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**SENATE BILL NO. 338**

Offered January 14, 2004

Prefiled January 14, 2004

*A BILL to amend and reenact § 23-9.6:1 of the Code of Virginia, relating to responsibilities of the State Council of Higher Education.*

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Patron—Edwards

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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 as follows:**

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

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

1. To prepare plans under which the several state-supported institutions of higher education of Virginia shall constitute a coordinating system. In developing such plans, the Council shall consider the future needs for higher education in Virginia at both the undergraduate and the graduate levels, as well as the mission, programs, facilities and location of each of the existing institutions of higher education, and such other matters as the Council deems appropriate. The Council shall revise such plans at least once every four years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. To review and approve or disapprove any proposed change in the statement of mission of any presently existing public institution of higher education and to define the mission of all public institutions of higher education created after the effective date of this provision. The Council shall, within the time prescribed in subdivision 1, make a report to the Governor and the General Assembly with respect to its actions hereunder. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing contained in this provision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly, nor to empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution, whether related to academic standards, residence or other criteria; it being the intention of this section that faculty selection and student admission policies shall remain a function of the individual institutions.

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

4. To review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be in numerical terms by level of enrollment and shall be used for budgetary and fiscal planning purposes only. *The Council shall develop estimates of the number of degrees to be awarded by each institution and include those estimates in its reports of enrollment projections.* The student admissions policies for the institutions and their specific programs shall remain the sole responsibility of the individual boards of visitors.

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

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

7. To review and approve or disapprove the creation and establishment of any department, school, college, branch, division or extension of any public institution of higher education that such institution

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59 proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation  
60 and establishment of departments, schools, colleges, branches, divisions and extensions, whether located  
61 on or off the main campus of the institution in question. If any organizational change is determined by  
62 the Council to be proposed solely for the purpose of internal management and the institution's curricular  
63 offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall  
64 be construed to authorize the Council to disapprove the creation and establishment of any department,  
65 school, college, branch, division or extension of any institution that has been created and established by  
66 the General Assembly.

67 8. To review the proposed closure of any academic program in a high demand or critical shortage  
68 area, as defined by the Council, by any public institution of higher education and assist in the  
69 development of an orderly closure plan, when needed.

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

74 10. To develop in cooperation with institutions of higher education guidelines for the assessment of  
75 student achievement. An institution shall use an approved program that complies with the guidelines of  
76 the Council and is consistent with the institution's mission and educational objectives in the development  
77 of such assessment. The Council shall report the institutions' assessments of student achievement in the  
78 biennial revisions to the state's master plan for higher education.

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

82 12. To review biennially and approve or disapprove all changes in the inventory of educational and  
83 general space that any public institution of higher education may propose, and to make a report to the  
84 Governor and the General Assembly with respect thereto. No such change shall be made until 30 days  
85 after the adjournment of the session of the General Assembly next following the filing of such report.

86 13. To visit and study the operations of each of the public institutions of higher education at such  
87 times as the Council shall deem appropriate and to conduct such other studies in the field of higher  
88 education as the Council deems appropriate or as may be requested by the Governor or the General  
89 Assembly.

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

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

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

102 17. To develop and revise, as it deems necessary, in consultation with the Coordinator of Emergency  
103 Management, a model institutional crisis and emergency management plan for the purpose of assisting  
104 public and private two-year and four-year institutions of higher education in establishing, operating, and  
105 maintaining emergency services and disaster preparedness activities.

106 18. To require that each institution of higher education formed, chartered, or established in the  
107 Commonwealth after July 1, 1980, shall ensure the preservation of student transcripts in the event of  
108 institutional closure or revocation of approval to operate in the Commonwealth of Virginia. An  
109 institution may provide for the preservation of student transcripts by binding agreement with another  
110 institution of higher education with which it is not corporately connected or in such other way as the  
111 Council may authorize by regulation. In the event an institution closes, or has its approval to operate in  
112 the Commonwealth revoked, the Council, through its Director, may take such action as is necessary to  
113 secure and preserve the student transcripts until such time as an appropriate institution accepts all or  
114 some of the transcripts. Nothing in this section shall be deemed to interfere with the right of a student  
115 to his own transcripts; nor shall this section authorize disclosure of student records except as may  
116 otherwise be authorized by law.

117 19. To develop, in cooperation with the institutions of higher education, the Board of Nursing, and  
118 the Advisory Council on the Future of Nursing in Virginia, a strategic statewide plan to ensure an  
119 adequate supply of nurses. The Council shall recommend to the Governor and the General Assembly  
120 such changes in public policy as may be necessary to meet the state's current and future need for

121 essential nursing services.

122 20. *To ensure the development of articulation agreements that encourage the completion of associate*  
123 *degree programs and facilitate the transfer and acceptance of course credit among two- and four-year*  
124 *public and private institutions of higher education in Virginia.*

125 In carrying out its duties and responsibilities, the Council, insofar as practicable, shall preserve the  
126 individuality, traditions and sense of responsibility of the respective institutions. The Council, insofar as  
127 practicable, shall seek the assistance and advice of the respective institutions in fulfilling all of its duties  
128 and responsibilities.

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