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**HOUSE BILL NO. 2601**

Offered January 13, 2025

Prefiled January 13, 2025

A BILL to amend and reenact §§ 2.2-2036, 22.1-259, and 23.1-203 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 23.1-204.2, relating to Virginia Longitudinal Data System; participation; audit; student data standardization and integration.

Patron—Glass

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2036, 22.1-259, and 23.1-203 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 23.1-204.2 as follows:**

**§ 2.2-2036. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Commissioner" means the Commissioner of the Department of Workforce Development and Advancement.

"Council" means the Apprenticeship Council.

"Department" means the Department of Workforce Development and Advancement.

"Encrypted" means the same as that term is defined in § 18.2-186.6.

"Identifying information" means the same as that term is defined in § 18.2-186.3.

"Virginia Longitudinal Data System" means the multiagency partnership administered by the State Council of Higher Education for Virginia pursuant to ~~subdivision 9 of § 23.1-203~~ 23.1-204.2.

"Virginia Workforce Data Trust" means a workforce database maintained by the Department in an encrypted state in compliance with § 2.2-2009.

"Workforce development program" means a publicly funded education, training, and support services program designed and administered to prepare and enable participants to enter into and advance in careers. Such program may, but is not required to, lead to nondegree credentials and may fall under the administrative functions of the Department or reside in other agencies.

"Workforce education and training program" means a workforce development program offered by an education provider with the goal of providing an individual with a credential that leads to employment.

"Workforce services program" means a workforce development program that is primarily focused on providing, coordinating, and supporting services to assist individuals in attaining employment, including assistance with locating job opportunities, connecting to workforce education and training programs, and coordinating with other available supportive services.

**§ 22.1-259. Teachers to keep daily attendance records; uniform class grading standards based on daily student attendance in such class; Virginia Longitudinal Data System data standardization and integration.**

A. Every teacher in every public school in the Commonwealth shall keep an accurate daily record of attendance of all children, both (i) during a roll call at the beginning of the school day and (ii) for each class period, in accordance with regulations prescribed by the Board of Education. Such record shall, at all times, be open to any officer authorized to enforce the provisions of this article who may inspect or copy the same and shall be admissible in evidence in any prosecution for a violation of this article as prima facie evidence of the facts stated therein.

B. The Board shall prescribe by regulation uniform class grading standards based on daily student attendance in such class. Such standards shall, at minimum, establish a maximum number of student unexcused absences per daily class period that are permitted before such student shall be deemed to have failed such class.

C. The Department shall establish uniform processes for the standardization of student data in each local school division, including the student data required to be collected pursuant to this section, and the integration of such data into the Virginia Longitudinal Data System in order to ensure efficient, seamless, and full compliance with the provisions of subsection B of § 23.1-204.2. With such funds as may be appropriated for such purpose pursuant to the general appropriation act, the Department of Education shall (i) provide funding and logistical support to local school divisions for the information technology improvements necessary for such data standardization and integration, giving preference to rural school divisions that have greater need for assistance, and (ii) create a statewide dashboard providing real-time data analytics for policymakers and educators.

**§ 23.1-203. Duties of Council.**

59 The Council shall:

60 1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection A of § 23.1-1002 or  
61 (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23.1-309 for  
62 higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals,  
63 and emphasizes the future needs for higher education in the Commonwealth at both the undergraduate and  
64 the graduate levels and the mission, programs, facilities, and location of each of the existing institutions of  
65 higher education, each public institution's six-year plan, and such other matters as the Council deems  
66 appropriate. The Council shall revise such plan at least once every six years and shall submit such  
67 recommendations as are necessary for the implementation of the plan to the Governor and the General  
68 Assembly.

69 2. Review and approve or disapprove any proposed change in the statement of mission of any public  
70 institution of higher education and define the mission of all newly created public institutions of higher  
71 education. The Council shall report such approvals, disapprovals, and definitions to the Governor and the  
72 General Assembly at least once every six years. No such actions shall become effective until 30 days after  
73 adjournment of the session of the General Assembly next following the filing of such a report. Nothing in this  
74 subdivision shall be construed to authorize the Council to modify any mission statement adopted by the  
75 General Assembly or empower the Council to affect, either directly or indirectly, the selection of faculty or  
76 the standards and criteria for admission of any public institution of higher education, whether relating to  
77 academic standards, residence, or other criteria. Faculty selection and student admission policies shall remain  
78 a function of the individual public institutions of higher education.

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

85 4. Review and approve or disapprove all enrollment projections proposed by each public institution of  
86 higher education. The Council's projections shall be organized numerically by level of enrollment and shall  
87 be used solely for budgetary, fiscal, and strategic planning purposes. The Council shall develop estimates of  
88 the number of degrees to be awarded by each public institution of higher education and include those  
89 estimates in its reports of enrollment projections. The student admissions policies for such institutions and  
90 their specific programs shall remain the sole responsibility of the individual governing boards but all  
91 baccalaureate public institutions of higher education shall adopt dual admissions policies with comprehensive  
92 community colleges as required by § 23.1-907.

93 5. Review and approve or disapprove all new undergraduate or graduate academic programs that any  
94 public institution of higher education proposes.

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

103 7. Review and approve or disapprove the establishment of any department, school, college, branch,  
104 division, or extension of any public institution of higher education that such institution proposes to establish,  
105 whether located on or off the main campus of such institution. If any organizational change is determined by  
106 the Council to be proposed solely for the purpose of internal management and the institution's curricular  
107 offerings remain constant, the Council shall approve the proposed change. Nothing in this subdivision shall  
108 be construed to authorize the Council to disapprove the establishment of any such department, school,  
109 college, branch, division, or extension established by the General Assembly.

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

113 9. Develop a uniform, comprehensive data information system designed to gather all information  
114 necessary to the performance of the Council's duties. The system shall include information on admissions,  
115 enrollment, self-identified students with documented disabilities, personnel, programs, financing, space  
116 inventory, facilities, and such other areas as the Council deems appropriate. When consistent with the  
117 Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), the Virginia  
118 Unemployment Compensation Act (§ 60.2-100 et seq.), and applicable federal law, the Council, acting solely  
119 or in partnership with the Virginia Department of Education or the Virginia Employment Commission, may

120 contract with private entities to create de-identified student records in which all personally identifiable  
 121 information has been removed for the purpose of assessing the performance of institutions and specific  
 122 programs relative to the workforce needs of the Commonwealth.

123 10. In cooperation with public institutions of higher education, develop guidelines for the assessment of  
 124 student achievement. Each such institution shall use an approved program that complies with the guidelines  
 125 of the Council and is consistent with the institution's mission and educational objectives in the development  
 126 of such assessment. The Council shall report each institution's assessment of student achievement in the  
 127 revisions to the Commonwealth's statewide strategic plan for higher education.

128 11. In cooperation with the appropriate state financial and accounting officials, develop and establish  
 129 uniform standards and systems of accounting, recordkeeping, and statistical reporting for public institutions  
 130 of higher education.

131 12. Review biennially and approve or disapprove all changes in the inventory of educational and general  
 132 space that any public institution of higher education proposes and report such approvals and disapprovals to  
 133 the Governor and the General Assembly. No such change shall become effective until 30 days after the  
 134 adjournment of the session of the General Assembly next following the filing of such report.

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

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

144 15. Adopt such policies and regulations as the Council deems necessary to implement its duties  
 145 established by state law. Each public institution of higher education shall comply with such policies and  
 146 regulations.

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

150 17. Require each institution of higher education formed, chartered, or established in the Commonwealth  
 151 after July 1, 1980, to ensure the preservation of student transcripts in the event of institutional closure or  
 152 revocation of approval to operate in the Commonwealth. An institution may ensure the preservation of  
 153 student transcripts by binding agreement with another institution of higher education with which it is not  
 154 corporately connected or in such other way as the Council may authorize by regulation. In the event that an  
 155 institution closes or has its approval to operate in the Commonwealth revoked, the Council, through its  
 156 director, may take such action as is necessary to secure and preserve the student transcripts until such time as  
 157 an appropriate institution accepts all or some of the transcripts. Nothing in this subdivision shall be deemed to  
 158 interfere with the right of a student to his own transcripts or authorize disclosure of student records except as  
 159 may otherwise be authorized by law.

160 18. Require the development and submission of articulation, dual admissions, and guaranteed admissions  
 161 agreements between associate-degree-granting and baccalaureate public institutions of higher education.

162 19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee  
 163 Studying Higher Education Funding Policies for each public institution of higher education.

164 20. Develop, pursuant to the provisions of § 23.1-907, guidelines for articulation, dual admissions, and  
 165 guaranteed admissions agreements, including guidelines related to a one-year Uniform Certificate of General  
 166 Studies Program and a one-semester Passport Program to be offered at each comprehensive community  
 167 college. The guidelines developed pursuant to this subdivision shall be developed in consultation with all  
 168 public institutions of higher education in the Commonwealth, the Department of Education, and the Virginia  
 169 Association of School Superintendents and shall ensure standardization, quality, and transparency in the  
 170 implementation of the programs and agreements. At the discretion of the Council, private institutions of  
 171 higher education eligible for tuition assistance grants may also be consulted.

172 21. Cooperate with the Board of Education in matters of interest to both public elementary and secondary  
 173 schools and public institutions of higher education, particularly in connection with coordination of the college  
 174 admission requirements, coordination of teacher training programs with the public school programs, and the  
 175 Board of Education's Six-Year Educational Technology Plan for Virginia. The Council shall encourage  
 176 public institutions of higher education to design programs that include the skills necessary for the successful  
 177 implementation of such Plan.

178 22. Advise and provide technical assistance to the Brown v. Board of Education Scholarship Committee  
 179 in the implementation and administration of the Brown v. Board of Education Scholarship Program pursuant  
 180 to Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

181 23. Insofar as possible, seek the cooperation and utilize the facilities of existing state departments,

182 institutions, and agencies in carrying out its duties.

183 24. Serve as the coordinating council for public institutions of higher education.

184 25. Serve as the planning and coordinating agency for all postsecondary educational programs for all  
185 health professions and occupations and make recommendations, including those relating to financing, for  
186 providing adequate and coordinated educational programs to produce an appropriate supply of properly  
187 trained personnel. The Council may conduct such studies as it deems appropriate in furtherance of the  
188 requirements of this subdivision. All state departments and agencies shall cooperate with the Council in the  
189 execution of its responsibilities under this subdivision.

190 26. Carry out such duties as the Governor may assign to it in response to agency designations requested  
191 by the federal government.

192 27. Insofar as practicable, preserve the individuality, traditions, and sense of responsibility of each public  
193 institution of higher education in carrying out its duties.

194 28. Insofar as practicable, seek the assistance and advice of each public institution of higher education in  
195 fulfilling its duties and responsibilities.

196 29. ~~Administer the Virginia Longitudinal Data System as a multiagency partnership for the purposes of~~  
197 ~~developing educational, health, social service, and employment outcome data; improving the efficacy of state~~  
198 ~~services; and aiding decision making.~~

199 ~~30. Assist the Department of Education with collecting and compiling information for distribution to high~~  
200 ~~school students that assist such students in making more informed decisions about post-high-school~~  
201 ~~educational and training opportunities pursuant to § 22.1-206.2.~~

202 **§ 23.1-204.2. Virginia Longitudinal Data System; administration; participation.**

203 *A. The Council shall administer the Virginia Longitudinal Data System (VLDS) as a multiagency*  
204 *partnership for the purposes of developing educational, health, social service, and employment outcome*  
205 *data; improving the efficacy of state services; and aiding decision making.*

206 *B. Each public institution of higher education, local school division, public elementary or secondary*  
207 *school, and local board of social services and the Department of Education, the Virginia Employment*  
208 *Commission, the Virginia Growth and Opportunity Board, the Department of Workforce Development and*  
209 *Advancement, and the State Department of Social Services shall participate in VLDS. Each relevant*  
210 *participant with access to postsecondary enrollment and completion data and wage records shall provide*  
211 *such information to VLDS to track post-graduation employment outcome data.*

212 *C. The Office of Data Governance and Analytics shall annually audit VLDS for compliance with relevant*  
213 *state and federal privacy laws.*

214 **2. That the Board of Education shall amend 8VAC20-110-40 of the Virginia Administrative Code and**  
215 **such other regulations as it deems appropriate in order to fully implement the provisions of this act.**