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SENATE BILL NO. 287

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact §§ 23.1-100, 23.1-203, and 23.1-2905 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 23.1-2907.3, relating to comprehensive community colleges; authority to offer and confer certain baccalaureate degrees.

Patron—Sturtevant

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-100, 23.1-203, and 23.1-2905 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 23.1-2907.3 as follows:

§ 23.1-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Associate-degree-granting" means that an associate degree is the most advanced degree that is granted, *except as otherwise provided in § 23.1-2907.3.*

"Associate-degree-granting public institution of higher education" includes Richard Bland College and each comprehensive community college.

"Baccalaureate" means that bachelor's degrees or more advanced degrees, or both, are granted, *except as otherwise provided in § 23.1-2907.3.*

"Baccalaureate public institution of higher education" includes Christopher Newport University, George Mason University, James Madison University, Longwood University, the University of Mary Washington, Norfolk State University, Old Dominion University, Radford University, the University of Virginia, the University of Virginia's College at Wise as a division of the University of Virginia, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, Virginia State University, and The College of William and Mary in Virginia.

"Chief executive officer" includes the Chancellor of the Virginia Community College System, the Chancellor of the University of Virginia's College at Wise, the Superintendent of Virginia Military Institute, and the president of each other public institution of higher education.

"Comprehensive community college" means an associate-degree-granting public institution of higher education governed by the State Board that offers instruction in one or more of the following fields:

1. Freshman and sophomore courses in arts and sciences acceptable for transfer to baccalaureate degree programs;

2. Diversified technical curricula, including programs leading to an associate degree;

3. Career and technical education leading directly to employment;

4. Courses in general and continuing education for adults in the fields set out in subdivisions 1, 2, and 3; or

5. Noncredit training and retraining courses and programs of varying lengths to meet the needs of business and industry in the Commonwealth.

"Council" means the State Council of Higher Education for Virginia.

"Governing board" includes the State Board and the board of visitors of each baccalaureate public institution of higher education. "Governing board" does not include local community college boards.

"Local community college board" means the board established to act in an advisory capacity to the State Board and perform such duties with respect to the operation of a single comprehensive community college as may be delegated to it by the State Board.

"Nonprofit private institution of higher education" means any postsecondary school, as that term is defined in § 23.1-213, in the Commonwealth that is exempt from paying federal income taxes under § 501(c)(3) of the Internal Revenue Code and is certified by the Council to offer degrees or exempt from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

"Non-Virginia student" means any student who has not established domicile in the Commonwealth pursuant to § 23.1-502.

"Private institution of higher education" includes each nonprofit private institution of higher education and proprietary private institution of higher education in the Commonwealth.

"Proprietary private institution of higher education" means any postsecondary school, as that term is defined in § 23.1-213, in the Commonwealth that is privately owned, privately managed, and obligated to pay federal income taxes in the Commonwealth and is certified by the Council to offer degrees or exempt from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

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59 "Public institution of higher education" includes the System as a whole and each
60 associate-degree-granting and baccalaureate public institution of higher education in the Commonwealth.

61 "State Board" means the State Board for Community Colleges.

62 "System" means the Virginia Community College System.

63 "Virginia student" means any student who has established domicile in the Commonwealth pursuant to
64 § 23.1-502.

65 **§ 23.1-203. Duties of Council.**

66 The Council shall:

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

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

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

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

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

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

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

119 8. Review the proposed closure of any academic program in a high demand or critical shortage area,
120 as defined by the Council, by any public institution of higher education and assist in the development of

an orderly closure plan, when needed.

9. 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, enrollment, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities, and such other areas as the Council deems appropriate. When consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.), and applicable federal law, the 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

182 Council, private institutions of higher education eligible for tuition assistance grants may also be
183 consulted.

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

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

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

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

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

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

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

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

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

211 30. Assist the Department of Education with collecting and compiling information for distribution to
212 high school students that assist such students in making more informed decisions about post-high-school
213 educational and training opportunities pursuant to § 22.1-206.2.

214 31. *Review and approve any proposal submitted pursuant to § 23.1-2907.3 by the State Board to*
215 *establish an upper division of any comprehensive community college consisting of the third and fourth*
216 *years of certain baccalaureate degree programs and certify the applicable comprehensive community*
217 *college to confer baccalaureate degrees in such baccalaureate degree programs. In reviewing each such*
218 *proposal, the Council shall consider whether such proposal includes the information required pursuant*
219 *to 8VAC40-31-140 and 8VAC40-31-180 and meets any relevant requirements adopted by an accrediting*
220 *agency recognized by the U.S. Department of Education to receive certification to confer such*
221 *baccalaureate degrees.*

222 **§ 23.1-2905. State Board; powers.**

223 In addition to the powers of governing boards of public institutions of higher education set forth in
224 Chapter 13 (§ 23.1-1300 et seq.), the State Board may:

225 1. With the approval of the Governor, accept from any government or governmental department or
226 agency or any public or private body or from any other source grants or contributions of money or
227 property that the State Board may use for or in aid of any of its purposes;

228 2. Control and expend funds appropriated by law;

229 3. Fix tuition, mandatory fees, and other necessary charges;

230 4. Establish policies and guidelines providing for reduced tuition rates at comprehensive community
231 colleges for employees of the System; and

232 5. Confer diplomas, certificates, ~~and~~ associate degrees, *and certain baccalaureate degrees in*
233 *accordance with § 23.1-2907.3, subject to Council approval and certification pursuant to subdivision 31*
234 *of § 23.1-203.*

235 **§ 23.1-2907.3. Policy for offering certain four-year degree programs; authority to confer certain**
236 **baccalaureate degrees.**

237 A. *The State Board shall, subject to approval by the Council of a proposal submitted in accordance*
238 *with subsection C, establish an upper division of any comprehensive community college consisting of the*
239 *third and fourth years of baccalaureate degree programs that lead to occupations in a high-demand*
240 *field and that satisfy the criteria set forth in subdivisions B 3 and 4 and that receive certification to*
241 *confer baccalaureate degrees in such degree programs.*

242 B. *The State Board shall submit a proposal to the Council for approval to establish an upper*
243 *division of any comprehensive community college to offer and for certification to confer baccalaureate*

degrees in certain baccalaureate degree programs. The State Board shall ensure that any proposal to establish an upper division of a comprehensive community college proposes to offer and confer baccalaureate degrees only in those baccalaureate degree programs that lead to occupations in a high-demand field and that are not already offered at a baccalaureate public institution of higher education located within a certain geographical radius of such comprehensive community college, as determined by the Council. No later than 60 days after the submission of any such proposal, the Council shall review and notify the State Board of its approval or rejection of such proposal. Any notice of rejection shall state the reasons for such rejection and provide a process by which the State Board can review, revise, and resubmit such proposal for consideration. Such proposal shall include:

1. The application information required pursuant to 8VAC40-31-180;
 2. Any information necessary to establish that such comprehensive community college meets the requirements for certification by the Council, pursuant to 8VAC40-31-140, and accreditation by an accrediting agency recognized by the U.S. Department of Education to confer such baccalaureate degrees;

3. The specific baccalaureate degree programs that lead to an occupation in a high-demand field for which the State Board is seeking Council approval and certification to offer at the applicable comprehensive community college. Any such baccalaureate degree program shall be considered a high-demand field for the purposes of this section (i) if such field qualifies as a high-demand field as determined by the Board of Workforce Development pursuant to § 23.1-2911.2 or (ii) if the baccalaureate degree program does not lead to an occupation in a field that at the time the proposal is submitted qualifies as a high-demand field pursuant to clause (i), the Council is provided information necessary to establish that such field should qualify as a high-demand field, subject to the determination of the Council in consultation with the Virginia Board of Workforce Development;

4. Any information necessary to establish that the specific baccalaureate degree programs for which the State Board is seeking Council approval and certification to offer at the applicable comprehensive community college are not already offered at a baccalaureate public institution of higher education located within a certain geographical radius of such comprehensive community college, as determined by the Council;

5. Existing sources of funding and resources available, if any, to provide for the payment of expenses associated with establishing and operating such upper division in the applicable comprehensive community college, including funds as are available to the System pursuant to the general appropriation act; and

6. Any other information that the Council deems necessary, in accordance with § 23.1-215.

C. The State Board shall submit to the Council, the Governor, the Senate Committee on Education and Health, and the House Committee on Education by January 1 of each year a report detailing for the preceding academic year the status and activities of each comprehensive community college that has, in accordance with the provisions of this section, established an upper division consisting of the third and fourth years of baccalaureate degree programs that lead to occupations in a high-demand field and that received certification to confer baccalaureate degrees in such degree programs. Such report shall include:

1. The total number of comprehensive community colleges at which an upper division has been established;

2. The total number, if any, of comprehensive community colleges for which a proposal to establish such an upper division was submitted, disaggregated by the proposals that were accepted and proposals that were rejected;

3. The aggregate number of students enrolled in a baccalaureate degree program offered at the upper division of any applicable comprehensive community college in the System;

4. The total number of first-time students enrolled in a baccalaureate degree program offered at the upper division of any applicable comprehensive community college in the System;

5. The number of students enrolled in a baccalaureate degree program offered at the upper division of each applicable comprehensive community college disaggregated by each comprehensive community college that offers such program, reported as a percentage of the total student enrollment at each such comprehensive community college;

6. The number of overall baccalaureate degrees the State Board conferred on students for completion of a baccalaureate degree program and the total number of baccalaureate degrees conferred for each specific degree program offered at each applicable comprehensive community college;

7. Information related to post-graduation outcomes, including post-graduation employment rates and median annual income rates, for individuals who receive a baccalaureate degree through the upper division of each applicable comprehensive community college; and

8. Data on (i) tuition and fees charged for enrollment in a baccalaureate degree program offered through the upper division of each applicable comprehensive community college and (ii) faculty and

305 *staff employed specifically for any such upper division and, if applicable, any unmet faculty and staffing*
306 *needs.*

307 *D. The expenses associated with establishing and operating an upper division of any comprehensive*
308 *community college pursuant to the provisions of this section shall not be funded by a separate*
309 *appropriation in the appropriation act and shall be paid from existing funds available to the System. To*
310 *maximize efficiency and minimize costs, the State Board shall, to the extent practicable, (i) take*
311 *advantage of any other existing resources and funding sources available to provide for the payment of*
312 *expenses associated with establishing and operating any upper division of a comprehensive community*
313 *college established pursuant to the provisions of this section and (ii) ensure that the tuition and fee*
314 *revenues from non-Virginia students enrolled in any baccalaureate degree program offered at the upper*
315 *division of each applicable comprehensive community college exceed all direct and indirect costs of*
316 *providing such instruction to such students.*

317 **2. That the provisions of this act shall expire on July 1, 2030.**

318 **3. That upon expiration of the first enactment of this act, the State Council of Higher Education**
319 **for Virginia shall convene a work group, consisting of representatives from the State Board for**
320 **Community Colleges, the Virginia Board of Workforce Development, and any other relevant**
321 **stakeholders, to review the effectiveness and success of each comprehensive community college that**
322 **established an upper division to offer certain baccalaureate programs, pursuant to the provisions**
323 **of the first enactment of this act, and make recommendations on its reenactment. The work group**
324 **shall submit its findings and recommendations to the Governor, the Senate Committees on Finance**
325 **and Appropriations and Education and Health and the House Committees on Appropriations and**
326 **Education by November 1, 2030.**