

FILED

2011 APR -1 PM 4:57

**WEST VIRGINIA LEGISLATURE**  
EIGHTIETH LEGISLATURE  
REGULAR SESSION, 2011

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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**ENROLLED**

**Senate Bill No. 375**

(BY SENATORS WELLS, PLYMALE, CHAFIN AND STOLLINGS)

[PASSED MARCH 12, 2011; IN EFFECT FROM PASSAGE.]

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**ENROLLED**

**Senate Bill No. 375**

(BY SENATORS WELLS, PLYMALE, CHAFIN AND STOLLINGS)

[Passed March 12, 2011; in effect from passage.]

AN ACT to amend and reenact §18B-4-7 of the Code of West Virginia, 1931, as amended, relating to authority of institutions of higher education to confer degrees; applicability of provisions; minimum standards; requiring collection and dissemination of certain information; authorizing certain reviews and audits; and providing for revocation of degree-granting authority under certain conditions.

*Be it enacted by the Legislature of West Virginia:*

That §18B-4-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 4. GENERAL ADMINISTRATION.**

**§18B-4-7. Accreditation of institutions of higher education; standards for degrees.**

- 1 (a) The council shall make rules for the accreditation of
- 2 community and technical colleges in this state and shall
- 3 determine the minimum standards for conferring degrees.
- 4 The commission shall make rules for the accreditation of
- 5 colleges and universities in this state except the governing
- 6 boards of Marshall University and West Virginia University
- 7 shall make rules for their respective institutions, and each
- 8 shall determine the minimum standards for conferring

9 degrees. The governing boards of Marshall University and  
10 West Virginia University shall promulgate rules pursuant to  
11 the provisions of section six, article one of this chapter for  
12 the accreditation of their respective institutions.

13 (b) An institution of higher education may not confer a  
14 degree on any basis of work or merit below the minimum  
15 standards prescribed by the council or commission.

16 (c) With the approval of the commission and subject to  
17 subsections (e), (f) and (g) of this section, governing boards  
18 of institutions which currently offer substantial undergradu-  
19 ate course offerings and a master's degree in a discipline are  
20 authorized to grant baccalaureate degrees in that discipline.

21 (d) Except as otherwise provided in this section, a charter  
22 or other instrument containing the right to confer degrees of  
23 higher education status may not be granted by the State of  
24 West Virginia to an institution, association or organization  
25 within the state, nor may a degree be awarded, until the  
26 condition of conferring the degree first has been approved in  
27 writing by the council or commission, as appropriate, or by  
28 the institution's governing board in the case of Marshall  
29 University or West Virginia University.

30 (e) To retain the authority to confer degrees pursuant to  
31 this section, each institution shall provide annually to the  
32 commission or council, as requested, all information the  
33 commission or council considers necessary to assess the  
34 performance of the institution and to determine whether the  
35 institution continues to meet the minimum standards for  
36 conferring degrees. This information includes, but is not  
37 limited to, the following data:

38 (1) All information current and future federal or state laws  
39 and regulations require the institution to report to the  
40 public, to students, to employees or to federal or state  
41 agencies;

42 (2) Other consumer information the commission or council  
43 considers necessary, including, but not limited to, graduation

44 and retention rates, transfers, post-graduation placements,  
45 loan defaults and numbers and types of student complaints;

46 (3) A detailed explanation of financial operations includ-  
47 ing, but not limited to, policies, formulas and procedures  
48 related to calculation, payment and refund for all tuition and  
49 fees; and

50 (4) An assessment of the adequacy of the institution's  
51 curriculum, personnel, facilities, materials and equipment to  
52 meet the minimum standards for conferring degrees.

53 (f) The commission and council may conduct on-site  
54 reviews to evaluate an institution's academic standards, may  
55 conduct financial audits, or may require the institution to  
56 perform these audits and provide detailed data to the  
57 commission or council.

58 (g) The commission or council shall revoke an institution's  
59 authority to confer degrees when the institution's governing  
60 body, chief executive officer, or both, have done any one or  
61 more of the following:

62 (1) Failed to maintain the minimum standards for confer-  
63 ring degrees;

64 (2) Refused or willfully failed to provide information to the  
65 commission or council pursuant to this subsection in a  
66 manner and within a reasonable time frame as established by  
67 the commission or council, as appropriate; or

68 (3) Willfully provided false, misleading or incomplete  
69 information to the commission or council.

70 (h) The commission and council each shall compile the  
71 information collected pursuant to subdivisions (e), (f) and (g)  
72 of this section and submit a report on the information to the  
73 Legislative Oversight Commission on Education Account-  
74 ability annually beginning December 1, 2012. The commis-  
75 sion and council each shall make the information and report  
76 available to the public in a form and manner that is accessi-  
77 ble to the general public, including, but not limited to,  
78 posting on its website.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

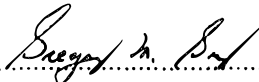
  
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Chairman Senate Committee

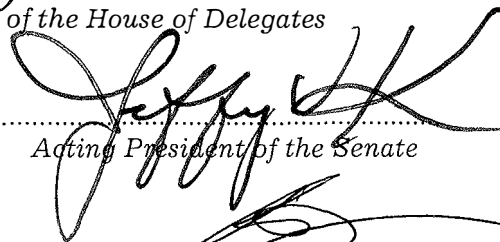
  
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Chairman House Committee

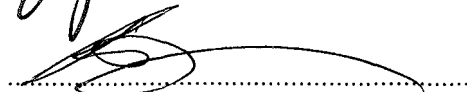
Originated in the Senate.

In effect from passage.

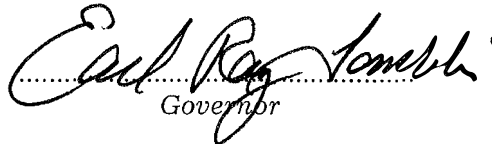
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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Acting President of the Senate

  
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Speaker of the House of Delegates

The within *is approved* this the *18*  
Day of *April*, 2011.

  
.....  
Governor

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CLERK OF THE SENATE  
SECRETARY OF STATE

**PRESENTED TO THE GOVERNOR**

MAR 24 2011

Time 10:30 am