

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 23-9.2:3.02 and 23-9.6:1 of the Code of Virginia, relating to the*  
 3 *Uniform Certificate of General Studies.*

4 [H 441]  
 5 Approved

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

7 **1. That §§ 23-9.2:3.02 and 23-9.6:1 of the Code of Virginia are amended and reenacted as follows:**  
 8 § 23-9.2:3.02. Articulation, transfer, and dual enrollment and admissions agreements; admission of  
 9 certain community college graduates.

10 A. The governing board of each four-year public institution of higher education shall develop,  
 11 consistent with the State Council of Higher Education Guidelines and the institution's six-year plan as  
 12 set forth in § 23-38.87:17, articulation, transfer, and dual enrollment and admissions agreements with  
 13 uniform application to all institutions within the Virginia Community College System and any two-year  
 14 public institution of higher education that (i) meet appropriate general education and program  
 15 requirements at the four-year institutions; (ii) provide additional opportunities for associate degree  
 16 graduates to be admitted and enrolled; and (iii) establish dual admissions programs for qualified students  
 17 to be simultaneously accepted by a community college and, contingent upon the successful completion  
 18 of an acceptable associate degree program from the community college, by the four-year public  
 19 institution of higher education.

20 B. A Uniform Certificate of General Studies shall be developed by the State Council of Higher  
 21 Education, the Virginia Community College System, and the public institutions of higher education as  
 22 set forth in subdivision 20 of § 23-9.6:1. All credits earned *in academic subject coursework* by students  
 23 attending a two-year college who complete an approved one-year certificate of general studies program  
 24 shall be transferrable to a four-year public institution of higher education in accordance with Council  
 25 guidelines. Credits earned by high school students who earn a transfer associate degree from a Virginia  
 26 community college while completing high school shall be transferrable to the four-year public institution  
 27 of higher education to which they have been admitted.

28 C. The State Council of Higher Education for Virginia shall submit an annual report to the Senate  
 29 Committee on Education and Health and the House Committee on Education specifying the total number  
 30 of transfer students each institution of higher education admitted, enrolled, and graduated from  
 31 institutions within the Virginia Community College System.

32 D. Students enrolling at an institution within the Virginia Community College System or a two-year  
 33 public institution of higher education may declare an intention in writing to transfer to a four-year public  
 34 institution of higher education in Virginia having an articulation agreement with the relevant community  
 35 college or two-year public institution. If a student (i) completes an associate degree within four years of  
 36 submitting a written declaration of intent to transfer to a four-year public institution of higher education  
 37 in Virginia and (ii) enrolls in such an institution within 18 months of completing an associate degree,  
 38 the articulation agreement in force at the time of the student's declaration shall determine those credits  
 39 that will be transferred from the community college or two-year public institution to the four-year public  
 40 institution upon successful completion of an associate degree.

41 E. Nothing in this section shall be construed to require the admission of students of the Virginia  
 42 Community College System by a four-year public institution of higher education.

43 F. The State Council of Higher Education, consistent with its responsibility to facilitate the  
 44 development of articulation, transfer, and dual enrollment and admissions agreements set forth in  
 45 §§ 23-9.6:1 and 23-9.14:2, shall develop guidelines for such agreements, including the conditions  
 46 required to establish dual admissions programs for qualified students to be simultaneously accepted by a  
 47 community college and a four-year public institution of higher education and, upon successful  
 48 completion of an acceptable associate degree program from the community college, to be automatically  
 49 enrolled in the four-year institution of higher education. Dual admissions agreements shall set forth (i)  
 50 the obligations of the students accepted in such programs, including grade point average requirements,  
 51 acceptable associate degree majors, and completion timetables; and (ii) the student's access to the  
 52 privileges of enrollment in both institutions during the time enrolled in either institution.

53 § 23-9.6:1. Duties of Council generally.

54 In addition to such other duties as may be prescribed elsewhere, the State Council of Higher  
 55 Education shall:

56 1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection B of § 23-38.88

57 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of  
58 § 23-38.87:20 for higher education in the Commonwealth, identifies a coordinated approach to such state  
59 and regional goals, and emphasizes the future needs for higher education in Virginia at both the  
60 undergraduate and the graduate levels, as well as the mission, programs, facilities and location of each  
61 of the existing institutions of higher education, each public institution's six-year plan, and such other  
62 matters as the Council deems appropriate. The Council shall revise such plans at least once every six  
63 years and shall submit such recommendations as are necessary for the implementation of the plan to the  
64 Governor and the General Assembly.

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

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

82 4. Review and approve or disapprove all enrollment projections proposed by each public institution  
83 of higher education. The Council's projections shall be in numerical terms by level of enrollment and  
84 shall be used for budgetary and fiscal planning purposes only. The Council shall develop estimates of  
85 the number of degrees to be awarded by each institution and include those estimates in its reports of  
86 enrollment projections. The student admissions policies for the institutions and their specific programs  
87 shall remain the sole responsibility of the individual boards of visitors; however, all four-year  
88 institutions shall adopt dual admissions policies with the community colleges, as required by  
89 § 23-9.2:3.02.

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

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

102 7. Review and approve or disapprove the creation and establishment of any department, school,  
103 college, branch, division or extension of any public institution of higher education that such institution  
104 proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation  
105 and establishment of departments, schools, colleges, branches, divisions and extensions, whether located  
106 on or off the main campus of the institution in question. If any organizational change is determined by  
107 the Council to be proposed solely for the purpose of internal management and the institution's curricular  
108 offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall  
109 be construed to authorize the Council to disapprove the creation and establishment of any department,  
110 school, college, branch, division or extension of any institution that has been created and established by  
111 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, enrollments, 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, the Virginia  
 120 Unemployment Compensation Act, and applicable federal law, the Council, acting solely or in  
 121 partnership with the Virginia Department of Education or the Virginia Employment Commission, may  
 122 contract with private entities to create de-identified student records for the purpose of assessing the  
 123 performance of institutions and specific programs relative to the workforce needs of the Commonwealth.  
 124 For the purposes of this section, "de-identified student records" means records in which all personally  
 125 identifiable information has been removed.

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

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

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

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

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

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

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

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

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

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

176 20. Develop a uniform certificate of general studies program, in consultation with the Virginia  
 177 Community College System and Virginia public institutions of higher education, to be offered at each  
 178 community college in Virginia. Such program shall ensure that a community college student who

179 completes the one-year certificate program shall be able to transfer all credits *earned in academic*  
180 *subject coursework* to a four-year public institution of higher education in the Commonwealth upon  
181 acceptance to the institution.

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