

2563

CHAPTER ~~16~~ 29.

2564

STATE BOARD FOR COMMUNITY COLLEGES AND COMMUNITY COLLEGE

2565

SYSTEM.

2566

2567

2568

2569

Drafting note: Existing Chapter 16 is reorganized as proposed Chapter 29. The article structure of the existing chapter is removed and the provisions of existing Article 2, relating to the Community College Incentive Scholarship Program, are removed as obsolete.

2570

Article 1.

2571

General Provisions.

2572

2573

Drafting note: The designation of Article 1 is removed because the article structure of existing Chapter 16 is not retained in proposed Chapter 29.

2574

§§ 23-192 through 23-213.

2575

Drafting note: Repealed by Acts 1966, c. 679.

2576

§ 23-214 23.1-2900. Definitions.

2577

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

2578

2579

2580

2581

2582

2583

(a) "Career and technical education" means the training or retraining under public supervision and control that is (i) given in school classes, including field or laboratory work incidental to such training or retraining, exclusive of those career and technical education programs provided and administered by or through the public school system and (ii) conducted as part of a program designed to fit individuals for gainful employment as semiskilled or skilled workers or technicians in recognized occupations.

2584

"Chancellor" means the Chancellor of Community Colleges.

2585

2586

"Comprehensive community college" means an institution of higher education which offers instruction in one or more of the following fields:

2587

2588

2589

(1) Freshman and sophomore courses in arts and sciences acceptable for transfer in baccalaureate degree programs;

(2) Diversified technical curricula including programs leading to the associate degree;

2590 ~~(3) Career and technical education leading directly to employment;~~
2591 ~~(4) Courses in general and continuing education for adults in the above fields;~~
2592 ~~(5) Noncredit training and retraining courses and programs of varying lengths to meet~~
2593 ~~the needs of business and industry in the Commonwealth.~~

2594 ~~(b) "State Board" or "Board" means the State Board for Community Colleges.~~

2595 ~~(c) "Local community college board" means the board established to act in an advisory~~
2596 ~~capacity to the State Board and to perform such duties with respect to the operation of a single~~
2597 ~~comprehensive community college as may be delegated to it by the State Board.~~

2598 ~~(d) "Career and technical education" means the training, or retraining, which is given in~~
2599 ~~school classes (including field or laboratory work incidental thereto), under public supervision~~
2600 ~~and control, exclusive of those career and technical education programs provided and~~
2601 ~~administered by, or through, the public school system and is conducted as part of a program~~
2602 ~~designed to fit individuals for gainful employment as semiskilled or skilled, workers or~~
2603 ~~technicians in recognized occupations.~~

2604 ~~(e) "Area career and technical school" means a career or technical school used~~
2605 ~~exclusively, or principally, for providing career and technical education to persons who have~~
2606 ~~completed, or left, high school, or are recommended for transfer by the school last attended, and~~
2607 ~~who are available for full-time study in preparation for entering the labor market, or for part-~~
2608 ~~time study after entering the labor market.~~

2609 ~~(f) "System" means the Virginia Community College System.~~

2610 **Drafting note: Definitions are moved into alphabetical order and are no longer**
2611 **numbered, consistent with current Code style. A chapter-wide definition is added for**
2612 **"Chancellor." Definitions for "Board," "comprehensive community college," and**
2613 **"System" are stricken and incorporated into the proposed title-wide definitions section, §**
2614 **23.1-100. The term "area career and technical school" is no longer used in this proposed**
2615 **Chapter and as such, its definition is stricken.**

2616 **Note to work group: please confirm that "area career and technical school" is an**
2617 **obsolete term.**

2618 ~~§ 23-214.1. Meaning of statutory references to Department of Community Colleges.~~

2619 ~~Wherever the words "Virginia Community College System" are used in any law of this~~
2620 ~~State, they shall mean the State Board for Community Colleges.~~

2621 **Drafting note: Existing § 23-214.1 is recommended for repeal as obsolete.**

2622 ~~§ 23-215 23.1-2901. Responsibilities of State Board and System for Community~~
2623 ~~Colleges established; purpose; Virginia Community College System.~~

2624 ~~A. The State Board for Community Colleges heretofore established by law is continued.~~
2625 ~~The Board shall be is established as~~ a corporation under the style of "the State Board for
2626 Community Colleges." ~~The State Board shall be responsible, through the exercise of the powers~~
2627 ~~and performance of the duties set forth in this chapter, for the establishment, control, and~~
2628 ~~administration of to establish, control, and administer~~ a statewide system of publicly supported
2629 comprehensive community colleges, which shall be known as the Virginia Community College
2630 System.

2631 ~~B. The Virginia Community College System shall be the state agency with primary~~
2632 ~~responsibility for coordinating workforce training at the postsecondary to the associate degree~~
2633 ~~level, exclusive of the career and technical education programs provided through and~~
2634 ~~administered by the public school system. This responsibility shall not preclude other agencies~~
2635 ~~from also providing such services as appropriate, but these activities shall be coordinated with~~
2636 ~~the community colleges.~~

2637 ~~C. In addition to other responsibilities of the Virginia Community College System, the~~
2638 ~~community colleges shall (i) maximize noncredit course offerings made available to business~~
2639 ~~and industry at a time and place that meet current and projected workforce needs and minimize~~
2640 ~~the cost of noncredit offerings to business and industry to the extent feasible, (ii) deal directly~~
2641 ~~with employers in designing and offering courses to meet real, current, and projected workforce~~
2642 ~~training needs, and (iii) maximize the availability and use of distance learning courses~~

2643 ~~addressing workforce training needs. The Virginia Community College System shall report on~~
2644 ~~actions taken to meet the requirements of this subsection in its annual report to the General~~
2645 ~~Assembly on workforce development activities required by the appropriation act.~~

2646 **Drafting note: The provisions of subsection B and the last sentence of subsection C**
2647 **of existing § 23-215 are relocated to proposed § 23.1-2904. Technical changes are made.**

2648 ~~§ 23-216 23.1-2902. Number, terms and eligibility of members of State Board;~~
2649 ~~membership.~~

2650 ~~(a) A.~~ The State Board shall consist of ~~fifteen~~ 15 nonlegislative citizen members
2651 appointed by the Governor subject to confirmation by the General Assembly ~~if in session, and if~~
2652 ~~not, at its next succeeding session. The first appointments shall be four members for one year,~~
2653 ~~four members for two years, four members for three years and three members for four years,~~
2654 ~~and thereafter all such appointments shall be made for terms of four years each, except that~~
2655 ~~appointments to fill vacancies shall be for the unexpired terms. No person shall be eligible to~~
2656 ~~serve more than two consecutive four year terms, except that a member may be appointed to a~~
2657 ~~term of less than four years immediately prior to or between the four year terms. No person~~
2658 ~~shall be eligible for reappointment following two consecutive four year terms for two years~~
2659 ~~thereafter. Members shall continue to discharge their duties after their terms have expired until~~
2660 ~~their successors have been appointed and have qualified. Members who serve two consecutive~~
2661 ~~four-year terms shall be eligible for reappointment two years after the expiration of their second~~
2662 ~~term.~~

2663 ~~(b) The State Board shall be composed of persons selected from B. Each member shall~~
2664 ~~be a resident of the Commonwealth at large. No officer, employee, or member of the governing~~
2665 ~~board of any public institution of higher education; or of any school subject to the control of the~~
2666 ~~State Board, or any member of the General Assembly, or any and no member of the State Board~~
2667 ~~of Education; shall be eligible for appointment to the State Board. All members of the State~~
2668 ~~Board shall be deemed members at large charged with the responsibility of serving the best~~

2669 interests of the whole Commonwealth. ~~No, and no~~ member shall act as the representative of any
2670 particular region or ~~of any particular~~ institution of higher education.

2671 **Drafting note: Language establishing staggered terms for State Board members is**
2672 **recommended for repeal as obsolete. Current language in subsection A that establishes**
2673 **terms and conditions of membership in and reappointment to a State Board is stricken**
2674 **and incorporated into proposed § 23.1-1300 relating to the terms and removal of members**
2675 **of the board of visitors of each public institution of higher education generally. The**
2676 **prohibition on membership by a member of the General Assembly is removed because the**
2677 **section is amended to classify all members as nonlegislative citizen members, which are**
2678 **defined for the Code in § 1-225 as "any natural person who is not a member of the**
2679 **General Assembly of Virginia." Technical changes are made.**

2680 § ~~23-217~~ 23.1-2903. ~~Chairman and vice chairman of State~~ Board; ~~oath of members;~~
2681 ~~officers,~~ meetings; ~~quorum; rules and,~~ and regulations.

2682 A. The State Board shall ~~select~~ elect a chairman from its membership; and may provide
2683 for the election of one of its members as vice-chairman.

2684 B. ~~Before entering upon the discharge of his duties, each member of the Board shall take~~
2685 ~~an oath that he will faithfully and honestly execute the duties of his office during his~~
2686 ~~continuance therein.~~

2687 C. The State Board shall meet at least four times annually; and on call of the chairman
2688 when in his opinion additional meetings are expedient or necessary.

2689 D.C. Eight members of the State Board shall constitute a quorum for all purposes.

2690 E.D. The main office of the State Board shall be in the Commonwealth.

2691 F.E. The State Board is ~~empowered~~ authorized to promulgate necessary ~~rules and~~
2692 regulations for carrying out the purposes of this chapter.

2693 **Drafting note: Technical changes are made, including use of "regulations" rather**
2694 **than "rules and regulations" per recommendation of the Code Commission. Subsection B**
2695 **of existing § 23-217 is removed as duplicative of § 49-1, which states that "[e]very person**

2696 before entering upon the discharge of any function as an officer of this Commonwealth
2697 shall take and subscribe the following oath: 'I do solemnly swear (or affirm) that . . . I will
2698 faithfully and impartially discharge all the duties incumbent upon me''

2699 ~~§ 23-218 23.1-2904. Plan for comprehensive community colleges; appropriations; tuition~~
2700 ~~fees and charges; grants or contributions; apprenticeships~~ State Board; duties.

2701 ~~A. The~~ In addition to the duties set forth in § 23.1303, the State Board ~~is authorized and~~
2702 ~~directed to prepare shall:~~

2703 1. Be the state agency with primary responsibility for coordinating workforce training at
2704 the postsecondary through the associate degree level, exclusive of the career and technical
2705 education programs provided through and administered by the public school system. This
2706 responsibility shall not preclude other agencies from also providing such services as appropriate,
2707 but these activities shall be coordinated with the comprehensive community colleges;

2708 2. Report on actions that comprehensive community colleges have taken to meet the
2709 requirements of § 23.1-2906 in its annual report to the General Assembly on workforce
2710 development activities required by the appropriation act;

2711 3. Prepare and administer a plan providing standards and policies for the establishment,
2712 development, and administration of comprehensive community colleges under its authority. It
2713 shall determine the need for comprehensive community colleges; and develop a statewide plan
2714 for their location and a time schedule for their establishment. In the development of such plan, a
2715 principal objective shall be to provide and maintain a system of comprehensive community
2716 colleges ~~through which appropriate educational opportunities and programs to accomplish the~~
2717 ~~purposes set forth in subdivision (a) of § 23-214 shall be made available throughout the~~
2718 Commonwealth, as that term is defined in § 23.1-2900 to make appropriate educational
2719 opportunities and programs available throughout the Commonwealth. In providing these
2720 offerings, the State Board shall recognize the need for excellence in all curricula and shall
2721 endeavor to establish and maintain standards appropriate to the various purposes the respective
2722 programs are designed to serve.

2723 ~~B. The Board shall have the authority to control and expend funds appropriated by law,~~
2724 ~~and to fix tuition fees and charges. The Board may establish policies and guidelines providing~~
2725 ~~for reduced tuition rates at Virginia's community colleges for employees of the Virginia~~
2726 ~~Community College System. The Board may exercise the powers conferred by Chapter 3 (§ 23-~~
2727 ~~14 et seq.) as any other educational institution as defined in § 23-14.~~

2728 ~~C. The Board shall be authorized, with the approval of the Governor, to accept from any~~
2729 ~~government or governmental department or agency or any public or private body or from any~~
2730 ~~other source, grants or contributions of money or property which the Board may use for or in aid~~
2731 ~~of any of its purposes.~~

2732 ~~§ 23-220. Local community college boards.~~

2733 ~~The State Board shall establish~~ 4. Establish policies providing for the creation of a local
2734 community college board for each ~~institution~~ comprehensive community college established
2735 under this chapter and the procedures and regulations under which such local boards shall
2736 operate. ~~A local community college board as defined in § 23-214 shall be established for each~~
2737 ~~college.~~ These boards shall assist in ascertaining educational needs; and enlisting community
2738 involvement and support; and shall perform such other duties as may be prescribed by the State
2739 Board;

2740 5. Adhere to the policies of the Council for the coordination of higher education as
2741 required by law; and

2742 ~~§ 23-219.1. Mental health policies.~~

2743 ~~The Board shall develop~~ 7. Develop a mental health referral policy directing
2744 comprehensive community colleges to designate at least one individual at each college to serve
2745 as a point of contact with an emergency services system clinician at a local community services
2746 board, or another qualified mental health services provider, for the purposes of facilitating
2747 screening and referral of students who may have emergency or urgent mental health needs and
2748 of assisting the college in carrying out the duties specified by §§ ~~23-9.2:8~~ 23.1-802 and ~~23-~~
2749 ~~9.2:10~~ 23.1-805. ~~A~~ Each comprehensive community college may establish relationships with

2750 community services boards or other mental health providers for referral and treatment of
2751 persons with less serious mental health needs.

2752 **Drafting note: Existing § 23-218 is logically reorganized as follows: Provisions in**
2753 **existing subsections B and C relating to State Board powers are stricken and incorporated**
2754 **into proposed § 23.1-2905. Provisions relating exclusively to State Board duties are**
2755 **retained as proposed § 23.1-2904, into which is incorporated the provisions of subsection B**
2756 **of existing § 23-215 as proposed subdivision 1; the last sentence of subsection C of existing**
2757 **§ 23-215 as proposed subdivision 2; the provisions of existing § 23-220 as proposed**
2758 **subdivision 4; the provisions of the first paragraph of existing § 23-221 as subdivision 5;**
2759 **and the provisions of existing § 23-219.1 as proposed subdivision 6. Technical changes are**
2760 **made.**

2761 [§ 23.1-2905. State Board powers.](#)

2762 [In addition to the powers set forth in subsection B of § 23.1-1301, State Board may:](#)

2763 [1. With the approval of the Governor, accept from any government or governmental](#)
2764 [department or agency or any public or private body or from any other source grants or](#)
2765 [contributions of money or property that the State Board may use for or in aid of any of its](#)
2766 [purposes;](#)

2767 [2. Control and expend funds appropriated by law;](#)

2768 [3. Fix tuition, fees, and other necessary charges;](#)

2769 [4. Establish policies and guidelines providing for reduced tuition rates at comprehensive](#)
2770 [community colleges for employees of the System; and](#)

2771 [§ 23-219. Diplomas, certificates and associate degrees.](#)

2772 ~~The Board shall have the right to confer~~ [5. Confer](#) diplomas, certificates, and associate
2773 degrees.

2774 **Drafting note: Proposed § 23.1-2905 is created to consolidate provisions relating**
2775 **exclusively to State Board powers. Subdivisions 1 through 4 are derived from subsections**

2776 **B and C of existing § 23-218, and existing § 23-219 is incorporated as subdivision 5.**

2777 **Technical changes are made.**

2778 [§ 23.1-2906. Comprehensive community colleges; duties; workforce.](#)

2779 [Each comprehensive community college shall:](#)

2780 [1. Maximize noncredit course offerings made available to business and industry at a time](#)

2781 [and place that meet current and projected workforce needs and minimize the cost of noncredit](#)

2782 [offerings to business and industry to the extent feasible;](#)

2783 [2. Deal directly with employers in designing and offering courses to meet real, current,](#)

2784 [and projected workforce training needs; and](#)

2785 [3. Maximize the availability and use of distance learning courses addressing workforce](#)

2786 [training needs.](#)

2787 **Drafting note: The provisions of all but the last sentence of subsection C of existing**

2788 **§ 23-215 are logically reorganized as proposed § 23.1-2906. Technical changes are made.**

2789 [§ 23-220.1. Expired.](#)

2790 **Drafting note: Expired pursuant to Chapter 875 of the Acts of Assembly of 1996.**

2791 [Article 2.](#)

2792 [Community College Incentive Scholarship Program.](#)

2793 **Drafting note: The provisions of existing Article 2 are recommended for repeal as**

2794 **obsolete.**

2795 [§ 23-220.2. Incentive scholarships program; Board to administer; promulgation of](#)
2796 [regulations.](#)

2797 [There is hereby created the Community College Incentive Scholarship Program to](#)

2798 [provide incentive scholarships to eligible students attending comprehensive community colleges](#)

2799 [in Virginia. Funds may be paid to any comprehensive community college on behalf of students](#)

2800 [who have been awarded such scholarships pursuant to § 23-220.4.](#)

2801 **Drafting note: The provisions of existing § 23-220.2 are recommended for repeal as**

2802 **obsolete.**

2803 ~~§ 23-220.3. Community College Incentive Scholarship Fund created.~~

2804 ~~A. From such funds as are appropriated for this purpose and from such gifts, donations,~~
2805 ~~grants, bequests, and other funds as may be received on its behalf, there is hereby created in the~~
2806 ~~state treasury a special nonreverting fund to be known as the Community College Incentive~~
2807 ~~Scholarship Fund, hereafter referred to as "the Fund." The Fund shall be established on the~~
2808 ~~books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and~~
2809 ~~be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of~~
2810 ~~each fiscal year shall not revert to the general fund but shall remain in the Fund. Funds may be~~
2811 ~~paid to any comprehensive community college on behalf of students who have been awarded~~
2812 ~~scholarships pursuant to § 23-220.4. The first such scholarships shall be awarded after July 1,~~
2813 ~~1998.~~

2814 ~~Expenditures and disbursements from the Fund shall be made by the State Treasurer on~~
2815 ~~warrants issued by the Comptroller upon written request signed by the State Board for~~
2816 ~~Community Colleges.~~

2817 ~~B. The Board shall promulgate regulations for the implementation of the provisions of~~
2818 ~~this article and shall award scholarships to eligible students meeting the criteria established~~
2819 ~~pursuant to § 23-220.4.~~

2820 **Drafting note: The provisions of existing § 23-220.3 are recommended for repeal as**
2821 **obsolete.**

2822 ~~§ 23-220.4. Eligible students; criteria for award of scholarships.~~

2823 ~~A. Only students who (i) are domiciled residents of Virginia as defined by § 23-7.4, (ii)~~
2824 ~~are enrolled as second-year students on a full-time basis in a designated technical training~~
2825 ~~program at a comprehensive community college in Virginia, and (iii) have a cumulative grade~~
2826 ~~point average of at least 3.0 on a scale of 4.0 or its equivalent upon the completion of one year~~
2827 ~~as a full-time student at a comprehensive community college in Virginia shall be eligible to~~
2828 ~~receive such scholarships.~~

2829 ~~B. The Board, in consultation with the Virginia Economic Development Partnership,~~
2830 ~~shall designate those technical training programs for which scholarships may be awarded. The~~
2831 ~~selected programs shall reflect current and projected workforce training needs in the~~
2832 ~~Commonwealth.~~

2833 ~~C. Scholarships awarded pursuant to this article shall provide for the payment in full of~~
2834 ~~tuition and fees for enrollment for one year as a full-time, second-year student.~~

2835 **Drafting note: The provisions of existing § 23-220.4 are recommended for repeal as**
2836 **obsolete.**

2837 ~~Article 2.1.~~

2838 ~~Award of Academic Credit for Military Training Applicable to the Student's Certificate of~~
2839 ~~Degree Requirements.~~

2840 **Drafting note: The designation of Article 2.1 is removed because the article**
2841 **structure of existing Chapter 16 is not retained in proposed Chapter 29.**

2842 ~~§ 23-220.5~~ 23.1-2907. Policy for the award of academic credit for military training.

2843 A. The State Board shall adopt a policy for the award of academic credit to any student
2844 enrolled in a comprehensive community college who has successfully completed a military
2845 training course or program as part of his military service that is applicable to the student's
2846 certificate of degree requirements and is:

2847 1. Recommended for academic credit by a national higher education association that
2848 provides academic credit recommendations for military training courses or programs;

2849 2. Noted on the student's military transcript issued by any of the armed forces of the
2850 United States; or

2851 3. Otherwise documented in writing by any of the armed forces of the United States.

2852 B. The State Board shall:

2853 1. Develop a procedure for each comprehensive community college to receive the
2854 documentation necessary to identify and verify the military training course or program for
2855 which the student has applied for academic credit; and

2856 2. Develop, maintain, and disseminate to each comprehensive community college a list
2857 of military training courses and programs that it has deemed qualified for the award of academic
2858 credit.

2859 C. Each comprehensive community college shall provide a copy of the State Board's
2860 policy for the award of academic credit for military training courses or programs to each student
2861 applicant.

2862 **Drafting note: No change.**

2863 ~~Article 3.~~

2864 ~~Administration Generally.~~

2865 **Drafting note: The designation of Article 3 is removed because the article structure**
2866 **of existing Chapter 16 is not retained in proposed Chapter 29.**

2867 ~~§ 23-221.1.~~

2868 **Drafting note: Repealed by Chapter 728 of the Acts of Assembly of 1980.**

2869 ~~§ 23-222. Transfer of facilities, assets and programs.~~

2870 ~~(a) Effective July 1, 1967, all physical facilities, assets and programs of instruction in the~~
2871 ~~fields specified in subdivision (a) of § 23-214 of the following institutions shall be transferred to~~
2872 ~~and placed under the control and administration of the State Board for Community Colleges.~~

2873 ~~Eastern Shore Branch of the School of General Studies of the University of Virginia;~~

2874 ~~Lynchburg Branch of the School of General Studies of the University of Virginia;~~

2875 ~~Patrick Henry College of the University of Virginia;~~

2876 ~~Clifton Forge Covington Branch of the Virginia Polytechnic Institute and State~~
2877 ~~University;~~

2878 ~~Roanoke Technical Institute of the Virginia Polytechnic Institute and State University;~~

2879 ~~Roanoke Center of the School of General Studies of the University of Virginia; and~~

2880 ~~Wytheville Branch of the Virginia Polytechnic Institute and State University.~~

2881 ~~Provided, however, that no such transfer shall take place with respect to any individual~~
2882 ~~institution specified in the next preceding paragraph until (1) the Advisory Committee on~~

~~2883 Community Colleges certifies to the State Board and the Governor that such individual
2884 institution has demonstrated the requirements necessary for accreditation by the Southern
2885 Association of Colleges and Schools and (2) the Governor signifies in writing his approval of
2886 such transfer. If such certification by the Advisory Committee is not made with respect to any
2887 individual institution prior to July 1, 1967, then certification shall only be made between July
2888 one and August one of any succeeding year, and such transfer shall take place, if the Governor
2889 signifies in writing his approval of such transfer, on July one next following the date on which
2890 such certification is made.~~

~~2891 The college or university of which any individual institution is a part shall cooperate in
2892 obtaining certification for such institution. As soon as practicable, the State Board shall request
2893 individual accreditation of the institutions specified in this section by the Southern Association
2894 of Colleges and Schools.~~

~~2895 Notwithstanding any provision of this subsection or any other provision of this chapter,
2896 it is further provided that by agreement between the State Board and the governing body of the
2897 college or university of which any such individual institution is a part, and with the approval of
2898 the Governor, such transfer may take place prior to July 1, 1967, or any date subsequent thereto.~~

~~2899 (b) Effective July 1, 1966, the physical facilities, assets and programs of existing
2900 technical colleges and all assets of the existing State Board and Department of Technical
2901 Education shall be transferred to and placed under the control and administration of the State
2902 Board for Community Colleges.~~

~~2903 (c) Effective July 1, 1966, all educational programs for post-high school age youth and
2904 adults in existing area career and technical schools under the State Board of Education shall be
2905 transferred to and placed under the control and government of the State Board for Community
2906 Colleges.~~

~~2907 (d) All the real estate and personal property now existing and heretofore [before July 1,
2908 1966] standing in the name of institutions or boards included in subsections (a) and (b) of this~~

2909 ~~section shall, on the dates set forth in such subsections, be transferred to and taken as standing in~~
2910 ~~the name of the State Board for Community Colleges.~~

2911 ~~(e) In effecting the transfers specified in this section, the State Board for Community~~
2912 ~~Colleges shall respect any existing financial investment of local communities in these~~
2913 ~~institutions by establishing policies which will insure an equitable method of financing future~~
2914 ~~developments.~~

2915 **Drafting note: The provisions of existing § 23-222 are recommended for repeal as**
2916 **obsolete.**

2917 ~~§ 23-223 23.1-2908. Chancellor of Community Colleges generally.~~

2918 ~~(a) A. The State Board shall appoint a Chancellor of Community Colleges, hereinafter~~
2919 ~~sometimes called the Chancellor, shall be appointed by the State Board for Community~~
2920 ~~Colleges. Any vacancy shall be filled by the Board. The Chancellor shall to be the chief~~
2921 ~~executive officer of the System. The Chancellor shall, without additional compensation, serve as~~
2922 ~~and secretary to the State Board for Community Colleges, fix his salary, and prescribe his duties~~
2923 ~~in addition to those duties set forth in subsection C.~~

2924 ~~(b) The salary of the Chancellor shall be fixed by the Board.~~

2925 ~~(e) B. Before entering upon the discharge of the duties of his office, the Chancellor shall~~
2926 ~~qualify by taking and subscribing the oath required of all officers of the Commonwealth~~
2927 ~~pursuant to § 49-1.~~

2928 ~~§ 23-224. Duties of Chancellor generally.~~

2929 ~~A.C. The Chancellor of Community Colleges shall formulate:~~

2930 ~~1. Formulate such rules policies and regulations and provide for such assistance in his~~
2931 ~~office as shall be necessary for the proper performance of the duties prescribed by the provisions~~
2932 ~~of this chapter.;~~

2933 ~~B. The State Board shall prescribe the duties of the Chancellor, in addition to those~~
2934 ~~duties otherwise prescribed for him by law, and, in its discretion, approve the appointment by~~
2935 ~~the Chancellor of such agents and employees as may be needed by the Chancellor in the~~

2936 ~~exercise of the functions, duties and powers conferred and imposed by law and in order to effect~~
2937 ~~a proper organization to carry out his duties.~~

2938 ~~C. The Chancellor shall designate~~ 2. Designate an employee of the State Board to serve
2939 as its liaison to the Board of Education;

2940 ~~§ 23-225. Agents and employees generally.~~

2941 ~~The functions, duties, powers and titles of the agents and employees provided for in §~~
2942 ~~23-224, their salaries and remunerations, not in excess provided therefor by law, shall be fixed~~
2943 ~~by the Chancellor with the approval of the State Board and subject to~~

2944 3. Appoint agents and employees and fix their functions, powers, duties, titles, and
2945 salaries, subject to the approval of the State Board and the provisions of ~~Chapter 29~~ the Virginia
2946 Personnel Act (§ 2.2-2900 et seq.) ~~of Title 2.2.~~;

2947 ~~§ 23-227. Annual report.~~

2948 ~~The Chancellor shall submit~~ 4. Submit an annual report to the Governor and General
2949 Assembly on or before November 1 of each year. Such report shall contain, at a minimum, the
2950 annual financial statements for the year ending the preceding June 30 and the accounts and
2951 status of any ongoing capital projects;

2952 ~~§ 23-228. Forms.~~

2953 ~~The Chancellor shall prescribe~~ 5. Prescribe the forms of applications, reports, affidavits,
2954 and such other forms as ~~shall~~ may be required in the administration of ~~the~~ this chapter;

2955 ~~§ 23-229. Cooperation with federal agencies; federal grants-in-aid generally.~~

2956 ~~(a) Subject to the direction of the Board, the Chancellor shall cooperate~~ 6. Cooperate
2957 with agencies of the United States in relation to matters set forth in this chapter; and in any
2958 reasonable manner that may be necessary for the Commonwealth to qualify for and to receive
2959 grants or aid from such federal agencies, subject to the direction of the State Board.

2960 ~~(b) Nothing in this chapter shall preclude any other agency, board or officer of the~~
2961 ~~Commonwealth from being designated as the directing or allocating agency, board or officer for~~
2962 ~~the distribution of federal grants-in-aid or the performance of other duties to the extent~~

2963 ~~necessary to qualify for and to receive grants-in-aid for programs and institutions under the~~
2964 ~~administration of the State Board for Community Colleges; and~~

2965 ~~§ 23-231. Enforcement of standards for personnel.~~

2966 ~~The Chancellor shall enforce~~ 7. Enforce the standards established by the State Board for
2967 personnel employed in the administration of this chapter and remove or cause to be removed
2968 each employee who does not meet such standards.

2969 ~~§ 23-230. Chancellor authorized to receive grants-in-aid and gifts; payment of funds into~~
2970 ~~state treasury.~~

2971 D. The Chancellor is authorized to receive, for and on behalf of the Commonwealth and
2972 its subdivisions, from the United States and agencies ~~thereof, and from~~ of the United States and
2973 ~~any and all other sources, source~~ grants-in-aid and gifts, made for the purpose of providing, ~~or to~~
2974 ~~assist~~ assisting in providing, any career and technical, or other, education or educational
2975 programs authorized by this chapter, including expenses of administration. All such funds shall
2976 be paid into the state treasury. However, nothing in this chapter shall preclude any other agency,
2977 board, or officer of the Commonwealth from being designated as the directing or allocating
2978 agency, board, or officer for the distribution of federal grants-in-aid or the performance of other
2979 duties to the extent necessary to qualify for and to receive grants-in-aid for programs and
2980 institutions under the administration of the State Board.

2981 **Drafting note: Existing § 23-223, relating to the Chancellor of Community Colleges**
2982 **generally, is expanded as proposed § 23.1-2908 to incorporate the Chancellor's powers and**
2983 **duties from multiple existing sections as follows:**

- 2984 **1. Subsection A of existing § 23-224 is relocated as proposed subdivision C 1;**
2985 **2. Subsection C of existing § 23-224 is relocated as proposed subdivision C 2;**
2986 **3. Subsection B of existing § 23-224 and existing § 23-225 are combined to create**
2987 **proposed subdivision C 3;**
2988 **4. Existing § 23-227 is relocated as proposed subdivision C 4;**
2989 **4. Existing § 23-228 is relocated as proposed subdivision C 5;**

2990 **5. Subsection (a) of existing § 23-229 is relocated as proposed subdivision C 6, and**
2991 **subsection (b) of existing § 23-229 is relocated as the second sentence of proposed**
2992 **subsection D;**

2993 **6. Existing § 23-231 is relocated as proposed subdivision C 7; and**

2994 **7. Existing § 23-230 is relocated as proposed subsection D, the second sentence of**
2995 **which is derived from subsection (b) of existing § 23-229.**

2996 § ~~23-226~~ 23.1-2909. Bonds of agents and System employees.

2997 Proper bonds shall be required of all agents and employees who ~~shall~~ handle any funds
2998 ~~which that~~ may come into the custody of the System. The premiums on the bonds shall be paid
2999 from funds appropriated by the Commonwealth for the administration of the provisions of this
3000 chapter.

3001 **Drafting note: Technical changes.**

3002 § ~~23-221~~ 23.1-2910. ~~Adherence to policies of State Council of Higher Education;~~
3003 ~~extension~~ Extension programs; similar courses of study.

3004 ~~The State Board shall adhere to the policies of the State Council of Higher Education for~~
3005 ~~the coordination of higher education as required by law.~~

3006 In any area served by a comprehensive community college, no public institution of
3007 higher ~~learning which~~ education that conducts extension programs shall, ~~after July 1, 1966,~~ offer
3008 courses of study similar to those offered by a comprehensive community college, except as
3009 authorized by the ~~State Council of Higher Education~~. Whenever practicable, the State Board
3010 shall provide facilities to such public institutions of higher ~~learning~~ education for conducting
3011 extension programs not in conflict with the provisions of this chapter.

3012 **Drafting note: The first paragraph of existing § 23-221 is relocated as subdivision 5**
3013 **of proposed § 23.1-2904. Technical changes are made.**

3014 § ~~23-231.1~~ 23.1-2911. Community College Week.

3015 The ~~General Assembly finds that the community colleges in Virginia provide the general~~
3016 ~~public with quality educational services which contribute to maintaining a knowledgeable and~~

3017 ~~skilled citizenry. In recognition of these services, the~~ fourth week in January of every year
3018 ~~beginning in 1986~~ shall be declared "Community College Week." ~~The and the~~ State Board ~~for~~
3019 ~~Community Colleges~~ may approve such activities in observance of this week as it deems
3020 appropriate.

3021 **Drafting note: The statement of legislative finding by the General Assembly is**
3022 **stricken per the Code Commission policy regarding such statements. Technical changes**
3023 **are made.**

3024 ~~§ 23-220.01 23.1-2912. Apprenticeship program for employees of ship manufacturing~~
3025 ~~and ship repair companies; fund Shipyard workers; applied sciences and apprenticeship~~
3026 ~~programs; Virginia Vocational Incentive Scholarship Program for Shipyard Workers; Fund.~~

3027 A. For purposes of this section:

3028 "Applied sciences program" means a three-year program of educational instruction at the
3029 college that incorporates instruction in industrial applied sciences and leads to the conferral of
3030 an Associate in Applied Science degree on any person who successfully completes such
3031 program.

3032 "Apprenticeship program" means a three-year program at the college combining
3033 educational instruction and on-the-job training that is established for the purpose of enhancing
3034 the education and skills of shipyard workers.

3035 "College" means the Tidewater Community College.

3036 "Industrial applied sciences" may include applied sciences such as welding, burning,
3037 blasting, and other applied sciences.

3038 "Shipyard worker" means any employee employed full time on a salaried or wage basis,
3039 whose tenure is not restricted as to temporary or provisional appointment, at a ship
3040 manufacturing or ship repair company located in the Commonwealth.

3041 B. The Virginia Vocational Incentive Scholarship Program for Shipyard Workers is
3042 established.

3043 C. From such funds as are appropriated for this purpose and from such gifts, donations,
3044 grants, bequests, and other funds as may be received on its behalf, there is hereby created in the
3045 state treasury a special nonreverting fund to be known as the Virginia Vocational Incentive
3046 Scholarship Program for Shipyard Workers Fund, referred to in this section as "the Fund." The
3047 Fund shall be established on the books of the Comptroller. Interest earned on moneys in the
3048 Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund,
3049 including interest thereon, at the end of each fiscal year shall not revert to the general fund but
3050 shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i)
3051 awarding scholarships to shipyard workers enrolled at the college in the applied sciences
3052 program or the apprenticeship program or (ii) the administration and implementation of the
3053 applied sciences program or the apprenticeship program or both. Expenditures and
3054 disbursements from the Fund shall be made by the State Treasurer on warrants issued by the
3055 Comptroller upon written request signed by the president of Tidewater Community College.

3056 D. Subject to the ~~State Council of Higher Education for Virginia's Council's~~ authority to
3057 approve or disapprove all new academic programs as provided in subdivision 5 of § ~~23-9.6:1~~
3058 ~~23.1-203~~, the college may offer ~~a three-year program of educational instruction that incorporates~~
3059 ~~instruction in industrial applied sciences. An Associate in Applied Science Degree shall be~~
3060 ~~conferred on any person successfully completing such academic program. The college may an~~
3061 ~~applied sciences program and~~ coordinate such ~~academic~~ program with an apprenticeship
3062 program offered to shipyard workers by their employers.

3063 ~~C.~~E. Beginning in the calendar year that the Council approves ~~such academic~~ an applied
3064 sciences program and for calendar years thereafter, shipyard workers who are ~~(i) domiciled~~
3065 ~~residents of Virginia as described in § 23-7.4 and (ii) in-state students~~ enrolled ~~as full-~~ full-time
3066 or part-time ~~students~~ in ~~such academic~~ the applied sciences program, shall be eligible for
3067 scholarships for such program. Renewal of the scholarships of such shipyard workers shall be
3068 contingent upon maintaining (a) enrollment in ~~such academic~~ the applied sciences program, (b)

3069 a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent at the
3070 completion of each academic year, and (c) full-time employment as a shipyard worker.

3071 F. The college shall award scholarships to eligible students in the applied sciences
3072 program or the apprenticeship program for no more than three academic years. Scholarship
3073 amounts shall not exceed full tuition and required fees relating to such academic program or the
3074 apprenticeship program.

3075 ~~D.-G.~~ Before any scholarship is awarded in accordance with the provisions of this
3076 section, the scholarship recipient shall sign a promissory note under which he agrees (i) to
3077 continue full-time employment as a shipyard worker until his graduation and (ii) upon
3078 graduation, to work continuously as a shipyard worker for the same number of years that he was
3079 the beneficiary of ~~such the~~ scholarship. The college shall recover the total amount of funds
3080 awarded as a scholarship, or the appropriate portion thereof, including any accrued interest, if
3081 the scholarship recipient fails to honor such requirements.

3082 ~~E. There is hereby created the Virginia Vocational Incentive Scholarship Program for~~
3083 ~~Shipyard Workers to provide scholarships to shipyard workers enrolled at the college either in~~
3084 ~~such academic program or in the apprenticeship program.~~

3085 ~~F. From such funds as are appropriated for this purpose and from such gifts, donations,~~
3086 ~~grants, bequests, and other funds as may be received on its behalf, there is hereby created in the~~
3087 ~~state treasury a special nonreverting fund to be known as the Virginia Vocational Incentive~~
3088 ~~Scholarship Program for Shipyard Workers Fund, referred to in this section as "the Fund." The~~
3089 ~~Fund shall be established on the books of the Comptroller. Interest earned on moneys in the~~
3090 ~~Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund,~~
3091 ~~including interest thereon, at the end of each fiscal year shall not revert to the general fund but~~
3092 ~~shall remain in the Fund. Funds may be paid to the college on behalf of shipyard workers who~~
3093 ~~have been awarded scholarships pursuant to subsection C and shipyard workers in the~~
3094 ~~apprenticeship program. Funds may also be used for the administration and implementation of~~
3095 ~~such academic program and/or the apprenticeship program.~~

3096 ~~Expenditures and disbursements from the Fund shall be made by the State Treasurer on~~
3097 ~~warrants issued by the Comptroller upon written request signed by the President of Tidewater~~
3098 ~~Community College.~~

3099 ~~G.H.~~ The Council shall promulgate regulations for the implementation of the provisions
3100 of this section ~~and the college shall award scholarships to eligible students for no more than~~
3101 ~~three academic years. Scholarship amounts shall not exceed full tuition and required fees~~
3102 ~~relating to such academic program or the apprenticeship program.~~

3103 **Drafting note: A definition of "applied sciences program" has been created and the**
3104 **term has been used in several places in proposed § 23.1-2912 in lieu of "such academic**
3105 **program" and similar phrases used in existing § 23-220.01. Subsections E and F of existing**
3106 **§ 23-220.01 are logically reordered as subsections B and C of proposed § 23.1-2912. The**
3107 **language in existing subsection C is updated to conform more closely to language currently**
3108 **used to designate other special funds in the Code.**

3109 § ~~23-231.1:1~~ 23.1-2913. Machinery and Equipment Donation Grant Program and Fund
3110 established.

3111 A. As used in this section, unless the context requires a different meaning:

3112 ~~"Chancellor" means the Chancellor of the System.~~

3113 "Machinery and equipment" means engines, machines, motors, mechanical devices,
3114 laboratory trainers, computers, printers, tools, parts, and similar machinery and equipment as set
3115 forth in guidelines developed by the System. "Machinery and equipment" includes specialized
3116 software required for the operation of machinery and equipment qualified for a grant pursuant to
3117 this section.

3118 "Vocational school" means any entity that offers career or technical education
3119 administered by the Department of Education pursuant to § 22.1-227. "Vocational school" does
3120 not include instructional programs that are intended solely for recreation, enjoyment, or personal
3121 interest, or as a hobby, or courses or programs of instruction that prepare individuals to teach
3122 such pursuits.

3123 B. From such funds as may be appropriated by the General Assembly and any gifts,
3124 grants, or donations from public or private sources, there is hereby created in the state treasury a
3125 special nonreverting fund to be known as the Machinery and Equipment Donation Grant Fund,
3126 hereafter referred to as "the Fund." The Fund shall be established on the books of the
3127 Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to
3128 it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year
3129 shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be
3130 used solely for the purposes of awarding grants [through the Machinery and Equipment Donation](#)
3131 [Grant Program](#) for qualified donations of machinery and equipment to comprehensive
3132 community colleges and vocational schools. Expenditures and disbursements from the Fund
3133 shall be made by the State Treasurer on warrants issued by the Comptroller upon written request
3134 signed by the Chancellor.

3135 C. 1. A business that donates new machinery and equipment in good working condition,
3136 purchased within the 12 months prior to the donation, to a comprehensive community college or
3137 vocational school shall be eligible to apply to the System for a grant from the Fund. Such grant
3138 shall be in an amount equal to 20 percent of the purchase price of the machinery or equipment,
3139 not to exceed an aggregate grant of \$5,000 for all such donations during a calendar year.

3140 2. In order to be eligible for a grant, the application shall include a written certification
3141 made by the donee comprehensive community college or vocational school that identifies the
3142 donee comprehensive community college or vocational school, the business donating the
3143 machinery or equipment, the date of the donation, and the number of units of each item of
3144 machinery and equipment donated. The certification shall also include a statement by the donee
3145 comprehensive community college or vocational school that the machinery and equipment was
3146 needed and can be utilized by the comprehensive community college or vocational school for
3147 teaching or training students, and that such machinery and equipment will be principally used in
3148 [Virginia the Commonwealth](#) in teaching or training students.

