



STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

DUTIES ASSIGNED IN STATUTE AND BUDGET LANGUAGE

DUTIES ASSIGNED IN THE CODE OF VIRGINIA, TITLE 23.1

Purpose

The purpose of the Council shall be, through the exercise of the powers and performance of the duties set forth in this chapter, to advocate and promote the development and operation of an educationally and economically sound, vigorous, progressive and coordinated system of higher education in the Commonwealth of Virginia and to lead state-level strategic planning and policy development and implementation based on research and analysis and in accordance with § 23.1-301 and subsection A of § 23.1-1002. The Council also shall seek to facilitate collaboration among institutions of higher education that will enhance quality and create operational efficiencies and shall work with institutions of higher education and their boards on board development (23.1-200).

Duties

Coordinating council for state-supported institutions of higher education.

The Council shall constitute a coordinating council for public institutions of higher education (23.1-203 (24)).

Duties Generally (23.1-203)

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

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

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

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

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

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

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations or (ii) supported by state funds and unnecessarily duplicative of academic programs offered at other public institutions of

higher education. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the establishment of any department, school, college, branch, division or extension of any public institution of higher education that such institution proposes to establish, whether located on or off the main campus of such institution. 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 subdivision shall be construed to authorize the Council to disapprove the establishment of any such department, school, college, branch, division or extension established by the General Assembly.

8. Review the proposed closure of any academic program in a high demand or critical shortage area, 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 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 also may 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'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.

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

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

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

25. Serve as the planning and coordinating agency for all postsecondary educational programs for all health professions and occupations and make recommendations,

including those relating to financing, for providing adequate and coordinated educational programs to produce an appropriate supply of properly trained personnel. The Council may conduct such studies as it deems appropriate in furtherance of the requirements of this subdivision. All state departments and agencies shall cooperate with the Council in the execution of its responsibilities under this subdivision.

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

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

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

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

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

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.

State-Supported Financial Aid Programs (23.1-600) Persons who have completed a program of home school instruction in accordance with § 22.1-254.1 and persons who have been excused from school attendance pursuant to subsection B of § 22.1-254 shall be deemed to have met the high school graduation requirements for purposes of eligibility for any state-supported financial aid or other higher education programs. When a high school grade point average, class rank or other academic criteria are specified as a condition of participating in a program, the Council shall develop empirical alternative equivalent measures that may be required for such programs.

Virginia Military Survivors and Dependents Education Fund (23.1-608 and Appropriations Act Item 142 E) Each year, the Council shall determine the amount of the stipend for the program by estimating the number of students eligible under § 23.1-608.

The Director of the Council shall allocate the funds to the public institutions of higher education on behalf of the students qualifying. Each institution must report the number of recipients to the Council by April 1 of each year. The Council shall report this information to the Chairmen of the House Appropriations Committee and the Senate Finance Committee by May 15 of each year.

Domicile Guidelines (23.1-510) To ensure the application of uniform criteria in administering this section and determining eligibility for in-state tuition charges, the Council shall issue and revise domicile guidelines to be incorporated by all state institutions of higher education in their admissions applications. Such guidelines shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq.). The Council shall consult the Office of the Attorney General and provide opportunity for public comment prior to issuing any such guidelines.

Meningococcal Virus and Hepatitis (23.1-800) The Council shall, in cooperation with the Board and Commissioner of Health, encourage private institutions of higher education to develop a procedure for providing information about the risks associated with meningococcal disease and hepatitis B, and the availability and effectiveness of any vaccine against meningococcal disease and hepatitis B.

Articulation, Dual Admissions and Guaranteed Admissions Agreements (23.1-907) The board of each baccalaureate public institution of higher education shall develop, consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation, dual admissions, and guaranteed admissions agreements with each associate-degree-granting public institution of higher education. A one-semester Passport Program and a one-year Uniform Certificate of General Studies shall be developed by the Council, the Virginia Community College System and the public institutions of higher education as set forth in § 23.1-203 (20). Each Uniform Certificate of General Studies Program and Passport Program course shall be transferable and shall satisfy a lower division general education requirement at any public institution of higher education. The Council shall establish procedures under which a baccalaureate public institution of higher education may seek a waiver from the Council from accepting the transfer of a Uniform Certificate of General Studies Program or Passport Program course to satisfy the requirements for the completion of a specific pathway or degree. The Council shall develop guidelines for associate-degree-granting and baccalaureate public institutions of higher education to use in mapping pathways for the completion of credits in particular programs of study, including the courses recommended to be taken in a dual enrollment, comprehensive community college and baccalaureate public institution setting in order to pursue a specific degree or career. The Council shall prepare a comprehensive annual report on the effectiveness of transferring from comprehensive community colleges to baccalaureate public institutions of higher education.

Incentives for Voluntary Early Retirement (23.1-1302) The Governor may establish, with the assistance of SCHEV, uniform criteria for such compensation plans.

Military Education (23.1-904) The governing boards of each public institution of higher education shall, in accordance with guidelines developed by the Council, implement policies for the purpose of awarding academic credit to students for education, experience, training, and credentials gained from service in the Armed Forces of the United States. The governing boards of each public institution of higher education shall, in accordance with guidelines developed by the Council, implement policies that recognize the scheduling difficulties and obligations encountered by active duty members of the Armed Forces of the United States.

Sexual Violence Policy Review (23.1-808) By October 31 of each year, the System, Richard Bland College, each baccalaureate public institution of higher education, and each nonprofit private institution of higher education shall certify to the Council that it has reviewed its sexual violence policy and updated it as appropriate. The Council and the Department of Criminal Justice Services shall establish criteria for the certification process and may request information relating to the policies for the purposes of sharing best practices and improving campus safety. The Council and the Department of Criminal Justice Services shall report to the Secretary of Education on the certification status of each such institution by November 30 of each year.

Student Advisory Committee (23.1-201) The Director of the Council shall appoint a student advisory committee comprised of students enrolled in public and accredited private institutions of higher education, whose primary purpose is to provide collegiate or graduate education and not to provide religious training. Appointments shall be made in a manner to ensure broad student representation from among such institutions. Representatives are usually nominated by college presidents to interact with and advise Council members and SCHEV staff on systemwide higher education issues of concern to Virginia's students.

Assessment of Institutional Performance (23.1-206) The Council shall develop and revise from time to time, in consultation with the respective chairs of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health or their designees, representatives of public institutions of higher education, and such other state officials as may be designated by the Governor, objective measures of educational-related performance and institutional performance benchmarks for such objective measures for each public institution of higher education. At a minimum, the Council shall develop objective measures and institutional performance benchmarks for the goals and objectives set forth in Subsection A of § 23.1-1002.

Tuition Relief, Refunds and Reinstatement for Certain Students in the Armed Forces (23.1-207) The Council shall issue and revise guidelines for tuition relief, refunds and reinstatement for students whose service in the Armed Forces of the United States or the Commonwealth has required their sudden withdrawal or prolonged absence from their enrollment in a public institution of higher education and shall provide for the required reenrollment of such students by the relevant institution. These guidelines shall be excluded from the provisions of the Administrative Process Act pursuant to § 2.2-4002.

Cooperation with State Board of Education [23.1-203 (21)] The Council shall cooperate with the Board of Education in matters of interest to both the public elementary and secondary schools and the public institutions of higher education, particularly in connection with coordination of the college admission requirements and teacher training programs with the public school programs, and the Board's Six-Year Educational Technology Plan for Virginia. The Council shall encourage the public institutions of higher education to design programs which include the skills necessary for the successful implementation of such plan.

Brown v. Board of Education Scholarship Awards Committee [23.1-203 (22)] Council shall advise and provide technical assistance to the Brown v. Board of Education Scholarship Awards Committee in the implementation and administration of the Brown v. Board of Education Scholarship Program pursuant to Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

Assisting Department of Education [23.1-203 (30)] Assist the Department of Education with collecting and compiling information for distribution to high school students that assist such students in making more informed decisions about post-high-school educational and training opportunities pursuant to § 22.1-206.2.

Preparation of Budget Requests and Recommendations to Governor and General Assembly (23.1-208 A through C) The Council shall develop policies, formulae and guidelines for the fair and equitable distribution and use of public funds among the public institutions of higher education, taking into account enrollment projections and recognizing differences as well as similarities in institutional missions. Such policies, formulae and guidelines shall include provisions for operating expenses and capital outlay programs and shall be utilized by all public institutions of higher education in preparing requests for appropriations. The Council shall consult with the Department of Planning and Budget in the development of such policies, formulae and guidelines to ensure that they are consistent with the requirements of the Department of Planning and Budget.

Reports of Expenditures (23.1-209) The governing board of each public institution of higher education shall provide the Council annual data indicating the apportionment and

amounts of expenditures that the relevant institution expends by category, including academic costs, administration, research and public service, as defined by the Council. The Council shall compile and submit a report of such data annually to the Governor and the General Assembly.

Funds for Graduate Marine Science Consortium (23.1-208 D) Funds for any consortium created by the College of William & Mary, Old Dominion University, the University of Virginia and Virginia Polytechnic Institute and State University for the purpose of promoting graduate marine science education may be included in the budget request of and the appropriations to the Council.

Coordinate Post-Secondary Educational Programs for Health Professions and Occupations [23.1-203 (25)] The Council shall serve as the planning and coordinating agency for all postsecondary educational programs for all health professions and occupations and make recommendations, including those relating to financing, whereby adequate and coordinated educational programs may be provided to produce an appropriate supply of properly trained personnel. The Council may conduct such studies as it deems appropriate in furtherance of this subsection. All state departments and agencies shall cooperate with the Council in the execution of its responsibilities under this section.

Private College Advisory Board (23.1-210) The Council shall provide advisory services to accredited nonprofit private institutions of higher education on academic and administrative matters. The Council may review and advise on joint activities, including contracts for services, between private and public colleges and universities, and between private colleges and universities and any agency of the Commonwealth or political subdivision thereof. The Council may collect and analyze such data as may be pertinent to such activities.

Cooperation with State Departments, Institutions and Agencies [23.1-203 (23)] In making the studies herein directed and in the performance of its duties hereunder the Council shall, insofar as possible, seek the cooperation and utilize the facilities of existing state departments, institutions and agencies.

Endowment Funds (23.1-212) The powers of the governing boards of the several institutions over the affairs of such institutions shall not be impaired by the provisions of this chapter except to the extent that powers and duties are herein specifically conferred upon the State Council of Higher Education. The Council shall have no authority over the solicitation, investment or expenditure of endowment funds now held or in the future received by any public institution of higher education.

Educational Programs for Governing Boards (23.1-1304) From such funds as are appropriated for such purpose, the Council shall develop, in consultation with public institutions of higher education and members of their governing boards, and annually deliver educational programs for the governing boards of such institutions. New members of such governing boards shall participate, at least once during their first two years of membership, in the programs, which shall be designed to address the role, duties and responsibilities of the governing boards and may include in-service programs on current issues in higher education. In developing such programs, the Council may consider similar educational programs for institutional governing boards in other states. In addition, the Council shall develop educational materials for board members with more than two years of service on the governing board. Each such board member shall participate in further training on board governance at least once every two years, and the Council shall develop criteria by which such board members shall demonstrate compliance with this requirement.

Educational programs for the governing boards of public institutions of higher education shall include presentations related to:

1. Board members' primary duty to the citizens of the Commonwealth;
2. Governing board committee structure and function;
3. The duties of the executive committee set forth in § 23.1-1306;
4. Professional accounting and reporting standards;
5. Methods for meeting the statutory, regulatory and fiduciary obligations of the board;
6. The requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), developed and delivered in conjunction with the Freedom of Information Advisory Council;
7. Institutional ethics and conflicts of interest;
8. Creating and implementing regulations and institution policies;
9. Business operations, administration, budgeting, financing, financial reporting and financial reserves, including a segment on endowment management;
10. Fixing student tuition, mandatory fees and other necessary charges, including a review of student debt trends;
11. Overseeing planning, construction, maintenance, expansion and renovation projects that affect the institution's consolidated infrastructure, physical facilities and natural environment, including its lands, improvements and capital equipment;
12. Workforce planning, strategy and investment;
13. Institutional advancement, including philanthropic giving, fundraising initiatives, alumni programming, communications and media, government and public relations, and community affairs;
14. Student welfare issues, including academic studies, curriculum, residence life, student governance and activities, and the general physical and psychological well-being of undergraduate and graduate students;
15. Current national and state issues in higher education;

16. Future national and state issues in higher education;
17. Relations between the governing board and the chief executive officer of the institution, including perspectives from chief executive officers of public institutions of higher education;
18. Best practices for board governance, including perspectives from current board members; and
19. Any other topics that the Council, public institutions of higher education and members of their governing boards deem necessary or appropriate.

The Council shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Council pursuant to this section no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

State Transfer Tool (23.1-908)

A. The Council shall develop, in cooperation with the System and each public institution of higher education, a State Transfer Tool that designates each general education course, in addition to the courses that comprise the Uniform Certificate of General Studies Program and the Passport Program, that is offered in an associate degree program at an associate-degree-granting public institution of higher education and transferable for course credit to a baccalaureate public institution of higher education. In developing the State Transfer Tool, the Council also shall seek the participation of private institutions of higher education.

B. The Council shall develop guidelines to govern the development and implementation of articulation, dual admissions and guaranteed admissions agreements between associate-degree-granting public institutions of higher education and baccalaureate public institutions of higher education. Dual admissions agreements shall set forth (i) the obligations of each student accepted to such a program, including grade point average requirements, acceptable associate degree majors and completion timetables, and (ii) the extent to which each student accepted to such a program may access the privileges of enrollment at both institutions while he is enrolled at either institution. Such agreements are subject to the admissions requirements of the baccalaureate public institutions of higher education.

C. Each baccalaureate public institution of higher education shall update its transfer agreements immediately following any program modifications and shall send a copy of its updated agreement and any other transfer-related documents and resources to the System. The Council also shall send to the System a copy of any transfer-related guidelines and resources that it possesses. The System shall maintain an online portal that allows access to

all such agreements, documents and resources. The online portal also shall include (i) documents and resources related to course equivalency, (ii) pathway maps established pursuant to subsection E of § 23.1-907, (iii) the transfer tool established pursuant to subsection A, (iv) information regarding dual enrollment courses as described in § 23.1-905.1 and (v) any other information required to be included by law or deemed relevant by the System. The online portal shall be available to the public on the websites of the Council, the System, each public institution of higher education and each school division offering a dual enrollment course.

Distance Learning Reciprocity (23.1-211) The Council may enter into interstate reciprocity agreements that authorize accredited associate-degree-granting and baccalaureate (i) public institutions of higher education and (ii) private institutions of higher education to offer postsecondary distance education. The Council shall administer such agreements and shall approve or disapprove participation in such agreements by accredited associate-degree-granting and baccalaureate (a) public institutions of higher education and (b) private institutions of higher education. Participation in the agreements shall be voluntary. The Council shall establish the Distance Learning Reciprocity Advisory Council, which shall include representatives from each institution that offers postsecondary distance education pursuant to an interstate reciprocity agreement as set forth in subsection A. The Advisory Council shall advise the Council on the development of policies governing the terms of participation by eligible institutions, including the establishment of fees to be paid by participating institutions to cover direct and indirect administrative costs incurred by the Council.

Two-Year College Transfer Grant Program (23.1-623 and Appropriations Act Item 142 F) The Council shall promulgate regulations for the implementation of the provisions of this chapter and the disbursement of funds consistent therewith and appropriate to the administration of the program.

Tuition Assistance Program (TAG) (23.1-628 through 635 and Appropriations Act Item 142 C) The Council is designated as the administering agency for the program and authorized to promulgate regulations consistent and appropriate to the administration of the program. The Council of Higher Education shall monitor the domiciliary status decisions of the institutions, and shall make final decisions on any disputes between the institutions and grant recipients. The Council shall report to the Governor and General Assembly, as the Council deems necessary, on issues related to determinations of domicile for students applying for grants.

Virginia Guaranteed Assistance Program (23.1-636 through 638) The Council shall promulgate regulations for the implementation of the program. The funds shall be disbursed for the purpose of making grants to be determined by the use of a needs

analysis methodology approved by the Council. The amount of the Guaranteed Assistance Program grant awarded students shall be determined annually by the Council.

Senior Citizen Higher Education Act (23.1-639 through 642)

A. Any senior citizen may, subject to any regulations prescribed by the Council:

1. Register for and enroll in courses for academic credit as a full-time or part-time student if he had a taxable individual income not exceeding \$23,850 for Virginia income tax purposes for the year preceding the award year;
2. Register for and audit up to three courses offered for academic credit in any one academic term, quarter or semester for an unlimited number of academic terms, quarters or semesters; and
3. Register for and enroll in up to three courses not offered for academic credit in any one academic term, quarter or semester for an unlimited number of academic terms, quarters or semesters.

B. No senior citizen who enrolls in or audits courses pursuant to subsection A shall pay tuition or fees except fees established for the purpose of paying for course materials such as laboratory fees.

C. Senior citizens are subject to the admission requirements of the institution and a determination by the institution of its ability to offer the course for which the senior citizen registers. The Council shall establish procedures to ensure that tuition-paying students are accommodated in courses before senior citizens participating in this program enroll in or audit courses pursuant to subsection A.

Higher Education Advisory Committee (HEAC) (23.1-309) The Chair of the Council designates a representative to serve on the HEAC. The Advisory Committee shall submit its recommendations to the Council, which shall review the recommendations and report its recommendations to the Governor and the Chairs of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health.

Southwest Virginia Higher Education Center (23.1-3125) Develop, in coordination with the Council, specific goals for higher education in Southwest Virginia.

Roanoke Higher Education Authority (23.1-3115) Develop, in coordination with the Council, specific goals for higher education access and availability in the Roanoke Valley.

Council Responsible for Federal Programs (23.1-205) Council may prepare plans, administer federal programs and receive and disburse any federal funds in accordance with the responsibilities assigned to it by federal statutes or regulations.

Certification of Private Postsecondary Institutions (23.1-213 through 229) Council certification is required for the conferring of certain degrees and other awards or the offering of certain programs. Without obtaining the certification of the Council or a determination that the activity or program is exempt from such certification requirements, no postsecondary school subject to the provisions of this chapter shall:

1. Use the term "college" or "university" or abbreviations or words of similar meaning in its name or in any manner in connection with its academic affairs or business;
2. Enroll students;
3. Offer degrees, courses for degree credit, programs of study leading to a degree, or nondegree credit courses, either at a site in Virginia or via telecommunications equipment located within Virginia; or
4. Initiate other programs for degree credit or award degrees, certificates or diplomas at a new or additional level.

License Plate Scholarships (46.2-749) The State Council of Higher Education for Virginia shall review and approve plans for each participating institution for the implementation of these scholarship programs. These plans shall include, but need not be limited to, criteria for the awarding of the scholarships and procedures for determining the recipients.

(Editor's note: This is a SCHEV duty that falls outside of Chapter 23.1)

Hazing Policies (18.2-56) The Department of Education and the State Council of Higher Education for Virginia, with the Department of Criminal Justice Services, shall establish model policies regarding the prevention of and appropriate disciplinary action for hazing as defined in § 18.2-56 of the Code of Virginia.

(Editor's note: This is a SCHEV duty that falls outside of Chapter 23.1)

DUTIES ASSIGNED IN THE APPROPRIATION ACT

Higher Education Tuition and Fees (Item 4-2.01 b)

b. HIGHER EDUCATION TUITION AND FEES

2. a) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates, provided that the

total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

b) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all nonresident student groups based on, but not limited to, competitive market rates, provided that: i) the tuition and mandatory educational and general fee rates for nonresident undergraduate and graduate students cover at least 100 percent of the average cost of their education, as calculated through base adequacy guidelines adopted, and periodically amended, by the Joint Subcommittee Studying Higher Education Funding Policies, and ii) the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

c) For institutions charging nonresident students less than 100 percent of the cost of education, the State Council of Higher Education for Virginia may authorize a phased approach to meeting this requirement, when in its judgment, it would result in annual tuition and fee increases for nonresident students that would discourage their enrollment.

d) The Boards of Visitors or other governing bodies of institutions of higher education shall not increase the current proportion of nonresident undergraduate students if the institution's nonresident undergraduate enrollment exceeds 25 percent, unless: i) such enrollment is intended to support workforce development needs within the Commonwealth of Virginia as identified in consultation with the Virginia Economic Development Partnership, and ii) the number of in-state undergraduate students does not drop below fall 2018 full-time equivalent census levels as certified by the State Council of Higher Education for Virginia. Norfolk State University, Virginia Military Institute, Virginia State University, and two-year public institutions are exempt from this restriction. Any such increases shall be limited to no more than a one percentage point increase over the prior year.

3. a) In setting the nongeneral fund appropriation for educational and general programs at the institutions of higher education, the General Assembly shall take into consideration the appropriate student share of costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

b) In determining the appropriate state share of educational costs for resident students, the General Assembly shall seek to cover at least 67 percent of educational costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

4. a) Each institution and the State Council of Higher Education for Virginia shall monitor tuition, fees, and other charges, as well as the mix of resident and nonresident students, to ensure that the primary mission of providing educational opportunities to citizens of Virginia is served, while recognizing the material contributions provided by the presence of nonresident students. The State Council of Higher Education for Virginia shall also develop and enforce uniform guidelines for reporting student enrollments and the domiciliary status of students.

b) The State Council of Higher Education for Virginia shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than August 1 of each year the annual change in total charges for tuition and all required fees approved and allotted by the Board of Visitors. As it deems appropriate, the State Council of Higher Education for Virginia shall provide comparative national, peer, and market data with respect to charges assessed students for tuition and required fees at institutions outside of the Commonwealth.

c) Institutions of higher education are hereby authorized to make the technology service fee authorized in Chapter 1042, 2003 Acts of Assembly, part of ongoing tuition revenue. Such revenues shall continue to be used to supplement technology resources at the institutions of higher education.

d) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, and Chapters 144 and 145 of the 2019 Acts of Assembly, each institution shall work with the State Council of Higher Education for Virginia and the Virginia College Savings Plan to determine appropriate tuition and fee estimates for tuition savings plans.

Capital Projects (Item 4-4.01, i.2) By August 15 of each year, institutions also shall prepare and submit copies of financial feasibility studies to the State Council of Higher Education for Virginia for 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the institution. The State Council of Higher Education shall identify the impact of all projects requested by the institutions of higher education, and as described in § 4-4.01 i.1. of this act, on the current and projected cost to students in institutions of higher education and the impact of the project on the institutions' need for student financial assistance. The State Council of Higher Education for Virginia shall

report such information to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

Student Financial Assistance (Item 4-5.01, b) The State Council of Higher Education for Virginia shall annually review each institution's plan for the expenditures of its appropriation for undergraduate student financial assistance prior to the start of the fall term to determine program compliance. The institution's plan shall include the institution's assumptions and calculations for determining the cost of attendance, student financial need and student remaining need, as well as an award schedule or description of how funds are awarded. For the purposes of the proposed plan, each community college shall be considered independently.

Off-Campus Sites of Institutions of Higher Education (Item 4-5.03, c) A public college or university seeking to create, establish or operate an off-campus instructional site, funded directly or indirectly from the general fund or with revenue from tuition and mandatory educational and general fees generated from credit course offerings, shall first refer the matter to the State Council of Higher Education for Virginia for its consideration and approval. The State Council of Higher Education for Virginia may provide institutions with conditional approval to operate the site for up to one year, after which time the college or university must receive approval from the Governor and General Assembly, through legislation or appropriation, to continue operating the site.

New Economy Workforce Credential Grant (Item 142 G) The State Council of Higher Education for Virginia shall develop guidelines for the program, collect data, evaluate and approve grant funds for allocation to eligible institutions.

Cybersecurity Public Service Grant Program (Item 142 H) This award requires a federal, state or local government employment commitment in the Commonwealth by the recipient. The State Council of Higher Education for Virginia shall develop eligibility criteria for this program, as well as establish the award amounts.

Grow Your Own Teacher Pilot Programs (Item 142 I) The State Council of Higher Education for Virginia, in collaboration with the Virginia Department of Education, shall establish a process by which local school boards may apply for grants to establish Grow Your Own Teacher Pilot Programs to provide a scholarship not to exceed \$7,500 per academic year for attendance at a baccalaureate institution of higher education in the Commonwealth for individuals who (i) graduated from a public high school in the local school division; (ii) were eligible for free or reduced price lunch throughout the individual's attendance at a public high school in the local school division; and (iii) commit to teach, within one year of graduating from the baccalaureate institution of higher education in the Commonwealth and for a period of at least four years, at a public high

school at which at least 50% of students qualify for free or reduced price lunch in the school division in which such individual graduated from high school.

Outstanding Faculty Awards (Item 143) The State Council of Higher Education for Virginia shall annually provide a grant to faculty members selected to be honored under this program from such private funds as may be designated for this purpose.

Six-Year Capital Outlay Plan (Item 144 E) The State Council of Higher Education for Virginia, in consultation with the House Appropriations Committee, the Senate Finance Committee, the Department of General Services, and the Department of Planning and Budget, shall develop a six-year capital outlay plan for higher education institutions including affiliated entities. As a part of this plan, the State Council shall consider (i) current funding mechanisms for capital projects and improvements at the Commonwealth's institutions of higher education, including general obligation bonds and other viable funding methods; (ii) mechanisms to assist private institutions of higher education in the Commonwealth with their capital needs.

Fund for Excellence and Innovation (Item 144 J) The fund is designed to stimulate collaboration among public school divisions, community colleges and universities to create and expand affordable student pathways and to pursue shared services and other efficiency initiatives at colleges and universities that lead to measurable cost reductions. Grants will be awarded on a competitive basis, with eligibility criteria determined by the State Council of Higher Education for Virginia.

Student Loan Ombudsman (Item 144 K) The ombudsman position at the State Council of Higher Education for Virginia provides timely assistance to student borrowers of any student education loan in the Commonwealth and will establish and maintain an online student loan borrower education course.

Internship Pilot Program (Item 144 L) The funding is designed to expand paid or credit-bearing student internship and other work-based learning opportunities in collaboration with Virginia employers. The Program comprises institutional grants and a statewide initiative to facilitate the readiness of students, employers and institutions of higher education to participate in internship and other work-based learning opportunities.

In administering the statewide initiative, the Council shall (i) engage stakeholders from business and industry, secondary and higher education, economic development, and state agencies and entities that are successfully engaging employers or successfully operating internship programs; (ii) explore strategies in Virginia and elsewhere on successful institutional, regional, statewide or sector-based internship programs; (iii) gather data on current institutional internship practices, scale, and outcomes; (iv) develop internship

readiness educational resources, delivery methods, certification procedures, and outreach and awareness activities for employer partners, students, and institutional career development personnel; (v) pursue shared services or other efficiency initiatives, including technological solutions; and (vi) create a process to track key measures of performance.

The Council shall establish eligibility criteria, including requirements for matching funds, for institutional grants. Such grants shall be used to accomplish one or more of the following goals: (i) support state or regional workforce needs; (ii) support initiatives to attract and retain talent in the Commonwealth; (iii) support research and research commercialization in sectors and clusters targeted for development; (iv) support regional economic growth and diversification plans; (v) enhance the job readiness of students; (vi) enhance higher education affordability and timely completion for Virginia students; or (vii) further the objectives of increasing the tech talent pipeline.

Study of Costs and Funding Needs (Item 144 P) The State Council of Higher Education for Virginia shall develop a plan for implementing a statewide survey on institutional expenditures by program and academic discipline at Virginia's public institutions to determine the effectiveness of spending related to the attainment of state and institutional goals and inform strategic decision-making. The Council may review existing reporting capacities and other state examples of cost analysis by program and academic discipline in higher education to: (1) determine the Council's current capacity to conduct the survey; (2) determine any additional staff and financial support necessary for conducting such a survey; (3) determine the potential for long-range cost containments; and (4) detail a plan for survey implementation.

Foster Care Point of Contact (Item 144 S) The State Council of Higher Education for Virginia shall examine the feasibility of having a point of contact at each public institution of higher education for students who have been involved in the foster care system. The Council shall investigate the possibility of using federal dollars for this purpose and report their findings to the Commission on Youth by November 30, 2022.

Mental Health Workforce Pilot (Item 144 T) Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided to support a mental health workforce pilot at institutions of higher education in consultation with the Virginia Health Care Foundation. The pilot shall support the costs of required supervision for graduates of Masters of Social Work and Masters of Counseling programs seeking licensure. Eligible institutions include public institutions of higher education operating in Virginia. The State Council of Higher Education for Virginia shall report the outcomes of the pilot annually to the Governor and General Assembly.

Innovation Center at a Richmond HBCU (Item 144 V) Out of this appropriation, \$2,000,000 the first year from the general fund is designated for the creation and support of an Innovation Center at a Historically Black College or University in the City of Richmond. The Director, State Council of Higher Education for Virginia, shall transfer this funding to the City of Richmond for costs associated with the Innovation Center.

Assignments To Authorities, Boards, Commissions, And Committees Mentioned In Code

SCHEV Specific

- Student Advisory Committee
- Private College Advisory Board
- Career College Advisory Board

SCHEV Membership Required

- Higher Education Advisory Committee
- The Virginia College Building Authority
- Virginia College Savings Plan Board
- Southwest Virginia Higher Education Center
- Roanoke Higher Education Authority
- Southern Virginia Higher Education Center
- Advisory Board on Teacher Education and Licensure
- Higher Education Equipment Advisory Committee of Joint Commission on Technology & Science
- Online Virginia Network Authority

Last update: August 2022