

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 23-9.6:1 of the Code of Virginia, relating to duties of the State Council*
3 *of Higher Education.*

4 [H 2509]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 23-9.6:1 of the Code of Virginia is amended and reenacted as follows:**

8 § 23-9.6:1. Duties of Council generally.

9 In addition to such other duties as may be prescribed elsewhere, the Council of Higher Education
10 shall have the duty, responsibility and authority:11 1. To prepare plans under which the several state-supported institutions of higher education of
12 Virginia shall constitute a coordinating system. In developing such plans, the Council shall consider the
13 future needs for higher education in Virginia at both the undergraduate and the graduate levels, *as well*
14 *as* the mission, programs, facilities and location of each of the existing institutions of higher education,
15 ~~in addition to~~ *and* such other matters as the Council deems appropriate. The Council shall revise such
16 plans biennially in each odd-numbered year and shall submit within the time prescribed by § 2.1-394 the
17 plans as revised to the Governor and the General Assembly together with such recommendations as are
18 necessary for their implementation.19 2. To review and approve or disapprove any proposed change in the statement of mission of any
20 presently existing public institution of higher education and to define the mission of all public
21 institutions of higher education created after the effective date of this provision. The Council shall,
22 within the time prescribed in subdivision 1 of this section, make a report to the Governor and the
23 General Assembly with respect to its actions hereunder. No such actions shall become effective until
24 thirty days after adjournment of the session of the General Assembly next following the filing of such a
25 report. Nothing contained in this provision shall be construed to authorize the Council to modify any
26 mission statement adopted by the General Assembly, nor to empower the Council to affect, either
27 directly or indirectly, the selection of faculty or the standards and criteria for admission of any public
28 institution, whether related to academic standards, residence or other criteria; it being the intention of
29 this section that faculty selection and student admission policies shall remain a function of the individual
30 institutions.31 3. To study any proposed escalation of any public institution to a degree-granting level higher than
32 that level to which it is presently restricted and to submit a report and recommendation to the Governor
33 and the General Assembly relating to the proposal. The study shall include the need for and benefits or
34 detriments to be derived from the escalation. No such institution shall implement any such proposed
35 escalation until the Council's report and recommendation have been submitted to the General Assembly
36 and the General Assembly approves the institution's proposal.37 4. To review and approve or disapprove all enrollment projections proposed by each public
38 institution of higher education. The Council's projections shall be in numerical terms by level of
39 enrollment and shall be used for budgetary and fiscal planning purposes only. The student admissions
40 policies for the institutions and their specific programs shall remain the sole responsibility of the
41 individual boards of visitors.42 5. To review and approve or disapprove all new academic programs which any public institution of
43 higher education proposes. As used herein, "academic programs" include both undergraduate and
44 graduate programs.45 6. To review and require the discontinuance of any academic program which is presently offered by
46 any public institution of higher education when the Council determines that such academic program is
47 (i) nonproductive in terms of the number of degrees granted, the number of students served by the
48 program, ~~evidence of program~~ *the program's* effectiveness, and budgetary considerations, or (ii)
49 supported by state funds and is unnecessarily duplicative of academic programs offered at other public
50 institutions of higher education in the Commonwealth. As used herein, "academic programs" includes
51 both undergraduate and graduate programs. The Council shall make a report to the Governor and the
52 General Assembly with respect to the discontinuance of any academic program. No such discontinuance
53 shall become effective until thirty days after the adjournment of the session of the General Assembly
54 next following the filing of such report.55 7. To review and approve or disapprove the creation and establishment of any department, school,
56 college, branch, division or extension of any public institution of higher education which such institution

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

8. To develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollments, personnel, programs, financing, space inventory, facilities and such other areas as the Council deems appropriate.

9. To develop in cooperation with institutions of higher education guidelines for the assessment of student achievement. An institution shall use an approved program which 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 the institutions' assessments of student achievement in the biennial revisions to the state's master plan for higher education.

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

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

12. To visit and study the operations of each of the public institutions of higher education at such times as the Council shall deem appropriate and to 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.

13. To provide advisory services to private, accredited and nonprofit institutions 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 also review and advise on joint activities, including contracts for services, between such ~~private institutions~~ and public and private institutions of higher education or between such private institutions and any agency of the Commonwealth or political subdivision thereof.

14. To 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.

15. *To 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.*

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.