

LEGISLATIVE REPORT #3
AAUP/FSVA/VCU FACULTY SENATE
FEBRUARY 4, 2020

Dear colleagues,

Revolution is strong word, but the effects of the 2019 elections are being felt in ways that are reshaping understandings of the Commonwealth's basic economic structures. For example, **HB 582** to allow public sector unions has had, to me, surprising success so far in the session. **HB 395** (Delegate Ward) would increase the minimum wage to \$15/hour by July 1, 2024, including student workers except those "participating in a bona fide educational program." Your institution is probably costing out the possible impact of the minimum wage legislation.

As before, **green** font means a bill has been approved at some level, **red** font means the measure has been defeated (although a bill can rise from the dead, as in **HB 499** below).

BILLS WE SUPPORT

HB 30 and **SB 30**: These are the biennial budget bills. We support Governor Northam's budget proposals to increase need-based financial aid by \$45.4 million and Tuition Assistance Grants (TAG) for the top undergraduate student grant to \$4,000.

Budget amendment 477 #4h (Delegate Guzman). This would fund 4.7% average faculty salary increases. The amendment was introduced in the Appropriations Committee on January 22.

The budget committees will write their reports quietly, taking into consideration the multitude of amendments offered and direction on the amount of spending to be permitted by the leadership. The results of this process will not be known until the week of February 16.

HB 1663 (Delegate Sickles) and **SB 868** (Senator Ebbin) would provide protections from discrimination in public accommodations, including for sexual orientation and gender identity. **HB 1663** was **reported** to the House floor by both the Committee on General Laws (16-6) and the Committee on Appropriations (14-8). **SB 868** is on the Senate floor, **approved** by the Committee on General Laws and Technology on a vote 12-0 with 2 abstentions.

SB 935 (Senator Boysko) and **HB 1547** (Delegate Lopez) to provide eligibility for in-state tuition to Virginia residents, regardless of their citizenship or immigration status. Both bills have been **reported** by the Education committees and are before the relevant chamber's Appropriations committee.

HB 1529 (Delegate Bulova) to require that public universities and colleges, upon accepting a donation with terms and conditions attached, provide written acceptance of that donation, and the written acceptance would be subject to Freedom of Information (FOIA) requests. The bill was **reported** by the House Education Committee Higher Education subcommittee on a bipartisan vote of 4-1. Brian Turner spoke in favor of the bill in the subcommittee.

HB 510 (Delegate Bulova) and **SB 140** (Senator Stuart) which remove the exemption from FOIA disclosure for anonymity by a donor if the donation imposes terms or conditions related to academic decision-making. **HB 510** was **passed** by the House 98-0, and is before the Senate. **SB 140** was **reported** by the Committee on General Laws and Technology 13-1, and is on the floor of the Senate.

HB 397 (Delegate Keam) to require the Board of Visitors to solicit input from the Faculty Senate or its equivalent twice yearly, and when conducting presidential searches. Consideration of this bill became intertwined with consideration of **HB 1157** (Delegate Tran), which would give the student member of the Board of Visitors a full term and a vote. **HB 1157** was **defeated** on a vote of 2-3, with Delegate Keam casting the decisive ‘no’ vote. Delegate Keam then asked that **HB 397** be **carried over to 2021**, to provide an opportunity to more fully consider the proper arrangements for faculty and student representation on the Boards of Visitors. Bethany Letiecq (GMU), Everett Carpenter (VCU), and Brian Turner collectively spent 11 hours in hearings without getting the chance to speak to this bill. Next year!

HB 36 (Delegates Hurst and Roem) would provide First Amendment protections to student journalists and to protect student media advisors from administration punishments for their reasonable and appropriate actions to protect student journalists’ First Amendment conduct. **HB 36** was **reported** by the House Committee on Education 20-2, and is on the floor of the House.

HB 582 (Delegate Guzman) would remove the prohibition in Virginia statute on public sector collective bargaining. **HB 582** was **reported** by the Committee on Labor and Commerce (12-9) and by the Committee on Appropriations (12-8) and is on the floor of the House.

BILLS OF INTEREST (we track these but do not usually take a position)

SB 260 Senator Chase (R) and **HB 715** Delegate Reid (R) would allow public comment time at Boards of Visitors meetings where tuition and fees increases are to be considered. We support the concept of public comment time at Boards of Visitors meetings not just restricted to tuition and fees increases. **HB 715** was **reported** by the Higher Education subcommittee of the Committee on Education 8-0.

SB 147 Senator Stuart (R) would allow public comment time at BOV meetings where increases in compensation of the college or university CEO are to be voted on, requires reporting the rationale for an increase, and prohibits such increase in years when tuition is increased. This bill is languishing in the Higher Education subcommittee of the Committee on Education and Health.

HB 1319 Delegate Aird (D) and **SB 99** Senator Marsden (D). These bills would prohibit asking about criminal history or using information about criminal history in admissions decision processes. **HB 1319** received a very sympathetic hearing in the Higher Education subcommittee of the House Education Committee, but was **carried over to 2021** in order to improve its application. **SB 99** remains before the Higher Education subcommittee of the Committee on Education and Health.

HB 153 Delegate Carter (D). Repeals “right-to-work”. The bill is before the Committee on Labor and Commerce.

HB 300 Delegate Simon (D) and **SB 464** Senator Reeves (R). These bills would permit compensation for student-athletes paid by third parties for the use of the student’s name, image, or likeness. **HB 300** was **laid on the table** by the Higher Education subcommittee of the Committee on Appropriations on a non-partisan vote of 4-2. **SB 464** remains before the Higher Education subcommittee of the Committee on Education and Health.

BILLS OF CONCERN (We track these and express concerns as appropriate)

HB 228 Delegate Freitas (R). This bill would permit any student or student organization to seek legal action against a public institution of higher education or any employee acting in official capacity for violations of law relating to campus free speech. The bill was **defeated** on a party-line vote 5-3 in the Higher Education subcommittee of the Committee on Education.

HB 499 Delegate Davis (R). This bill seeks to require a review of Virginia’s outcomes-based funding models. It originally promoted study of an 80% performance-based funding, but when that version failed to get any recommendation from the Higher Education subcommittee of the Committee on Education, Delegate Davis, in an unusual move, brought back to that subcommittee a version that adopts the language of **SB 1062** (Senator Petersen), which refers to outcomes-based rather than performance-based funding, and does not include a percentage target for that funding. This version was **reported and referred** to the Committee on Appropriations by the Higher Education subcommittee. **SB 1062** is before the Committee on Rules and does not seem to be moving forward.

HB 927 Delegate Coyner (R). This bill would “permit SCHEV to require” reporting by public and private institutions of “financial data by program and academic discipline, including operational or instructional costs, general fund and nongeneral fund revenue, and planned expenditures, as part of its report to assist the Council in its assessment of the degree to which the institution has satisfied certain goals and criteria developed by the Higher Education Advisory Committee.” Separating out financial data by program and academic discipline can be a step to program review and program closures, disregarding the contributions of all programs to the whole education of students. The bill was **reported and referred** to the Committee on Appropriations by the Higher Education subcommittee of the Committee on Education.

SB 146 Senator Stuart (R). Provides that no increase in undergraduate tuition or mandatory fees approved by a governing board of a public institution of higher education will take effect unless such increase receives an *affirmative vote of at least two-thirds of undergraduate students enrolled* in such institution (emphasis added). The bill is before the Higher Education subcommittee of the Committee on Education and Health.