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SENATE BILL NO. 829

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 30, 2003)

(Patron Prior to Substitute—Senator Marsh)

A BILL to amend and reenact § 23-215 of the Code of Virginia, and to amend the Code of Virginia by adding sections numbered 22.1-16.2, 22.1-86.2, and 23-1.02, relating to cultural diversity policies and equal education opportunity plans; report.

Be it enacted by the General Assembly of Virginia:

1. That § 23-215 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, 22.1-86.2, and 23-1.02 as follows:

§ 22.1-16.2. Board of Education promotion of knowledge and appreciation of cultural diversity in public schools; guidelines for cultural diversity policies; dissemination of best practices.

A. The Board of Education shall promote the knowledge and appreciation of diverse racial and ethnic cultures, and language minority populations, particularly such cultures and populations represented in the public schools of the Commonwealth, 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; and (vi) reinforce the principle of the worth and value of all human beings.

B. The Board shall establish guidelines to assist local school boards in implementing cultural diversity policies pursuant to § 22.1-86.2. The guidelines shall include, but not be limited to, (i) recommendations regarding age-appropriate literature, educational resource materials, and best practices, from which public schools may select, that have been proven successful in providing information concerning the history, culture, contributions and achievements of diverse racial and ethnic cultures, and language minority populations; (ii) criteria for developing and evaluating the effectiveness of divisionwide cultural diversity training programs at the discretion of the school board; and (iii) a list of professionals, volunteers, museums, specialized libraries, organizations representing racial and ethnic minority cultures, and language minority populations, and other entities and persons recognized for their qualifications and expertise in the history, culture, or language of racial and ethnic minority cultures who may be used as resource persons in providing instruction and developing such policies.

C. The Board shall identify best practices within and outside of the Commonwealth designed to promote diversity and provide such information to school boards to assist them in improving the representation of racial and ethnic minorities among teachers, administrators, pupil personnel, and in positions in which minority persons have been traditionally underrepresented.

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 knowledge and appreciation of diverse racial and ethnic cultures in the public schools; cultural diversity policies; use of best practices.

A. Each school board shall promote the knowledge and appreciation of diverse racial and ethnic cultures, and language minority populations 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, contribute to the robust exchange of ideas; and (v) reinforce the principle of the worth and value of all human beings.

B. A school board shall establish cultural diversity policies that are consistent with guidelines established by the Board of Education, pursuant to § 22.1-16.2. Further, a school board may use best practices identified by the Board to assist it in improving the representation of minorities among teachers, administrators, pupil personnel, and in positions in which minority persons have been traditionally underrepresented in the school division.

C. 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.

§ 23-1.02. Equal education opportunity plans required of boards of visitors.

Effective on and after July 1, 2003, the boards of visitors of each public institution of higher education in the Commonwealth shall submit an equal education opportunity plan that includes, at a minimum, the institution's objectives, strategy, and initiatives to improve diversity among students, faculty, and administrative and support staff. In each year following the first year in which such plans

60 *are required, the plan shall include (i) any revisions thereto, (ii) the institution's progress towards*
61 *achieving the plan's objectives in the relevant year, (iii) a summary of institutional needs to meet the*
62 *plan, and (iv) a description of and efforts employed to address any obstacles to the plan. The plan shall*
63 *be submitted to the State Council of Higher Education, and to the Governor and the General Assembly*
64 *on November 1 of each year in accordance with the procedures of the Division of Legislative Automated*
65 *Systems for the processing of legislative documents and reports and shall be posted on the General*
66 *Assembly's website.*

67 § 23-215. Responsibilities of Board and System.

68 A. The State Board for Community Colleges heretofore established by law is continued. The Board
69 shall be a corporation under the style of "the State Board for Community Colleges." The State Board
70 shall be responsible, through the exercise of the powers and performance of the duties set forth in this
71 chapter, for the establishment, control, and administration of a statewide system of publicly supported
72 comprehensive community colleges which shall be known as the Virginia Community College System.

73 B. The Virginia Community College System shall be the state agency with primary responsibility for
74 coordinating workforce training at the postsecondary to the associate degree level, exclusive of the
75 career and technical education programs provided through and administered by the public school system.
76 This responsibility shall not preclude other agencies from also providing such services as appropriate,
77 but these activities shall be coordinated with the community colleges.

78 C. In addition to other responsibilities of the Virginia Community College System, the community
79 colleges shall (i) maximize non-credit course offerings made available to business and industry at a time
80 and place that meet current and projected workforce needs and minimize the cost of non-credit offerings
81 to business and industry to the extent feasible, and (ii) deal directly with employers in designing and
82 offering courses to meet real, current, and projected workforce training needs. The Virginia Community
83 College System shall report on actions taken to meet the requirements of this subsection in its annual
84 report to the General Assembly on workforce development activities required by the appropriation act.

85 D. *Effective on and after July 1, 2003, the State Board for Community Colleges shall submit an*
86 *equal education opportunity plan for the Virginia Community College System that includes, at a*
87 *minimum, the Board's objectives, strategy, and initiatives to improve diversity among students, faculty,*
88 *and administrative and support staff throughout the System. In each year following the first year in*
89 *which such plan is required, the plan shall include (i) any revisions thereto; (ii) the Board's progress*
90 *achieving the plan's objectives in the relevant year, systemwide and at each community college; (iii) a*
91 *summary of the needs of the Board and the institutions, severally, to meet the plan; and (iv) a*
92 *description of and efforts employed by the Board and the institutions to address any obstacles to the*
93 *plan. The plan shall be submitted to the State Council of Higher Education, and to the Governor and*
94 *the General Assembly on November 1 of each year in accordance with the procedures of the Division of*
95 *Legislative Automated Systems for the processing of legislative documents and reports and shall be*
96 *posted on the General Assembly's website.*

97 **2. That the provisions of § 23-1.02 and subsection D of § 23-215 shall expire on July 1, 2008.**