

Memorandum

To: Brown v. Board of Education Scholarship Committee
From: Jessica R. Eades, Senior Staff Attorney, Division of Legislative Services
Re: Saint Paul's College's eligibility for Scholarship Program
Date: September 22, 2010

You have asked about the Brown v. Board of Education Scholarship Committee's legal authority to declare an institution ineligible for the scholarship program based on a lack of compliance with relevant accreditation standards. Based upon a review of the relevant provisions of the Code of Virginia, as well as the publicly available Disclosure Statement Regarding the Status of Saint Paul's College¹, I have concluded that St. Paul's College no longer meets the eligibility requirements for the Brown v. Board of Education Scholarship Program.

Legal Authority

Chapter 34.1 of Title 30 of the Code of Virginia sets out the requirements for the Brown v. Board of Education Scholarship Program. More specifically, § 30-231.3 sets out terms and conditions for the disbursement of funds. Subsection E of this section states:

In addition, every educational agency accepting for admission persons awarded a Brown v. Board of Education scholarship shall, upon request, provide the Committee information concerning the accreditation status of the school and academic programs offered, and other relevant information as the Committee may require to evaluate the person's eligibility for the scholarship and to determine the eligibility of the educational agency for participation in the Program.

Section § 30-231.01 contains the following relevant definitions (emphasis added):

"Approved education program" means an educational agency or transition program or services accepted for participation in the Program by the Brown v. Board of Education Scholarship Committee.

"Educational agency" means any (i) public school in the Commonwealth, (ii) public or private accredited two-year or four-year Virginia institution of higher education that is *in compliance with* the Southern Association of Colleges and Schools accreditation standards for institutions and academic programs or other national or regional organization or agency recognized by the United States Secretary of Education for accrediting purposes, (iii) General Education Development (GED) preparation program in compliance with the requirements of the American Council on Education governing GED programs, (iv) College-Level Examination Program (CLEP) in compliance with the requirements of the College

¹ <http://www.sascoc.org/2010JuneActionsandDisclosureStatements/St.Paul'sCollege.pdf>

Board governing college level examination programs, or (v) accredited career and technical education postsecondary school in the Commonwealth, that accepts for admission recipients of the Brown v. Board of Education Scholarship Program.

Analysis

Section 30-231.3 of the Code of Virginia clearly gives the Brown v. Board of Education Scholarship Committee the authority to review an educational agency's eligibility for the scholarship program. The definition of "educational agency" states that an eligible agency must be "in compliance with" Southern Association of Colleges and Schools (SACS) accreditation standards. The disclosure statement released by SACS on July 1, 2010² states, in relevant part (emphasis added):

Saint Paul's College was denied reaffirmation of accreditation and placed on Probation because, at the time of the institution's decennial review, the Commission's Board determined that it *failed to demonstrate compliance with* Core Requirement 2.5 (Institutional Effectiveness), Core Requirement 2.10 (Student Support Services), Core Requirement 2.11.1 (Financial Resources), Comprehensive Standard 3.2.8 (Qualified Administrative/Academic Officers), Comprehensive Standard 3.3.1.2 (Institutional Effectiveness: Administrative Support Services), Comprehensive Standard 3.3.1.3 (Institutional Effectiveness: Educational Support Services), Comprehensive Standard 3.4.1 (Academic Program Approval), Comprehensive Standard 3.4.10 (Responsibility for Curriculum), Comprehensive Standard 3.5.4 (Terminal Degrees of Faculty), Comprehensive Standard 3.7.1 (Faculty Competence), Comprehensive Standard 3.10.1 (Financial Stability), Comprehensive Standard 3.10.4 (Control of Finances), Comprehensive Standard 3.10.5 (Controlled of Sponsored Research), and Comprehensive Standard 3.11.3 (Physical Facilities) of the Principles of Accreditation.

While the College is currently still accredited, the Brown v. Board of Education Scholarship Program sets a higher standard for eligibility. The Code clearly requires that schools be in compliance with SACS accreditation standards. Because Saint Paul's College is not currently in compliance with these standards, it is no longer an eligible educational agency, as defined in § 30-231.01.

Conclusion

Saint Paul's College is not currently in compliance with SACS accreditation standards, and is therefore not an eligible educational agency under the statutes governing administration of the Brown v. Board of Education Scholarship Program.

² Id.