Extension Service Program shall also conduct educational programs and disseminate useful and practical information to the people of the Commonwealth.

C. The Agricultural Experiment Station shall conduct research and investigations and establish, publish and distribute results in such forms as will tend to increase the economy, efficiency, and safety of the various enterprises and activities of interest to the Commonwealth and the nation, and promote the conservation and economic utilization of its natural and human resources.

1994, c. 433.

§ 23-132.4. (Repealed effective October 1, 2016) Selection of personnel; rules and regulations; work may be conducted with both adults and youth

It shall be the duty of the Virginia Polytechnic Institute and State University and of the Virginia State University in cooperation with the departments and agencies of the federal government, to exercise great care in the selection of personnel to carry out the work and to supervise the work to see that it is properly done throughout the Commonwealth. The work shall be conducted under such rules and regulations as may be adopted by the Virginia Polytechnic Institute and State University for the work of the Division and by the Virginia State University for the work of the Service in cooperative relation to the United States Department of Agriculture. The Virginia Polytechnic Institute and State University through the Division and the Virginia State University through the Service are authorized to conduct work with both adults and youth through local units to be known as "departments of extension and continuing education."

1994, c. 433.

§ 23-132.5. (Repealed effective October 1, 2016) Sources from which moneys may be received; disposition of receipts

The Division may receive moneys from the Commonwealth, the federal government or private sources and all receipts of the Division shall be deposited to the credit of the general fund of the state treasury and are hereby appropriated to the Virginia Polytechnic Institute and State University to be used exclusively for the purposes of the Division.

1994, c. 433.

§ 23-132.6. (Repealed effective October 1, 2016) Appropriations by General Assembly

There is hereby authorized to be appropriated for the purposes of this chapter such sums as the General Assembly may from time to time determine to be necessary. Any money that may be appropriated from the general fund of the state treasury, or received and appropriated from any agency or department of the federal government for the purposes of carrying out this chapter shall

be expended by the Virginia Polytechnic Institute and State University through the Division and by the Virginia State University through the Service, and shall be accounted for in the manner prescribed by applicable law or regulations.

1994, c. 433.

§ 23-132.7. (Repealed effective October 1, 2016) For what purposes funds may be used

The funds appropriated by the General Assembly as provided in § 23-132.6 shall be used by the Virginia Polytechnic Institute and State University and by the Virginia State University for the purpose of conducting cooperative extension services in the Commonwealth of Virginia and in cooperation with the several counties, cities, and other participating bodies therein so far as said funds will permit. "Cooperative extension service" is the function traditionally associated with the term "extension," which is the joint federal, state, and local program designed to aid transfer of information and research capabilities of land grant universities to citizens. Traditionally, the cooperative extension services focus on agriculture, including horticulture and silviculture, agribusiness, home economics, community resource development, and 4-H Clubs. These funds may be used for defraying all necessary expenses, including the payment of salaries and travel expenses, buying of equipment and supplies, and for other authorized expenses in connection with carrying out the work.

1994, c. 433.

§ 23-132.8. (Repealed effective October 1, 2016) Appropriations by local governing bodies

The local governing bodies of the several counties and cities of the Commonwealth are hereby authorized and empowered to appropriate out of the county or city funds for the support of such activities of the Division such sums as said governing bodies may deem proper; the sums so appropriated are to be used in cooperation with the Virginia Polytechnic Institute and State University for paying such portions of the expenses of the Division and in such manner as may be agreed upon by the Virginia Polytechnic Institute and State University and the local governing body. Funds appropriated by the governing bodies of the county or city are to be supplemented by a sum or sums to be paid out of funds appropriated by the General Assembly to the Virginia Polytechnic Institute and State University for the Division and such funds as may be allotted from funds under its control.

1994, c. 433.

§ 23-132.9. (Repealed effective October 1, 2016) Soil survey

For the purpose of continuing a survey of the soils of the Commonwealth which was begun by the United States Department of Agriculture, there is hereby authorized and directed to be made under the direction and supervision of such agricultural experiment station, a comprehensive soil survey of the Commonwealth of such a character and along such lines as to obtain an inventory of the soil resources of the Commonwealth and to determine their adaptability to various crops, forestry and livestock enterprises in order to promote the utilization of the lands of the Com-

monwealth in the most practical and economical way. It is contemplated that the experiment station will make this survey in cooperation with the United States Department of Agriculture.

1994, c. 433.

§ 23-132.10. (Repealed effective October 1, 2016) Agricultural survey

There is authorized to be made under the direction and supervision of such agricultural experiment station, a thorough and comprehensive agricultural survey of the Commonwealth according to the most approved methods in practice, or which may be devised, for the purpose of gathering facts and information in regard to existing agricultural conditions in Virginia, and data upon which to base a study of agricultural economics and a constructive program for the development of agriculture and agricultural resources, which survey shall include matters pertaining to soils and soil fertility and management; soil erosion and drainage problems affecting soil fertility and productivity; the adaptation of various soil types, elevations and seasonable conditions to crops produced or which may suitably be produced; farm layout and selection and arrangement of fields for the use of labor-saving machinery, and economy and convenience in cultivation and farm operations; methods of cultivation, production and handling of crops, and general farm management; the various crops produced on farms, their yield and gross value compared with the cost of production and courses of low yield; farm labor, its distribution and efficiency; labor incomes of the various classes of farm labor; the relation of various farm products to public needs and local and general supply and demand; farm incomes and sources; capital investment and return; distribution of capital investment; the character and extent of idle lands and their suitability for cultivation or other agricultural purposes in the various localities and what, if any, profitable use may be made of them through the introduction of livestock or crops adapted to such soils, by individuals or on a community plan, with notations of elevation, topography, temperatures and seasonal conditions as affecting fruit production, cotton or other crops; and any other information or studies which may seem advisable in determining methods for the betterment of agricultural conditions and the development of agricultural resources of the Commonwealth.

It is contemplated that in making the foregoing survey that the agricultural experiment station will, and is hereby authorized to, work in conjunction with and cooperate with similar agencies of the federal government whenever a suitable and satisfactory arrangement can be made for such cooperation.

1994, c. 433.

§ 23-132.11. (Repealed effective October 1, 2016) Reports

The Virginia Polytechnic Institute and State University shall file such reports on the activities of the Division; the Virginia State University shall file such reports on the activities of the Service Program as may be required by law or requested by the Governor; and the two institutions shall file such reports on the unified plan as may be required by law or requested by the Governor.

1994, c. 433.

§ 23-132.12. (Repealed effective October 1, 2016) Construction of acts relating to the Virginia Cooperative Extension Service and Agricultural Experiment Station Division of Virginia Polytechnic Institute and State University

All acts and parts of acts relating to the Virginia Cooperative Extension Service and Agricultural Experiment Station Division of the Virginia Polytechnic Institute and State University shall be construed as relating to the Division as established by this article, and no such act or part of an act shall be construed as limiting the provisions of this article.

1994, c. 433.

Article 2 - RESEARCH DIVISION

§§ 23-133 through 23-135.7. Repealed

Repealed by Acts 1994, c. 433.

Article 2.01 - VIRGINIA CENTER FOR COAL AND ENERGY RESEARCH

§ 23-135.7:1. (Repealed effective October 1, 2016) Created

The Virginia Center for Coal and Energy Research is hereby created to be located at Virginia Polytechnic Institute and State University, hereinafter referred to as the Center.

1977, c. 543.

§ 23-135.7:2. (Repealed effective October 1, 2016) Function

The Center shall be an interdisciplinary study, research, information and resource facility for the Commonwealth of Virginia utilizing the full capabilities of faculty, staff, libraries and laboratories for the benefit of Virginians and the expansion of knowledge pertaining to coal and energy research and development.

1977, c. 543.

§ 23-135.7:3. (Repealed effective October 1, 2016) Control and supervision

The Center shall be subject to the control and supervision of the board of visitors of Virginia Polytechnic Institute and State University.

1977, c. 543.

§ 23-135.7:4. (Repealed effective October 1, 2016) Appointment of executive director

The board of visitors of Virginia Polytechnic Institute and State University shall appoint an executive director for the Center.

1977, c. 543.

§ 23-135.7:5. (Repealed effective October 1, 2016) Powers and duties of executive director

The executive director with the approval of the board of visitors of Virginia Polytechnic Institute and State University shall have the following powers and duties:

1. Exercise all powers and perform all duties imposed upon him by law; and

2. Carry out the specific duties imposed upon him by the board of visitors of Virginia Polytechnic Institute and State University; and

3. Employ such personnel and contract for such services as may be required to carry out the purposes of this article.

1977, c. 543.

§ 23-135.7:6. (Repealed effective October 1, 2016) Powers and duties of Center

The Center, under the direction of the executive director, shall have the following powers and duties:

1. To develop a degree program in energy production and conservation research at the master's level in conjunction with the State Council on Higher Education;

2. To develop and provide programs of continuing education and in-service training for persons who work in the field of coal or other energy research, development or production;

3. To operate in conjunction with other departments of Virginia Polytechnic Institute and State University, including but not limited to the Department of Mining Engineering;

4. To conduct research in the fields of coal, coal utilization, migrating natural gases such as methane and propane, and other energy related work;

5. To collect and maintain data on energy production, development and utilization;

6. To foster the utilization of research information, discoveries and data;

7. To coordinate the functions of the Center with the energy research facilities to prevent duplication of effort;

8. To apply for and accept grants from the United States government and the state government and agencies and instrumentalities thereof and from any other source in carrying out the purposes of this article. To these ends, the Center shall have the power to comply with conditions and execute such agreements as may be necessary;

9. To accept gifts, bequests, and any other thing of value to be used for carrying out the purposes of this article;

10. To receive, administer and expend all funds and other assistance made available to the Center for the purposes of carrying out this article;

11. To consult with the Division of Energy of the Department of Mines, Minerals and Energy in the preparation of the Virginia Energy Plan pursuant to § 67-201; and

12. To do all things necessary or convenient for the proper administration of this article.

1977, c. 543; 2006, c. 939.

§ 23-135.7:7. (Repealed effective October 1, 2016) Advisory Committee continued as Advisory Board

The Virginia Coal Research and Development Advisory Committee is continued and shall hereafter be known as the Virginia Coal Research and Development Advisory Board. The Advisory Board shall serve in an advisory capacity to the Executive Director of the Virginia Center for Coal and Energy Research.

1. The Advisory Board shall be authorized to advise on those matters set forth in § 23-135.7:2.

2. Representatives to the Advisory Board shall be appointed by the Board of Visitors of Virginia Polytechnic Institute and State University.

3. The Board of Visitors of Virginia Polytechnic Institute and State University shall also appoint such other individuals as they deem necessary to the work of the Advisory Board.

4. Representatives from the Department of Conservation and Historic Resources, the Department of Small Business and Supplier Diversity, the Department of Mines, Minerals and Energy, the Department of Labor and Industry, the Virginia Port Authority, the institutions of higher education, excluding Virginia Polytechnic Institute and State University, and the Community College System shall serve as the Advisory Board.

1977, c. 543; 1984, c. 590; 1985, c. 448; 1996, cc. 589, 599; 2013, c. 482.

Article 2.02 - VIRGINIA WATER RESOURCES RESEARCH CENTER

§ 23-135.7:8. (Repealed effective October 1, 2016) Established

The Virginia Water Resources Research Center, which came into existence as the result of the Water Resources Research Act of 1964 (P.L. 88-379), is hereby established as the Virginia Water Resources Research Center, hereinafter referred to as the Water Center, to be located at Virginia Polytechnic Institute and State University, for the purposes of developing, implementing and coordinating water and related land research programs in the Commonwealth and transferring the results of research and new technology to potential users.

1982, c. 379.

§ 23-135.7:9. (Repealed effective October 1, 2016) Functions, powers and duties of the Water Center

A. The Water Center shall: (i) consult with the General Assembly; federal, state and local agencies; water user groups; private industry; and other potential users of research; (ii) establish and administer agreements with other universities of the Commonwealth for the conduct of research projects; (iii) [Repealed.] (iv) disseminate new information and facilitate transfer and application of new technology; (v) be a liaison between Virginia and the federal research funding agencies as an advocate for Virginia's water research needs; (vi) encourage the development of academic programs in water resources management in conjunction with the State Council on Higher Education.

B. In addition, the Water Center shall facilitate and stimulate research that: (i) deals with policy issues facing the General Assembly; (ii) supports the state water resource agencies; and (iii)

provides water planning and management organizations with tools to increase efficiency and effectiveness of water planning and management.

1982, c. 379; 1984, c. 734.

§ 23-135.7:10. (Repealed effective October 1, 2016) Control and supervision

The Water Center shall be a unit of Virginia Polytechnic Institute and State University under the supervision and control of the University's Board of Visitors.

1982, c. 379.

§ 23-135.7:11. (Repealed effective October 1, 2016) Appointment of an executive director

The principal administrative officer of the Water Center shall be an executive director, who shall be appointed by the President of Virginia Polytechnic Institute and State University with the approval of the Board of Visitors, and who shall be under the supervision of the President of Virginia Polytechnic Institute and State University.

1982, c. 379.

§ 23-135.7:12. (Repealed effective October 1, 2016) Powers and duties of the Executive Director

The Executive Director shall exercise all powers imposed upon him by law, carry out the specific duties imposed upon him by the President of Virginia Polytechnic Institute and State University, and develop appropriate policies and procedures, with the advice of the Statewide Advisory Board, for (i) identifying priority research problems; (ii) collaborating with the General Assembly; federal, state, and local governmental agencies; and water user groups in the formulation of its research programs; (iii) selecting projects to be funded; and (iv) disseminating information and transferring technology designed to help resolve water and related land problems of the Commonwealth. He shall employ such personnel and secure such services as may be required to carry out the purposes of this article and expend appropriated funds and accept moneys for cost-sharing on projects funded with federal or private funds.

1982, c. 379.

§ 23-135.7:13. (Repealed effective October 1, 2016) Statewide Advisory Committee continued as Statewide Advisory Board

The Virginia Water Resources Research Center Statewide Advisory Committee is continued and shall hereafter be known as the Virginia Water Resources Research Center Statewide Advisory Board. The Advisory Board shall serve in an advisory capacity to the Executive Director of the Water Center. Representatives of the Advisory Board shall be appointed by the Governor, subject to confirmation by the General Assembly, and shall include balanced representation from industries; federal, state, and local agencies; water user groups; and concerned citizens. The Advisory Board shall (i) recommend policy guidelines for implementing the functions of the Water Center and evaluate programs of the Water Center; and (ii) advise and counsel with the Executive Director

of the Water Center and make recommendations to assist him in carrying out the purposes of this article.

1982, c. 379; 1984, c. 734; 1985, c. 448.

Article 2.03 - VIRGINIA CENTER FOR HOUSING RESEARCH

§ 23-135.7:14. (Repealed effective October 1, 2016) Center established

The Virginia Center for Housing Research, hereinafter referred to as the Housing Center, is hereby created to be located at Virginia Polytechnic Institute and State University.

1989, c. 700.

§ 23-135.7:15. (Repealed effective October 1, 2016) Functions, powers and duties of the Housing Center

A. The Housing Center shall serve as an interdisciplinary study, research, and information resource on housing for the Commonwealth of Virginia. The Housing Center shall: (i) consult with the General Assembly, federal, state and local agencies, nonprofit organizations, private industry and other potential users of research; (ii) establish and administer agreements with other universities of the Commonwealth to carry out research projects; (iii) disseminate new information and research results; and (iv) facilitate the application and transfer of new technologies to housing.

B. In addition, the Housing Center shall stimulate and perform research that (i) deals with housing policy issues facing the General Assembly and (ii) aids the Commonwealth's housing and housing finance agencies.

1989, c. 700.

§ 23-135.7:16. (Repealed effective October 1, 2016) Control and supervision

The Housing Center shall be a unit of Virginia Polytechnic Institute and State University under the supervision and control of the University's Board of Visitors.

1989, c. 700.

§ 23-135.7:17. (Repealed effective October 1, 2016) Appointment of a Director

The President of the Virginia Polytechnic Institute and State University, with the approval of the Board of Visitors, shall appoint a director to serve as the principal administrative officer of the Housing Center. The Director shall be under the supervision of the President of the Virginia Polytechnic Institute and State University or his designee.

1989, c. 700.

§ 23-135.7:18. (Repealed effective October 1, 2016) Powers and duties of the Director

The Director shall exercise all powers imposed upon him by law, carry out the specific duties imposed on him by the President of Virginia Polytechnic Institute and State University, and develop appropriate policies and procedures, with the advice of the Research Advisory Board, for (i)

identifying priority research problems; (ii) cooperating with the General Assembly, federal, state, and local governmental agencies, nonprofit organizations and private industry in formulating its research programs; (iii) selecting research projects to be funded; and (iv) disseminating information and transferring technology related to housing and housing problems within the Commonwealth. The Director shall employ such personnel and secure such services as may be required to carry out the purposes of this article, expend appropriated funds and accept moneys from federal or private sources for cost-sharing on projects.

1989, c. 700.

§ 23-135.7:19. Repealed

Repealed by Acts 1992, c. 754 .

§ 23-135.7:20. (Repealed effective October 1, 2016) Board of Housing and Community Development to serve as advisory board

The Board of Housing and Community Development established in § 36-135 shall serve in an advisory capacity to the Director of the Center for Housing Research. The Board of Housing and Community Development shall be authorized to advise on all matters set forth in § 23-135.7:15.

1992, c. 754.

Article 2.1 - ROANOKE TECHNICAL INSTITUTE

§ 23-135.8. (Repealed effective October 1, 2016) Establishment and accreditation

There is hereby established within the Virginia Polytechnic Institute and State University a division to be known as the "Roanoke Technical Institute," hereinafter referred to as the Institute. Such Institute shall be in all respects subject to the judgment, control and supervision of the governing board of the Virginia Polytechnic Institute and State University in cooperation with the State Board of Education, which said Institute shall offer courses appropriate to establish accreditation practices in its field.

1958, c. 179; 1962, c. 78.

§ 23-135.9. (Repealed effective October 1, 2016) Purpose

The purpose of the Institute shall be to train technicians in the industrial, scientific, electrical and the mechanical arts and sciences in order to increase the economic efficiency and safety of the manufacturing, engineering, and industrial enterprises of the Commonwealth and to promote the economic utilization of its natural and human resources.

1958, c. 179.

§ 23-135.10. (Repealed effective October 1, 2016) Administration

The board of visitors of the Virginia Polytechnic Institute and State University in cooperation with the State Board of Education shall provide for the administration of such Institute through such persons as they determine proper and shall make such appointments to the administrative and technical staff of the Institute as in their judgment appear best.

1958, c. 179.

§ 23-135.11. (Repealed effective October 1, 2016) Contribution by City of Roanoke; gifts and donations

The City of Roanoke shall provide a suitable site without cost to the Commonwealth and assume an appropriate share of the cost of operation. For such purpose the city may accept and expend gifts and donations from private individuals, firms, corporations and organizations, which shall be considered for the purpose of this section as a contribution on the part of the city.

1958, c. 179.

Article 2.2 - CLIFTON FORGE-COVINGTON BRANCH

§ 23-135.12. (Repealed effective October 1, 2016) Establishment

There is hereby established within the Virginia Polytechnic Institute and State University a division to be known as the "Clifton Forge-Covington Branch of the Virginia Polytechnic Institute and State University," hereinafter referred to as the division. Such division shall be in all respects subject to the judgment, control and supervision of the governing board of the Virginia Polytechnic Institute and State University.

1962, c. 274.

§ 23-135.13. (Repealed effective October 1, 2016) Administration

The board of visitors of the Virginia Polytechnic Institute and State University shall have the same powers as to determining the fields of instruction to be offered; as to fixing tuition, fees and other charges; as to the appointment and removal of administrative officers, professors, agents and servants, and the making of rules and regulations as are now vested in said board with respect to Virginia Polytechnic Institute and State University. The board of visitors shall have the power of granting appropriate diplomas or certificates of successful completion of the two-year curriculum of such division.

1962, c. 274.

§ 23-135.14. (Repealed effective October 1, 2016) Courses of instruction

The curriculum offered by the division shall be limited to courses of instruction which are offered by the Virginia Polytechnic Institute and State University to resident students during their first two years of enrollment and to such other terminal courses of no more than two years' duration as may be authorized by the board of visitors to meet the post-high school educational needs of the community.

1962, c. 274.

§ 23-135.15. (Repealed effective October 1, 2016) Expenditure of appropriations

Appropriations, directly or indirectly, from the Commonwealth to the division shall be expended as directed by the board of visitors of the Virginia Polytechnic Institute and State University.

1962, c. 274.

§ 23-135.16. (Repealed effective October 1, 2016) Care and preservation of property; acquisition of site; gifts and donations

The board of visitors of the Virginia Polytechnic Institute and State University shall be charged with the care and preservation of all property, real and personal, belonging to the division. To this end, the board is authorized to acquire, by gift or purchase, a suitable site for the division, and may accept and expend gifts and donations of any kind from individuals, firms, corporations and organizations.

1962, c. 274.

Article 2.3 - WYTHEVILLE BRANCH

§ 23-135.17. (Repealed effective October 1, 2016) Establishment

There is hereby established within the Virginia Polytechnic Institute and State University a division to be known as the "Wytheville Branch of the Virginia Polytechnic Institute and State University," hereinafter referred to as the division. Such division shall be in all respects subject to the judgment, control and supervision of the governing board of the Virginia Polytechnic Institute and State University.

1962, c. 280.

§ 23-135.18. (Repealed effective October 1, 2016) Administration

The board of visitors of the Virginia Polytechnic Institute and State University shall have the same powers as to determining the fields of instruction to be offered; as to fixing tuition, fees and other charges; as to the appointment and removal of administrative officers, professors, agents and servants, and the making of rules and regulations as are now vested in said board with respect to Virginia Polytechnic Institute and State University. The board of visitors shall have the power of granting appropriate diplomas or certificates of successful completion of the two-year curriculum of such division.

1962, c. 280.

§ 23-135.19. (Repealed effective October 1, 2016) Courses of instruction

The curriculum offered by the division shall be limited to courses of instruction which are offered by the Virginia Polytechnic Institute and State University to resident students during their first two years of enrollment and to such other terminal courses of no more than two years' duration as may be authorized by the board of visitors to meet the post-high school educational needs of the community.

1962, c. 280.

§ 23-135.20. (Repealed effective October 1, 2016) Expenditure of appropriations

Appropriations, directly or indirectly, from the Commonwealth to the college shall be expended as directed by the board of visitors of the Virginia Polytechnic Institute and State University.

1962, c. 280.

§ 23-135.21. (Repealed effective October 1, 2016) Care and preservation of property; acquisition of site; gifts and donations

The board of visitors of the Virginia Polytechnic Institute and State University shall be charged with the care and preservation of all property real and personal, belonging to the college. To this end, the board is authorized to acquire, by gift or purchase, a suitable site for the college, and may accept and expend gifts and donations of any kind from individuals, firms, corporations and organizations.

1962, c. 280.

Article 3 - GOVERNMENTAL AID AND INDIVIDUAL DONATIONS

§ 23-136. (Repealed effective October 1, 2016) Institutions receiving interest accruing on proceeds of land scrip

The General Assembly having accepted the donation of lands proffered to Virginia by the act of Congress of July 2, 1862; and,

The authorities of the Commonwealth having received the land scrip it was entitled to under such act of Congress; and,

The Board of Education having, in conformity with the acts of February seventh, and March 19, 1872, made sale of the scrip and invested the proceeds in state bonds, which were directed to be set apart and to constitute an education fund:

The annual accruing interest from such fund shall henceforth until otherwise provided by law be paid one-third thereof to the Virginia State University, and two-thirds to the board of visitors of the Virginia Polytechnic Institute and State University.

Code 1919, § 853; 1920, p. 492; 1979, c. 147.

§ 23-137. (Repealed effective October 1, 2016) Institutions receiving money allotted to Commonwealth under act of Congress

The Comptroller shall receive from the Secretary of the Interior of the United States such sums of money as shall be allotted to Virginia under and in accordance with the act of Congress approved August 30, 1890, and shall pay over the same as follows: one-third to the treasurer of the Virginia State University, and two-thirds to the treasurer of the Virginia Polytechnic Institute and State University, who shall receive and disburse the same as required by section two of the act of Congress aforesaid.

Code 1919, § 853; 1920, p. 493; 1979, c. 147.

§ 23-138. (Repealed effective October 1, 2016) Experimental farms

A portion of the fund, not exceeding ten per centum of the proportion assigned to Virginia State University and Virginia Polytechnic Institute and State University, may be expended, in the discretion of the governing boards of the institutions, respectively, in the purchase of lands for experimental farms for each of them.

Code 1919, § 868; 1979, c. 147.

§ 23-139. (Repealed effective October 1, 2016) Laboratories
A portion of the accruing interest from such fund may be, from time to time, expended by the respective governing boards of such institutions in the purchase of laboratories suitable and appropriate for the institutions.

Code 1919, § 868.

§ 23-140. (Repealed effective October 1, 2016) Reversion of property on withdrawal of annuity
If at any time such annuity should be withdrawn from the Virginia Polytechnic Institute and State University the property, real and personal, conveyed and appropriated to its use and benefit by the trustees of the Preston and Olin Institute, and by the County of Montgomery, under the provisions of Chapter 234 of the Acts of 1871-1872, shall revert to the trustees and to the county, respectively, from which it was conveyed and appropriated.

Code 1919, § 855.

§ 23-141. (Repealed effective October 1, 2016) County subscriptions and individual donations
It shall be lawful for the board of visitors of the Institute to accept the subscription of any county made under an act to authorize subscriptions in aid of the Institute, approved March 21, 1872, and also the donation of any individual, in aid of the purposes and objects of the Institute; and such donations and subscriptions, when made, shall be held by the board in trust for the benefit of the Institute, on condition that the same shall revert to the several donors of subscribers, pari passu, if at any time the Commonwealth should withdraw from the use of the Institute the interest accruing on the proceeds of the land scrip, as provided in § 23-136.

Code 1919, § 867.

Article 3.1 - PROGRAM ON FOOD AND NUTRITION

§§ 23-141.1 through 23-141.5. Expired
Expired.

Article 4 - NAUTICAL SCHOOL

§ 23-142. (Repealed effective October 1, 2016) Establishment, management, etc
There shall be established and maintained under the management, direction and control of the board of visitors and faculty of the Virginia Polytechnic Institute and State University, a nautical school for instruction in the science and practice of navigation, seamanship and engineering and any such other subjects, to be prescribed by the proper authorities of the University, as may be necessary for proper training for the position of deck or engine-room officers of the merchant marine. Such school shall be open to residents of the several counties and cities of this

Commonwealth, but the authorities of the University shall have the right to limit the number of students attending the nautical school and to prescribe the necessary physical and educational entrance requirements and standards of admission therefor, and the government and discipline thereof, and to fix the terms and conditions upon which students shall be received and instructed in the school and be graduated, discharged and suspended therefrom, and to make all necessary requirements for its management.

1932, p. 884; 1938, p. 486; 1973, c. 401.

§ 23-143. (Repealed effective October 1, 2016) Cost to students

The students admitted to the nautical school shall have the privilege of attending the same without charge for tuition, or for use of laboratories or public buildings, but the cost of such students in the school for board, room, medical care and other necessary expenses shall be the same as the cost to students in the engineering departments of the Institute.

1932, p. 885; 1938, p. 487.

§ 23-144. (Repealed effective October 1, 2016) Books and equipment; commander and instructors

The authorities of the Institute shall provide the necessary books, charts, instruments, apparatus and supplies required in the work of the nautical school or they may accept gifts or loans of the same, and shall appoint and may remove a commander and all necessary instructors and fix their duties and compensation, or they may appoint as commander or as instructors therein such officers of the United States Navy as may be designated or detailed for that purpose.

1932, p. 885; 1938, p. 487.

§ 23-145. (Repealed effective October 1, 2016) Governmental aid; donations, endowments, etc

The authorities of the Institute shall likewise accept from the Commonwealth and from the federal government, or either, such aid in the maintenance and conduct of the nautical school as may be offered and which may be for the best interest of the school, including a suitable vessel with her apparel, charts, books and instruments of navigation, and may receive from other proper sources such funds, properties, donations and endowments as may be given, subscribed, loaned or bequeathed for the support and maintenance of the nautical school, and all moneys so appropriated or donated, subscribed or bequeathed shall be used or expended in accordance with the provisions governing the same, provided such use or expenditures shall further the purpose of the school and promote its usefulness and service.

1932, p. 885; 1938, p. 487.

§ 23-146. (Repealed effective October 1, 2016) Practical training aboard ship

The authorities of the Institute shall, moreover, make provision for the necessary practical training aboard ship or ships of students attending the nautical school in the science of navigation, seamanship and engineering and such other subjects as may be prescribed, and no student shall

be received in the school until such provision has been made, nor shall any student be graduated from the school who has not had such practical training in these and in such other subjects as may be prescribed.

1932, p. 885; 1938, p. 487.

Article 5 - RADFORD COLLEGE, WOMAN'S DIVISION OF THE VIRGINIA POLYTECHNIC INSTITUTE

§§ 23-147 through 23-155. Repealed

Repealed by Acts 1964, c. 50.

Article 6 - VIRGINIA TRUCK AND ORNAMENTALS RESEARCH STATION

§ 23-155.01. (Repealed effective October 1, 2016) Established

The Virginia Truck and Ornamentals Research Station is hereby abolished as a permanent state institution and is reestablished as a component of the Virginia Agricultural Experiment Station which is, by the provisions of § 23-132.1, part of the Research Division at the Virginia Polytechnic Institute and State University.

1985, c. 505.

§ 23-155.02. (Repealed effective October 1, 2016) Function

The Virginia Truck and Ornamentals Research Station, at times hereafter referred to as the "Station," shall conduct basic and applied research in the fields of horticulture, plant breeding and variety testing, entomology, nematology, plant pathology, plant physiology, and soil science which may bear directly on the interests of commercial growers of vegetable and ornamental crops in Tidewater Virginia. The station shall coordinate its research with related work of the Virginia Agricultural Experiment Station to avoid unnecessary duplication of effort. The information acquired pursuant to this section shall be disseminated. The Norfolk and Eastern Shore branches of the station will be retained as active research stations.

1985, c. 505.

§ 23-155.03. (Repealed effective October 1, 2016) Board of Directors

A Board of Directors shall serve as an advisory body representing local agricultural interests. The Board will consist of five members, all appointed by the Dean of the College of Agriculture and Life Sciences. Three of the appointive members shall be selected from the membership of the Association of Virginia Potato and Vegetable Growers, Incorporated. Two of the appointive members shall be selected from the membership of the Virginia Nurseryman's Association, Incorporated. The term of office of the appointive members shall be four years. The members of the Board shall name one of its members chairman and three members of the Board shall constitute a quorum for the transaction of business. The Board shall hold at least one meeting annually at either the Nor-

folk or Eastern Shore branch research stations and such other meetings as may be necessary at times and places as the chairman or any three members may designate.

1985, c. 505.

§ 23-155.04. (Repealed effective October 1, 2016) Executive Director

An Executive Director shall be appointed to administer the Norfolk and Eastern Shore branches of the station and to carry out the station's program of research. The Executive Director shall serve at the pleasure of and be answerable to the Dean of the College of Agriculture and Life Sciences.

1985, c. 505.

Article 7 - PURCHASE OF ELECTRIC POWER AND ENERGY

§ 23-155.05. (Repealed effective October 1, 2016) Purchase of electric power and energy; duration of contracts; source of payments

A. For purposes of this section:

"Other party" means any other entity, including but not limited to (i) another municipality or public institution of higher education or any political subdivision, public authority, agency, or instrumentality of the Commonwealth, another state, or the United States of America or (ii) a partnership, limited liability company, not-for-profit corporation, electric cooperative, or investor-owned utility, whether created, incorporated, or otherwise organized and existing under the laws of the Commonwealth or another state or the United States of America.

"Project" means any system or facilities for the generation, transmission, transformation, or supply of electrical power and energy by any means whatsoever, including but not limited to fuel, fuel transportation, and fuel supply resources and other related facilities, any one or more electric generating units situated at a particular site, in the continental United States of America, or any interest in the foregoing, whether an undivided interest as a tenant in common or otherwise, or any right to output, capacity or services thereof.

B. Virginia Polytechnic Institute and State University may contract with any other party to buy power and energy required for its present or future requirements. Such contracts may provide that the source of such power and energy is limited to a specified project or may include provision for replacement power and energy. Any such contract may provide that the University shall be obligated to make payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for, and that such payments under the contract shall not be subject to any reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance by any other party. Such contracts, with respect to any project, may also provide, in the event of default by the University or any other party to any such contract for such project in the performance of its obligations thereunder, for the University or other party to any such contract for such project to succeed to the

rights and interests and assume the obligations of the defaulting party, pro rata or otherwise as may be agreed upon in such contracts. Such contracts may provide that the other party is not obligated to provide power and energy in the event that the project specified to be the source of power and energy to be purchased and sold under such contracts is inoperable or in the case of the suspension, interference, reduction or curtailment of the output of such project or in events of force majeure.

Notwithstanding the provisions of any other law or charter provision to the contrary, any such contract, with respect to the sale or purchase of capacity, output, power, or energy from a project, may extend for a period not exceeding 50 years from the date a project is estimated to be placed in normal continuous operation; and the execution and effectiveness thereof shall not be subject to any authorizations or approvals by the Commonwealth or any agency, commission, or instrumentality or political subdivision thereof except as specifically required by law.

Any such contract shall provide that payments by the University under any such contract be made solely from, and may be secured by a pledge of and lien upon, the revenues derived by the University from the ownership and operation of the electric system of the University, and such payments shall constitute an operating expense of such electric system. No obligation under such contract shall constitute a legal or equitable pledge, charge, lien or encumbrance upon any property of the University or upon any of its income, receipts or revenues, except the revenues of its electric system, and the faith and credit of the University are not, or may not be, pledged for the payment of any obligation under any such contract. The University shall be obligated to fix, charge, and collect rents, rates, fees, and charges for electric power and energy and other services, facilities, and commodities sold, furnished, or supplied through its electric system sufficient to provide revenues adequate to meet its obligations under any such contract and to pay any and all other amounts payable from or constituting a charge and lien upon such revenues, including amounts sufficient to pay the principal of and interest on bonds of the University heretofore or hereafter issued for purposes related to its electric system. Any pledge made by the University pursuant to this paragraph shall be governed by the laws of the Commonwealth.

2007, cc. 612, 670.

Chapter 11.1 - RADFORD UNIVERSITY

§ 23-155.1. (Repealed effective October 1, 2016) Corporation composed of board of visitors created; style

The corporation composed of the board of visitors of Radford College, heretofore established by law, is continued as the board of visitors of Radford University under the style of "The Visitors of Radford University" in this chapter hereinafter referred to as the board. All laws relating to Radford College or the board of visitors of Radford College shall be construed as relating to Radford University or the board.

1964, c. 50; 1979, cc. 136, 145.

§ 23-155.2. (Repealed effective October 1, 2016) Name of University
The University shall be known as Radford University.

1964, c. 50; 1979, cc. 136, 145.

§ 23-155.3. (Repealed effective October 1, 2016) Transfer of property from board of visitors of Radford College
All the real estate and personal property now existing and heretofore standing in the name of the visitors of Radford College shall be transferred to and be known and taken as standing in the name, and to be under the control, of the visitors of Radford University. Such real estate and personal property shall be the property of the Commonwealth.

1964, c. 50; 1979, cc. 136, 145.

§ 23-155.4. (Repealed effective October 1, 2016) Appointment of visitors; terms; vacancies
(a) The board shall consist of 15 members who shall be appointed by the Governor.

(b) Of the four members taking new seats of the board to be appointed by the Governor for terms beginning July 1, 2007, two shall be appointed for initial terms of three years each and two for terms of four years each. Successors to all members shall be appointed to serve for terms of four years each. Vacancies occurring other than by expiration of term shall be filled for the unexpired term. Of the persons so appointed four may be nonresidents of the Commonwealth.

(c) All appointments shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

1964, c. 50; 1976, c. 25; 2007, cc. 471, 727.

§ 23-155.5. (Repealed effective October 1, 2016) Appointment of visitors from list submitted by alumni association
(a) The Governor may appoint visitors from a list of qualified persons submitted to him, by the alumni association of the Radford College, or its titular successor, on or before the first day of July of any year in which the terms of any visitors will begin or expire.

(b) Every list shall contain at least three names of each vacancy to be filled.

(c) The Governor is not to be limited in his appointments to the persons so nominated.

1964, c. 50.

§ 23-155.6. Repealed
Repealed by Acts 2015, c. 560, cl. 2.

§ 23-155.7. (Repealed effective October 1, 2016) Rights, powers and duties of board generally
The board shall be vested with all the rights and powers conferred by the provisions of this chapter insofar as the same are not inconsistent with the laws of the Commonwealth.

The board shall control and expend the funds of the University and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the University, appoint the president, who shall be its chief executive officer, and all professors, teachers and agents, and fix their salaries, and generally direct the affairs of the University.

1964, c. 50; 1979, cc. 136, 145.

§ 23-155.8. (Repealed effective October 1, 2016) Board may fix rates, fees and charges
The board may fix the rates charged the students of the University for tuition, fees and other necessary charges.

1964, c. 50; 1979, cc. 136, 145.

§ 23-155.9. (Repealed effective October 1, 2016) Right to confer degrees
The board shall have the right to confer degrees.

1964, c. 50.

§ 23-155.10. (Repealed effective October 1, 2016) Curriculum
The curriculum of Radford University shall embrace such branches of learning as relate to teaching in the public free schools of Virginia, without excluding other studies in the arts and sciences.

1964, c. 50; 1979, cc. 136, 145.

Chapter 12 - VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND [Repealed]

§§ 23-156 through 23-164. Repealed
Repealed by Acts 1977, c. 668.

Chapter 12.1 - JAMES MADISON UNIVERSITY

§ 23-164.1. (Repealed effective October 1, 2016) Corporation composed of board of visitors established; style; name of University
The corporation composed of the board of visitors of Madison College, heretofore established by law, is continued as the board of visitors of James Madison University under the style of "The Visitors of James Madison University" hereinafter referred to in this chapter as board. The University shall be known as James Madison University. All laws relating to Madison College or the board of visitors of Madison College shall be construed as relating to James Madison University or the board.

1964, c. 97; 1977, cc. 296, 319.

§ 23-164.2. (Repealed effective October 1, 2016) Transfer of property
All the real estate and personal property now existing and heretofore standing in the name of the visitors of Madison College shall be known and taken as standing in the name, and to be under the control, of the corporate body designated "The Visitors of James Madison University." Such real estate and personal property shall be the property of the Commonwealth.

1964, c. 97; 1977, cc. 296, 319.

§ 23-164.3. (Repealed effective October 1, 2016) Appointment of members of board of visitors generally; terms; vacancies

The board shall consist of fifteen members who shall be appointed by the Governor.

Of the four members of the board appointed for terms beginning July 1, 1989, two members shall be appointed for initial terms of two years and two members shall be appointed for initial terms of three years. Successors to the members so appointed shall be appointed to serve for terms of four years each. Vacancies occurring other than by expiration of term shall be filled for the unexpired term. Of the persons so appointed two may be nonresidents of the Commonwealth.

All appointments shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

1964, c. 97; 1979, c. 623; 1989, c. 107.

§ 23-164.4. (Repealed effective October 1, 2016) Appointment of visitors from list submitted by alumni

(a) The Governor may appoint visitors from a list of qualified persons submitted to him by the alumni association of the James Madison University, or its titular successor, on or before the first day of July of any year in which the terms of any visitors will expire.

(b) Every list shall contain at least three names for each vacancy to be filled.

(c) The Governor shall not be limited in his appointments to the persons so nominated.

1964, c. 97; 1977, cc. 296, 319.

§ 23-164.5. (Repealed effective October 1, 2016) Eligibility to serve more than two successive terms

No person shall be eligible to serve for or during more than two successive four-year terms. A person appointed to serve an unexpired term created by a vacancy shall be eligible to serve two additional four-year terms.

1964, c. 97; 1970, c. 601; 1979, c. 623; 1991, c. 96.

§ 23-164.6. (Repealed effective October 1, 2016) Rights and powers of board generally

The board shall be vested with all the rights and powers conferred by this chapter insofar as the same are not inconsistent with the laws of the Commonwealth.

The board shall control and expend the funds of the University and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the University, appoint the president, who shall be its chief executive officer, and all professors, teachers and agents, and fix their salaries, and generally direct the affairs of the University.

1964, c. 97; 1977, cc. 296, 319.

§ 23-164.7. (Repealed effective October 1, 2016) Tuition, fees and charges

The board may fix the rates charged the students of the University for tuition, fees and other necessary charges.

1964, c. 97; 1977, cc. 296, 319.

§ 23-164.8. (Repealed effective October 1, 2016) Degrees
The board shall have the right to confer degrees.

1964, c. 97.

§ 23-164.9. (Repealed effective October 1, 2016) Curriculum
The curriculum of James Madison University shall embrace such branches of learning as relate to teaching in the public free schools of Virginia, without excluding other studies in the arts and sciences.

1964, c. 97; 1977, cc. 296, 319.

§ 23-164.10. (Repealed effective October 1, 2016) Granting easements over, etc., property of University
The visitors of James Madison University are authorized, subject to the approval of the Governor in writing first obtained, to convey upon such terms and conditions and for such consideration as they deem proper easements upon, over, across or under the property of James Madison University for which they serve as the governing body, to the City of Harrisonburg, the County of Rockingham, the Rockingham Memorial Hospital, or to any public utility or public service company, for the purpose of erecting or maintaining power, telephone, water, sewer or gas lines and mains; provided, that any deed or other conveyance executed hereunder shall be in form approved by the Attorney General; and provided, further, that any funds derived by the visitors in consideration of the granting of any such easement shall be paid into the state treasury to the account of James Madison University for use for capital outlay expenditures as authorized by the visitors of James Madison University.

1966, c. 646; 1977, cc. 296, 319.

Chapter 13 - VIRGINIA STATE UNIVERSITY

§ 23-165. Repealed
Repealed by Acts 1964, c. 70.

§ 23-165.1. (Repealed effective October 1, 2016) Corporation composed of board of visitors created; style
The corporation composed of the board of visitors of Virginia State College, heretofore established by law, is continued as the board of visitors of Virginia State University under the style of "The Visitors of Virginia State University" in this chapter hereinafter referred to as the board. All laws relating to Virginia State College or the board of visitors of Virginia State College shall be construed as relating to Virginia State University or the board.

1964, c. 70; 1979, c. 147.

§ 23-165.2. (Repealed effective October 1, 2016) Name of University
The University shall be known as Virginia State University.

1964, c. 70; 1979, c. 147.

§ 23-165.3. (Repealed effective October 1, 2016) Transfer of property
All the real estate and personal property now existing and heretofore standing in the name of the Visitors of Virginia State College shall be transferred to and be known and taken as standing in the name, and to be under the control, of the Visitors of Virginia State University. Such real estate and personal property shall be the property of the Commonwealth.

1964, c. 70; 1979, c. 147.

§ 23-165.4. (Repealed effective October 1, 2016) Members of board; appointment; terms; vacancies
A. The board shall consist of 15 members appointed by the Governor, of whom three shall be alumni of the university, and at least 10 shall be residents of Virginia. All appointments shall be for a term of four years. No member shall serve for more than two consecutive four-year terms. Vacancies shall be filled in the same manner as the original appointments. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Of the four additional members appointed to the board on July 1, 2008, the Governor shall appoint two members for an initial term of four years, and two members for an initial term of two years. Thereafter, such members and their successors shall be appointed for a term of four years, in accordance with the provisions of this section.

B. The Governor may appoint alumni visitors from a list of qualified persons submitted to him upon the recommendation of the National Alumni Association of Virginia State University on or before July 1 of any year in which the terms of such visitors shall expire. The alumni association shall submit the names of at least three qualified alumni for each such vacancy.

C. All appointments shall be subject to the confirmation of the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

1964, c. 70; 1979, c. 147; 1993, c. 697; 1999, c. 752; 2008, cc. 465, 477.

§ 23-165.5. (Repealed effective October 1, 2016) Eligibility to serve more than two consecutive terms
No person shall be eligible to serve more than two consecutive four-year terms, except that a member may be appointed to a term of less than four years immediately prior to or between the four-year terms.

1964, c. 70; 1979, c. 147; 1993, c. 697.

§ 23-165.6. (Repealed effective October 1, 2016) Rights, powers and duties of board

The board shall be vested with all the rights and powers conferred by the provisions of this chapter insofar as the same are not inconsistent with the laws of the Commonwealth.

The board shall control and expend the funds of the University and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the University, appoint the president, who shall be its chief executive officer, and all professors, teachers and agents, and fix their salaries, and generally direct the affairs of the University.

1964, c. 70; 1979, c. 147.

§ 23-165.7. (Repealed effective October 1, 2016) Tuition, fees and charges

The board may fix the rates charged the students of the University for tuition, fees and other necessary charges.

1964, c. 70; 1979, c. 147.

§ 23-165.8. (Repealed effective October 1, 2016) Degrees

The board shall have the right to confer degrees.

1964, c. 70.

§ 23-165.9. (Repealed effective October 1, 2016) Curriculum

The curriculum of Virginia State University shall embrace branches of learning as relate to agriculture, home economics, commerce, industrial education and technology, the liberal arts and sciences, teacher education, nursing education, and military science.

1964, c. 70; 1979, c. 147.

§ 23-165.10. (Repealed effective October 1, 2016) School of agriculture to be continued

The school of agriculture at Virginia State University shall be continued. The State Council of Higher Education and the institutions of higher education concerned shall execute such administrative actions as are necessary to carry out the purposes of this section.

1970, c. 543; 1979, c. 147.

§ 23-165.11. (Repealed effective October 1, 2016) Cooperative Extension Service Program recognized; funding authority; unified plan; reports

As provided in Article 1.1 (§ 23-132.1 et seq.) of Chapter 11 of Title 23 and subject to the federally required plan, the Cooperative Extension Service Program within Virginia State University, hereinafter referred to as "the Service Program," is hereby recognized. The Virginia State University is hereby empowered to accept grants, gifts or donations for the Cooperative Extension Service Program from the governing bodies of the several counties and cities of the Commonwealth, other public or private agencies, and individual donors. The Cooperative Extension Service Program shall be operated cooperatively by Virginia Polytechnic Institute and State University and Virginia State University, with agreed upon areas of program and service emphasis as set forth in the unified plan submitted by the two institutions to the U.S. Department of Agriculture. The Virginia State University shall file such reports on the activities of the Service Program as may be required

by law or requested by the Governor and the two institutions shall file such reports on the unified plan as may be required by law or requested by the Governor.

1994, c. 433.

§ 23-166. (Repealed effective October 1, 2016) University a body corporate under control of board

The institution shall continue to be a body corporate under the name and style of the "Virginia State University." It shall be under the management, supervision and control of the board.

Code 1919, § 948; 1930, p. 768; 1946, p. 74; 1964, c. 70; 1979, c. 147.

§ 23-167. (Repealed effective October 1, 2016) Further powers and duties of board

The powers and duties of the board shall be to direct and do all things not inconsistent with the laws of this Commonwealth which to the board shall seem best adapted to accomplish the legitimate objects of the University; to designate depositories, provide for the proper bonding of financial officers and depositories, and provide for the disbursing of the funds of the University consistent with the laws of the Commonwealth; and to grant to such as excel in any field of knowledge or complete a prescribed course of study, such certificates, diplomas or degrees as shall be deemed expedient and proper. All of which several functions they shall be free to exercise by rules, bylaws, resolutions, orders, instructions, or otherwise.

Code 1919, § 951; 1930, p. 768; 1964, c. 70; 1979, c. 147.

§§ 23-168, 23-169. Repealed

Repealed by Acts 1979, c. 147.

§ 23-170. (Repealed effective October 1, 2016) Bequests and gifts; governmental aid

The board shall have power to take, hold, receive and enjoy any gift, grant, devise or bequest to the Visitors of Virginia State University or to or for the benefit of the University. Any such gift, grant, devise or bequest shall be used for the purposes designated by the donor, if any, or, if no purposes are so designated, for the general purposes of the board.

The University shall receive the governmental aid designated in §§ 23-136 and 23-137.

Code 1919, § 957; 1930, p. 769; 1964, c. 70; 1979, c. 147.

§§ 23-171, 23-172. Repealed

Repealed by Acts 1964, c. 70.

§ 23-173. Repealed

Repealed by Acts 1979, c. 147.

§ 23-174. (Repealed effective October 1, 2016) Control by General Assembly

The University, and all its property and funds, shall, at all times and in all things, be under the control of the General Assembly.

Code 1919, § 969; 1930, p. 769; 1979, c. 147.

Chapter 13.1 - NORFOLK STATE UNIVERSITY

§ 23-174.1. (Repealed effective October 1, 2016) Corporation established under control of General Assembly

The corporation composed of the board of visitors of Norfolk State College, heretofore established by law, is continued as the board of visitors of Norfolk State University under the style of "The Visitors of Norfolk State University," and which at all times shall be under the control of the General Assembly. Whenever the term "Norfolk State College" is used in any law of this Commonwealth, it shall be construed to mean Norfolk State University.

1968, c. 532; 1979, c. 146.

§ 23-174.2. (Repealed effective October 1, 2016) Corporation to establish and maintain University

The corporation is formed for the purpose of establishing and maintaining a university in the name and style of "Norfolk State University."

1968, c. 532; 1979, c. 146.

§ 23-174.3. (Repealed effective October 1, 2016) Transfer of property

All real estate and personal property existing and standing in the name of the Visitors of Norfolk State College shall be known and taken as standing in the name, and to be under the control, of the Visitors of Norfolk State University. Such real estate and personal property shall be the property of the Commonwealth.

1968, c. 532; 1979, c. 146.

§ 23-174.4. (Repealed effective October 1, 2016) Composition of board of visitors; appointment, terms, etc

A. The board of visitors shall consist of 13 members who shall be appointed, on or before June 30 of any year in which their terms shall expire, by the Governor for terms of four years. Of the persons so appointed, four shall be alumni of Norfolk State University of which three may be nonresidents of the Commonwealth. Vacancies occurring other than by expiration of term shall be filled by the Governor for the unexpired term.

B. The Governor may appoint alumni visitors from a list of qualified persons submitted to him upon the recommendation of the National Alumni Association of Norfolk State University on or before November 1 of any year in which the terms of such visitors shall expire. The National Alumni Association of Norfolk State University shall submit the names of four qualified alumni for each vacancy.

C. All appointments shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and qualified. Members shall be eligible for two consecutive terms of four years, exclusive of that portion of any term on the initial board of less than four years or any unexpired term.

1968, c. 532; 1980, c. 625; 1999, c. 1013; 2000, c. 844; 2003, c. 802.

§ 23-174.5. (Repealed effective October 1, 2016) Rights and powers of board of visitors generally; executive committee

The board shall be vested with all the rights and powers conferred by the provisions of this chapter and the provisions relating to similar corporations under the laws of this Commonwealth so far as they are applicable. The corporation shall also have the power to take, hold, receive and enjoy any gift, grant, devise or bequest to Norfolk State University, the same to be held for the uses and purposes designated by the donor, if any, or if not so designated, for the general purposes of the corporation. The board may designate not less than three nor more than five of its members to constitute an executive committee which shall have and may exercise such authority of the board as the board may provide.

1968, c. 532; 1979, c. 146.

§ 23-174.6. (Repealed effective October 1, 2016) Control of funds; rules and regulations; appointment, etc., of president, faculty and staff

The board shall control and expend the funds of the corporation and any appropriation hereafter provided, and shall make all necessary rules and regulations concerning the University, appoint a president, who shall be its chief executive officer, and make all provisions for teachers, staff members and agents, and shall fix their salaries and shall prescribe their duties.

1968, c. 532; 1979, c. 146.

§ 23-174.7. (Repealed effective October 1, 2016) Right to confer degrees; tuition, fees and other charges

The board shall have the right to confer degrees, and may fix the rates charged the students of the University for tuition, fees and other necessary charges.

1968, c. 532; 1979, c. 146.

§§ 23-174.8, 23-174.9. Repealed

Repealed by Acts 1979, c. 146.

Chapter 14 - VIRGINIA STATE SCHOOL [Repealed]

§§ 23-175 through 23-181. Repealed

Repealed by Acts 1966, c. 551.

Chapter 14.1 - VIRGINIA SCHOOL AT HAMPTON [Repealed]

§§ 23-181.1 through 23-181.10. Repealed

Repealed by Acts 1977, c. 668.

Chapter 15 - LONGWOOD UNIVERSITY

§ 23-182. (Repealed effective October 1, 2016) Board of visitors established as corporation

There is hereby established a corporation composed of the board of visitors of Longwood University under the style of "The Visitors of Longwood University," hereinafter referred to in this chapter as the board.

1964, c. 159; 2002, cc. 158, 257.

§ 23-183. (Repealed effective October 1, 2016) Name

The University shall be known as Longwood University.

1964, c. 159; 2002, cc. 158, 257.

§ 23-184. (Repealed effective October 1, 2016) Property transferred to Longwood University and owned by Commonwealth

All the real estate and personal property now existing and heretofore standing in the name of the State Board of Education, located at Farmville, and heretofore used by Longwood University under the State Board of Education, shall be transferred to and be known and taken as standing in the name, and to be under the control, of the corporate body designated "The Visitors of Longwood University." Such real estate and personal property shall be the property of the Commonwealth.

1964, c. 159; 2002, cc. 158, 257.

§ 23-185. (Repealed effective October 1, 2016) Composition of board; appointment and terms of visitors generally; vacancies; confirmation

A. The board shall consist of 13 members who shall be appointed by the Governor.

B. The Governor shall appoint the 13 appointive members of the board for terms of four years each. Members shall be eligible for service for two consecutive terms of four years, exclusive of that portion of any unexpired term. Successors to the members so appointed shall be appointed to serve for terms of four years each. Vacancies occurring other than by expiration of term shall be filled for the unexpired term. Of the persons so appointed two shall be alumni of the University, and two may be nonresidents of the Commonwealth, the remaining number to be selected from the Commonwealth at large.

C. All appointments shall be subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and have qualified.

1964, c. 159; 1973, c. 55; 1984, c. 772; 2002, cc. 158, 257; 2008, c. 399.

§ 23-186. (Repealed effective October 1, 2016) Appointment of visitors from alumni

A. The Governor may appoint visitors from a list of qualified persons submitted to him, by the alumni association of the University, or its titular successor, on or before the first day of July of any year in which the terms of any visitors will begin or expire.

B. Every list shall contain at least three names for each vacancy to be filled.

C. The Governor shall not be limited in his appointments to the persons so nominated.

1964, c. 159; 2002, cc. 158, 257.

§ 23-186.1. Repealed
Repealed by Acts 2015, c. 560, cl. 2.

§ 23-187. (Repealed effective October 1, 2016) Eligibility to serve more than two successive terms
No person shall be eligible to serve for or during more than two successive terms except the persons receiving initial appointments for only two years and who have served an additional four-year term may be appointed for another four-year term.

1964, c. 159; 1970, c. 601.

§ 23-188. (Repealed effective October 1, 2016) Rights, powers and duties of board generally
The board shall be vested with all the rights and powers conferred by this chapter insofar as the same are not inconsistent with the laws of the Commonwealth.

The board shall control and expend the funds of the University and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the University, appoint the president, who shall be its chief executive officer, and all professors, teachers and agents, and fix their salaries, and generally direct the affairs of the University.

1964, c. 159; 2002, cc. 158, 257.

§ 23-189. (Repealed effective October 1, 2016) Board may fix tuition, fees and other necessary charges
The board may fix the rates charged the students of the University for tuition, fees and other necessary charges.

1964, c. 159; 2002, cc. 158, 257.

§ 23-190. (Repealed effective October 1, 2016) Right to confer degrees
The board shall have the right to confer degrees.

1964, c. 159.

§ 23-191. (Repealed effective October 1, 2016) Curriculum
The curriculum of Longwood University shall embrace such branches of learning as relate to teaching in the public free schools of Virginia, without excluding other studies in the arts and sciences.

1964, c. 159; 2002, cc. 158, 257.

Chapter 16 - STATE BOARD FOR COMMUNITY COLLEGES AND COMMUNITY COLLEGE SYSTEM

Article 1 - GENERAL PROVISIONS

§§ 23-192 through 23-213. Repealed
Repealed by Acts 1966, c. 679.

§ 23-214. (Repealed effective October 1, 2016) Definitions

As used in this chapter:

(a) "Comprehensive community college" means an institution of higher education which offers instruction in one or more of the following fields:

(1) Freshman and sophomore courses in arts and sciences acceptable for transfer in baccalaureate degree programs;

(2) Diversified technical curricula including programs leading to the associate degree;

(3) Career and technical education leading directly to employment;

(4) Courses in general and continuing education for adults in the above fields;

(5) Noncredit training and retraining courses and programs of varying lengths to meet the needs of business and industry in the Commonwealth.

(b) "State Board" or "Board" means the State Board for Community Colleges.

(c) "Local community college board" means the board established to act in an advisory capacity to the State Board and to perform such duties with respect to the operation of a single comprehensive community college as may be delegated to it by the State Board.

(d) "Career and technical education" means the training, or retraining, which is given in school classes (including field or laboratory work incidental thereto), under public supervision and control, exclusive of those career and technical education programs provided and administered by, or through, the public school system and is conducted as part of a program designed to fit individuals for gainful employment as semiskilled or skilled, workers or technicians in recognized occupations.

(e) "Area career and technical school" means a career or technical school used exclusively, or principally, for providing career and technical education to persons who have completed, or left, high school, or are recommended for transfer by the school last attended, and who are available for full-time study in preparation for entering the labor market, or for part-time study after entering the labor market.

(f) "System" means the Virginia Community College System.

1966, c. 679; 1977, c. 413; 1998, cc. 111, 396; 2001, c. 483.

§ 23-214.1. (Repealed effective October 1, 2016) Meaning of statutory references to Department of Community Colleges

Wherever the words "Virginia Community College System" are used in any law of this State, they shall mean the State Board for Community Colleges.

1977, c. 413.

§ 23-215. (Repealed effective October 1, 2016) Responsibilities of Board and System

A. The State Board for Community Colleges heretofore established by law is continued. The Board shall be a corporation under the style of "the State Board for Community Colleges." The State Board shall be responsible, through the exercise of the powers and performance of the duties set forth in this chapter, for the establishment, control, and administration of a statewide system of publicly supported comprehensive community colleges which shall be known as the Virginia Community College System.

B. The Virginia Community College System shall be the state agency with primary responsibility for coordinating workforce training at the postsecondary to the associate degree level, exclusive of the career and technical education programs provided through and administered by the public school system. This responsibility shall not preclude other agencies from also providing such services as appropriate, but these activities shall be coordinated with the community colleges.

C. In addition to other responsibilities of the Virginia Community College System, the community colleges shall (i) maximize noncredit course offerings made available to business and industry at a time and place that meet current and projected workforce needs and minimize the cost of noncredit offerings to business and industry to the extent feasible, (ii) deal directly with employers in designing and offering courses to meet real, current, and projected workforce training needs, and (iii) maximize the availability and use of distance learning courses addressing workforce training needs. The Virginia Community College System shall report on actions taken to meet the requirements of this subsection in its annual report to the General Assembly on workforce development activities required by the appropriation act.

1966, c. 679; 1977, c. 413; 1998, cc. 111, 396; 2001, c. 483; 2002, cc. 586, 625; 2004, c. 146.

§ 23-216. (Repealed effective October 1, 2016) Number, terms and eligibility of members of Board

(a) The State Board shall consist of fifteen members appointed by the Governor subject to confirmation by the General Assembly if in session, and if not, at its next succeeding session. The first appointments shall be four members for one year, four members for two years, four members for three years and three members for four years, and thereafter all such appointments shall be made for terms of four years each, except that appointments to fill vacancies shall be for the unexpired terms. No person shall be eligible to serve more than two consecutive four-year terms, except that a member may be appointed to a term of less than four years immediately prior to or between the four-year terms. No person shall be eligible for reappointment following two consecutive four-year terms for two years thereafter. Members shall continue to discharge their duties after their terms have expired until their successors have been appointed and have qualified.

(b) The State Board shall be composed of persons selected from the Commonwealth at large. No officer, employee, or member of the governing board of any public institution of higher education, or of any school subject to the control of the State Board, or any member of the General Assembly, or any member of the State Board of Education, shall be eligible for appointment to the

Board. All members of the Board shall be deemed members at large charged with the responsibility of serving the best interests of the whole Commonwealth. No member shall act as the representative of any particular region or of any particular institution of higher education.

1966, c. 679; 1972, c. 136; 1983, c. 148.

§ 23-217. (Repealed effective October 1, 2016) Chairman and vice-chairman of Board; oath of members; meetings; quorum; rules and regulations

A. The Board shall select a chairman from its membership, and may provide for the election of one of its members as vice-chairman.

B. Before entering upon the discharge of his duties, each member of the Board shall take an oath that he will faithfully and honestly execute the duties of his office during his continuance therein.

C. The Board shall meet at least four times annually, and on call of the chairman when in his opinion additional meetings are expedient or necessary.

D. Eight members of the Board shall constitute a quorum for all purposes.

E. The main office of the Board shall be in the Commonwealth.

F. The Board is empowered to promulgate necessary rules and regulations for carrying out the purposes of this chapter.

1966, c. 679; 1980, c. 728; 2014, c. 652.

§ 23-218. (Repealed effective October 1, 2016) Plan for comprehensive community colleges; appropriations; tuition fees and charges; grants or contributions

A. The Board is authorized and directed to prepare and administer a plan providing standards and policies for the establishment, development and administration of comprehensive community colleges under its authority. It shall determine the need for comprehensive community colleges, develop a statewide plan for their location and a time schedule for their establishment. In the development of such plan, a principal objective shall be to provide and maintain a system of comprehensive community colleges through which appropriate educational opportunities and programs to accomplish the purposes set forth in subdivision (a) of § 23-214 shall be made available throughout the Commonwealth. In providing these offerings, the Board shall recognize the need for excellence in all curricula and shall endeavor to establish and maintain standards appropriate to the various purposes the respective programs are designed to serve.

B. The Board shall have the authority to control and expend funds appropriated by law, and to fix tuition fees and charges. The Board may establish policies and guidelines providing for reduced tuition rates at Virginia's community colleges for employees of the Virginia Community College System. The Board may exercise the powers conferred by Chapter 3 (§ 23-14 et seq.) as any other educational institution as defined in § 23-14.

C. The Board shall be authorized, with the approval of the Governor, to accept from any government or governmental department or agency or any public or private body or from any other

source, grants or contributions of money or property which the Board may use for or in aid of any of its purposes.

1966, c. 679; 1996, cc. 134, 486; 2006, c. 337; 2015, cc. 63, 86.

§ 23-218.1. (Repealed effective October 1, 2016) Certain comprehensive community colleges; veterans advisors and veterans resource centers

A. Each of the seven comprehensive community colleges with the highest number of enrolled students who are veterans shall employ at least one full-time veterans advisor to provide comprehensive and intensive enrollment and advising services to current and prospective students who are veterans.

B. Each of the seven comprehensive community colleges with the highest number of enrolled students who are veterans shall establish a veterans resource center on campus to:

1. Provide access to federal and state veterans resources;

2. Serve as a quiet place for veterans to study;

3. Enable veterans to connect to other veterans, helping them renew the bonds of military service; and

4. Be the central hub for all activities on campus related to veterans.

2016, c. 503.

§ 23-219. (Repealed effective October 1, 2016) Diplomas, certificates and associate degrees

The Board shall have the right to confer diplomas, certificates and associate degrees.

1966, c. 679.

§ 23-219.1. (Repealed effective October 1, 2016) Mental health policies

The Board shall develop a mental health referral policy directing community colleges to designate at least one individual at each college to serve as a point of contact with an emergency services system clinician at a local community services board, or another qualified mental health services provider, for the purposes of facilitating screening and referral of students who may have emergency or urgent mental health needs and of assisting the college in carrying out the duties specified by §§ 23-9.2:8 and 23-9.2:10. A community college may establish relationships with community services boards or other mental health providers for referral and treatment of persons with less serious mental health needs.

2013, cc. 49, 606.

§ 23-220. (Repealed effective October 1, 2016) Local community college boards

The State Board shall establish policies providing for the creation of a local community college board for each institution established under this chapter and the procedures and regulations under which such local boards shall operate. A local community college board as defined in § 23-214 shall be established for each college. These boards shall assist in ascertaining educational needs,

enlisting community involvement and support, and shall perform such other duties as may be prescribed by the State Board.

1966, c. 679.

§ 23-220.01. (Repealed effective October 1, 2016) Apprenticeship program for employees of ship manufacturing and ship repair companies; fund

A. For purposes of this section:

"Apprenticeship program" means a three-year program combining educational instruction and on-the-job training that is established for the purpose of enhancing the education and skills of shipyard workers.

"College" means the Tidewater Community College.

"Industrial applied sciences" may include applied sciences such as welding, burning, blasting, and other applied sciences.

"Shipyard worker" means any employee employed full time on a salaried or wage basis, whose tenure is not restricted as to temporary or provisional appointment, at a ship manufacturing or ship repair company located in the Commonwealth.

B. Subject to the State Council of Higher Education for Virginia's authority to approve or disapprove all new academic programs as provided in subdivision 5 of § 23-9.6:1, the college may offer a three-year program of educational instruction that incorporates instruction in industrial applied sciences. An Associate in Applied Science Degree shall be conferred on any person successfully completing such academic program. The college may coordinate such academic program with an apprenticeship program offered to shipyard workers by their employers.

C. Beginning in the calendar year that the Council approves such academic program and for calendar years thereafter, shipyard workers who are (i) domiciled residents of Virginia as described in § 23-7.4 and (ii) enrolled as full- or part-time students in such academic program, shall be eligible for scholarships for such program. Renewal of the scholarships of such shipyard workers shall be contingent upon maintaining (a) enrollment in such academic program, (b) a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent at the completion of each academic year, and (c) full-time employment as a shipyard worker.

D. Before any scholarship is awarded in accordance with the provisions of this section, the scholarship recipient shall sign a promissory note under which he agrees (i) to continue full-time employment as a shipyard worker until his graduation and (ii) upon graduation, to work continuously as a shipyard worker for the same number of years that he was the beneficiary of such scholarship. The college shall recover the total amount of funds awarded as a scholarship, or the appropriate portion thereof, including any accrued interest, if the scholarship recipient fails to honor such requirements.

E. There is hereby created the Virginia Vocational Incentive Scholarship Program for Shipyard Workers to provide scholarships to shipyard workers enrolled at the college either in such academic program or in the apprenticeship program.

F. From such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Vocational Incentive Scholarship Program for Shipyard Workers Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Funds may be paid to the college on behalf of shipyard workers who have been awarded scholarships pursuant to subsection C and shipyard workers in the apprenticeship program. Funds may also be used for the administration and implementation of such academic program and/or the apprenticeship program.

Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the President of Tidewater Community College.

G. The Council shall promulgate regulations for the implementation of the provisions of this section and the college shall award scholarships to eligible students for no more than three academic years. Scholarship amounts shall not exceed full tuition and required fees relating to such academic program or the apprenticeship program.

2001, c. 656; 2014, c. 484.

§ 23-220.02. (Repealed effective October 1, 2016) Dual enrollment; high school equivalency; workforce training

Each comprehensive community college shall enter into agreements with the local school divisions it serves to facilitate dual enrollment of eligible students into a Career Pathways 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.

2016, c. 645.

§ 23-220.1. Expired

Expired.

Article 2 - COMMUNITY COLLEGE INCENTIVE SCHOLARSHIP PROGRAM

§ 23-220.2. (Repealed effective October 1, 2016) Incentive scholarships program; Board to administer; promulgation of regulations

There is hereby created the Community College Incentive Scholarship Program to provide incentive scholarships to eligible students attending comprehensive community colleges in Virginia. Funds may be paid to any comprehensive community college on behalf of students who have been awarded such scholarships pursuant to § 23-220.4.

1997, cc. 437, 448.

§ 23-220.3. (Repealed effective October 1, 2016) Community College Incentive Scholarship Fund created

A. From such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is hereby created in the state treasury a special nonreverting fund to be known as the Community College Incentive Scholarship Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Funds may be paid to any comprehensive community college on behalf of students who have been awarded scholarships pursuant to § 23-220.4. The first such scholarships shall be awarded after July 1, 1998.

Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the State Board for Community Colleges.

B. The Board shall promulgate regulations for the implementation of the provisions of this article and shall award scholarships to eligible students meeting the criteria established pursuant to § 23-220.4.

1997, cc. 437, 448.

§ 23-220.4. (Repealed effective October 1, 2016) Eligible students; criteria for award of scholarships

A. Only students who (i) are domiciled residents of Virginia as defined by § 23-7.4, (ii) are enrolled as second-year students on a full-time basis in a designated technical training program at a comprehensive community college in Virginia, and (iii) have a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent upon the completion of one year as a full-time student at a comprehensive community college in Virginia shall be eligible to receive such scholarships.

B. The Board, in consultation with the Virginia Economic Development Partnership, shall designate those technical training programs for which scholarships may be awarded. The selected programs shall reflect current and projected workforce training needs in the Commonwealth.

C. Scholarships awarded pursuant to this article shall provide for the payment in full of tuition and fees for enrollment for one year as a full-time, second-year student.

1997, cc. 437, 448.

Article 2.1 - AWARD OF ACADEMIC CREDIT FOR MILITARY TRAINING APPLICABLE TO THE STUDENT'S CERTIFICATE OF DEGREE REQUIREMENTS

§ 23-220.5. (Repealed effective October 1, 2016) Policy for the award of academic credit for military training

A. The State Board shall adopt a policy for the award of academic credit to any student enrolled in a comprehensive community college who has successfully completed a military training course or program as part of his military service that is applicable to the student's certificate of degree requirements and is:

1. Recommended for academic credit by a national higher education association that provides academic credit recommendations for military training courses or programs;

2. Noted on the student's military transcript issued by any of the armed forces of the United States; or

3. Otherwise documented in writing by any of the armed forces of the United States.

B. The State Board shall:

1. Develop a procedure for each comprehensive community college to receive the documentation necessary to identify and verify the military training course or program for which the student has applied for academic credit; and

2. Develop, maintain, and disseminate to each comprehensive community college a list of military training courses and programs that it has deemed qualified for the award of academic credit.

C. Each comprehensive community college shall provide a copy of the State Board's policy for the award of academic credit for military training courses or programs to each student applicant.

2015, cc. 384, 581.

Article 3 - ADMINISTRATION GENERALLY

§ 23-221. (Repealed effective October 1, 2016) Adherence to policies of State Council of Higher Education; extension programs

The State Board shall adhere to the policies of the State Council of Higher Education for the coordination of higher education as required by law.

In any area served by a comprehensive community college, no institution of higher learning which conducts extension programs shall, after July 1, 1966, offer courses of study similar to those offered by a comprehensive community college, except as authorized by the State Council of Higher Education. Whenever practicable, the State Board shall provide facilities to such institutions of higher learning for conducting extension programs not in conflict with the provisions of this chapter.

1966, c. 679.

§ 23-221.1. Repealed

Repealed by Acts 1980, c. 728.

§ 23-222. (Repealed effective October 1, 2016) Transfer of facilities, assets and programs

(a) Effective July 1, 1967, all physical facilities, assets and programs of instruction in the fields specified in subdivision (a) of § 23-214 of the following institutions shall be transferred to and placed under the control and administration of the State Board for Community Colleges.

Eastern Shore Branch of the School of General Studies of the University of Virginia,

Lynchburg Branch of the School of General Studies of the University of Virginia,

Patrick Henry College of the University of Virginia,

Clifton Forge-Covington Branch of the Virginia Polytechnic Institute and State University,

Roanoke Technical Institute of the Virginia Polytechnic Institute and State University,

Roanoke Center of the School of General Studies of the University of Virginia, and

Wytheville Branch of the Virginia Polytechnic Institute and State University.

Provided, however, that no such transfer shall take place with respect to any individual institution specified in the next preceding paragraph until (1) the Advisory Committee on Community Colleges certifies to the State Board and the Governor that such individual institution has demonstrated the requirements necessary for accreditation by the Southern Association of Colleges and Schools and (2) the Governor signifies in writing his approval of such transfer. If such certification by the Advisory Committee is not made with respect to any individual institution prior to July 1, 1967, then certification shall only be made between July one and August one of any succeeding year, and such transfer shall take place, if the Governor signifies in writing his approval of such transfer, on July one next following the date on which such certification is made.

The college or university of which any individual institution is a part shall cooperate in obtaining certification for such institution. As soon as practicable, the State Board shall request individual accreditation of the institutions specified in this section by the Southern Association of Colleges and Schools.

Notwithstanding any provision of this subsection or any other provision of this chapter, it is further provided that by agreement between the State Board and the governing body of the college or university of which any such individual institution is a part, and with the approval of the Governor, such transfer may take place prior to July 1, 1967, or any date subsequent thereto.

(b) Effective July 1, 1966, the physical facilities, assets and programs of existing technical colleges and all assets of the existing State Board and Department of Technical Education shall be transferred to and placed under the control and administration of the State Board for Community Colleges.

(c) Effective July 1, 1966, all educational programs for post-high school age youth and adults in existing area career and technical schools under the State Board of Education shall be transferred to and placed under the control and government of the State Board for Community Colleges.

(d) All the real estate and personal property now existing and heretofore [before July 1, 1966] standing in the name of institutions or boards included in subsections (a) and (b) of this section shall, on the dates set forth in such subsections, be transferred to and taken as standing in the name of the State Board for Community Colleges.

(e) In effecting the transfers specified in this section, the State Board for Community Colleges shall respect any existing financial investment of local communities in these institutions by establishing policies which will insure an equitable method of financing future developments.

1966, c. 679; 1968, c. 108.

§ 23-223. (Repealed effective October 1, 2016) Chancellor of Community Colleges generally

(a) A Chancellor of Community Colleges, hereinafter sometimes called the Chancellor, shall be appointed by the State Board for Community Colleges. Any vacancy shall be filled by the Board. The Chancellor shall be the chief executive officer of the System. The Chancellor shall, without additional compensation, serve as secretary to the State Board for Community Colleges.

(b) The salary of the Chancellor shall be fixed by the Board.

(c) Before entering upon the discharge of the duties of his office, the Chancellor shall qualify by taking and subscribing the oath required of all officers of the Commonwealth.

1966, c. 679; 1970, c. 728; 1977, c. 413.

§ 23-224. (Repealed effective October 1, 2016) Duties of Chancellor generally

A. The Chancellor of Community Colleges shall formulate such rules and regulations and provide for such assistance in his office as shall be necessary for the proper performance of the duties prescribed by the provisions of this chapter.

B. The State Board shall prescribe the duties of the Chancellor, in addition to those duties otherwise prescribed for him by law, and, in its discretion, approve the appointment by the Chancellor of such agents and employees as may be needed by the Chancellor in the exercise of the functions, duties, and powers conferred and imposed by law and in order to effect a proper organization to carry out his duties.

C. The Chancellor shall designate an employee of the State Board to serve as its liaison to the Board of Education.

1966, c. 679; 1970, c. 728; 1977, c. 413; 2015, c. 140.

§ 23-225. (Repealed effective October 1, 2016) Agents and employees generally

The functions, duties, powers and titles of the agents and employees provided for in § 23-224, their salaries and remunerations, not in excess provided therefor by law, shall be fixed by the

Chancellor with the approval of the State Board and subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

1966, c. 679; 1970, c. 728.

§ 23-226. (Repealed effective October 1, 2016) Bonds of agents and System employees
Proper bonds shall be required of all agents and employees who shall handle any funds which may come into custody of the System. The premiums on the bonds shall be paid from funds appropriated by the Commonwealth for the administration of the provisions of this chapter.

1966, c. 679; 1977, c. 413.

§ 23-227. (Repealed effective October 1, 2016) Annual report
The Chancellor shall submit an annual report to the Governor and General Assembly on or before November 1 of each year. Such report shall contain, at a minimum, the annual financial statements for the year ending the preceding June 30 and the accounts and status of any ongoing capital projects.

1966, c. 679; 1970, c. 728; 1977, c. 413; 1984, c. 734; 1985, c. 146; 2004, c. 650.

§ 23-228. (Repealed effective October 1, 2016) Forms
The Chancellor shall prescribe the forms of applications, reports, affidavits and such other forms as shall be required in the administration of the chapter.

1966, c. 679; 1970, c. 728.

§ 23-229. (Repealed effective October 1, 2016) Cooperation with federal agencies; federal grants-in-aid generally
(a) Subject to the direction of the Board, the Chancellor shall cooperate with agencies of the United States in relation to matters set forth in this chapter, and in any reasonable manner that may be necessary for the Commonwealth to qualify for and to receive grants or aid from such federal agencies.

(b) Nothing in this chapter shall preclude any other agency, board or officer of the Commonwealth from being designated as the directing or allocating agency, board or officer for the distribution of federal grants-in-aid or the performance of other duties to the extent necessary to qualify for and to receive grants-in-aid for programs and institutions under the administration of the State Board for Community Colleges.

1966, c. 679; 1970, c. 728.

§ 23-230. (Repealed effective October 1, 2016) Chancellor authorized to receive grants-in-aid and gifts; payment of funds into state treasury
The Chancellor is authorized to receive, for and on behalf of the Commonwealth and its subdivisions, from the United States and agencies thereof, and from any and all other sources, grants-in-aid and gifts, made for the purpose of providing, or to assist in providing, any career and tech-

nical, or other, education or educational programs authorized by this chapter, including expenses of administration. All such funds shall be paid into the state treasury.

1966, c. 679; 1970, c. 728; 2001, c. 483.

§ 23-231. (Repealed effective October 1, 2016) Enforcement of standards for personnel

The Chancellor shall enforce the standards established by the Board for personnel employed in the administration of this chapter and remove or cause to be removed each employee who does not meet such standards.

1966, c. 679; 1970, c. 728.

§ 23-231.1. (Repealed effective October 1, 2016) Community College Week

The General Assembly finds that the community colleges in Virginia provide the general public with quality educational services which contribute to maintaining a knowledgeable and skilled citizenry. In recognition of these services, the fourth week in January of every year beginning in 1986 shall be declared "Community College Week." The State Board for Community Colleges may approve such activities in observance of this week as it deems appropriate.

1985, c. 161.

§ 23-231.1:1. (Repealed effective October 1, 2016) Machinery and Equipment Donation Grant Program established

A. As used in this section, unless the context requires a different meaning:

"Chancellor" means the Chancellor of the System.

"Machinery and equipment" means engines, machines, motors, mechanical devices, laboratory trainers, computers, printers, tools, parts, and similar machinery and equipment as set forth in guidelines developed by the System. "Machinery and equipment" includes specialized software required for the operation of machinery and equipment qualified for a grant pursuant to this section.

"Vocational school" means any entity that offers career or technical education administered by the Department of Education pursuant to § 22.1-227. "Vocational school" does not include instructional programs that are intended solely for recreation, enjoyment, or personal interest, or as a hobby, or courses or programs of instruction that prepare individuals to teach such pursuits.

B. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, there is hereby created in the state treasury a special nonreverting fund to be known as the Machinery and Equipment Donation Grant Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of awarding grants for qualified donations of machinery and equipment to comprehensive

community colleges and vocational schools. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Chancellor.

C.1. A business that donates new machinery and equipment in good working condition, purchased within the 12 months prior to the donation, to a comprehensive community college or vocational school shall be eligible to apply to the System for a grant from the Fund. Such grant shall be in an amount equal to 20 percent of the purchase price of the machinery or equipment, not to exceed an aggregate grant of $5,000 for all such donations during a calendar year.

2. In order to be eligible for a grant, the application shall include a written certification made by the donee comprehensive community college or vocational school that identifies the donee comprehensive community college or vocational school, the business donating the machinery or equipment, the date of the donation, and the number of units of each item of machinery and equipment donated. The certification shall also include a statement by the donee comprehensive community college or vocational school that the machinery and equipment was needed and can be utilized by the comprehensive community college or vocational school for teaching or training students, and that such machinery and equipment will be principally used in Virginia in teaching or training students.

3. Grants shall be issued in the order that each completed application is received. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund, such grants shall be paid in the next fiscal year in which funds are available.

4. In consultation with the Department of Education and the State Council of Higher Education for Virginia, the System shall maintain and update as necessary on its website a list of vocational schools to which donations of machinery and equipment may qualify for a grant under this section. The System, in consultation with the State Council of Higher Education for Virginia, shall also develop guidelines setting forth the general requirements for qualifying for and applying for a grant under this section, including a description of the types of machinery and tools eligible for a grant pursuant to this section. Such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

2013, c. 566.

Chapter 16.1 - SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER

§ 23-231.2. (Repealed effective October 1, 2016) Southwest Virginia Higher Education Center created; duties

From such funds as may be appropriated, the Southwest Virginia Higher Education Center is hereby established as an educational institution in the Commonwealth and shall be referred to in this chapter as the "Center". The Center shall:

1. Encourage the expansion of higher education, including adult and continuing education, associate degrees to be offered by Virginia Highlands Community College, undergraduate degrees to be offered by the University of Virginia's College at Wise, and graduate degree programs, in the Southwest region of the Commonwealth and foster partnerships between the public and private sectors to enhance higher education in the region;

2. Coordinate the development and delivery of continuing education programs offered by those educational institutions serving the region;

3. Facilitate the delivery of teacher training programs leading to licensure and graduate degrees;

4. Serve as a resource and referral center by maintaining and disseminating information on existing educational programs and resources; and

5. Develop, in coordination with the State Council of Higher Education for Virginia, specific goals for higher education in Southwest Virginia.

1991, c. 627; 1992, c. 132; 1999, cc. 424, 437; 2004, c. 1000.

§ 23-231.3. (Repealed effective October 1, 2016) Membership of governing board; terms; compensation; officers

A. The Center shall be governed by a 23-member Board of Trustees, consisting of the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; the presidents or chancellors, as appropriate, or their designees of Virginia Polytechnic Institute and State University, Radford University, the University of Virginia, the University of Virginia's College at Wise, Old Dominion University, Emory and Henry College, Virginia Intermont College, and Virginia Highlands Community College; four members of the House of Delegates to be appointed by the Speaker of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; and seven nonlegislative citizen members to be appointed by the Governor, representing Southwest public education and area business and industry, including one school division superintendent, one public school teacher, two business and industry leaders, and three persons, one each representing the technology, tourism, and health care industries, respectively. Nonlegislative citizen members of the Board shall be chosen from among residents of the Southwest region of the Commonwealth and shall be citizens of the Commonwealth.

B. Legislative members and the representatives of the State Council, the Virginia Community College System, and the named institutions of higher education shall serve terms coincident with their terms of office. After the initial staggering of terms, all nonlegislative citizen appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

No nonlegislative citizen member of the Board shall be eligible to serve more than two successive four-year terms, but after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional four-year terms may be served by such member if appointed thereto.

C. Nonlegislative citizen members shall not be entitled to compensation for their services. Legislative members of the Board shall be compensated as provided in § 30-19.12, and all members of the Board shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of the Center as provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the members shall be provided by the Center.

D. The Board shall elect a chairman and a vice-chairman from among its members.

1991, c. 627; 1992, c. 420; 1996, cc. 135, 763; 1998, c. 78; 1999, cc. 424, 437; 2000, c. 89; 2002, c. 292; 2004, c. 1000; 2005, c. 550.

§ 23-231.4. (Repealed effective October 1, 2016) Powers of Board; contracts for educational services

A. The Board of Trustees shall have, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, it is confined to corporations created under that title. The Board shall also have the power to accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

B. The Board shall have the authority to establish and administer agreements with public institutions of higher education in the Commonwealth to provide graduate level instructional programs at the Center and with Emory and Henry College for the provision of graduate degree instructional programs in education at the Center. The Board shall be empowered to establish and administer agreements with the University of Virginia's College at Wise and Emory and Henry College for the provision of upper level undergraduate instructional programs at the Center and with Virginia Highlands Community College for the provision of associate degree instructional programs at the Center.

1991, c. 627; 1998, c. 78; 1999, cc. 424, 437.

§ 23-231.5. (Repealed effective October 1, 2016) Executive director; powers and duties; staff

A. The Board shall appoint an executive director for the Center who shall supervise and manage the Center and shall prepare and submit, upon direction and approval by the Board, all requests for appropriations. The Executive Director of the Center shall be authorized to employ such staff as necessary to enable the Center to perform its duties as set forth in this chapter. The Board is authorized to determine the duties of such staff and to fix salaries and compensation from such funds as may be appropriated or received.

B. Additional staff support for the functions of the Center may be provided upon agreement by Virginia Polytechnic Institute and State University, the University of Virginia, the University of Virginia's College at Wise, and Virginia Highlands Community College.

1991, c. 627; 1999, cc. 424, 437.

§ 23-231.6. (Repealed effective October 1, 2016) Application for and acceptance of gifts and grants

The Board is authorized on behalf of the Center to apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its objectives.

1991, c. 627.

§ 23-231.7. (Repealed effective October 1, 2016) Cooperation of other agencies

All agencies of the Commonwealth shall cooperate with the Center, and, upon request, assist the Center in the performance of its duties and responsibilities.

1991, c. 627.

Chapter 16.2 - A. L. PHILPOTT MANUFACTURING EXTENSION PARTNERSHIP

§ 23-231.8. (Repealed effective October 1, 2016) A. L. Philpott Manufacturing Extension Partnership created; mission and duties

A. The A. L. Philpott Manufacturing Center, established from such funds as may be appropriated or provided pursuant to Chapters 217 and 668 of the 1992 Acts of Assembly, as amended, is hereby continued and redesignated the A. L. Philpott Manufacturing Extension Partnership, referred to in this chapter as the Extension Partnership. The mission of the Extension Partnership is to help create and maintain industrial and manufacturing jobs. The Extension Partnership shall:

1. Develop, demonstrate, test, and assist in the implementation of advanced manufacturing technologies.

2. Promote industrial expansion by providing manufacturing technology consulting services to manufacturers in Virginia.

3. Foster the creation of manufacturing networks and the development of buyer and supplier relationships in the region and throughout the Commonwealth.

4. Serve as a resource center for industrial training and technology transfer programs for the renewal, enhancement, and expansion of existing manufacturing enterprises and for manufacturing modernization outreach.

5. Be available as a federal demonstration center for the training of displaced workers in a manufacturing area.

6. Receive and accept any available grants, from any federal, state, or private agency, corporation, association or person, to be expended in accomplishing the goals enumerated in subdivisions 1 through 5 above.

B. The Extension Partnership shall be considered a local or regional industrial or economic development authority or organization for purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

1992, cc. 217, 668; 1994, cc. 31, 383; 1996, c. 336; 1997, c. 324.

§ 23-231.9. (Repealed effective October 1, 2016) Membership of governing board; terms; compensation; officers; bylaws

A. The Extension Partnership shall be governed by a 24-member board of trustees consisting of three presidents of community colleges; two presidents of public four-year institutions of higher education, and one president of a private four-year institution of higher education; 15 citizen members, representing manufacturing industries, to be appointed by the Governor; the director of the Center for Innovative Technology; the Secretary of Commerce and Trade; and the Secretary of Technology.

B. Initial appointments in 1992 shall be as follows: the three community college presidents shall be appointed for two-year, three-year, and four-year terms, respectively; the two presidents of the public four-year institutions shall be appointed for two-year and four-year terms, respectively; the president of a private four-year institution shall be appointed for a three-year term; two citizen members shall be appointed for two-year terms, and two citizen members shall be appointed for three-year and four-year terms, respectively. Of the five citizen members to be appointed in 1994, two shall be appointed for two-year terms, two shall be appointed for three-year terms, and one shall be appointed for a four-year term. Of the six citizen members to be appointed in 1997, two shall be appointed for two-year terms, two shall be appointed for three-year terms, and two shall be appointed for four-year terms. Thereafter, all appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. With the exceptions of the director of the Center for Innovative Technology, the Secretary of Commerce and Trade, and the Secretary of Technology, no person shall be eligible to serve for more than two successive four-year terms; however, upon the expiration of a term of less than four years, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto.

C. The board shall elect a chairman and a vice-chairman from among its members and shall also elect a secretary and a treasurer, who may or may not be members of the board. The board may also elect other subordinate officers, who may or may not be members of the board. All members shall be reimbursed for their actual expenses incurred in the performance of their duties in the work of the Extension Partnership.

D. The board may adopt, alter, or repeal its own bylaws that govern the manner in which its business may be transacted and may form committees and advisory councils, which may include representatives who are not board members.

1992, cc. 217, 668; 1994, cc. 31, 383; 1997, c. 324; 2004, c. 989.

§ 23-231.10. (Repealed effective October 1, 2016) Executive director; powers and duties; staff

A. The board shall appoint an executive director who shall (i) supervise and manage the Extension Partnership, (ii) discharge such functions as may be directed by the board, and (iii) prepare and submit, upon direction and approval by the board, all requests for appropriations. The executive director shall be authorized to employ such staff as necessary to enable the Extension Partnership to perform its duties as set forth in this chapter. The board is authorized to determine staff duties and to fix salaries and compensation from such funds as may be appropriated or received. In addition, the board is authorized to make arrangements with institutions of higher education to extend course credit to graduate students employed by the Extension Partnership.

B. Additional staff support for the functions of the Extension Partnership may be provided by the Center for Innovative Technology, the University of Virginia Center for Public Service, community colleges and four-year institutions of higher education, small business development centers, and private businesses.

1992, cc. 217, 668; 1994, cc. 31, 383; 1997, c. 324.

§ 23-231.11. (Repealed effective October 1, 2016) Additional powers and duties

To assist the Extension Partnership in its mission, the board is authorized on behalf of the Extension Partnership to:

1. Apply for, accept, and expend gifts, grants, or donations from public or private sources to enable the Extension Partnership to carry out its objectives;

2. Fix, alter, charge, and collect rates, fees, and other charges for the sale of products of, or services rendered by the Extension Partnership at rates to be determined by it to pay the expenses of the Extension Partnership;

3. Make and enter into all contracts or agreements which are necessary or incidental to the performance of its duties and to the execution of powers granted by this chapter, including agreements with any federal agency, person, private firm, or other organization that can provide technical or other business assistance to the Extension Partnership's industrial clients;

4. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available to the Extension Partnership;

5. Render advice and assistance and provide services to state and federal agencies, local and regional economic development entities, private firms, and other persons or organizations providing services or facilities for small and medium-sized manufacturers and industrial firms in Virginia;

6. Develop and provide programs or projects, at its discretion, alone or in cooperation with any person; state or federal agency; state, local, or regional economic development entity; private firm; or other organization for economic development through improvements in industrial competitiveness in Virginia; and

7. Do all acts and things necessary or convenient to carry out the powers granted to it by this chapter or any other acts.

1992, cc. 217, 668; 1997, c. 324.

§ 23-231.12. (Repealed effective October 1, 2016) Cooperation of other agencies; legal services

All agencies of the Commonwealth shall cooperate with the Extension Partnership and, upon request, assist the Extension Partnership in the performance of its duties and responsibilities. The Attorney General shall provide legal services for the Extension Partnership pursuant to Chapter 5 (§ 2.2-500 et seq.) of Title 2.2.

1992, cc. 217, 668; 1997, c. 324.

Chapter 16.3 - ROANOKE HIGHER EDUCATION AUTHORITY

§ 23-231.13. (Repealed effective October 1, 2016) Authority created

With such funds as are appropriated or made available for this purpose, there is hereby created and constituted a political subdivision of the Commonwealth to be known as the Roanoke Higher Education Authority, hereinafter referred to as the "Authority."

1997, c. 813.

§ 23-231.14. (Repealed effective October 1, 2016) Responsibilities of the Authority

The Authority shall:

1. Expand access to higher education in the Roanoke Valley by providing for adult and continuing education and degree-granting programs, including undergraduate, graduate and professional programs, through partnerships with the Commonwealth's public and private institutions of higher education;

2. Serve as a resource and referral center on existing educational programs and resources by maintaining and disseminating information;

3. Develop, in coordination with the State Council of Higher Education for Virginia, specific goals for higher education access and availability in the Roanoke Valley; and

4. Accept, administer, and account for any state grant to a nonstate entity which may be provided in the name of the Roanoke Higher Education Center or in the name of the Roanoke Higher Education Authority.

1997, c. 813; 1998, c. 360.

§ 23-231.15. (Repealed effective October 1, 2016) Board of Trustees; appointments; terms; compensation; officers

A. The Authority shall be governed by a Board of Trustees consisting of 22 members as follows: the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; and the presidents or their designees of Averett College, Bluefield College, Hollins University, James Madison University, Mary Baldwin College, Old Dominion University, Radford University, Roanoke College, University of Virginia, Virginia Polytechnic Institute and State University, and Virginia Western Community College; the Director of TAP This Valley Works; two members of the House of Delegates to be appointed by the Speaker of the House of Delegates; one member of the Senate to be appointed by the Senate Committee on Rules; and five nonlegislative citizen members representing business and industry in the Roanoke Valley to be appointed by the Governor. Nonlegislative citizen members of the Board shall be citizens of the Commonwealth and residents of the Roanoke region.

B. The legislative members, the Director of the State Council of Higher Education for Virginia, the Chancellor of the Virginia Community College System, the Director of TAP This Valley Works, and the presidents or their designees of the named institutions of higher education shall serve terms coincident with their terms of office. After the initial staggering of terms, all nonlegislative citizen members shall be appointed for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. No nonlegislative citizen member of the Board shall be eligible to serve more than two successive four-year terms; however, after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional four-year terms may be served by such member, if appointed thereto.

C. Nonlegislative citizen members shall not be entitled to compensation for their services. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and all members of the Board shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of the Authority as provided in §§ 2.2-2813 and 2.2-2825. Funding for the compensation and expenses of the members shall be provided by the Authority.

D. The Board shall elect a chairman and a vice-chairman from among its members and may establish bylaws as necessary.

1997, c. 813; 1998, cc. 45, 55; 1999, c. 469; 2004, cc. 667, 1000; 2008, c. 236; 2009, c. 598; 2010, c. 39; 2012, c. 80.

§ 23-231.16. (Repealed effective October 1, 2016) Powers and duties of Board of Trustees

A. The Board of Trustees shall have, in addition to such other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, this law is confined to corporations created under that title. The Board shall have the power to issue bonds upon the advice of bond counsel and a financial institution

with expertise in bonds and investments. Bonds issued under the provisions of this section shall not be deemed to constitute a debt or a pledge of the faith and credit of the Commonwealth or of any political subdivision thereof other than the Authority. The Board may accept, execute, and administer any trust in which it may have an interest under the terms of any instrument creating the trust.

B. The Board shall have the authority to lease property or to hold any property for which it may acquire the title and to dispose of such property in a manner which will benefit the Authority. The Board may also enter into agreements with public and private institutions of higher education in the Commonwealth to provide adult education, continuing education, undergraduate level education, and graduate level instructional programs. The Board may enter into agreements with local school boards and other entities to provide such programs as it deems necessary and appropriate to carry out the purposes of the Authority.

C. The Board may establish, with such funds as are appropriated for this purpose or made available to it, the Roanoke Higher Education Center.

D. Notwithstanding any provision of law to the contrary, any real estate and tangible personal property held or acquired by the Board shall be exempt from any prohibition of the use of noncash assistance as matching funds.

1997, c. 813; 1998, cc. 45, 55, 360.

§ 23-231.17. (Repealed effective October 1, 2016) Executive director; staff

A. From funds available for this purpose, the Board may appoint an executive director for the Roanoke Higher Education Center who shall supervise and manage the Center and shall prepare and submit, upon direction and approval by the Board, all requests for appropriations. The Executive Director of the Center shall be authorized to employ such staff as necessary to enable the Center to perform its duties as set forth in the bylaws of the Board of Trustees and this chapter. The Board may determine the duties of the staff and fix salaries and compensation from such funds as may be appropriated or received.

B. Additional staff support for the functions of the Center may be provided upon agreement by the participating institutions.

1997, c. 813; 1998, cc. 45, 55.

§ 23-231.18. (Repealed effective October 1, 2016) Gifts, grants, and donations

The Board may, on behalf of the Authority or the Center, apply for, accept, and direct the expenditure of gifts, grants, or donations from public or private sources to enable it to carry out the purposes of this chapter. Any locality may make gifts and donations of property, real or personal, or money, to the Authority.

1997, c. 813; 2001, c. 132.

Chapter 16.4 - INSTITUTE FOR ADVANCED LEARNING AND RESEARCH

§ 23-231.19. (Repealed effective October 1, 2016) Institute for Advanced Learning and Research created; responsibilities

A. With such funds as are appropriated or made available for this purpose, there is hereby created and constituted, in Southside Virginia, a political subdivision of the Commonwealth to be known as the Institute for Advanced Learning and Research, hereinafter referred to as the "Institute." The Institute shall be founded by Averett University, Danville Community College, and Virginia Polytechnic Institute and State University.

B. The Institute shall:

1. Seek to diversify the Dan River Region's economy by engaging the resources of Virginia Polytechnic Institute and State University in partnership with Danville Community College and Averett University and public and private bodies and organizations of the region and state.

2. Serve as a catalyst for economic and community transformation by leveraging and brokering resources that support economic diversity for the region, particularly within the network economy.

3. Provide a site for the development of the technology and trained workforce necessary for new economic enterprises to flourish in Southside Virginia through the teaching, research, outreach, and technology available from its partner institutions.

4. Expand access to higher education in Southside Virginia by providing for adult and continuing education, workforce training and development, and degree-granting programs, including undergraduate, graduate and professional programs, through partnerships with the Commonwealth's private and public institutions of higher education, the City of Danville, County of Pittsylvania, the public schools, and the public and private sectors in the region.

5. Serve as a resource and hub for network-related initiatives in education, at all levels, and in economic development activities.

6. Assist in regional economic and community development efforts by housing and encouraging research and product-related activities and encouraging high technology economic development in the region.

7. Encourage and coordinate, as appropriate, the development and delivery of programs offered by those educational institutions serving the region.

8. Serve as a resource and referral center by maintaining and disseminating information on existing educational programs, research, and university outreach resources.

2002, cc. 581, 620.

§ 23-231.20. (Repealed effective October 1, 2016) Board of trustees; membership; appointments; terms; compensation and expenses; officers

A. The Institute shall be governed by a 15-member Board of Trustees consisting of the presidents or their designees of Averett University, Danville Community College, and Virginia Polytechnic Institute and State University; the chairman or his designee of the Board of the Future of the Piedmont Foundation; one resident of the City of Danville to be appointed by the Danville City Council; one resident of Pittsylvania County to be appointed by the Pittsylvania County Board of Supervisors; and nine citizens representing business and industry who (i) reside in Southside Virginia, (ii) own a business headquartered or otherwise operating in Southside Virginia, or (iii) serve as a member of either the board of directors or senior management of a business headquartered or otherwise operating in Southside Virginia, of whom three shall be appointed by the Governor, three shall be appointed by the Senate Committee on Rules, and three shall be appointed by the Speaker of the House of Delegates. All members appointed shall be nonelected citizens of the Commonwealth.

B. The presidents or their designees of the named institutions of higher education and the chairman or his designee of the Board of the Future of the Piedmont Foundation shall serve terms coincident with their terms of office. Of the initial citizen appointments to be made in 2004, one appointee each by the Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules shall serve for one-year terms and one appointee each by the Governor, the Speaker of the House of Delegates, and the Senate shall serve for two-year terms. After the initial staggering of terms, all citizen appointments shall be for terms of three years, except that appointments to fill vacancies shall be for the unexpired terms.

No citizen member of the Board shall be eligible to serve more than two successive three-year terms; however, after expiration of a term of less than three years, or after the remainder of a three-year term to which a member was appointed to fill a vacancy, a member may serve two additional three-year terms, if so appointed.

C. The Board shall elect a chairman and vice-chairman from among its members and may establish bylaws as necessary.

D. Members of the Board shall not be entitled to receive compensation. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the cost of expenses of the members shall be provided by the Institute.

2002, cc. 581, 620; 2004, cc. 856, 889, 1000; 2015, c. 141.

§ 23-231.21. (Repealed effective October 1, 2016) Powers and duties of Board; contracts for educational services

A. The Board of Trustees shall have, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, the law is confined to corporations created under that title. The Board shall also

have the power to accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

B. The Board shall have the authority to enter into and administer agreements with institutions of higher education in the Commonwealth to provide continuing education and instructional programs at the Institute through both traditional and electronic modes of delivery.

2002, cc. 581, 620.

§ 23-231.22. (Repealed effective October 1, 2016) Executive director; responsibilities; additional staff support

The Board may appoint an executive director for the Institute, who may be an employee of one of the founding institutions of higher education. The executive director shall supervise and manage the Institute and shall prepare and submit, upon direction and approval by the Board, all budgets and requests for appropriations. During the initial development and implementation phase of the Institute, additional staff support for the functions of the Institute may be provided upon agreement by the founding institutions and local governments.

2002, cc. 581, 620.

§ 23-231.23. (Repealed effective October 1, 2016) Gifts, grants, and donations; cooperation with other agencies

The Board may, on behalf of the Institute, apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out the purposes of this chapter.

The Board may also request and accept the cooperation of agencies of the Commonwealth or the local governments located in Southside Virginia in the performance of its duties.

2002, cc. 581, 620.

Chapter 16.5 - SOUTHERN VIRGINIA HIGHER EDUCATION CENTER

§ 23-231.24. (Repealed effective October 1, 2016) Southern Virginia Higher Education Center created; duties

From such funds as may be appropriated, the Southern Virginia Higher Education Center, previously established as an off-campus center of Longwood University, is hereby continued as an educational institution in the Commonwealth and shall be referred to in this chapter as the "Center." The Center shall:

1. Encourage the expansion of higher education, including adult and continuing education, associate, undergraduate, and graduate degree programs in the region, and foster partnerships between the public and private sectors to enhance higher education in the region;

2. Coordinate the development and delivery of continuing education programs offered by those educational institutions serving the region;

3. Facilitate the delivery of teacher training programs leading to licensure and graduate degrees;

4. Serve as a resource and referral center by maintaining and disseminating information on existing educational programs and resources; and

5. Develop, in coordination with the State Council of Higher Education for Virginia, specific goals for higher education in Southside Virginia.

2005, cc. 774, 799.

§ 23-231.25. (Repealed effective October 1, 2016) Membership of governing board; terms; compensation; officers

A. The Center shall be governed by a 15-member Board of Trustees, consisting of the Director of the State Council of Higher Education for Virginia or his designee; the Chancellor of the Virginia Community College System or his designee; the presidents or chancellors, as appropriate, or their designees of Longwood University, Danville Community College, and Southside Virginia Community College; the division superintendent of Halifax County public schools; two members of the House of Delegates to be appointed by the Speaker of the House of Delegates; one member of the Senate to be appointed by the Senate Committee on Rules; and six nonlegislative citizen members to be appointed by the Governor, including the chairman and two other members of the Halifax Education Foundation, and three representatives of business and industry. The Speaker of the House of Delegates may appoint an alternate for the Delegate appointed to the Center. The alternate shall serve a term coincident with the term of the Delegate and shall have the power to act in his absence. The Senate Committee on Rules may appoint an alternate for the Senator appointed to the Center. The alternate shall serve a term coincident with the term of the Senator and shall have the power to act in his absence.

Nonlegislative citizen members of the Board shall be chosen from among residents of the Southside region of the Commonwealth and shall be citizens of the Commonwealth.

B. Legislative members and the representatives of the Council, the Virginia Community College System, and the named institutions of higher education shall serve terms coincident with their terms of office. After the initial staggering of terms, all nonlegislative citizen appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

No nonlegislative citizen member of the Board shall be eligible to serve more than two successive four-year terms, but after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional four-year terms may be served by such member if appointed thereto.

C. Nonlegislative citizen members shall not be entitled to compensation for their services. Legislative members of the Board shall be compensated as provided in § 30-19.12, and all members of the Board shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of the Center as provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the members shall be provided by the Center.

D. The Board shall elect a chairman and a vice-chairman from among its members.

2005, cc. 774, 799; 2006, c. 160.

§ 23-231.26. (Repealed effective October 1, 2016) Powers of Board; contracts for educational services

A. The Board of Trustees shall have, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, it is confined to corporations created under that title. The Board shall also have the power to accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

B. The Board shall have the authority to establish and administer agreements with public and private institutions of higher education for the provision of associate, undergraduate, and graduate degree instructional programs at the Center.

2005, cc. 774, 799.

§ 23-231.27. (Repealed effective October 1, 2016) Executive director; powers and duties; staff

A. The Board shall appoint an executive director for the Center who shall supervise and manage the Center and shall prepare and submit, upon direction and approval by the Board, all requests for appropriations. The Executive Director of the Center shall be authorized to employ such staff as necessary to enable the Center to perform its duties as set forth in this chapter. The Board is authorized to determine the duties of such staff and to fix salaries and compensation from such funds as may be appropriated or received.

B. Additional staff support for the functions of the Center may be provided upon agreement by Longwood University, Danville Community College, and Southside Virginia Community College.

2005, cc. 774, 799.

§ 23-231.28. (Repealed effective October 1, 2016) Application for and acceptance of gifts and grants

The Board is authorized on behalf of the Center to apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its objectives.

2005, cc. 774, 799.

§ 23-231.29. (Repealed effective October 1, 2016) Cooperation of other agencies

All agencies of the Commonwealth shall cooperate with the Center, and, upon request, assist the Center in the performance of its duties and responsibilities.

2005, cc. 774, 799.

Chapter 16.6 - THE NEW COLLEGE INSTITUTE

§ 23-231.30. (Repealed effective October 1, 2016) The New College Institute created; responsibilities

A. With such funds as are appropriated or made available for this purpose, there is hereby created and constituted, in the area of Martinsville and Henry County, Virginia, an educational institution of the Commonwealth to be known as the New College Institute, hereinafter referred to as New College.

B. New College shall:

1. Seek to diversify the region's economy by engaging the resources of other institutions of higher education, public and private bodies, and organizations of the region and state.

2. Serve as a catalyst for economic and community transformation by leveraging and brokering resources that support economic diversity.

3. Facilitate development of the technology and trained workforce necessary for new economic enterprises to flourish, using the resources available from collaborating educational institutions.

4. Expand educational opportunities in the region by providing access to degree-granting programs, including undergraduate, graduate, and professional programs, through partnerships with private and public institutions of higher education, the public schools, and public and private sectors.

5. Encourage and coordinate the development and delivery of degree programs and other credit and noncredit courses with a focus on statewide and regional critical shortage areas as well as the needs of industry. This shall include needed adult education and workforce training.

6. Serve as a resource and referral center by maintaining and disseminating information on existing educational programs, research, and university outreach and technology resources.

2006, cc. 808, 842.

§ 23-231.31. (Repealed effective October 1, 2016) Board of Directors; membership; appointments; terms; compensation; officers

A. New College shall be governed by a Board of Directors consisting of 12 members. Members of the Board shall be appointed as follows: seven nonlegislative members to be appointed by the Governor, subject to the approval of the General Assembly; three members to be appointed by the Speaker of the House of Delegates in accordance with the rules of proportional representation in the Rules of the House; and two members to be appointed by the Senate Committee on Rules. Of the 12 members, no more than two may be nonresidents of the Commonwealth.

Legislative members shall serve terms coincident with their terms of office. Beginning with the 2006-2007 fiscal year or for the first fiscal year of the Commonwealth in which funds are appropriated for the purposes of this chapter, whichever is later, of the Governor's initial appointments

to the Board, two shall be appointed for terms of four years, two for terms of three years, two for terms of two years, and one for a term of one year. Notwithstanding any other provision of this chapter, each of the Governor's initial appointees may be appointed to one additional successive four-year term. After the initial staggering of terms, all nonlegislative citizen appointments shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

No nonlegislative citizen member of the Board shall be eligible to serve more than two successive four-year terms, but after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional four-year terms may be served by such member if appointed thereto.

B. The Board shall elect a chairman and vice-chairman from among its members and may establish bylaws as necessary.

C. Nonlegislative citizen members shall not be entitled to compensation for their services. Legislative members of the Board shall be compensated as provided in § 30-19.12, and all members of the Board shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of New College as provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the members shall be provided by New College.

2006, cc. 808, 842.

§ 23-231.32. (Repealed effective October 1, 2016) Powers and duties of Board; contracts for educational services

A. The Board of Directors shall have, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, the law is confined to corporations created under that title. The Board shall also have the power to accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

B. The Board shall oversee the educational programs of New College and also have the authority to enter into and administer agreements with institutions of higher education for them to provide continuing education, instructional programs, and degree programs at New College.

2006, cc. 808, 842.

§ 23-231.33. (Repealed effective October 1, 2016) Curriculum

The Board shall direct the development and focus of New College's curriculum. The curriculum shall include appropriate degree and nondegree programs offered by other educational institutions. New College shall enroll students by the fall semester of 2007 or as soon as practicable.

2006, cc. 808, 842.

§ 23-231.34. (Repealed effective October 1, 2016) Sale, etc., of real estate

The Board, with the approval of the Governor first obtained, is hereby authorized to lease, sell, and convey any and all real estate to which New College has acquired title by gift, devise, or purchase since the commencement of New College under any previous names, or which may hereafter be conveyed or devised to it. The proceeds derived from any such lease, sale, or conveyance shall be held by New College upon the identical trusts, and subject to the same uses, limitations, and conditions, if any, that are expressed in the original deed or will under which its title has derived; or if there be no such trusts, uses, limitations, or conditions expressed in such original deed or will, then such funds shall be applied by the Board to such purposes as it may deem best for New College.

2006, cc. 808, 842.

§ 23-231.35. (Repealed effective October 1, 2016) Executive Director; responsibilities

The Board shall appoint an Executive Director of New College who shall supervise and manage New College. The Executive Director shall be authorized, with the oversight of the Board, to employ such staff and faculty as are necessary to enable New College to perform its duties as set forth in this chapter and the bylaws established by the Board.

2006, cc. 808, 842.

§ 23-231.36. (Repealed effective October 1, 2016) Gifts, grants, and donations; cooperation with other agencies

The Board may, on behalf of New College, apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out the purposes of this chapter.

The Board may also request and accept the cooperation of agencies of the Commonwealth or the local governments located in Southside Virginia in the performance of its duties.

2006, cc. 808, 842.

Chapter 17 - CAMPUS POLICE DEPARTMENTS

§ 23-232. (Repealed effective October 1, 2016) Establishment authorized; employment of officers

A. The governing board of each public institution of higher learning named in § 23-14, hereafter sometimes referred to in this chapter as "institution, " is authorized to establish a campus police department and to employ campus police officers and auxiliary forces upon appointment as provided in §§ 23-233 and 23-233.1. Such employment shall be governed by the Virginia Personnel Act, as set forth in Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, except that the governing body of a public institution of higher education may direct that the employment of the chief of the campus police department is not governed by the Virginia Personnel Act.

B. The Virginia Commonwealth University Health System Authority shall be authorized to employ police officers and auxiliary forces as provided in this chapter and in § 23-50.16:10, except that the employment of such officers and forces shall not be governed by the Virginia Personnel Act.

1977, c. 79; 1991, c. 711; 1996, cc. 905, 1046; 2000, c. 720; 2009, c. 596.

§ 23-232.1. (Repealed effective October 1, 2016) Authorization for campus police departments in private institutions of higher education

The governing board of each private institution of higher education is authorized to establish, in compliance with the provisions of this chapter, a campus police department and to employ campus police officers upon appointment as provided in § 23-233. Except as such provisions apply exclusively to public institutions or employees, the provisions of this chapter shall apply to the appointment and employment of officers, operation, powers, duties and jurisdiction of private campus police departments, and such departments shall be subject to and enjoy the benefits of this chapter. However, to be qualified to use the word "police" to describe the department or its officers, any private college or university which establishes a campus police department shall require that each officer comply with the training or other requirements for law-enforcement officers established by the Department of Criminal Justice Services pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1.

1992, c. 187.

§ 23-232.2. (Repealed effective October 1, 2016) Inspection of criminal incident information

A. Criminal incident information, as described in subsection B, of any campus police department established pursuant to § 23-232.1, shall be open to inspection and copying by any (i) citizen of the Commonwealth, (ii) currently registered student of the institution, or (iii) parent of a registered student, during the regular office hours of the custodian of such information.

B. Criminal incident information shall include (i) the date, time, and general location of the alleged crime; (ii) a general description of injuries suffered or property damaged or stolen; and (iii) the name and address of any individual arrested as a result of felonies committed against persons or property or misdemeanors involving assault, battery, or moral turpitude reported to the campus police, except where disclosure is prohibited by law; however, where the release of such information is likely to jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from the release of such information.

1994, c. 457.

§ 23-233. (Repealed effective October 1, 2016) Appointment of officers

Upon application of the governing board of an institution, the circuit court of the county or city wherein the institution is located, in its discretion, may, by order, appoint the persons named in the application to be campus police officers at such institution.

1977, c. 79.

§ 23-233.1. (Repealed effective October 1, 2016) Establishment of auxiliary police forces; powers, authority and immunities generally

The governing boards, for the further preservation of public peace, safety and good order of the campus community, shall have the power to establish, equip, and maintain auxiliary police forces. When called into service pursuant to procedures established by the governing board, members of these auxiliary forces shall have all the powers, authority, and immunities of public institutions of higher education campus police officers.

1991, c. 711.

§ 23-234. (Repealed effective October 1, 2016) Powers and duties; jurisdiction; mutual aid agreements; memoranda of understanding

A. A campus police officer appointed as provided in § 23-233 or appointed and activated pursuant to § 23-233.1 may exercise the powers and duties conferred by law upon police officers of cities, towns, or counties, and shall be so deemed, including but not limited to the provisions of Chapters 5 (§ 19.2-52 et seq.), 7 (§ 19.2-71 et seq.), and 23 (§ 19.2-387 et seq.) of Title 19.2, (i) upon any property owned or controlled by the relevant public or private institution of higher education, or, upon request, any property owned or controlled by another public or private institution of higher education and upon the streets, sidewalks, and highways, immediately adjacent thereto, (ii) pursuant to a mutual aid agreement provided for in § 15.2-1727 between the governing board of a public or private institution and such other institution of higher education, public or private, in the Commonwealth or adjacent political subdivisions, (iii) in close pursuit of a person as provided in § 19.2-77, and (iv) upon approval by the appropriate circuit court of a petition by the local governing body for concurrent jurisdiction in designated areas with the police officers of the county, city, or town in which the institution, its satellite campuses, or other properties are located. The local governing body may petition the circuit court pursuant only to a request by the local law-enforcement agency for concurrent jurisdiction.

B. All public or private institutions of higher education that have campus police forces established in accordance with the provisions of this chapter shall enter into and become a party to mutual aid agreements with one or more of the following: (i) an adjacent local law-enforcement agency or (ii) the Department of State Police, for the use of their joint forces, both regular and auxiliary, equipment, and materials when needed in the investigation of any felony criminal sexual assault or medically unattended death occurring on property owned or controlled by the institution of higher education or any death resulting from an incident occurring on such property. Such mutual aid agreements shall include provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement pursuant to this subsection, in the event that such police force or agency conducts an investigation that involves a felony criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, in or on a noncampus building or property, or on public property, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation. Such notification shall not require a campus police force or the agency with which it has established a mutual aid agreement to disclose identifying information about the victim. The provisions of this

section shall not prohibit a campus police force from requesting assistance from any appropriate law-enforcement agency of the Commonwealth, even though a mutual aid agreement has not been executed with that agency.

C. All public or nonprofit private institutions of higher education that (i) do not have campus police forces established in accordance with the provisions of this chapter and (ii) have security departments, rely on municipal, county, or state police forces, or contract for security services from private parties pursuant to § 23-238 shall enter into and become a party to a memorandum of understanding with an adjacent local law-enforcement agency or the Department of State Police (the Department) to require either such local law-enforcement agency or the Department, in the event that such agency or the Department conducts an investigation that involves a felony criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, in or on a noncampus building or property, or on public property, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation. Such notification shall not require the law-enforcement agency or the Department to disclose identifying information about the victim.

D. All mutual aid agreements and memoranda of understanding entered into pursuant to this section shall specify the procedure for sharing information.

E. For purposes of this section:

"Campus" means (i) any building or property owned or controlled by an institution of higher education located within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

"Noncampus building or property" means (i) any building or property owned or controlled by a student organization that is officially recognized by an institution of higher education or (ii) any building or property owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

"Public property" means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

1977, c. 79; 1985, c. 386; 1991, c. 711; 1992, c. 187; 2002, c. 97; 2012, cc. 282, 450; 2015, c. 707; 2016, cc. 513, 571.

§ 23-234.1. (Repealed effective October 1, 2016) Extending police power of public institutions of higher education beyond boundaries thereof; jurisdiction of courts

A. The governing board of any public institution of higher education that leases, rents, or owns satellite campuses, public buildings, and other property located beyond the limits of such institution shall have and may exercise full police power over these properties and over persons using the same. The governing board may prescribe rules and regulations for the operation and use of these properties and for the conduct of all persons using them and may provide appropriate administrative penalties for the violation of these rules and regulations.

B. The district court for the county, city, or town where violations of law or approved regulations of the institution occurs shall have jurisdiction of all cases arising within the county, city, or town.

It shall be the duty of the attorney for the Commonwealth for the county, city, or town where the offense occurs to prosecute all violators of the laws pertaining to the provisions enumerated in this chapter.

1991, c. 711.

§ 23-235. (Repealed effective October 1, 2016) Officers to comply with requirements of Department of Criminal Justice Services

All persons appointed and employed as campus police officers or as members of auxiliary forces pursuant to this chapter shall comply with the requirements for law-enforcement officers as established by the Department of Criminal Justice Services pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1.

1977, c. 79; 1984, c. 779; 1991, c. 711.

§ 23-236. (Repealed effective October 1, 2016) Investigation of prospective officers; terms of employment; uniforms, etc

A. Prior to appointment as a campus police officer or member of an auxiliary force, each person shall be investigated by the campus police department of the institution applying for the order of appointment or, if none has been established, by the police department of the county, city or town in which such institution is located. Such investigation shall determine whether the person is responsible, honest and in all ways capable of performing the duties of a campus police officer.

B. Each campus police officer and member of an auxiliary force appointed and employed pursuant to this chapter shall be a state employee of the institution named in the order of appointment. Insofar as not inconsistent with the Virginia Personnel Act (§ 2.2-2900 et seq.), the governing board of such institution shall provide for the conditions and terms of employment and compensation and provide a distinctive uniform and badge of office.

1977, c. 79; 1991, c. 711.

§ 23-237. (Repealed effective October 1, 2016) Termination of employment of officers

A person appointed as a campus police officer shall exercise his powers only as long as he remains employed or activated, as the case may be, by the institution named in the order of the appointment. The appointment order entered by the circuit court shall automatically be revoked upon the

termination of the officer's employment at the institution and may be revoked by the court for malfeasance, misfeasance, or nonfeasance. The institution shall notify the court upon termination of the officer's employment at the institution.

1977, c. 79; 1991, c. 711.

§ 23-238. (Repealed effective October 1, 2016) Security departments and other security services

Nothing in this chapter shall abridge the authority of the governing board of an institution to establish security departments, whose officers and employees shall not have the powers and duties set forth in § 23-234, in place of or supplemental to campus police departments or to rely upon municipal, county or state police forces or to contract for security services from private parties.

1977, c. 79.

Chapter 18 - THE SCIENCE MUSEUM OF VIRGINIA

§ 23-239. (Repealed effective October 1, 2016) Museum created; essential governmental function

There is hereby created and constituted an educational institution of the Commonwealth of Virginia to be known as "The Science Museum of Virginia," hereinafter in this chapter sometimes referred to as the "Museum." The Museum is hereby declared to be a public body and instrumentality for the dissemination of education. The exercise by the Museum of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function.

Code 1950, § 9-65.1; 1970, c. 466; 1977, c. 597.

§ 23-240. (Repealed effective October 1, 2016) Purposes

The purposes of The Science Museum of Virginia are: to deepen our understanding of man and his environment; to promote a knowledge of the scientific method and thus encourage objectivity in the everyday affairs of man; to engage in instruction and research in the sciences in order to educate citizens of all ages in the concepts and principles of science and how these concepts and principles form the foundation upon which rests our technological society and its economy; to use, subject to approval of the accredited educational affiliates concerned, Museum personnel in educational programs; to motivate and stimulate young people to seek careers in science; to encourage an understanding of the history of scientific endeavor; to provide special facilities and collections for the study of Virginia's natural resources; and to foster a love of nature and concern for its preservation. These purposes are hereby declared to be a matter of legislative determination.

Code 1950, § 9-65.2; 1970, c. 466; 1977, c. 597.

§ 23-241. (Repealed effective October 1, 2016) Reserved

Reserved.

§ 23-242. (Repealed effective October 1, 2016) Organization

The Museum shall contain a headquarters and six divisions to encompass the following major areas of science:

Physical Sciences

Botanical Sciences

Natural History

Industry and Technology

Oceanography and Limnology

Zoological Gardens.

Code 1950, § 9-65.3; 1970, c. 466; 1977, c. 597.

§ 23-243. (Repealed effective October 1, 2016) To be governed by board of trustees; appointment of members

The Museum shall be governed by a board of trustees, consisting of fifteen members, each of whom shall be appointed by the Governor. One of the members appointed to the board shall be a member of the Virginia Academy of Science. The appointments shall be subject to confirmation by the General Assembly if in session and, if not, then at its next succeeding session. The board of trustees will hereinafter in this chapter be referred to as the "board."

Code 1950, § 9-65.4; 1970, c. 466; 1977, c. 597; 1980, c. 612.

§ 23-244. (Repealed effective October 1, 2016) Terms of members; vacancies

The members of the board shall be appointed for terms of five years each beginning from the expiration of the respective terms of their predecessors, except that an appointment to fill a vacancy shall be for the unexpired term and that the initial appointments to increase the board to fifteen members shall be for such terms of less than five years as may be necessary to stagger the expiration of terms so that the terms of not more than four members expire in any one year. Members of the board may be suspended or removed by the Governor at his pleasure. For the purpose of succession, the initial appointments of members for terms of less than five years shall be deemed appointments to fill vacancies. No person shall be eligible to serve for or during more than two successive terms; provided, however, any person appointed to fill a vacancy may be eligible for two additional successive terms after the term of the vacancy for which he was appointed has expired. The members of the board shall receive no salaries.

Code 1950, § 9-65.5; 1970, c. 466; 1977, c. 597; 1980, c. 612.

§ 23-245. (Repealed effective October 1, 2016) Officers of board

The board shall select a chairman from its membership, and under rules adopted by itself may elect one of its members as vice-chairman. It shall elect one of its members as secretary.

Code 1950, § 9-65.6; 1970, c. 466; 1977, c. 597.

§ 23-246. (Repealed effective October 1, 2016) Oath of members
Before entering upon the discharge of his duties, each member of the board shall take the usual oath of office.

Code 1950, § 9-65.8; 1970, c. 466; 1977, c. 597.

§ 23-247. (Repealed effective October 1, 2016) Bonds of members
Each member of the board shall give bond, with corporate surety, in such penalty as is fixed by the Governor, conditioned upon the faithful discharge of his duties. The premium on the bonds shall be paid from funds available to the Museum.

Code 1950, § 9-65.9; 1970, c. 466; 1977, c. 597.

§ 23-248. (Repealed effective October 1, 2016) Meetings of board
The board shall meet at such times as it deems appropriate and on call of the chairman when in his opinion meetings are expedient or necessary.

Code 1950, § 9-65.10; 1970, c. 466; 1977, c. 597.

§ 23-249. (Repealed effective October 1, 2016) Quorum of board
Seven members of the board shall constitute a quorum for all purposes.

Code 1950, § 9-65.11; 1970, c. 466; 1977, c. 597; 1980, c. 612.

§ 23-250. (Repealed effective October 1, 2016) Powers and duties of board
The board is hereby authorized and empowered:

1. To select sites for the Museum and the divisions thereof and to provide for the erection, care and preservation of all property belonging to the Museum;

2. To appoint the Director of the Museum, and prescribe his duties and salary;

3. To prescribe rules and regulations for the operation of the Museum, including, but not limited to, the kinds and types of instruction and exhibits, and the making of plans for expansion from time to time of the Museum;

4. To employ planning consultants and architects in relation to establishment of the Museum and any expansions thereof;

5. To acquire by purchase, gift, loan or otherwise land necessary for establishment and expansion of the Museum, and exhibits and displays;

6. To enter into contracts for construction of physical facilities;

7. To adopt a seal; and

8. To charge for admission to the Museum, if deemed appropriate.

Code 1950, § 9-65.12; 1970, c. 466; 1972, c. 524; 1977, c. 597.

§ 23-251. (Repealed effective October 1, 2016) Agents and employees

The Director may engage or authorize the engagement of such agents and employees as may be needed in the operation and maintenance of the Museum, subject to the approval of the board.

Code 1950, § 9-65.13; 1970, c. 466; 1977, c. 597.

§ 23-252. (Repealed effective October 1, 2016) Acceptance of gifts; expenditures; application of §§ 23-3.1 and 23-9.2

A. The board is authorized, on behalf of the Commonwealth and in furtherance of the purposes of the Museum, to receive and administer gifts, bequests and devises of property of any kind whatsoever, and grants from agencies of the United States government, and to expend, or authorize the expenditure of, funds derived from such sources and funds appropriated by the General Assembly to the Museum.

B. The Museum shall be deemed to be an institution of higher education within the meaning of §§ 23-3.1 and 23-9.2.

C. Gifts heretofore made to the Museum by political subdivisions of the Commonwealth are hereby validated.

Code 1950, § 9-65.14; 1970, c. 466; 1972, c. 524; 1974, c. 124; 1977, c. 597.

§ 23-253. (Repealed effective October 1, 2016) Annual report

The Board of Trustees shall submit an annual report to the Governor and General Assembly on or before November 1 of each year. Such report shall contain, at a minimum, the annual financial statements of the Museum for the year ending the preceding June 30.

1977, c. 597; 1984, c. 734; 1985, c. 146; 2004, c. 650.

Chapter 18.1 - VIRGINIA MUSEUM OF FINE ARTS

§ 23-253.1. (Repealed effective October 1, 2016) Membership of board of trustees; quorum

The management and control of the Virginia Museum of Fine Arts, hereinafter in this chapter called the "Museum," together with the building, contents, furnishings, grounds and other properties thereof shall be vested in a board of trustees composed of the following persons: (i) ex officio members: the Governor, the Speaker of the House of Delegates and the mayor of the City of Richmond and (ii) regular members: the trustees who are in office on June 27, 1958, and their successors from time to time, consisting of not less than 25 persons and not more than 35 persons. The term of office of all regular members who are in office on June 27, 1958, shall continue until June 30, 1963, and shall expire at that time. All successors from time to time, whether for a full term or for the remainder of an unexpired term, shall be appointed and commissioned by the Governor after consideration of a list of nominated trustees from the Museum submitted at least 60 days before the expiration of the member's term for which the nominations are being made. The trustees appointed to hold office beginning on July 1, 1963, shall be divided as nearly as may be, into five equal groups, their terms of office to expire, respectively, one, two, three, four and five years thereafter. All trustees subsequently appointed shall hold office for a term of five years

unless appointed for the remainder of an unexpired term. No person shall be eligible to serve consecutively for more than two successive complete terms. Nine trustees shall constitute a quorum at any meeting and a majority vote of those present shall control in all matters.

1997, c. 367; 2010, c. 101; 2011, cc. 691, 714.

§ 23-253.2. (Repealed effective October 1, 2016) Bylaws; president of Museum

Such trustees shall adopt bylaws governing their organization and procedure and may from time to time alter and amend the same. The trustees shall elect one of their members president of the Museum.

1997, c. 367.

§ 23-253.3. (Repealed effective October 1, 2016) Executive committee

Such trustees may also provide for an executive committee, composed of not less than three trustees, which committee may exercise powers vested in and perform duties imposed upon the trustees by this chapter to the extent designated and permitted by the trustees.

1997, c. 367.

§ 23-253.4. (Repealed effective October 1, 2016) Authority of trustees generally

Such trustees are vested with full authority to: (i) manage, control, maintain and operate the Museum, including the contents, furnishings, grounds funds, property and endowments thereof; (ii) charge for admission to the Museum if deemed proper; (iii) employ such persons as may be necessary to manage, control, maintain and operate the same; (iv) suspend or remove at pleasure any person so employed; (v) determine what paintings, statuary and works of art may be kept, housed or exhibited in the Museum; (vi) acquire by purchase, gift, loan or otherwise paintings, statuary and works of art and to exchange or sell the same if not inconsistent with the terms of the purchase, gift, loan or other acquisition thereof; (vii) enter into agreements with organizations interested in art; (viii) adopt a seal; (ix) stimulate and assist in the formation of new organizations; (x) do such other things as they deem proper to promote education in the realm of art throughout the Commonwealth through the Museum, which is hereby constituted and declared an educational institution, an institution of learning, and a public body and instrumentality for the dissemination of education; and (xi) receive and administer on behalf of the Commonwealth gifts, bequests and devises of real and personal property for the endowment of the Museum or for any special purpose designated by the donor.

The trustees are hereby authorized to change the form of investment of any funds, securities or other property, real or personal, provided the same are not inconsistent with the terms of the instrument under which the same was acquired. The trustees may sell, grant and convey any such property, but, in the case of real property, only by and with the written consent of the Governor. The trustees may from time to time confer the honorary degree of patron of arts on any person who has, in their opinion, made an outstanding contribution in the realm of art, but not more than two such degrees shall be conferred in any calendar year.

Nothing in this section shall be construed to prohibit the assessment and levying of a service charge pursuant to the provisions of Chapter 34 (§ 58.1-3400 et seq.) of Title 58.1.

The exercise by the Museum of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function.

1997, c. 367.

§ 23-253.5. (Repealed effective October 1, 2016) Classes of membership; testamentary disposition

Such trustees are vested with full authority to establish classes of membership in the Museum under such regulations as to them may seem proper. All members making a contribution of $1,000 or more prior to June 27, 1958, may dispose of their membership by last will and testament.

1997, c. 367.

§ 23-253.6. (Repealed effective October 1, 2016) Authority of Art and Architectural Review Board

The Art and Architectural Review Board shall have no power or authority to control, manage or supervise in any way the trustees in the exercise of the powers and the performance of the duties provided for in this chapter except that in the matter of additions, repairs and alterations of the Museum itself the Art and Architectural Review Board shall continue to exercise the powers now conferred by law, which powers are specifically reserved to the Board.

1997, c. 367.

§ 23-253.7. (Repealed effective October 1, 2016) Expenditures for current expenses; annual report

All money received by the Museum for current expenses in conducting the Museum shall be paid into the treasury of Virginia, where it shall be set aside as a special fund for the operation of the Museum, for which purpose such money is hereby appropriated, to be paid by the State Treasurer on warrants of the Comptroller issued upon vouchers signed by the president of the Museum or his duly authorized agent. The Museum shall be deemed to be an institution of higher education within the meaning of §§ 23-3.1 and 23-9.2.

The Board of Trustees shall submit an annual report to the Governor and General Assembly on or before November 1 of each year, such report to contain, at a minimum, the annual financial statements of the Museum for the year ending the preceding June 30.

1997, c. 367; 2004, c. 650.

Chapter 19 - THE VIRGINIA SCHOOLS FOR THE DEAF AND THE BLIND [Repealed]

§§ 23-254 through 23-260.1. Repealed

Repealed by Acts 1984, c. 413.

Chapter 20 - RESPONSIBILITY FOR FEDERAL PROGRAMS

§ 23-261. (Repealed effective October 1, 2016) Council responsible for federal programs
The State Council of Higher Education of Virginia shall have full authority to prepare plans, administer federal programs, and receive and disburse any federal funds in accordance with the responsibilities assigned to it by federal statutes or regulations. It shall also undertake such other duties as may be additionally assigned to it by the Governor in response to agency designations requested by the federal government.

1977, c. 676; 1991, c. 590.

§§ 23-262, 23-263. Repealed
Repealed by Acts 1991, ch. 590 .

§ 23-264. Repealed
Repealed by Acts 1984, c. 734.

Chapter 21 - REGULATION OF CONFERRING OF DEGREES, ETC [Repealed]

§§ 23-265 through 23-276. Repealed
Repealed by Acts 2002, c. 178, cl. 2, effective July 1, 2002.

Chapter 21.1 - REGULATION OF CERTAIN PRIVATE AND OUT-OF-STATE INSTITUTIONS OF HIGHER EDUCATION

§ 23-276.1. (Repealed effective October 1, 2016) Definitions
As used in this chapter:

"Academic-Vocational" refers to a noncollege degree school that offers degree and nondegree credit courses.

"Agent" means a person who is employed by any institution of higher education or noncollege degree school, whether such institution or school is located within or outside the Commonwealth, to act as an agent, solicitor, procurer, broker or independent contractor to procure students or enrollees for any such institution or school by solicitation in any form at any place in the Commonwealth other than the office or principal location of such institution or school.

"Certificate" or "diploma" means an award that is given for successful completion of a curriculum comprised of courses that may also be taken for degree credit and shall apply only to those awards given for coursework offered by institutions of higher education and academic-vocational noncollege degree schools.

"College" means any institution of higher education that offers associate or baccalaureate level degree programs.

"Continuing or professional education" means those classes, courses, and programs, designed specifically for individuals who have completed a degree in a professional field, that (i) are intended

to fulfill the continuing education requirements for licensure or certification in said profession; (ii) have been approved by a legislatively or judicially established board or agency responsible for regulating the practice of the profession; and (iii) are offered exclusively to an individual practicing in the profession.

"Council" means the State Council of Higher Education for Virginia.

"Degree" means any earned award at the associate, baccalaureate, graduate, first professional or specialist levels that represents satisfactory completion of the requirements of a program or course of study or instruction beyond the secondary school level.

"Degree credit course" means any earned credits awarded for successful completion of the requirements of a course of study or instruction beyond the secondary school level, which may be used toward completion of a certificate or diploma, or an associate, baccalaureate, graduate, first professional or specialist level degree.

"Fraudulent academic credential" means a diploma, certification, academic transcript, or other document issued by a person or an entity that is not an institution of higher education that provides evidence of or demonstrates completion of course work or academic credit that results in the issuance of an associate or more advanced degree.

"In-state institution" means an institution of higher education that is formed, chartered, or established within Virginia. An out-of-state institution shall be deemed an in-state institution for the purposes of certification as a degree-granting institution if (i) it has no instructional campus in the jurisdiction in which it was formed, chartered, established, or incorporated and (ii) it produces clear and convincing evidence that its main or principal campus is located in Virginia.

"Institution of higher education" or "institution" means any person or entity, other than a Virginia state-supported institution of higher education named in § 23-9.5 or any public institution of higher education established in statute as an authority and declared a governmental instrumentality pursuant to § 23-14, that has received approval from the Council to (i) use the term "college" or "university, " or words of like meaning, in its name or in any manner in connection with its academic affairs or business; (ii) enroll students; or (iii) offer approved courses for degree credit or programs of study leading to a degree or to offer degrees either at a site in Virginia or via telecommunications equipment located within Virginia.

"Multistate compact" means any agreement involving two or more states to offer jointly postsecondary educational opportunities, pursuant to policies and procedures set forth by such agreement and approved by the Council.

"Noncollege degree school" means any postsecondary school that offers courses or programs of study that do not lead to an associate or higher level degree. Such schools may be academic-vocational or vocational.

"Nondegree credit course" means any earned credits awarded for successful completion of the requirements of a course of study or instruction beyond the secondary school level, which may be used toward completion of a certificate or diploma, but may not be used to earn an associate or higher level degree.

"Out-of-state institution" means an institution of higher education that is formed, chartered, established, or incorporated outside the Commonwealth.

"Postsecondary school" or "school" means any entity offering formal instructional programs with a curriculum designed primarily for students who have completed the requirements for a high school diploma or its equivalent. Such schools include programs of academic, vocational, and continuing professional education, and exclude avocational and adult basic education programs. For the purposes of this chapter, a "postsecondary school" shall be classified as either an institution of higher education as defined in this section or a noncollege degree school, as defined in this section.

"Program" means a curriculum or course of study in a discipline or interdisciplinary area that leads to a degree, certificate, or diploma.

"Program area" means a general group of disciplines in which one or more degree programs, certificates, or diplomas may be offered.

"Proprietary" means a privately owned and managed, profit-making institution of higher education or noncollege degree school.

"Site" means a location in Virginia where a postsecondary school (i) offers one or more courses on an established schedule and (ii) enrolls two or more persons who are not members of the same household. A site may be a branch of such postsecondary school, and shall not be required to possess administrative capability.

"Teachout plan" means a written agreement between or among postsecondary schools that provides for the equitable treatment of students if one party to the agreement stops offering an educational program before all students enrolled in that program complete the program.

"University" means any institution offering programs leading to degrees or degree credit beyond the baccalaureate level.

"Vocational" refers to a noncollege degree school that offers only nondegree credit courses, and shall not include instructional programs that are intended solely for recreation, enjoyment, personal interest, or as a hobby, or courses or programs of instruction that prepare individuals to teach such pursuits.

Code 1950, § 23-265; 1980, c. 658; 1996, cc. 691, 832; 1999, cc. 458, 499; 2002, c. 178; 2004, cc. 671, 991; 2005, c. 447; 2007, cc. 82, 115; 2008, c. 856; 2010, cc. 67, 263; 2013, c. 229.

§ 23-276.1:1. (Repealed effective October 1, 2016) Certified mail; subsequent mail or notices may be sent by regular mail

Whenever in this chapter the Council is required to send any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any subsequent, identical mail or notice that is sent by the Council may be sent by regular mail.

2011, c. 566.

§ 23-276.2. (Repealed effective October 1, 2016) Exemptions

A. The provisions of this chapter shall not apply to the public state-supported institutions named in § 23-9.5 or any public institution of higher education established in statute as an authority and declared a governmental instrumentality pursuant to § 23-14.

B. In addition, the following activities or programs offered by schools that are otherwise subject to this chapter shall be exempt from its provisions:

1. The awarding of an honorary degree conferred and regarded as (i) commemorative in recognition of an individual's contributions to society and (ii) not representative of the satisfactory completion of all or any part of the requirements of a program or course of study; such degree shall clearly state on its face that it is honorary in nature;

2. A nursing education program or curriculum regulated by the Board of Nursing;

3. A professional or occupational training program subject to the approval of (i) a regulatory board pursuant to Title 54.1 or (ii) other state or federal governmental agency;

4. Those courses or programs of instruction given by or approved by any professional body, fraternal organization, civic club or benevolent order that are principally for continuing or professional education or similar purpose and for which no degree credit is awarded;

5. Those courses or programs offered through approved multistate compacts, including, but not limited to, the Southern Regional Education Board's Electronic Campus;

6. Those courses offered and delivered by a postsecondary school that is accredited by an entity recognized by the U.S. Department of Education for accrediting purposes, if such courses are provided, solely on a contractual basis for which no individual is charged tuition and for which there is no advertising for open enrollment;

7. Any school, institute or course of instruction offered by any trade association or any nonprofit affiliate of a trade association on subjects related to the trade, business or profession represented by such association;

8. Any public or private high school accredited or recognized by the Board of Education that has offered or may offer one or more courses cited in this chapter, if any tuition, fees and charges made by the school are collected as may be permitted by Title 22.1, in the case of a public school, or pursuant to regulations prescribed by the relevant governing body of such private school; or

9. Tutorial instruction delivered and designed to supplement regular classes for students enrolled in any public or private school or to prepare an individual for an examination for professional practice or higher education.

C. The Council shall exempt from the provisions of this chapter any school whose primary purpose is to provide religious or theological education. Postsecondary schools shall apply for exemptions to confer diplomas, certificates, or degrees related to religion and theology. Exemptions may be granted for a maximum of five years, unless the school has been granted a standing exemption prior to July 1, 2002.

Each school seeking an exemption or continuation of an exemption shall file such information as may be required by the Council. If the Council does not grant a postsecondary school an exemption, the school shall be notified in writing with the reasons for the exemption denial. The affected school shall have the right to appeal the Council's decision pursuant to Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2. The Council shall, in each instance, determine the applicability of the exemption as provided in this section.

D. Notwithstanding the exemptions provided in this section, exempted schools shall be subject to the provisions of subsection B of § 23-276.6 and a postsecondary school may seek Council approval for an otherwise exempt activity or program.

Code 1950, § 23-266; 1980, c. 658; 1991, c. 590; 1996, cc. 691, 832; 1999, cc. 458, 499; 2002, c. 178; 2003, c. 461; 2004, cc. 671, 991; 2005, c. 447.

§ 23-276.3. (Repealed effective October 1, 2016) Authority of the State Council of Higher Education; delegation of authority to director

A. The State Council of Higher Education for Virginia shall adopt, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) such regulations as may be necessary to implement the provisions of this chapter. The Council's regulations shall include, but need not be limited to, (i) procedures by which a school may apply for Council approval to confer degrees in Virginia; (ii) measures designed to ensure that all postsecondary schools that are subject to the provisions of this chapter meet minimal academic standards; (iii) protections for students pursuing postsecondary education opportunities in schools subject to the provisions of this chapter; and (iv) information to assist persons who rely on postsecondary degrees, diplomas, and certificates in judging the competence of individuals.

B. The minimal standards established by the Council shall include, but need not be limited to, faculty preparation and experience, educational programs, physical plants, additional locations, finances, guaranty instruments, advertising and publications, maintenance of student records, personnel qualifications, student services, the method for collecting and refunding tuition and fees, library resources and services, organization and administration, changes of ownership or control, procedures for student admission and graduation, agent or solicitor requirements, consistency of a school's stated purpose with the proposed offerings, reporting requirements, and any

other relevant standards or requirements promulgated by action of the Council or an accrediting agency recognized by the United States Department of Education.

C. The Council shall prescribe the manner, conditions, and language to be used by a school, person, or agent thereof in disclosing or advertising that the school has received certification from the Council to offer postsecondary programs in Virginia.

D. In addition to the other requirements of this chapter, the Council may establish separate certification criteria for various school classifications.

E. Pursuant to the provisions of this chapter and its implementing regulations, the Council may grant to its director the authority to take, on its behalf, specific actions.

Code 1950, § 23-268; 1980, c. 658; 1996, cc. 691, 832; 2002, c. 178; 2004, c. 991; 2005, c. 447.

§ 23-276.4. (Repealed effective October 1, 2016) Council certification required for the conferring of certain degrees and other awards or the offering of certain programs

A. Without obtaining the certification of the Council or a determination that the activity or program is exempt from such certification requirements, no postsecondary school subject to the provisions of this chapter shall:

1. Use the term "college" or "university" or abbreviations or words of similar meaning in its name or in any manner in connection with its academic affairs or business;

2. Enroll students;

3. Offer degrees, courses for degree credit, programs of study leading to a degree, or nondegree credit courses, either at a site in Virginia or via telecommunications equipment located within Virginia; or

4. Initiate other programs for degree credit or award degrees, certificates, or diplomas at a new or additional level.

B. All institutions of higher education and academic-vocational noncollege degree schools subject to the provisions of this chapter shall be fully accredited by an accrediting agency recognized by the United States Department of Education. All out-of-state academic-vocational noncollege degree schools operating in good standing in the Commonwealth prior to July 1, 2006, that have not obtained accreditation by an accrediting agency recognized by the United States Department of Education shall secure accreditation candidacy status by July 1, 2009, and shall secure full accreditation by an accrediting body recognized by the United States Department of Education by July 1, 2012. Further, on and after July 1, 2006, all out-of-state academic-vocational noncollege degree schools, subject to the provisions of this chapter, shall disclose their accreditation status in all written materials advertising or describing the school that are distributed to prospective or enrolled students or the general public.

C. Institutions of higher education shall not be required to obtain another certification from the Council to operate in Virginia if they (i) were formed, chartered or established in the Commonwealth, or chartered by an Act of Congress; (ii) have maintained a main or branch campus continuously in the Commonwealth for at least 20 calendar years under their current ownership; (iii) were continuously approved or authorized to confer or grant academic or professional degrees by the Council, by the Board of Education or by an act of the General Assembly during those 20 years; and (iv) are fully accredited by an accrediting agency that is recognized by, and has met the criteria for Title IV eligibility of the United States Department of Education. If authorization to confer or grant academic or professional degrees is revoked, the institution must seek recertification and must do so annually until it meets the criteria of this subsection.

D. In addition to such other requirements as are established in this chapter or the regulations of the Council, any postsecondary school formed, chartered, or established outside of the Commonwealth shall provide verification that:

1. The institution is fully accredited by an accrediting agency recognized by the United States Department of Education;

2. All courses, degrees, certificates, or diploma programs offered at any Virginia site are also offered at the school's main out-of-state campus;

3. All credits earned at any Virginia site are transferable to an institution's main out-of-state campus; and

4. The school has complied with the requirements of either Article 17 (§ 13.1-757 et seq.) of Chapter 9 of Title 13.1 or Article 14 (§ 13.1-919 et seq.) of Chapter 10 of Title 13.1.

E. Any postsecondary school that seeks to conduct telecommunications activities from a Virginia site shall apply for Council approval to conduct such activity and shall comply with this chapter and the Council's regulations in the same manner as any other school subject to this chapter.

Code 1950, § 23-267; 1980, c. 658; 1996, cc. 691, 832; 2002, c. 178; 2004, c. 991; 2005, c. 447; 2006, c. 814; 2014, c. 629.

§ 23-276.5. (Repealed effective October 1, 2016) Approval procedures

A. Prior to Council approval for a school to use the term "college" or "university" or abbreviations or words of similar meaning in its name or in any manner in connection with its academic affairs or business, to offer courses or programs for degree credit, enroll students in any courses or programs, or confer or award degrees, each postsecondary school shall be evaluated by the Council in accordance with the regulations adopted pursuant to this chapter.

B. Upon finding that the applicant has fully complied with regulations, the Council shall approve the application.

C. The Council may defer a decision on an application upon determining that additional information is needed.

D. The Council shall not take into account duplication of effort by public and private institutions in the Commonwealth or other questions of need when considering an application.

Code 1950, § 23-269; 1980, c. 658; 1996, cc. 691, 832; 2002, c. 178; 2003, c. 461; 2004, c. 991; 2005, c. 447.

§ 23-276.6. (Repealed effective October 1, 2016) Refusal, suspension, and revocation of approval or certification

A. The Council may refuse to grant a certification, may revoke or suspend a prior approval or certification, as the case may be, including any approval or authorization issued prior to July 1, 1980, and may add conditions to any approval or certification, as the case may be, on such grounds as may be provided in its regulations or any of the following grounds:

1. The school submits or has submitted any false or misleading information to the Council in connection with its approval;

2. The school or any of its locations fails to meet or to maintain compliance with the Council's regulations;

3. The school publicly makes or causes to be made any false or misleading representation that it has complied with any requirement of this chapter or the Council's regulations;

4. The school violates any provision of this chapter or the Council's regulations; or

5. The school fails or refuses to furnish the Council with any requested information or records required by this chapter or the Council's regulations.

B. The Council may refuse to grant an approval or may place conditions on an approval for a request to use a name that incorporates terms deemed by the Council to be misleading to consumers, students, or the general public regarding the school's affiliation or association with any public institution or system of higher education in the Commonwealth. The Council shall not, however, add conditions to, revoke, or suspend a prior approval of a name. The Council shall, by regulation, designate the terms deemed to be misleading, which shall include, but shall not be limited to, "public university," "public college," and "community college."

C. The Council shall notify the school by certified mail, return receipt requested, of its intention to deny an application, suspend or revoke a prior approval or certification, as the case may be, or add conditions to an approval or certification, as the case may be, and shall state in writing the reasons for the denial, suspension, revocation, or conditions. The school may, within 10 days of receipt of the certified mail notice, submit a written request for a proceeding before the Council pursuant to Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2.

D. The Council may issue orders to comply with its regulations or the provisions of this chapter; unless an emergency exists, such orders shall only be issued after a proceeding pursuant to Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2.

E. In accordance with Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2, any school aggrieved by a decision of the Council to deny an application or suspend or revoke a prior approval or certification, as the case may be, or add conditions to an approval or certification, or aggrieved by any order to comply with the Council's regulations or this chapter may appeal such decision. The Council shall make a final administrative decision on such appeal in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

F. In order to regain approval, a school that has had its approval or certification, as the case may be revoked or suspended by the Council shall file a new application for certification and shall provide clear and convincing evidence that the conditions resulting in the suspension or revocation have been remedied and that the school is in compliance with this chapter and the Council's regulations.

Code 1950, § 23-271; 1980, c. 658; 1996, cc. 691, 832; 2002, c. 178; 2003, c. 461; 2004, c. 991; 2005, c. 447.

§ 23-276.7. (Repealed effective October 1, 2016) Emergency actions

A. The Council may, by regulation, authorize its director to take immediate action on its behalf in any instance in which a school holding certification to operate in Virginia is the subject of an adverse action by the United States Department of Education or by the school's accrediting agency. When such adverse action threatens a disruption of the operation of the school and exposes students to a loss of course or degree credit or financial loss, the director may take any or all of the following actions:

1. Suspend new enrollment in specified programs, degree levels or in all programs and degree levels that have been approved by the Council;

2. Require the school to provide a guaranty instrument in the amount necessary to cover the refund of unearned tuition to all students enrolled at the time of the action; or

3. Take such other actions as may be necessary to protect the rights of currently enrolled or future students.

B. At its next regularly scheduled meeting, the Council shall either ratify the director's action or take such other actions as it may deem necessary.

2002, c. 178; 2005, c. 447.

§ 23-276.8. (Repealed effective October 1, 2016) Preservation of students' records required

A. In the event of school closure or revocation of its approval or certification, the school shall (i) make arrangements for the transfer of the academic and financial records of all students to the Council within 30 days of the closure or (ii) with the approval of the Council, ensure preservation of the academic and financial records of all students by entering an agreement with another school. An out-of-state school that is public or corporately held may retain records at the school's

location outside of the Commonwealth but shall provide the Council with the contact information needed for each student to obtain copies of his academic and financial records.

B. This section shall not be deemed to interfere with students' rights to have access to and obtain copies of their own records or to authorize disclosure of student records except in compliance with applicable state and federal law, including the federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as amended.

2002, c. 178; 2005, c. 447; 2013, c. 229.

§ 23-276.9. (Repealed effective October 1, 2016) Fees

The Council may, as it deems necessary to comply with the provisions of this chapter and its regulations, establish fees for services and methods for collecting such fees. All fees shall be non-refundable.

2002, c. 178.

§ 23-276.10. (Repealed effective October 1, 2016) Prohibited acts

A. Without prior Council approval, no person or other entity subject to the provisions of this chapter shall use in any manner, within the Commonwealth of Virginia, the term "college" or "university" or abbreviations or words of similar meaning in its name or in any manner in connection with its academic affairs or business or in any literature, catalog, pamphlet, or descriptive material.

This subsection shall not apply to any person or other entity that (i) used the term "college" or "university" openly and conspicuously in its title within the Commonwealth prior to July 1, 1970; (ii) was granted authority to operate in Virginia by the Council between July 1, 1970, and July 1, 2002, and maintains valid authority to so operate in Virginia after July 1, 2002; (iii) was exempted from the provisions of Chapter 21 (§ 23-265 et seq.) of this title, as such law was in effect prior to July 1, 2002; or (iv) was authorized by the Council to use a name while its request for approval to enroll students is pending before the Council.

B. No person or other entity shall sell, barter, or exchange for any consideration, or attempt to sell, barter, or exchange for any consideration, any degree credit, degree, diploma, or certificate.

C. No person or other entity shall use, or attempt to use, in connection with any business, trade, profession, or occupation, any degree or certification of degree or degree credit, including, but not limited to, a transcript of coursework that he knows or has reason to know has been fraudulently issued, obtained, forged, materially altered, or purchased.

D. No person or other entity shall issue or manufacture a fraudulent academic credential.

E. No person or other entity shall physically present a fraudulent academic credential, knowing it is fraudulent, in an attempt to obtain employment, promotion, licensure, or admission to an institution of higher education.

F. No person or entity that is not an institution of higher education accredited by an accrediting agency recognized by the U.S. Department of Education, or having the foreign equivalent of such accreditation, shall in any way represent that the person or entity is so accredited.

G. Unless exempted from the provisions of this chapter or granted approval by the Council in accordance with this chapter and relevant regulations, no person or other entity shall represent that credits earned at or granted by any institution of higher education or academic-vocational noncollege degree school may be applied for credit toward a degree.

Code 1950, § 23-272; 1980, c. 658; 2002, c. 178; 2004, c. 991; 2008, c. 856.

§ 23-276.11. (Repealed effective October 1, 2016) Virginia law to apply to contracts

The laws of Virginia shall govern any agreement, contract, or instrument of indebtedness executed between a postsecondary school and any person enrolling in any course or program offered or to be offered by such school in Virginia and any person employed or offered employment by such school in Virginia.

Code 1950, § 23-276; 1980, c. 658; 2002, c. 178; 2004, c. 991; 2005, c. 447.

§ 23-276.12. (Repealed effective October 1, 2016) Violations; criminal penalty; injunction proceeding; civil penalty

A. Violations of this chapter or the Council's implementing regulations may be punishable as a Class 1 misdemeanor. Each degree, diploma, certificate, program, academic transcript or course of study offered, conferred, or used in violation of this chapter or the Council's regulations shall constitute a separate offense.

B. The Council may also institute a proceeding in equity to enjoin any violation of this chapter or its implementing regulations. Further, if no criminal prosecution is instituted against such postsecondary school pursuant to subsection A, the Council shall have the authority to recover a civil penalty of at least $200 but not more than $1,000 per violation, with each unlawful act constituting a separate violation. In no event shall the civil penalties against any one person, corporation, or other entity exceed $25,000 per year.

C. Upon substantially prevailing on the merits of the case and unless special circumstances would render such an award unjust, the Council shall be entitled to an award of reasonable attorney's fees and costs in any action to enjoin violations of this chapter or its implementing regulations.

Code 1950, § 23-273; 1980, c. 658; 2002, c. 178; 2006, c. 48; 2008, c. 856.

§ 23-276.13. (Repealed effective October 1, 2016) Establishment of the Career College Advisory Board

A. The Council shall establish and seek the advice of the Career College Advisory Board, which shall assist the Council in the performance of its duties and provide advisory services in academic and administrative matters related to private proprietary institutions of higher education and academic-vocational noncollege degree schools. The Career College Advisory Board shall be composed

of college and university representatives and such other members as the Council may select and shall be broadly representative of the private proprietary sector of institutions of higher education and academic-vocational noncollege degree schools.

B. The Career College Advisory Board shall meet at least twice each year and shall advise the Council and the private proprietary accredited institutions of higher education and academic-vocational noncollege degree schools in the Commonwealth regarding such matters as may come before it. The Council may employ such qualified personnel as may be required to assist the Career College Advisory Board in the performance of its duties.

2004, c. 991.

§ 23-276.14. (Repealed effective October 1, 2016) Certificates generally

No person shall open, operate or conduct any postsecondary school in this Commonwealth without a certificate to operate such postsecondary school issued by the Council. The Council shall issue a certificate to those postsecondary schools in compliance with the Council regulations issued pursuant to this chapter.

Postsecondary schools shall seek such certification from Council immediately after receipt of a valid business license issued by the relevant official of the locality in which it seeks to operate.

2004, c. 991.

§ 23-276.15. (Repealed effective October 1, 2016) List of postsecondary schools holding valid certificates

The Council shall maintain a list of postsecondary schools holding valid certificates under the provisions of this chapter, which shall be available for the information of the public.

Upon confirmation of any notification or discovery of any postsecondary school operating without its certification or approval, the Council shall notify in writing the relevant local Commissioner of the Revenue or other official serving such equivalent functions of the postsecondary school's violation of such certification or approval requirement, and shall recommend revocation of the school's business license.

2004, c. 991.

§ 23-276.16. (Repealed effective October 1, 2016) School closure procedures

A. A school shall notify the Council of its intention to close at least 30 days prior to the closure. The notice shall be accompanied by a comprehensive plan for closure and a teachout plan that makes provision for presently enrolled students to complete the program of instruction for which they have enrolled, either at the school or at another school certified by the Council or authorized to operate in the Commonwealth. The school shall obtain the Council's approval of the teachout plan prior to implementation.

B. The school shall notify the Council, in writing, if there is no comparable program for the purposes of developing a teachout plan within 50 miles of the closing school or if the closing school

is unable to enter a teachout agreement with another school. This information shall be provided at the time the school notifies the Council of its intention to close.

C. Owners or senior administrators of a postsecondary school that closes without providing (i) an adequate teachout plan or refunds of unearned tuition and (ii) appropriate preservation of records shall be denied certification to operate another postsecondary school in the Commonwealth.

2013, c. 229.

Chapter 22 - COMMONWEALTH HEALTH RESEARCH FUND

§ 23-277. (Repealed effective October 1, 2016) Definitions

As used in this chapter, unless the context clearly indicates otherwise:

"Board" means the Commonwealth Health Research Board.

"Council" means the State Council of Higher Education for Virginia.

"Fund" means the Commonwealth Health Research Fund.

1997, cc. 803, 888, 891.

§ 23-278. (Repealed effective October 1, 2016) Commonwealth Health Research Board created

A. There is hereby created, as an independent body, the Commonwealth Health Research Board. The purpose of the Board shall be to provide financial support, in the form of grants, donations, or other assistance, for research efforts that have the potential of maximizing human health benefits for the citizens of the Commonwealth. Research efforts eligible for support by the Board shall include traditional medical and biomedical research relating to the causes and cures of diseases as well as research related to health services and the delivery of health care.

B. The Board shall be composed of seven members. The Governor shall appoint three members of the Board who shall be confirmed by the affirmative vote of a majority of those voting in each house of the General Assembly. The Joint Rules Committee shall appoint the other four members of the Board who shall be confirmed by the affirmative vote of a majority of those voting in each house of the General Assembly. The initial members shall be appointed for terms of office as follows: one of the members appointed by the Governor shall be appointed for a term of one year; one of the members appointed by the Joint Rules Committee shall be appointed for a term of two years; one of the members appointed by the Governor and one of the members appointed by the Joint Rules Committee shall be appointed for terms of three years; one of the members appointed by the Joint Rules Committee shall be appointed for a term of four years; and one of the members appointed by the Governor and one of the members appointed by the Joint Rules Committee shall be appointed for terms of five years. Appointments thereafter shall be for terms of five years. Vacancies in the membership of the Board shall be filled by appointment of the entity initially making the appointment for the unexpired portion of the term. No member shall be eligible to serve for more than two successive five-year terms; however, after the expiration of a term of four

years or less or after the expiration of the remainder of a term to which he was appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Immediately after such appointment, the members shall enter upon the performance of their duties.

C. The members shall have substantial experience or expertise, personal or professional, in at least one of the following areas: medicine, medical or scientific research, public policy, government, business, or education. No member shall be an incumbent elected official, state official or employee, or member of the governing board of a state agency or institution. Members of the Board need not be residents of the Commonwealth.

D. The members shall elect annually a chairman and vice-chairman from among its members. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more frequently at the call of the chairman.

E. Notwithstanding the provisions of § 2.2-2813, members of the Board shall receive compensation for their services at the rate provided in Item 1 of Chapter 924 of the 1997 Acts of Assembly used to compensate General Assembly members for the time actually spent in the discharge of their duties and shall receive reimbursement for actual expenses incurred in the performance of their duties on behalf of the Board. Such compensation and expenses shall be paid from the Fund.

1997, cc. 803, 888, 891; 2000, cc. 675, 700.

§ 23-279. (Repealed effective October 1, 2016) Duties of the Board

The Board shall perform the following duties:

1. Establish specific criteria and procedures governing its decisions to support research efforts consistent with its purposes, including, but not limited to, (i) encouraging collaborative research efforts among two or more institutions or organizations, (ii) giving priority to those research efforts where Board support can be leveraged to foster contributions from federal agencies or other entities, and (iii) supporting both new research efforts and the expansion or continuation of existing research efforts;

2. Establish requirements for the submission of research proposals, including, but not limited to, (i) a clear statement of the problem or opportunity to be addressed; (ii) the specific objectives; (iii) a description of how the results will maximize human health benefits for the citizens of the Commonwealth; (iv) a budget for the research effort including other anticipated sources of financial assistance; and (v) the time frame for the conduct of the research;

3. Evaluate the proposals in accordance with the criteria established by the Board and the provisions of this chapter; and

4. Evaluate the implementation and results of all research efforts receiving support from the Board.

1997, cc. 803, 888, 891.

§ 23-280. (Repealed effective October 1, 2016) Conditions and restrictions on financial assistance

A. The Board shall provide financial support only to research efforts that satisfy the following conditions:

1. The research shall be conducted by state institutions of higher education, agencies of the Commonwealth, or nonprofit organizations exempt from income taxation pursuant to § 501(c)(3) of the Internal Revenue Code and located in the Commonwealth;

2. The institution, agency, or organization shall provide a cash amount for the support provided by the Board in such percentage of the Board's support as the Board deems appropriate;

3. Support provided by the Board shall not be used by the recipient to finance capital improvements or renovations, indirect costs incurred by the institution, agency, or organization in its administration of the financial support, or for any other purpose proscribed by the Board; and

4. Recipients of support provided by the Board shall agree to provide the Board with such information regarding the implementation of the research effort, and to allow monitoring and review of the research effort, as may be required by the Board to ensure compliance with the terms by which the support is provided.

B. Any support provided by the Board shall be used by the recipient only for personal services, contractual services, material, supplies, and equipment directly related to the approved research effort.

1997, cc. 803, 888, 891.

§ 23-281. (Repealed effective October 1, 2016) Powers of the Board

In order to carry out its purpose, the Board shall have the power to:

1. Make grants or other expenditures or disbursements from the Fund to provide support for research efforts approved by the Board in accordance with the purposes of this chapter; however, the Board shall not be obligated to make annual or other periodic disbursements or expenditures;

2. Contract for the services of consultants to review research proposals and to assist in the evaluation of the research efforts funded by the Board;

3. Contract for other professional services to assist the Board in the performance of its duties and responsibilities;

4. Accept, hold, administer, and solicit gifts, grants, bequests, contributions or other assistance from federal agencies, the Commonwealth, or any other public or private source to carry out the purposes of this chapter;

5. Enter into any agreement or contract relating to the acceptance or use of any grant, assistance or support provided by or to the Board, or otherwise in furtherance of the purposes of this chapter;

6. Perform any lawful acts necessary or appropriate to carry out the purposes of the Board; and

7. Employ such staff as is necessary to perform the Board's duties. The Board may determine the duties of such staff and fix the salaries and compensation of such staff, which shall be paid from the Fund. Such staff shall be employees of the Department of Accounts and shall be entitled to all benefits available to state employees as provided by law.

1997, cc. 803, 888, 891; 2000, cc. 675, 700; 2002, cc. 591, 612; 2012, cc. 682, 683.

§ 23-282. Repealed

Repealed by Acts 2002, cc. 591 and 612.

§ 23-283. (Repealed effective October 1, 2016) Cooperation with other agencies

All agencies of the Commonwealth shall cooperate with the Board and, upon request, assist the Board in the performance of its duties and responsibilities.

1997, cc. 803, 888, 891.

§ 23-284. (Repealed effective October 1, 2016) Commonwealth Health Research Fund established; administration

A. There is hereby created in the State Treasury a special, nonreverting revolving fund to be known as the Commonwealth Health Research Fund. The Fund shall be established on the books of the State Comptroller.

B. The Fund shall consist of all stock and cash distributed to the Commonwealth as a policyholder pursuant to the conversion of Blue Cross and Blue Shield of Virginia, doing business as Trigon Blue Cross Blue Shield, from a mutual insurance company to a Virginia stock corporation known as Trigon Healthcare, Inc., exclusive of cash paid by Blue Cross and Blue Shield of Virginia or its successor to the Commonwealth in connection with such conversion, which was assumed as general fund revenue in Chapter 912 of the 1996 Acts of Assembly. The Fund shall also consist of any moneys appropriated from the general fund, grants and donations received by the Board, and other moneys received by the State Treasurer and designated for deposit in the Fund. Interest and other income earned on the Fund shall be credited to the Fund. Any moneys remaining in the Fund, including interest and other income thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

C. Notwithstanding any other provision of law, the moneys and other property comprising the Fund shall be invested, reinvested and managed by the Board of the Virginia Retirement System as provided in § 51.1-124.36. The State Treasurer shall not be held liable for losses suffered by the Virginia Retirement System on investments made under the authority of this section.

D. The Fund shall be expended solely for the purpose of supporting research efforts approved by the Board and any other purpose permitted by this chapter.

E. An amount not to exceed six percent of the moving average of the market value of the Fund calculated over the previous five years or since inception, whichever is shorter, on a one-year delayed basis, net of any administrative fee assessed pursuant to subsection E of § 51.1-124.36, may be

expended in a calendar year for any purpose permitted by this chapter. The Board shall not be required to expend such amount in a calendar year, and any amount up to such six percent that is not expended in a calendar year may be expended in any other calendar year.

F. The disbursement of moneys from the Fund shall be made by the State Comptroller at the written request of the Board.

1997, cc. 803, 888, 891; 2000, cc. 675, 700; 2002, cc. 591, 612; 2013, c. 687.

§ 23-285. (Repealed effective October 1, 2016) Forms of accounts and records; audit of same

A. The accounts and records of the Board showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes.

B. The accounts and records of the Board shall be subject to an annual audit by the Auditor of Public Accounts or his legal representative.

1997, cc. 803, 888, 891.

§ 23-286. (Repealed effective October 1, 2016) Reports to the Governor and General Assembly

The Board shall submit a report annually to the Governor and the General Assembly. The report shall include information regarding research efforts supported by the Board and expenditures from the Fund.

1997, cc. 803, 888, 891.

Chapter 22.1 - CHRISTOPHER REEVE STEM CELL RESEARCH FUND

§ 23-286.1. (Repealed effective October 1, 2016) Christopher Reeve Stem Cell Research Fund

A. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, there is hereby created in the state treasury a special, nonreverting, revolving and permanent fund, to be known as the Christopher Reeve Stem Cell Research Fund (the Fund). The Fund shall be established in the books of the State Comptroller and shall be administered by the Commonwealth Health Research Board, the independent body created in Chapter 22 (§ 23-277 et seq.). Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants, donations, or other assistance, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request bearing the signature of the chairman or the vice-chairman of the Commonwealth Health Research Board.

B. Moneys in the Fund shall be used solely to support medical and biomedical stem cell research conducted in Virginia institutions of higher education that relates to the causes and cures of disease, including, but not limited to, paralysis caused by spinal cord injury, diabetes, cancer, heart

disease, and neurological disorders, such as amyotrophic lateral sclerosis (Lou Gehrig's disease) and multiple sclerosis.

C. The grants, donations, or other assistance provided hereunder shall be awarded in accordance with the Commonwealth Health Research Board's specific criteria and procedures, requirements for submission of research proposals, and evaluation mechanisms established pursuant to Chapter 22 (§ 23-277 et seq.). However, no requirement for matching funds shall apply to the grants, donations, or other assistance awarded pursuant to the Christopher Reeve Stem Cell Research Fund and the leveraging of funds shall be incidental to the support provided under this section. The grants, donations, or other assistance provided hereunder may be awarded to support stem cell research that is not eligible for federal research funds through the National Institutes of Health. No moneys from the Fund may be provided to any entity that conducts human stem cell research from stem cells obtained from human embryos, or for conducting such research; however, research conducted using stem cells other than embryonic stem cells may be funded.

2005, c. 696.

§ 23-286.2. (Repealed effective October 1, 2016) Duties of the Commonwealth Health Research Board vis-a-vis the Fund

In addition to the duties conferred on the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 et seq.), the Board shall administer and implement the Christopher Reeve Stem Cell Research Fund in accordance with the provisions of this chapter and, except where otherwise required, the provisions of its originating chapter.

2005, c. 696.

Chapter 23 - JAMESTOWN-YORKTOWN FOUNDATION

§ 23-287. (Repealed effective October 1, 2016) Jamestown-Yorktown Foundation continued; Board of Trustees, officers and executive committee

A. The Jamestown-Yorktown Foundation, hereinafter referred to as the Foundation, is hereby continued and shall be deemed to be an institution of higher education within the meaning of §§ 23-3.1 and 23-9.2. The Foundation shall be administered by the Board of Trustees consisting of the following ex officio trustees: the Governor, Lieutenant Governor, Attorney General, Speaker of the House of Delegates, President Pro Tempore of the Senate, Chairman of the House Appropriations Committee, either the Chairman or the Chairman Emeritus of the Senate Finance Committee, to be determined by the Senate Committee on Rules, and the Secretary of Education. In addition, there shall be 12 members appointed by the Governor from the Commonwealth at large for four-year terms who shall be subject to confirmation by a majority of the members of each house of the General Assembly; eight members appointed by the Speaker of the House of Delegates from the membership thereof for terms concurrent with the terms for which they have been elected to office; four members appointed by the Senate Committee on Rules from the membership of the Senate for terms concurrent with the term for which they have been elected to office; five

members annually elected by the Board of Trustees, some of whom may be nonresidents of the Commonwealth; and any and all chairmen emeriti elected by the Board of Trustees pursuant to § 23-288. The president of the Jamestown-Yorktown Foundation, Inc. shall also serve as a member of the Board of Trustees. Nonresident members of the Board of Trustees shall serve at no expense to the Commonwealth. Appointments to fill vacancies shall be for the unexpired terms.

The Board of Trustees shall elect a chairman, vice-chairman and such other officers as are deemed necessary. The chairman shall appoint seven or more members of the Board to constitute an executive committee, the membership of which shall include the chairman and vice-chairman.

Resident members of the Board of Trustees shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825 and shall receive compensation at the per diem rate established for members of the General Assembly as provided in § 30-19.12. The funding for the costs of compensation and expenses of the members shall be provided by the Foundation.

B. The Foundation is an educational institution and has the further responsibility to administer certain historical museums and such related programs as may be established as defined from time to time.

1998, cc. 589, 786; 2000, cc. 104, 125; 2003, c. 879; 2005, c. 758; 2013, c. 480.

§ 23-288. (Repealed effective October 1, 2016) Powers and duties

The Foundation shall have the power and duty to:

1. Do all things necessary and proper to foster through its living-history museums, Jamestown Settlement and Yorktown Victory Center, an awareness and understanding of the early history, settlement, and development of the United States through the convergence of American Indian, European, and African cultures and the enduring legacies bequeathed to the nation; to commemorate Jamestown as the first permanent English-speaking settlement in the United States and its contributions to the building of our Commonwealth and nation; to commemorate the winning of American independence on the battlefield at Yorktown; and to enhance our understanding of the making of the United States Constitution and Bill of Rights, including Virginia's role in shaping the fundamental principles of the American constitutional system.

2. Administer, develop and maintain at Jamestown and Yorktown permanent commemorative shrines and historical museums.

3. Adopt names, flags, seals and other emblems for use in connection with such shrines and copyright the same in the name of the Commonwealth.

4. Enter into contracts to further the purposes of the Foundation, which have been approved by the Attorney General.

5. Establish nonprofit corporations as instrumentalities to assist in administering the affairs of the Foundation.

6. With the consent of the Governor, acquire lands, property and structures deemed necessary for the purposes of the Foundation by purchase, lease, gift, devise or condemnation proceedings. The title to the land and property acquired shall be in the name of the Commonwealth. In the exercise of the power of eminent domain granted under this section, the Foundation may proceed in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1.

7. With the consent of the Governor, convey by lease land to any person, association, firm or corporation for such term and on such conditions as the Foundation may determine.

8. Receive and expend gifts, grants and donations from whatever source derived for the purposes of the Foundation.

9. Employ an executive director and such deputies and assistants as may be required.

10. Elect any past chairman of the Board of Trustees to the honorary position of Chairman Emeritus. Chairmen emeriti shall serve as honorary members for life. Chairmen emeriti shall be elected in addition to the at-large positions defined in § 23-287.

11. With the consent of the Governor, enter into agreements or contracts with private entities for the promotion of tourism through marketing without competitive sealed bidding or competitive negotiation provided a demonstrable cost savings, as reviewed by the Secretary of Education, can be realized by the Foundation and such agreements or contracts are based on competitive principles.

12. Determine what paintings, statuary, works of art, manuscripts, and artifacts may be acquired by purchase, gift, or loan, and exchange or sell the same if not inconsistent with the terms of such purchase, gift, loan, or other acquisition.

13. Change the form of investment of any funds, securities, or other property, real or personal, provided the same are not inconsistent with the terms of the instrument under which the same were acquired, and sell, grant, or convey any such property, except that any transfers of real property may be made only with the consent of the Governor.

1998, cc. 222, 589, 786, 791; 2000, c. 109; 2003, cc. 879, 940; 2011, cc. 345, 356.

§ 23-289. (Repealed effective October 1, 2016) Authority to adopt regulations as to use and visitation of properties

A. The Board of Trustees, or the executive committee thereof, of the Foundation may adopt such regulations from time to time, concerning the use and visitation of properties under the control of the Jamestown-Yorktown Foundation, to protect or secure such properties and the public enjoyment thereof.

B. Any person, who knowingly violates a regulation of the Foundation may be requested by an agent or employee of the Foundation to leave the property and upon the failure of such person so to do, shall be guilty of a trespass, as provided in § 18.2-119.

1998, c. 786.

§ 23-290. (Repealed effective October 1, 2016) Authority to contract debts and obligations payable from revenues

The Foundation, acting by and through the corporation authorized by § 23-288, may contract debts and obligations to the extent of its anticipated revenues. Such debts and obligations shall be paid only from the revenues of the Foundation.

1998, c. 786.

§ 23-290.1. Repealed

Repealed by Acts 2011, cc. 345 and 356, cl. 2.

§ 23-290.2. (Repealed effective October 1, 2016) 400th anniversary of landmark events in Virginia's history; planning, coordination, and implementation

A. All agencies and institutions of the Commonwealth shall, upon request, designate liaisons and provide assistance and advice to the Jamestown-Yorktown Foundation for the planning, coordination, and implementation of the 400th anniversary of landmark events in Virginia's history in 2019.

B. With the prior written approval of the Governor, the Jamestown-Yorktown Foundation may perform the following actions directly relating to the planning, coordination, and implementation of the 400th anniversary of landmark events in Virginia's history in 2019:

1. Solicit and accept donations of materials and services to defray expenses;

2. Retain all nongeneral funds from grants, donations, contributions, gifts, fees, sales, or other funds received, collected, or undertaken by the Jamestown-Yorktown Foundation for the 400th anniversary commemoration. Such nongeneral funds shall be retained and not reverted back to the general fund at the end of any fiscal year;

3. Procure, with the maximum delegated authority available to any executive branch agency or institution in the Commonwealth, any goods and services with which there are minimum procurement requirements associated;

4. Hire employees up to the Maximum Employment Level for the Foundation as provided in the general appropriations act, despite any potential suspension on hiring that may be mandated for the state agencies;

5. Receive assistance and advice from agencies and institutions of the Commonwealth without charge; and

6. Contact international, national, interstate, state, regional, and local elected and appointed officials.

2016, c. 150.

§§ 23-291, 23-292. Expired

Expired.

§§ 23-293, 23-294. (Repealed effective October 1, 2016) Reserved
Reserved.

Chapter 24 - BOARD OF REGENTS; GUNSTON HALL

§ 23-295. (Repealed effective October 1, 2016) Board of Regents of Gunston Hall; Board of Visitors for Gunston Hall
There is hereby created the Board of Regents of Gunston Hall and the Board of Visitors for Gunston Hall. Membership of both collegial bodies shall be pursuant to the terms and conditions of the deed of gift of Gunston Hall from Louis Hertle to the Commonwealth of Virginia. The duties for the two boards are prescribed in Chapter 138 of the 1932 Acts of Assembly and Chapter 175 of the 1948 Acts of Assembly. As such, the Board of Regents is declared an educational institution with all the rights, powers, privileges, and immunities under law. The Board of Regents shall manage, maintain and operate Gunston Hall and accept and administer gifts of real and personal property made for the benefit of Gunston Hall.

2000, c. 541.

§ 23-295.1. (Repealed effective October 1, 2016) Certain powers of the Board of Regents
A. The Board of Regents may from time to time undertake to determine the significance or suitability of the furnishings, household items, and other objects heretofore and hereafter acquired by purchase, gift or donations with or for Gunston Hall, for the purpose of accurately presenting Gunston Hall according to the taste of George Mason and within the limitations of the furnishings, household items, and other objects that would have been available to him and within his means. Those furnishings, household items, and other objects determined by the Board to be of little or no significance or unsuitable for achieving this purpose may be disposed of by the Board by exchange or sale if not inconsistent with the terms of the acquisition thereof. At the discretion of the Board, such sales may be conducted by auction houses recognized for the expertise in the sale of such items.

B. Any such furnishings, household goods, and other objects previously acquired by donation or purchase and the net proceeds of any sale of these items as provided in subsection A shall constitute a discrete fund of Gunston Hall, restricted to future acquisitions of period furnishings, household goods, and other objects consistent with the purposes set forth in subsection A, and the conservation of all such holdings of Gunston Hall.

Donations to Gunston Hall of any funds, securities, and any other property, real or personal, for use in accordance with the mission of Gunston Hall, shall constitute endowments or unrestricted gifts within the meaning of § 23-9.2. The Board of Regents may change the form of investment of any such funds, securities, or other property, real or personal, provided the same are not inconsistent with the terms of the instrument under which the same were acquired, and to sell, grant, or convey any such property, except that any transfers of real property may be made only with the consent of the Governor.

2001, c. 125.

Chapter 25 - FRONTIER CULTURE MUSEUM OF VIRGINIA

§ 23-296. (Repealed effective October 1, 2016) Frontier Culture Museum of Virginia created; purpose

There is hereby created the Frontier Culture Museum of Virginia as a state agency. The purpose of the museum is to construct, operate, and maintain, in the Augusta County/Staunton/Waynesboro area of the Commonwealth, an outdoor museum in order to commemorate on an international scale the contribution which the pioneers and colonial frontiersmen and frontierswomen of the eighteenth and nineteenth centuries made to the creation and development of the United States. The Museum is an educational institution with responsibility to administer certain historical and interpretive programs as may be established.

2000, c. 541.

§ 23-297. (Repealed effective October 1, 2016) Board of Trustees; membership; terms; officers and committees; compensation

The Frontier Culture Museum of Virginia shall be administered by a Board of Trustees consisting of no more than 25 members. The members shall be appointed as follows: five members of the House of Delegates shall be appointed by the Speaker of the House of Delegates; three members of the Senate shall be appointed by the Senate Committee on Rules; and nine nonlegislative citizen members shall be appointed by the Governor. The Governor may appoint, upon recommendation of the Board of Trustees, eight additional nonlegislative members for four-year terms who may be nonresidents of the Commonwealth and who shall serve at no expense to the Commonwealth.

Legislative members shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative members appointed shall serve for four-year terms. Appointments to fill vacancies shall be made for the unexpired term. All members may be reappointed.

The Board of Trustees shall elect a chairman, vice-chairman, and such other officers as it deems necessary. Seven or more of the members of the Board of Trustees shall constitute an executive committee.

The Board of Trustees shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825 and shall be compensated at the per diem rate established for members of the General Assembly for meetings as provided in § 30-19.12. Funding for the costs of compensation and expenses of the members shall be provided by the Frontier Culture Museum.

2000, c. 541; 2005, c. 758.

§ 23-298. (Repealed effective October 1, 2016) Powers of Board of Trustees; donation

A. The Board of Trustees shall:

1. Establish, operate, and maintain the Frontier Culture Museum of Virginia to commemorate the contributions which the pioneers and colonial frontiersmen and frontierswomen made to the creation of this nation;

2. Employ an executive director and such assistants as may be required and confer such duties and responsibilities as determined necessary;

3. Adopt a flag, seal, and other emblems for use in connection with the Museum;

4. Establish a nonprofit corporation to develop and maintain public awareness of the Frontier Culture Museum of Virginia;

5. Receive and expend gifts, grants, and donations of any kind from whatever sources determined, including donations accepted by the American Frontier Culture Foundation on behalf of the Museum;

6. Adopt regulations and set fees concerning the use and visitation of properties under its control;

7. Acquire, with the consent of the Governor, lands, property and structures deemed necessary to the purpose of the Museum by purchase, lease, gift, devise or condemnation proceedings. The title to land and property acquired shall be in the name of the Commonwealth. In the exercise of the power of eminent domain granted under this section, the Museum may proceed in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1;

8. Convey by lease land and structures to any person, association, firm or corporation, with the consent of the Governor, for such terms and on such conditions as the Museum may determine;

9. Enter into contracts to further the purpose of the Museum, which have been approved by the Attorney General; and

10. Elect any past member of the Board of Trustees to the honorary position of trustee emeritus. Trustees emeriti shall serve as honorary members for life, shall not have voting privileges and shall be elected in addition to those positions set forth in § 23-297.

B. In addition to the powers granted by subsection A, the Board may, from time to time, evaluate the significance or suitability of the furnishings, household items, and other objects heretofore and hereinafter acquired by purchase, gift or donations with or for the Museum, for the purpose of accurately presenting the tastes and lifestyles of the people living during the era the Museum depicts and within the limitations of the furnishings, household items, and other objects that would have been available to and within the means of such persons. The Board may dispose of those furnishings, household items, and other objects determined by the Board to be of little or no significance or suitability for achieving the purposes or mission of the Museum by exchange or sale, so long as such disposition is not inconsistent with the terms of the acquisition of the relevant property. At the discretion of the Board, sales of these items may be conducted by auction houses recognized for their expertise in the sale of such property.

C. Any furnishings, household goods, and other objects previously acquired by donation or purchase and the net proceeds of any sale of these items as provided in subsection B shall constitute a discrete fund of the Frontier Culture Museum of Virginia and shall be used solely for the acquisition of period furnishings, household goods, and other objects consistent with the purpose and mission of the Museum.

Donations to the Museum of any funds, securities, and any other property, real or personal, for use in accordance with its purpose and mission, shall constitute endowments or unrestricted gifts within the meaning of § 23-9.2. The Board may change the form of investment of any such funds, securities, or other property, real or personal, if the change in such form is not inconsistent with the terms of the instrument under which such property was acquired, and may sell, grant, or convey any such property; however, any transfers of real property may be made only with the consent of the Governor.

2000, c. 541; 2002, c. 129; 2003, c. 940; 2008, c. 242.

Chapter 26 - ESTABLISHMENT OF COLLEGE PARTNERSHIP LABORATORY SCHOOLS

§ 23-299. (Repealed effective October 1, 2016) Objectives; definitions

A. In order to (i) stimulate the development of innovative programs for preschool through grade 12 students; (ii) provide opportunities for innovative instruction and assessment; (iii) provide teachers with a vehicle for establishing schools with alternative innovative instruction and school scheduling, management, and structure; (iv) encourage the use of performance-based educational programs; (v) establish high standards for both teachers and administrators; (vi) encourage greater collaboration between education providers from preschool to the postsecondary level; and (vii) develop models for replication in other public schools, college partnership laboratory schools may be established in Virginia as provided in this chapter.

B. As used in this chapter:

"At-risk pupil" means a student having a physical, emotional, intellectual, socioeconomic, or cultural risk factor, as defined in Board of Education criteria, which research indicates may negatively influence educational success.

"College partnership laboratory school" means a public, nonsectarian, nonreligious school established by a public or private institution of higher education that operates a teacher education program approved by the Board of Education.

"Governing board" means the board of a college partnership laboratory school that is party to the contract with the Board of Education, with the responsibility of creating, managing, and operating the college partnership laboratory school, and whose members have been selected by the institution of higher education establishing the college partnership laboratory school. The governing

board shall be under the control of the institution of higher education establishing the college partnership laboratory school.

2010, cc. 816, 871; 2012, cc. 176, 580.

§ 23-299.1. (Repealed effective October 1, 2016) College Partnership Laboratory School Fund established

There is hereby created in the state treasury a special nonreverting fund to be known as the College Partnership Laboratory School Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated in accordance with the appropriation act and any gifts, grants, bequests, or donations from public or private sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of establishing or supporting college partnership laboratory schools in the Commonwealth that stimulate the development of alternative education programs for preschool through grade 12 students by providing opportunities for innovative instruction and greater cooperation and coordination between institutions of higher education and preschool through grade 12 education systems. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent of Public Instruction. The Board of Education shall establish criteria for making distributions from the Fund to a college partnership laboratory school requesting moneys from the Fund and may issue guidelines governing the Fund as it deems necessary and appropriate.

2010, cc. 816, 871.

§ 23-299.2. (Repealed effective October 1, 2016) Establishment and operation of college partnership laboratory schools; requirements

A. A college partnership laboratory school shall be subject to all federal and state laws and regulations and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services.

Enrollment shall be open to any child who is deemed to reside within the Commonwealth through a lottery process on a space-available basis. A waiting list shall be established if adequate space is not available to accommodate all students whose parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized through a lottery process and parents shall be informed of their student's position on the list. For college partnership laboratory schools that form a collaborative partnership, in accordance with subsection F, with one or more public school divisions, enrollment in the college partnership laboratory school shall be administered by one of the partnering divisions.

B. A college partnership laboratory school shall be administered and managed by a governing board. Pursuant to a contract and as specified in § 23-299.3, a college partnership laboratory school shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation, and such regulations as determined by the Board of Education.

C. Pursuant to a college partnership laboratory school agreement, a college partnership laboratory school shall be responsible for its own operations, including, but not limited to, such budget preparation, contracts for services, and personnel matters as are specified in the agreement. A college partnership laboratory school may also negotiate and contract with a school board, the governing body of an institution of higher education, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking that the college partnership laboratory school is required to perform in order to carry out the educational program described in its contract. Any services for which a college partnership laboratory school contracts with a school board or institution of higher education shall not exceed the school division's or institution's costs to provide such services.

D. A college partnership laboratory school shall not charge tuition for courses required for high school graduation. However, (i) tuition may be charged for courses for which the student receives college credit and for enrichment courses that are not required to earn a Board of Education approved high school diploma, and (ii) for college partnership laboratory schools that form a collaborative partnership, in accordance with subsection F, with one or more public school divisions, the school board of the partnering school division that administers student enrollment in accordance with subsection A may charge tuition in accordance with § 22.1-5 for students who do not reside within the partnering school division.

E. An approved college partnership laboratory school shall be designated as a local education agency, but shall not constitute a school division.

F. College partnership laboratory schools are encouraged to develop collaborative partnerships with public school divisions for the purpose of building seamless education opportunities for all Virginia students, from preschool to postsecondary education. An educational program provided to students enrolled in a public school division pursuant to a collaborative partnership between the college partnership laboratory school and the public school division shall be considered to be the educational program of the public school division for purposes of the Standards of Accreditation.

2010, cc. 816, 871; 2012, cc. 176, 580; 2014, c. 754.

§ 23-299.3. (Repealed effective October 1, 2016) Contracts for college partnership laboratory schools; release from certain policies and regulations

The contract between the college partnership laboratory school and the Board of Education shall reflect all agreements regarding the release of the college partnership laboratory school from state regulations, consistent with the requirements of subsection B of § 23-299.2. If the college

partnership laboratory school application proposes a program to increase the educational opportunities for at-risk students, the Board of Education may approve an Individual School Accreditation Plan for the evaluation of the performance of the school.

Any material revision of the terms of the contract may be made only with the approval of the Board of Education and the governing board of the college partnership laboratory school.

2010, cc. 816, 871.

§ 23-299.4. (Repealed effective October 1, 2016) College partnership laboratory school application

A. Any public or private institution of higher education operating within the Commonwealth and having a teacher education program approved by the Board of Education may submit an application for formation of a college partnership laboratory school.

B. Each college partnership laboratory school application shall provide or describe thoroughly all of the following essential elements of the proposed school plan:

1. An executive summary;

2. The mission and vision of the proposed college partnership laboratory school, including identification of the targeted student population;

3. The proposed location of the school;

4. The grades to be served each year for the full term of the contract;

5. Minimum, planned, and maximum enrollment per grade per year for the term of the contract;

6. Background information on the proposed founding governing board members and, if identified, the proposed school leadership and management team;

7. The school's proposed calendar and sample daily schedule;

8. A description of the academic program aligned with state standards;

9. A description of the school's educational program, including the type of learning environment (such as classroom-based or independent study), class size and structure, curriculum overview, and teaching methods;

10. The school's plan for using internal and external assessments to measure and report student progress in accordance with the Standards of Learning;

11. The school's plans for identifying and successfully serving students with disabilities, students who are English language learners, students who are academically behind, and gifted students, including but not limited to compliance with applicable laws and regulations;

12. A description of co-curricular and extracurricular programs and how they will be funded and delivered;

13. Plans and timelines for student recruitment and enrollment, including lottery procedures if sufficient space is unavailable;

14. The school's student disciplinary policies, including those for special education students;

15. An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff, any related bodies (such as advisory bodies or parent and teacher councils), Board of Education, and any external organizations that will play a role in managing the school;

16. A clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart;

17. A staffing chart for the school's first year and a staffing plan for the term of the contract;

18. Plans for recruiting and developing school leadership and staff;

19. The school's leadership and teacher employment policies, including performance evaluation plans;

20. A plan for the placement of college partnership laboratory school pupils, teachers, and employees upon termination or revocation of the contract;

21. Explanation of any partnerships or contractual relationships central to the school's operations or mission;

22. The school's plans for providing transportation, food service, and all other significant operational or ancillary services;

23. Opportunities and expectations for parent involvement;

24. A detailed school start-up plan, identifying tasks, timelines, and responsible individuals;

25. Description of the school's financial plan and policies, including financial controls and audit requirements;

26. A description of the insurance coverage the school will obtain;

27. Start-up and five-year budgets with clearly stated assumptions;

28. Start-up and first-year cash-flow projections with clearly stated assumptions;

29. Evidence of anticipated fundraising contributions, if claimed in the application;

30. A sound facilities plan, including backup or contingency plans if appropriate; and

31. Assurances that the college partnership laboratory school (i) is nonreligious in its programs, admission policies, employment practices, and all other operations and (ii) does not charge tuition, except as described in subsection D of § 23-299.2.

The purposes of the college partnership laboratory school application are to present the proposed school's academic and operational vision and plans, demonstrate the applicant's capacities to

execute the proposed vision and plans, and provide the Board of Education a clear basis for assessing the applicant's plans and capacities. An approved college partnership laboratory school application shall not serve as the school's contract. Within 90 days of approval of a college partnership laboratory school application, the Board of Education and the governing board of the approved school shall execute a contract that clearly sets forth the academic and operational performance expectations and measures by which the college partnership laboratory school will be judged and the administrative relationship between the Board of Education and the college partnership laboratory school, including each party's rights and duties. The performance expectations and measures set forth in the contract shall include but need not be limited to applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the college partnership laboratory school is operating and has collected baseline achievement data for its enrolled students.

2010, cc. 816, 871; 2012, cc. 176, 580.

§ 23-299.5. (Repealed effective October 1, 2016) Review of college partnership laboratory school applications

A. The Board of Education shall establish procedures for receiving, reviewing, and ruling upon applications and shall make a copy of any such procedures available to all interested parties upon request. If the Board finds the application is incomplete, the Board shall request the necessary information from the applicant. The Board of Education's review procedures shall establish a review committee that may include experts with the operation of similar schools located in other states.

B. To provide appropriate opportunity for input from parents, teachers, and other interested parties and to obtain information to assist the Board of Education in its evaluation of a college partnership laboratory school application, the Board of Education may establish a procedure for public notice, comment, or hearings on such applications.

2010, cc. 816, 871.

§ 23-299.6. (Repealed effective October 1, 2016) Decision of the Board of Education final

The decision of the Board of Education to grant or deny a college partnership laboratory school application or to revoke or fail to renew an agreement shall be final and not subject to appeal.

2010, cc. 816, 871.

§ 23-299.7. (Repealed effective October 1, 2016) College partnership laboratory school terms; renewals and revocations

A. A college partnership laboratory school may be approved or renewed for a period not to exceed five school years. A college partnership laboratory school renewal application submitted to the Board of Education shall contain:

1. A report on the progress of the school in achieving the goals, objectives, program and performance standards for students, and such other conditions and terms as the Board of Education

may require upon granting initial approval of the college partnership laboratory school application; and

2. A financial statement, on forms prescribed by the Board, that discloses the costs of administration, instruction, and other spending categories for the school and that has been concisely and clearly written to enable the Board of Education and the public to compare such costs with those of other schools or comparable organizations.

B. The Board of Education may revoke a contract if the college partnership laboratory school does any of the following or otherwise fails to comply with the provisions of this chapter:

1. Commits a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the contract;

2. Fails to meet or make sufficient progress toward the performance expectations set forth in the contract;

3. Fails to meet generally accepted standards of fiscal management; or

4. Substantially violates any material provision of law from which the college partnership laboratory school was not exempted.

C. If the Board of Education revokes or does not renew a college partnership laboratory school contract, it shall clearly state, in a resolution, the reasons for the revocation or nonrenewal.

2010, cc. 816, 871.

§ 23-299.8. (Repealed effective October 1, 2016) Employment of professional, licensed personnel

A. College partnership laboratory school personnel shall be employees of the institution of higher education establishing the school.

B. Teachers working in a college partnership laboratory school shall hold a license issued by the Board of Education or, in the case of an instructor in the higher education institution's Board-approved teacher education program, be eligible to hold a Virginia teaching license. Teachers working in a college partnership laboratory school shall be subject to the requirements of §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4 applicable to teachers employed by a local school board.

C. Professional, licensed personnel of a college partnership laboratory school shall be granted the same employment benefits given to professional, licensed personnel in public schools in accordance with the agreement between the college partnership laboratory school and the Board of Education.

2010, cc. 816, 871; 2012, c. 170.

§ 23-299.9. (Repealed effective October 1, 2016) Funding of college partnership laboratory schools

A. Each college partnership laboratory school shall receive such funds as may be appropriated by the General Assembly in accordance with the appropriation act.

B. The governing board of a college partnership laboratory school is authorized to accept gifts, donations, or grants of any kind and to spend such funds in accordance with the conditions prescribed by the donor. However, no gift, donation, or grant shall be accepted by the governing board of a college partnership laboratory school if the conditions for such funds are contrary to law or the terms of the agreement between the Board of Education and the college partnership laboratory school.

C. Notwithstanding any other provision of law, the proportionate share of state and federal resources allocated for students with disabilities and school personnel assigned to special education programs shall be directed to college partnership laboratory schools enrolling such students. The proportionate share of moneys allocated under other federal or state categorical aid programs shall be directed to college partnership laboratory schools serving students eligible for such aid.

D. College partnership laboratory schools shall be eligible to apply for and receive any federal or state funds otherwise allocated for college partnership laboratory schools in the Commonwealth.

E. Any tuition, room and board, and any other educational and related fees collected from students enrolled at a college partnership laboratory school shall comply with Board of Education regulations and shall be credited to the account of such school.

F. Each college partnership laboratory school shall be eligible to apply for and receive available funds from the College Partnership Laboratory School Fund and the establishing institution of higher education.

2010, cc. 816, 871; 2012, cc. 176, 580.

§ 23-299.10. (Repealed effective October 1, 2016) Immunity

A college partnership laboratory school shall be immune from liability to the same extent as the public institution of higher education that established the school, and the employees and volunteers in a college partnership laboratory school are immune from liability to the same extent as the employees of the establishing institution of higher education.

2010, cc. 816, 871.

Chapter 27 - VIRGINIA UNIVERSITIES CLEAN ENERGY DEVELOPMENT AND ECONOMIC STIMULUS FOUNDATION

§ 23-300. (Repealed effective October 1, 2016) Virginia Universities Clean Energy Development and Economic Stimulus Foundation created; purpose; structure

A. There is hereby created the Virginia Universities Clean Energy Development and Economic Stimulus Foundation (Foundation) established as a body corporate and political subdivision of the

Commonwealth which, with the cooperation and assistance of the universities, shall identify, obtain, disburse, and administer funding for the following purposes: (i) research and development of alternative fuels, clean energy production, and related technologies; (ii) support of economic development projects in economically disadvantaged areas; and (iii) provision of assistance in the commercialization of alternative fuels and clean energy technologies developed with funds administered by the Foundation.

B. The Foundation shall have, and is vested with, all of the politic and corporate powers as are set forth in this chapter. The Foundation shall have only those powers and duties as enumerated in this chapter.

C. The Foundation shall operate as a not-for-profit corporate entity and all funding made available to the Foundation shall be used solely for the purposes set forth in this chapter and shall be provided from such sources as specified in this chapter. No public funds shall be used for the work of the Foundation, which shall not be construed as an agency of the Commonwealth.

D. The Foundation shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

E. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the citizens of the Commonwealth and for the promotion of their welfare, convenience, and prosperity.

F. The Foundation shall be performing an essential governmental function in the exercise of the powers conferred upon it by this chapter, and the property of the Foundation and its income and operations shall be exempt from taxation or assessments upon any property acquired or used by the Foundation under the provisions of this chapter.

2010, c. 846.

§ 23-301. (Repealed effective October 1, 2016) Membership of the Board; terms; vacancies; officers; meetings, etc

A. The Foundation shall be governed by a Board of Directors composed of eight members as follows: the president of the University of Virginia or his designee; the president of Virginia Polytechnic Institute and State University or his designee; the president of one of the other institutions included in the Virginia Coastal Energy Research Consortium, pursuant to § 67-600 of the Code of Virginia, or his designee; one nonlegislative citizen member who shall represent public service companies providing energy to consumers, to be appointed by the Governor; three nonlegislative citizen members to be appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member to be appointed by the Senate Committee on Rules.

Nonlegislative citizen members appointed by the Speaker of the House of Delegates and the Senate Committee on Rules shall have specialized background and expertise on one or more of the following subjects: environmental or conservation issues; financing and commercialization of newly

developed technologies or products; energy production issues; or scientific research methodologies and protocols.

B. There shall be no limitation on the terms of Board members and they shall serve at the pleasure of the appointing authority, except for the president of the other institutions included in the Virginia Coastal Energy Research Consortium, which shall rotate among the member institutions on an annual basis.

C. The Board shall appoint from its membership a chairman and a vice-chairman, both of whom shall serve in such capacities at the pleasure of the Board. The chairman, or in his absence, the vice-chairman, shall preside at all meetings of the Board. The meetings of the Board shall be held on the call of the chairman or whenever the majority of the members so request. The Board shall meet not less than twice annually. A majority of members of the Board serving at any one time shall constitute a quorum for the transaction of business. Notwithstanding any other provision of law, the Board may meet, conduct business, and vote by means of electronic communication.

2010, c. 846.

§ 23-302. (Repealed effective October 1, 2016) Powers and duties of the Board

A. The Board shall have the power to:

1. Adopt, use, and alter at will an official seal;

2. Make bylaws for the management and regulation of its affairs;

3. Sue and be sued;

4. Maintain an office at such place or places within the Commonwealth as it may designate;

5. Accept, hold, and administer moneys, grants, securities, or other property transferred, given, or bequeathed to the Foundation, absolutely or in trust, for the purposes for which the Foundation is created;

6. Determine how moneys provided to the Foundation are to be distributed and to authorize grants, loans, or other distributions of such moneys for the purposes set forth in this chapter;

7. Make and execute contracts and all other instruments and agreements necessary or convenient for the exercise of its powers and functions;

8. Invest its funds as provided in this chapter or permitted by applicable law;

9. Expend from such funds as are available to it a reasonable amount for personnel, operations, and administration of the Foundation; and

10. Do any lawful act necessary or appropriate to carry out the powers herein granted or reasonably implied, including use of whatever lawful means may be necessary and appropriate to recover any payments wrongfully made from the funds available to the Foundation.

B. The Board shall employ on a full-time, part-time, or contract basis such personnel as may be necessary to ensure that the purposes of this chapter are achieved, including, but not limited to, a chief executive officer, legal counsel, and chief research policy officer.

C. The Board and such staff as may be employed shall have the following duties:

1. Establish procedures by which persons seeking funds from the Foundation may make application for an award of such fund;

2. Actively seek out and encourage appropriate projects; and

3. Actively seek out and expend all reasonable efforts to obtain funds from all available sources.

D. Any proposed projects funded by the Foundation shall be consistent with the purposes set forth in this chapter.

E. The Board shall report its activities annually by December 1 to the Governor, the Speaker of the House, and the Senate Committee on Rules.

2010, c. 846.

§ 23-303. (Repealed effective October 1, 2016) Evaluation of proposals; due diligence; participation by universities

A. All requests seeking funds from the Foundation shall be thoroughly evaluated utilizing the criteria set forth in subsection B of this section. The Board and such staff as may be employed shall participate in the evaluation and may utilize such additional assistance as they determine necessary. The universities shall provide expertise for the evaluation process as requested by the Board.

B. Each funding request shall be evaluated according to the extent to which it meets a substantial portion of the following criteria as appropriate to the project or technology proposed:

1. Whether, and to what extent, the proposed project will identify, develop, and facilitate production and marketing of alternative fuels, clean energy sources, reduced dependence on foreign energy supplies, more affordable energy, discovery and development of raw materials necessary for energy production, or other similar improvements in energy creation, production, distribution, and affordability;

2. Whether, and to what extent, the proposed project will aid in economic revitalization of economically disadvantaged areas;

3. The scientific and technological value and viability of the proposed project;

4. The likelihood that the proposed project will fully realize its stated objectives;

5. The cost of the proposed project in relation to its reasonably foreseeable economic impact;

6. Whether, and to what extent, the proposed project will likely result in a commercially viable outcome;

7. The effort and time necessary to commercialize outcomes of the proposed project;

8. Whether, and to what extent, the requesting entity has utilized other available funding sources; and

9. Such other criteria as the Board may determine.

C. The Board shall determine whether a funding request sufficiently meets the criteria established and the purposes of this chapter, and if so, the appropriate amount of funding to be provided. Funding shall be awarded only to those proposed projects that best meet the established criteria and purposes of this chapter.

D. Any member of the Board who has a personal interest in any transaction before the Board shall be disqualified from participating in that transaction, and shall forthwith make disclosure of the existence of his interest, including the full name and address of the business involved, and his disclosure shall also be reflected in the public records of the Board for five years in the office of the administrative head of the Board or, if the Board has a clerk, in the clerk's office.

2010, c. 846.