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HOUSE BILL NO. 7

Offered January 13, 2010

Prefiled November 30, 2009

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

Patron—Tata

Referred to Committee on Education

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:

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 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. 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; however, all four-year institutions shall adopt dual admissions policies with the community colleges, as required by § 23-9.2:3.02.

5. 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. 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

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59 Assembly next following the filing of such report.

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

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

73 9. Develop a uniform, comprehensive data information system designed to gather all information
74 necessary to the performance of the Council's duties. The system shall include information on
75 admissions, enrollments, self-identified students with documented disabilities, personnel, programs,
76 financing, space inventory, facilities and such other areas as the Council deems appropriate. *When*
77 *consistent with the federal Family Educational Rights and Privacy Act (FERPA), the Government Data*
78 *Collection and Dissemination Practices Act, the Virginia Unemployment Compensation Act, and 20*
79 *C.F.R. 603, the Council, acting solely or in partnership with the Virginia Department of Education or*
80 *the Virginia Employment Commission, may contract with private entities to create de-identified student*
81 *records for the purpose of assessing the performance of institutions and specific programs relative to the*
82 *workforce needs of the Commonwealth.*

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

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

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

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

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

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

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

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

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

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

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