

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 23.1-203 of the Code of Virginia, relating to State Council of Higher*
 3 *Education for Virginia; uniform, comprehensive data information system; information on self-identified*
 4 *students who are parents.*

5 [H 427]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 23.1-203 of the Code of Virginia is amended and reenacted as follows:**9 **§ 23.1-203. Duties of Council.**

10 The Council shall:

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

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

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

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

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

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

54 7. Review and approve or disapprove the establishment of any department, school, college, branch,
 55 division, or extension of any public institution of higher education that such institution proposes to establish,
 56 whether located on or off the main campus of such institution. If any organizational change is determined by

57 the Council to be proposed solely for the purpose of internal management and the institution's curricular
58 offerings remain constant, the Council shall approve the proposed change. Nothing in this subdivision shall
59 be construed to authorize the Council to disapprove the establishment of any such department, school,
60 college, branch, division, or extension established by the General Assembly.

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

64 9. Develop a uniform, comprehensive data information system designed to gather all information
65 necessary to the performance of the Council's duties. The system shall include information on admissions,
66 enrollment, self-identified students with documented disabilities, *self-identified students who are parents as*
67 *defined in § 22.1-1*, personnel, programs, financing, space inventory, facilities, and such other areas as the
68 Council deems appropriate. When consistent with the Government Data Collection and Dissemination
69 Practices Act (§ 2.2-3800 et seq.), the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.), and
70 applicable federal law, the Council, acting solely or in partnership with the Virginia Department of Education
71 or the Virginia Employment Commission, may contract with private entities to create de-identified student
72 records in which all personally identifiable information has been removed for the purpose of assessing the
73 performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

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

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

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

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

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

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

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

101 17. Require each institution of higher education formed, chartered, or established in the Commonwealth
102 after July 1, 1980, to ensure the preservation of student transcripts in the event of institutional closure or
103 revocation of approval to operate in the Commonwealth. An institution may ensure the preservation of
104 student transcripts by binding agreement with another institution of higher education with which it is not
105 corporately connected or in such other way as the Council may authorize by regulation. In the event that an
106 institution closes or has its approval to operate in the Commonwealth revoked, the Council, through its
107 Executive Director, may take such action as is necessary to secure and preserve the student transcripts until
108 such time as an appropriate institution accepts all or some of the transcripts. Nothing in this subdivision shall
109 be deemed to interfere with the right of a student to his own transcripts or authorize disclosure of student
110 records except as may otherwise be authorized by law.

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

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

115 20. Develop, pursuant to the provisions of § 23.1-907, guidelines for articulation, dual admissions, and
116 guaranteed admissions agreements, including guidelines related to a one-year Uniform Certificate of General
117 Studies Program and a one-semester Passport Program to be offered at each comprehensive community
118 college. The guidelines developed pursuant to this subdivision shall be developed in consultation with all

119 public institutions of higher education in the Commonwealth, the Department of Education, and the Virginia
120 Association of School Superintendents and shall ensure standardization, quality, and transparency in the
121 implementation of the programs and agreements. At the discretion of the Council, private institutions of
122 higher education eligible for tuition assistance grants may also be consulted.

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

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

132 23. Insofar as possible, seek the cooperation and utilize the facilities of existing state departments,
133 institutions, and agencies in carrying out its duties.

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

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

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

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

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

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

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