

HOUSE BILL NO. 1083

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Communications, Technology and Innovation

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Coyner)

A BILL to amend and reenact §§ 2.2-2011, 2.2-2036, 2.2-2041, 2.2-2238, 23.1-203, and 46.2-209 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2238.2, relating to the Office of Education Economics; administration of the Virginia Education and Workforce Longitudinal Data System; report.

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2011, 2.2-2036, 2.2-2041, 2.2-2238, 23.1-203, and 46.2-209 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2238.2 as follows:**

**§ 2.2-2011. Additional powers and duties relating to development, management, and operation of information technology.**

A. Unless specifically exempted by law, VITA shall be responsible for the development, operation, and management of information technology for every executive branch agency, pursuant to the provisions of this chapter.

B. The CIO shall have the following powers and duties concerning the development, operation, and management of information technology:

- 1. Manage, coordinate, and provide the information technology used by executive branch agencies;
- 2. Acquire, lease, or construct such land, facilities, and equipment as necessary to deliver comprehensive information technology services, and to maintain such land, facilities, and equipment owned or leased;~~and~~
- 3. Provide technical assistance to executive branch agencies in the planning, development, operation, and management of information technology; and

27 4. Provide technical assistance to the Office of Education Economics as necessary to properly  
28 administer the Virginia Education and Workforce Longitudinal Data System established pursuant to § 2.2-  
29 2238.2.

30 **§ 2.2-2036. Definitions.**

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

32 "Council" means the Apprenticeship Council.

33 "Department" means the Department of Workforce Development and Advancement.

34 "Director" means the Director of Workforce Development and Advancement.

35 "Encrypted" means the same as that term is defined in § 18.2-186.6.

36 "Identifying information" means the same as that term is defined in § 18.2-186.3.

37 "Virginia Education and Workforce Longitudinal Data System" means the multiagency  
38 partnership administered by the ~~State Council of Higher Office of Education for Virginia~~ Economics  
39 pursuant to ~~subdivision 9 of § 23.1-203~~ 2.2-2238.2.

40 "Virginia Workforce Data Trust" means a workforce database maintained by the Department in an  
41 encrypted state in compliance with § 2.2-2009.

42 "Workforce development program" means a publicly funded education, training, and support  
43 services program designed and administered to prepare and enable participants to enter into and advance  
44 in careers. Such program may, but is not required to, lead to nondegree credentials and may fall under the  
45 administrative functions of the Department or reside in other agencies.

46 "Workforce education and training program" means a workforce development program offered by  
47 an education provider with the goal of providing an individual with a credential that leads to employment.

48 "Workforce services program" means a workforce development program that is primarily focused  
49 on providing, coordinating, and supporting services to assist individuals in attaining employment,  
50 including assistance with locating job opportunities, connecting to workforce education and training  
51 programs, and coordinating with other available supportive services.

52 **§ 2.2-2041. Workforce program evaluations; sharing of certain data; prohibited uses; civil**  
53 **penalty.**

54 A. To the extent permitted under federal law, the agencies specified in subsection D shall share  
55 data from within their respective databases to (i) develop meaningful analyses and evaluations of  
56 workforce programs required by subdivision B 8 of § 2.2-214.3 and clause (i) of subdivision B 10 of §  
57 2.2-214.3; (ii) meet state and federal reporting requirements; (iii) improve coordination, outcomes, and  
58 efficiency across public workforce programs and partner organizations; (iv) enable the development of  
59 comprehensive consumer-facing software applications; (v) support requirements for performance-driven  
60 contracts; and (vi) support workforce initiatives developed by the General Assembly or the Governor.

61 B. Data shared pursuant to subsection A shall include only the identifying and attribute information  
62 required to match entities across programs, support the coordination of services, and evaluate outcomes,  
63 shall be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data,  
64 the Governor or his designee shall maintain the data in an encrypted state pursuant to § 2.2-2009 and  
65 restrict data sharing according to the Virginia Workforce Data Trust memorandum of understanding.

66 The agencies specified in subsection D shall enter into a memorandum of understanding supporting  
67 the Virginia Workforce Data Trust and the associated application ecosystem. Such memorandum of  
68 understanding shall include provisions for authorizing bona fide research requests that are related to the  
69 data sharing referenced in subsection A. In accordance with the governance process defined in such  
70 memorandum of understanding, the data sharing referenced in subsection A shall be accomplished by  
71 integrating additional organizations, systems, data elements, and functionality into the Virginia Workforce  
72 Data Trust.

73 C. The Governor or his designee and all agencies authorized under this section shall destroy or  
74 erase all shared data upon completion of all required evaluations and analyses. The Governor may retain  
75 a third-party entity to assist with the evaluation and analysis.

76 D. The databases from the following agencies relating to the specific programs identified in this  
77 subsection may be shared solely to achieve the purposes specified in subsection A:

- 78 1. Virginia Employment Commission: Unemployment Insurance;
- 79 2. Virginia Community College System: Postsecondary Career and Technical Education;

- 80 3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior  
81 Community Services Employment Program;
- 82 4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;
- 83 5. Department of Education: Special Education and Career and Technical Education;
- 84 6. Department of Social Services: Supplemental Nutrition Assistance Program, Virginia Initiative  
85 for Education and Work;
- 86 7. Virginia Economic Development Partnership Authority: Virginia Jobs Investment Program;
- 87 8. Department of Juvenile Justice: Youth Industries and Institutional Work Programs, Career and  
88 Technical Education Programs;
- 89 9. Department of Corrections: Career and Technical Education Programs;
- 90 10. The State Council of Higher Education for Virginia: certifications, certificates, and degrees;
- 91 11. Department of Veterans Services: Virginia Values Veterans;
- 92 12. Department of Workforce Development and Advancement: Apprenticeship, Job Service,  
93 Reemployment Services and Eligibility Assessment program, Trade Adjustment Assistance Program Act,  
94 Veterans Employment Training Programs, Innovative Internship Program, Workforce Innovation and  
95 Opportunity Act of 2014 (P.L. 113-128) Titles I and III, and other workforce development programs of  
96 the Department as determined by the Director; and
- 97 13. Any other agencies as deemed necessary by the Secretary of Labor, Chief Data Officer, and  
98 Director of the Department of Workforce Development and Advancement.
- 99 E. Nothing in this section shall prohibit the inclusion of data from other sources deemed beneficial  
100 by the Secretary of Labor, Chief Data Officer, and Director of the Department of Workforce Development  
101 and Advancement.
- 102 F. Agencies participating in the Virginia Education and Workforce Longitudinal Data System and  
103 the Virginia Workforce Data Trust shall meet annually and work with the Office of Data Governance and  
104 Analytics for the purpose of coordinating responses to changes in data collection of the participating  
105 agencies and the needs of the Commonwealth with respect to workforce development and education policy  
106 development. Subject to the approval by each participating agency, the Virginia Education and Workforce

107 Longitudinal Data System and the Virginia Workforce Data Trust may develop processes to facilitate  
108 intersystem operability and communication between the two entities for research and analysis purposes.

109 G. All agencies providing information to the Virginia Workforce Data Trust shall be prohibited  
110 from disclosing any personal information or data, except as required under this section or other state law  
111 or federal law, or to accomplish a proper purpose of the agency.

112 H. Any person alleging a violation of this section may bring a civil action for appropriate injunctive  
113 relief. A court rendering judgment in favor of a complainant pursuant to this subsection shall award all or  
114 a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant.

115 **§ 2.2-2238. Economic development services.**

116 A. It shall be the duty of the Authority to encourage, stimulate, and support the development and  
117 expansion of the economy of the Commonwealth. The Authority is charged with the following duties and  
118 responsibilities to:

119 1. See that there are prepared and carried out effective economic development marketing and  
120 promotional programs;

121 2. Make available, in conjunction and cooperation with localities, chambers of commerce,  
122 industrial authorities, and other public and private groups, to prospective new businesses basic information  
123 and pertinent factors of interest and concern to such businesses;

124 3. Formulate, promulgate, and advance programs throughout the Commonwealth for encouraging  
125 the location of new businesses in the Commonwealth and the retention and growth of existing businesses;

126 4. Encourage and solicit private sector involvement, support, and funding for economic  
127 development in the Commonwealth;

128 5. Encourage the coordination of the economic development efforts of public institutions, regions,  
129 communities, and private industry and collect and maintain data on the development and utilization of  
130 economic development capabilities;

131 6. Establish such offices within and without the Commonwealth that are necessary to the expansion  
132 and development of industries and trade;

133 7. Encourage the export of products and services from the Commonwealth to international  
134 markets;

135 8. Advise, upon request, the State Board for Community Colleges in designating technical training  
136 programs in Virginia's comprehensive community colleges for the Community College Incentive  
137 Scholarship Program pursuant to former § 23-220.4;

138 9. Offer a program for the issuance of export documentation for companies located in Virginia  
139 exporting goods and services if no federal agency or other regulatory body or issuing entity will provide  
140 export documentation in a form deemed necessary for international commerce; and

141 10. Establish an Office of ~~Education and Labor Market Alignment~~ Economics (the Office) to  
142 coordinate data analysis on ~~workforce and~~ K-12 education, higher education, and workforce alignment  
143 and translate data to partners. The Office shall provide a unified, consistent and impartial source of  
144 information or analysis for policy development and implementation related to education, the labor market,  
145 and workforce development. The Office shall partner with the State Council of Higher Education for  
146 Virginia, institutions of higher education, the Virginia Department of Education, the Virginia Employment  
147 Commission, the Virginia Growth and Opportunity Board, the Department of Workforce Development  
148 and Advancement, and other relevant entities to offer resources and expertise related to education,  
149 workforce development, and labor market alignment. The Office shall communicate relevant information  
150 in a clear and concise manner to enable policy and decision makers to navigate the complex connections  
151 between education, workforce development, and labor market alignment.

152 B. The Authority may develop a site and building assessment program to identify and assess the  
153 Commonwealth's industrial sites of at least 100 acres. In developing such a program, the Authority shall  
154 establish assessment guidelines and procedures for identification of industrial sites, resource requirements,  
155 and development oversight. The Authority shall invite participation by regional and industry stakeholders  
156 to assess potential sites, identify product shortfalls, and make recommendations to the Governor and  
157 General Assembly for marketing such sites, in alignment with the goals outlined in the Governor's  
158 economic development plan.

159 C. The Authority may encourage the import of products and services from international markets  
160 to the Commonwealth.

161 **§ 2.2-2238.2. Office of Education Economics; Administration of the Virginia Education and**  
162 **Workforce Longitudinal Data System.**

163 A. As used in this section:

164 "De-identification" means the process of removing all direct personal identifiers from individual-  
165 level data.

166 "Office" means the Office of Education Economics established by the Authority pursuant to  
167 subdivision A 10 of § 2.2-2238.

168 "Partner entity" includes the Department of Education, the Office of Children's Services, the State  
169 Council of Higher Education for Virginia, the Virginia Community College System, the Virginia Criminal  
170 Sentencing Commission, the Department for Aging and Rehabilitative Services, the Department for the  
171 Blind and Vision Impaired, the Department of Health Professions, the Department of Juvenile Justice, the  
172 Department of Motor Vehicles, the Department of Social Services, and the Virginia Employment  
173 Commission.

174 "Preprocessed datasets" means datasets submitted by partner entities in which the raw data has  
175 been cleaned and organized prior to submission to the System.

176 "Special population" includes American Indians, Alaskan Natives, or Native Hawaiians and other  
177 Pacific Islanders; disabled individuals; students who receive special education and related services;  
178 formerly incarcerated individuals; homeless individuals; long-term unemployed individuals; low-income  
179 individuals; English language learners; migrant and seasonal farmworkers; single parents; veterans;  
180 Temporary Assistance for Needy Family (TANF) recipients nearing exhaustion of such benefits;  
181 unemployed or underemployed individuals; youth who have aged out of foster care; and youth with an  
182 active duty military parent.

183 "Student data" includes demographic data, including membership in a special population, and data  
184 relating to grade level; school enrollment; proficiency and growth results on state and national  
185 assessments; course participation and completion; career and technical education program participation

186 and completion; grade point average; remediation; retention; attainment of a degree, diploma, or  
187 credential; student financial aid; attendance; absenteeism; and school disciplinary measures. "Student  
188 data" does not include juvenile delinquency records, criminal records, or medical and health records.

189 "System" means the Virginia Education and Workforce Longitudinal Data System.

190 "Workforce data" includes data relating to employment status, wages, geographic location of  
191 employment, job industry, occupation, and membership in a special population.

192 B. The Virginia Education and Workforce Longitudinal Data System is established as a secure,  
193 cloud-hosted system for the de-identification, exchange, and matching of individual-level student data and  
194 workforce data amongst partner entities, subject to all relevant legal protections that are necessary to  
195 ensure privacy and security, in order to provide partner entities and policy makers with access to the data  
196 regarding early childhood education, elementary and secondary education, workforce training, and  
197 employment outcomes that is necessary to improve education and workforce outcomes. Each partner  
198 entity shall participate in the System and shall furnish such information to the System as may be necessary  
199 to fulfill its duties as such a partner entity.

200 C. The System shall be administered by the Office. In administering the System, the Office shall:

201 1. Collaborate with the Office of Data Governance and Analytics, including as set forth in  
202 subsection F of § 2.2-2041;

203 2. Develop a strategic plan;

204 3. Oversee the development, adoption, and implementation of rules to govern the System;

205 4. Oversee compliance regarding the protection of data shared with the System, including (i)  
206 developing a data governance and security plan for the System regarding the use, privacy, and security of  
207 data to ensure that all information matched from partner entities is collected, safeguarded, kept  
208 confidential, and used only in accordance with relevant state and federal law and (ii) publishing such plan  
209 on its website;

210 5. Establish the research agenda for the System;

211 6. Establish a process for considering and approving data requests using data matched in the  
212 System;



213 7. Establish policies for sharing aggregated data or reports from the System with the public and  
214 external entities;

215 8. Develop a plan for promoting the transparent operation of the System;

216 9. Implement public educator-facing and researcher-facing tools and support their use in several  
217 ways, including by (i) leading user-centered design and testing processes; (ii) providing information to  
218 the public using, among other tools, dashboards, query builders, and research libraries; and (iii) providing  
219 information and resources that (a) foster evidence-based decision making, strengthen analytical capacity  
220 to use available data tools, and enable users to understand structural factors that influence outcomes and  
221 (b) take into account the needs of various users;

222 10. Enter into such agreements with partner entities as it deems necessary to ensure that any federal  
223 grants or other federal funds made available to support the System are properly directed toward the  
224 System's operations and purposes; and

225 11. Prepare and provide to the Governor, the Board, and the Chairmen of the House Committee  
226 on Appropriations, the House Committee on Education, the Senate Committee on Education and Health,  
227 and the Senate Committee on Finance and Appropriations no later than December 31 of each year a report  
228 on its activities relating to the System.

229 D. Each partner entity shall retain ownership of any data that it provides to the System and shall  
230 reserve the right to opt out of any research or data request if the request would violate state or federal law.  
231 No partner entity shall have access to data owned by another partner entity unless the Office approves a  
232 request for such data. Nothing in this section or any rule established by the Office pursuant to subdivision  
233 C 3 shall prevent any partner entity from engaging in direct data sharing agreements with another partner  
234 entity or with any external entity so long as the data to be shared is owned by the contracting parties.

235 E. The System shall:

236 1. Be agnostic regarding data type and capable of accessing and integrating any data type from any  
237 data system across participating feeder systems from partner entities;

238 2. Have advanced data management capabilities to clean and prepare data, create master records,  
239 and flag any data errors or missing data;

240 3. Have identity management capabilities that can create a unique identification that can track a  
241 student's journey through early childhood education to higher education and into the workforce data  
242 system and links records across numerous data systems spanning prekindergarten through secondary  
243 education, postsecondary education, and the workforce.

244 4. Have automated data governance capabilities to audit and track the lineage of data edits and  
245 changes by different authorize users;

246 5. Have advanced analytics functionality, including data mining and machine learning capabilities  
247 to analyze the longitudinal data for program evaluation and apply predictive analytics for forecasting and  
248 projections into the future and natural language processing that allows partner entities to analyze large  
249 volumes of text found in surveys, grants, accreditation reports, and other text-heavy documents;

250 6. Have business intelligence capabilities for partner entities to easily generate reporting and  
251 visualizations through a low code or no code drag and drop interface;

252 7. Include public-facing dashboards that only include aggregate-level data that is appropriate for  
253 the general public to view;

254 8. Include restricted dashboards and environments for partner entities to view data that is subject  
255 to the protections of the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) with role-  
256 based permissions;

257 9. Include preprocessed datasets submitted by partner entities to assist in responding to inquiries  
258 from the Office of the Governor, the General Assembly, and executive and legislative branch entities.  
259 Such preprocessed datasets shall include early childhood; high school to college to career, including  
260 special education and career and technical education; postsecondary to career; and workforce programs to  
261 career. Such preprocessed datasets shall be used by the Office to respond to inquiries from the Office of  
262 the Governor, the General Assembly, and executive and legislative branch entities. The Office shall  
263 develop a process to expeditiously review and process responses to requests related to such preprocessed  
264 datasets, including notification to the requester within 10 working days of a request as to whether  
265 appropriate data is available to respond to the inquiry. When appropriate, reports and dashboards using  
266 such data shall be developed, published, and updated at least annually;

267 10. Support data exchanges and interoperability with the Virginia Workforce Data Trust and other  
268 existing data systems in the Commonwealth to be identified by the Office that leverage and are compliant  
269 with the Common Education Data Standards and other data models to be identified by the Office; and

270 11. Ensure routine and ongoing compliance with the federal Family Educational Rights and  
271 Privacy Act (20 U.S.C. § 1232g) and other relevant privacy laws and policies, including by (i) using de-  
272 identified data in data research and public reporting; (ii) implementing the Commonwealth's established  
273 policy for small cell suppression; (iii) disposing of information that is no longer needed; (iv) providing  
274 data security, including the capacity for audit trails; (v) performing regular audits for compliance with  
275 data privacy and security standards; and (vi) implementing guidelines and policies that prevent the  
276 reporting of any potentially identifying data.

277 **§ 23.1-203. Duties of Council.**

278 The Council shall:

279 1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection A of § 23.1-  
280 1002 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of §  
281 23.1-309 for higher education in the Commonwealth, identifies a coordinated approach to such state and  
282 regional goals, and emphasizes the future needs for higher education in the Commonwealth at both the  
283 undergraduate and the graduate levels and the mission, programs, facilities, and location of each of the  
284 existing institutions of higher education, each public institution's six-year plan, and such other matters as  
285 the Council deems appropriate. The Council shall revise such plan at least once every six years and shall  
286 submit such recommendations as are necessary for the implementation of the plan to the Governor and  
287 the General Assembly.

288 2. Review and approve or disapprove any proposed change in the statement of mission of any  
289 public institution of higher education and define the mission of all newly created public institutions of  
290 higher education. The Council shall report such approvals, disapprovals, and definitions to the Governor  
291 and the General Assembly at least once every six years. No such actions shall become effective until 30  
292 days after adjournment of the session of the General Assembly next following the filing of such a report.  
293 Nothing in this subdivision shall be construed to authorize the Council to modify any mission statement

294 adopted by the General Assembly or empower the Council to affect, either directly or indirectly, the  
295 selection of faculty or the standards and criteria for admission of any public institution of higher education,  
296 whether relating to academic standards, residence, or other criteria. Faculty selection and student  
297 admission policies shall remain a function of the individual public institutions of higher education.

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

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

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

314 6. Review and require the discontinuance of any undergraduate or graduate academic program that  
315 is presently offered by any public institution of higher education when the Council determines that such  
316 academic program is (i) nonproductive in terms of the number of degrees granted, the number of students  
317 served by the program, the program's effectiveness, and budgetary considerations or (ii) supported by state  
318 funds and unnecessarily duplicative of academic programs offered at other public institutions of higher  
319 education. The Council shall make a report to the Governor and the General Assembly with respect to the

320 discontinuance of any such academic program. No such discontinuance shall become effective until 30  
321 days after the adjournment of the session of the General Assembly next following the filing of such report.

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

329 8. Review the proposed closure of any academic program in a high demand or critical shortage  
330 area, as defined by the Council, by any public institution of higher education and assist in the development  
331 of an orderly closure plan, when needed.

332 9. Develop a uniform, comprehensive data information system designed to gather all information  
333 necessary to the performance of the Council's duties. The system shall include information on admissions,  
334 enrollment, self-identified students with documented disabilities, personnel, programs, financing, space  
335 inventory, facilities, and such other areas as the Council deems appropriate. When consistent with the  
336 Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), the Virginia  
337 Unemployment Compensation Act (§ 60.2-100 et seq.), and applicable federal law, the Council, acting  
338 solely or in partnership with the Virginia Department of Education or the Virginia Employment  
339 Commission, may contract with private entities to create de-identified student records in which all  
340 personally identifiable information has been removed for the purpose of assessing the performance of  
341 institutions and specific programs relative to the workforce needs of the Commonwealth.

342 10. In cooperation with public institutions of higher education, develop guidelines for the  
343 assessment of student achievement. Each such institution shall use an approved program that complies  
344 with the guidelines of the Council and is consistent with the institution's mission and educational  
345 objectives in the development of such assessment. The Council shall report each institution's assessment

346 of student achievement in the revisions to the Commonwealth's statewide strategic plan for higher  
347 education.

348 11. In cooperation with the appropriate state financial and accounting officials, develop and  
349 establish uniform standards and systems of accounting, recordkeeping, and statistical reporting for public  
350 institutions of higher education.

351 12. Review biennially and approve or disapprove all changes in the inventory of educational and  
352 general space that any public institution of higher education proposes and report such approvals and  
353 disapprovals to the Governor and the General Assembly. No such change shall become effective until 30  
354 days after the adjournment of the session of the General Assembly next following the filing of such report.

355 13. Visit and study the operations of each public institution of higher education at such times as  
356 the Council deems appropriate and conduct such other studies in the field of higher education as the  
357 Council deems appropriate or as may be requested by the Governor or the General Assembly.

358 14. Provide advisory services to each accredited nonprofit private institution of higher education  
359 whose primary purpose is to provide collegiate or graduate education and not to provide religious training  
360 or theological education on academic, administrative, financial, and space utilization matters. The Council  
361 may review and advise on joint activities, including contracts for services between public institutions of  
362 higher education and such private institutions of higher education or between such private institutions of  
363 higher education and any agency or political subdivision of the Commonwealth.

364 15. Adopt such policies and regulations as the Council deems necessary to implement its duties  
365 established by state law. Each public institution of higher education shall comply with such policies and  
366 regulations.

367 16. Issue guidelines consistent with the provisions of the federal Family Educational Rights and  
368 Privacy Act (20 U.S.C. § 1232g), requiring public institutions of higher education to release a student's  
369 academic and disciplinary record to a student's parent.

370 17. Require each institution of higher education formed, chartered, or established in the  
371 Commonwealth after July 1, 1980, to ensure the preservation of student transcripts in the event of  
372 institutional closure or revocation of approval to operate in the Commonwealth. An institution may ensure

373 the preservation of student transcripts by binding agreement with another institution of higher education  
374 with which it is not corporately connected or in such other way as the Council may authorize by regulation.  
375 In the event that an institution closes or has its approval to operate in the Commonwealth revoked, the  
376 Council, through its director, may take such action as is necessary to secure and preserve the student  
377 transcripts until such time as an appropriate institution accepts all or some of the transcripts. Nothing in  
378 this subdivision shall be deemed to interfere with the right of a student to his own transcripts or authorize  
379 disclosure of student records except as may otherwise be authorized by law.

380 18. Require the development and submission of articulation, dual admissions, and guaranteed  
381 admissions agreements between associate-degree-granting and baccalaureate public institutions of higher  
382 education.

383 19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint  
384 Subcommittee Studying Higher Education Funding Policies for each public institution of higher  
385 education.

386 20. Develop, pursuant to the provisions of § 23.1-907, guidelines for articulation, dual admissions,  
387 and guaranteed admissions agreements, including guidelines related to a one-year Uniform Certificate of  
388 General Studies Program and a one-semester Passport Program to be offered at each comprehensive  
389 community college. The guidelines developed pursuant to this subdivision shall be developed in  
390 consultation with all public institutions of higher education in the Commonwealth, the Department of  
391 Education, and the Virginia Association of School Superintendents and shall ensure standardization,  
392 quality, and transparency in the implementation of the programs and agreements. At the discretion of the  
393 Council, private institutions of higher education eligible for tuition assistance grants may also be  
394 consulted.

395 21. Cooperate with the Board of Education in matters of interest to both public elementary and  
396 secondary schools and public institutions of higher education, particularly in connection with coordination  
397 of the college admission requirements, coordination of teacher training programs with the public school  
398 programs, and the Board of Education's Six-Year Educational Technology Plan for Virginia. The Council

399 shall encourage public institutions of higher education to design programs that include the skills necessary  
400 for the successful implementation of such Plan.

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

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

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

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

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

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

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

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

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



425           **§ 46.2-209. Release of information in Department records for motor vehicle research and**  
426 **longitudinal data purposes.**

427           A. For the purposes of this section, "privileged information" means:

428           1. Personal information as defined in § 2.2-3801;

429           2. Driver information, defined as all data that relates to driver's license status and driver activity;

430           3. Special identification card information, defined as all data that relates to identification card  
431 status; and

432           4. Vehicle information, defined as title number and registration number.

433           B. Notwithstanding the provisions of subsections A and E of § 46.2-208, the Commissioner may  
434 furnish privileged information for motor vehicle research purposes, or in other cases wherein, in his  
435 opinion, highway safety or the general welfare of the public will be promoted by furnishing the  
436 information, and the recipient of the information has agreed in writing with the Commissioner or his  
437 designee that the information furnished will be used for no purpose other than the purpose for which it  
438 was furnished. No such information shall be used for solicitation of sales. The Commissioner shall not  
439 disclose, pursuant to this section, an individual's social security number or lack thereof, driver's license or  
440 special identification card number, Individual Tax ID Number, country of origin, immigration status, or  
441 place of birth or the type of document issued to the individual pursuant to Chapter 3 (§ 46.2-300 et seq.).

442           C. The Department shall participate as a partner entity in the Virginia Education and Workforce  
443 Longitudinal Data System (the System) administered by the Office of Education Economics pursuant to  
444 § 2.2-2238.2 and, notwithstanding the provisions of subsections A and E of § 46.2-208, the Commissioner  
445 shall furnish such privileged information to the System as may be necessary to fulfill its duties as such a  
446 partner entity.

447           D. No privileged information released pursuant to this section shall be distributed by any recipient  
448 of such information to a third party for a purpose other than the purpose for which it was furnished.  
449 Privileged information requested by an entity that has been altered or aggregated may only be used for the  
450 original purposes specified in the written agreement and shall be subject to the protections of this section.

451 Any agreement that does not allow third-party distribution shall include a statement that such distribution  
452 is prohibited. Such agreement may limit the scope of any authorized distribution.

453 **2. That the Virginia Economic Development Partnership Authority (the Authority) and the Office**  
454 **of Education Economics established by the Authority pursuant to § 2.2-2238 of the Code of Virginia,**  
455 **as amended by this act, shall be successors in interest to the State Council of Higher Education for**  
456 **Virginia (SCHEV) for the purpose of the administration of Virginia Longitudinal Data System (the**  
457 **System) and that the provisions of this act that amend § 23.1-203 of the Code of Virginia and create**  
458 **§ 2.2-2238.2 of the Code of Virginia shall be construed to transfer the administration of the System**  
459 **to the Office of Education Economics and rename the System as the Virginia Education and**  
460 **Workforce Longitudinal Data System. Any agreements entered into with SCHEV for participation**  
461 **in or partnership with the System that are currently in effect shall continue without interruption.**

462 **3. That the Department of Workforce Development and Advancement and the Office of Education**  
463 **Economics established by the Virginia Economic Development Partnership Authority pursuant to**  
464 **§ 2.2-2238 of the Code of Virginia, as amended by this act, shall engage a third party to review and**  
465 **make recommendations as to how the Virginia Education and Workforce Longitudinal Data System**  
466 **established pursuant to this act and the Virginia Workforce Data Trust as defined in § 2.2-2036 of**  
467 **the Code of Virginia, as amended by this act, shall collaborate in order to avoid duplication of effort**  
468 **and make the best use of data available in the Commonwealth.**

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