

CHAPTER 31.

OTHER EDUCATIONAL ENTITIES.

Drafting note: Other educational entities, existing Chapters 16.1, 16.2, 16.3, 16.4, 16.5, and 16.6, of Title 23, are reorganized as articles within proposed Chapter 31.

Article 1.

General Provisions.

§ 23.1-xxx. Governing boards of educational institutions; removal of members.

A. Notwithstanding any other provision of law, the Governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board of any educational institution established pursuant to this chapter and fill the vacancy resulting from the removal.

B. The Governor shall set forth in a written public statement his reasons for removing any member pursuant to subsection A at the time the removal occurs. The Governor shall be the sole judge of the sufficiency of the cause for removal as set forth in subsection A.

Drafting note: The provisions of this proposed section are moved from subsections A and C of § 2.2-108.

~~CHAPTER 16.2.~~

~~A.L. PHILPOTT MANUFACTURING EXTENSION PARTNERSHIP.~~

Article 2.

Genedge Alliance.

Drafting note: Existing Chapter 16.2 (§ 23-231.8 et seq.) is reorganized as proposed Article 2 of Chapter 31. A substantive change is made to update the name of the A.L. Philpott Manufacturing Extension Partnership to Genedge Alliance to reflect current usage.

~~§ 23-231.8 23.1-xxx. A. L. Philpott Manufacturing Extension Partnership created~~
Genedge Alliance established; ~~mission purpose~~ 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~~ Genedge Alliance (the Alliance), formerly known as the A.L. Philpott Manufacturing Extension Partnership, is established to help create and maintain industrial and manufacturing jobs. The ~~Extension Partnership Alliance~~ 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~~ any manufacturing area; ~~and~~

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 duties enumerated in ~~subdivisions 1 through 5 above~~ this subsection.

B. The ~~Extension Partnership Alliance~~ 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.).

Drafting note: Technical changes.

~~§ 23-231.9 23.1-xxx. Membership of governing board; terms; compensation; officers; bylaws~~ Board of trustees.

A. The ~~Extension Partnership Alliance~~ shall be governed by a 24-member board of trustees (the board) consisting of three presidents of community colleges; two presidents of four-year public ~~four-year~~ institutions of higher education, ~~and~~ one president of a four-year private ~~four-year~~ institution of higher education, and 15 nonlegislative citizen members, representing manufacturing industries, to be appointed by the Governor; and the director of the Center for Innovative Technology; the Secretary of Commerce and Trade; and and the Secretary of Technology, to serve ex officio with voting privileges.

~~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~~

Appointments shall be for terms of four years, ~~except that appointments to fill vacancies. Ex~~
~~officio members of the board shall serve terms coincident with their terms of office.~~
Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired
terms. Vacancies shall be filled in the same manner as the original appointments. All members
may be reappointed. ~~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~~ No member shall serve ~~for~~ more than two ~~succcessive~~ consecutive 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~~ a member appointed to serve an unexpired term
shall be eligible to serve two consecutive four-year terms.

C. The board shall elect a chairman and a vice-chairman from among its ~~members and~~
membership. The board shall ~~also~~ elect a secretary and a treasurer; who ~~may or may need~~ not be
members of the board. The board may ~~also~~ elect other subordinate officers; who ~~may or may~~
need not be members of the board.

D. Eight members shall constitute a quorum. The meetings of the board shall be held at
the call of the chairman or whenever the majority of the members so request.

~~All members shall be reimbursed for their actual expenses incurred in the performance~~
~~of their duties in the work of the Extension Partnership.~~

~~D. E.~~ 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.

Drafting note: The second paragraph of subsection C is stricken here the concept is
instead reincorporated into proposed § 23.1-xxx (the succeeding section). A substantive
change is made in subsection D of this proposed section to establish a quorum for the
meetings of the board at eight members, which is lower than a majority. The Code was

previously silent on the quorum required for meetings of this organization. Technical changes are also made.

§ 23.1-xxx. Compensation; expenses.

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 costs of compensation and expenses of the members shall be provided by the Alliance.

Drafting note: Provisions on expenses of members, previously set forth in the second paragraph of subsection C of existing § 23-231.9, have been updated and incorporated instead into proposed section 23.1-xxx (this section).

~~§ 23-231.10~~ 23.1-xxx. Executive director; ~~powers and duties; staff.~~

A. The board shall appoint an executive director who shall (i) supervise and manage the Extension Partnership Alliance, (ii) ~~discharge perform~~ such functions as may be directed by the board, and (iii) prepare and submit, upon the direction and approval ~~by of~~ of the board, all requests for appropriations. The executive director shall be authorized to employ such staff as necessary to enable the Extension Partnership Alliance to perform its duties as set forth in this ~~chapter~~ article. 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 Alliance.

B. Additional staff support for the functions of the Extension Partnership Alliance may be provided by the Center for Innovative Technology, the University of Virginia Center for Public Service, ~~community colleges and four-year public~~ institutions of higher education, small business development centers, and private businesses.

Drafting note: Technical changes.

~~§ 23-231.11~~ 23.1-xxx. ~~Additional powers and duties~~ Powers of the board.

~~To assist the Extension Partnership in its mission, the board is authorized on behalf of the Extension Partnership to:~~ In order to carry out the purposes of the Alliance, the board may:

1. Apply for, accept, and expend gifts, grants, or donations from public or private sources to enable the ~~Extension Partnership~~ Alliance to carry out its ~~objectives~~ purposes;

2. Fix, alter, charge, and collect rates, fees, and other charges for the sale of products of, ~~or and~~ services rendered by the ~~Extension Partnership~~ Alliance at rates ~~to be~~ determined by ~~it~~ the board to pay the expenses of the ~~Extension Partnership~~ Alliance;

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~~ article, 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~~ Alliance'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~~ Alliance;

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~~ the Commonwealth;

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~~ the Commonwealth; and

7. Do all acts and things necessary or convenient to carry out the powers granted to it by this ~~chapter~~ article or any other ~~acts~~ act.

Drafting note: Technical changes.

§ ~~23-231.12~~ 23.1-xxx. Cooperation of other agencies; legal services.

A. All agencies of the Commonwealth shall cooperate with the ~~Extension Partnership Alliance~~ and, upon request, assist the ~~Extension Partnership Alliance~~ in the performance of its duties and responsibilities.

B. The Attorney General shall provide legal services for the ~~Extension Partnership Alliance~~ pursuant to Chapter 5 (§ 2.2-500 et seq.) of Title 2.2.

Drafting note: Technical changes.

~~CHAPTER 16.4.~~

~~INSTITUTE FOR ADVANCED LEARNING AND RESEARCH.~~

Article 3.

Institute for Advanced Learning and Research.

Drafting note: Existing Chapter 16.4 (§ 23-231.19 et seq.) is reorganized as proposed Article 3 of Chapter 31.

§ ~~23-231.19~~ 23.1-xxx. Institute for Advanced Learning and Research ~~created established~~; ~~responsibilities~~ duties.

~~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~~ 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 (the~~ Institute) is established in Southside Virginia as a political subdivision of the Commonwealth.

B. The Institute shall:

1. Seek to diversify the economy of the Dan River ~~Region's economy region~~ 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~~. Commonwealth;

2. Serve as a catalyst for economic and community transformation by leveraging and brokering resources that support the economic diversity ~~for~~ of the Dan River 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, the 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, of education 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~~ the educational institutions serving the region.;; and

8. Serve as a resource and referral center by maintaining and disseminating information on existing educational programs, research, and university outreach resources.

Drafting note: Technical changes.

§ ~~23-231.20~~ 23.1-xxx. Board of trustees; ~~membership; appointments; terms;~~
~~compensation and expenses; officers.~~

385 A. The Institute shall be governed by a 15-member ~~Board of Trustees consisting board~~
386 ~~of trustees (the board) that shall consist~~ of ~~the presidents or their designees of Averett~~
387 ~~University, Danville Community College, and Virginia Polytechnic Institute and State~~
388 ~~University; the chairman or his designee of the Board of the Future of the Piedmont Foundation;~~
389 ~~11 nonlegislative citizen members and four ex officio members. Nonlegislative citizen members~~
390 ~~shall be appointed as follows:~~ one resident of the City of Danville, to be appointed by the
391 Danville City Council; one resident of Pittsylvania County, to be appointed by the Pittsylvania
392 County Board of Supervisors; and nine ~~citizens~~ nonlegislative citizen members representing
393 business and industry and residing in Southside Virginia, of whom three ~~to shall~~ be appointed
394 by the Governor, three ~~to shall~~ be appointed by the Senate Committee on Rules, and three ~~to~~
395 shall be appointed by the Speaker of the House of Delegates. The presidents of Averett
396 University, Danville Community College, and Virginia Polytechnic Institute and State
397 University or their designees and the chairman of the Board of the Future of the Piedmont
398 Foundation or his designee shall serve ex officio with voting privileges. All Nonlegislative
399 citizen members ~~appointed of the board~~ shall be nonelected citizens of the Commonwealth.

400 B. ~~The presidents or their designees of the named institutions of higher education and the~~
401 ~~chairman or his designee of the Board of the Future of the Piedmont Foundation~~ Ex officio
402 members of the board shall serve terms coincident with their terms of office. ~~Of the initial~~
403 ~~citizen appointments to be made in 2004, one appointee each by the Governor, the Speaker of~~
404 ~~the House of Delegates, and the Senate Committee on Rules shall serve for one year terms and~~
405 ~~one appointee each by the Governor, the Speaker of the House of Delegates, and the Senate~~
406 ~~shall serve for two year terms. After the initial staggering of terms, all citizen appointments~~
407 Appointments shall be for terms of three years, ~~except that appointments to fill vacancies.~~
408 Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired
409 terms. Vacancies shall be ~~for the unexpired terms~~ filled in the same manner as the original
410 appointments.

No citizen member ~~of the Board~~ shall ~~be eligible to~~ serve more than two ~~successive~~ consecutive 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~~ a member appointed to serve an unexpired term shall be eligible to serve two consecutive three-year terms.

C. The ~~Board~~ board shall elect a chairman and vice-chairman from among its ~~members~~ membership and may establish bylaws as necessary.

D. Members of the ~~Board~~ 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.

Drafting note: Technical changes.

§ ~~23-231.21~~ 23.1-xxx. Powers ~~and duties of Board; contracts for educational services of~~ the board.

A. The ~~Board of Trustees shall have~~ board has, 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 board shall also have the power to~~ may 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~~ board may 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.

§ ~~23-231.23. Gifts, grants, and donations; cooperation with other agencies.~~

C. The ~~Board~~ 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~~ article.

437 D. The ~~Board~~ board may ~~also~~ request and accept the cooperation of ~~agencies of~~ the
438 Commonwealth ~~or~~, the local ~~governments~~ governing bodies located in Southside Virginia, or
439 the agencies of the Commonwealth or such governing bodies in the performance of its duties.

440 **Drafting note: The provisions of existing § 23-231.23 are incorporated as**
441 **subsections C and D of this proposed section, which includes broader provisions related to**
442 **powers of the board. Technical changes are made.**

443 § ~~23-231.22~~ 23.1-xxx. Executive director; ~~responsibilities; additional staff support~~.

444 The ~~Board~~ board may appoint an executive director ~~for of~~ the Institute, who may be an
445 employee of ~~one of the founding institutions of higher education~~ Averett University, Danville
446 Community College, or Virginia Polytechnic Institute and State University. The executive
447 director shall supervise and manage the Institute and shall prepare and submit, upon direction
448 and approval by the ~~Board~~ board, all budgets and requests for appropriations. ~~During the initial~~
449 ~~development and implementation phase of the Institute, additional staff support for the functions~~
450 ~~of the Institute may be provided upon agreement by the founding institutions and local~~
451 ~~governments.~~

452 **Drafting note: Technical changes and removal of language concerning the initial**
453 **development of the Institute.**

454 CHAPTER 16.6.

455 THE NEW COLLEGE INSTITUTE.

456 Article 4.

457 New College Institute.

458 **Drafting note: Existing Chapter 16.6 (§ 23-231.3 et seq.) is reorganized as proposed**
459 **Article 4 of Chapter 31.**

460 § ~~23-231.30~~ 23.1-xxx. The New College Institute ~~created~~ established; ~~responsibilities~~
461 duties.

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~~ (New College) is established as an educational institution of the Commonwealth in the area of the City of Martinsville and Henry County.

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.~~ Commonwealth;

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 and private institutions of higher education, the public schools, and the 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~~ Such programs and courses 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; and

7. Direct the development and focus of the New College curriculum to include appropriate degree and nondegree programs offered by other institutions of higher education.

Drafting note: The provisions of existing § 23-231.33 are incorporated as subdivision 7 of subsection B of this proposed section, which includes broader provisions related to board duties. Technical changes are made.

~~§ 23-231.33. 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.~~

Drafting note: The provisions of existing § 23-231.33 are stricken here and incorporated instead as subdivision B 7 of proposed § 23.1-31xx in this article.

~~§ 23-231.34. 23.1-xxx. Board of Directors; membership; appointments; terms; compensation; officers~~ directors.

A. New College shall be governed by a ~~Board of Directors~~ board of directors (the board) consisting of 12 members that shall consist of five legislative members and seven nonlegislative citizen members. Members ~~of the Board~~ shall be appointed as follows: three members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the rules of proportional representation contained in the Rules of the House of Delegates; and two members of the Senate to be appointed by the Senate Committee on Rules; seven nonlegislative members to be appointed by the Governor, subject to ~~the approval of confirmation by~~ 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~~ at least 10 shall be residents 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~~

B. Nonlegislative citizen members shall be appointed for terms of four years, ~~except that appointments to fill vacancies shall be for the unexpired terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.~~ Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

No nonlegislative citizen member ~~of the Board~~ shall be eligible to serve more than two ~~successive consecutive~~ 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; however, a member appointed to serve an unexpired term shall be eligible to serve two consecutive four-year terms.~~

~~B. C.~~ The Board board shall elect a chairman and vice-chairman from among its ~~members membership~~ and may establish bylaws as necessary. A majority of the members shall constitute a quorum. The meetings of the board shall be held at the call of the chairman or whenever the majority of the members so request.

~~C. D.~~ Nonlegislative citizen members shall not be entitled to compensation for their services. Legislative members of the ~~Board board~~ shall be compensated as provided in § 30-19.12, ~~and all. 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.

Drafting note: Technical changes, including adding the standard language for a quorum and how meetings are called.

~~§ 23-231.32 23.1-xxx. Powers and duties of Board; contracts for educational services~~
Powers of the board.

A. The ~~Board of Directors~~ board 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~~ 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~~ board shall oversee the educational programs of New College and ~~also have the authority to~~ may enter into and administer agreements with institutions of higher education for ~~them~~ such institutions to provide continuing education, instructional programs, and degree programs at New College.

~~§ 23-231.34. Sale, etc., of real estate.~~

C. The ~~Board~~ board, with the approval of the Governor ~~first obtained, is hereby authorized to,~~ may 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.~~ If there ~~be~~ are no such trusts, uses, limitations, or conditions expressed in such original deed or will, then such funds shall be applied by the ~~Board~~ board to such purposes as it may deem best for New College.

~~§ 23-231.36. Gifts, grants, and donations; cooperation with other agencies.~~

D. The ~~Board~~ 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~~ article.

E. The ~~Board~~ board may ~~also~~ request and accept the cooperation of ~~agencies of~~ the Commonwealth ~~or~~ the local governments governing bodies located in Southside Virginia, or the agencies of the Commonwealth or such local governing bodies in the performance of its duties.

Drafting note: The provisions of existing §§ 23-231.34 and 23-231.36 are incorporated as subsections C, D, and E of this proposed section, which includes broader provisions related to board powers. Technical changes are made.

§ ~~23-231.35~~ 23.1-xxx. Executive ~~Director~~ director; responsibilities.

The ~~Board~~ board shall appoint an ~~Executive Director~~ executive director of New College who shall supervise and manage New College. The ~~Executive Director shall be authorized~~ executive director may, 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~~ article and the bylaws established by the ~~Board~~ board.

Drafting note: Technical changes.

CHAPTER 16.3.

ROANOKE HIGHER EDUCATION AUTHORITY.

Article 5.

Roanoke Higher Education Authority.

Drafting note: Existing Chapter 16.3 (§ 23-231.13 et seq.) is reorganized as proposed Article 5 of Chapter 31.

§ ~~23-231.13~~ 23.1-xxx. Roanoke Higher Education Authority ~~created~~ established.

~~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~~ The

Roanoke Higher Education Authority, ~~hereinafter referred to as the "Authority."~~ (the Authority)
is established as a political subdivision of the Commonwealth.

Drafting note: Technical changes.

§ ~~23-231.14~~ 23.1-xxx. ~~Responsibilities~~ Duties 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 that~~ may be provided in the name of the Roanoke Higher Education Center (the Center) or ~~in the name of~~ the ~~Roanoke Higher Education~~ Authority.

Drafting note: Technical changes.

§ ~~23-231.15~~ 23.1-xxx. Board of ~~Trustees; appointments; terms; compensation; officers~~ trustees.

A. The Authority shall be governed by a ~~Board of Trustees~~ board of trustees (the board) consisting of 22 members as follows: two members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate to be appointed by the Senate Committee on Rules; 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~~ University,

Bluefield College, Hollins University, James Madison University, Mary Baldwin College, Old Dominion University, Radford University, Roanoke College, the University of Virginia, Virginia Polytechnic Institute and State University, and Virginia Western Community College or their designees; the Director of Total Action for Progress (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~~ 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 or their designees shall serve terms coincident with their terms of office. ~~After the initial staggering of terms, all nonlegislative~~ Nonlegislative citizen members shall be appointed for terms of four years, ~~except that appointments to fill vacancies. Appointments to fill vacancies, other than by expiration of a term,~~ 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 ~~suecessive~~ consecutive 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~~ a member appointed to serve an unexpired term shall be eligible to serve two consecutive four-year terms.

C. Nonlegislative citizen members shall not be entitled to compensation for their services. Legislative members of the ~~Board~~ board shall receive such compensation as provided in § 30-19.12, ~~and all~~ 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 costs of compensation and expenses of the members shall be provided by the Authority.

D. The Board board shall elect a chairman and a vice-chairman from among its ~~members~~ membership and may establish bylaws as necessary.

Drafting note: Technical changes.

§ ~~23-231.16~~ 23.1-xxx. Powers ~~and duties~~ of ~~Board of Trustees~~ the board.

A. The ~~Board of Trustees~~ board 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.

B. The ~~Board shall have the power to~~ board may 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~~ of its political ~~subdivision thereof~~ subdivisions other than the Authority.

C. The Board 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. D.~~ The ~~Board shall have the authority to~~ board may lease property or ~~to~~ hold any property for which it may acquire the title and ~~to~~ dispose of such property in a manner ~~which~~ that will benefit the Authority.

E. The Board 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~~ undergraduate-level education, and ~~graduate-level~~ graduate-level instructional programs. The Board 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.

668 ~~C. F.~~ The ~~Board~~ board may establish, with such funds as are appropriated for this
669 purpose or made available to it, the ~~Roanoke Higher Education~~ Center.

670 ~~D. G.~~ Notwithstanding any provision of law to the contrary, any real estate and tangible
671 personal property held or acquired by the ~~Board~~ board shall be exempt from any prohibition of
672 the use of noncash assistance as matching funds.

673 ~~§ 23-231.18. Gifts, grants, and donations.~~

674 ~~H.~~ The ~~Board~~ board may, on behalf of the Authority or the Center, apply for, accept, and
675 direct the expenditure of gifts, grants, or donations from public or private sources to enable it to
676 carry out the purposes of this ~~chapter~~ article. Any locality may make gifts and donations of real
677 property, ~~real or personal~~, personal property, or money; to the Authority.

678 **Drafting note: The provisions of existing § 23-231.18 are incorporated as subsection**
679 **H of this proposed section, which includes broader provisions related to board powers.**
680 **Technical changes are made.**

681 ~~§ 23-231.17~~ 23.1-xxx. Executive director; staff.

682 A. From funds available for this purpose, the ~~Board~~ board may appoint an executive
683 director for the ~~Roanoke Higher Education~~ Center who shall supervise and manage the Center
684 and ~~shall~~ prepare and submit, upon direction and approval by the ~~Board~~ board, all requests for
685 appropriations. The ~~Executive Director~~ executive director of the Center ~~shall be authorized to~~
686 may employ such staff as necessary to enable the Center to perform its duties as set forth in the
687 bylaws of the ~~Board of Trustees~~ board and this ~~chapter~~ article. The ~~Board~~ board may determine
688 the duties of the staff and fix salaries and compensation from such funds as may be appropriated
689 or received.

690 B. Additional staff support for the functions of the Center may be provided upon
691 agreement by the participating institutions.

692 **Drafting note: Technical changes.**

693 ~~CHAPTER 16.5.~~

~~SOUTHERN VIRGINIA HIGHER EDUCATION CENTER.~~

Article 6.

Southern Virginia Higher Education Center.

Drafting note: Existing Chapter 16.5 (§ 23-231.24 et seq.) is reorganized as proposed Article 6 of Chapter 31.

§ ~~23-231.24~~ 23.1-xxx. Southern Virginia Higher Education Center ~~created~~ established; duties.

~~From such funds as may be appropriated, the~~ The Southern Virginia Higher Education Center, ~~previously established as an off-campus center of Longwood University, (the Center)~~ is ~~hereby continued~~ 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, undergraduate, and graduate degree programs in the region, and foster partnerships between the public and private sectors to enhance higher education in the Southside region;

2. Coordinate the development and delivery of continuing education programs offered by ~~those~~ the 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.

Drafting note: Technical changes.

§ ~~23-231.25~~ 23.1-xxx. ~~Membership of governing board; terms; compensation; officers~~
Board of trustees.

720 A. The Center shall be governed by a ~~15-member Board of Trustees,~~ board of trustees
721 (the board) consisting of 15 members as follows: two members of the House of Delegates to be
722 appointed by the Speaker of the House of Delegates in accordance with the principles of
723 proportional representation contained in the Rules of the House of Delegates; one member of
724 the Senate to be appointed by the Senate Committee on Rules; the Director of the ~~State~~ Council
725 ~~of Higher Education for Virginia~~ or his designee; the Chancellor of the Virginia Community
726 College System or his designee; the presidents ~~or chancellors, as appropriate, or their designees~~
727 of Longwood University, Danville Community College, and Southside Virginia Community
728 College or their designees; the division superintendent of Halifax County public schools; ~~two~~
729 ~~members of the House of Delegates to be appointed by the Speaker of the House of Delegates;~~
730 ~~one member of the Senate to be appointed by the Senate Committee on Rules;~~ and six
731 nonlegislative citizen members to be appointed by the Governor, including ~~the chairman and~~
732 two ~~other~~ members of the Halifax Education Foundation; and ~~three~~ four representatives of
733 business and industry. The Speaker of the House of Delegates may appoint an alternate for ~~the~~
734 one Delegate appointed to the ~~Center board~~ board. The alternate shall serve a term coincident with the
735 term of the Delegate and shall have the power to act in his absence. The Senate Committee on
736 Rules may appoint an alternate for the Senator appointed to the ~~Center board~~ board. The alternate shall
737 serve a term coincident with the term of the Senator and ~~shall have the power to~~ may act in his
738 absence.

739 Nonlegislative citizen members of the ~~Board~~ board shall be chosen from among
740 residents of the Southside region of the Commonwealth and shall be citizens of the
741 Commonwealth.

742 B. Legislative members and the representatives of the Council, the Virginia Community
743 College System, and the named institutions of higher education shall serve terms coincident
744 with their terms of office. ~~After the initial staggering of terms, all nonlegislative~~ Nonlegislative
745 citizen ~~appointments~~ members shall be appointed for terms of four years, ~~except that~~

~~appointments to fill vacancies.~~ Appointments to fill vacancies, other than by expiration of a term, 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 consecutive~~ 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;~~ however, a member appointed to serve an unexpired term shall be eligible to serve two consecutive four-year terms.

C. Nonlegislative citizen members shall not be entitled to compensation for their services. Legislative members of the ~~Board~~ board shall be compensated as provided in § 30-19.12, ~~and all.~~ All members of the ~~Board~~ 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~~ board shall elect a chairman and a vice-chairman from among its ~~members~~ membership.

Drafting note: Technical changes are made. A substantive change is made to reduce the number of members of the Halifax Education Foundation on the board from three to two and increase the representatives of business and industry on the board from three to four. § 2.2-3701 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) defines "meeting" to include an informal assemblage of as many as three members. If the three current members of the board of the Center were to discuss board business while assembled at a Halifax Education Foundation meeting, such discussion could violate the open meeting provisions of § 2.2-3707.

§ ~~23-231.26~~ 23.1-xxx. Powers of ~~Board; contracts for educational services~~ the board.

771 A. The ~~Board of Trustees~~ board shall have, in addition to its other powers, all the
772 corporate powers given to corporations by the provisions of Title 13.1, except in those cases
773 where, by the express terms of its provisions, it is confined to corporations created under that
774 title.

775 B. The ~~Board shall also have the power to~~ board may accept, execute, and administer
776 any trust in which it may have an interest under the terms of the instrument creating the trust.

777 B. C. The ~~Board shall have the authority to~~ board may establish and administer
778 agreements with public and private institutions of higher education for the provision of
779 associate, undergraduate, and graduate degree instructional programs at the Center.

780 ~~§ 23-231.28. Application for and acceptance of gifts and grants.~~

781 D. The ~~Board is authorized~~ board, on behalf of the Center ~~to~~, may apply for, accept, and
782 expend gifts, grants, or donations from public or private sources to enable it to carry out its
783 objectives.

784 **Drafting note: The provisions of existing § 23-231.28 are incorporated as subsection**
785 **D of this proposed section, which includes broader provisions related to board powers.**
786 **Technical changes are made.**

787 ~~§ 23-231.27~~ 23.1-xxx. Executive director; ~~powers and duties~~; staff.

788 A. The ~~Board~~ board shall appoint an executive director for the Center who shall
789 supervise and manage the Center and shall prepare and submit, upon direction and approval by
790 the ~~Board~~ board, all requests for appropriations. The ~~Executive Director of the Center~~ executive
791 director shall be authorized to employ such staff as necessary to enable the Center to perform its
792 duties as set forth in this ~~chapter~~ article. The ~~Board~~ board is authorized to determine the duties
793 of such staff and to fix salaries and compensation from such funds as may be appropriated or
794 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.

Drafting note: Technical changes.

§ ~~23-231.29~~ 23.1-xxx. 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.

Drafting note: No change.

~~CHAPTER 16.1.~~

~~SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER.~~

Article 7.

Southwest Virginia Higher Education Center.

Drafting note: Existing Chapter 16.1 (§ 23-231.2 et seq.) is reorganized as proposed Article 7 of Chapter 31.

§ ~~23-231.2~~ 23.1-xxx. Southwest Virginia Higher Education Center ~~created~~ established; duties.

~~From such funds as may be appropriated, the~~ The Southwest Virginia Higher Education Center (the 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 degrees,~~ 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 workforce training, and professional development through partnerships with public and private institutions of higher education;~~

~~3.2.~~ Facilitate the delivery of teacher training programs leading to licensure and undergraduate and graduate degrees;

~~4.3.~~ Serve as a resource and referral center by maintaining and disseminating information on existing educational programs and resources; and

~~5.4.~~ Develop, in coordination with the ~~State Council of Higher Education for Virginia~~, specific goals for higher education in Southwest Virginia.

Drafting note: Technical changes are made. Substantive changes are made to broaden the duties of the Center and align them with its current mission and practices.

~~§ 23-231.3 23.1-xxx. Membership of governing board; terms; compensation; officers~~
~~Board of trustees.~~

A. The Center shall be governed by a ~~23-member Board of Trustees, board of trustees (the board)~~, consisting of ~~23 members as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules;~~ 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~~ Commonwealth University, and Virginia Highlands Community College ~~or their designees; 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 who represent~~ Southwest Virginia 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 representative of~~ the technology industry, one representative of the tourism industry, and one representative of the health care ~~industries, respectively~~ industry.

Nonlegislative citizen members of the ~~Board~~ 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~~ Nonlegislative citizen ~~appointments members~~ shall be appointed for terms of four years, ~~except that appointments to fill vacancies. Appointments to fill vacancies, other than by expiration of a~~ term, 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 consecutive 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; however, a member appointed to serve an unexpired term shall be~~ eligible to serve two consecutive four-year terms.

C. Nonlegislative citizen members shall not be entitled to compensation for their services. Legislative members of the ~~Board~~ board shall be compensated as provided in § 30-19.12, ~~and all. All~~ members of the ~~Board~~ 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~~ board shall elect a chairman and a vice-chairman from among its ~~members~~ membership.

Drafting note: Technical changes are made. The president of Virginia Intermont College is removed as an ex officio member of the board. Virginia Intermont College closed permanently in 2014. A substantive change is made to add the president of Virginia Commonwealth University as an ex officio member of the board.

§ ~~23-231.4~~ 23.1-xxx. Powers of ~~Board; contracts for educational services~~ the board.

A. The ~~Board of Trustees~~ board 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~~ board may 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~~ board may establish and administer agreements with (i) public and private institutions of higher education in the Commonwealth to provide graduate-level undergraduate-level and 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 (ii) Virginia Highlands Community College for the provision of~~ and other public and private institutions of higher education to provide freshman-level and sophomore-level courses and associate ~~degree instructional programs at the Center~~ degrees.

§ ~~23-231.6. Application for and acceptance of gifts and grants.~~

C. The ~~Board is authorized~~ board may, on behalf of the Center ~~to,~~ may apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its objectives.

Drafting note: The provisions of existing § 23-231.6 are incorporated as subsection C of this proposed section, which includes broader provisions related to board powers. Technical changes are made. Substantive changes are made to give the board the authority to establish and administer agreements with (i) public and private institutions of higher education in the Commonwealth to provide undergraduate-level and graduate-level instructional programs at the Center and (ii) Virginia Highlands Community College and other public and private institutions of higher education to provide freshman-level and sophomore-level courses and associate degrees. Under existing law, the Center is only permitted to establish and administer agreements with (i) public institutions of higher education in the Commonwealth to provide graduate-level instructional programs at the Center and (ii) Virginia Highlands Community College to provide associate degree instructional programs at the Center. This substantive change is meant to align the Center's powers with its current mission and practices.

§ ~~23-231.5~~ 23.1-xxx. Executive director; ~~powers and duties; staff~~.

A. The ~~Board~~ 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~~ board, all requests for appropriations. The ~~Executive Director of the Center~~ executive director shall be authorized to employ such staff as necessary to enable the Center to perform its duties as set forth in this ~~chapter article~~. The ~~Board~~ 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~~ any public institution of higher education in the Commonwealth that offers courses or instructional programs at the Center.

Drafting note: Technical changes are made. A substantive change is made to specify that additional staff support for the functions of the Center may be provided upon agreement by any public institution of higher education in the Commonwealth that offers courses or instructional programs at the Center. Under current law, such agreements are only permitted between the Center and Virginia Polytechnic Institute and State University, the University of Virginia, the University of Virginia's College at Wise, and Virginia Highlands Community College.

§ ~~23-231.7~~ 23.1-xxx. 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.

Drafting note: Technical change.