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**SENATE BILL NO. 538**

Offered January 11, 2006

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*A BILL to amend and reenact §§ 23-9.2:3.02, 23-9.6:1, and 23-9.14:2 of the Code of Virginia, relating to articulation, transfer, and dual enrollment and admissions agreements between community colleges and four-year institutions of higher education.*

Patrons—Stosch, Bell, Blevins, Devolites Davis, Ruff, Stolle and Williams

Referred to Committee on Education and Health

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

**1. That §§ 23-9.2:3.02, 23-9.6:1, and 23-9.14:2 of the Code of Virginia are amended and reenacted as follows:**

§ 23-9.2:3.02. Articulation, transfer, and dual enrollment and admissions agreements; admission of certain community college graduates.

A. Beginning with academic year 2006-2007, the governing board of each four-year public institution of higher education shall develop ~~additional~~ articulation ~~and~~, transfer, *and dual enrollment and admissions* agreements with uniform application to all institutions within the Virginia Community College System that (i) meet appropriate general education and program requirements at the four-year institutions; ~~and~~ (ii) provide additional opportunities for associate degree graduates to be admitted and enrolled; *and (iii) establish dual admissions programs for qualified students to be simultaneously accepted by a community college and, contingent upon the successful completion of an acceptable associate degree program from the community college, by the four-year public institution of higher education.*

B. The State Council of Higher Education, consistent with its responsibility to facilitate the development of articulation, *transfer, and dual enrollment and admissions* agreements set forth in §§ 23-9.6:1 and 23-9.14:2, shall develop guidelines for such agreements, *including the conditions required to establish dual admissions programs for qualified students to be simultaneously accepted by a community college and a four-year public institution of higher education and, upon successful completion of an acceptable associate degree program from the community college, to be automatically enrolled in the four-year institution of higher education. Dual admissions agreements shall set forth (i) the obligations of the students accepted in such programs, including grade point average requirements, acceptable associate degree majors, and completion timetables; and (ii) the student's access to the privileges of enrollment in both institutions during the time enrolled in either institution.*

§ 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:

1. Develop a statewide strategic plan that reflects the goals set forth in subsection B of § 23-38.88 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes 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, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plans at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. 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. 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

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SB538

59 the General Assembly relating to the proposal. The study shall include the need for and benefits or  
60 detriments to be derived from the escalation. No such institution shall implement any such proposed  
61 escalation until the Council's report and recommendation have been submitted to the General Assembly  
62 and the General Assembly approves the institution's proposal.

63 4. Review and approve or disapprove all enrollment projections proposed by each public institution  
64 of higher education. The Council's projections shall be in numerical terms by level of enrollment and  
65 shall be used for budgetary and fiscal planning purposes only. The Council shall develop estimates of  
66 the number of degrees to be awarded by each institution and include those estimates in its reports of  
67 enrollment projections. The student admissions policies for the institutions and their specific programs  
68 shall remain the sole responsibility of the individual boards of visitors; *however, all four-year*  
69 *institutions shall adopt dual admissions policies with the community colleges, as required by*  
70 *§ 23-9.2:3.02.*

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

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

83 7. Review and approve or disapprove the creation and establishment of any department, school,  
84 college, branch, division or extension of any public institution of higher education that such institution  
85 proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation  
86 and establishment of departments, schools, colleges, branches, divisions and extensions, whether located  
87 on or off the main campus of the institution in question. If any organizational change is determined by  
88 the Council to be proposed solely for the purpose of internal management and the institution's curricular  
89 offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall  
90 be construed to authorize the Council to disapprove the creation and establishment of any department,  
91 school, college, branch, division or extension of any institution that has been created and established by  
92 the General Assembly.

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

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

100 10. Develop in cooperation with institutions of higher education guidelines for the assessment of  
101 student achievement. An institution shall use an approved program that complies with the guidelines of  
102 the Council and is consistent with the institution's mission and educational objectives in the development  
103 of such assessment. The Council shall report the institutions' assessments of student achievement in the  
104 biennial revisions to the state's master plan for higher education.

105 11. Develop in cooperation with the appropriate state financial and accounting officials and to  
106 establish uniform standards and systems of accounting, record keeping and statistical reporting for the  
107 public institutions of higher education.

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

112 13. Visit and study the operations of each of the public institutions of higher education at such times  
113 as the Council shall deem appropriate and to conduct such other studies in the field of higher education  
114 as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

115 14. Provide advisory services to private, accredited and nonprofit institutions of higher education,  
116 whose primary purpose is to provide collegiate or graduate education and not to provide religious  
117 training or theological education, on academic, administrative, financial and space utilization matters.  
118 The Council may also review and advise on joint activities, including contracts for services between  
119 such public and private institutions of higher education or between such private institutions and any  
120 agency of the Commonwealth or political subdivision thereof.

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

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

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

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

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

20. ~~Facilitate the development~~ *Require the development and submission of dual admissions and articulation, transfer, and dual enrollment and admissions agreements between two- and four-year public and private institutions of higher education in Virginia, including programs for qualified students to be simultaneously accepted by a community college and a four-year public institution of higher education and, upon successful completion of an associate degree program from the community college, to be automatically enrolled in the four-year institution of higher education. Dual admissions agreements shall set forth (i) the obligations of the students accepted in such programs, including grade point average requirements, acceptable associate degree majors, and completion timetables; and (ii) the student's access to the privileges of enrollment in both institutions during the time enrolled in either institution.* Such agreements shall be subject to the admissions requirements of the four-year institutions, except as provided in § 23-9.2:3.02.

21. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for the various public institutions.

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

§ 23-9.14:2. State Transfer Module.

A. The Council shall develop, in cooperation with the governing boards of the public two- and four-year institutions of higher education, a State Transfer Module that designates those general education courses that are offered within various associate degree programs at the public two-year institutions that are transferable for credit or admission with standing as a junior (third year) to the public four-year institutions.

In developing such Module, the Council shall also seek the participation of private institutions of higher education in the Commonwealth.

B. The Council shall also ~~facilitate~~ *require the development and implementation of dual admissions and articulation, transfer, and dual enrollment and admissions agreements between the Commonwealth's public and private two- and four-year institutions of higher education, including agreements to establish dual admissions programs for qualified students to be simultaneously accepted by a community college and a four-year public institution of higher education and, upon successful completion of an associate degree program from the community college, to be automatically enrolled in the four-year institution of higher education. Dual admissions agreements shall set forth (i) the obligations of the students accepted in such programs, including grade point average requirements, acceptable associate degree majors, and completion timetables; and (ii) the student's access to the privileges of enrollment in both institutions during the time enrolled in either institution.* Such agreements shall be subject to the admissions

182 requirements of the four-year institutions. The Council shall ~~also develop~~ *require the public two- and*  
183 *four-year institutions of higher education to develop and implement such agreements, in accordance with*  
184 *the guidelines for the articulation, transfer, and dual enrollment and admissions agreements required by*  
185 § 23-9.2:3.02.

186 C. The Council shall develop and make available to the public information identifying (i) all general  
187 education courses offered at public two-year institutions and designating those that are accepted for  
188 purposes of transfer for course credit at four-year public and private institutions of higher education in  
189 Virginia; and (ii) those two- and four-year public institutions that have entered into articulation, *transfer,*  
190 *and dual enrollment and admissions agreements as required by § 23-9.2:3.02.*