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SENATE BILL NO. 829

Offered January 8, 2003

Prefiled January 6, 2003

A BILL to amend and reenact § 23-9.6:1 of the Code of Virginia, and to amend the Code of Virginia by adding sections numbered 22.1-16.2 and 22.1-86.2, and by adding in Chapter 1 of Title 23 a section numbered 23-9.2:7; and a section numbered 23-218.1, relating to cultural diversity policies in the public schools and institutions of higher education; preparation of students for global community.

Patrons—Marsh, Byrne, Deeds, Edwards, Lambert, Lucas, Miller, K.G., Miller, Y.B., Puller, Ticer and Whipple

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 23-9.6:1 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 22.1-16.2 and 22.1-86.2, and by adding in Chapter 1 of Title 23 a section numbered 23-9.2:7; and a section numbered 23-218.1 as follows:

§ 22.1-16.2. Board of Education promotion of racial, ethnic and cultural diversity, and knowledge and appreciation of other cultures in the public schools; establishment of guidelines for cultural diversity policies.

A. The Board of Education shall promote racial, ethnic and cultural diversity and the knowledge and appreciation of other cultures in the public schools to (i) prepare students to live and participate effectively in a global community and an increasingly pluralistic society, (ii) facilitate racial harmony and tolerance, (iii) reduce barriers among individuals of different races and cultures through meaningful interaction, (iv) improve the academic performance of students, (v) contribute to the robust exchange of ideas, (vi) reinforce the principle of the worth and value of all human beings, and (vii) increase the representation of ethnic, racial and language minority teachers, administrators and other employees in the public schools, particularly in positions in which such minority persons have been traditionally underrepresented.

B. The Board of Education shall establish guidelines for cultural diversity policies to aid local school boards in implementing such policies, pursuant to § 22.1-86.2. The guidelines shall (i) urge local school boards to inform students and school board employees of the availability of information, materials, and resources concerning the history, culture, contributions and achievements of racial and ethnic groups, persons of various nationalities, and language minority persons represented in the school division and the community; (ii) share potential criteria for developing divisionwide cultural diversity training programs at the discretion of the school board; (iii) identify experts and other persons with demonstrated qualifications from among whom the school board may select to provide or assist in such training programs, if implemented by the board; and (iv) support the development of processes by which the effectiveness of cultural diversity policies and training may be evaluated.

C. To assist local school boards in increasing the representation of minority teachers, administrators and other employees in the public schools, particularly in positions in which minority persons have been traditionally underrepresented, the Board of Education shall identify best practices within and outside of the Commonwealth that may be used by local school boards for increasing cultural diversity among school board employees.

D. For the purposes of this section, "cultural diversity policies" shall not be construed to require mandatory training of students or school board employees concerning cultural diversity, or to require hiring quotas or the employment of persons on the basis of race or ethnicity.

§ 22.1-86.2. School board promotion of racial, ethnic and cultural diversity, and knowledge and appreciation of other cultures in the public schools; preparation of students to live in global community.

A. A school board shall promote racial, ethnic and cultural diversity and the knowledge and appreciation of other cultures in the public schools of the school division to (i) prepare students to live and participate effectively in a global community and an increasingly pluralistic society, (ii) facilitate racial harmony and tolerance, (iii) reduce barriers among individuals of different races and cultures through meaningful interaction, (iv) improve the academic performance of students, contribute to the robust exchange of ideas, (v) reinforce the principle of the worth and value of all human beings, and (vi) increase the representation of ethnic, racial and language minority teachers, administrators, and other employees in the public schools, particularly in positions in which such minority persons have been traditionally underrepresented.

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58 *B. A school board shall establish cultural diversity policies that are consistent with guidelines*
59 *established by the Board of Education, as provided in § 22.1-16.2. Further, a school board may use best*
60 *practices identified by the Board of Education, or other lawful strategies, to assist it in increasing the*
61 *representation of minority teachers, principals and other employees in the public schools, particularly in*
62 *positions in which minority persons have been traditionally underrepresented.*

63 *C. For the purposes of this section, "cultural diversity policies" shall not be construed to require*
64 *mandatory training of students or school board employees concerning cultural diversity, or to require*
65 *hiring quotas or the employment of persons on the basis of race or ethnicity.*

66 *§ 23-9.2:7. Promotion of racial, ethnic, and cultural diversity, and knowledge and appreciation of*
67 *other cultures in public four-year institutions of higher education; preparation of students to live in*
68 *global community.*

69 *A. The boards of visitors of public four-year institutions of higher education shall promote racial,*
70 *ethnic and cultural diversity and the knowledge and appreciation of other cultures in the institution to*
71 *(i) prepare students to live and participate effectively in a global community and an increasingly*
72 *pluralistic society, (ii) facilitate racial harmony and tolerance, (iii) reduce barriers among individuals of*
73 *different races and cultures through meaningful interaction, (iv) improve campus climate, student*
74 *retention and the academic performance of students, (v) contribute to the robust exchange of ideas, (vi)*
75 *reinforce the principle of the worth and value of all human beings, and (vi) increase the representation*
76 *of ethnic, racial, and language minority faculty, administrators and staff, particularly in positions in*
77 *which such minority persons have been traditionally underrepresented.*

78 *B. The boards of visitors of four-year institutions of higher education shall establish cultural*
79 *diversity policies that are consistent with guidelines established by the State Council of Higher*
80 *Education, as provided in § 23-9.6:1. Further, the institutions may use the best practices identified by*
81 *the State Council of Higher Education, or other lawful strategies, to assist them in increasing the*
82 *representation of minority faculty, administrators and staff, particularly in positions in which minority*
83 *persons have been traditionally underrepresented.*

84 *C. For the purposes of this section, "cultural diversity policies" shall not be construed to require*
85 *mandatory training of students or employees of four-year institutions of higher education concerning*
86 *cultural diversity, or to require hiring quotas or the employment of persons on the basis of race or*
87 *ethnicity.*

88 *§ 23-9.6:1. Duties of Council generally.*

89 *In addition to such other duties as may be prescribed elsewhere, the State Council of Higher*
90 *Education shall have the duty, responsibility and authority:*

91 *1. To prepare plans under which the several state-supported institutions of higher education of*
92 *Virginia shall constitute a coordinating system. In developing such plans, the Council shall consider the*
93 *future needs for higher education in Virginia at both the undergraduate and the graduate levels, as well*
94 *as the mission, programs, facilities and location of each of the existing institutions of higher education,*
95 *and such other matters as the Council deems appropriate. The Council shall revise such plans biennially*
96 *in each odd-numbered year and shall submit within the time prescribed by § 2.1-394 the plans as revised*
97 *to the Governor and the General Assembly together with such recommendations as are necessary for*
98 *their implementation.*

99 *2. To review and approve or disapprove any proposed change in the statement of mission of any*
100 *presently existing public institution of higher education and to define the mission of all public*
101 *institutions of higher education created after the effective date of this provision. The Council shall,*
102 *within the time prescribed in subdivision 1 of this section, make a report to the Governor and the*
103 *General Assembly with respect to its actions hereunder. No such actions shall become effective until*
104 *thirty days after adjournment of the session of the General Assembly next following the filing of such a*
105 *report. Nothing contained in this provision shall be construed to authorize the Council to modify any*
106 *mission statement adopted by the General Assembly, nor to empower the Council to affect, either*
107 *directly or indirectly, the selection of faculty or the standards and criteria for admission of any public*
108 *institution, whether related to academic standards, residence or other criteria; it being the intention of*
109 *this section that faculty selection and student admission policies shall remain a function of the individual*
110 *institutions.*

111 *3. To study any proposed escalation of any public institution to a degree-granting level higher than*
112 *that level to which it is presently restricted and to submit a report and recommendation to the Governor*
113 *and the General Assembly relating to the proposal. The study shall include the need for and benefits or*
114 *detriments to be derived from the escalation. No such institution shall implement any such proposed*
115 *escalation until the Council's report and recommendation have been submitted to the General Assembly*
116 *and the General Assembly approves the institution's proposal.*

117 *4. To review and approve or disapprove all enrollment projections proposed by each public*
118 *institution of higher education. The Council's projections shall be in numerical terms by level of*
119 *enrollment and shall be used for budgetary and fiscal planning purposes only. The student admissions*

120 policies for the institutions and their specific programs shall remain the sole responsibility of the
121 individual boards of visitors.

122 5. To review and approve or disapprove all new academic programs which any public institution of
123 higher education proposes. As used herein, "academic programs" include both undergraduate and
124 graduate programs.

125 6. To review and require the discontinuance of any academic program which is presently offered by
126 any public institution of higher education when the Council determines that such academic program is
127 (i) nonproductive in terms of the number of degrees granted, the number of students served by the
128 program, the program's effectiveness, and budgetary considerations, or (ii) supported by state funds and
129 is unnecessarily duplicative of academic programs offered at other public institutions of higher education
130 in the Commonwealth. As used herein, "academic programs" includes both undergraduate and graduate
131 programs. The Council shall make a report to the Governor and the General Assembly with respect to
132 the discontinuance of any academic program. No such discontinuance shall become effective until thirty
133 days after the adjournment of the session of the General Assembly next following the filing of such
134 report.

135 7. To review and approve or disapprove the creation and establishment of any department, school,
136 college, branch, division or extension of any public institution of higher education which such institution
137 proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation
138 and establishment of departments, schools, colleges, branches, divisions and extensions, whether located
139 on or off the main campus of the institution in question. If any organizational change is determined by
140 the Council to be proposed solely for the purpose of internal management and the institution's curricular
141 offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall
142 be construed to authorize the Council to disapprove the creation and establishment of any department,
143 school, college, branch, division or extension of any institution which has been created and established
144 by the General Assembly.

145 8. *To establish guidelines for cultural diversity policies to aid public two-year and four-year*
146 *institutions of higher education in the implementation of such policies, as required in § 23-9.2:7 and*
147 *§ 23-218.1. The guidelines shall (i) urge higher education institutions to inform faculty, staff and*
148 *students of the availability of information, materials and resources concerning the history, culture and*
149 *the contributions and achievements of racial and ethnic groups, nationalities and language minority*
150 *students, faculty and staff represented at the institution or the community college; (ii) share potential*
151 *criteria for developing institution-wide cultural diversity training programs, at the discretion of the*
152 *board of visitors or the Board for Community Colleges; (iii) identify experts and other persons with*
153 *demonstrated qualifications, affiliated with or external to the institution, who may be requested to*
154 *provide or assist in such training programs, if implemented; and (iv) support the development of*
155 *processes by which the effectiveness of cultural diversity policies and training may be evaluated.*
156 *Further, to assist institutions and community colleges in increasing the representation of ethnic, racial*
157 *and language minority faculty, administrators and staff, particularly in positions in which such minority*
158 *persons have been traditionally underrepresented, the State Council of Higher Education shall identify*
159 *best practices within and outside of the Commonwealth that may be used by institutions and community*
160 *colleges for enhancing the cultural diversity of the institution.*

161 *For the purposes of this subdivision, "cultural diversity policies" shall not be construed to require*
162 *mandatory training of students or employees of public or private institutions of higher education*
163 *concerning cultural diversity, or to require hiring quotas or the employment of persons on the basis of*
164 *race or ethnicity.*

165 8. 9. To develop a uniform, comprehensive data information system designed to gather all
166 information necessary to the performance of the Council's duties. The system shall include information
167 on admissions, enrollments, self-identified students with documented disabilities, personnel, programs,
168 financing, space inventory, facilities and such other areas as the Council deems appropriate.

169 9. 10. To develop in cooperation with institutions of higher education guidelines for the assessment
170 of student achievement. An institution shall use an approved program which complies with the
171 guidelines of the Council and is consistent with the institution's mission and educational objectives in
172 the development of such assessment. The Council shall report the institutions' assessments of student
173 achievement in the biennial revisions to the state's master plan for higher education.

174 ~~10.~~ 11. To develop in cooperation with the appropriate state financial and accounting officials and to
175 establish uniform standards and systems of accounting, record keeping and statistical reporting for the
176 public institutions of higher education.

177 ~~11.~~ 12. To review biennially and approve or disapprove all changes in the inventory of educational
178 and general space which any public institution of higher education may propose, and to make a report to
179 the Governor and the General Assembly with respect thereto. No such change shall be made until thirty
180 days after the adjournment of the session of the General Assembly next following the filing of such

181 report.

182 ~~12.~~ 13. To visit and study the operations of each of the public institutions of higher education at
183 such times as the Council shall deem appropriate and to conduct such other studies in the field of higher
184 education as the Council deems appropriate or as may be requested by the Governor or the General
185 Assembly.

186 ~~13.~~ 14. To provide advisory services *on academic, administrative, financial and space utilization*
187 *matters and cultural diversity policies* to private, accredited and nonprofit institutions of higher
188 education, whose primary purpose is to provide collegiate or graduate education and not to provide
189 religious training or theological education; ~~on academic, administrative, financial and space utilization~~
190 ~~matters~~. The Council may also review and advise on joint activities, including contracts for services
191 between such public and private institutions of higher education or between such private institutions and
192 any agency of the Commonwealth or political subdivision thereof.

193 ~~14.~~ 15. To adopt such rules and regulations as the Council believes necessary to implement all of the
194 Council's duties and responsibilities as set forth in this Code. The various public institutions of higher
195 education shall comply with such rules and regulations.

196 ~~15.~~ 16. To issue guidelines consistent with the provisions of the federal Family Education Rights and
197 Privacy Act (FERPA), 20 U.S.C. § 1232q requiring public institutions of higher education to release a
198 student's academic and disciplinary record to a student's parent.

199 In carrying out its duties and responsibilities, the Council, insofar as practicable, shall preserve the
200 individuality, traditions and sense of responsibility of the respective institutions. The Council, insofar as
201 practicable, shall seek the assistance and advice of the respective institutions in fulfilling all of its duties
202 and responsibilities.

203 § 23-218.1. *Promotion of racial, ethnic and cultural diversity and knowledge and appreciation of*
204 *other cultures in community colleges; preparation of students to live in a global community.*

205 A. *The Board for Community Colleges shall promote racial, ethnic and cultural diversity and the*
206 *knowledge and appreciation of other cultures in the community colleges to (i) prepare students to live*
207 *and participate effectively in a global community and an increasingly pluralistic society, (ii) facilitate*
208 *racial harmony and tolerance, (iii) reduce barriers among individuals of different races and cultures*
209 *through meaningful interaction, (iv) improve campus climate, student retention and the academic*
210 *performance of students, (v) contribute to the robust exchange of ideas, (vi) reinforce the principle of*
211 *the worth and value of all human beings, and (vii) increase the representation of ethnic, racial and*
212 *language minority faculty, administrators and staff, particularly in positions in which such minority*
213 *persons have been traditionally underrepresented.*

214 B. *The Board for Community Colleges shall establish a cultural diversity policy that is consistent*
215 *with guidelines established by the State Council of Higher Education, as provided in § 23-9.6:1.*
216 *Further, the Board and community colleges may use the best practices identified by the State Council of*
217 *Higher Education, or other lawful strategies, to assist them in increasing the representation of minority*
218 *faculty, administrators and staff, particularly in positions in which minority persons have been*
219 *traditionally underrepresented.*

220 C. *For the purposes of this section, "cultural diversity policies" shall not be construed to require*
221 *mandatory training of students or employees of the community colleges concerning cultural diversity, or*
222 *to require hiring quotas or the employment of persons on the basis of race or ethnicity.*