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HOUSE BILL NO. 2178

House Amendments in [] — February 2, 1995

A BILL to amend and reenact § 23-9.6:1 of the Code of Virginia and to amend the Code of Virginia by adding in Title 9 a chapter numbered 22.10:1, consisting of sections numbered 9-145.46:1 through 9-145.46:3, relating to the Virginia Plan for Equal [~~Education~~] Opportunity in Higher Education Commission.

Patrons—Van Landingham, Christian, Connally, Cooper, Crittenden, Cunningham, Darner and Van Yahres; Senators: Lambert, Lucas and Miller, Y.B.

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 and that the Code of Virginia is amended by adding in Title 9 a chapter numbered 22.10:1, consisting of sections numbered 9-145.46:1 through 9-145.46:3, as follows:

CHAPTER 22.10:1.**VIRGINIA PLAN FOR EQUAL OPPORTUNITY IN HIGHER EDUCATION COMMISSION.**

§ 9-145.46:1. *Virginia Plan for Equal Opportunity in Higher Education Commission.*

A. The Virginia Plan for Equal Opportunity in Higher Education Commission is hereby established and shall be composed of nine members as follows: (i) four members of the House of Delegates, to be appointed by the Speaker of the House, of whom two shall be members of the Joint Subcommittee Studying the Status of and Need for Academic Preparation, Financial Aid, and Incentive Programs to Encourage Minorities to Pursue Postsecondary Education and Training, pursuant to HJR 199 (1994), hereinafter referred to as the Committee; (ii) three members of the Senate, to be appointed by the Senate Committee on Privileges and Elections, of whom two shall be members of the Committee; and (iii) two citizens, one each to be appointed by the Speaker of the House and the Senate Committee on Privileges and Elections. Members shall be appointed for the life of the Commission. Vacancies shall be filled in the same manner as the original appointments. The members shall receive no compensation for their services but shall be reimbursed for travel and other necessary expenses in the performance of their duties.

The Virginia Plan for Equal Opportunity in Higher Education Commission shall appoint from among its membership a chairman and a vice-chairman.

B. The Virginia Plan for Equal Opportunity in Higher Education Commission shall have the following powers and duties:

1. To provide general leadership in the administration and coordination of equal education opportunity programs in higher education;

2. To review the findings and recommendations of the Joint Legislative Audit and Review Commission relative to improving equal education opportunity programs;

3. To monitor, evaluate, and oversee the status and implementation of the Virginia Plan for Equal Opportunity in Higher Education, and initiatives implemented or needed to effect greater diversity among two-year and four-year public institutions of higher education, including faculty, administration, and staff, and to apprise the General Assembly thereof;

4. To identify and evaluate the factors and public policies which impact, positively and negatively, the number of minorities academically prepared for college, and their representation at all levels of higher education, including graduate and professional schools;

5. To determine whether the "thirteen-point criteria" issued by the U.S. Office for Civil Rights in 1988 have been fully satisfied;

6. To evaluate the potential effects of current and proposed policies and appropriations on the viability of the Plan and desegregation efforts in Virginia's higher education system;

7. To receive periodic updates and an annual report from the State Council of Higher Education pertaining to its duties and activities in administering and coordinating equal education opportunity programs and affirmative action plans of public institutions of higher education, pursuant to § 23-9.6:1; and

8. To examine such other matters affecting access to higher education by minorities.

C. By December 1, 1996, the Commission shall submit to the Governor and the General Assembly a preliminary report citing findings and making recommendations for appropriate statutory, regulatory, fiscal, and policy initiatives to ensure the continued administration, coordination, and viability of equal educational opportunity programs. Each year thereafter, the Commission shall submit an annual report

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60 to the Governor and the General Assembly on the Commission's activities and on any further
61 recommendations.

62 § 9-145.46:2. Staff support; cooperation with other agencies.

63 The Division of Legislative Services shall provide staff support for the Commission. All agencies of
64 the Commonwealth shall cooperate with the Commission and, upon request, assist the Commission in
65 the performance of its duties and responsibilities.

66 § 9-145.46:3. Termination.

67 The Commission shall cease to exist on July 1, 1999.

68 § 23-9.6:1. Duties of Council generally.

69 In addition to such other duties as may be prescribed elsewhere, the Council of Higher Education
70 shall have the duty, responsibility and authority:

71 1. To prepare plans under which the several state-supported institutions of higher education of
72 Virginia shall constitute a coordinating system. In developing such plans, the Council shall consider the
73 future needs for higher education in Virginia at both the undergraduate and the graduate levels, the
74 mission, programs, facilities and location of each of the existing institutions of higher education, in
75 addition to such other matters as the Council deems appropriate. The Council shall revise such plans
76 biennially in each odd-numbered year and shall submit within the time prescribed by § 2.1-394 the plans
77 as revised to the Governor and the General Assembly together with such recommendations as are
78 necessary for their implementation.

79 2. To review and approve or disapprove any proposed change in the statement of mission of any
80 presently existing public institution of higher education and to define the mission of all public
81 institutions of higher education created after the effective date of this provision. The Council shall,
82 within the time prescribed in subdivision 1 of this section, make a report to the Governor and the
83 General Assembly with respect to its actions hereunder. No such actions shall become effective until
84 thirty days after adjournment of the session of the General Assembly next following the filing of such a
85 report. Nothing contained in this provision shall be construed to authorize the Council to modify any
86 mission statement adopted by the General Assembly, nor to empower the Council to affect, either
87 directly or indirectly, the selection of faculty or the standards and criteria for admission of any public
88 institution, whether related to academic standards, residence or other criteria, it being the intention of
89 this section that faculty selection and student admission policies shall remain a function of the individual
90 institutions.

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

97 4. To review and approve or disapprove all enrollment projections proposed by each public
98 institution of higher education. The Council's projections shall be in numerical terms by level of
99 enrollment and shall be used for budgetary and fiscal planning purposes only. The student admissions
100 policies for the institutions and their specific programs shall remain the sole responsibility of the
101 individual boards of visitors.

102 5. To review and approve or disapprove all new academic programs which any public institution of
103 higher education proposes. As used herein, "academic programs" include both undergraduate and
104 graduate programs.

105 6. To review and require the discontinuance of any academic program which is presently offered by
106 any public institution of higher education when the Council determines that such academic program is
107 nonproductive in terms of the number of degrees granted, the number of students served by the program
108 and budgetary considerations. As used herein, "academic programs" includes both undergraduate and
109 graduate programs. The Council shall make a report to the Governor and the General Assembly with
110 respect to the discontinuance of any academic program. No such discontinuance shall become effective
111 until thirty days after the adjournment of the session of the General Assembly next following the filing
112 of such report.

113 7. To review and approve or disapprove the creation and establishment of any department, school,
114 college, branch, division or extension of any public institution of higher education which such institution
115 proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation
116 and establishment of departments, schools, colleges, branches, divisions and extensions whether located
117 on or off the main campus of the institution in question. If any organizational change is determined by
118 the Council to be proposed solely for the purpose of internal management and the institution's curricular
119 offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall
120 be construed to authorize the Council to disapprove the creation and establishment of any department,
121 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 coordinate equal education opportunity programs and the affirmative action plans of public institutions of higher education; to assist the Virginia Plan for Equal Opportunity in Higher Education Commission upon its request; and to report annually to the Commission, the Governor and the General Assembly on its coordinating duties and activities for equal education opportunity programs and the affirmative action plans of the institutions.

~~12.~~ 13. 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.~~ 14. 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 institutions of higher education or between such private institutions and any agency of the Commonwealth or political subdivision thereof.

~~14.~~ 15. 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.~~ 16. 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.