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SENATE BILL NO. 738

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 10, 2022)

(Patron Prior to Substitute—Senator Morrissey)

A BILL to amend and reenact § 23.1-203 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-206.1, relating to Department of Education; State Council of Higher Education for Virginia; instruction concerning post-graduate opportunities for high school students.

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-203 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-206.1 as follows:

§ 22.1-206.1. *Instruction concerning post-graduate opportunities for high school students.*

A. As used in this section, "institution of higher education" means each public institution of higher education and each private institution of higher education, as those terms are defined in § 23.1-100.

B. The Department shall collect and distribute to school boards and publicly post on its website information that assists high school students in making more informed decisions about their futures after graduating from high school and in doing so ensure that such students are aware of the costs and benefits of different educational and certificate programs. The Department shall annually collect and compile such information in consultation with the State Council of Higher Education for Virginia (the Council) and any other entity that can assist the Department with collecting and compiling such information and shall update its distribution materials accordingly each year. The Department shall post and distribute the information to school boards, with any relevant updates, no later than October 1 each year, and shall provide an annual update to the General Assembly on how such information was distributed. Each school board shall ensure that the information is readily available to each high school student and distributed to each high school student who expresses an interest in attending an institution of higher education or completing another training program described in this section. Information to be collected shall include:

1. To the extent available from the Council or other entities or sources, the most in-demand occupations in the Commonwealth, including entry wages and common degree levels required or encouraged for entering such occupations, and lists of offerings at institutions of higher education that offer such programs.

2. The average cost of institutions of higher education, set out by type of institution.

3. The federal and state scholarship, merit, and need-based aid programs available to students for attending institutions of higher education.

4. To the extent available from the Council or other entities or sources, the average monthly student loan payment and the average total amount of student loans for individuals who attend institutions of higher education, with such information distinguished by type of institution, to the extent that the Department and the Council can determine such information.

5. To the extent available from the Council or other entities or sources, the average student loan default rate for students who attend institutions of higher education, to the extent that the Department and the Council can determine such information.

6. To the extent available from the Council or other entities or sources, information relating to the availability of paid internship and externship opportunities for students attending institutions of higher education with such information distinguished by major or area of study.

7. The average time that it takes to complete degrees offered by institutions of higher education.

8. Median annual wages for individuals who graduate from institutions of higher education, distinguished by degree level.

9. To the extent available from the Council or other entities or sources, the average starting salary for individuals who complete career and technical education programs in the Commonwealth.

10. The contact information for each institution of higher education.

11. To the extent available from the Council or other entities or sources, information regarding the degree to which any institutions of higher education that accept public funding align their curricula or programs with the state job market, including the degree to which they contribute to filling the most in-demand jobs in the Commonwealth. The information in this subdivision shall also be included in the annual report sent to the General Assembly described in this subsection.

12. Any other information that the Department or the Council deem appropriate to assist high school students in weighing the costs and benefits of post-high-school training and education.

§ 23.1-203. *Duties of Council.*

The Council shall:

60 1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection A of
61 § 23.1-1002 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5
62 of § 23.1-309 for higher education in the Commonwealth, identifies a coordinated approach to such state
63 and regional goals, and emphasizes the future needs for higher education in the Commonwealth at both
64 the undergraduate and the graduate levels and the mission, programs, facilities, and location of each of
65 the existing institutions of higher education, each public institution's six-year plan, and such other
66 matters as the Council deems appropriate. The Council shall revise such plan at least once every six
67 years and shall submit such recommendations as are necessary for the implementation of the plan to the
68 Governor and the General Assembly.

69 2. Review and approve or disapprove any proposed change in the statement of mission of any public
70 institution of higher education and define the mission of all newly created public institutions of higher
71 education. The Council shall report such approvals, disapprovals, and definitions to the Governor and
72 the General Assembly at least once every six years. No such actions shall become effective until 30
73 days after adjournment of the session of the General Assembly next following the filing of such a
74 report. Nothing in this subdivision shall be construed to authorize the Council to modify any mission
75 statement adopted by the General Assembly or empower the Council to affect, either directly or
76 indirectly, the selection of faculty or the standards and criteria for admission of any public institution of
77 higher education, whether relating to academic standards, residence, or other criteria. Faculty selection
78 and student admission policies shall remain a function of the individual public institutions of higher
79 education.

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

86 4. Review and approve or disapprove all enrollment projections proposed by each public institution
87 of higher education. The Council's projections shall be organized numerically by level of enrollment and
88 shall be used solely for budgetary, fiscal, and strategic planning purposes. The Council shall develop
89 estimates of the number of degrees to be awarded by each public institution of higher education and
90 include those estimates in its reports of enrollment projections. The student admissions policies for such
91 institutions and their specific programs shall remain the sole responsibility of the individual governing
92 boards but all baccalaureate public institutions of higher education shall adopt dual admissions policies
93 with comprehensive community colleges as required by § 23.1-907.

94 5. Review and approve or disapprove all new undergraduate or graduate academic programs that any
95 public institution of higher education proposes.

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

105 7. Review and approve or disapprove the establishment of any department, school, college, branch,
106 division, or extension of any public institution of higher education that such institution proposes to
107 establish, whether located on or off the main campus of such institution. If any organizational change is
108 determined by the Council to be proposed solely for the purpose of internal management and the
109 institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing
110 in this subdivision shall be construed to authorize the Council to disapprove the establishment of any
111 such department, school, college, branch, division, or extension established by the General Assembly.

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

115 9. Develop a uniform, comprehensive data information system designed to gather all information
116 necessary to the performance of the Council's duties. The system shall include information on
117 admissions, enrollment, self-identified students with documented disabilities, personnel, programs,
118 financing, space inventory, facilities, and such other areas as the Council deems appropriate. When
119 consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.),
120 the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.), and applicable federal law, the
121 Council, acting solely or in partnership with the Virginia Department of Education or the Virginia

Employment Commission, may contract with private entities to create de-identified student records in which all personally identifiable information has been removed for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

10. In cooperation with public institutions of higher education, develop guidelines for the assessment of student achievement. Each such institution shall use an approved program that complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report each institution's assessment of student achievement in the revisions to the Commonwealth's statewide strategic plan for higher education.

11. In cooperation with the appropriate state financial and accounting officials, develop and establish uniform standards and systems of accounting, recordkeeping, and statistical reporting for public institutions of higher education.

12. Review biennially and approve or disapprove all changes in the inventory of educational and general space that any public institution of higher education proposes and report such approvals and disapprovals to the Governor and the General Assembly. No such change shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

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

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

15. Adopt such policies and regulations as the Council deems necessary to implement its duties established by state law. Each public institution of higher education shall comply with such policies and regulations.

16. Issue guidelines consistent with the provisions of the federal Family Educational Rights and Privacy Act (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. Require each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, to ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth. An institution may ensure 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 that 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 subdivision shall be deemed to interfere with the right of a student to his own transcripts or authorize disclosure of student records except as may otherwise be authorized by law.

18. Require the development and submission of articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting and baccalaureate public institutions of higher education.

19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for each public institution of higher education.

20. Develop, pursuant to the provisions of § 23.1-907, guidelines for articulation, dual admissions, and guaranteed admissions agreements, including guidelines related to a one-year Uniform Certificate of General Studies Program and a one-semester Passport Program to be offered at each comprehensive community college. The guidelines developed pursuant to this subdivision shall be developed in consultation with all public institutions of higher education in the Commonwealth, the Department of Education, and the Virginia Association of School Superintendents and shall ensure standardization, quality, and transparency in the implementation of the programs and agreements. At the discretion of the Council, private institutions of higher education eligible for tuition assistance grants may also be consulted.

21. Cooperate with the Board of Education in matters of interest to both public elementary and secondary schools and public institutions of higher education, particularly in connection with coordination of the college admission requirements, coordination of teacher training programs with the public school programs, and the Board of Education's Six-Year Educational Technology Plan for Virginia. The Council shall encourage public institutions of higher education to design programs that include the skills necessary for the successful implementation of such Plan.

183 22. Advise and provide technical assistance to the Brown v. Board of Education Scholarship
184 Committee in the implementation and administration of the Brown v. Board of Education Scholarship
185 Program pursuant to Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

186 23. Insofar as possible, seek the cooperation and utilize the facilities of existing state departments,
187 institutions, and agencies in carrying out its duties.

188 24. Serve as the coordinating council for public institutions of higher education.

189 25. Serve as the planning and coordinating agency for all postsecondary educational programs for all
190 health professions and occupations and make recommendations, including those relating to financing, for
191 providing adequate and coordinated educational programs to produce an appropriate supply of properly
192 trained personnel. The Council may conduct such studies as it deems appropriate in furtherance of the
193 requirements of this subdivision. All state departments and agencies shall cooperate with the Council in
194 the execution of its responsibilities under this subdivision.

195 26. Carry out such duties as the Governor may assign to it in response to agency designations
196 requested by the federal government.

197 27. Insofar as practicable, preserve the individuality, traditions, and sense of responsibility of each
198 public institution of higher education in carrying out its duties.

199 28. Insofar as practicable, seek the assistance and advice of each public institution of higher
200 education in fulfilling its duties and responsibilities.

201 29. Administer the Virginia Longitudinal Data System as a multiagency partnership for the purposes
202 of developing educational, health, social service, and employment outcome data; improving the efficacy
203 of state services; and aiding decision making.

204 30. *Assist the Department of Education with collecting and compiling information for distribution to*
205 *high school students that assist such students in making more informed decisions about post-high-school*
206 *educational and training opportunities pursuant to § 22.1-206.1.*