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HOUSE BILL NO. 853

Offered January 12, 2022

Prefiled January 12, 2022

A BILL to amend and reenact §§ 23.1-615.1 and 30-231.4 of the Code of Virginia, relating to the Brown v. Board of Education Scholarship Program Fund; unused funds; Enslaved Ancestors College Access Scholarship and Memorial Program benefits.

 Patron—Reid

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That §§ 23.1-615.1 and 30-231.4 of the Code of Virginia are amended and reenacted as follows:****§ 23.1-615.1. Enslaved Ancestors College Access Scholarship and Memorial Program.**

A. The Enslaved Ancestors College Access Scholarship and Memorial Program (the Program) is established for the purpose of reckoning with the history of the Commonwealth, addressing the long legacy of slavery in the Commonwealth, and acknowledging that the foundational success of several public institutions of higher education was based on the labor of enslaved individuals.

B. Consistent with the purpose set forth in subsection A, Longwood University, the University of Virginia, Virginia Commonwealth University, the Virginia Military Institute, and The College of William and Mary in Virginia shall each implement and execute the Program, with any source of funds other than (i) state funds, *with the exception of state funds distributed from the Brown v. Board of Education Scholarship Program Fund established pursuant to § 30-231.4*, or (ii) tuition or fee increases, by annually ~~(i)~~ (a) identifying and memorializing, to the extent possible, all enslaved individuals who labored on former and current institutionally controlled grounds and property and ~~(ii)~~ (b) providing a tangible benefit such as a college scholarship or community-based economic development program for individuals or specific communities with a demonstrated historic connection to slavery that will empower families to be lifted out of the cycle of poverty.

C. The Council shall collaborate with the institutions set forth in subsection B to establish guidelines for the implementation of the Program, including guidelines for the identification of all enslaved individuals who labored on former and current institutionally controlled grounds and property, the development of appropriate means to memorialize these individuals, the development of programs for individuals and communities still experiencing the legacy of slavery to empower them to break the cycle of poverty, eligibility criteria for participation in such programs, and the duration of such programs.

D. Each institution set forth in subsection B shall continue the activities set forth in subsection B pursuant to the Program for a period equal in length to the period during which the institution used enslaved individuals to support the institution or until scholarships have been awarded to a number of recipients equal to 100 percent of the population of enslaved individuals identified pursuant to subsection B who labored on former and current institutionally controlled grounds and property, whichever occurs first.

E. Each institution set forth in subsection B shall annually submit to the Council information on the implementation of the Program. The Council shall compile such information in a report and submit such report no later than November 1 of each year to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, the Senate Committee on Finance and Appropriations, and the Virginia African American Advisory Board.

F. Each private institution of higher education with a legacy of slavery that is similar to that of any institution set forth in subsection B is strongly encouraged to participate in the Program on a voluntary basis.

§ 30-231.4. Brown v. Board of Education Scholarship Program Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Brown v. Board of Education Scholarship Program Fund, hereafter referred to as the "Fund." The Fund shall be established on the books of the Comptroller and shall consist of gifts, grants, donations, bequests, or other funds from any source as may be received by the Brown v. Board of Education Scholarship Program or the Brown v. Board of Education Scholarship Committee on behalf of the Program. Moneys 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 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~~ *be distributed in equal parts to each of the five public institutions of higher education that are required to implement and execute the Enslaved Ancestors College Access Scholarship and Memorial Program*

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59 *pursuant to subsection B of § 23.1-615.1 for the sole purpose of providing the tangible benefit that is*
60 *required to be provided pursuant to such Program.* Moneys in the Fund shall be used solely for the
61 purpose of awarding scholarships to eligible students, pursuant to §§ 30-231.2 and 30-231.3.
62 Expenditures and disbursements for scholarships to eligible students from the Fund shall be made by the
63 State Treasurer on warrants issued by the Comptroller upon written request signed by the Chairman of
64 the State Council of Higher Education as directed by the Brown v. Board of Education Scholarship
65 Committee.