



Agenda Book

October 21-22, 2024

Location:

Reynolds Community College, Community Workforce Alliance



October 21-22, 2024, Council Meeting Schedule of Events

Reynolds Community College
Henrico, Virginia 23228

October 21, 2024

- 2:00 - 3:30 Education Session: Overview of JLARC Study Findings
Community Workforce Alliance Conference Center (CCWA) Gallery
Room 100
[Section I on the agenda](#)
- 3:30 – 4:30 Academic Affairs Committee
Massey Library Technology Center,
Room 138
[Section II on the agenda](#)
Committee members: Cheryl Oldham (chair); Micah Edmond; Jason El Koubi;
Lindsay Fryer; William Harvey; Doug Straley; Steven Taylor.
-
- 3:30 – 4:30 Resources and Planning Committee
Community Workforce Alliance Conference Center (CCWA) Gallery
Room 100
[Section III on the agenda](#)
Committee members: Jennie O’Holleran (chair); Walter Curt; John Jumper; Delceno
Miles; John Olsen; Carlyle Ramsey.
- 5:00 Dinner
Virginia Crossings Hotel and Conference Center
Madison Building
1000 Virginia Center Parkway
Glen Allen, Virginia 23059

October 22, 2024

- 9:00 – 12:30 Council Meeting
Community Workforce Alliance Conference Center (CCWA) Gallery
Room 100
[Section IV on the agenda](#)

NEXT MEETING: January 7, 2025
Virtual



Council Meetings – October 21-22, 2024 Agenda

Item	Time		Page
Cover Page			
Schedule of Events			2
Agenda			3
I. Education Session: Overview of JLARC Study Findings Workforce Development & Conference Center, Gallery, Room 100	2:00 p.m.	Gen. Jumper and Justin Brown	5
II. Academic Affairs Committee Monday, October 21, 2024 Massey Library Technology Center, Room LTC 138	3:30 p.m.		
II.A. Call to Order	3:30 p.m.	Ms. Oldham	
II.B. Approval of Minutes from the September 16, 2024, Academic Affairs Committee	3:35 p.m.	Ms. Oldham	7
II.C. Action on a Proposed Program at a Public Institution	3:40 p.m.	Dr. DeFilippo	10
II.D. Action on Proposed Reductions to Private and Out of State Regulations	4:00 p.m.	Dr. DeFilippo/ Ms. Freeman	17
II.E. Report of the Staff Liaison to the Academic Affairs Committee	4:25 p.m.	Dr. DeFilippo	61
II.F. Motion to Adjourn	4:30 p.m.	Ms. Oldham	
III. Resources and Planning Committee Monday, October 21, 2024 CCWA, Gallery, Room 100	3:30 p.m.		
III.A. Call to Order	3:30 p.m.	Ms. O’Holleran	
III.B. Approval of Minutes from the September 16, 2024, Resources and Planning Committee	3:35 p.m.	Ms. O’Holleran	65
III.C. Presentation of Full Cost Report	3:40 p.m.	Dr. Zheng	69
III.D. Update on Six-year Plan Themes	4:05 p.m.	Dr. Khattar	80
III.E. Update on Pell Initiative for Virginia 2024 report	4:20 p.m.	Dr. Simmons	82
III.F. Motion to Adjourn	4:35 p.m.	Ms. O’Holleran	
Dinner at Virginia Crossings Resort	5:00 p.m.		
IV. Council Meeting Tuesday, October 22, 2024 CCWA, Gallery, Room 100			
IV.A. Call to Order	9:00 a.m.	Gen. Jumper	

IV.B. Approval of Minutes from September 16, 2024, Council of Presidents Meeting and the September 17, 2024, Council Meeting	9:05 a.m.	Gen. Jumper	84
IV.C. Remarks from Reynolds Community College President Paula Pando	9:10 a.m.	Dr. Pando	100
IV.D. Action on Systemwide Budget and Policy Recommendations for the 2025 Legislative Session	9:30 a.m.	Mr. Andes	101
IV.E. Discussion of Reforms to the SCHEV Program Approval and Productivity Policies	9:45 a.m.	Dr. DeFilippo/Dr. Osei	113
Break	10:30 a.m.		
IV.F. Discussion of SCHEV's Transfer Responsibilities	10:45 a.m.	Dr. Smith	118
IV.G. Discussion of the Virginia College Advising Corps (VCAC)	11:05 a.m.	Dr. Pugh, Dr. Johnston, Ms. Avagyan	120
IV.H. Presentation on VEDP's Talent Initiative	11:25 a.m.	Mr. El Koubi	122
IV.I. Receipt of Report from Agency Director	11:40 a.m.	Mr. Fleming	123
IV.J. Report of the Academic Affairs Committee	11:50 a.m.	Ms. Oldham	
IV.K. Report of the Resources and Planning Committee	12:00 p.m.	Ms. O'Holleran	127
IV.L. Receipt of Items Delegated to Staff	12:10 p.m.	Mr. Fleming	
IV.M. Old Business	12:15 p.m.	Gen. Jumper	
IV.N. New Business	12:20 p.m.	Gen. Jumper	
IV.O. Receipt of Public Comment	12:25 p.m.	Gen. Jumper	
IV.P. Motion to Adjourn	12:30 p.m.	Gen. Jumper	
<u>NEXT MEETING:</u> January 7, 2025, Virtual			

*Use of courtesy titles is based on the expressed preference of the individual

SCHEV values honesty, quality, diversity, inclusion, growth-orientation, personal well-being, equity, transparency and accountability. Through these values, we create a welcoming work environment that represents the best of who we are as an agency and as individuals.

State Council of Higher Education for Virginia Agenda Item

Item: Education Session – Overview of JLARC Study Findings

Date of Meeting: October 21, 2024

Presenter: Justin Brown
Senior Associate Director
Joint Legislative Audit and Review Commission (JLARC)
jbrown@jlarc.virginia.gov

Most Recent Review/Action:

- No previous Council review/action
 Previous review/action
Date:
Action:

Purpose of the Agenda Item:

The purpose of this item is to educate Council about recent legislative studies related to Virginia higher education.

Background Information/Summary of Major Elements:

In 2023, the Joint Legislative Audit and Review Commission (JLARC) directed its staff to conduct two studies focused on aspects of Virginia higher education: (i) a review of spending, efficiency, and student costs at Virginia’s 15 public, four-year institutions; and (ii) a study of spending, efficiency, and student costs at Virginia’s 15 public, four-year institutions and the alignment of academic degrees with high demand occupations. In 2024, JLARC directed its staff to also review the Virginia Military Survivors and Dependents Education Program (VMSDEP). JLARC staff presented the three reports on October 7, 2024, following consultation with staff from SCHEV, the institutions, and other relevant constituents and stakeholders.

Materials Provided:

JLARC’s three recent reports are accessible via these weblinks:

- [Higher Education Institutional Viability](https://jlarc.virginia.gov/landing-2024-higher-education-institution-viability.asp)
(<https://jlarc.virginia.gov/landing-2024-higher-education-institution-viability.asp>)
- [Spending and Efficiency at Higher Education Institutions](https://jlarc.virginia.gov/landing-2024-spending-and-efficiency-in-higher-education.asp)
(<https://jlarc.virginia.gov/landing-2024-spending-and-efficiency-in-higher-education.asp>)
- [Virginia Military Survivors and Dependents Education Program](https://jlarc.virginia.gov/pdfs/presentations/Rpt595.pdf)
(<https://jlarc.virginia.gov/pdfs/presentations/Rpt595.pdf>)

At the meeting, Mr. Brown will provide a slideshow presentation.

Financial Impact: N/A

Timetable for Further Review/Action: N/A

Relationship to Goals of *The Virginia Plan for Higher Education*: N/A

Resolution: N/A

**STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA
ACADEMIC AFFAIRS COMMITTEE
September 16, 2024**

DRAFT MINUTES

Ms. Oldham called the meeting to order at 1:02 p.m., at Chartway Arena, Big Blue Rooms/Committee Room A, Old Dominion University, in Norfolk, VA.

Committee members present: Cheryl Oldham (Chair), Micah Edmond, Lindsey Fryer, J. Douglas Straley, and Steven Taylor

Staff members present: Joseph G. DeFilippo, Jodi Fidler, Scott Fleming, Alexis Gravely, Kirstin Pantazis, Paula Robinson, Kristin Whelan

APPROVAL OF MINUTES FROM THE JULY 23 ACADEMIC AFFAIRS COMMITTEE MEETING

On motion by Mr. Straley and seconded by Dr. Taylor, the minutes were approved unanimously (5-0).

Ms. Oldham introduced and invited staff to present information on the following topics:

ACTION ON CERTIFICATION OF A PROPOSED POSTSECONDARY SCHOOL

Dr. DeFilippo introduced and presented on Agora University, a private non-profit post-secondary education institution, operating in Virginia as a religious exempt institution since 2018. Agora University seeks certification as a prerequisite to expanding its offerings to include non-religious programs. Dr. DeFilippo discussed language in the code of Virginia exempting religious institutions from certification. Once they intend to offer secular academic programs, they must be certified to operate in Virginia by the State Council of Higher Education for Virginia (SCHEV). Representatives from Agora University thanked council for their attention and support. In response to a query by Mr. Straley, Dr. Emmanuel Gergis, President and CEO of Agora University, noted all programs offered by Agora are offered via distance learning and accredited through the Distance Education Accrediting Commission (DEAC). In response to a query from Dr. Taylor, Dr. Gergis remarked that Agora University intends to add an MBA program and is considering additional academic programs in information management systems or computer technology.

The following resolution was approved unanimously (5-0) to be forwarded to the full council:

BE IT RESOLVED that the State Council of Higher Education for Virginia certifies Agora University to operate as a degree-granting postsecondary institution in the Commonwealth of Virginia, effective September 17, 2024.

ACTION ON PROPOSED ORGANIZATIONAL CHANGE AT A PUBLIC INSTITUTION

Dr. DeFilippo described the background of the proposed new Joint School of Public Health through Old Dominion University (ODU) and Norfolk State University (NSU). Dr. DeFilippo reviewed the history of the proposed school, noting that the planning process took multiple years and was initially conceived before Eastern Virginia Medical School (EVMS) was absorbed by ODU. The new Joint School of Public Health will enhance visibility and increase awareness of public health in the region, create a cohesive structure for an expanded regional presence, and fulfill the purpose of funding designated from the Virginia General Assembly in 2021 for this purpose. The new Joint School of Public Health would offer multiple academic degree and certificate programs and both the undergraduate and graduate level.

Dr. Li-Wu Chen, Founding Dean of the Joint School of Public Health, addressed the committee, noting the new school will transform public health in the region through strengthening collaboration, expanding opportunities and support for both students and faculty, and encouraging creation of regional best practices in the discipline. In response to a query from Dr. Taylor, Dr. Chen noted the new Joint School has worked closely with their accrediting body, the Council on Education for Public Health (CEPH), and is on track to receive accreditation by the end of 2025. In response to a query by Ms. Freyer, Dr. Chen commented on strong partnerships with regional and state level departments of public health and with Sentara Health. Dr. Taylor commended ODU and NSU for their collaborative rather than competitive efforts.

The following resolution was approved unanimously (5-0) to be forwarded to the full council:

BE IT RESOLVED that the State Council of Higher Education for Virginia approves the establishment of the Joint School of Public Health at Old Dominion University and Norfolk State University, effective September 30, 2024.

REVIEW OF PROGRAM ANNOUNCEMENTS FROM PUBLIC INSTITUTIONS

Dr. DeFilippo introduced the agenda item, presenting “Program Announcements” for new degree programs that public institutions plan to submit for SCHEV approval. The Program Announcement is a feature of the SCHEV program approval process in accord with Council’s duty to “review and approve or disapprove all new undergraduate or graduate academic programs that any public institution of higher education proposes,” Code of Virginia § 23.1-203 (5). Dr. DeFilippo spoke about the purposes of listing program announcements related to alerting Council and other institutions and allowing time to comment about institutions’ programmatic plans. Dr. DeFilippo noted that institutions have one year after a program is announced to submit the completed program proposal.

Dr. DeFilippo provided an overview of a locus of activity in the area of data science and activity at the graduate level. In response to a query by Ms. Oldham, Dr. DeFilippo noted

program announcements are an informational item for the committee and are not reviewed by staff until a program proposal is formally submitted. Mr. Fleming, Director of SCHEV, added that staff intends to present a proposal updating the academic approval process to be responsive to the committee's requests for flexibility in the process and the inclusion of detailed labor market information in future proposals. Ms. Oldham noted a desire to affirm the importance of council's statutory duty to approve or deny all academic programs as more than a compliance exercise.

BREIFING ON SCHEV'S PROGRAM PRODUCTIVITY POLICY

Dr. DeFilippo introduced the topic and presented on criteria used by SCHEV staff in the program productivity review process. Program productivity review is a statutory duty of the council and is conducted every five years. In response to a query by Mr. Edmonds, Dr. DeFilippo noted the criteria are based in the Code of Virginia but created by SCHEV staff with guidance over time from council. In response to a query by Ms. Oldham, Dr. DeFilippo noted degree programs targeted in the current process might have any number of reasons for low enrollment or low productivity. Mr. Fleming added SCHEV staff reviews academic programs on the criteria determined by council and the criteria, or the process may be changed as council deems necessary. In response to an inquiry by Ms. Freyer, Dr. DeFilippo invited committee member comments be sent to him any time for incorporation into staff's developing work on the program productivity policy.

RECEIPT OF REPORT FROM ACADEMIC AFFAIRS COMMITTEE STAFF LIAISON

Dr. DeFilippo commented on the recent activities and accomplishments of Academic Affairs staff.

ADJOURNMENT

Ms. Oldham adjourned the meeting at 2:32 p.m.

Cheryl Oldham
Chair, Academic Affairs Committee

Kirstin Pantazis
Staff, Academic Affairs

State Council of Higher Education for Virginia Agenda Item

Item: II.C. – Academic Affairs Committee – Action on a Proposed Program at a Public Institution

Date of Meeting: October 21, 2024

Presenter: Dr. Joseph G. DeFilippo
Director of Academic Affairs & Planning
joedefilippo@schev.edu

Most Recent Review/Action:

No previous Council review/action

Previous review/action

Date: N/A

Action: N/A

Purpose of the Agenda Item:

The purpose of this item is to present a proposed new degree program, in accord with Council's duty to "review and approve or disapprove all new undergraduate or graduate academic programs that any public institution of higher education proposes" (*Code of Virginia* § 23.1-203).

Background Information/Summary of Major Elements:

The following proposed degree program is presented for Council action. Program summary is included below.

- The College of William and Mary in Virginia, Bachelor of Science (B.S.) degree program in Human Health and Physiology (CIP 26.0908)

Financial Impact: See Program Summary Below

Timetable for Further Review/Action: N/A

Relationship to the Goals of The Virginia Plan for Higher Education:

Council's consideration of this agenda item supports the following strategies outlined in *Pathways to Opportunity: The Virginia Plan for Higher Education*:

- Cultivate affordable postsecondary education pathways for traditional, non-traditional and returning students.
- Foster program and administrative innovations that enhance quality, promote collaboration and improve efficiency.
- Improve the alignment between post-secondary academic programs and labor market outcomes.

Resolution:

The Academic Affairs Committee may vote to approve, disapprove, approve with condition, or table for future action. If approved, adopt the following resolution and transmit it to Council:

BE IT RESOLVED that the State Council of Higher Education for Virginia grants approval to The College of William and Mary in Virginia to initiate a Bachelor of Science (B.S.) degree program in Human Health and Physiology (CIP code: 26.0908), effective fall 2025.

**The College of William and Mary in Virginia
Bachelor of Science (B.S.) in Human Health and Physiology
(CIP: 26.0908)**

Program Description

The College of William and Mary in Virginia seeks the creation of a Bachelor of Science (BS) degree program in Human Health and Physiology to be initiated in fall 2025. The proposed program would be located in the Faculty of Arts and Sciences, Department of Kinesiology.

The purpose of the proposed BS degree program in Human Health and Physiology is to educate students in the scientific study of the physiological processes involved in human health. The proposed program will focus on providing students with knowledge and skills to identify and address the effects of injury, disease, disability, and aging on the human body. The core curriculum will include courses in introduction to the human body, introduction to nutrition, human anatomy and human anatomy lab, statistical and data analysis in health, human physiology and human physiology lab, exercise physiology, and health ethics. Students will learn to address factors of human health from the cellular, micro, and molecular levels to the whole body. Through coursework in ethical issues in health sciences and statistics in population health sciences, students will obtain knowledge and skills to navigate ethical concerns and evaluate data related to diversity and equity in health outcomes.

Human health is defined as “the dynamic balance of physical, mental, social, and existential well-being in adapting to conditions of life and the environment” while human physiology is defined as “the study of how the human body works both when you’re healthy and when you’re not” and includes an understanding of organ systems and how they function to maintain a stable internal environment. The combined degree program is focused on a combination of the two areas enhancing understanding of the how factors related to human health (physical, mental, social, and existential) influence homeostatic balance and human physiology. William & Mary writes: “graduates of the proposed program will be able to apply an evidence-based approach to assessing health risks and designing health plans to mitigate health risks and to promote healthy behaviors” for diverse populations of patients. All graduates will possess knowledge and skills to: 1) develop health education and promotion programs; 2) develop and evaluate exercise programs; explain exercise programs or physiological testing procedures to participants and patients; and 3) educate athletes and coaches on techniques to improve athletic performance. William & Mary developed four new courses for the degree program.

The proposed program would require 120 credit hours: 24 credit hours of core coursework; 40-57 credit hours of general education coursework; nine credits of restricted electives; 27-44 credits of elective coursework; and three credits for a capstone requirement. The curriculum is designed to be offered in the traditional, face-to-face format.

Justification for the Proposed Program

The BA/BS degree program in Kinesiology has a concentration in Allied Health that has been in effect since 2016 and a concentration in Human Nutrition that has been in effect since 2020. The proposed BS in Human Health and Physiology is an expansion of these two (2) concentrations in the existing Kinesiology degree program. The expansion to a standalone degree program is needed to “provide a curriculum that is needed for students who wish to pursue a career in the health sciences and exercise physiology fields beyond recreation and physical education.”

The field of human health and physiology encompasses a wide array of disciplines which apply science to the study of human health, disease prevention and health promotion. This includes identifying the underlying physiological mechanisms of health and disease and applying nutrition and exercise interventions to prevent complications associated with obesity, chronic disease, and aging. The proposed BS in Human Health and Physiology will respond to current needs by preparing, at its core, an entry-level professional who understands the relationships among exercise, nutrition, and human health, and who is equipped to communicate current health research and develop health plans to support healthy lifestyle behaviors and prevent disease.

A need exists for promoting healthy behaviors through patient and client education, treatment plans, and support of client and patient goals. The proposed program responds to the current need for patient and client education and promotion of healthy lifestyle behaviors, including exercise and nutrition, to mitigate the ill health effects of obesity, chronic illness, and aging. The current needs in Virginia and nationally include: 1) industry demand for entry-level professionals trained to provide health treatment plans (including exercise plans), education, and support for individuals and patients suffering from obesity and chronic illness; 2) industry demand for entry-level professionals who can incorporate exercise treatment plans, education, and support for aging populations; and 3) industry demand for entry-level professionals with foundational skills in nutrition and exercise interventions that promote health.

The proposed BS in Human Health and Physiology degree program will respond to the various needs for entry-level professionals who can assist with solutions to some of the most pressing health issues by preparing, at its core, a person who is well versed in physiological and nutritional conditions related to human health. The program provides graduates with the skills and knowledge necessary to educate and advocate for healthy behaviors. Graduates of the proposed degree program will be prepared to assist advanced healthcare professionals such as physicians, nurses, medical directors, physical therapists, and dietitians. Graduates of this degree program will positively impact the health of individuals and local and broader communities.

Student Demand

Evidence of student demand for the proposed degree program comes from student enrollment in the existing concentration in Allied Health and the concentration in Human Nutrition in the Bachelor of Arts/Bachelor of Science (BA/BS) in Kinesiology degree program. Data show that in 2021, 57 students were in the allied health concentration and 17 students in the human nutrition concentrations; in 2022, 61 students were in the allied health concentration and 20 students in the human nutrition concentration; and in

2023, 58 students were in the allied health concentration and 31 students were in the human nutrition concentration.

Enrollment projections show a full-time equated student enrollment (FTES) of 42 in the program's first year (2025-26). The projections continue as follows: FTES 2026-27, 80.0; 2027-28, 113.0; and 2028-29, 124.0. William & Mary anticipates 43 graduates per year beginning in 2029-30. If projections are met, then this program will meet Council's productivity/viability standards within five years, as required.

Employment Demand

William & Mary notes that graduates of the proposed BS in Human Health and Physiology will be prepared to serve as entry-level exercise physiologists and health education specialists in hospitals, wellness centers, and rehabilitation facilities. William & Mary provided 14 job announcements. Of the 14, eight were in Virginia of which six required a bachelor degree and two required a bachelor degree or a master's degree.

The U.S. Bureau of Labor Statistics' (BLS) projects that between 2022 and 2032 employment for exercise physiologists is expected to grow 10% or "much faster than the average for all occupations" (<https://www.bls.gov/ooh/healthcare/exercise-physiologists.htm#tab-6>). The BLS indicates that "as the prevalence of chronic conditions grows, more exercise physiologists will be needed to help patients manage their symptoms and improve their overall health through personalized exercise programs." Moreover, the BLS indicates that "exercise physiologists typically need at least a bachelor's degree to enter the occupation" (<https://www.bls.gov/ooh/healthcare/exercise-physiologists.htm#tab-4>).

The BLS projects between 2022 and 2032 employment for health education specialists is expected grow 7% or "faster than the average for all occupations" (<https://www.bls.gov/ooh/community-and-social-service/health-educators.htm#tab-6>). The BLS notes that "an emphasis on promoting healthy behaviors is expected to increase demand for these specialists over the decade." Further, the BLS indicates that "governments, healthcare providers, and social services providers want to find ways to improve the quality of care and health outcomes while reducing costs. This objective should increase demand for health education specialists to teach people about health and wellness, which in turn helps to prevent costly diseases and medical procedures." The BLS indicates that "health education specialists typically need at least bachelor's degree" (<https://www.bls.gov/ooh/community-and-social-service/health-educators.htm#tab-4>). The Virginia Employment Commission (VEC), Labor Market Information projects that between 2020 and 2030 employment of exercise physiologists is expected to increase 7.1895% or 4 positions annually; employment of health education specialists is expected to increase 8.2707 or 10 positions annually (<https://viriniaworks.com/Occupational-Projections>).

Duplication

Three public institutions in Virginia (GMU, Longwood, and Radford) offer similar or related degree programs.

George Mason University (GMU) offers a Bachelor of Science (BS) in Kinesiology. Both degree programs require coursework in human anatomy and physiology, nutrition, functional anatomy, exercise physiology, and culminating course. GMU's degree program requires nine courses not required in William & Mary's proposed degree program. The proposed degree program requires coursework in health ethics and statistics not required in GMU's degree program.

Longwood University (Longwood) offers a Bachelor of Science (BS) in Kinesiology. Both degree programs require coursework in anatomy and physiology and exercise physiology. Both degree programs require a capstone course. Longwood's degree program requires eight courses not required in William & Mary's proposed degree program. The proposed degree program requires coursework in statistics and health ethics not required in Longwood's degree program.

Radford University (ODU) offers a Bachelor of Science (BS) in Allied Health Sciences. Both degree programs require coursework in exercise physiology, statistics, healthcare ethics, human anatomy and physiology, and nutrition. Both degree programs require capstone coursework. Radford's degree program requires 12 core courses not required in William & Mary's proposed degree program.

Enrollments and Degrees Awarded at Comparable Programs in Virginia

Enrollment	F 2020	F 2021	F 2020	F 2021	F 2022
George Mason University	378	369	347	359	353
Longwood University	173	175	181	181	171
Radford University	29	124	177	157	153
Degrees Awarded	2020	2021	2022	2023	2024
George Mason University	67	82	86	81	71
Longwood University	45	25	31	41	36
Radford University		9	31	37	35

Resource Needs

The proposed degree program will be funded through the reallocation of resources in the Faculty of Arts and Sciences and the Department of Kinesiology. The dean of the Faculty of Arts and Sciences has committed resources to fund four new faculty for a cost of \$439,192 by the target year, 2029-2030. The institution will have adequate faculty resources to support projected student enrollment in the degree program. Projected revenue from tuition and educational and general fees (E&G) will support the proposed program. William & Mary affirms the institution will not seek additional state resources to initiate and sustain the degree program.

Board Approval

The William & Mary Board of Visitors approved the proposed program on November 17, 2023.

Committee Resolution

Based on a review of the application, staff presents the **Bachelor of Science (B.S.) degree program in Human Health and Physiology (CIP: 26.0908)** to the Academic Affairs Committee.

The Committee may vote to approve, disapprove, approve with condition, or table for future action. If approved, adopt the following resolution and transmit it to Council:

BE IT RESOLVED that the State Council of Higher Education for Virginia grants approval to The College of William and Mary in Virginia to initiate a Bachelor of Science (B.S.) degree program in Human Health and Physiology (CIP code: 26.0908), effective fall 2025.

State Council of Higher Education for Virginia Agenda Item

Item: II.D. – Academic Affairs Committee – Action on Proposed Reductions to Private and Out of State Regulations

Date of Meeting: October 21, 2024

Presenter: Dr. Joseph G. DeFilippo
Director of Academic Affairs and Planning
joedefilippo@schev.edu

Most Recent Review/Action:

- No previous Council review/action
 Previous review/action

Date:

Action:

Purpose of the Agenda Item: The purpose of this item is to present a comprehensive set of reductions to Virginia Administrative Code (VAC) Chapter 31, Sections 10 to 320, which comprehend SCHEV’s responsibility to regulate private and out of state postsecondary education in Virginia. The regulatory changes proposed here would partly fulfill SCHEV’s obligation to reduce regulations by 25% by December 31, 2025. This obligation was announced in Governor Youngkin’s Executive Order 19 (EO19) on “Development and Review of State Regulations.”

Background Information/Summary of Major Elements: On July 1, 2022, Governor Youngkin released EO19, which established the Office of Regulatory Management (ORM) and charged ORM with creating a process for “implementing a 25% reduction in regulatory requirements” by Virginia state agencies. In April 2023, ORM released “*Regulatory Reduction Guide: A Guide for Achieving the 25% Regulatory Requirement Reduction under Executive Order 19.*” The *Regulatory Reduction Guide* provides state agencies necessary guidance to identify requirements subject to the 25% reduction target. According to the *Regulatory Reduction Guide*:

Any regulatory requirement for which the agency has some flexibility in determining its content qualifies as *discretionary*. For example, if a statute authorizes an agency to act and the agency then decides to do so, any regulatory requirements it issues are discretionary. Similarly, if a statute requires the agency to act (e.g., mandates that it impose a fee), but the agency has discretion in terms of how it will act (e.g., deciding how high the fee will be), the requirements it issues are also discretionary.

If, however, a state or federal statute, federal regulation, or state or federal court order both requires the agency to act and dictates precisely what it must do, then

the resulting regulatory requirement is *mandatory* and is not subject to the 25% reduction target.”

Since April 2023, staff in SCHEV’s Private Postsecondary Education (PPE) section have engaged in the process of identifying discretionary regulatory requirements for reduction. As presented in the appended “Table: Discretionary Requirement Reductions, Virginia Administrative Code Chapter 31, Sections 10 to 320,” that review has identified 433 discretionary requirements, which constitute the baseline against which the 25% reduction target must be achieved. As the Table also indicates, staff have identified 150 requirements for elimination, a net reduction of 34.6%. Detail on the total reductions proposed by staff may be found in the Appendix, “Markup of Virginia Administrative Code Chapter 31, Sections 10 to 320.”

Overview of regulatory requirement reductions proposed by staff:

- Reduction and simplification of requirements binding on religious/theological exempt schools. (Section 50)
- Reduction and simplification of certification criteria and their application (Sections 130, 140, 150, and 160), including, but not limited to:
 - personnel qualifications
 - informational resources available to students and prospective students
 - bookkeeping
 - library resources
- Removal of requirements related to equipment and facilities. (Section 165)
- Reduction and simplification of requirements binding on applicants for certification. (Section 180)
- Reduction and simplification of requirements related to loss of accreditation. (Sections 193 and 195)
- No requirements have been added.

Materials Provided:

- Table: Discretionary Requirement Reductions, Virginia Administrative Code Chapter 31, Sections 10 to 320.
- Appendix: Markup of Virginia Administrative Code Chapter 31, Sections 10 to 320.

Financial Impact: The direct financial impact of the proposed regulatory reductions is not known at this time. In total, the reductions will entail reduced time and effort for postsecondary schools both in applying to SCHEV for certification and in maintaining ongoing compliance with regulation.

Relationship to Goals of The Virginia Plan for Higher Education: Council’s responsibility to regulate private and out of state postsecondary education in Virginia is related to all three goals of the plan: (i) equitable; (ii) affordable; and (iii) transformative higher education.

Timetable for Further Review/Action: Following Council approval of the regulatory changes, staff will put them into final form and submit them to the Regulatory Town Hall as fast-track changes.

Resolution:

Staff presents the proposed regulatory reductions to Virginia Administrative Code Chapter 31, Sections 10 to 320.

The Committee may vote to approve, disapprove, approve with condition, or table for future action. If approved, adopt the following resolution and transmit it to Council:

BE IT RESOLVED that the State Council of Higher Education for Virginia approves proposed regulatory reductions to Virginia Administrative Code Chapter 31 in accord with Governor Youngkin's Executive Order 19 and guidance provided by the Office of Regulatory Management; and

BE IT FURTHER RESOLVED that Council delegates to the SCHEV Director, or his assignee, authority to make any modifications that may be necessary to put the regulatory changes into final form and to post them publicly to the Regulatory Town Hall.

Table: Discretionary Requirement Reductions, Virginia Administrative Code Chapter 31, Sections 10 to 320

Virginia Administrative Code Chapter 31 (8.40.31) Section/Title	Requirements		Net Change
	Baseline	Post- Revision	
10 - Definitions	0	0	0
20 - Prohibited acts	0	0	0
30 - Advertisements, announcements, and other promotional materials	6	6	0
40 - State-supported institutions	0	0	0
50 - Religious institutions	11	7	-4
60 - Schools, programs, degrees, diplomas, and certificates exempt from council action	1	1	0
70 - Denial of exemption; appeal of action	0	0	0
80 - Role of the council	0	0	0
90 - Role of the executive director	0	0	0
100 - Role of the council staff	0	0	0
110 - Certain existing approvals and exemptions continued	0	0	0
120 - Certification required for new and existing postsecondary schools	3	3	0
125 - Certification required for schools offering distance learning in Virginia	12	12	0
130 - Application of certification criteria	6	2	-4
140 - Certification criteria for institutions of higher education	48	32	-16
150 - Certification criteria for career-technical schools	11	11	0
160 - Certification criteria for all postsecondary schools	195	116	-79
165 - Equipment and facilities	18	0	-18
170 - Initial certification, recertification, and change of ownership	17	14	-3
180 - Application requirements	44	28	-16
190 - Withdrawal of application by a postsecondary school	2	1	-1
193 - Loss of accreditation	7	0	-7
195 - Suspension or revocation of certificate to operate	0	0	0
200 - Audit requirements	0	0	0
210 - Duplication of and need for instruction for degree credit is irrelevant	0	0	0
220 - Procedural rules for the conduct of fact-finding conferences and hearings (§§ 2.2-4019 through 2.2-4030 of the Code of Virginia)	2	1	-1
230 - Criminal prosecution for violation	0	0	0
240 - Civil enforcement	0	0	0
250 - Virginia law to apply to agreements	0	0	0
260 - Fees	19	19	0
270 - Receipt of applications, correspondence and other materials	1	1	0

Virginia Administrative Code Chapter 31 (8.40.31) Section/Title	Requirements		Net Change
	Baseline	Post- Revision	
280 - Closure of a postsecondary school	21	21	0
290 - Waiver by council	0	0	0
310 - Student Tuition Guaranty Fund	3	2	-1
320 - Agent registration	6	6	0
FORMS - FORMS (8VAC40-31)	0	0	0
	433	283	-150

**34.6% reduction in
discretionary regulant
requirements**

Appendix: Markup of Virginia Administrative Code Chapter 31, Sections 10 to 320

8VAC40-31-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Academic credit" means the measure of the total time commitment an average student is expected to devote to learning per week of study. Generally, one unit of credit represents a total of three hours per week of in-class and out-of-class work (Carnegie Unit of Credit). In this context, an hour is defined as 50 minutes. ~~Emerging delivery methodologies may necessitate determining a unit of undergraduate or graduate credit with nontime-based methods. These courses shall use demonstration of competency, demonstration of proficiency, or fulfillment of learning outcomes to ensure these courses are equivalent to traditionally delivered courses.~~

~~"Academic-vocational" means a noncollege degree school that offers degree and nondegree credit courses at a site in Virginia or via telecommunications equipment located in Virginia.~~

"Accreditation" means a process of external quality review used by higher education to scrutinize colleges, universities, and educational programs for quality assurance and quality improvement. This term applies to those accrediting organizations recognized by the United States Department of Education.

"Adjunct faculty" means professional staff members of businesses, industries, and other agencies and organizations who are appointed by institutions and schools on a part-time basis to carry out instructional, research, or public service functions.

"Administrative personnel" means individuals who oversee areas as outlined in operational and administrative standards. This includes by function, but is not limited to, titles of financial aid administrator, director of admissions, director of education, business officer or manager, director of student services (including counseling and placement), and the registrar.

~~"Administrative capability" means a branch (i) maintains or has access to all records and accounts; (ii) has an administrator; (iii) offers courses that consist of a large number of unit subjects that comprise a program of education or a set curriculum large enough to allow pursuit on a continuing basis; and (iv) provides student services, including financial aid, admissions, career placement assistance, or registration.~~

~~"Agent" means a person who is employed by any institution of higher education or noncollege degree school, whether such institution or school is located within or outside this Commonwealth, to act as an agent, solicitor, procurer, broker, or independent contractor to procure students or enrollees for any such institution or school by solicitation in any form at any place in this Commonwealth other than the office or principal location of such institution or school.~~

"Avocational" means instructional programs that are not intended to prepare students for employment but are intended solely for recreation, enjoyment, personal interest, or as a hobby or courses or programs that prepare individuals to teach such pursuits.

~~"Branch" means an additional location, operated by a school with an approved existing site. A branch campus must have administrative capability exclusive of the main campus and adequate resources to ensure that the objectives of its programs can be met.~~

~~"Career technical school" means a school that does not offer courses for degree credit at a site in Virginia or via telecommunication equipment located in Virginia; same as academic-vocational school.~~

~~"Certificate" means the credential awarded by a school upon the successful completion of a program that consists of one or more technical courses, usually completed in less than 26 weeks, normally with a single skill objective.~~

"Certification" means the process of securing authorization to operate a private or out-of-state postsecondary school or institution of higher education or degree, certificate, or diploma program in the Commonwealth of Virginia.

~~"Change of ownership" means the change in power within a school. Change of ownership may include the following situations: (i) sale of the school, (ii) merger of two or more schools if one of the schools is nonexempt, or (iii) change from profit to nonprofit or collective any action or transaction that results in a change of control of the school. This includes any change by which a person who has or thereby acquires an ownership interest in the entity that owns the institution or the parent of that entity, acquires or loses the ability to control the institution.~~

"CIP code" means the six-digit number assigned to each discipline specialty in the Classification of Instructional Programs (CIP) taxonomy maintained by the National Center for Education Statistics.

"Clock hour" or "contact hour" means a minimum of 50 minutes of supervised or directed instruction and appropriate breaks.

~~"College" means any institution of higher education that offers degree programs.~~

"Conditional certification" means a status that may be granted by the council to a school certified to operate in Virginia to allow time for the correction of major deficiencies or weaknesses identified in the school's administration that are of such magnitude that, if not corrected, may result in the ~~suspension or revocation of the school's certificate to operate. During a period of conditional certification, a school may not enroll new students or confer any degrees, diplomas, or certificates.~~

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

~~"Course for degree credit" means a single course whose credits are applicable to the requirements for earning a degree, diploma, or certificate.~~

~~"Course registration materials" means any official documents provided to students for the purpose of formal enrollment into the school, a specific program, or a certain course.~~

~~"Credit" means (i) the quantitative measurement assigned to a course generally stated in semester hours, quarter hours, or clock hours or (ii) the recognition awarded upon successful completion of coursework.~~

"Credit hour" means a unit by which a school may measure its coursework. The number of credit hours assigned to a traditionally delivered course is usually defined by a combination of the number of hours per week in class, the number of hours per week in a laboratory, or the number of hours devoted to externship multiplied by the number of hours in the term. One unit of credit is usually equivalent to, at a minimum, one hour of classroom study and outside preparation, two hours of laboratory experience, or three hours of internship or practicum, or a combination of the three multiplied by the number of weeks in the term. Emerging delivery methodologies may necessitate determining a unit of undergraduate or graduate credit with nontime-based methods. These courses shall use demonstration of competency, demonstration of proficiency, or fulfillment of learning outcomes to ensure these courses are equivalent to traditionally delivered courses.

"Degree" means any earned award at the associate, baccalaureate, master's, first professional, or doctoral level that represents satisfactory completion of the requirements of a program or course of study or instruction beyond the secondary school level and includes certificates and specialist degrees when such awards represent a level of educational attainment above that of the associate degree level.

"Degree program" means a curriculum or course of study that leads to a degree in a discipline or interdisciplinary specialty and normally is identified by a six-digit CIP code number.

"Diploma" means an award that represents a level of educational attainment at or below the associate degree level and that normally consists of up to (i) 1,500 clock hours, (ii) 90 quarter hours, or (iii) 60 semester hours.

"Distance education" means education that uses any means to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between student and instructor.

"Enrollment agreement" means a legally binding document signed by a student and an authorized representative of an institution, prior to the time instruction begins that contains required disclosures, a completed copy of which is given to the student upon execution.

~~"Existing institution" or "existing postsecondary school" means any postsecondary school that either (i) has been in operation in Virginia for two or more calendar years as of July 1, 2004, and has been certified to operate continuously during that period or (ii) has been approved to operate as a postsecondary school in another state, is accredited by an accrediting agency recognized by the United States Department of Education, and is certified to operate in Virginia.~~

"Full-time faculty" means a person whose: (i) employment is based upon an official contract, appointment, or agreement with a school; (ii) principal employment is with that school; and (iii) major assignments are in teaching and research. A full-time administrator who teaches classes incidental to administrative duties is not a full-time faculty member.

"Graduate credit hours" means credits hours earned for successful completion of courses beyond the baccalaureate level, generally awarded at the 500 series and above.

"Gross tuition collected" means all fees collected or received on either a cash or accrual accounting method basis for all instructional programs or courses, except for nonrefundable registration and application fees and charges for materials, supplies, and books that have been purchased by, and are the property of, the student.

~~"In-state institution" means an institution of higher education that is formed, chartered, or established within Virginia. An out-of-state institution shall be deemed an in-state institution for the purposes of certification as a degree-granting institution if (i) the institution has no instructional campus in the jurisdiction in which it was formed, chartered, established, or incorporated and (ii) the institution produces clear and convincing evidence that its main or principal campus is located in Virginia.~~

~~"Institution of higher education" or "institution" means any person, firm, corporation, association, agency, institute, trust, or other entity of any nature whatsoever offering education beyond the secondary school level that has received certification from the council and either: (i) offers courses or programs of study or instruction that lead to, or that may reasonably be understood to be applicable to, a degree; (ii) operates a facility as a college or university or other entity of whatever kind that offers degrees or other indicia of level of educational attainment beyond the secondary school level; (iii) uses the term "college" or "university," or words of like meaning, in its name or in any manner in connection with its academic affairs or business; or (iv) offers approved courses of degree credit or programs of study leading to a degree or offers degrees either at a site in Virginia or via telecommunications equipment located within Virginia.~~

"Instructional faculty" means a person employed by a school who is engaged in instructional, research, or related activities.

"Instructional site location" means a location in Virginia where a postsecondary school (i) offers one or more courses on an established schedule and (ii) lacks administrative capability, operated under the direction of a designated Virginia site. It is geographically located within a 20 mile radius from the designated site and offers less than 50% of an educational program.

~~"Multistate compact" means any agreement involving two or more states to offer jointly postsecondary educational opportunities, pursuant to policies and procedures set forth by such agreement and approved by council.~~

~~"New institution" or "new postsecondary school" means any postsecondary school that seeks certification and has been in operation in Virginia for less than two calendar years as of July 1, 2004, and has neither operated in another state as a postsecondary institution nor has been approved to operate in another state as a postsecondary institution.~~

~~"Noncollege degree school" means any postsecondary school that offers courses or programs of study that do not lead to an associate or higher level degree at a site in Virginia or via telecommunications equipment located within Virginia. Such schools may be academic-career-technical or career-technical.~~

~~"Out-of-state institution" means an institution of higher education that is formed, chartered, established, or incorporated outside Virginia.~~

~~"Part-time faculty" means a person whose (i) annual employment is based upon an official contract, appointment, or agreement with a school and (ii) courseload of teaching assignments is of lesser quantity than that expected of a full-time faculty member or is of lesser quantity than the school's definition of a full load of courses.~~

~~"Postsecondary education" means the provision of formal instructional programs with a curriculum designed primarily for students who have completed the requirements for a high school diploma or equivalent or who are beyond the age of compulsory high school attendance. It includes programs of an academic, career technical, and continuing professional education purpose, and excludes avocational and adult basic education programs.~~

~~"Postsecondary education activities" means researching, funding, designing, or conducting instructional programs, classes, or research opportunities, designed primarily for students who have completed the requirements for a high school diploma or its equivalent or who are beyond the age of compulsory high school attendance.~~

~~"Postsecondary school" or "school" means any entity offering formal instructional programs with a curriculum designed primarily for students who have completed the requirements for a high school diploma or its equivalent or who are beyond the age of compulsory high school attendance, and for which tuition or a fee is charged. Such schools include programs of academic, career technical, and continuing professional education, and exclude avocational and adult basic education programs. For the purposes of this chapter, a "postsecondary school" shall be classified as either an institution of higher education as defined in this section or a noncollege degree school, as defined in this section.~~

~~"Private postsecondary career school" means any for-profit or nonprofit postsecondary career entity maintaining a physical presence in Virginia providing education or training for tuition or a fee that (i) augments a person's occupational skills; (ii) provides a certification; or (iii) fulfills a training or education requirement in one's employment, career, trade, profession, or occupation. Any entity that offers programs beyond the secondary school level, including programs using alternate modes of delivery, shall be included in this definition so long as tuition and fees from such programs constitute any part of its revenue.~~

~~"Program" means a curriculum or course of study in a discipline or interdisciplinary area that leads to a degree, certificate, or diploma.~~

~~"Program area" means a general group of disciplines in which one or more degree programs, certificates, or diplomas may be offered.~~

~~"Program of study" means a curriculum of two or more courses that is intended or understood to lead to a degree, diploma, or certificate. It may include all or some of the courses required for completion of a degree program.~~

~~"Provisional certification" means a preliminary approval status granted by the council to a new school applicant that has demonstrated substantial compliance with the provisions of this chapter. Such a status may include any conditions imposed by the council to ensure compliance with the provisions of this chapter. The provisionally certified school must demonstrate compliance with all conditions within one calendar year of the initial grant of provisional certification.~~

~~"Senior administrator" generally encompasses individuals who have administrative or managerial authority within an institution. This includes by function but is not limited to titles of Chief Executive Officer, President, Chancellor, Dean, Provost, or Owner.~~

"Surety instrument" means a surety bond or a clean irrevocable letter of credit issued by a surety company or banking institution authorized to transact business in Virginia adequate to provide refunds to students for the unearned non-Title IV portion of tuition and fees for any given semester, quarter or term and to cover the administrative cost associated with filing a claim against the instrument.

~~"Teach-out agreement" means the process whereby a closed or closing school undertakes to fulfill its educational and contractual obligations to currently enrolled students.~~

~~"Telecommunications activity" means any course offered by a postsecondary school or consortium of postsecondary schools where the primary mode of instructional delivery is by television, videocassette or disc, film, radio, computer, or other telecommunications devices.~~

"Unearned tuition" means the portion of tuition charges billed to the student but not yet earned by the institution; the unearned tuition represents future educational services to be rendered to presently enrolled students.

~~"University" means any institution offering programs leading to degrees or degree credit beyond the baccalaureate level.~~

~~"Vocational" means a noncollege degree school that offers only noncollege credit courses. Such schools have programs of instruction offering a sequence of courses that are directly related to the preparation of individuals for paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Vocational education shall not include instructional programs intended solely for recreation, enjoyment, personal interest, or as a hobby, or courses or programs that prepare individuals to teach such pursuits.~~

8VAC40-31-20. Prohibited acts.

~~A. Except as in accordance with this chapter, no person or other entity shall sell, barter, or exchange for any consideration, or attempt to sell, barter, or exchange for any consideration, any degree, degree credit, diploma, or certificate.~~

~~B. No person or other entity shall use or attempt to use in connection with any business, trade, profession, or occupation any degree or certification of degree or degree credit, including but not limited to a transcript of coursework that has knowingly been fraudulently issued, obtained, forged, or materially altered.~~

~~C. Unless exempted from the provisions of this chapter pursuant to § 23-276.2 of the Code of Virginia, no person, firm, or school may represent that credits earned at or granted by that person, firm, or school are applicable for credit toward a degree, except under such conditions and in a manner specified and approved by the council in accordance with this chapter.~~

~~A. D. Without prior certification, no person or other entity subject to the provisions of this chapter shall use in any manner within the Commonwealth of Virginia Use of the term "college" or "university" or abbreviations or words of similar meaning are prohibited in its name or in any manner in connection with its academic affairs or business or in any literature, catalog, pamphlet, or descriptive materials, except in accordance with § 23.1-225 of the Code of Virginia.~~

~~1. This subsection shall not apply to any person or other entity that (i) used the term "college" or "university" openly and conspicuously in its title within the Commonwealth prior to July 1, 1970; (ii) was granted authority to operate in Virginia by the council between July 1, 1970, and July 1, 2002, and maintains valid authority to so operate in Virginia after July 1, 2002; (iii) was exempted from the provisions of Chapter 21 (§ 23-265 et seq.) of Title 23 of the Code of Virginia as such law was in effect prior to July 1, 2002; or (iv) was authorized by the council to use a name prior to a request for certification.~~

~~2. 1. For only as long as the provisions of Item 158 D of Chapter 912 of the 1996 Acts of Assembly shall be in effect, Ithis subsection shall not apply to an individual proprietorship, association, co-partnership or corporation that uses the words "college" or "university" in its training programs solely for its employees or customers, that does not offer degree-granting programs, and whose name includes the word "college" or~~

"university" in a context from which it is clear that such entity is not an educational school.

~~E. B.~~ The council ~~may~~ shall refuse to certify school names and terms that have the potential to mislead the general public about the school's affiliation or association with any state-supported institution of higher education in Virginia. Terms that may not be used by private institutions of higher education include, such as, but are not limited to, "public university," "public college," or "community college" may be protected from use by private institutions of higher education.

8VAC40-31-30. Advertisements, announcements, and other promotional materials.

A. A school certified to operate by the council in accordance with this chapter shall include in any print and electronic catalogs (i) a clear statement that the council has certified the school to operate in Virginia and (ii) a complete addresses of the main campus and all branch locations all sites within Virginia.

B. A school certified to operate by council in accordance with this chapter shall include in all publicity, advertisement, and promotional materials distributed to current or prospective students (i) a clear statement that the council has certified the school to operate in Virginia, (ii) the school's complete name as indicated on the certificate to operate, and (iii) the address of at least one branch campus site located in Virginia.

C. A school with its main campus not located in Virginia that has a physical presence in Virginia shall ~~state in its print and electronic catalog distributed in Virginia that:~~ comply with the requirements of § 23.1-21(E) of the Code of Virginia.

- ~~1. Each course or degree, diploma, or certificate program offered in Virginia is approved by the governing body of the school; and~~
- ~~2. The appropriate state agency, if any, in the state where the main campus of the school is located has granted whatever approval may be necessary for the school to:~~
 - ~~a. Offer courses or degree, diploma, or certificate programs at the level for which credit is being awarded for those courses or programs in Virginia; and~~
 - ~~b. Ensure that any credit earned for coursework offered by the school in Virginia may be transferred to another of the school's locations outside Virginia as part of an existing degree, diploma, or certificate program offered by the school.~~

D. No advertisement, announcement, or any other material produced by or on behalf of a postsecondary school shall in any way indicate that the school is supervised, recommended, endorsed, or accredited by the Commonwealth of Virginia, by the State Council of Higher Education, or by any other state agency in Virginia.

8VAC40-31-40. State-supported institutions.

This chapter shall not apply to ~~the institutions named in §§ 23-9.5 and 23-14 of the Code of Virginia, any public institution of higher education as that term is defined in § 23.1-100 or any entity authorized to issue bonds pursuant to Chapter 11 (§ 23.1-1100 et seq.) including their branches, divisions, or colleges, or to any state-supported institution of higher education that may be established by the Commonwealth of Virginia in the future.~~

8VAC40-31-50. Religious institutions.

A. The council shall exempt from the provisions of Chapter ~~21.1 31 (§ 23-276.1 et seq.)~~ Title ~~23~~ 23.1 of the Code of Virginia any school whose primary purpose is to provide religious training or theological education, provided that the school:

1. Awards only degrees, diplomas, or certificates that (i) carry titles that indicate the school's primary purpose plainly upon their face and (ii) state that the school is excluded from the requirement of state certification; and
2. States plainly in its catalogs and other publications that (i) the school's primary purpose is to provide religious training or theological education; (ii) the school's degrees,

diplomas, or certificates are so titled and worded; and (iii) the school is exempt from the requirement of state certification.

B. The title of each degree, diploma, or certificate awarded by a school that claims an exemption under the provisions of this section must reflect that the school's primary purpose is religious education.

1. The titles of religious degrees that may be awarded include, but are not limited to, (i) Bachelor of Education in a specific religion, (ii) Master of Divinity, and (iii) Doctor of Sacred Theology.

2. Secular degrees may not be awarded in any discipline, including religion, religious education, and biblical studies. Titles of secular degrees that may not be awarded include, but are not limited to, (i) Associate of Arts, (ii) Associate of Science, (iii) Associate of Applied Science, (iv) Associate of Occupational Science, (v) Bachelor of Arts, (vi) Bachelor of Science, (vii) Master of Arts, (viii) Master of Science, (ix) Doctor of Philosophy, and (x) Doctor of Education.

C. Exemptions granted after July 1, 2002, will be for a maximum of five years. A school wishing to maintain an exempt status must reapply to council at least six months prior to the expiration of the exemption period. ~~An exempt school shall not make claims of "approval," "endorsement," or other such terms by the council in any of its promotional materials. An exempt school shall clearly state in its catalogs and promotional materials that it is exempt from the requirements of state regulation and oversight.~~

~~D. A school that awards secular degrees in addition to religious degrees, certificates or diplomas, as defined in subsections A and B of this section, must comply with the provisions for certification for all nonreligious degree programs.~~

~~E. Each school requesting religious exemption must apply on forms provided by and in a manner prescribed by the council.~~

~~F. The council, on its own motion, may initiate formal or informal inquiries to confirm that this chapter is not applicable to a religious school if the council has reason to believe that the school may be in violation of the provisions of this section.~~

~~1. Any school that claims an exemption under subsections A and B of this section on the basis that its primary purpose is to provide religious training or theological education shall be entitled to a rebuttable presumption of the truth of that claim.~~

~~2. It shall be the council's responsibility to show that a school is not exempt under subsections A and B of this section.~~

~~3. The council assumes no jurisdiction or right to regulate religious beliefs under this chapter.~~

~~G. D.~~ A school whose claim for exemption under subsections A and B of this section is denied by the council shall have the opportunity to appeal the council's action in accordance with ~~8VAC40-31-70~~ the right to appeal the Council's decision pursuant to Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2.

8VAC40-31-60. Schools, programs, degrees, diplomas, and certificates exempt from council action.

A. The following activities or programs offered by postsecondary schools and not leading to a degree that are otherwise subject to this chapter shall be exempt from its provisions so long as no degree credit is awarded:

1. Any school subject to exemption pursuant to Code of Virginia § 23.1-226 (B).

2. Any school subject to the provisions of Chapter 16 (§ 22.1-319 et seq.) of Title 22.1 of the Code of Virginia.

2. ~~Any honorary degree conferred or awarded by a school, as long as the degree (i) does not represent the satisfactory completion of all or any part of the requirements of a program or course of study and (ii) is normally regarded as one that is intended to be~~

~~commemorative in nature in recognition of an individual's contributions to society. Such degree must state on its face that it is honorary in nature.~~

~~3. Any nursing education program offered by a school to the extent that the program is regulated by the Virginia Board of Nursing.~~

~~a. The Virginia Board of Nursing is the state agency authorized to license registered nurses and to approve nursing programs with regard to the adequacy of the curricula and resources for preparing students to take the licensing examination.~~

~~b. In order to offer a degree in nursing, a school must obtain council certification prior to seeking approval from the Virginia Board of Nursing.~~

~~4. Any professional program for professional or occupational training offered by a school to the extent that the program is (i) subject to approval by a regulatory board pursuant to Title 54.1 of the Code of Virginia; or (ii) subject to approval by any other state or federal agency; and (iii) offered by a school that is not seeking degree-granting status such that it would be required to obtain prior council certification.~~

~~5. Any course or program of study given by or approved by any professional body, fraternal organization, civic club, or benevolent order principally for continuing or professional education or similar purpose and for which no certificate, degree, or degree credit is awarded.~~

~~3. 6. Any course or program of study conducted on a not-for-profit basis by firms or organizations for the training of their own employees only, provided that such instruction is offered at no charge to such employees and with no advertising for open enrollment.~~

~~7. Courses or programs offered through approved multistate compacts, including but not limited to the Southern Regional Education Board's Electronic Campus.~~

~~8. Those courses offered and delivered by a postsecondary school that is accredited by an entity recognized by the U.S. Department of Education (USDOE) for accrediting purposes, if such courses are provided solely on a contractual basis for which no individual is charged tuition and for which no advertising has been made for open enrollment.~~

~~9. Any school, institute or course of instruction offered by any trade association or any nonprofit affiliate of a trade association on subjects related to the trade, business or profession represented by such association.~~

~~10. Any public or private high school accredited or recognized by the Virginia Board of Education that has offered or may offer one or more courses cited in this chapter if any tuition, fees and charges made by the school are collected as may be permitted by Title 22.1 of the Code of Virginia, in the case of a public school, or pursuant to regulations prescribed by the relevant governing body of such private school.~~

~~11. Tutorial instruction delivered and designed to supplement regular classes for students enrolled in any public or private school or to prepare an individual for an examination for professional practice or higher education.~~

~~4. 12. Schools of fine arts or other avocational courses that are conducted solely to further artistic appreciation, talent, or for personal development or information and programs that prepare individuals to teach such pursuits.~~

B. Notwithstanding the provisions of this section, if a school offers any nonexempt programs, the school as a whole, including all of its programs, is subject to the provisions of certification.

C. Notwithstanding the exemptions provided in this section, a school that is otherwise entitled to exemption may voluntarily seek certification for an otherwise exempt activity or program. Once certified, such school is subject to all regulations applicable to certified schools.

D. A school whose claim for exemption under subsection A of this section is denied by the council shall have right to appeal the Council's decision pursuant to Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2.

8VAC40-31-70. Denial of exemption; appeal of action. (Repealed.)

~~If the council denies a request for exemption the executive director shall ensure that the school is afforded an opportunity to be heard. The procedures set forth in 8VAC40-31-220 shall apply.~~

8VAC40-31-80. Role of the council.

~~A. The council establishes fees for services and the methods for collecting such fees, pursuant to the authority granted by § 23-276.9 23.1-224 of the Code of Virginia, the council may establish fees for services and the methods for collecting such fees.~~

~~B. The council delegates authority for administering the requirements of Chapter 31 (§ 23.1-213 et seq.) to the director or his delegate, pursuant to § 23-276.3 E 23.1-215 E of the Code of Virginia, and unless otherwise indicated, the council delegates authority for administering the requirements of Chapter 21.1 (§ 23-276.1 et seq.) of Title 23 of the Code of Virginia and this chapter to the executive director.~~

~~C. Pursuant to § 23-276.3 of the Code of Virginia, tThe council shall adopt certification criteria for the operation of postsecondary schools in Virginia, in accordance with the requirements of § 23.1-215 B of the Code of Virginia.~~

~~D. Only the council may refuse to grant certification, or revoke or suspend certification. In these instances, the council will be responsible for ensuring due process and compliance with the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).~~

8VAC40-31-90. Role of the executive director.

~~A. In addition to other administrative responsibilities vested in the executive director of by the council, the executive director shall carry out the following administrative responsibilities relative to this chapter:~~

- ~~1. Authorize certification to operate for postsecondary schools that meet the certification criteria.~~
- ~~2. Authorize the use of the term "college" or "university" in a school's name.~~
- ~~3. Authorize religious exemptions.~~
- ~~4. Authorize emergency action pursuant to § 23-276.7 23.1-222 of the Code of Virginia. in the event a school has received an adverse action by the U.S. Department of Education (USED) or by its accrediting agency that threatens a disruption of the operation of the school and exposes students to a loss of course or degree credit or financial loss. All emergency actions shall be reported to council at its next meeting to either ratify or take such actions as it may deem necessary. The authority of the executive director in these instances includes the authority to:
 - ~~a. Suspend new enrollment in specified programs, degree levels or in all programs and degree levels.~~
 - ~~b. Require the school to provide a guaranty instrument or increase the penal amount of a current guaranty.~~
 - ~~c. Take other actions as may be necessary to protect the rights of currently enrolled or future students.~~~~
- ~~5. Assess administrative fees.~~
- ~~6. 5. Authorize the release of a surety instrument requirement.~~

~~B. The executive director may delegate certain administrative responsibilities to the council staff.~~

8VAC40-31-100. Role of the council staff.

A. The council staff shall:

1. Provide oversight and administration for purposes of compliance with ~~Chapter 21.4 (§ 23-276.1 et seq.)~~ Chapter 31 (§ 23.1-213 et seq.) of Title 23 23.1 of the Code of Virginia.
2. Review initial and annual certification requirements for all schools.
3. Perform random and periodic school visits to review, inspect and investigate school compliance.
4. Investigate as necessary all noncertified postsecondary school activities operating in the Commonwealth of Virginia.
5. Monitor the accreditation activities of all ~~nonaccredited~~ unaccredited postsecondary schools operating in the Commonwealth of Virginia.
6. Investigate all written and signed complaints or adverse publicity or any situation that may adversely affect students or consumers.
7. Share with state or federal agencies and appropriate accrediting bodies information regarding the operation or closure of postsecondary schools operating in Virginia.

B. The ~~executive~~ director may delegate other responsibilities as deemed appropriate.

8VAC40-31-110. ~~Certain existing approvals and exemptions continued.~~ (Repealed.)

~~A. An institution of higher education that was approved or authorized to confer degrees at a particular level or to offer one or more degree programs or program areas may continue to confer those degrees and to offer those programs until and unless the school's approval or authorization is revoked by the council in accordance with § 23.276.4 of the Code of Virginia.~~

~~B. If authorization to grant or confer academic or professional degrees is revoked for an institution otherwise exempt from the requirements of certification, pursuant to § 23-276.4 C of the Code of Virginia, the institution will be subject to the provisions of certification in place at the time of the revocation.~~

8VAC40-31-120. Certification required for new and existing postsecondary schools.

~~A. Unless otherwise exempted from these regulations, all instructional offerings of a new or existing postsecondary school in Virginia are subject to this chapter, even when the credit awarded for those offerings may be transferred to a location outside Virginia.~~

~~B. A new postsecondary school must become certified to operate prior to engaging in activities related to postsecondary education via telecommunications activity, mail correspondence courses, or at a location within the Commonwealth.~~

- ~~1. The determination for certification of telecommunications activities or mail correspondence courses may be based upon, but not limited to, physical presence.~~
- ~~2. With the exception of degree programs, academic credit and other courses offered exclusively from outside the Commonwealth of Virginia through individual and private interstate communication, all telecommunications activities and mail correspondence courses are subject to the certification criteria required for all postsecondary schools.~~

~~C. A.~~ Existing postsecondary schools must recertify compliance with certification criteria on an annual basis in order to continue offering postsecondary courses and programs.

~~D. B.~~ Postsecondary schools operating ~~branches~~ multiple sites in Virginia must certify each separately.

~~E. C.~~ Noncertified postsecondary schools that seek to establish a postsecondary education consortium, agreement, partnership, or other similar arrangement with an existing certified postsecondary school must ~~meet all requirements for certification as set forth in these regulations and~~ become certified to operate prior to engaging in postsecondary education activities within the Commonwealth of Virginia.

8VAC40-31-125. Certification required for schools offering distance learning in Virginia.

A. Any degree-granting postsecondary school providing distance learning to residents of the Commonwealth from a location outside of the Commonwealth shall be certified to operate in the Commonwealth or shall be a participant in a reciprocity agreement to which the Commonwealth belongs, in accordance with council's authority pursuant to § 23.1-211 of the Code of Virginia, for the purpose of consumer protection.

B. Any degree-granting postsecondary institution seeking initial or renewal authorization to offer distance education programs or courses to residents of the Commonwealth from a location outside of the Commonwealth that is not a participant in a reciprocity agreement to which the Commonwealth belongs must demonstrate that it meets the following eligibility criteria:

1. The institution is properly authorized to operate by and in good standing with the appropriate entity in the state where the institution has legal domicile.
2. The institution is a United States degree-granting institution that is accredited by an accrediting agency that is recognized by the U.S. Department of Education with a scope of authority, as specified by the U.S. Department of Education, that includes distance education.
3. The institution is in good standing, including having no current or pending show cause or probation actions against it.
4. The institution demonstrates minimum financial stability to qualify for certification defined as a federal Financial Responsibility Composite Score of 1.5 or better.

C. An institution certified pursuant to this section shall provide proof of the following disclosures to Virginia residents:

1. A notification that the school is certified to operate by council.
2. A notification outlining the procedures a student may follow to file a complaint against the school. The disclosure must include a statement that if the complaint is not resolved to the student's satisfaction, the student may contact the council as a last resort. The school must provide contact information for council and must ensure that the student will not be retaliated against for filing a complaint.
3. A notification stating that the transferability of credits earned at the school is at the sole discretion of the receiving institution.
4. For institutions offering programs or courses leading to or advertised as leading to professional licensure, a notification regarding whether completion of the program is sufficient to meet licensure requirements in Virginia. If the institution is unable to determine whether a program will meet the professional licensure requirements in Virginia, the notification shall ~~provide current contact information for any applicable licensing boards and advise the student or applicant to determine whether the program meets requirements for licensure in Virginia prior to enrollment~~ state that the program does not satisfy Virginia licensure requirements.

D. An institution certified pursuant to this section shall pay a nonrefundable initial and renewal authorization fee as provided in 8VAC40-31-260.

E. An institution certified pursuant to this section shall immediately inform the council and current enrolled students who are residents of the Commonwealth of any adverse action by the U.S. Department of Education or by its accrediting agency that threatens a disruption of the operation of the institution or exposes students to a loss of course or degree credit or financial loss.

F. The certificate of authorization for an institution certified pursuant to this section shall expire on the stated expiration date. Applications for annual renewals must be submitted to council at least 90 days prior to the expiration date of the current authorization.

G. In the case of an institution that has enrolled students who are residents of the Commonwealth prior to July 1, 2022, the institution may instruct only such students through the

completion of their program without being certified to operate in the Commonwealth or being a participant in a reciprocity agreement to which the Commonwealth belongs.

8VAC40-31-130. Application of certification criteria.

~~A. The certification criteria shall include, but not be limited to (i) procedures by which a postsecondary school may apply for certification and (ii) criteria designed to ensure that all postsecondary schools that are subject to this chapter meet minimal academic or career-technical educational standards. [or "Non-degree training standards" (SRC proposal)]~~

~~B. Postsecondary schools, by notarized signature of the chief executive officer, will be responsible for certifying total compliance with certification criteria on an initial and annual basis.~~

~~C. Postsecondary schools must be in compliance with all local, state, and federal statutes, laws, and codes.~~

~~D. A. Initial site visit. Council staff shall conduct an initial site visit prior to certification. The school shall demonstrate that the facilities conform to all federal, state, and local building codes and that it is equipped with classrooms, instructional and resource facilities, and laboratories adequate for the size of the faculty and student body and adequate to support the education programs offered by the school.~~

~~E. B. Provisional certification. An initial certification applicant may be granted provisional certification for a period not to exceed one year, during which time the institution shall meet all conditions established by council for provisional certification. During the period of provisional certification, the school:~~

- ~~1. May advertise, provided that all advertisements and promotional materials state that the school is Provisionally Certified to Operate by the State Council of Higher Education for Virginia;~~
- ~~2. 1. May recruit and register students, however, may not collect more than an initial nonrefundable fee of \$100 from each student;~~
- ~~3. May recruit and hire faculty and staff; and~~
- ~~4. 2. May not offer postsecondary instruction or confer certificates, diplomas or degrees.~~

~~F. If the institution has not complied with all necessary standards and conditions within the period specified by the provisional certification, a new application for certification must be submitted.~~

8VAC40-31-140. Certification criteria for institutions of higher education.

~~A. This section shall apply to each institution of higher education for which certification is required.~~

~~B. A. In order to award a degree, the institution's programs must meet the following generally accepted minimum number of semester/quarter credit hours required to complete a standard college degree.~~

- ~~1. An associate degree shall be granted only after the successful completion of at least 60 semester hour or 90 quarter credit hours of collegiate level study.~~
- ~~2. A bachelor's degree shall be granted only after the successful completion of at least 120 semester hours or 180 quarter credit hours of collegiate level study.~~
- ~~3. A master's degree shall be granted only after the successful completion of the requirements for a bachelor's degree and at least 30 semester hours or 45 quarter credit hours of collegiate level study.~~
- ~~4. The doctoral degree shall be granted only after the successful completion of a minimum of three years of full-time graduate study or equivalent (90 semester hours or 135 quarter credit hours) beyond the bachelor's degree, including dissertation credits or research study.~~

~~5. Exceptions to these standards must be approved by the council. Proposed programs will be evaluated by the standards of similar programs in public or private postsecondary institutions.~~

~~6. 5.~~ A student shall complete a minimum of ~~30%~~ 25% of course work at the institution in order to be granted a degree from that institution.

~~7. 6.~~ An institution that awards life or work experience credit shall have its related transfer policy approved by the council ~~staff~~. No more than ~~30%~~ 25% of the credit in a student's degree program may be awarded for life or work experience.

~~7.~~ Exceptions to these standards must be approved by ~~the council~~ staff. Proposed programs will be evaluated by the standards of similar programs in public or private postsecondary institutions.

C. The course, program, curriculum and instruction must be of quality, content and length to adequately achieve the stated objective.

1. For terminal occupational/technical programs leading to the Associate of Occupational Science (A.O.S.) degree, general education courses must compose at least 15% of the total credit hours required for the degree.

2. For terminal occupational/technical programs leading to the Associate of Applied Science (A.A.S.) degree, general education courses shall compose at least 25% of the total credit hours required for the degree.

3. For all university parallel associate degree programs, general education courses shall compose at least 25% of the total credit hours required for the degree, and required courses in the major field of study shall compose no more than 50% of the total credit hours required for the degree in a specific discipline.

D. Faculty must be qualified and appropriately credentialed as follows:

~~1. All instructional faculty teaching in a terminal occupational/technical program leading to the Associate of Applied Science (A.A.S.) or Associate of Occupational Science (A.O.S.) degree shall:~~

~~a. If teaching general education courses, hold a baccalaureate degree from an accredited college or university, plus at least 18 graduate credit hours in the discipline being taught.~~

~~b. If teaching occupational/technical courses, hold either (i) an associate degree from an accredited college or university in the discipline being taught or (ii) qualify for a faculty appointment by virtue of scholarly or professional achievements.~~

~~2. 1.~~ All instructional faculty teaching in a college transfer program at the associate level shall:

a. If teaching general education courses or in programs in the liberal arts and sciences, hold a baccalaureate degree from an accredited college or university, plus at least 18 graduate credit hours in the discipline being taught.

b. If teaching occupational/technical courses, hold a baccalaureate degree from an accredited college or university in the discipline being taught or qualify by virtue of professional or scholarly achievement.

~~3. 2.~~ All instructional faculty members who teach in programs at the baccalaureate level shall:~~a. Hold a master's degree in the discipline being taught or hold a master's degree in an area other than that being taught with at least 18 graduate semester hours in the teaching discipline from an accredited college or university.~~

~~b. Exception to academic preparation requirements for instructional faculty may be made in instances where substantial documentation of professional and scholarly achievements and/or demonstrated competences in the discipline can be shown. The institution must document and justify any such exception.~~

~~4. 3.~~ All instructional faculty teaching in a program at the master's level or higher shall hold a doctoral or other terminal degree in the discipline being taught from an accredited college or university.

~~4.~~ Exception to academic preparation requirements for instructional faculty may be made in instances where substantial documentation of professional and scholarly achievements and/or demonstrated competences in the discipline can be shown. The institution must document and justify any such exception.

E. In addition to the instructor qualifications in subsection D of this section, the institution must certify that:

~~1.~~ All instructional courses for degree credit require a minimum of 15 contact hours for each semester credit hour or a minimum of 10 contact hours for each quarter credit hour, or the equivalent, ~~and an expectation for additional assignments beyond scheduled instructional activities.~~

~~2.~~ The elective and required courses for each program are offered on a schedule and in a sequence that enables ~~both full-time and part-time~~ students to complete the program in a reasonable period of time.

~~3.~~ The institution's instructional faculty at each location holds either full-time, part-time, or adjunct appointments.

~~4. 3.~~ The institution's academic programs shall ensure that: (i) ~~a properly credentialed and course qualified instructor teaches each course;~~ (ii) a credentialed and course qualified academic advisor is available to meet the concerns of the student, and that a student contact by any method will elicit a response from the advisor within a reasonable timeline; ~~(iii)~~ (ii) continual curriculum development and oversight for each major and concentration/track is maintained; and ~~(iv)~~ (iv) a program director is named and designated to oversee each program area.

~~5. 4.~~ A plan is in place that ensures interaction between student and faculty, and among students.

F. All senior administrators must be individually qualified by education, experience, and record of conduct to assure effective management, ethical practice, and the quality of degrees and services offered. ~~The term "senior administrator" generally encompasses individuals who have administrative or managerial authority within an institution. This includes by function, but is not limited to titles of Chief Executive Officer, President, Chancellor, Dean, Provost, or Owner. Boards must collectively demonstrate financial, academic, managerial, and any necessary specialized knowledge, but individual members need not have all of these characteristics. Any controlling organization or owner is subject to this standard.~~

~~1.~~ ~~The senior administrators shall hold at least an earned baccalaureate degree from an accredited college or university and shall have sufficient experience to qualify for the position.~~

~~2. 1.~~ Each ~~branch site~~ of the institution certified to operate in Virginia must designate one person as the ~~branch/campus site~~ director.

~~a.~~ The director must hold a baccalaureate degree from an accredited college or university with at least one year of experience in administration or institutional management.

~~b.~~ ~~Exception to academic preparation requirements for director may be made in instances where substantial documentation of professional and scholarly achievements and/or demonstrated competences in administration/institutional management can be shown. The institution must document and justify any such exception.~~

~~3.~~ ~~Duties of the director include, but are not limited to:~~

~~a. Be available at the school location for at least 50% of the operational time each week the school has students present unless an assistant director is available. If the school operates a site in Virginia, a director must be assigned to manage the site's operation; however, the director may designate a person at the site to handle day-to-day administrative matters in his absence.~~

~~b. Be responsible for the institution's program or programs, organization of classes, maintenance of the institutional facilities, maintenance of proper administrative records, signing documents pertaining to certification, and all other administrative matters related to certification.~~

~~c. Implicitly accepts knowledge of and responsibility for compliance with the Code of Virginia and its implementing regulations including, but not limited to, advertising, records maintenance, annual deadlines, and fee payments.~~

4. ~~2.~~ Senior administrators in the positions described in this section must be of good reputation and character. A person is considered of good reputation and character if:

a. The person has no felony convictions related to the operation of a school;

b. The person has not been convicted or pleaded guilty to a crime of fraud or theft under state or federal law within the previous 10 years and has not had a judgment entered against him in his individual capacity in a civil action based upon any theory of fraudulent activity within the previous 10 years;

c. The person has not controlled or managed a postsecondary educational institution that has ceased operation during the past five years without providing for the completion of programs by its students or without providing tuition refunds; and

d. The person has not knowingly falsified or withheld information from the council.

~~5. 3.~~ Administrative personnel must be appropriately experienced, and educated in the field for which they are hired ~~or receive documented, relevant training within the first year of employment.~~ Administrative personnel generally encompasses individuals who oversee areas as outlined in operational and administrative standards. This includes by function, but is not limited to, titles of financial aid administrator; director of admissions; director of education; ~~business officer or manager;~~ director of student services (including counseling and placement), and the registrar.

8VAC40-31-150. Certification criteria for ~~career-technical~~ non-college degree schools.

~~A. The criteria in this section shall apply to each career-technical school for which certification is required.~~

~~B. A.~~ The course, program, curriculum and instruction must be of quality, content and length to adequately achieve the stated objective.

~~C. B.~~ Faculty, if teaching technical courses for ~~career-technical~~ non-college degree programs not leading to a degree and not offered as degree credit, must either (i) hold an associate degree from an accredited college or university in the discipline being taught or (ii) possess a minimum of two years of technical/occupational experience in the area of teaching responsibility or a related area. The instructor must hold the appropriate certificate or license in the field, if certification or licensure is required to work in the field.

~~D. C.~~ In addition to the instructor qualifications in subsection ~~C. B.~~ of this section, the ~~career-technical~~ non-college degree school must certify that:

1. Courses of study conform to ~~state, federal, trade, or manufacturing~~ standards of training for the occupational fields in which such standards have been established or conform to recognized training practices in those fields.

2. A plan is in place that ensures interaction between student and faculty, and among students.

~~E. D.~~ Administrators must demonstrate their qualifications for their particular responsibilities through educational background, and relevant work experience, ~~or record of accomplishments~~

~~in previous educational work settings.~~ Owners and administrators must be of good reputation and character. A person is considered of good reputation and character if:

1. The person has no felony convictions related to the operation of a school;
2. The person has not been convicted or pleaded guilty to a crime of fraud or theft under state or federal law within the previous 10 years and has not had a judgment entered against him in his individual capacity in a civil action based upon any theory of fraudulent activity within the previous 10 years;
3. The person has not controlled or managed a postsecondary educational institution that has ceased operation during the past five years without providing for the completion of programs by its students or without providing refunds; and
4. The person has not knowingly falsified or withheld information from the council.

8VAC40-31-160. Certification criteria for all postsecondary schools.

~~A. The criteria in this section shall apply to all postsecondary schools for which certification is required.~~ With regard to postsecondary schools that are accredited by an accrediting agency recognized by the U.S. Department of Education, the council may apply a presumption of compliance with criteria in this section if the school has complied with an accreditation standard directed to the same subject matter as the criteria. The council need not apply this presumption if the accreditation standard is deficient in satisfying an identifiable goal of the council. The council shall articulate reasons that the accreditation standard is deficient.

B. The postsecondary school shall have a clear, accurate, and comprehensive written statement, which shall be available to the public upon request. The statement minimally shall include the following items:

1. The history and development of the postsecondary school;
2. An identification of any persons, entities, or institutions that have a controlling ownership or interest in the postsecondary school;
3. ~~The purpose~~ mission of the postsecondary school, ~~including a statement of the relative degree of emphasis on instruction, research, and public service as well as a statement demonstrating that the school's proposed offerings are consistent with its stated purpose;~~
4. A description of the postsecondary school's distance education activities ~~including telecommunications activities away from its principal location, and a list of all program areas in which courses are offered away from the principal location if applicable;~~
5. A list of all locations in Virginia at which the postsecondary school offers courses ~~and a list of the degree and nondegree programs currently offered or planned to be offered in Virginia;~~
6. ~~For each Virginia location, and for the most recent academic year, the total number of students who were enrolled as well as the total number and percentage of students who were enrolled in each program offered;~~
7. ~~For each Virginia location, the total number of students who completed or graduated from the school as of the end of the last academic year and the total number and percentage of students who completed or graduated from each program offered by the school as of the end of the last academic year; and~~
8. ~~For unaccredited institutions of higher education and career technical~~ non-college degree ~~schools only, the total number of students who report employment in their field of study within (i) six months of completion or graduation and (ii) one year of completion or graduation.~~

~~C. The postsecondary school or branch site shall have a current, written document available to students and the general public upon request that accurately states the powers, duties, and responsibilities of:~~

- ~~1. The governing board or owners of the school;~~
- ~~2. The chief operating officer, president, or director at that branch in Virginia;~~
- ~~3. The principal administrators and their credentials at that branch site in Virginia; and~~
- ~~4. The students, if students participate in school governance.~~

~~D. C. The postsecondary school shall have, maintain, and provide to all applicants a policy document accurately defining the minimum requirements for eligibility for admission to the school; and for acceptance at the specific admission into each degree level offered; and acceptance into programs with additional admissions requirements. into all specific degree programs offered by the postsecondary school that are relevant to the school's admissions standards. In addition, tThe document shall explain:~~

- ~~1. The standards for academic credit or course completion given for experience;~~
- ~~2. The criteria for acceptance of transfer credit where applicable;,-~~
- ~~3. The criteria for refunds of tuition and fees;~~
- ~~4. Students' rights, privileges, and responsibilities; and~~
- ~~5. The established grievance process of the school, which shall indicate that students should follow this process and may contact council staff to file a complaint about the school as a last resort. The written policy shall include a provision that students will not be subjected to adverse actions by any school officials as a result of initiating a complaint.~~

~~E. The postsecondary school shall maintain records on all enrolled students. At a minimum, these records shall include:~~

~~1. Each student's application for admission and admissions records containing information regarding the educational qualifications of each regular student admitted that are relevant to the postsecondary school's admissions standards. Each student record must reflect the requirements and justification for admission of the student to the postsecondary school. Admissions records must be maintained by the school, its successors, or its assigns for a minimum of three years after the student's last date of attendance.~~

~~2. An original agreement titled "Student Enrollment Agreement" signed by the student and an authorized representative of the school. The use of electronic signatures is permissible so long as the use complies with § 59.1-479 483 of the Code of Virginia. A copy of the completed enrollment agreement shall be given to the student upon execution.~~

~~a. At the time of enrollment, the agreement shall contain, at a minimum:~~

- ~~(1) Student name, address, and phone number;~~
- ~~(2) Institution name, address, and phone number;~~
- ~~(3) Name of the educational program, start date, and the total number of credit hours or clock hours to complete the program of study and type of credential awarded upon completion (certificate, diploma, or degree);~~
- ~~(4) Estimated cost of all institutional charges and fees including tuition, fees, equipment charges, supplies, textbooks, and uniforms;~~
- ~~(5) The institution's refund policy, which must be in compliance with subsection N of this section;~~
- ~~(6) A labeled section titled "STUDENT'S RIGHT TO CANCEL" that shall provide the terms for cancellation. Specifically:~~
 - ~~(a) The school shall provide a period of at least three business days, excluding weekends and holidays, by which the student applicant must cancel in order to receive refund of all moneys paid less a nonrefundable fee not to exceed \$100. The~~

actual date by which the student applicant must cancel shall be specified in the agreement.

(b) The school shall disclose that following the cancellation period, a student applicant may cancel his enrollment agreement, by written notice, at any time prior to the first class day of the session for which application was made. When cancellation is requested under these circumstances, the school will refund all tuition paid by the student, less a maximum tuition fee of 15% of the stated costs of the course or program or \$100, whichever is less;

(7) A notice stating that the transferability of credit and credentials earned is at the sole discretion of the receiving institution;

(8) For enrollees in programs leading to professional licensure, the school shall disclose annual pass rates for first time test takers for the last three years, if applicable. If results are not available, the school must provide a written explanation. ~~This disclosure must be signed by the student;~~

(9) A statement informing students of the institution's grievance policy;

(10) A statement informing students that the institution is certified to operate by SCHEV and providing full contact information for council;

(11) A statement that reads: "By signing below, I certify that I have been provided access to the institution's electronic or print catalog, bulletin, or brochure.";

(12) A statement that reads: "I understand that this is a legally binding agreement. My signature below certifies that I have read, understood, and agreed with my rights and responsibilities. Further, I certify that I understand the institution's cancellation and refund policies and I understand and agree to these policies."; and

(13) Following the statement in subdivision E 2 a (12) of this section, the document provides places for signatures of the student and authorized representative of the school and date the document was signed.

b. A new enrollment agreement must be completed in the event that the student (i) delays his start date, (ii) changes the program of enrollment, or (iii) drops from the program and reenrolls at a later date.

c. No postsecondary school shall condition the enrollment of a student on:

(1) Entering into an agreement that requires the student to arbitrate any dispute between the student and the school, regardless of whether the agreement permits the student to opt out of the requirement to arbitrate any such dispute in the future; or

(2) Entering into an agreement that requires the student to resolve a dispute on an individual basis and waive the right to class or group actions.

3. A transcript of the student's academic or course work at the school, which shall be retained permanently in either hard copy forms or in an electronic database with backup by the school, its successors, or its assigns.

~~4. A record of student academic or course progress at the school including programs of study, dates of enrollment, courses taken and completed, grades, and indication of the student's current status (graduated, probation, etc.) must be retained permanently. Any changes or alterations to student records must be accurately documented and signed by an appropriate school official.~~

~~5.~~ 4. A record of all financial transactions between each individual student and the school including payments from the student, payments from other sources on the student's behalf, and refunds. Fiscal records must be maintained for a minimum of three years after the student's last date of attendance. When tuition and fees are paid by the student in installments, a clear disclosure of truth-in-lending statement must be provided to and signed by the student.

~~6.~~ 5. The school shall make the documents referenced in subdivisions 1 through ~~5~~ 4 of this subsection available to the student upon request. Academic transcripts shall be provided upon request if the student is in good financial standing.

F. Each school shall provide or make available to students, prospective students, and other interested persons a catalog, bulletin, brochure, or electronic media containing, at a minimum, the following information:

~~1. The number of students enrolled in each program offered.~~

~~2. For each Virginia location, the total number of students who completed or graduated from the school as of the end of the last academic year and the total number and percentage of students who completed or graduated from each program offered by the school as of the end of the last academic year.~~

~~3.~~ 1. A description of any financial aid scholarships or grants offered by the school and a description of federal financial aid available to students, (if applicable), including repayment obligations, The school shall disclose the standards of academic progress required for continued participation in the financial aid programs, sources of loans or scholarships, the percentage of students receiving federal financial aid (if applicable) and the average student indebtedness at graduation.

~~4.~~ 2. A broad description, including academic or career-technical objectives of each program offered, including: program objectives; number of hours or credits required for program completion; course descriptions; the number of hours or credits of instruction in for each subject course; and total number of hours required for course completion, course descriptions, and a statement of the type of credential awarded.

~~5.~~ 3. A statement of tuition and fees and other charges related to enrollment, such as deposits, fees, books and supplies, tools and equipment, and any other charges for which a student may be responsible. These charges are to be applied uniformly to all similarly circumstanced students.

~~6.~~ 4. The school's refund policy for tuition and fees pursuant to subsection N of this section.

~~7.~~ 5. The school's procedures for handling complaints, including procedures to ensure that a student will not be subject to unfair actions as a result of his initiation of initiating a complaint proceeding. The policy shall include a statement that students may contact council staff as a last resort in the complaint process.

~~8.~~ 6. The name and address of the school's accrediting body, if applicable.

~~9.~~ 7. The minimum requirements for satisfactory completion of each degree level and degree program, or nondegree certificates or diplomas.

~~10. A statement that accurately describes the transferability of any courses.~~

~~11. A statement that accurately represents the transferability of any diplomas, certificates, or degrees offered by the school.~~

~~12.~~ 8. If the institution offers programs leading to the Associate of Applied Science or Associate of Occupational Science degree, a statement that these programs are terminal occupational or technical programs and that credits generally earned in these programs are not applicable to other degrees.

~~13.~~ 9. The academic calendar or course work schedule for the period covered by the publication.

~~14.~~ 10. A statement that accurately details the type and amount of career advising and placement services offered by the school.

~~15.~~ 11. The name, location, and address of the main campus, branch, or instructional all sites operating in Virginia.

12. A statement describing student rights and responsibilities.

G. The school must have a clearly defined process by which the curriculum is established, reviewed, and evaluated. Evaluation of school effectiveness must be completed on a regular basis and must include:

- ~~1. An explanation of how each program is consistent with the mission of the school.~~
2. 1. An explanation of the written process for evaluating each degree level and program, or career-technical program, once initiated and an explanation of the procedures for assessing the extent to which the educational goals are being achieved.
3. 2. Documented use of the results of these evaluations to improve the degree and career-technical programs offered by the school.

H. Pursuant to § 23.1-215 of the Code of Virginia, the school must maintain records that demonstrate it is financially sound; ~~exercises proper management, financial controls, and business practices;~~ and can fulfill its commitments for education or training. ~~The school's financial resources should be characterized by stability, which indicates the school is capable of maintaining operational continuity for an extended period of time. The stability indicator that will be used is the USDOE Financial Ratio (composite score).~~

1. ~~Institutions of higher education~~ Certified schools shall provide the results of an annual audited, reviewed, or compiled financial statement. ~~Career-technical~~ Non-college degree schools shall ~~provide the results of an annual audited, reviewed or compiled financial statement or the school~~ may elect to provide financial information on forms provided by council staff. The financial report shall be prepared in accordance with generally accepted accounting principles (GAAP) currently in effect. The financial report shall cover the most recent annual accounting period ~~completed~~.

2. The indicator that will be used to assess financial stability is the USDOE USED composite score, which has a range is of -1.0 to 3.0. Schools with a score of 1.5 to 3.0 meet fully the stability requirement in subsection I of this section; scores between 1.0 and 1.4 meet the minimum expectations; and scores less than 1.0 do not meet the requirement and shall be immediately considered for audit.

I. ~~Pursuant to § 23.1-215 of the Code of Virginia, the school~~ Certified schools shall have and maintain a surety instrument issued by a surety company or banking institution authorized to transact business in Virginia that is adequate to provide refunds to students for the unearned non-Title IV portion of tuition and fees for any given semester, quarter or term and to cover the administrative cost associated with the instrument claim. The instrument shall be based on the non-Title IV funds that have been received from students or agencies for which the education has not yet been delivered. This figure shall be indicated in an audited financial statement as a Current (non-Title IV) Tuition Liability. A school certified under this regulation shall be exempt from the surety instrument requirement if it can demonstrate a USDOE composite financial responsibility score of 1.5 or greater on its current financial statement; or if it can demonstrate a composite score between 1.0 and 1.4 on its current financial statement and has scored at least 1.5 on a financial statement in either of the prior two years. The school's eligibility for the surety waiver shall be determined annually, at the time of recertification.

1. Public postsecondary schools originating in a state other than Virginia that are operating a ~~branch campus or instructional~~ site in the Commonwealth of Virginia are exempt from the surety bond requirement.

2. New schools and unaccredited existing schools must complete at least five calendar years of academic instruction or certification to qualify for the surety waiver or exemption.

3. Existing schools seeking a waiver of the surety instrument requirement must submit an audited financial statement for the most recent fiscal year end that reflects the appropriate composite score as indicated in this subsection.

J. ~~The school shall have a current written policy on faculty accessibility that shall be distributed to all students. The school shall ensure that instructional faculty are accessible to~~

students for academic or course advising at stated times outside a course's regularly scheduled class hours at each branch and throughout the period during which the course is offered.

~~K. All recruitment personnel must provide prospective students with current and accurate information on the school through the use of written and electronic materials and in oral admissions interviews:~~

- ~~1. The school shall be responsible and liable for the acts of its admissions personnel.~~
- ~~2. No school, agent, or admissions personnel shall knowingly make any statement or representation that is false, inaccurate or misleading regarding the school.~~

~~L. J. All programs offered via telecommunications or distance education must be comparable in content, faculty, and resources to those offered in residence and must include regular student-faculty interaction by computer, telephone, mail, or face to face meetings appropriate means. Telecommunication Distance education programs and courses shall adhere to the following minimum standards:~~

- ~~1. The educational objectives for each program or course shall be clearly defined, simply stated, and of such a nature that they can be achieved through telecommunications distance education.~~
- ~~2. Instructional materials and technology methods must be appropriate to meet the stated objectives of the program or course. The school must consider and implement basic online navigation of any course or program, an information exchange privacy and safety policy, a notice of minimum technology specification for students and faculty, proper system monitoring, and technology infrastructure capabilities sufficient to meet the demands of the programs being offered.~~
- ~~3. The school shall provide faculty and student training and support services specifically related to telecommunication distance education activities.~~
- ~~4. The school shall provide for methods for timely interaction between students and faculty.~~
- ~~5. The school shall develop standards that ensure that accepted students have sufficient background, knowledge, and technical skills to successfully undertake a telecommunications distance education program.~~

~~M. K. The school shall maintain and ensure that students have access to a library with a collection, staff, services, equipment, and facilities that are adequate and appropriate for the purpose and enrollment of the school. Library resources shall be current, well distributed among fields in which the institution offers instructions, cataloged, logically organized, and readily located. The school shall maintain a continuous plan for library resource development and support, including objectives and selections of materials. Current and formal written agreements with other libraries or with other entities may be used. Institutions offering graduate work shall provide access to library resources that include basic reference and bibliographic works and major journals in each discipline in which the graduate program is offered. Career-technical schools shall provide adequate and appropriate resources for completion of course work.~~

~~N. L. In accordance with § 23.1-215 of the Code of Virginia, the school Certified schools shall establish a tuition refund policy and communicate it to students. ~~Each school shall establish, disclose, and utilize a system of tuition and fee charges for each program of instruction. These charges shall be applied uniformly to all similarly circumstanced students. This requirement does not apply to group tuition rates to business firms, industry, or governmental agencies that are documented by written agreements between the school and the respective organization.~~~~

- ~~1. The school shall adopt a minimum refund policy relative to the refund of tuition, fees, and other charges. All fees and payments, with the exception of the nonrefundable fee described in subdivision 2 of this subsection, remitted to the school by a prospective student shall be refunded if the student is not admitted, does not enroll in the school,~~

does not begin the program or course, withdraws prior to the start of the program, or is dismissed prior to the start of the program.

2. A school may require the payment of a reasonable nonrefundable initial fee, not to exceed \$100, to cover expenses in connection with processing a student's enrollment, provided it retains a signed statement in which the parties acknowledge their understanding that the fee is nonrefundable. No other nonrefundable fees shall be allowed prior to enrollment.

3. The school shall provide a period of at least three business days, ~~excluding weekends and holidays,~~ during which a student applicant may cancel his enrollment without financial obligation other than the nonrefundable fee described in subdivision 2 of this subsection.

4. Following the period described in subdivision 3 of this subsection, a student applicant ~~(one who has applied for admission to a school)~~ may cancel, by written notice, his enrollment at any time prior to the first class day of the session for which application was made. When notification of cancellation is requested provided under these circumstances, the school ~~is required to~~ shall refund all tuition paid by the student, less a maximum tuition fee of 15% of the stated costs of the course or program or \$100, whichever is less. A student applicant will be considered a student as of the first day of classes.

5. The date of the institution's determination that the student withdrew should be no later than 14 calendar days after the student's last date of attendance ~~as determined by the institution from its attendance records unless the student is on an approved leave of absence.~~ The institution is not required to administratively withdraw a student who has been absent for 14 calendar days. However, after 14 calendar days, the institution is expected to have determined whether the student intends to return to classes or to withdraw. In addition, if the student is eventually determined to have withdrawn, the end of the 14 calendar day period begins the timeframe for calculating the a refunds. In the event that a student submits a written notice is withdrawing from the school, submitted, ~~the effective date of termination to calculate shall be the date of the written notice shall be used to calculate a refund.~~ The school may require that written notice be transmitted via registered or certified mail, or by electronic transmission provided that such a stipulation is contained in the written enrollment contract. The school is required to shall submit provide refunds to individuals who have terminated their status as students within 45 days after of receipt of a written request or the date the student last attended classes whichever is sooner. ~~An institution that provides the majority of its program offerings through distance learning shall have a plan for student termination, which shall be provided to council staff for review with its annual or recertification application.~~

6. ~~In the case of a prolonged illness or accident, death in the family, or other special circumstances that make attendance impossible or impractical, a leave of absence may be granted to the student if requested in writing by the student or designee. No monetary charges or accumulated absences may be assessed to the student during a leave of absence. A school need not treat a leave of absence as a withdrawal if it is an approved leave of absence. A leave of absence is an approved leave of absence if:~~

- a. The school has a formal, published policy regarding leaves of absence;
- b. The student followed the institution's policy in requesting the leave of absence and submits a signed, dated request with the reasons for the leave of absence;
- c. ~~The school determines that there is a reasonable expectation that the student will return to the school;~~
- dc. The school approved the student's request in accordance with the published policy;

- ed. The school does not impose additional charges to the student as a result of the leave of absence;
- fe. The leave of absence does not exceed 180 days in any 12-month period; and
- gf. Upon the student's return from the leave of absence, the student is permitted to complete the coursework he began prior to the leave of absence.
7. If a student does not resume attendance at the institution on or before the end of an approved leave of absence, the institution must treat the student as a withdrawal, and the date that the leave of absence was approved should be considered the last date of attendance for refund purposes.
8. The minimum refund policy for a school that financially obligates the student for a quarter, semester, trimester, or other period not exceeding 4-1/2 calendar months shall be as follows:
- For schools that utilize an add/drop period, a student who withdraws during the add/drop period shall be entitled to 100% refund for the period.
 - For unaccredited schools and schools that do not utilize an add/drop period:
 - A student who enters school but withdraws during the first 1/4 (25%) of the period is entitled to receive as a refund a minimum of 50% of the stated cost of the course or program for the period.
 - A student who enters a school but withdraws after completing 1/4 (25%), but less than 1/2 (50%) of the period is entitled to receive as a refund a minimum of 25% of the stated cost of the course or program for the period.
 - A student who withdraws after completing 1/2 (50%), or more than 1/2 (50%), of the period is not entitled to a refund.
9. The minimum refund policy for a school that financially obligates the student for the entire amount of tuition and fees for the entirety of a program or course shall be as follows:
- A student who enters the school but withdraws or is terminated during the first quartile (25%) of the program shall be entitled to a minimum refund amounting to 75% of the cost of the program.
 - A student who withdraws or is terminated during the second quartile (more than 25% but less than 50%) of the program shall be entitled to a minimum refund amounting to 50% of the cost of the program.
 - A student who withdraws or is terminated during the third quartile (more than 50% but less than 75%) of the program shall be entitled to a minimum refund amounting to 25% of the cost of the program.
 - A student who withdraws after completing more than three quartiles (75%) of the program shall not be entitled to a refund.
- ~~10. The minimum refund policy for a school that offers its programs completely via telecommunications or distance education shall be as follows:~~
- ~~For a student canceling after the 5th calendar day following the date of enrollment but prior to receipt by the school of the first completed lesson assignment, all moneys paid to the school shall be refunded, except the nonrefundable fee described in subdivision 2 of this subsection.~~
 - ~~If a student enrolls and withdraws or is discontinued after submission of the first completed lesson assignment, but prior to the completion of the program, minimum refunds shall be calculated as follows:~~
 - ~~A student who starts the program but withdraws up to and including completion of the first quartile (25%) of the program is entitled to receive as a refund a minimum of 75% of the stated cost of the course or program for the period.~~

~~(2) A student who starts the program but withdraws after completing up to the second quartile (more than 25%, but less than 50%) of the program is entitled to receive as a refund a minimum of 50% of the stated cost of the course or program for the period.~~

~~(3) A student who starts the program but withdraws after completing up to the third quartile (more than 50%, but less than 75%) of the program is entitled to receive as a refund a minimum of 25% of the stated cost of the course or program for the period.~~

~~(4) A student who withdraws after completing the third quartile (75%) or more of the program is not entitled to a refund.~~

~~c. The percentage of the program completed shall be determined by comparing the number of completed lesson assignments received by the school to the total number of lesson assignments required in the program.~~

~~d. If the school uses standard enrollment terms, such as semesters or quarters, to measure student progress, the school may use the appropriate refund policy as provided in subdivision 8 or 9 of this subsection.~~

~~11. Fractions of credit for courses completed shall be determined by dividing the total amount of time required to complete the period or the program by the amount of time the student actually spent in the program or the period, or by the number of correspondence course lessons completed, as described in the contract.~~

~~12. 10. Expenses incurred by students for instructional supplies, tools, activities, library, rentals, service charges, deposits, and all other charges are not required to be considered in tuition refund computations when these expenses have been represented separately to the student in the enrollment contract and catalogue, catalog or other documents, prior to enrollment in the course or program. The school shall adopt and adhere to reasonable policies regarding the handling of these expenses when calculating the refund.~~

~~13. For programs longer than one year, the policy outlined in subdivisions 9, 10, and 11 of this subsection shall apply separately for each academic year or portion thereof.~~

~~14. Schools shall comply with the cancellation and settlement policy outlined in this section, including promissory notes or contracts for tuition or fees sold to third parties.~~

~~15. When notes, contracts or enrollment agreements are sold to third parties, the school shall continue to have the responsibility to provide the training specified regardless of the source of any tuition, fees, or other charges that have been remitted to the school by the student or on behalf of the student.~~

O. The school shall keep relevant academic transcripts for all teaching faculty to document that each has the appropriate educational credentials in the area of teaching responsibility. In the event teaching qualification is based on professional competencies or scholarly achievements, relevant documentation to support reported experience must be retained by the school.

P. If an internship, externship, or production work is necessary as a part of the school's education program, the school must adhere to the following:

1. When programs contain internships or externships, in any form, the professional training must:

a. Be identified as part of the approved curriculum of the school and be specified in terms of expected learning outcomes in a written training plan.

b. Be monitored by an instructor of record during the entire period of the internship.

c. Not be used to provide labor or as replacement for a permanent employee.

d. Be performed according to a specified schedule of time required for training including an expected completion date.

e. If the internship, externship, or production work is part of the course requirement, the student may not be considered as a graduate or issued a graduation credential until the internship, externship, or production work has been satisfactorily completed.

2. When receiving compensation for services provided by students as part of their education program, the school must clearly inform customers that services are performed by students by (i) posting a notice in plain view of the public or (ii) requiring students to wear nametags that identify them as students while performing services related to their training.

~~Q. An institution shall notify seek approval from council staff of the following occurrences no later than 30 days prior to said occurrence before:~~

~~1. Addition of Adding new programs or modifications to modifying existing programs. Program names must adhere to the CIP taxonomy maintained by the National Center for Education Statistics.~~

~~2. Addition of Opening a new branch location site or instructional site location.~~

~~3. Address change Changing the address of a branch site or instructional site location in Virginia.~~

~~Notification of the occurrences in this subsection shall be submitted in writing on forms provided by and in a manner prescribed by the council.~~

~~R. An institution shall notify the council of the following occurrences no later than 30 days following said occurrence.~~

~~1. Naming of new school president.~~

~~2. Naming of new campus or branch site director.~~

~~3. Naming of person responsible for the regulatory oversight of the institution.~~

8VAC40-31-165. Equipment and facilities. (Repealed.)

~~A. All buildings where courses of instruction are being conducted must comply with all municipal, county, state, and federal regulations as to fire, safety, health, and sanitation codes or regulations.~~

~~B. Lighting, heating, and ventilation must meet institutional needs. The equipment and facilities must be suitable to meet the training specified in the course content for the maximum student enrollment. Where applicable, all equipment, premises, and facilities must be maintained in conformity with state and federal rules and regulations.~~

~~C. Equipment shall be maintained in good working order.~~

8VAC40-31-170. Initial certification, recertification, and change of ownership.

~~A. An institution shall not use the term "college" or "university" or words of similar meaning until it has received acknowledgment approval from council staff that the name is not in violation of 8VAC40-31-20.~~

~~1. A school may not use the term "college" in its name unless the school has been approved or seeks to offer programs at the associate degree or above.~~

~~2. A school may not use the term "university" in its name unless the school has been approved or seeks to offer programs at the master's degree or above.~~

~~3. The council may refuse to approve a name change when, in the council's judgment, the proposed name is likely to mislead the public about the school's identity or the nature of its programs.~~

~~4. A school seeking certification must notify council staff receive approval from council of its proposed name prior to filing such name with the State Corporation Commission.~~

5. Prior to receiving certification to operate, a copy of the school's certificate from the Virginia State Corporation Commission authorizing it to transact business in the Commonwealth under the acknowledged name must be submitted to council staff.

~~B. A school shall not operate in the Commonwealth of Virginia without first receiving certification to operate from the council. Certified schools shall not enter into any agreement to deliver or develop courses or programs of study in Virginia with noncertified postsecondary schools.~~

~~C. B. An out-of-state postsecondary school seeking certification to operate in the Commonwealth of Virginia must secure written documentation from the higher education coordinating or approving agency in the state or country in which the school is formed, chartered, established, or incorporated indicating that the school is operating in good standing. If the school formerly operated in another state or country but is not operating there at the time of its application to operate in Virginia, the school must secure from the higher education coordinating or approving agency documentation that it closed in good standing and would be allowed to reestablish a postsecondary school in that state or country. These written documentations must be provided to council staff.~~

~~D. C. A school submitting its initial application for certification will have 180 days to complete the application process, after which time its application will be withdrawn by the council and it will receive a refund of the application fee minus a nonrefundable administrative fee as listed in 8VAC40-31-260 D.~~

~~E. D. All certifications shall expire on the certificate expiration date. Applications for recertification must be submitted to council staff at least 60 days prior to the expiration date of the current certification. If a school allows its certification to operate to expire, the school shall not be eligible for recertification and must submit an application for initial certification including the appropriate application fee.~~

~~F. E. Certification is not transferable. In the event of a change of ownership of a certified school, the new owner or governing body must secure certification. The school must apply for certification within 45 60 business days following a change of ownership. During the 45 60-day period and the time required for the council staff to process the new application, up to and not exceeding 90 days, the old certification shall remain in effect provided that no changes have been made in the academic programs, policies, or financial considerations such that the change would constitute or create a violation of council's policies.~~

1. The following constitutes a change of ownership:

a. Purchase of the entire school or assets of school.

b. Transfer, sale, or purchase of stock, membership, or other direct or beneficial ownership interest by a single entity or by multiple entities in a single transaction or a series of transactions that results in at least 51% change in control.

2. The acquisition of an interest in a certified school by bequest, descent, survivorship, or operation of law does not constitute a change of ownership. However, the person acquiring the ownership interest shall send written notice to the council of such acquisition within 30 days of its closing or validation. The council may determine on a case-by-case basis that other similar transfers may not constitute a change of ownership.

3. New school owners are responsible for respecting all legal obligations incurred by the school under the prior owners under 8 VAC 40-31-170, including (but not limited to), preservation of student records, resolution of student complaints, and enrollment or other financial agreements.

~~4. New school owners are responsible for resolving all student complaints that were the responsibility of the prior owners of the school or that were filed with the council prior to the final approval of the change of ownership.~~

~~5. New school owners are responsible for honoring the terms of current student enrollment agreements, institutional scholarships, or institutional grants for all students who were enrolled or taking classes at the time the change of ownership took place.~~

~~G. E.~~ Council staff will process all applications, conduct the site visit, and provide notice to applicants within 45 ~~60~~ business days of receipt of a completed application package. Approval of the certificate to operate by the council is subject to scheduling of council meetings and other factors affecting the agendas of council meetings.

~~H. G.~~ Valid-through dates of certificates to operate and due dates of recertification applications are as follows:

1. Out-of-state private degree-granting and ~~career-technical~~ non-college degree school certificates are valid for one year beginning on September 1 of the calendar year and ending on August 31 of the following calendar year. Applications are due not later than July 2.

2. Out-of-state public institution certificates are valid for one year beginning on September 15 of the calendar year and ending on September 14 of the following calendar year. Applications are due not later than July 16.

3. In-state private nonprofit institution certificates are valid for one year beginning on October 1 of the calendar year and ending on September 30 of the following calendar year. Applications are due not later than August 2.

4. In-state proprietary degree-granting and ~~career-technical~~ non-college degree school certificates are valid for one year beginning on October 15 of the calendar year and ending on October 14 of the following calendar year. Applications are due not later than August 16.

5. In-state ~~proprietary career-technical~~ non-college degree school certificates (letters A-D) are valid for one year beginning on November 1 of the calendar year and ending on October 31 of the following calendar year. Applications are due not later than September 2.

6. In-state ~~proprietary career-technical~~ non-college degree school certificates (letters E-P) are valid for one year beginning on November 15 of the calendar year and ending on November 14 of the following calendar year. Applications are due not later than September 16.

7. In-state ~~proprietary career-technical~~ non-college degree school certificates (letters Q-Z and others) are valid for one year beginning on December 1 of the calendar year and ending on November 30 of the following calendar year. Applications are due not later than October 2.

8VAC40-31-180. Application requirements.

~~A. Each certification to operate attests that the school is in compliance with Chapter 2, Article 3-21.1 (§ 23-276.1 et seq.) of Title 23-23.1 of the Code of Virginia and with this chapter.~~

~~B. A.~~ To apply for certification, the following information must be submitted:

1. A completed certification application package provided by council staff.

2. A statement regarding the school's accreditation status, if applicable.

~~a. Career-technical schools must provide a statement that the courses of study offered conform to state, federal, trade, or manufacturing standards of training for the occupational fields in which such standards have been established or that courses conform to recognized training practices in those fields.~~

~~b. a.~~ Out-of-state institutions of higher education and ~~career-technical~~ schools requesting initial certification must be accredited by an accrediting organization recognized by the U.S. Department of Education (USDOE USED) and must provide evidence that there has been no determination of limitation, suspension, revocation, or termination by the USDOE, an accrediting body, or a state regulatory body

against the school within the past five years. include documentation of any adverse action by USED, an accrediting body, or state regulatory authority within the past five years.

~~e. b. Unaccredited in-state institutions of higher education that offer courses for degree credit and existing unaccredited out-of-state career technical schools must submit a plan of action for securing accreditation from an organization recognized by the USDOE USED, including the name of the accrediting organization and timeframe. In order to remain eligible for certification, the postsecondary school must secure, at a minimum, candidacy status or equivalent within three years of its initial date of certification, and initial accreditation no later than six years after initial certification. Changes to the plan of action timeframe for accreditation will be granted only at the discretion of the council.~~

d. Unaccredited in-state institutions of higher education that undergo a change of ownership during the time period covered by the plan of action for securing accreditation, and that wish to remain eligible for certification under new ownership, will remain on the plan of action timeframe established by the former ownership. ~~This plan of action timeframe begins from the initial date of certification under the former ownership and encompasses the accreditation dates established in the plan of action put into place by the former ownership. No additional time will be granted for obtaining the minimum level of accreditation required of the plan of action due to the change in ownership. Changes to the plan of action timeframe for accreditation will not be granted except at the discretion of the council.~~

3. A transacted surety instrument form, with the State Council of Higher Education for Virginia named as the obligee.

4. A three-year projected budget that indicates that the school is capable of maintaining operational continuity for up to three years. The budget should demonstrate:

a. That the individual, partnership, or corporation that owns the school is solvent and has the financial capacity to support the operation; and

b. A positive net worth, accompanied by a reasonable debt to equity ratio.

~~5. A completed checklist, signed and dated, acknowledging full compliance with certification criteria, along with a notarized attestation statement signed by the chief executive officer or equivalent.~~

~~6. A company check in the correct, nonrefundable amount made payable to the Treasurer of Virginia.~~

~~7. 5. A copy of the school's certificate, if incorporated, from the State Corporation Commission providing authorization to transact business within the Commonwealth.~~

~~8. 6. For schools whose main campus is not in Virginia, a copy of the school's authorization to operate from the state agency in which its main campus is domiciled. No institution found to be operating illegally in another state shall be certified to operate in Virginia. An institution that has lost its legal authority to operate in another state shall be required to submit written documentation that describes the circumstances under which its authority was lost and to submit written documentation of the steps taken to remedy these circumstances before making application for certification in Virginia.~~

~~9. 7. A complete listing of all sites, along with their addresses, phone numbers (if applicable), and programs offered at the site.~~

~~10. 8. For new postsecondary school applicants, a signed and notarized statement provided by the president or CEO, that attests to any previous involvement in the operation of a postsecondary school or any previous involvement by any administrator, owner, controlling shareholder, or member of the school's governing board in the operation of a postsecondary school. At a minimum, this statement shall include the name(s) of previous schools, the dates of the involvement, the positions held within the~~

~~school, the location, the status (open/closed, and accredited/nonaccredited) of the school, any known violation of federal or state financial aid rules by the school, any known violations of the policies of an accreditor of the school, any bankruptcy filings by the school, and conviction or civil penalty levied by any legal entity in connection with this or any other educational entity in which he was employed or invested.~~

~~11. 9. A complete list of all diploma, certificate, or degree program offerings_ during the valid period of the certification. This list shall consist of the number of hours required for completion of each program, the Classification of Instructional Programs (CIP) Code where applicable, and the type of program and degree.~~

~~a. New and unaccredited Schools must also include their estimated annual enrollment projections and number of students per program; and~~

~~b. Schools that are renewing certificates to operate shall include from the previous year the following information:~~

~~(1) The number of degrees, certificates, or diplomas conferred for each program offered by the school at its Virginia facility site.~~

~~(2) The number of students graduating and the number enrolled at its Virginia facility site.~~

~~c. Unaccredited institutions of higher education and career technical non-degree schools shall include, from follow-up surveys of graduates, the number of students reporting placement in jobs relating to their field of study within six months; and one year of graduation.~~

~~C. An existing postsecondary school licensed by any other state agency empowered by the Code of Virginia to license the school, its teachers or curriculum, or both, must become certified prior to enrolling any student into a course for degree credit or program of study. The school must submit an application for certification to operate that shall contain all of the requirements outlined in 8VAC40-31-160 B and C.~~

~~D. When a branch campus of a school is under different ownership or different school name than the main campus of the school, the branch campus must submit an application for certification to operate and must pay a separate certification fee than the main campus of the school.~~

~~E. B. Any proprietary postsecondary school must provide evidence of a valid business license from the locality within which it seeks to operate. If and when council receives confirmation that a school is operating without the required business license, council shall take action as required by § 23-276.15 of the Code of Virginia.~~

~~F. C. All postsecondary schools seeking certification to operate in Virginia must undergo and successfully complete a site visit prior to the issuance of the certificate to operate.~~

8VAC40-31-190. Withdrawal of application by a postsecondary school.

~~A. A school that has submitted an application to the council may withdraw that application without prejudice at any time. A school that withdraws an application prior to receiving notification of certification will receive a refund of the filing fee minus a nonrefundable administrative fee as listed in 8VAC40-31-260 D.~~

~~B. Withdrawal of an application by a school shall result in revocation by the council of all authorizations associated with that application that previously had been granted to the school.~~

~~C. A school that has withdrawn an application may submit, at any time and without prejudice, a new application to the council in accordance with Part V (8VAC40-31-130 et seq.) of this chapter.~~

~~D. A school that withdraws an application prior to receiving notification of certification will receive a refund of the filing fee minus an administrative processing fee.~~

8VAC40-31-193. Loss of accreditation. (Repealed.)

~~A. In the event of the loss of accreditation of a certified school, the council will move to revoke the school's certificate to operate.~~

~~B. The council may waive the revocation provided the school does the following within 30 days of the loss of accreditation:~~

- ~~1. Provide council staff with a copy of the accreditor's letter and full report explaining the reason for the revocation;~~
- ~~2. Provide council staff with a written explanation why the loss of accreditation should not impact the school's certification to operate in Virginia and any supporting documentation; and~~
- ~~3. Submit to an audit to determine compliance with the council's regulations.~~

~~C. Council staff shall consider the accreditor's report, the school explanation for the loss of accreditation, and the findings of the audit to prepare a report for the council that recommends:~~

- ~~1. Initiate revocation of the school's certificate to operate; or~~
- ~~2. Grant conditional certification, during which time the school may not enroll new students. The terms of the conditional certification will be fixed at staff discretion based upon their findings.~~

~~D. The school must maintain a surety instrument during the totality of the conditional certification period.~~

~~E. The school shall provide written notification to all enrolled students of its loss of accreditation from its accrediting body and of its provisional certification status with the council.~~

~~F. The school shall be eligible to apply for full certification upon meeting the following conditions:~~

- ~~1. Provide documentation that the issues causing the loss of accreditation have been resolved.~~
- ~~2. Demonstrate full compliance to the provisions of this chapter by virtue of an audit during the conditional certification period.~~

8VAC40-31-195. Suspension or revocation of certificate to operate.

A. The council may (i) ~~suspend~~, revoke, or refuse to issue or renew a certificate to operate; (ii) modify the certificate to operate to conditional; ~~or (iii) impose a penalty pursuant to § 23-276.12 § 23.1-228~~ of the Code of Virginia for any one or combination of the following:

1. Violation of any provision of this chapter pursuant to § 23-276 23.1-225 of the Code of Virginia, the council's minimum standards, or any rule made by the council.
2. Furnishing of false, misleading, deceptive, altered, or incomplete information or documents to the council or to students or prospective students.
3. Violation of any attestations made in an application for a certificate to operate.
4. Presenting to prospective students, either at the time of solicitation or enrollment, or through advertising, mail circulars, or telephone solicitation, misleading, deceptive, false, or fraudulent information relating to any program, employment opportunity, or opportunities for enrollment after entering or completing programs offered by the school.
5. Presenting to prospective students, either at the time of solicitation or enrollment, or through advertising, mail circulars, or telephone solicitation, misleading, deceptive, false, or fraudulent information relating financial aid offered by the school.
6. Failure to provide or maintain premises or equipment for offering programs in a safe and sanitary condition as required by law or by state regulations or local ordinances.
7. Refusal by an agent while performing duties common to agents to display his agent's permit upon demand of a prospective student or council staff member or other interested persons.

~~8.~~ 3. Loss of accreditation.

~~4.~~ Failure to maintain financial resources adequate to conduct satisfactorily the courses of instruction offered or to retain an adequate, qualified instructional staff.

~~9.~~ 5. Offering training or programs other than those acknowledged by the council.

~~10. Illegal discrimination in the acceptance of students.~~

~~11.~~ 6. Failure to provide the council or council staff ~~within a reasonable timeframe~~ any information, records, or files pertaining to the operation of the school or recruitment and enrollment of students or in response to an audit.

~~12.~~ 7. Employment of enrolled students in any commercial activity from which the school derives revenue without reasonable remuneration to the students unless the students are engaging in activities that are an integral component of their educational program.

~~13.~~ 8. Engaging in or authorizing other conduct that constitutes fraudulent or criminal activity.

~~B. A school is entitled to exercise its rights under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) prior to the denial, suspension, or revocation of its certificate to operate, pursuant to 8VAC40-31-220.~~

8VAC40-31-200. Audit requirements.

A. All certified postsecondary schools shall be subject to random periodic audits. The purpose of such audit shall be to verify compliance with Chapter 2, Article 3 of Title § 23-276 23.1 of the Code of Virginia and the provisions outlined in this chapter.

~~B. At the discretion of council staff, an audit review committee shall consist of the executive director or designee and may:~~

~~1. Include individuals with the experience in the disciplines in which the school provides instruction; and/or~~

~~2. Consist of council staff.~~

~~C.~~ B. Audits shall be random or triggered by, but not limited to, the following events:

1. Council staff concerns based on questionable information in the initial or recertification application. provided by the school.

2. Greater than average volume and frequency of negative student complaints or adverse publicity.

3. Difficulty securing accreditation within the specified time period.

4. Adverse action by the USDOE-USED or the school's accrediting agency.

5. A USDOE-USED composite financial responsibility score of less than 1.0.

D. Following an audit of the school, council staff shall prepare a report ~~with recommendations for review by the council. If a school is found noncompliant, the council may:~~ and in the case of instances of non-compliance, either give the school an opportunity to remedy the non-compliance or proceed to revocation. In cases of proceeding to revocation, staff will report to council at the next feasible meeting.

~~1. Determine no action is necessary and have the report filed;~~

~~2. Change the status to conditional certification and require remedial action(s) within a specified timeframe;~~

~~3. Initiate suspension or revocation of the school's certificate to operate.~~

8VAC40-31-210. Duplication of and need for instruction for degree credit is irrelevant.

In considering a school's application, the council shall ~~not take into account either duplication of effort by public and private schools in Virginia or need within the Commonwealth for the course for degree credit, program of study, or degree program for which certification is sought.~~ comply with §23.1-220 D with regard to matters of duplication of effort.

8VAC40-31-220. Procedural rules for the conduct of fact-finding conferences and hearings (~~§§ 2.2-4019 through 2.2-4030 of the Code of Virginia~~).

A. Fact-finding conference; notification, appearance, conduct.

1. Unless emergency circumstances exist that require immediate action, no order shall be issued to refuse to grant a certification, or to revoke ~~or suspend~~ a prior certification, or to add conditions to any certification except upon written notice stating the basis for such action and the right of the affected parties to appear at an informal fact-finding conference.

2. Informal fact-finding conferences will be conducted in accordance with § 2.2-4019 of the Code of Virginia. ~~If the council determines that grounds exist to refuse to grant a certification, to revoke or suspend a prior certification, or to add conditions to any certification, the council shall provide written notice of its intention to take the proposed action to the interested parties at the address of record. The notice shall be sent by certified mail, return receipt requested, and shall state the reasons for the proposed action.~~

3. ~~Notification shall provide information about informal fact-finding conference procedures, including the rights of interested parties to (i) reasonable notice thereof; (ii) appear in person or by counsel or other qualified representative before the agency or its subordinates, or before a hearing officer for the informal presentation of factual data, argument, or proof; (iii) have notification of any contrary fact bases or information in the possession of the agency that can be relied upon in making an adverse decision; (iv) receive a prompt decision; and (v) be informed briefly and generally, in writing, of the factual or procedural basis for an adverse decision. If no withdrawal occurs, an informal fact-finding conference shall be scheduled at the earliest mutually agreeable date, but no later than 60 days from the date of the notification. A party wishing to waive its right to a conference and proceed directly to formal hearing shall notify the council at least 14 days before the scheduled conference.~~

4. ~~3.~~ If after consideration of information presented during an informal fact-finding conference, the council determines that a basis for action still exists, the interested parties shall be notified in writing within ~~60~~ 90 days of the informal fact-finding conference, ~~via certified mail~~, of the decision, the factual or procedural basis for the decision, and the right to appeal the decision by requesting a formal hearing. Parties to the conference may agree to extend the report deadline if more time is needed to consider relevant information.

5. ~~4.~~ Parties may enter into a consent agreement to settle the issues at any time prior to a formal hearing. ~~If one party desires to enter into a consent agreement prior to the informal fact-finding conference or the formal hearing, as the case may be, then it shall give reasonable notice to the other party prior to the conference or hearing. A party's delay may result in denial of the proposed consent agreement.~~

6. ~~Following execution of the consent agreement, council staff may make frequent attempts to determine whether the terms of the consent agreement are being implemented and whether its intended results are being achieved.~~

B. Hearing; notification, appearance, conduct.

1. ~~If,~~ After the council staff renders a decision following an informal fact-finding conference, an interested party desires to the school may appeal the decision by requesting a formal hearing, it shall notify by notifying the council within 14 days of the date of receipt of the ~~certified letter.~~ notification of the decision.

2. Parties to a formal hearing shall be given reasonable notice of the (i) time, place, and nature thereof; (ii) basic law under which the council contemplates its possible exercise of authority; and (iii) matters of fact and law asserted or questioned by the council. Formal hearings shall be conducted in accordance with 2.2-4020.

~~3. If an interested party or representative fails to appear at a hearing, the hearing officer may proceed in the party's/representative's absence and make a recommendation.~~

~~4. The formal hearing shall be presided over by a hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court of Virginia and maintained in the office of the Executive Secretary of the Supreme Court.~~

~~5. In the formal hearing, the parties shall be entitled to be accompanied and represented by counsel, to submit oral and documentary evidence and rebuttal proofs, and to conduct cross examination. The presiding officer at the formal hearing may (i) administer oaths and affirmations; (ii) receive probative evidence, exclude irrelevant, immaterial, insubstantial, privileged or repetitive proofs, rebuttal, or cross examination, rule upon offers of proof, and oversee a verbatim recording of the evidence; (iii) hold conferences for the settlement or simplification of issues by consent; (iv) dispose of procedural requests; and (v) regulate and expedite the course of the hearing.~~

~~C. Hearing location. Hearings before a hearing officer shall be held, insofar as practical, in the county or city in which the school is located. Hearing officers may conduct hearings at locations convenient to the greatest number of persons or by telephone conference, videoconference or similar technology in order to expedite the hearing process.~~

~~D. C. Hearing decisions.~~

~~1. Recommendations of the hearing officer shall be a part of the record and shall include a written statement of the hearing officer's findings of fact and recommendations as well as the reasons or basis for the recommendations. Recommendations shall be based upon all the material issues of fact, law or discretion presented on the record.~~

~~2. Prior to the recommendation of the hearing officer, the parties concerned shall be given opportunity, on request, to submit in writing for the record (i) proposed findings and conclusions and (ii) a statement of reasons therefor. On request, opportunity shall be afforded for oral arguments to the hearing officer or to the council as it may permit in its discretion. The council shall receive and act on exceptions to the recommendation of the hearing officer prior to rendering a decision.~~

~~3. The council shall review the recommendation of the hearing officer and render a decision on the recommendation within 30 days of receipt or at the next feasible council meeting. The decision shall be served on the parties concerned; become a part of the record; and briefly state the findings, conclusions, reasons, or basis therefor upon the evidence presented by the record and relevant to the basic law under which the council is operating, together with the appropriate order, certificate to operate, or denial thereof.~~

~~E. Agency representation. The executive director's designee may represent the council in an informal conference or at a hearing.~~

8VAC40-31-230. Criminal prosecution and Civil Enforcement for violation.

~~A. Any violation of any provision of these regulations or any provision of Chapter 2, Article 3 of Title 23.1 § 23-276.12 of the Code of Virginia that is found by council to have been committed by any person, firm, association, postsecondary school, trust, or other entity that offers or confers degrees, diplomas, certificates, programs, or courses of study shall be punishable as a class 1 misdemeanor. are punishable in accordance with § 23.1-228 of the Code of Virginia.~~

~~B. Each degree, diploma, certificate, program, or course of study offered or conferred in violation of this chapter or each violation of the provisions of § 23-276.12 of the Code of Virginia shall constitute a separate offense. Upon discovery that a postsecondary school is operating without certification, council shall take action in accordance with § 23.1-218(B) of the Code of Virginia.~~

~~C. The council shall take any action required by the Code of Virginia to deter illegal or improper acts that may violate the requirement for school certification. Pursuant to § 23-276.15 of the Code of Virginia, upon confirmation of any notification or discovery of any postsecondary~~

~~school operating without its certification or approval, the council shall notify, in writing, the relevant local commissioner of the revenue or other official serving such equivalent functions of the postsecondary school's violation of such certification or approval requirements, and shall recommend revocation of the school's business license.~~

8VAC40-31-240. Civil enforcement.

Upon the determination of the council that any school, or its agents or representatives, is in violation of this chapter, the council may institute a proceeding in equity to enjoin the violation.

8VAC40-31-250. Virginia law to apply to agreements contracts.

~~The laws of Virginia shall govern any agreement, contract, or instrument of indebtedness executed between a postsecondary school and any person enrolling in any course or program offered or to be offered by a postsecondary school in Virginia and also between that postsecondary school and any person employed or offered employment by that postsecondary school in Virginia. the Commonwealth shall apply to contracts in accordance with § 23.1-227 of the Code of Virginia.~~

8VAC40-31-260. Fees.

A. All fees collected by council staff will be deposited in the State Treasury.

B. All fees are nonrefundable with the exception of withdrawal of an application in which case all fees will be refunded minus a nonrefundable administrative fee noted in subsection D of this section.

C. Fees must be paid with a company check and made payable to the Treasurer of Virginia.

D. The annual fee is based on the annual gross tuition received by each ~~administrative branch of institutions~~ site certified to operate in Virginia. For out-of-state institutions certified to operate in Virginia, annual gross tuition means income generated from students enrolled at Virginia locations. The flat fee schedule is as follows:

New school orientation session, per person	\$150
Initial fee for all new institutions of higher education	\$10,000
Initial fee for all new non-degree postsecondary schools	\$2,500
Annual fee for all unaccredited institutions of higher education	\$10,000
Initial fee for out-of-state online institutions of higher education that are not members of NC-SARA	\$10,000
Renewal fee for out-of-state online institutions of higher education that are not members of NC-SARA	\$10,000
Renewal fee for all postsecondary schools with an annual gross tuition collected less than \$50,000, as recorded on most recent financial statement	\$250
Renewal fee for all postsecondary schools with an annual gross tuition collected greater than or equal to \$50,000 but less than \$100,000, as recorded on most recent financial statement	\$1,200
Renewal fee for all postsecondary schools with an annual gross tuition collected greater than or equal to \$100,000 but less than \$500,000, as recorded on most recent financial statement	\$3,000
Renewal fee for all postsecondary schools with an annual gross tuition collected greater than or equal to \$500,000 but less than \$1,000,000, as recorded on most recent financial statement	\$6,000

Renewal fee for all postsecondary schools with an annual gross tuition collected greater than or equal to \$1,000,000, but less than \$5,000,000, as recorded on most recent financial statement	\$7,500
Renewal fee for all postsecondary schools with an annual gross tuition collected greater than or equal to \$5 million, as recorded on most recent financial statement	\$10,000
Returned check fee	\$35
Initial or renewed exemption application or request for name acknowledgment or agent registration	\$350
Nonrefundable administrative fee (withdrawal of application)	\$500 non-degree \$2,000 institutions of higher education
Request for change in degree level authorization	\$1,000
Request duplicate certificate to operate due to school name or address change	\$100
Request duplicate agent permit, to replace lost, stolen, or misplaced permit	\$100
Application fee for each additional instructional location	\$300
Application fee for each additional program, modification to an existing program, or program deletion	\$100

E. A school that submits a payment that is returned for any reason must resubmit the required payment, any applicable late fee, and the assessed returned check fee of \$35 via a money order or certified bank check only.

8VAC40-31-270. Receipt of applications, correspondence and other materials.

A. All applications, forms, letters or other materials relating to, or required by this chapter should be sent to:

State Council of Higher Education for Virginia
ATTN: Private and Out-of-State Postsecondary School Certification
James Monroe Building, 9th Floor
101 North Fourteenth Street
Richmond, Virginia 23219

B. The mail of items specified in subsection A of this section shall not constitute receipt of them by the council unless sent by registered or certified mail, return receipt requested.

8VAC40-31-280. Closure of a postsecondary school.

A. The council, on its own motion, may authorize a postsecondary school whose application for certification to operate is denied in accordance with 8VAC40-31-200 or revoked to continue to offer instruction to all currently enrolled students until the end of the semester, quarter, or other academic term ~~during which certification is denied.~~ used by the school.

B. The council, on its own motion, may authorize a school whose certification is revoked in accordance with 8VAC40-31-200 to offer the coursework necessary for all currently enrolled students to complete their programs and to award degrees, certificates or diplomas to those students, provided that the school:

1. Offers coursework only to those students who were enrolled at the time the school's certification was revoked; and
 2. Offers all necessary coursework on a schedule that permits all currently enrolled students to complete their programs in a reasonable period of time.
- C. When a school decides to voluntarily cease operations, it must immediately inform the council of the following:
1. The planned date for the termination of operations.
 2. The planned date and location for the transfer of student records.
 3. The name and address of the organization to receive and manage the student records and the name of the official who is designated to manage transcript requests. ~~The organization designated for the preservation of the student records may not be corporately connected to the closing school.~~ The council may receive student records, subject to subsection D of this section, if an appropriate depository has not been established.
 4. Arrangements for the continued education of currently enrolled students via teach-out agreement or other practical solution. The teach-out plan shall consist of, but not be limited to, the following:
 - a. Identification of the school's official date of closure;
 - b. A listing by program of students enrolled at the time of the school's closure including addresses, telephone numbers, and estimated graduation dates for each student;
 - c. The status of all current refunds due and balances owed;
 - d. A listing of those students who had prepaid for any portion of their training and a calculation of the total amount that was prepaid by each student;
 - e. Signed agreement with one or more local educational institutions able to provide adequate education to all students in all programs; and
 - f. Procedures for awarding graduates their certificates, diplomas, or degrees.
 5. A listing of all former students, including full name, last known mailing address, email address, program of study, dates of enrollment, date of completion, and credential awarded, if applicable.
- D. In the event of school closure or revocation of certification, the school shall make provisions ~~for transferring~~ to transfer all official student records ~~of students~~ to the council office, or ~~secure~~ a location that will maintain the records permanently; The school shall notify all students of this location and how they may obtain official copies. The records transferred to the council office, or other depository, shall include the academic records of each student, which should include:
1. Academic transcripts ~~showing the basis of admissions, transfer credits, courses, credits, grades, graduation authorization, and student name changes for each student;~~
 2. Transcripts of financial aid for each student, if maintained;
 - ~~3. Foreign student forms for foreign students;~~
 - ~~4. Veterans Administration records for veterans;~~
 - ~~5.~~ 3. Copies of degrees, diplomas, and certificates awarded, if maintained;
 - ~~6.~~ 4. One set of course descriptions for all courses offered by the school; and
 - ~~7.~~ 5. Evidence of accreditation, if any, during the years covered by transcripts.
- ~~E. The school shall notify all enrolled students of the pending closure immediately, describing their financial obligations as well as their rights to a refund or adjustment, and provisions made for assistance toward completion of their academic programs, whether in the~~

institution that is closing, or by contract with another institution or organization to teach out the educational programs. Such agreements must be approved by the council.

~~F. The council shall seek the advice of the Career College Advisory Board on matters relating to closures of its member schools.~~

8VAC40-31-290. Waiver by council.

The council may waive or modify the certification requirements for an accredited school if the council finds that such waiver or modification will not conflict with the intent of the regulations and that in light of the school's mission, literal application of such requirement(s) creates an unreasonable hardship on the school.

8VAC40-31-310. Student Tuition Guaranty Fund.

A. ~~The executive director shall appoint in writing a Director~~ Manager of the Student Tuition Guaranty Fund.

B. The purpose of the fund is to reimburse tuition due to students at schools certified to operate when the school ceases to operate.

~~C. Schools seeking initial certification after July 1, 2004, shall not be required to pay into the fund. All other schools that were certified to operate prior to July 1, 2004, under the provisions of § 22.1-321 of the Code of Virginia, shall be subject to the provisions valid at the time of its recertification.~~

~~D. C.~~ A claim shall be made against the fund only if it arises out of the cessation of operation by a school at which the student was enrolled or was on an approved leave of absence at the time of the closure and the ~~closure prevented the student from completing~~ did not complete the program of study for which he enrolled on or after July 1, 2004. Claims shall be filed with the ~~director~~ manager of the fund ~~on forms prescribed by the council~~ within three years after cessation of operation by the school. Claims filed after that period shall not be considered. Claims shall be limited to the unearned tuition paid to the closing institution for which the student received no educational instruction.

~~E. D.~~ The director will attempt to secure If a teach-out agreement as outlined in 8VAC40-31-280 C 4 has been arranged for the student, he is not entitled to a refund of unearned tuition prior to issuing a refund of the unearned tuition to a student unable to complete a program of study due to a school closure. If a teach-out agreement ~~cannot be~~ was not secured, the ~~director~~ manager shall proceed with a claim against the closed school's surety instrument, if one exists, or the balance remaining in the Student Tuition Guaranty Fund.

~~F. E.~~ The executive director fund shall be administered ~~administer the fund upon the following basis as follows:~~

1. The assets of the fund may not be expended for any purpose other than to pay bona fide claims made against the fund;
2. All payments into the fund shall be maintained by the state comptroller who shall deposit and invest the assets of the fund in any savings accounts or funds that are federally or state insured, and all interests or other return on the fund shall be credited to the fund;
3. Payment into the fund shall be made in the form of a company or cashier's check or money order made payable to the "Student Tuition Guaranty Fund."

~~G. F.~~ When a claim is allowed by the director manager, the ~~executive director, as agent for the fund, shall be subrogated in writing to the amount of the claim and the executive director shall thereby be authorized to take all steps necessary to perfect the subrogation rights before payment of the claim~~ shall approve the claim before payment. Refunds will be made, first, to the lender issuing student financial aid or the guarantor of the loan, and second, to the student. In the event no financial aid was involved, then refunds will be made to the student.

8VAC40-31-320. Agent registration.

A. Agents representing one or more noncertified accredited postsecondary schools must:

1. Register with the council prior to soliciting in Virginia; and
 2. Pay an annual fee of ~~\$300~~ 350 per school represented.
- B. Agents representing noncertified unaccredited ~~postsecondary schools~~ institutions of higher education shall not conduct business in Virginia.
- C. Agents operating instructional sites in Virginia must seek council certification.
- D. Agent permits expire on December 31 of each calendar year. An application for an agent permit renewal must be submitted to council staff at least 60 days prior to the expiration date.
- E. Refusal by an agent to display his agent's permit upon request of a prospective student, council staff member, or other interested person may result in the revocation of the agent permit.

FORMS (8VAC40-31)

~~Acknowledgement of Prior Postsecondary Involvement (rev. 3/07)~~
Accreditation Status Form (eff. 3/2014)
Acknowledgement of Prior Postsecondary Involvement (eff. 3/2014)
Administrative Personnel Qualification Form (eff. 8/2014)
~~Administrator Qualification (7/08)~~
~~Application for Agent Permit (9/09)~~
Application for Agent Permit (eff. 1/2023)
Application for Certification Exemption (eff. 1/2023)
Application for New Program Approval (eff. 9/2022)
Background Check Profile Form (eff. 1/2023)
Board Member Qualification Form (eff. 5/2018)
Certification Application-IHE (eff. 1/2023)
Certification Application-Nondegree (eff. 4/2022)
Certification Checklist - IHE (eff. 5/2018)
Certification Checklist - Nondegree (eff. 5/2018)
~~Certificate, Diploma, or Degree Program Information (rev. 2/12)~~
~~Change of Location Application (rev. 3/07)~~
Change of Location Application (eff. 11/2023)
Change of Ownership Application (rev. 3/07)
~~Chart of Accounts (rev. 3/07)~~
Closing of a Campus Form (eff. 7/2014)
~~Directions for Preparing School Plan Report (undated)~~
Distance Education Attestation Form (eff. 9/2024)
Financial Statement (eff. 3/2007)
Institutional Catalog Checklist - IHE (eff. 4/2018)
Instructional Location Closure Form (eff. 10/2018)
~~Institutional Certification Application Form (rev. 8/08)~~
~~Institutional Certification Application Form: Religious Exemption (rev. 7/11)~~
~~Institutional Certification Checklist for Postsecondary Schools (rev. 7/07)~~
~~Institutional Change of Name Application (3/07)~~
~~Institutional Sites Listing (rev. 1/12)~~
Instructions for Completing Institutional Certification Applications (rev. 8/08)

Instructor Qualification (7/08)
Instructor Qualification Form (eff. 4/2018)
Name Acknowledgement Form (eff. 12/2022)
Notification of Program Modification (rev. 2/12)
Program Notification (rev. 2/12)
Projected Accounting Budget (rev. 7/07)
Owner/Administrator Qualification Form (5/2018)
Primary Contact Form
Projected Accounting Budget (eff. 8/2022)
Proprietary School Financial Composite Score Calculation Worksheet (undated)
Report on the Closing of a Campus (rev. 3/07)
Request for Name Acknowledgement (rev. 3/07)
Religious Exemption - Name Acknowledgement (eff. 12/2022)
Religious Exemption-Information Update Form (12/2022)
Religious Exemption-Initial Application (eff. 12/2022)
Religious Exemption-Renewal Application (eff. 12/2022)
Request for Change in Degree Level Authorization (eff. 01/2023)
School Catalog Checklist (rev. 8/08)
School Catalog Checklist-Non-Degree (eff. 4/2018)
Sample Irrevocable Letter of Credit (rev. 3/07)
Senior Administrator Qualification Form (eff. 3/2014)
Site Listing Form (eff. 10/2018)
Surety Bond (rev. 4/09)
Surety Bond (eff. 5/2017)
Surety Instrument Calculation Worksheet (rev. 2/11)
Surety Instrument Calculation Worksheet (eff. 2/2011)

State Council of Higher Education for Virginia Agenda Item

Item: II.E. – Academic Affairs Committee – Report of the Staff Liaison to the Academic Affairs Committee

Date of Meeting: October 21, 2024

Presenter: Dr. Joseph G. DeFilippo
Director of Academic Affairs & Planning
joedefilippo@schev.edu

Most Recent Review/Action:

No previous Council review/action

Previous review/action

Date:

Action:

Purpose of Agenda Item:

Staff activities report.

Background Information/Summary of Major Elements:

N/A

Materials Provided:

“Report of the Staff Liaison to the Academic Affairs Committee,” by Dr. Joseph G. DeFilippo.

Financial Impact:

N/A

Relationship to Goals of *The Virginia Plan for Higher Education*:

N/A

Timetable for Further Review/Action:

N/A

Resolution:

N/A

Dr. Joseph G. DeFilippo
Director of Academic Affairs & Planning

=====

Instructional Programs Advisory Committee

- The Instructional Programs Advisory Committee (IPAC) met virtually on September 20. The committee consists of the provosts or chief academic officers of the fifteen four-year state-supported colleges and universities, the Provost of Richard Bland College, the Vice Chancellor for Academic Affairs of the Virginia Community College System, and several community college chief academic officers. The agenda included discussion of potential changes to the academic program approval policy and the program productivity review policy. Updates were presented on the Virginia Talent Opportunity Pipeline (VTOP), Assessment and Civic Engagement, and Transfer Policy implementation.

Legislative Task Force on Transparency in Animal Testing

- The Legislative Task Force on Transparency in Publicly Funded Animal Testing Facilities met July 26, August 30, and September 30th in Richmond, VA. The task force was created by an act of the general assembly during the 2024 session and requires the Virginia Department of Agriculture and Consumer Services in collaboration with SCHEV to convene a task force to identify potential deficiencies in publicly funded animal testing facilities. Dr. Paul Smith serves as co-chair and the SCHEV designee for this task force. The task force consists of representatives from five publicly funded research institutions, three animal welfare organizations, three government transparency organizations as well as four members of the General Assembly. The final meeting of the task force is scheduled for October 11, 2024, with a final report due to the General Assembly by November 1.

Open Virginia Advisory Committee

- The Open Virginia Advisory Committee (OVAC) met September 20. The committee includes representatives from public two- and four- year institutions. The agenda included discussion on a potential Virginia Open Impact Award in collaboration with the Virtual Library of Virginia (VIVA) and updating the previously produced Virginia Institutions of Higher Education Guidelines to Move OER Forward. The OVAC is scheduled to meet again on October 18, 2024.

State Committee on Transfer

- The State Committee on Transfer (SCT) met September 19, 2024. The SCT includes representatives from all public two- and four-year institutions. The agenda included discussions on modifying SCHEV's dual enrollment policy, standardizing the awarding of SCHEV's Two-Year College Transfer Grant, credit acceptance from nationally accredited institutions, and an update on Transfer Virginia. The SCT is scheduled to meet again on October 17, 2024.

Staff Activities and Recognition

Darlene Derricott

- Attended the National Council for State Authorization Agreements (NC-SARA) 2024 State Portal Entity (SPE) Annual Conference from September 11-12 in Indianapolis, Indiana. Member states convened and commemorated the 10th anniversary of SARA. Attendees discussed institutional closures, the policy modification process, organizational realignment of mergers and acquisitions, and SARA state and territory grants. SCHEV was awarded a \$7,500 grant to assist with its 2024 annual state SARA meeting.

Emily Muniz

- Attended the Virginia Tech College of Engineering Transfer Summit on October 11 in Blacksburg, Virginia. The event included updates from university admissions and transfer services as well as engineering advising and enrollment management.

Kirstin Pantazis

- Presented as a panelist at the Southern Regional Education Board (SREB) Student Success Summit OER Preconference on September 9. The panel, *Empower Every State*, discussed adoption of and support for creating Open Educational Resources (OER).
- Attended the Legislative Task Force on Transparency in Publicly Funded Animal Testing Facilities as alternate co-chair in Richmond, VA on August 30.

Paul Smith

- Attended the European Educational Research Association's (EERA) annual meeting held in Nicosia, Cyprus, August 27-30. EERA is composed of more than 40 national and regional Educational Research Associations from all parts of Europe with a mission to foster "high quality educational research for the benefit of education and society." The 2024 conference covered topics spanning the educational spectrum from early childhood to higher education. Sessions included topics such as alternative curriculum, diversity and inclusion, educational leadership, gender studies, and higher education. The conference provided Dr. Smith with a comparative perspective on higher education models across Europe.

Academic Affairs Staff:

Public Sector Academic Affairs

Ms. Karen Banks, Academic Affairs Support Specialist
Dr. Joseph G. DeFilippo, Director, Academic Affairs & Planning
Ms. Darlene Derricott, Senior Coordinator, Academic Services
Dr. Jodi Fisler, Senior Associate for Assessment Policy & Analysis

Ms. Alexis Gravely, Associate for Academic Affairs
Ms. Emily Hils, Academic Programs and Services Specialist
Ms. Emily Muniz, Associate for Transfer and Talent Pathways
Dr. Monica Osei, Associate Director for Academic Programs & Instructional Sites
Dr. Kirstin Pantazis, Associate for Academic Affairs
Dr. Paul Smith, Senior Associate for Student Mobility Policy & Research

Private Postsecondary Education

Mr. Richard Cole, Certification Specialist
Ms. Sandra Freeman, Director, Private Postsecondary Education
Mr. Ryan Hannifin, Associate for Academic Quality & Student Protections
Ms. Elizabeth Howard, Associate for Academic Quality & Student Protections
Ms. Kathleen Kincheloe, Compliance Specialist
Ms. Monica Lewis, Fiscal Specialist
Ms. Sylvia Rosa-Casanova, Senior Associate for Private Postsecondary Education
Ms. Stephanie Shelton, Administrative Assistant
Mr. Alfonso Wells, Compliance Investigator

**STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA
RESOURCES AND PLANNING COMMITTEE
September 16, 2024**

DRAFT MINUTES

Ms. O'Holleran called the meeting to order at 1:00 pm in the Chartway Arena Big Blue Room, Committee Room E at Old Dominion University.

Committee Members present: Delceno Miles, Jennie O'Holleran, John Olsen, and Dr. Carlyle Ramsey.

Committee Members absent: Walter Curt.

Staff members present Lee Andes, Alisha Bazemore, Alan Edwards, Grace Khattar, Laura Osberger, Tod Massa, Jess Madden, Jessica Minnis-McClain, Emily Salmon, Bob Spieldenner, and Yan Zheng.

APPROVAL OF MINUTES

The minutes from the July 23, 2024, Resources and Planning Committee meeting were approved unanimously on a motion by Ms. O'Holleran and seconded by Ms. Miles.

ACTION ON INSTITUTIONS' IPS PERFORMANCE

Dr. Khattar reported on the results of the 2024 institutional performance assessment for public institutions in Virginia. There are two categories of measuring institutional performance, educational and fiscal standards. The state budget sets forth six education-related standards, four covering two years of projections. Three of the institutions did not meet three or more of the educational standards - Longwood, Virginia State and UVA Wise. One institution, ODU, did not meet the 80% threshold for fiscal standards as assessed by the Department of Planning and Budgeting. However, Dr. Khattar said that the data from the APA (Auditor of Public Accounts) would not be complete until Spring 2025.

Ms. Miles raised concern regarding the possible negative impact on those institutions in regard to accreditation. Dr. Khattar said these performance measures were Virginia standards not necessary those of SACS (Southern Association of Colleges and Schools). At this point those institutions will not have any negative impacts either related to accreditation nor finances. SCHEV staff recommends certifying the four institutions (Longwood University, Virginia State University, University of Virginia-Wise, and Old Dominion University) for FY25. Staff recommends that these institutions submit a remediation plan and provide an update to Council no later than May 2025. SCHEV staff also recommends certifying all other Virginia public institutions for both FY25 and FY26.

The Committee acted on the agenda item with committee members present approving the recommendations for certification of the Longwood University, Virginia State

University, University of Virginia-Wise, and Old Dominion University for FY25 with a follow up review next spring to determine certification for FY26; and certification for the College of William & Mary; Christopher Newport University; George Mason University; James Madison University; Norfolk State University; Radford University; Richard Bland College; University of Mary Washington; University of Virginia; Virginia Commonwealth University; Virginia Community College System; Virginia Military Institute; and Virginia Polytechnic Institute & State University for both FY25 and FY26. Full Council will vote on this item on September 17, 2024.

UPDATE ON THE IMPACT OF THE FAFSA ON ENROLLMENT

Mr. Andes and Mr. Massa updated the Committee on the status and consequences of the U.S. Department of Education's (USED's) implementation of the new Free Application for Federal Student Aid (FAFSA) on enrollment in Virginia's public institutions. Mr. Massa reported that there was a decrease in the number of first generation or FTIC students in the Commonwealth enrolling in public institutions attributable to the new FAFSA application; however, Mr. Massa said that the data coming in shows overall Fall enrollment is up for many public institutions in Virginia with 8 out of the 15 public institutions showing enrollment increases. Undergraduate enrollment in Virginia public institutions increased by approximately 3,000 students for Fall 2024 with community colleges seeing a moderate increase in enrollment.

Mr. Massa applauded the enrollment staffs for their work in admitting students considering the barriers imposed by the FAFSA roll out.

Ms. Moretz, who works for the Council of Independent Colleges, reported that private colleges experienced decreases in enrollment with 12 out of the 20 private institutions in Virginia having some decrease while 4 of the private institutions saw an increase and 4 remained at the same enrollment level. Ms. Moretz suggests that the smaller enrollment staff at many of the private college made it difficult to mitigate the full impact of the FAFSA rollout.

Mr. Andes noted that TAG (Tuition Assistance Grant) has a new deadline of September 15th moving from the former July deadline, which should afford students at private institutions more time to apply for the grant.

Ms. Miles inquired if there was a database of grants and scholarships for parents and colleges to access. She works with organizations where many of these scholarships and grants go unclaimed. Mr. Andes identified the Virginia Education Wizard website as a resource. Ms. Miles suggested better communication may improve awareness of these funding options.

Mr. Olsen asked if there were any enrollment differences between students from urban and rural areas. Mr. Massa replied that there did not seem to be a big difference and highlighted Radford, which experienced a 28% increase in enrollment. Once individual level data is received it will be easier to identify trends.

Mr. Olsen questioned if there could be an increase in second semester enrollment. According to Mr. Massa, students are often reported with a cohort and students starting in the spring may not be as easily identified as delaying enrollment and some may choose to attend a community college rather than a four-year institution for the current school year.

Mr. Andes said that some students may take a gap year. Ms. O'Holleran asked if there was a means of reaching out to the students. Mr. Andes discussed the Pell Grant initiative that may assist in identifying students who may be eligible but are not enrolled.

Ms. O'Holleran inquired if there is any data on how Virginia is doing nationally in terms of college enrollment. Mr. Massa said we do not have those numbers or ranks yet. Mr. Massa said that individual level data available after Nov. 15th will provide a more complete picture of the impact of the FAFSA rollout on enrollment.

Mr. Andes reported that the roll out of dates for the 2025-26 FAFSA will begin with some students gaining access on October 1 and all students having access by December 1st. He believes that this year should be smoother, but the process may still be problematic.

BRIEFING ON SCHEV's WEBSITE

Mr. Massa identified several informative resources on SCHEV's website including a glossary of terms as well as the policy and data tools links. He demonstrated how to search for a variety of reports ranging from SAT/ACT scores, retention of 1st and 2nd year students, Pell recipients, and average wages earned after graduation.

There are also reports available for private institutions in the Commonwealth.

Mr. Massa believes the reports are a vital aid in providing transparency.

Ms. O'Holleran inquired as to who uses the data. Mr. Massa said that it has a wide range of users from public institutions to the legislature, as well as advocacy groups among others.

Ms. Miles raised concerns that the website information did not seem consumer friendly for students and their parents. Mr. Olsen also raised similar concerns. Mr. Massa and Mr. Andes said that to create more consumer-friendly reports would require more resources. Mr. Olsen and Ms. Miles said they would support funding for this effort to provide a fuller picture for parents and students about each public institution.

BRIEFING ON THE REVIEW PROCESS OF THE SIX-YEAR PLANS

Mr. Andes gave a report on the review process for the six-year plans. Plans are developed in odd-numbered years and are affirmed or updated as necessary in even years. The six-year plan process began as part of the 2005 Restructured Higher Education Financial

and Administrative Operations Act. The Higher Education Opportunity Act of 2011 reaffirmed the process. Plans are developed in odd-numbered years and are affirmed or updated as necessary in even years.

In August, Op-Six (Secretary of Education, Secretary of Finance, Director of Department of Planning and Budget, and the staff directors for the Senate and House money committees) met to discuss updates to the plans and provide comments to institutions.

SCHEV staff will send the comments to the institutions and other feedback by mid to late September. The updating of the Fact Packs has delayed the original September 1st date.

Institutions will submit responses to the comments and final copies of their six-year plans to SCHEV in November.

Final copies of each institution's six-year plan will be published on the SCHEV website by December 1st.

MOTION TO ADJOURN

Ms. O'Holleran motioned to adjourn the meeting at 2:30pm.

State Council of Higher Education for Virginia Agenda Item

Item: III.C. – Resources & Planning Committee – Presentation on the Full Cost Report

Date of Meeting: October 21, 2024

Presenter: Yan Zheng
Assistant Director for Finance Policy
yanzheng@schev.edu

Most Recent Review/Action:

Previous review/action

Date: January 10, 2023

Review: Staff briefed the committee regarding the work with NSU and VSU to meet the state full cost requirements. Staff was concerned with the negative impact on enrollment by increasing out-of-state tuition at these two institutions and suggested not requiring their remediation plans and closely monitoring their situation next year.

Purpose of the Agenda Item:

Council is responsible for annually reviewing public institutions' compliance with a state policy that nonresident (out-of-state) students pay 100 percent (or the "full cost") of education. The policy's objective is to ensure that state funds are not used to support nonresident students.

Council delegated the responsibility to staff in 2019 following more than ten consecutive years of all institutions meeting this requirement. In 2024-25, staff estimates that seven institutions did not meet the full cost requirements. Staff will present and discuss a plan of action for these institutions.

Background Information/Summary of Major Elements:

The Appropriation Act sets forth a tuition policy regarding nonresident (out-of-state) students. (Item 4-2.01.b.2). This policy was first established in 1990, and its current version directs SCHEV to calculate the average cost of education by institutions and monitor whether institutions' tuition charges to out-of-state students meet the requirement to "cover at least 100 percent of the average cost of their education" annually.

- 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.*

The Appropriation Act provides guidance on the methodology to calculate the cost of education. To determine the full cost, staff calculates an average cost to educate a student by using the adjusted E&G funding divided by projected FTE; and compares this cost to the average nonresident tuition (a weighted undergraduate and graduate tuition rates) at an institution.

Per the methodology, seven institutions – Norfolk State University, Radford University, University of Mary Washington, University of Virginia at Wise, Virginia State University, Richard Bland College, and Virginia Community College System – did not meet the full cost requirements in FY 2025. SCHEV staff notified these institutions and asked three questions (a) How/why this happened; (b) How to prevent the numbers declining any further over the next year; (c) What is a realistic time frame to get back to 100% and what are the obstacles to doing so. The attached report compiled institutions' responses to each question.

Materials Provided: The 2024-25 full cost report.

Financial Impact: None

Relationship to the Goals of The Virginia Plan for Higher Education:

The full-cost report relates to all three goals of the statewide strategic plan – equitable, affordable and transformative.

Timetable for Further Review/Action:

If necessary, staff will provide a further update at the January meeting.

Resolution: None

Full Cost Report for 2024-25

The Appropriation Act sets forth a tuition policy regarding nonresident (out-of-state) students. (Item 4-2.01.b.2). This policy was first established in 1990, and its current version directs SCHEV to calculate the average cost of education by institutions and monitor whether institutions' tuition charges to out-of-state students meet the requirement to "cover at least 100 percent of the average cost of their education" annually.

- 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.*

The Appropriation Act provides guidance on the methodology to calculate the cost of education. To determine the full cost, staff calculates an average cost to educate a student by using the adjusted E&G funding divided by projected FTE; and compares this cost to the average nonresident tuition (a weighted undergraduate and graduate tuition rates) at an institution.

Starting in 2007-08, all institutions met the full-cost requirements annually. Since the Appropriation Act only requires SCHEV to monitor this compliance, staff requested that Council shift this responsibility to be an item delegated to staff for future reporting, starting in 2019-2020.

From FY 2022 to FY 2024, due to large state investments in Norfolk State University (NSU) and Virginia State University (VSU) to mitigate the impact of pandemic, the calculated average cost per student grew while out-of-state tuition was held flat or minimal increases at these two institutions. As a result, NSU and VSU fell short of the full cost in each year. SCHEV staff notified these two institutions as well as the Op-Six members annually. Staff worked with NSU and VSU for the possibility of meeting the full cost requirement. Concerned with the negative impact on enrollment by increasing out-of-state tuition at these two institutions, staff suggested not requiring their remediation plans and closely monitoring their situation in FY 2025 at the January 2023 Council meeting.

In July, staff calculated the full cost compliance in FY 2025 based on the 2024-25 E&G funding, projected FTE and out-of-state tuition charges. The result showed seven institutions: Norfolk State University (NSU), Radford University (RU), University of Mary Washington (UMW), University of Virginia at Wise (UVAW), Virginia State University (VSU), Richard Bland College (RBC), and Virginia Community College System (VCCS) did not meet the full cost requirements. The per FTE cost grew due in part to the following: RU, UMW, UVA-W and VSU projected a decrease in enrollments in FY 2025; UMW and UVA-W reduced their out-of-state tuition; and NSU, RU and RBC had minimal out-of-state tuition increases (0.8%, 1.5% and 0.1% respectively in FY 2025).

SCHEV staff notified these institutions and asked three questions (1) How/why this happened; (2) How to prevent the numbers declining any further over the next year; (3) What is a realistic time frame to get back to 100% and what are the obstacles to doing so. The attached document compiled institutions' responses to each question.

For Question 1:

- it should be noted that people responsible for institution's finance and tuition decisions at UMW, RU and RBC were new to their positions and did not know the state has the full cost policy.
- UVA-W and VCCS met the full cost policy in FY 2024 at 124% and 102% respectively and thus expected to be in compliance in FY 2025.
- UMW and UVA-W reduced their out-of-state tuition in 2024-25. UMW wanted to make its out-of-state tuition competitive in the market. UMW's old practice was to compensate its out-of-state student high tuition with student financial aid. As a result, the institution received discounted tuition revenue and made its tuition uncompetitive in the market. UVAW cited the similar reason that its out-of-state tuition was too high to make it uncompetitive with their peers in the region.

For Question 2, each institution provided a positive plan to prevent the further decline in the near future.

For Question 3, the projected timeframe to phase into the full cost requirement varied from two to ten years among these institutions. A concern is the negative impact on the nationally tight competition for enrollments if out-of-state tuition were to be increased.

SCHEV staff is going to present this report to the Op-Six group: staff of the Department of Planning and Budget, the secretaries of Finance and Education and the staff of the legislative money committees; and seek their suggestions.

The national enrollment projection showed a decline trend in college enrollment through 2030, meaning there would be a smaller pool of out-of-state students for institutions to recruit. The concern about access opportunity to Virginia students is minimized at Virginia public institutions. These facts raise the questions about whether the state full cost policy still valid and applicable in the current enrollment situation.

Table 1
2024-25 Average Nonresident Tuition
As a Percent of Average Cost of Education

Institutions	Average Per Student Cost ⁽¹⁾	Average Nonresident Tuition ⁽²⁾	% of Cost
GMU	\$22,537	\$35,524	158%
ODU	\$19,527	\$29,845	153%
UVA	\$41,235	\$46,818	114%
VCU	\$28,302	\$33,928	120%
VT	\$25,374	\$34,233	135%
WM	\$34,510	\$39,117	113%
CNU	\$23,174	\$23,909	103%
UVAW	\$29,686	\$22,264	75%
JMU	\$19,705	\$25,835	131%
LU	\$18,727	\$20,798	111%
UMW	\$25,618	\$22,348	87%
NSU	\$26,410	\$18,607	70%
RU	\$25,090	\$21,040	84%
VMI	\$36,198	\$41,960	116%
VSU	\$25,080	\$19,151	76%
RBC	\$15,697	\$12,817	82%
VCCS	\$12,386	\$11,326	91%
TOTAL⁽³⁾	\$22,336	\$32,801	125%

⁽¹⁾ Derived by dividing (FY2025 general fund appropriations and planned nongeneral fund in the 2024 six-year plan, excluding funds for programs of 10140, 102 and 103 and medical, dental and vet-med schools; and projected FY2025 enrollment approved by SCHEV in 2023.

⁽²⁾ Enrollment-weighted tuition averages of both undergraduate and graduates.

⁽³⁾ Total percent of cost calculation has been weighted by level-specific (doctoral, comprehensive, and two-year) enrollments.

Table 2: Institutional Response to Questions About Not Meeting the Full Cost Requirement in 2024-25

Institution	How/why this happened	How to prevent the numbers declining any further over the next year	What is a realistic time frame to get back to 100% and what are the obstacles to doing so
Norfolk State University	<p>Since FY21, the University has experienced a 39% increase in its E&G resources. The increase has been entirely fueled by additional general fund resources. Examining the amount of nongeneral fund revenue shows that the total has remained fairly stable, but the split of the revenue has decreased from in state students and increased from out-of- state students. So while the full calculation does show that the University is only charging out-of- state students 71% of the cost of education, it does not reflect the shift in the source of aggregate tuition dollars.</p> <p>Prior to the COVID-19 pandemic, the University’s enrollment had been recovering steadily from the downturn experienced after the accreditation issues suffered in 2013. As you will recall, NSU had a</p>	<p>The Board of Visitors took actions in the current year to increase the cost of tuition for all students. They were in part addressing the cost out-of-state students must pay because of increases needed for the University to erase the issue we are now facing due to not charging 100% of the full cost of education. The cost will continue to increase for all students but there will be particular attention to increasing out-of-state tuition so that the University is in a position to achieve the 100% obligation as stated in the appropriation act. However, because the University serves populations of both the Commonwealth and the nation that are the least financially fixed to participate in higher education, we realize that an aggressive increase in tuition for any of our students will be detrimental to the overall survival of the University.</p>	<p>Realistically, the University feels that it will take 5 to 10 years of both enrollment growth and tuition increases to achieve the required 100% of the cost of education for out-of- state students. Most of this effort will have to come through increases in the number of in state students that the University is educating. The budget assistance that has been provided to NSU in the last few years for student financial assistance will aid in enrolling additional in state students. Also, the targeted retention efforts the University is now imploring will play a significant role in assisting the University to increase its enrollment through retention through graduation. The University is also making efforts to increase its graduate student populations through different learning modalities and curriculum offerings. The effort for all students is to lead them to educational areas where they will be employable in high demand fields</p>

	<p>considerable drop in its enrollment due to the accreditation issues. The enrollment increases were across all enrollment sectors but were more significant with the out-of-state students. The increase in these students served to provide the University with a significant increase in the amount of non general fund revenue that was available for operations. To encourage the enrollment of out-of-state students the University held steady the cost of out-of-state tuition. When this decision was made the University was at 144% of the full cost of tuition for out-of-state students.</p> <p>The two factors that have gotten the University to where it is now with the full cost of out-of-state tuition are the increases received in general fund support from the Commonwealth and decisions ten years ago to generate additional resources by both holding constant the cost of out-of-state tuition and the growth in out-of-state students because the cost was now more attractive to them.</p>	<p>The University is now aggressively seeking to increase its enrollment. The shift will be largely targeted at increasing the number of in state students. As noted above, the aggregate revenue being generated from tuition has shifted from in state students to the out-of-state students. With the overall financial health of the University in mind, there should not be a decrease to the number of out-of-state students. Successfully shifting our enrollment targets to in state students will increase the number of FTEs needed to reduce the full cost of education while providing the University additional resources for operations.</p>	<p>here in the Commonwealth. We feel the goal of getting back to the 100% cost of education for out-of-state students is achievable, but it will take time.</p>
--	---	--	---

<p>Radford University (to the position in 2023)</p>	<p>Did not know the state has a full cost policy and did not incorporate this requirement when making the tuition increases in 2024-25.</p>	<p>Radford University is below the standard of Commonwealth competitors and is below the Commonwealth average. The majority of our competition does come from in-state institutions or out-of-state students who would most likely attend an institution in their home state, receiving in-state tuition. There are several peers, inclusive of ETSU and WCU, that offer border-state pricing strategies (discounted tuition for nearby out of-state students) and as such are below the average out-of-state tuition amongst peers. There remains an opportunity for Radford to leverage out-of-state tuition pricing strategies above the current increases while attracting, recruiting, and retaining those students. Even with the regional pricing strategies that exist at a few competitors though, Radford does not believe that small incremental increases in out-of-state tuition will be detrimental to out-of-state enrollment but will acknowledge that having the ability to price differently for certain bordering regions could be beneficial. With all of that said,</p>	<p>An annual 1.5% out-of-state tuition increase in FY26 and FY27 will put Radford in compliance with the 100% out-of-state full cost policy requirement, with an estimated 103% attainment level in two years.</p>
---	---	--	--

		Radford will plan to be in compliance in the two-year time frame.	
University of Mary Washington (to the position in 2024)	UMW reduced OS tuition and financial aid to make it OS tuition more competitive in the market this year. Did not know the state has the full cost policy.	UMW can prevent further decline with incremental increases in tuition and continuing our slow, metered enrollment growth strategy.	<p>The quickest way back to 100% is to re-implement the out-of-state scholarship and restore out-of-state tuition to previous rates, however that damages our competitiveness in the marketplace and is counterproductive to our enrollment growth strategy. It will negatively impact our out-of-state students.</p> <p>Slow increases in enrollment coupled with incremental increases in tuition would facilitate reaching 100% in 10 years, assuming moderate increases in costs and related appropriations.</p>
University of Virginia's College at Wise	As UVA-W met the full cost policy at 124% in 2023-24, did not anticipate it would fall short this year.	UVA-Wise student enrollment and FTE continues to increase since Fall 2023. As of Tuesday, September 10, 2024, fall enrollment had increased 574 students or 3.5% to 2,236, and FTE, 208 to 1,569 or 19.4%. Of the 1,569 student FTEs, 1,302 were in-state student FTEs and 267 out-of-state, exceeding the 2023 enrollment projections for 2024-25 in-state FTEs of 1,206 and out-of-state of 145. As evidenced in the preceding data,	A realistic time frame would be FY30. UVA-Wise sets tuition and fee increases every two years and does not anticipate a tuition increase for the coming year. Enrollment Management will continue to recruit nonresidents to contribute to increased overall student enrollment, while we aspire to remain staying competitive with neighboring states, i.e., Tennessee. With two years of increased enrollment growth, these strategies around our tuition and fees are having an impact and growing

		<p>the College is more competitive and attractive to recruit additional out-of-state students. Continuing to market the new out-of-state rate during this coming admissions cycle should yet again yield additional out-of-state students. Growth in non-resident enrollment combined with continued overall enrollment growth will result in a commensurate increase in college resources. Any increase in the out-of-state tuition rate will have an adverse effect on the College's ability to attract non-resident students to rural Southwest Virginia, as our rate would be as high as some of our larger research institutions in the Commonwealth.</p>	<p>our college here in Southwest Virginia helping to combat the local declining population resulting from the high rate of outward migration. Increasing these tuition and fees at this time would thwart the College's recent efforts and hamper its success by having a negative impact on our ability to grow.</p>
Virginia State University	<p>In 2022, VSU made a plan to meet the full cost over three years by increasing OS tuition by 3% per year. But the per FTE cost increased faster than the tuition increases.</p>	<p>VSU will closely monitor its OS tuition next year.</p>	<p>It is unlikely to increase OS enrollments as VSU OS tuition is at the market level and VSU does not have funds to provide more financial aid. VSU is committed to meeting the full cost. It is difficult to project when to reach the full cost as revenue grows faster than OS enrollment and tuition increases.</p>
Richard Bland College	<p>Did not know the state policy nor the full cost calculation methodology. Used the actual</p>	<p>RBC actual headcount enrollment and registered credit hours exceeded the projection in fall</p>	<p>Planned 3 scenarios to phase to full cost by increasing OS tuition from 2.5% to 3.5% annually. The target</p>

(to the position in 2023)	expenses to model tuition increases	2024. Hope this may help improve the full cost situation.	years varied between 2028 and 2030 depending on the combination of projected enrollments and tuition increase rates. The obstacles are unstable enrollment trend and potential tuition increase cap by the state.
Virginia Community College System	VCCS OS tuition is twice as much as IS tuition. VCCS is aware of the full cost policy and did not anticipate it would fall short in 2024-25.	VCCS will closely monitor its OS tuition.	Plan to phase to full cost over four years.

State Council of Higher Education for Virginia Agenda Item

Item: III.D. -- Update on Six-year Plan Themes

Date of Meeting: October 21, 2024

Presenter: Grace Khattar
Senior Associate for Finance Policy and Government
Relations
GraceKhattar@schev.edu

Most Recent Review/Action:

No previous Council review/action

Previous review/action

Date: September 16, 2024

Action/Review: Staff provided an interim update on the 2024 six-year plans.

Purpose of Agenda Item:

The purpose of this item is to update the Committee on the themes of the final six-year institutional plans as submitted to SCHEV. These plans inform the budget-development process for the Governor's introduced budget and for potential budget and policy initiatives of the 2025 General Assembly.

Background/Summary of Major Elements:

The process of developing and reviewing six-year institutional plans began as part of the 2005 Restructured Higher Education Financial and Administrative Operations Act. The Higher Education Opportunity Act of 2011 reaffirmed the process. [§ 23.1-306, Code of Virginia](#), sets forth the objectives and purposes for the plans. Plans are developed in odd-numbered years and affirmed or updated, as necessary, in even years.

Council administers the plans in consultation with the Secretary of Finance, the Secretary of Education, the Director of the Department of Planning and Budget, the Staff Director of the House Committee on Appropriations and the Staff Director of the Senate Committee on Finance and Appropriations, or their designees, as outlined in the *Code*. This group, including the Director of SCHEV, is referred to as the Op-Six. In addition to providing input for plan instructions, the Op-Six is required to review all plans and provide comments to the institutions.

In its six-year plan, each public institution is expected to address its academic, financial and enrollment plans; its planned use of projected increases in state funds (general fund) and nongeneral fund revenues (primarily through tuition and fee charges), and align with

its six-year enrollment projections. The final 2024 plans as submitted will be posted on the [SCHEV six-year plan website](#) by December 1st, 2024.

SCHEV staff met with the Op-Six this summer and fall and coordinated discussions with Op-Six staff to discuss the content of the plans and identify feedback to provide to the institutions.

In the initial plans, institutions submitted requests totaling \$595 million for FY 2026. Requests included support for the institutional costs related to the VMSDEP waiver, career readiness and placement efforts, education innovation and online learning, salary increases, financial aid, and operations and maintenance for new facilities coming online.

Materials Provided:

None.

Financial Impact:

This project has no financial impact at this time.

Relationship to Goals of *The Virginia Plan for Higher Education*:

Institutions must align the goals in their plans to the goals of [Pathways to Opportunity: The Virginia Plan for Higher Education](#). Staff updated instructions and training materials to ensure that institutions were aware of the statewide strategic plan and its goals of closing gaps in access and completion, lowering costs for students and expanding prosperity for individuals, communities and the Commonwealth.

Timetable for Further Review/Action:

Staff will post plans on SCHEV six-year plan website by December 1st as required in Code.

Resolution: None.

State Council of Higher Education for Virginia Agenda Item

Item: III.E. – Resources and Planning Committee – Update on Pell Initiative for Virginia
2024 Report

Date of Meeting: October 21, 2024

Presenter: Dr. Barry Simmons
Associate for Finance Policy
BarrySimmons@schev.edu

Most Recent Review/Action:

Previous review/action

Date: January 10, 2023

Review: Staff provided an update on the initiative.

Purpose of the Agenda Item:

The purpose of this item is to provide Council with timely information on the status of the Pell Initiative for Virginia (PIV).

Background Information/Summary of Major Elements:

Pathways to Opportunity, the statewide strategic plan for higher education in the Commonwealth, has established goals that higher education in Virginia be equitable, affordable, and transformative. These goals cannot be accomplished without sufficient access to higher education as well as successful completion of that education for low-income students. Additionally, in order to support its target of 70% of its adult population possessing either a college degree or other post-secondary credential of value, the Commonwealth needs to support more low-income students.

Among four-year public institutions, a wide variation of success exists within the metrics, and success in one measure (enrollment or retention) consistently has an inverse relationship with the other. During the 2022 session, the General Assembly provided funding and budget language to improve Pell enrollments and completions. In FY 2024 and FY 2025, staff awarded nearly \$37.5 million each year in support of public-institution initiatives designed to increase either low-income enrollments (defined as Pell-eligible) or improve the retention and completion rates of these students.

Thus far the Pell Initiative for Virginia (PIV) entails:

- The FY2024 allocation of \$37.5 million was awarded in two rounds of proposals totaling \$36.8 million for 31 proposals containing 137 activities.
- The FY2025 allocation of \$37.5 million was awarded in one round of proposals totaling \$36.6 million for 19 proposals containing 114 activities.
- Each fiscal year grant can range from one to four years.

- A call for additional FY2026 proposals from state-supported institutions will be issued during the fall of 2024 for an additional \$37.5 million in funding.
- The program is scheduled for an annual report due October 1 of each year; however, staff has noted that this schedule allows insufficient time to incorporate new data from the current fall term. Therefore, staff has provided an initial report as scheduled but anticipates a follow up report later in the fall when more data is available.

Materials Provided: None.

Financial Impact: This project carries no additional financial impacts for the agency.

Timetable for Further Review: Staff will continue to update Council at least annually and/or as requested by Council.

Resolution: None.

**STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA
JOINT SCHEV/COUNCIL OF PRESIDENTS MEETING
September 16, 2024**

DRAFT MINUTES

Ms. Miles called the meeting to order at 3:00 p.m. in Committee Room C in the Big Blue Rooms of Chartway Arena, Old Dominion University, Norfolk, Virginia.

Council members present: Delceno Miles, Jason El Koubi, William Harvey, Jennie O'Holleran, Cheryl Oldham, Doug Straley, Carlyle Ramsey, Micah Edmond, John Olsen, Lindsay Fryer and Steven Taylor.

Council members absent: John Jumper and Walter Curt.

Staff members present: Lee Andes, Lynne Archer-Brownlee, Alisha Bazemore, Grace Covello Khattar, Joseph DeFilippo, Alan Edwards, Scott Fleming, Alexis Gravely, Jess Madden, Tod Massa, Jessica Minnis-McClain, Laura Osberger, Kirstin Pantazis, Emily Salmon, Bob Spieldenner, Kristin Whelan and Yan Zheng.

Other notable attendees: Aimee Guidera, Secretary of Education and Nicholas Kent, Deputy Secretary of Education.

See the list at the end of this document of Presidents who attended.

WELCOME AND INTRODUCTIONS

Ms. Miles introduced the current Chair of the Council of Presidents, President Ryan. President Ryan thanked staff and all who organized the meeting. He expressed his gratitude for being a part of the Virginia higher education landscape with strong leaders at the Virginia schools.

Ms. Miles asked everyone to introduce themselves.

CAMPUS SAFETY AND FIRST AMENDMENT

President Ryan described the safety and first amendment initiatives at UVA. The protests at the end of the 2023-24 school year challenged the rules they had in place. Time, place and manner regulations allow the university to restrict activities. UVA adjusted the regulations to prevent camping on grounds and created policy around mask wearing. President Ryan explained that someone who is wearing a mask that seems to be hiding the wearer's identity can be asked for identification. Mr. Ryan emphasized that UVA is still committed to free speech while allowing equal access to the grounds by all students. President Ryan was asked about student body feedback which he said has been mixed.

Secretary Guidera arrived at the meeting and Ms. Miles asked the secretary for a statement. The Secretary welcomed the new Council members and provided updates from the Department of Education.

Secretary Guidera thanked the Council of Presidents for making Virginia look good in the latest college rankings. CNBC named Virginia the number one state for higher education and for business. The Secretary stressed the importance of paying attention to education outcomes. She pointed to the release of the JLARC report next month stating that the report may contain some challenging news. Secretary Guidera shared that the Op-Six group wants to continue and will not take the year off and continue to meet outside of the typical process cycle. The Secretary mentioned the priorities of the board orientation in November and the updated fact packs being released this week. She thanked everyone for submitting their capital requests for the updated budget. She asked everyone to use their voices to amplify the new efforts working toward excellence in K-12. Secretary Guidera finished her remarks by sharing that her team will meet with the federal undersecretary of education next week regarding the FAFSA.

FACTORS IMPACTING ENROLLMENT

Mr. Andes and Mr. Massa addressed the factors impacting enrollment. Mr. Andes discussed how the flawed rollout of the new FAFSA is impacting enrollment. The FAFSA confusion resulted in fewer students completing the form this year.

Mr. Massa announced that earlier this week SCHEV received the early enrollment estimates. Mr. Massa said he is pleasantly surprised that enrollments at eight of 15 public institutions are up in first-time enrollment counts. Radford's first-time enrollment increased 28% over last year. Only four out of 15 institutions saw a drop in enrollments. Total enrollment at public institutions is up by 3,300 students. Fifteen of the 23 community colleges also are experiencing enrollment increases. Total enrollment in the community college system is up by 200 students. While the privates have not performed as well, they still saw a small enrollment increase. Mr. Massa suggested that the presidents return to their institutions and celebrate their enrollment and financial aid staff for making the increase possible.

INTERNSHIPS AND WORK-BASED LEARNING

Ms. Bazemore provided an update on the Virginia Talent + Opportunity Partnership. She shared current activities including, the collaboration with the Virginia Business Higher Education Council partnership. The V+TOP team is learning how to scale up the program by partnering with more business.

V+TOP will announce two new grants on September 26. These grants will have three tracks: The vision track to build and create a program, the building track to create a program and the growing track to scale up. V+TOP has a few workshops scheduled to explain changes to the matching grants and another information session for career practitioners. Ms. Bazemore is also looking for a marketing firm to help scale the marketing of these efforts. She thanked everyone for their help in these promotion efforts.

President Rao praised Ms. Bazemore's work and the efforts of the Commonwealth. He said that students and parents are looking for financial support and for pathways for a career. VCU has adopted measures to track how many students got into a job in their field or into a relevant graduate program.

Ms. Fryer asked about incentives in the program. Ms. Bazemore mentioned the 50% match for employers and the learning management modules that help businesses develop high-quality internship programs. Ms. Bazemore also stated that the V+TOP regional approach allows customization of the programs to meet employer needs in their region. Ms. Miles asked if there is enough data yet to see if the program is filling some of the high-need employment needs. President Rao pointed to national data that shows that students who participate in internships are 50% less likely to experience unemployment.

Ms. Miles asked the community college presidents to speak about programs offered at the community colleges that help students find work. Dr. Doré mentioned the FastForward program. Dr. Conston mentioned partnership with local companies to provide engineering internships. Tidewater is partnered with the Virginia ship repair and local welding. Dr. Sprinkle spoke about Wytheville Community College's partnerships in manufacturing and law enforcement to provide internship opportunities.

EXECUTIVE ORDER 30

Ms. Salmon discussed Executive Order 30 regarding Artificial Intelligence in higher education. SCHEV created a task force across industries to identify areas needing more elaboration and areas of concern. The group first met over the summer and will meet again next week. The task force identified a need to identify a network of people at the institutions who can share ideas and issues. They also identified a need for professional development at the K-12 level and for higher education faculty. Next week, they will discuss edits to the guidelines and identify priorities and where they can have the biggest impact.

Ms. Miles asked each President to share the top priority at their institution.

George Mason University – Integrating students in this difficult geopolitical climate.

University of Virginia – Safety and security.

Old Dominion University – Safety, security and academic supports.

Longwood University – Being a source of stability and calm in an unsettled world.

Christopher Newport University – Access and affordability.

James Madison University – Security.

Tidewater Community College – Financial aid and FastForward.

Virginia Community College System – Strategic plan to generate 300,000 meaningful credentials by 2030. Good high paying jobs.

Virginia Tech – Financial aid and mentoring for students. Internships and research.

William & Mary – Safety.

University of Virginia at Wise – Access, affordability and retention.

Wytheville Community College – Program alignment with workforce and financial supports and high-quality facilities.

Ms. O'Holleran asked how SCHEV can do to support the safety efforts on campus. President Ryan suggested resources to employ threat assessment teams.

CLOSING COMMENTS

Mr. Fleming summarized up the meeting by comparing Virginia higher education to the 1990s Chicago Bulls basketball team. He pointed out that the team stayed on top by

improving each off season even while they were leading the league. SCHEV's role is to support these efforts in improvement at the institutions. Mr. Fleming also discussed some of the changes to the fact pacts and shared that Mr. Massa has been working on a plan to automate the fact pacts. Mr. Fleming shared that Dr. DeFilippo is looking to improve the program approval process. He stated that SCHEV will lean into program productivity to look more closely at outcomes and that SCHEV will begin updating the statewide strategic plan next year. Mr. Fleming shared his desire for SCHEV staff to use their expertise and use their outdoor voices more.

Mr. Fleming close by thanking everyone for making his transition smooth and enjoyable. Ms. Miles thanked Mr. Fleming and the presidents.

The chair adjourned the joint meeting at 5:15 p.m.

Council Secretary

Kristin Whelan
Coordinator of Board and Executive Operations

Council of Presidents President Attendees

William Kelly, Christopher Newport University
Gregory Washington, George Mason University
Charlie King (Interim), James Madison University
W. Taylor Reveley, IV, Longwood University
Brian Hemphill, Old Dominion University
James Ryan, University of Virginia
Donna Price Henry, University of Virginia at Wise
David Doré, Virginia's Community Colleges
Michael Rao, Virginia Commonwealth University
Timothy Sands, Virginia Tech
Katherine Rowe, William & Mary
Dean Sprinkle, Wytheville Community College
Marcia Conston, Tidewater Community College

**STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA
COUNCIL MEETING
SEPTEMBER 17, 2024**

DRAFT MINUTES

Ms. Miles called the meeting to order at 9:05 a.m. in the Board Room of the Broderick Dining Commons, Old Dominion University, Norfolk, Virginia.

Council members present: Micah Edmond, Delceno Miles, Jason El Koubi, William Harvey, Lindsay Fryer, Cheryl Oldham, Jennie O'Holleran, John Olsen, Carlyle Ramsey (virtual), Douglas Straley and Steven Taylor.

Council members absent: Walter Curt and John Jumper.

Staff members present: Lee Andes, Grace Covello Khattar, Joe DeFilippo, Alan Edwards, Scott Fleming, Alexis Gravely, Jessica Madden, Erin McGrath, Jessica Minnis-McClain, Tod Massa, Laura Osberger, Kirstin Pantazis, Paula Robinson, Emily Salmon, Bob Spieldenner, Kristin Whelan and Yan Zheng.

Notable Guests: Deputy Secretary of Education Nicholas Kent.

APPROVAL OF MINUTES

On a motion by Mr. El Koubi seconded by Ms. O'Holleran, the minutes from the July 23, 2024, Council meeting were approved 10-0.

WELCOME AND INTRODUCTION OF NEW COUNCIL MEMBERS

Ms. Miles directed everyone to the biographies of the new Council members published in the agenda book and asked the new members to introduce themselves.

Ms. Miles thanked Dr. Hemphill and his staff for breakfast.

ACTION ON MEETING SCHEDULE AND LOCATION

Ms. Osberger presented the 2025 Council meeting schedule and location resolution for approval.

On a motion by Mr. Edmond seconded by Mr. Taylor, the 2025 Council meeting schedule was approved unanimously as presented 10-0.

DISCUSSION OF SYSTEMWIDE BUDGET & POLICY RECOMMENDATIONS FOR THE 2025 LEGISLATIVE SESSION

Mr. Andes led a discussion of the budget and policy recommendations. He described the timeline for discussion and action. Council will act on the recommendations at the October meeting. Mr. Andes stated that SCHEV presented many recommendations at the January meeting that were accepted, and staff recommends that Council reaffirm some of these recommendations that were accepted but not fully funded. He described how staff forms the recommendations to guide the Council.

Mr. Andes reviewed the following 14 policy recommendations staff devised for Council's consideration:

Recommendations that require funding -

- Primary undergraduate need-based financial aid.
- Workforce credential grant.
- Graduate financial assistance.
- Tuition Assistance Grant (TAG).
- Virginia Military Survivors and Dependent Education Program (VMSDEP).
- Space Grant and Sea Grant scholarships.
- Mental Health Workforce Pilot.
- Constructive Dialogue Institute.
- Funding to meet and enhance SCHEV capacity.
- Outstanding Faculty Awards.

Topics that Council may develop that may have a future budget impact-

- Strategic planning alignment.
- Institutional Performance Standards.
- Financial assistance reimagination.
- Program flexibility.

Mr. Andes also shared other topics currently under state review upon which Council may want to endorse or make recommendations.

- VMSDEP.
- Cost study alignment.
- Campus food insecurity.
- Disability accommodations on campus.
- Campus safety.

Mr. Andes suggested that Council could choose to reaffirm their support of TAG increases. The increases were accepted by the General Assembly at a lower amount than requested, and Council could reaffirm the recommendation and see if the funding will be increased. Mr. Taylor asked if the graduate-level TAG spending can be used for work-based learning spending. Ms. Fryer asked about the increase in TAG and what the current enrollment data show for the private institutions.

Mr. Fleming suggested that Council may want to consider a VMSDEP stipend increase as the program is growing faster than the funding.

Ms. Fryer asked about the institutional demand for the Constructive Dialogue Institute. Ms. Fisler, who was not in attendance, will follow up with Ms. Fryer.

Mr. Olsen asked about SCHEV staff turnover. He asked about providing hybrid work opportunities to save resources and retain staff. Mr. Fleming expressed his desire for SCHEV to provide more flexibility to attract and retain talent. Ms. Oldham asked about additional staffing and resource constraints on the work that SCHEV does. Mr. Fleming shared that SCHEV operates at a deficit every year and would like to expand into more workforce initiatives.

Mr. Andes shared that SCHEV is looking for new funding of the Outstanding Faculty Awards (OFA) for the 2026 event. Mr. Andes suggested that funding the OFA could be another SCHEV recommendation, but staff also is looking for private sponsorship.

Mr. Andes next introduced potential recommendations items that do not require funding.

- Strategic planning alignment between the statewide plan and the institutional plans.
- Changes to Institutional Performance Standards. Council could consider additional measures or strengthen some already in place. Ms. Miles requested looking at what other measures other systems use.
- Financial assistance reimagination. A new review of need-based programs.
- Program flexibility. Reimagining higher education. Is higher education serving its constituents? Diversity in program options. How can SCHEV be supportive of the alternatives?

Ms. O'Holleran suggested bringing in other stakeholders for the strategic planning conversations. Mr. Taylor asked for a side-by-side of the last biennium budget and the proposed budget at the October meeting so that Council can have a better sense of the prioritization of recommendations.

Mr. Straley expressed high school support for the program flexibility recommendation.

Mr. Kent commented that Governor is committed to requesting funding for campus safety and security and appreciates the support from the Council.

UPDATE ON STATEWIDE STRATEGIC PLAN PRIORITY INITIATIVES

Ms. Salmon reviewed the Council's responsibility to create a statewide strategic plan and how it relates to Council's priority initiatives. She explained SCHEV's responsibility as stated in the Virginia Code. She shared that SCHEV is currently at the end of the strategic planning process cycle.

Ms. Salmon explained the Council's role in creating and implementing the priority initiatives. The most recent initiatives were updated last October. Ms. Salmon discussed the goals of the current, Pathways to Opportunity Plan. The Council shapes and approves the biennial priority initiatives to address the strategic plan's generalities and to lead by example. These initiatives emphasize Council's topics of concern. Each initiative is connected to the three goals -

1. Close access and completion gaps.
2. Lower costs to students.
3. Expand prosperity.

Council approved the current slate of initiatives on October 24, 2023, and receives regular updates on the initiatives progress. Ms. Salmon shared a series of slides with the initiatives listed by the month that the Council learned or acted on each. Each initiative is grouped under the goal that the initiative addresses.

Mr. El Koubi asked how SCHEV determines the success of the initiatives. Ms. Salmon said that the metrics for success includes enrollment, awards, borrowing, wages and attainment. Staff will present the findings of the measures at the January Council meeting. Mr. El Koubi encouraged rigor in determining the Council's goals.

Ms. Salmon provided the example of SCHEV's support for the Online Virginia Network (OVN) market survey of former Virginia college students who have not completed a degree as an example of a Council initiative in action.

RECEIPT OF REPORT FROM THE AGENCY DIRECTOR

Mr. Fleming thanked the hosts at ODU and thanked the Council members for their service. He also thanked the staff for their commitment. He described his desire to align strategies between the state and the institutions and continual improvement even as the state is recognized as the best in the nation for higher education. Mr. Fleming mentioned the executive staff retreat where the team discussed aligning the statewide strategic plan with the institutional plans.

Mr. Fleming highlighted the following from the Director's report, published on page 201 of the agenda book:

Virginia Intern Day: On July 25, the Commonwealth observed its third Virginia Intern Day, as [proclaimed by Governor Youngkin](#), to recognize student interns and their employers. Activities included a celebration with over 100 students at the John Marshall Hotel in Richmond, at which remarks were provided by various state officials, including Deputy Secretary Nicholas Kent, Virginia Works Commissioner Carrie Roth, and Mr. Fleming. He elaborated that he would like to work toward Virginia being number 1 for talent and education. He thanked Ms. Salmon for her work on the project.

DISCUSSION OF THE NEW K-12 STANDARDS OF ACCREDITATION

By way of introducing the item, Mr. Fleming praised the new standards and talked about the importance of maintaining high standards for K-12 students. He stated that students are not served by telling them they are doing well at something when they are not. Dr. Coons, Virginia's state school superintendent, was unable to join the meeting to deliver her presentation. The presentation and discussion will be rescheduled.

REPORT FROM THE COMMITTEES

Report from Academic Affairs Committee

Ms. Oldham introduced the following resolution to certify Agora University that was moved forward by the committee for full Council consideration:

BE IT RESOLVED that the State Council of Higher Education for Virginia certifies Agora University to operate as a degree-granting postsecondary institution in the Commonwealth of Virginia, effective September 17, 2024.

Mr. El Koubi seconded the motion. The resolution passed unanimously.

Ms. Oldham introduced an organization change at Old Dominion University (ODU) and Norfolk State University (NSU) to establish a joint school of public health. The proposed organizational change does not change any academic units at NSU. At ODU, the School of Community and Environmental Health will be moved to the new joint School of the Public Health. Two new departments will be established: Department of Epidemiology, Biostatistics and Environmental Health, and the Department of Health Behavior Policy and Management. Neither institution is requesting additional state funding.

BE IT RESOLVED that the State Council of Higher Education for Virginia approves the establishment of the Joint School of Public Health at Old Dominion University and Norfolk State University, effective September 30, 2024.

Mr. Straley seconded the motion. The resolution passed unanimously.

Ms. Oldham shared that Dr. DeFilippo covered the 11 new program announcements that will be coming before Council within the next year for consideration.

The committee also received a briefing regarding the policy on program productivity. Staff will be providing recommendations on improving the process in the future.

Ms. Oldham reported on the activities of the Academic Affairs staff as reported to the committee by Dr. DeFilippo. She introduced the Council to the unit's newest hire, Associate for Academic Affairs, Alexis Gravely.

Report from Resources and Planning Committee

Ms. O'Holleran stated that Dr. Khattar reported on the results of the 2024 institutional performance assessment for public institutions in Virginia reviewing fiscal and education-related measures. Three of the institutions did not meet three or more of the educational standards - Longwood, Virginia State and UVA Wise. One institution, ODU, did not meet the 80% pass threshold for preliminary fiscal standards as assessed by the Secretary of Finance. The committee certified the four institutions for FY25, and staff will present additional data to Council in the spring for them to consider certification for FY26. The committee recommends certifying all other public institutions for both FY25 and FY26.

BE IT RESOLVED that, consistent with § 23.1-206, Code of Virginia, the State Council of Higher Education for Virginia certifies for FY 2025 and FY 2026 that the following 13 public institutions have satisfactorily met the performance standards of the Virginia Higher Education Opportunity Act and the Appropriation Act: College of William & Mary; Christopher Newport University; George Mason University; James Madison University; Norfolk State University; Radford University; Richard Bland College; University of Mary Washington; University of Virginia; Virginia Commonwealth University; Virginia Community College System; Virginia Military Institute; and Virginia Polytechnic Institute & State University.

BE IT FURTHER RESOLVED that the State Council of Higher Education for Virginia certifies for FY 2025 only that the following four public institutions have

satisfactorily met the performance standards of the *Virginia Higher Education Opportunity Act* and the *Appropriation Act*: Longwood University; Old Dominion University; University of Virginia's College at Wise; and Virginia State University. The Council will review updated data and remediation plans from each of these institutions no later than May 2025 to determine certification for FY 2026.

The motion was seconded by Mr. Olsen. The Council passed the resolution unanimously.

Ms. O'Holleran, Mr. Andes and Mr. Massa updated the Committee on the status and consequences of the U.S. Department of Education's (USED's) implementation of the new Free Application for Federal Student Aid (FAFSA) on enrollment in Virginia's public institutions. Mr. Massa said that preliminary data shows that fall enrollment is up for many public institutions in Virginia. Overall, undergraduate enrollment in Virginia public institutions increased by about 3,000 students for fall 2024. Individual level data will be available after Nov. 15th and will provide a more complete picture of the impact of the FAFSA rollout on enrollment. Mr. Andes reported that there will be a new roll out of dates for the FAFSA with some students gaining access on October 1 and all students having access by December 1.

Ms. O'Holleran shared what the committee learned from Mr. Massa who identified several resources on SCHEV's website, including a glossary of terms, as well as the policy and data tools links. Mr. Massa demonstrated how to search for a variety of reports ranging from SAT/ACT scores, retention of first- and second-year students, Pell recipients and average wages earned after graduation. Reports also are available for private institutions in the Commonwealth. Mr. Massa believes the reports are a vital aid in providing transparency. The committee concluded that this is an invaluable resource for policy makers, parents and students.

The committee received a report from Mr. Andes on the review process for the six-year plan. Plans are developed in odd-numbered years and are generally affirmed or updated as necessary in even years. In August, the Op-Six (Secretary of Education, Secretary of Finance, Director of Department of Planning and Budget, the money committees and SCHEV director) met to discuss updates to the plans and provide comments to institutions. SCHEV staff will send comments and other feedback to institutions by mid to late September. Institutions will submit responses to the comments and final copies of their six-year plans to SCHEV in November. Final copies of each institution's six-year plan will be published on the SCHEV website by December 1st.

Mr. Fleming introduced Dr. Tancy Vandecar-Burdin from ODU who joined the Council to discuss findings from the High School survey and answer questions from Council. Dr. Vandecar-Burdin shared that further analysis reflects the earlier findings that cost, and value are the most important concern for high school students. The results also suggest that more touchpoints with parents could help allay some of the concerns about attending college. The data also suggest that students could benefit from further supports than what are available to them now.

Mr. Fleming asked Dr. DeFilippo to discuss Private Postsecondary Education’s efforts to reduce regulations towards the 25% reduction goal set by the Governor. The unit plans to present on its efforts to Council at the October meeting. Mr. Taylor asked for details on the process of reducing regulations.

RECEIPT OF ITEMS DELEGATED TO STAFF

Included at the end of this document.

OLD BUSINESS

No old business.

NEW BUSINESS

No new business.

RECEIPT OF PUBLIC COMMENT

Mr. William Hooper joined the meeting virtually to share a public comment about his concerns with the Federal Student Aid handbook which guides the federal financial aid for veterans. The Title 38 wording in the book is incorrect. He is asking for SCHEV to reach out to the federal Department of Education to aid with this problem. He gave suggestions for remediation. He reached his time limit and Ms. Miles asked him to conclude his remarks.

MOTION TO ADJOURN

The meeting adjourned at 11:30 a.m.

Delceno Miles
Council Vice Chair

Kristin Whelan
SCHEV Staff

Items Delegated to Director/Staff
Items Delegated to Director/Staff

Pursuant to the Code of Virginia, § 23.1-203 and Council’s “*Policies and Procedures for Program Approval and Changes*,” the following items approved/not approved as delegated to staff:

Institution	Degree/Program/CIP	Effective Date
Longwood University	Program Modification Approved: <ul style="list-style-type: none"> Modify the credit hours of the Bachelor of Science (BS) degree program in Elementary and Middle School Education and Teaching (13.1206) with 127- 134 credit hours to 120-123 credit hours 	Fall 2024
James Madison University	Post-Professional Certificate Program Approved: <ul style="list-style-type: none"> Literacy Education (13.1315) 	Fall 2024
James Madison University	Program Name Change Approved: <ul style="list-style-type: none"> Change the name of the Graduate Certificate in Educational Technology (13.0501) to Learning Design and Technology (13.0501) 	Fall 2024
James Madison University	Program Name Change Approved: <ul style="list-style-type: none"> Change the name of the Bachelor of Arts/Bachelor of Science (BA/BS) in General Psychology (42.0101) to Psychology (42.0101) 	Fall 2024
Old Dominion University	Graduate Certificate Program Approved: <ul style="list-style-type: none"> Computer Science for Teachers (11.0199) 	Fall 2025
Old Dominion University	Program Modification Approved: <ul style="list-style-type: none"> Add an online delivery format to the Master of Arts (MA) in Economics (45.0603) 	Fall 2024
Radford University	Program Modification Approved: <ul style="list-style-type: none"> Modify the credit hours of the Master of Health Administration (MHA) degree program in Healthcare Administration (51.0701) with 45 credit hours to 36 credit hours 	Fall 2024
Richard Bland College	Certificate Program Approved: <ul style="list-style-type: none"> Uncrewed Aerial Systems (49.0109) 	Fall 2024
Tidewater Community College	Facilitated Staff Approval: <ul style="list-style-type: none"> Merge the Associate of Applied Science (AAS) in Civil Engineering Technology (15.0201), the AAS in Electronics Technology (47.0105), the AAS in Industrial Technology (15.0699), and the AAS in Mechanical Engineering Technology (15.0899) into a AAS degree program in Engineering Technology (15.0000) 	Fall 2024

Institution	Degree/Program/CIP	Effective Date
University of Virginia	Program Modification Approved: <ul style="list-style-type: none"> Add an online delivery format to the Master of Education (MEd) in Special Education (13.1001) 	Fall 2024
Virginia Highlands Community College	Program Name Change Approved: <ul style="list-style-type: none"> Change the name of the Associate of Applied Science (AAS) degree in Administration of Justice to Criminal Justice (43.0103) 	Summer 2024
Virginia Peninsula Community College	Program Name Change Approved: <ul style="list-style-type: none"> Change the name of the Associate of Applied Science (AAS) degree in Administration of Justice to Criminal Justice (43.0103) 	Summer 2024

Pursuant to the Code of Virginia, § 23.1-203 and Council’s “*Policies and Procedures for Program Approval and Changes*,” the following items approved and reported:

Programs Discontinued

Institution	Degree/Program/CIP	Effective Date
George Mason University	Graduate Certificate Program Discontinuances Approved: <ul style="list-style-type: none"> International Baccalaureate Teaching and Learning (13.1212) International School Leadership Practice (13.0412) School Psychology (42.2805) 	Spring 2025
Radford University	Program Discontinuation Approved: <ul style="list-style-type: none"> Post-Baccalaureate Certificate program in Teaching Language Arts in the Digital Age (23.9999) 	Fall 2024
Radford University	Program Discontinuation Approved: <ul style="list-style-type: none"> Doctor of Psychology (PsyD) degree program in Counseling Psychology (42.2803) [Council Approval Date: October 17, 2006] 	Fall 2024
University of Virginia	Program Discontinuances Approved: <ul style="list-style-type: none"> Education Specialist (EdS) degree program in Counselor Education (13.1101) [Council Approval Date: April 2, 1974] Education Specialist (EdS) degree program in Higher Education (13.0406) [Council Approval Date: April 2, 1974] 	Fall 2024

Institution	Degree/Program/CIP	Effective Date
University of Virginia	Program Discontinuance Approved: <ul style="list-style-type: none"> Education Specialist (EdS) degree program in Special Education (13.1001) [Council Approval Date: April 2, 1974] 	Summer 2024

Pursuant to the Code of Virginia, § 23.1-203 and Council's "*Policies and Procedures for Internal and Off-Campus Organizational Changes*," the following items approved as delegated to staff:

Internal and Off-Campus Organizational Changes

Institution	Change/Site	Effective Date
Christopher Newport University	Create the Department of Music, Theatre, and Dance . The Department will reside in the College of Arts and Humanities. The new department will ensure "all faculty" teaching in the "three disciplinary areas" are in the same academic unit and able to work together "to administer related academic programs."	October 4, 2024
James Madison University	Rename the Department of Foreign Languages, Literatures, and Cultures to the Department of World Languages and Cultures . The Department has been renamed to address a recommendation by an external review team "to remove the word foreign" and "utilize terminology that reflects the diversity, equity, and inclusion of the department." The new name also will reflect "the overall academic focus of the unit."	August 1, 2024
Old Dominion University	Reorganize the School of Community and Environmental Health to establish two departments: the Department of Epidemiology, Biostatistics, and Environmental Health , and the Department of Health Behavior, Policy, and Management . The Departments will reside in the Joint School of Public Health. The establishment of separate departments "will support the needs of the faculty in their specific disciplinary areas." Faculty will be able "to collaborate in teaching and conducting research in their	September 30, 2024

Institution	Change/Site	Effective Date
	disciplinary area.” Further, the reorganization will ensure faculty in respective disciplines “are supported by discipline-specific leadership.”	
Radford University	Reorganize the Department of English and the Department of Foreign Languages to establish the School of Writing, Language, and Literature . The School will reside in the College of Humanities and Behavioral Sciences. The establishment of one academic unit will “provide stable leadership for the faculty teaching in foreign languages and literatures at the university.”	August 10, 2024
University of Virginia	Create the Department of Genome Sciences . The Department will reside in the School of Medicine. The new department is needed to “ensure that human genome research is supported appropriately and adequately by the School of Medicine and at the university.” Further, as a research department, the department will “demonstrate the University’s commitment to the discipline of human genome sciences.”	July 17, 2024
University of Virginia	Create the Department of Graduate Nursing Programs . The Department will reside in the School of Nursing. The new department will establish an academic unit “focused on needs of faculty and students that are unique to” the doctoral level clinical degree program, master’s level degree program, and post-master’s certificate programs. Moreover, the department will provide an infrastructure to faculty in their teaching, clinical practice and education, and service to ensure nursing graduate education is adequately supported in the School of Nursing and at the university.” UVA will close two departments—the Department of Acute & Specialty Care and, the Department of Family, Community & Mental Health Systems—and utilize the resources to establish	August 19, 2024

Institution	Change/Site	Effective Date
	and operate the proposed new department.	
University of Virginia	<p>Create the Department of Nursing Research. The Department will reside in the School of Nursing. The department will serve as “the primary academic unit for scholars dedicated to research and scholarly excellence in nursing.” The new department is needed to “ensure that doctoral level education in nursing research and faculty teaching and working in nursing research are adequately and properly supported by the School of Nursing and at the university.”</p> <p>UVA will close two departments—the Department of Acute & Specialty Care and, the Department of Family, Community & Mental Health Systems—and utilize the resources to establish and operate the proposed new department.</p>	August 19, 2024
University of Virginia	<p>Create the Department of Undergraduate Nursing Programs. The Department will reside in the School of Nursing. The new department is needed to “focus on teaching and improvements in instructional design services that support pedagogical innovation and respond to the learning needs of undergraduate students.”</p> <p>UVA will close two departments—the Department of Acute & Specialty Care and, the Department of Family, Community & Mental Health Systems—and utilize the resources to establish and operate the proposed new department.</p>	August 19, 2024



Dr. Paula Pando is a strategic, forward-thinking educator with nearly 30 years of experience in both public and private higher education. The daughter of immigrants, she is fluent in both Spanish and English and is wholly committed to strengthening lives and communities through the transformative power of an education. In May 2018, Dr. Pando was appointed the fourth president of J. Sargeant Reynolds Community College. Prior to her role as president of Reynolds, Dr. Pando served as the Senior Vice President for Student and Educational Services at Hudson County

Community College in New Jersey, where she spent nearly sixteen years of her career. She began her career at Saint Peter's University in Student Affairs, also in New Jersey.

Dr. Pando's strong student advocacy and contributions to the field of higher education have been recognized at the local, state, and national levels. Most recently, she was elected to serve on the Board of Directors for the American Association of Community Colleges. She also serves on multiple local boards including the Community Foundation for a greater Richmond, Chamber RVA, and Venture Richmond, among others.

In 2017, she was one of 38 community college leaders selected from across the country for the Aspen Institute's Presidential Fellowship, a rigorous applied executive fellowship in partnership with Stanford University. In 2021, she was awarded the Dana Hamel Leadership Award, the highest award bestowed by the Virginia Community College System for her leadership in the development of the system's ambitious six-year strategic plan. In 2023, Dr. Pando was recognized by the Richmond Times Dispatch and Richmond Raceway to the inaugural class of *Women Who Drive Richmond* in recognition of women driving the region forward, as well as a recipient of the Richmond YWCA Outstanding Woman in Education, 2023.

Dr. Pando was in the inaugural class of the Rowan University Community College Leadership Initiative in 2007, earning a doctorate in educational leadership, and in 2023 was presented with the University's Alumni Medal for Outstanding Achievement. She earned an M.A. in education administration from Saint Peter's University, and a B.A. from Stockton University. Dr. Pando is the proud mother of three adult children, Jake, Luke and Isabella and lives with her husband Eric in Glen Allen, VA.

State Council of Higher Education for Virginia Agenda Item

Item: IV.D. Action on Systemwide Budget and Policy Recommendations for the 2025 Legislative Session

Date of Meeting: October 22, 2024

Presenter: Lee Andes

Interim Director of Finance Policy and Innovation
leeandes@schev.edu

Most Recent Review/Action:

- No previous Council review/action
 Previous review/action

Date: September 17, 2024

Review: Council discussed the systemwide budget and policy recommendations for the 2025 legislative session.

Purpose of the Agenda Item:

This item forms the staff summary of systemic budget and policy recommendations for action by Council and referral to the executive and legislative branches in advance of the 2025 session of the General Assembly for Fiscal Year 2026. These recommendations are a statutory responsibility of Council, per § 23.208 of the [Code of Virginia](#).

A. 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 and 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.

Background Information/Summary of Major Elements:

In January 2024, Council approved fiscal and policy recommendations for the 2024-26 biennial budget. In May, the General Assembly met in special session to approve a biennial budget for fiscal years 2025 and 2026. Governor Youngkin signed it shortly thereafter. The budget added over \$360 million in general fund support to higher education, much of it in alignment with the Council recommendations.

At Council's September meeting, staff provided a general overview of potential recommendations in the areas of operations, financial aid, and policy recommendations. Over the past month, staff considered Council members' concerns from the September meeting and updated recommendations.

In advance of the 2025 legislative session, staff provides information on the following pages to inform Council's budget and policy recommendations in areas of institutional operations, student financial assistance, and policy considerations for FY 2026.

Materials Provided: The document on the following pages is staff's current report for Council consideration.

Financial Impact: The total recommendations call for an additional \$237.5 million for FY 2026 from the general fund.

Timetable for Further Review: Upon approval, staff will submit the budget recommendations to the Governor and General Assembly for consideration.

Relationship to the Goals of *The Virginia Plan for Higher Education*:
Council's budget and policy recommendations relate to all goals of The Virginia Plan.

Resolution:

WHEREAS, *Pathways to Opportunity*, the statewide strategic plan for higher education in the Commonwealth, seeks to place Virginia as the best state for education by 2030; and

WHEREAS, Virginia's higher education system ranks as one of the best in the nation when considering factors such as graduation rates, average net price, low loan default rates and high return on investment, which is a status that must be preserved and nurtured; and

WHEREAS, Virginia's system of public higher education is a shared responsibility of the state, institutions and students and parents to reach the highest level of performance and accountability; and

WHEREAS, Council's budget recommendations for FY 2026 address the needs of affordability, equity, and transformation; now, therefore

BE IT RESOLVED that the State Council of Higher Education for Virginia approves the Budget and Policy Recommendations for system operations and financial aid for FY 2026 and directs its staff to transmit the recommendations to the Governor and the General Assembly.

SCHEV BUDGET AND POLICY CONSIDERATIONS FOR FY 2026

Council is charged in statute with developing and submitting systemwide budget and policy recommendations annually to the Governor and General Assembly; see § 23.208 of the [Code of Virginia](#).

A. 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 and 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.

In the second year of the biennial budget, Council generally affirms the two-year budget passed in the prior General Assembly session, considers staff recommendations that did not receive support in the previous session, and seeks adjustments to budget and policy language based on new circumstances that may arise.

Current Funding for the 2024-2026 Biennial Budget

In May, Governor Youngkin signed the budget for the 2024-26 biennium. Many of Council's priorities adopted in January were incorporated, including additional funds to institutions to mitigate tuition increases, need-based financial aid, support for noncredit workforce credentials and increases in the Virginia Military Survivors and Dependents Education Program (VMSDEP) stipend and funding to offset the cost of the VMSDEP tuition waiver.

Relative to the previous biennium, the budget for FY 2025 and FY 2026 increases funding to public institutions for Education and General (E&G) support by \$106 million in each year of the biennium, an annual 4.7% increase. Institutions also receive \$17 million in the first year and \$20 million in the second year for undergraduate need-based student aid, a 3.8% and 4.5% increase, respectively. (The aid numbers in the table below include need-based and non-need-based aid and institution-specific items.)

Additional General Fund Appropriations in 2024-2026 (in millions)

Program	2024-25	2025-26	Biennial Total
E&G	\$106.28	\$106.28	\$212.56
Financial Aid	\$21.50	\$25.50	\$47.00
Others	\$24.12	\$22.50	\$46.62
SCHEV	\$25.50	\$29.80	\$55.30
TOTAL	\$177.40	\$184.08	\$361.48

Institutions also received funding to support a 3% salary increase each year for faculty and staff. The state funds only a portion of institutions' salaries (about 50% on average), with the institutions covering the remaining portion, primarily through tuition revenue.

Summary of key areas of consideration for FY 2026

The following are key areas of consideration:

System-wide cost increases: It is estimated in FY 2026, several system-wide costs will impact all institutions and students; and require additional institution funding to support those costs. These system-wide costs include: (1) the institution share of the three percent salary increases, (2) the impact of rising inflation on nonpersonal service costs, and (3) operations and maintenance of new facilities coming online. SCHEV provides estimates for these costs and options for state support if the Governor and General Assembly wish to minimize the impact on student tuition and fees.

Student financial aid: In recent years, the Commonwealth has provided large funding increases for student financial aid. Many of the Council's 2024-26 budget recommendations for financial aid were funded or partially funded by the 2024 General Assembly. However, staff estimated there is still unmet student need due to cost increases and funding imbalances between institutions. Lowering students' unmet need will provide college access and improve retention and graduation rates as well.

Statewide priority areas and initiatives: In recent years, the state has placed a priority on certain key areas through policy or budget initiatives. This includes investments in the state internship program, financial aid, workforce alignment, mental health services and freedom of expression on campuses. If the Governor or General Assembly wish to make investments in higher education, these initiatives along with efforts to mitigate system-wide cost increases should be considered as priority areas.

Focus Areas for Potential Funding Recommendations

Staff continue to collect and refine information in the areas above. The below topical areas have emerged for consideration by Council:

A. Tuition and mandatory educational and general (E&G) fees

Tuition and E&G fees are those fees related to instruction and supported by the state. With the cost factors outlined below, staff will project the potential impact on tuition and E&G fees for in-state undergraduates and then compare that impact to the increases proposed in institutions' six-year plans. Council may consider addressing these costs by institution or as an overall recommendation.

A.1. Inflation impacts on non-personal services: Non-personal services make up approximately 24% of an institution's budget. SCHEV staff applied a projected annual inflation rate to calculate the increase of unavoidable costs in its 2024-26 budget recommendations last year. The latest economic update from the U.S. Bureau of Labor Statistics indicated that in July 2024, the Consumer Price Index (CPI) grew 2.9% from July 2023. Based on the Moody's projection of CPI annual growth of 2.4% in FY 2025 and FY 2026, staff estimated the total required additional funding will be \$35.3 million to cover the cost increase in non-personal services in FY 2026.

A.2. Salary impacts: In the state's cost-share model, the public institutions are expected to support a portion – roughly half – of salary increases. The state has authorized a 3% salary increase in FY 2026. While general fund support was provided in the FY 2026 budget, staff used the actual FY 2024 E&G expenditures to estimate the costs of the nongeneral fund share of the salary increase in FY 2026. As the nongeneral fund cost will be covered by tuition increases, there is an impact of tuition increases for in-state undergraduate students. Staff estimated the total cost of the nongeneral fund share of the FY 2026 salary increase will be \$158.3 million at the system level. With no new funding, the average tuition increase for in-state undergraduate students could be 4% at the system level in FY 2026 with a variation between 3.5% and 9.8% among institutions.

A.3. Operation costs of new facilities: Last year, SCHEV estimated the costs of operations and maintenance of new facilities at \$8.7 million in the first year and \$13.5 million in the second year. The 2024 General Assembly did not provide specific funding for the state share of new facilities. Council could reaffirm its FY 2026 \$13.5 million recommendation for this item, as institutions may cover this cost through tuition increases.

B. Student financial assistance

State financial aid is designed to make higher education more affordable and accessible to all students. When developing recommendations, staff considers projected cost increases to students, funding imbalances between institutions and any other indicators of student need. The lowering of students' unmet need is associated with improved retention and graduation rates.

B.1. State need-based financial aid:

(i) Primary undergraduate need-based financial aid: In January 2024, Council recommended \$33.9 million in the first year and \$39.9 million in the second year for need-based undergraduate aid. The 2024-26 biennial budget adds \$17 million and \$20 million. For the 2025 legislative session, Council could consider recommending the difference (\$19.9 million), or a higher amount, for FY 2026.

(ii) Workforce Credential Grant: The Workforce Credential Grant (branded as FastForward by the community colleges) has grown enrollments, thus triggering more performance payments. Based on analysis of FY 2024 performance and financial data, SCHEV staff suggests that Council consider recommending an increase of \$3.5 million in FY 2026.

B.2. State non-need-based student assistance:

(i) Tuition Assistance Grant (TAG): The TAG award is intended to make Virginia's private non-profit institutions a more affordable option for Virginians. The award increased by \$500 per year (from \$4,000 to \$5,000) during the 2022-24 biennium and, consistent with Council's recommendations, will increase to \$5,125 in FY 2025 and \$5,250 for FY 2026. Council can consider whether to recommend a further increase in the award for the 2025-26 award year. It is generally accepted that the fiscal pressures created by potentially lower enrollments due to the flawed launch of the new federal FAFSA will have a larger impact on institutions more reliant on tuition revenue, which describes many of the TAG-participating institutions.

(ii) Virginia Military Survivors and Dependent Education Program (VMSDEP): The VMSDEP stipend is awarded to dependents of qualifying veterans whose military service came at a high personal cost. The typical annual award has been a maximum of \$1,900. This program experienced historic growth over the past four years with growth rates in participation of 13.7%, 55.9%, 37.5%, and 40.1% between 2020-21 through 2023-24 and growth rates in awards of 9.8%, 31.5%, 66.3%, and 45.4% over the same four-year period. In the 2024 session of the General Assembly, appropriations for the program were increased by \$2 million each year for a total of \$9.7 million; however, program growth shows no signs of slowing. If the program continues to grow at similar rates, the program will require increased appropriations of \$650,000 in FY 2025 and \$4.3 million in FY 2026 to maintain award levels.

(iii) Space Grant and Sea Grant scholarships/fellowships/internships: The NASA-affiliated Virginia Space Grant Consortium (VSGC) provides scholarships and fellowships for STEM (Science, Technology, Engineering and Math) courses and programs, internships with NASA and industry, NASA summer academies, educator professional development, and STEM research. State funding for VSGC scholarships/fellowships has been at the \$170,000 level since 2005. Additional funding of \$130,000 would support an estimated 20-25 scholarships and fellowships per year. Another \$120,000 in additional funding would support an estimated 12-16 interns per year attending accredited institutions in Virginia for internships at NASA Centers.

The Virginia Sea Grant (VASG) is a partnership of seven Virginia institutions - George Mason University, Norfolk State University, Old Dominion University, University of Virginia, Virginia Commonwealth University, Virginia Institute of Marine Sciences, and Virginia Tech - to identify solutions to marine and coastal challenges faced by the Commonwealth. The consortium is requesting \$584,095 in FY 2026 to enhance the activities of the VASG and fund an additional 5 post-graduate Commonwealth fellows. The program is currently not funded by state general fund, but these funds could be used as a match as they seek competitive federal funding.

C. Other programs

C.1. Mental Health Workforce Pilot: The 2022 General Assembly allotted funds for SCHEV to award grants that enabled institutions to underwrite the salary and benefits of an onsite, licensed clinical social worker (LCSW) or licensed professional counselor (LPC) candidate for two years. In turn, the hosting universities hire, train and supervise the LCSW/LPC candidates over the two-year period to work at on-campus mental health care facilities until licensed. The pilot program seeks to address immediate student demand for services and long-term campus behavioral health workforce development. SCHEV staff's recent report on the program's progress indicates that the pilot is increasing counseling capacity and reducing staff burnout at counseling centers. In its recommendations last year, Council could recommend adding \$1 million to the program in the second year of the biennium in order to support a mental health workforce pilot program at each four-year public higher education institution.

C.2. Constructive Dialogue Institute (CDI): The Constructive Dialogue Institute (CDI) is a research-based organization that helps educational institutions improve the free exchange of ideas by providing tools and resources that demonstrably improve students' mindsets toward differences of opinions and perspectives. This initiative aligns with Governor Youngkin's North Star objective - Promote a Vibrant Campus Life - by "[protecting] free speech and inquiry as a hallmark of a Virginia education."

SCHEV entered into a partnership with the CDI to offer online training program to students, faculty and staff at 12 Virginia public colleges and universities. With \$100,000, SCHEV can continue to support dialogue skills training for students, faculty and staff at Virginia's public colleges and universities.

D. SCHEV budget

D.1. Virginia Longitudinal Data System (VLDS): The VLDS is a powerful tool for Virginia's future, giving the Commonwealth an unprecedented and cost-effective tool for extracting and analyzing insightful education and workforce development data within a secure environment. Funding dedicated for this tool has not kept up with the costs of administration, requiring SCHEV to contribute from its own operating budget. Fully funding the program would require an additional \$504,360.

The total funding requests are summarized in the table below.

SCHEV 2024-26 Budget Update Recommendations
(in \$millions)

Items		FY 2025	FY 2026
A. Educational and General Programs Operations			
	Mitigate tuition impact of the institution share of FY 2026 salary increase		158.30
	Nonpersonal inflationary costs		35.30
	Operations & maintenance of new facilities		13.50
	Sub-total		207.10
B. Student Financial Aid			
B1. State need-based financial aid			
	Undergraduate need-based financial aid:		19.90
	Workforce Credential Grant		3.50
B2. State non-need-based financial aid			
	Virginia Military Survivor and Dependents Tuition Waiver cost increases (VMSDEP)	0.65	4.30
	Sub-total	0.65	27.70
C. SCHEV Budget			
C.1 Systemwide programs			
	Space Grant scholarships/fellowships/internships		0.13
	Virginia Sea Grant (VASG)		0.58
	Mental Health Workforce Pilot		1.00
	Constructive Dialogue Institute (CDI)		0.10
C.2 SCHEV agency administration			
	Funding to meet and enhance SCHEV capacity		0.38
	Virginia Longitudinal Data System		0.50
	Sub-total		2.69
Grand Total		0.65	237.49

Focus Areas for Policy Considerations

The following are topics Council may wish to develop and may have a future budget impact.

A. Internal Assessment of Accreditation Agencies. In 2020, the federal government ceased to differentiate between “regional” and “national” accrediting agencies. When renewing accreditation, Virginia institutions should consider available accrediting agencies. Council shall direct staff to consider legislation that would amend the Code of Virginia to require public institutions of higher education to perform a review of other institutional accreditors at the time of their accreditation renewal process.

B. Alignment with Federal Accreditation Standards: In 2020, the federal government ceased to differentiate between “regional” and “national” accrediting agencies. To align with U.S. Department of Education regulatory policy changes, Council shall direct staff to consider legislative proposals to:

- 1) Prohibit public institutions of higher education from denying transfer credit based solely on the sending institution’s institutional accreditor, provided the accreditor is recognized by the U.S. Secretary of Education;
- 2) Remove specific references of “regional accreditation” and “regional accreditor” within the Code of Virginia, where appropriate.

C. Improvement of Nursing Program Transfer of Credits: Council shall direct staff to consider a legislative proposal aimed at facilitating a policy to facilitate the transfer of credits from Practical Nurse programs (often referred to as LPN or LVN programs) to Associate Degree in Nursing and Bachelor Degree in Nursing programs (often referred to as RN programs).

D. Data Analysis and Visualization: To better serve students and families, Council shall direct staff to consider legislation that would amend the Code of Virginia (23.1-203) to require SCHEV to post the following information in a consumer-friendly format for all public institutions of higher education and any private institution of higher education that receives state funds: (1) Cost of tuition and fees; (2) Retention rate of students; (3) Graduation rate of students; (4) Wages three years post-graduation; (5) Top 20 baccalaureate degree programs with the highest average annual wages following graduation; and (6) Top 20 associate degree or certificate programs with the highest average annual wages following graduation. The data shall be presented so the user can compare reported facts clearly and visually.

E. Director Title Change: To align the title of the head of agency with prevailing practice, Council shall direct staff to consider a legislative proposal to change the agency head “Director” title to “Executive Director” to better align with other State Higher Education Agencies and minimize confusion of the agency unit leads who also hold the “Director” title.

F. Strategic Planning Alignment: Virginia’s strategic plan – the Virginia Plan – is the foundation on which the direction and goals for Virginia higher education are established. This document is reviewed every six years, meanwhile institutions update their six-year plans every two years. While the Virginia Plan is a living document that is referred to often, more can be done to align the document with institutional six-year plans. The Council should insist on greater alignment across the various activities supporting the state’s strategic plan, indicated by inclusion of strategic goals in the six-year plans, greater alignment of the six-year planning process and updates to support the strategic plan, while also developing better tools to support the process.

G. Institutional Performance Standards: Both the *Code of Virginia* and the state budget lay out the parameters of the Institutional Performance Standards (IPS). The current standards primarily apply to projection and fiscal factors used for future planning recommendations and impact a limited category of funding. Other forms of IPS addressing institutional performance results could be considered. Council could charge staff with conducting research on best practices and the Commonwealth's history in establishing performance standards, consider recommending changes to the current institutional performance standards, and/or create a separate set of performance standards for Virginia that serve a purpose broader than the current scope of the existing IPS measures.

H. Financial Assistance Reimagination: Since 2019, Virginia has reviewed the Commonwealth's primary need-based financial aid programs - the Virginia Commonwealth Award and the Virginia Guaranteed Assistance Program (VGAP) – multiple times with SCHEV and the Joint Legislative Audit and Review Commission (JLARC) each adopting recommendations to reform and merge these two programs. Staff recommends that action on these recommendations be further delayed considering the burdens already placed on the institution financial aid offices who are still adjusting to major changes in the federal FAFSA form. This may provide opportunity to take a more comprehensive review of state financial assistance programs, including exploration in how to partner with private businesses and organizations in the support of student affordability and workforce outcomes.

I. Program Flexibility: A growing number of higher education professionals have advocated for more flexible approaches to undergraduate education, including proposals such as three-year bachelor's degree programs, alternative degree, credential, and non-degree programs, skills-focused workforce credentials, and other forms of postsecondary education. Federal policy has permitted the use of federal financial aid for some of these programs, and some states have begun exploring these options, but progress typically depends on a combination of state policy, accreditation, and institutional adaptation. Council might recommend that Virginia examine and support changes in policy and legislation that would support flexible degree and credential offerings.

Other topics currently under state review

Council should be aware of topics currently under study or review as there may be opportunity for Council endorsement or recommendations at the appropriate time.

A. Virginia Military Survivors and Dependents Education Program (VMSDEP): The 2024 session of the General Assembly initially proposed program reform for VMSDEP tuition waivers. Following retraction of the new requirements in July, JLARC was tasked with a study of the program. The results of the study were released earlier this month and staff awaits when two existing committees may consider how the Commonwealth should address the growth and costs of the program into the future. Staff will provide assistance when requested and keep Council informed of progress.

B. Cost study alignment: In July 2022, SCHEV published a [Cost and Funding Needs Study](#). The report represented a broad consensus among stakeholders for a framework to measure costs, but its publication failed to produce an operational model. Council might recommend that the Commonwealth build on this framework to produce a working model for the next budget cycle, including an evaluation of the current “base adequacy formula, pending the outcomes of a study on institutional efficiency and effectiveness being conducted by JLARC and a legislative joint subcommittee on higher education funding policies set to review and improve funding models beginning in December.

C. Campus food insecurity: At the direction of the 2024 General Assembly, SCHEV staff is completing a report of food insecurity at Virginia institutions that may result in legislative and budget recommendations. The report is due to the General Assembly by November 1, 2024.

D. Disability accommodations on campus: The 2024 General Assembly ([SB 21](#)) charged SCHEV to: (i) study the processes by which each public institution of higher education determines the eligibility for accommodations of an admitted or enrolled student with a temporary or permanent disability, (ii) identify in such processes any potential barriers to establishing eligibility; and (iii) make recommendations on reducing any such barriers and on the development and establishment of a uniform accommodations eligibility determination in the Commonwealth. This report is due October 1, 2024.

E. Campus safety: Council recognizes the need to ensure that students, faculty and staff are safe on the Commonwealth’s campuses and to support institution capital and operating budget requests deemed likely to improve campus safety. In the 2023 General Assembly session the Campus Threat Assessment task force was created in with SCHEV represented among the membership.

The task force made recommendations to improve the minimum qualifications of threat assessment membership and keep the training of task force members through DCJS (not a private company), make language on task force duties more precise (for example changing "in need of assistance" to be more specifically related to threat assessment as the current language can be for financial assistance, housing assistance, etc.) (and changing the language of obtaining documents to requesting documents since in some instances the speed or delivery of documents is out of task members hands, they can request the documents though), more access to "invited members" of the task force so all documents and materials can be shared when appropriate with all members and invited members to keep campuses safe, and to establish a dedicated stream of funding to support threat assessment training for institutions of higher education so that this training may continue to be delivered on a tuition-free basis to employees of institutions of higher education. It is likely that we will see some of the recommendations from the Task Force to be introduced in the 2025 session.

In the 2024 General Assembly Session, a new statute passed which requires public institutions to develop and implement policies for a campus-safety and emergency-preparedness training program to be provided to and completed by all first-year students. The legislation’s fiscal impact statement noted that “costs vary per institution and include

but are not limited to additional administrative staff support to track and verify completion of the training.” Once these policies are developed, Council could recommend funding to support these programs or to address campus safety more broadly.

State Council of Higher Education for Virginia Agenda Item

Item: IV.E. — Discussion of Reforms to the SCHEV Program Approval and Productivity Policies

Date of Meeting: October 22, 2024

Presenters: Dr. Joseph G. DeFilippo
Director of Academic Affairs & Planning
joedefilippo@schev.edu

Dr. Monica Osei
Associate Director for Academic Programs & Instructional Sites
monicaosei@schev.edu

Most Recent Review/Action:

- No previous Council review/action
 Previous review/action

Purpose of the Agenda Item: This item provides information to inform and guide Council discussion of proposed reforms to two SCHEV policies – program approval and program productivity, in accord with Council's duties (Code of Virginia, § 23.1-203) to:

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.

Background Information/Summary of Major Elements:

Director Fleming has asked staff to develop recommendations for reforms to SCHEV's policies related to program approval and program productivity, with the aim of achieving three broad outcomes:

- enhanced nimbleness in bringing new degree programs to Council for decision;
- lowered threshold for approval of new degree programs; and
- raised threshold for post-approval evaluation of degree program outcomes (program productivity).

The staff recommendations presented here for discussion by Council encompass the following suggested reforms:

- Procedural changes to program approval
 - Process streamlining measures to enable faster action by Council.
 - Reduction of staff review function to focus more on data verification than serving as “gatekeeper” to Council action.
 - Utilization of Virginia Office of Education Economics (VOEE) data to reduce workload associated with producing program proposals for SCHEV and ensure more uniform labor market data.
- Enhanced integration of program approval with productivity review
 - More timely post-approval review of new degree programs.
 - Incorporation of measurable outcomes that go beyond enrollment and degrees granted—specifically, utilization of the same data and metrics that are used to justify establishment of new degree programs in the first place.

The attached document, “Initiative: Reforms to the SCHEV Program Approval Policy and Enhanced Integration with Program Productivity Review,” details a series of specific proposed reforms, with accompanying rationales. Taken together, these reforms are intended to achieve Director Fleming’s three intended outcomes while achieving closer integration of SCHEV policies in support of the two relevant statutory duties cited above.

Materials Provided:

- Initiative: Reforms to the SCHEV Program Approval Policy and Enhanced Integration with Program Productivity Review

Financial Impact: None.

Relationship to Goals of The Virginia Plan for Higher Education:

Council’s consideration of new degree programs and its review of the productivity of existing degree programs supports the following strategies outlined in *Pathways to Opportunity: The Virginia Plan for Higher Education*:

- Cultivate affordable postsecondary education pathways for traditional, non-traditional and returning students.
- Foster program and administrative innovations that enhance quality, promote collaboration and improve efficiency.
- Improve the alignment between post-secondary academic programs and labor market outcomes.

Timetable for Further Review/Action: The results of Council’s October discussion will inform staff’s ongoing consultations with institutions and VOEE, with the aim of presenting a reformed policy for approval of new degree programs in March or May of 2025, and an updated policy for program productivity in July 2025.

Resolution: N/A

Initiative: Reforms to the SCHEV Program Approval Policy and Enhanced Integration with Program Productivity Review

I. Governing Duties, Code of Virginia § 23.1-203

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.

II. Intended Outcomes of the Initiative

- Enhance “nimbleness” in bringing new degree programs to Council for decision.
- Lower the threshold for approval.
- Raise the threshold for post-approval evaluation of degree programs (program productivity).

III. Intended Timeline

- Council adopts reformed policy for approval of new degree programs in spring 2025 (March or May), for immediate implementation.
- Council adopts modified program productivity policy by July 2025.

IV. Proposed Procedural Changes to Program Approval

- *Eliminate (or modify) Program Announcement stage?*
 - Rationale:
 - Institutions would have one less stage of process to fulfill. Program proposals could be submitted at any time, without having to be preceded by the program announcement.
 - Institutions would not have to address objections over duplication.
- *Reduce “back and forth” resulting from SCHEV staff evaluation. SCHEV staff would provide feedback to institutions once only—proposals would go on Council agenda after any revisions in response to that one round of feedback.*
 - Rationale:
 - Save time and effort and Council would be able to review/read the information as submitted.
- *Streamline and refocus information presented to Council for action. The orientation of staff evaluation would shift from summarizing the total contents of proposals to verifying specified objective data about proposed programs.*
 - Information presented by staff would include (but need not be limited to):
 - Verification of consistency among degree designation, degree name, curriculum, CIP code, and employment skills.

- Data points from the specialized VOEE report—identical or similar to data used to justify establishing new degree programs.
- Program-specific performance metrics, e.g., retention/persistence and satisfaction of student enrollment projections.
- Program-specific outcomes, e.g., tracking graduates' employment outcomes.
- Rationale:
 - Criteria for evaluating productivity of existing degree programs would be better aligned with the criteria used to justify establishing the degree program in the first place.
 - Utilization of performance metrics and employment outcomes would make the SCHEV productivity review better aligned with Council priorities.

State Council of Higher Education for Virginia Agenda Item

Item: IV.F. – Discussion of SCHEV’s Transfer Responsibilities

Date of Meeting: October 22, 2024

Presenter: Dr. Paul A. Smith
Senior Associate for Student Mobility Policy and Research
paulsmith@schev.edu

Most Recent Review/Action:

- No previous Council review/action
 Previous review/action

Date:

Action:

Purpose of the Agenda Item:

The purpose of this item is to inform Council’s discussion of SCHEV’s responsibilities for overseeing state policy on transfer, the current state of transfer in Virginia, and actions underway to improve the performance of the state transfer system.

Background Information/Summary of Major Elements:

The *Code of Virginia* assigns responsibility to SCHEV to develop and implement policies on a range of transfer-related topics, including: articulation agreements, dual admission agreements, dual enrollment transferability, pathway maps, military education transferability, and Passport and Uniform Certificate of General Studies credentials. As a supplement to these statutory duties, SCHEV has played a leading role in the Transfer Virginia initiative, for which the overarching goal is to promote effective practices among Virginia’s two- and four-year institutions, in order to benefit students maximally as they pursue a transfer pathway to the baccalaureate. Dr. Smith will review SCHEV’s responsibilities, the current state of transfer, and challenges that remain to be addressed.

Materials Provided:

None enclosed. At the meeting, staff will provide a slideshow presentation.

Financial Impact: N/A

Timetable for Further Review: As requested by Council.

Relationship to Goals of *The Virginia Plan for Higher Education*:

Council’s responsibility for transfer policy in Virginia supports the following strategies outlined in *Pathways to Opportunity: The Virginia Plan for Higher Education*:

- Cultivate affordable postsecondary education pathways for traditional, non-traditional and returning students.
- Foster program and administrative innovations that enhance quality, promote collaboration and improve efficiency.
- Improve the alignment between post-secondary academic programs and labor market outcomes.

Resolution: N/A

State Council of Higher Education for Virginia Agenda Item

Item: IV.G. – Discussion of the Virginia College Advising Corps (VCAC)

Date of Meeting: October 22, 2024

Presenters: Joy Pugh, Ed.D., Assistant Vice Provost for Enrollment and Commonwealth Partnerships, joypugh@virginia.edu

Alex Johnston, M.Ed., Virginia College Advising Corps Director, amj8bn@virginia.edu

Lyudmila (Ludi) Avagyan, Virginia College Advising Corps College Adviser, avagyala@lcps.k12.va.us

Most Recent Review/Action:

No previous Council review/action

Previous review/action

Date:

Action:

Background Information/Summary of Major Elements:

The purpose of this agenda item is to provide the Council with an overview of the mission and activities of the Virginia College Advising Corps (VCAC), its partnership with SCHEV and GEAR UP Virginia, and research into its potential expansion into a statewide advising corps, Advise VA.

Launched by the University of Virginia in 2005, VCAC’s mission is to increase the number of low-income, first-generation and underrepresented students entering and completing higher education. The program places recent college graduates as near-peer advisers in high schools to work alongside school counselors, helping students with college applications, FAFSA completion and scholarship searches. In 2017, VCAC advisers were in 28 high schools. In 2018, when a previous GEAR UP Virginia cohort entered their junior year in high school, SCHEV partnered with VCAC to expand into 12 additional high schools. VCAC has continued to grow, and during the 2022-2023 academic year, the program served 59 high schools across the Commonwealth. In 2025, SCHEV will once again partner with VCAC to expand into new GEAR UP Virginia high schools, contributing to significant improvements in postsecondary enrollment and FAFSA completion rates across Virginia.

VCAC has demonstrated a measurable impact, with partner high schools experiencing an average 9-percentage-point increase in postsecondary enrollment.

It's data-driven approach to college advising has allowed the program to expand its reach, providing critical support for underserved students in both rural and urban areas of Virginia.

Currently, SCHEV and the University of Virginia are partnering on an AmeriCorps planning grant to explore the development of a statewide college advising corps, Advise VA, which could potentially serve up to 100 high need high schools across the Commonwealth.

Materials Provided:

None enclosed. At the meeting, the institutional representatives will provide a presentation and link to video.

Financial Impact:

N/A

Timetable for Further Review/Action:

N/A

Resolution: N/A



Jason El Koubi serves as President and CEO at the Virginia Economic Development Partnership, where he leads VEDP's overall strategy and operations to encourage, stimulate, and support the development and expansion of the economy of the Commonwealth.

Experience

Prior to joining VEDP in July 2017 as Executive Vice President, El Koubi was previously President and CEO of One Acadiana, a regional economic development organization based in Lafayette, Louisiana. Under his leadership, the organization developed and successfully launched one of the most successful capital campaigns of its kind in the nation to deliver a new economic development program for the nine-parish region. Previously, El Koubi served as Assistant Secretary of Louisiana Economic Development, where he led initiatives that helped secure projects creating more than 63,000 new jobs along with more than \$28 billion in new capital investment, while dramatically improving Louisiana's position in virtually every state business climate ranking.

Education

B.S., Biological Engineering – Louisiana State University

M.S., Public Policy – London School of Economics

State Council of Higher Education for Virginia Agenda Item

Item: IV.I. – Council – Report of the Agency Director

Date of Meeting: October 22, 2024

Presenter: A. Scott Fleming
Director
scottfleming@schev.edu

Most Recent Review/Action:

No previous Council review/action

Previous review/action

Date:

Action:

Purpose of the Agenda Item:

The purpose of this item is to inform Council of recent and upcoming work in which staff is involved.

Background Information/Summary of Major Elements: N/A

Materials Provided: Director's Report.

Financial Impact: N/A

Timetable for Further Review/Action: N/A

Relationship to Goals of *The Virginia Plan for Higher Education*: N/A

Resolution: N/A

**Director's Report
State Council of Higher Education
October 22, 2024**

Reports Required of SCHEV: The agency prepared, published, and submitted to the requisite recipients nine reports that were due either September 1, September 30, or October 1:

- Annual report on the Workforce Credential Grant (G3) Program;
- Annual report on the Pell initiative;
- Annual report on Institutional Performance Standard (IPS) certifications;
- Annual report on public institutions' expenditures of state funds;
- Annual report on public institutions' implementation of dual enrollment policies for course credit;
- Annual report on the financial feasibility studies for public institutions' d(9) obligations where debt service is expected to be paid from project revenues or revenues of the institution;
- Annual report (in coordination with DWDA/Virginia Works) on the internship initiative (V-TOP);
- Report (required in SB21/HB509, 2024 session) on students' eligibility for disability services at public institutions; and
- Report (to DHRM) on SCHEV's Strategic Workforce Planning Strategy.

Fact Packs: The updated, institution-specific, data-rich "fact packs" were to be published on October 18, following input from the public institutions to prior drafts. Since Spring, staff worked with a contractor to correct and complete the slide decks, which are more accurate than the 2023 (first ever) versions. Final draft versions of the fact packs were distributed to institutions on October

VMSDEP: The VMSDEP (Virginia Military Survivors and Dependents Education Program) Taskforce was slated to meet on October 17 (as of the date that staff prepared these materials for Council, no agenda had been published). Separately, on October 3, staff and I met with staff from the Department of Planning and Budget (DPB) on a process to deliver funds authorized for the support for public institutions participating in VMSDEP. Due to the omission of appropriating language in the legislation, staff from DPB, SCHEV, and the Department of Accounts are working with the Finance Secretary Cummings to approve a Treasury loan to facilitate the distribution of funds to the institutions, consistent with the intent of the 2024 General Assembly.

Taskforce on Artificial Intelligence in Higher Education: On September 24, staff convened a second meeting of the taskforce created by SCHEV in response to Executive Order 30 to assist implementation of Gov. Youngkin's "Guidelines for AI Integration throughout Education." Attendees discussed the most impactful roles for SCHEV, for VITA (Virginia Information Technology Agency), and for public colleges and universities in fulfilling the guidance.

BOV Orientation Planning Group: I convened on September 24 and October 17 the second and third/final meetings of the group planning this year's orientation session for recent and ongoing members of the governing boards of public institutions, slated for November 12-13 at the Founder's Inn. We confirmed the agenda, collected names of potential speakers and panelists, and confirmed those participants in a program that will address both the basics/fundamentals of service on a public-institution governing board as well as major issues facing Virginia public postsecondary education.

RFP for Internship-related Grants: On September 26, staff released a Request for Proposals seeking applications from public and private nonprofit institutions for grants to support institutions' internship-related activities. In fulfillment of Budget Item 132.I, this grant opportunity will make awards in three categories: (i) vision (planning) grants; (ii) capacity-building (building) grants; and (iii) scaling (expanding) grants. Proposals are due October 22. Staff also conducted an informational webinar for potential applicants on September 26. Development of this RFP was informed by workgroups convened in late summer by the Virginia Business Higher Education Council (VBHEC).

IPAC Meeting: On September 20, Dr. DeFilippo convened public institutions' chief academic officers as the Instructional Programs Advisory Committee. Attendees discussed multiple matters related to degree programs – reform of the process for new-program approval; potential 90-credit baccalaureate degrees; and programs eligible for the Tech Talent Investment Program (TTIP). Staff provided updates on V-TOP, learning assessment, civic engagement, advance credit, and transfer.

FAC Meeting: On October 16, Mr. Andes was slated to convene public institutions' chief finance officers as the Finance Advisory Committee. The agenda was expected to include review of Council's potential recommendations on systemwide budgetary and policy matters, as well as the fact packs, the Pell initiative, and VMSDEP.

SAC Meeting: On September 20, staff convened the first meeting of the 2024-25 Student Advisory Committee. The agenda included remarks from Sec. Guidera and myself; attendees' sharing of major issues on their campuses; nominations of co-chairs; discussion of future meetings/communications; and a tour of the Capital.

Staff Meetings: I convened monthly an all-agency staff meeting on September 18. The agenda included reviews of the results of the latest employee survey; teambuilding exercises; the highlighting of work within an agency unit; and updates, announcements, and staff recognitions.

International Visitors: On October 1, SCHEV hosted a group of higher education officials and administrators from 11 countries as part of the U.S. Department of State's International Visitor Leadership Program. The group's focus was state

agencies' and institutions' promotion of diversity, achievement, and public-private partnerships. Staff provided overviews of Virginia higher education, SCHEV, and how the Commonwealth defines state-level postsecondary coordination. The group also visited Virginia State University and the University of Virginia.

Out and About: Since Council's September meeting, my outreach has included participation in the meetings of: the State Board for Community Colleges (SBCC); the Six-Year Capital Outlay Plan Advisory Committee (6-PAC); the Workforce Transition Stakeholder Advisory Group; the State Board of Education (BOE); and College and Career Ready Virginia (two meetings), as well as the retreat of the Virginia529 board. I also attended the gala for the Virtual Library of Virginia (VIVA) and the inauguration of President Fiege at Brightpoint Community College, and I was sworn in as a member of the Education Commission of the States. I met with Del. Coyner as well as UVa President Ryan, who chairs the Council of Presidents, President Rao of VCU and President Paino of UMW.

Items Delegated to Director/Staff

Pursuant to the Code of Virginia, § 23.1-203 and Council’s “*Policies and Procedures for Program Approval and Changes*,” the following items approved/not approved as delegated to staff:

Academic Program Actions

Institution	Degree/Program/CIP	Effective Date
Brightpoint Community College	<p>Program Name Changes Approved: Change the name of the following degree programs:</p> <ul style="list-style-type: none"> • Associate of Applied Science (AAS) in Information Technology to Information Systems Technology (11.0101) • Associate of Science (AS) in Information Systems to Information Technology (11.0103) 	Fall 2024
Central Virginia Community College	<p>Program Name Changes Approved: Change the name of the following degree programs:</p> <ul style="list-style-type: none"> • Associate of Applied Science (AAS) in Computer and Electronic Technology – Computer Networking to Networking and Electronic Technology (15.0303) • Associate of Applied Science (AAS) in Respiratory Therapy Technology to Respiratory Therapy (51.0908) 	Fall 2024
George Mason University	<p>Graduate Certificate Program Approved:</p> <ul style="list-style-type: none"> • Trade Compliance (52.1101) 	Spring 2025
The College of William and Mary in Virginia	<p>CIP Code Change Approved:</p> <ul style="list-style-type: none"> • Change the CIP code of the Bachelor of Arts (BA) degree program in Economics From (45.0601) to (45.0603) 	Spring 2025
Virginia Highlands Community College	<p>Program Name Change Approved:</p> <ul style="list-style-type: none"> • Change the Associate of Applied Science (AAS) degree program in Administrative Support Technology to Office Management (52.0499) 	Fall 2024
Virginia Polytechnic Institute and State University	<p>Program Modifications Approved: Modify the credit hours of the following degree programs:</p> <ul style="list-style-type: none"> • Bachelor of Science (BS) in Computer Engineering (14.0901) with 131 credit hours to 120 credit hours • Bachelor of Science (BS) in Electrical Engineering (14.1001) with 132 credit hours to 120 credit hours 	Fall 2025

Institution	Degree/Program/CIP	Effective Date
Virginia Polytechnic Institute and State University	CIP Code Change Approved: <ul style="list-style-type: none"> Change the CIP code of the Master of Science (MS) degree program in Geography from 45.0701 to 30.4401 	Spring 2025

Pursuant to the Code of Virginia, § 23.1-203 and Council’s “*Policies and Procedures for Program Approval and Changes*,” the following items approved and reported:

Programs Discontinued

Institution	Degree/Program/CIP	Effective Date
George Mason University	Post-Baccalaureate Certificate Program Discontinuances Approved: <ul style="list-style-type: none"> Interdisciplinary Studies (30.9999) Teaching Certificate (13.0301) 	Spring 2025

Pursuant to the Code of Virginia, § 23.1-203 and Council’s “*Policies and Procedures for Internal and Off-Campus Organizational Changes*,” the following items approved as delegated to staff:

Internal and Off-Campus Organizational Changes

Institution	Change/Site	Effective Date
Christopher Newport University	<p>Rename the Department of Physics, Computer Science and Engineering to the School of Engineering and Computing. The Department has been renamed to “provide inclusivity of the academic programs currently in the department” and “move away from explicitly listing each degree program offered by the department in the name of the department.”</p> <p>The School will administer five degree programs: M.S. in Applied Physics and Computer Science; B.S. in Computer Engineering; B.S. in Computer Foundations; B.S. in Electrical Engineering; and B.S. in Information Science.</p> <p>CNU will not request “new resources from the state to initiate or sustain the organizational change.</p>	October 4, 2024

Institution	Change/Site	Effective Date
Virginia Polytechnic Institute and State University	Close the off-campus instructional site located at the Northern Virginia Center , 7054 Haycock Road, Falls Church, VA 22043	December 31, 2024