WEST VIRGINIA CODE CHAPTER 18B ARTICLE 14

WV Legislature

§18B-14-1. Select committee on outcomes-based funding models in higher education.

[Repealed.]

WV Legislature

§18B-14-2. Transfer of credit for courses completed.

[Repealed].

WV Legislature

§18B-14-3. College credit authorized for learning English as second language.

State Institutions of higher education are authorized to offer college credit hours for English learned as a second language and may accept English learned as a second language to satisfy an institution’s foreign language requirement. To obtain college credit the student must be enrolled in the institution granting credit and be certified as having reached a satisfactory score on the test of English as a foreign language.

The Higher Education Policy Commission and the Council for Community and Technical College Education shall jointly propose rules to set and identify scores required on the test of English as a foreign language for course credit being offered.

WV Legislature

§18B-14-4. Dual enrollment pilot program established; definitions; funding; annual reporting.

(a) Definitions. – As used in this section, unless used in a context that clearly requires a different meaning, the term:

"Dual credit course" means a credit-bearing college-level course offered by an eligible institution to secondary school students in which the students receive credit at both the secondary and post-secondary levels.

"Dual enrollment" means the registration of an eligible secondary student in a post-secondary course creditable toward high school completion and a career technical certificate, associate degree, or baccalaureate degree. A student who is enrolled in post-secondary instruction that is not creditable toward a high school diploma may not be classified as a dual enrollment student.

"Eligible course" means any class or program of instruction offered at an eligible institution for which the student receives credit toward both high school completion and a post-secondary certificate or degree. Applied academics for adult education instruction, developmental education, physical education courses, and recreation and leisure studies courses are not eligible courses for dual enrollment purposes.

"Eligible institution" means a state institution of higher education as that term is defined in §18B-1-2 of this code.

"Eligible student" means any secondary school student, including a homeschool, charter school, microschool, learning pod, or private school student, who meets minimum criteria established by the state school board and the commission or the council, as appropriate, for the purpose of enrolling in a dual credit course.

(b) Dual enrollment pilot program established. – In conjunction with the state board and under the supervision of the commission and the council, the chancellor and the state superintendent shall establish a four-year pilot program whereby eligible institutions shall offer dual enrollment courses that will comprise individualized pathways for career and post-secondary educational opportunities for the state's secondary school students. These students shall be enrolled in eligible courses leading to careers in certain designated career pathways, namely direct care health professions; information technology; science, technology, engineering, and math (STEM) fields; education; advanced manufacturing; welding and fabrication; construction; agriculture; and any other program that meets a workforce need in the state as determined by the Department of Commerce.

(c) Funding. – From appropriations to the commission and the council for the purposes of implementing and administering the dual enrollment pilot program established in this section, the commission or the council, as appropriate, shall pay directly to the eligible institutions from such appropriations the cost of the tuition and academic fees incurred by

WV Legislature

eligible students taking dual credit courses in accordance with the dual enrollment pilot program established in this section.

(d) Rulemaking. – In consultation with the state board, the commission and council may propose legislative and emergency rules pursuant to §29A-3A-1 et seq. of this code to implement the provisions of this section.

(e) Annual reports. – By December 1, 2024, and annually thereafter for the duration of the pilot program, the chancellor shall report to the Legislative Oversight Commission on Education Accountability on:

(1) The number of students participating in the program;

(2) The number and type of credits and certifications or credentials earned by students who have participated in the program;

(3) The dollar amount expended associated with this program;

(4) Projected growth in the program and funding needs for the next year;

(5) The job status of students who have participated in the program;

(6) Any issues with the program reported by students, parents, secondary schools, and institutions of higher education; how these issues are being addressed; and whether the issues require legislative action; and

(7) A recommendation from the chancellor and the state superintendent on whether the program should continue beyond its four-year pilot period.

WV Legislature

§18B-14-5. Equal Treatment in Higher Education Act of 2025.

(a) As used in this section:

(1) "Diversity, equity, and inclusion" means any action, attempt, or effort to:

(A) Influence hiring or employment practices with respect to race, color, sex, ethnicity, or national origin, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal anti-discrimination laws;

(B) Promote or provide special benefits to individuals on the basis of race, color, ethnicity, or national origin;

(C) Promote policies or procedures designed or implemented in reference to race, color, ethnicity, or national origin, other than to ensure compliance with an applicable court order or state or federal law; or

(D) Conduct trainings, programs, or activities designed or implemented in reference to race, color, ethnicity, or national origin, other than trainings, programs, or activities developed for the sole purpose of ensuring compliance with an applicable court order or state or federal law;

(2) "Ethnic group" means a category of population that is set apart and bound together by common ties of race, language, nationality, or culture;

(3) "Race" means any one of the groups that humans are often divided into based on physical traits regarded as common among people of shared ancestry; and

(5) "Sex", when this term is used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided*, That individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

(b) State institutions of higher education in this state have an obligation to prohibit, among other things, discrimination on the basis of race or ethnic group in the administration of their education programs, activities, or with respect to admission or employment.

(c) State institutions of higher education have an obligation to protect the right to free speech and expression protected by the First Amendment of the United States Constitution, the West Virginia Constitution, and the provisions of §18B-20-1 *et seq*. As part of that commitment, state institutions of higher education must be committed to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the university community to be offensive, unwise, immoral, or misguided and that it is for the individual members of the university community,

WV Legislature

not for the university as an institution, to make those judgements for themselves.

(d) Except as provided in subsection (e) of this section, a state institution of higher education or any employee of a state institution of higher education may not require a student or employee to take instruction in, or include in the curriculum of any required course, or require a statement or affirmation by any student or employee that the following concepts are factual and accurate or must be held as a belief of the student or employee:

(1) One race, ethnic group, or sex is morally, or intellectually superior to another race, ethnic group, or sex for any inherent or innate reason;

(2) An individual, by virtue of the individual's race, ethnicity, or sex, is racist, sexist, or oppressive, whether consciously or unconsciously for any inherent or innate reason;

(3) An individual should be discriminated against because of the individual's race, ethnicity, or sex;

(4) An individual's moral character is strongly influenced by the individual's race, ethnicity, or sex;

(5) An individual, by virtue of the individual's race, ethnicity, or sex, bears responsibility for actions committed by other members of the same race, ethnic group, or sex;

(6) An individual has an obligation to feel discomfort, guilt, anguish, or any other form of psychological distress because of the individual's race, ethnicity, or sex; and

(7) Academic achievement, meritocracy, or traits such as a hard work ethic are racist or sexist or were created by members of a particular race, ethnic group, or sex to oppress members of another race, ethnic group, or sex.

(e) Nothing in subsection (d) of this section prohibits:

(1) The discussion of those concepts in theory as part of an academic course if discussion of alternative theories is also included in the course;

(2) The discussion, examination, and debate that race, ethnicity, or sex has impacted historical or current events, including the causes of those current or historical events; and

(3) The right to freedom of speech protected by the First Amendment of the United States Constitution and the West Virginia Constitution.

(f) Each campus shall report to the Higher Education Policy Commission or the Council for Community and Technical College Education, as applicable, a description of any violations of this section. The description shall include the nature of each incident, as well as what disciplinary action, if any, was taken against members of the campus community determined to be responsible for those specific incidents of violation and shall be reported without

WV Legislature

revealing personally identifiable information annually, by August 1. The commission and council shall then report to the Legislative Oversight Commission on Education Accountability any violations reported to them pursuant to this subsection.

WV Legislature

§18B-14-5a.

Repealed.

Acts, 2010 Reg. Sess., Ch. 56.

WV Legislature

§18B-14-6. Nondiscrimination.

(a) It is the policy of the state that the administrations of state institutions of higher education, and their administrative units, be officially neutral with regard to widely contested opinions in the state regarding unconscious or implicit bias, cultural appropriation, identity group allyship, micro aggressions, group marginalization, systemic oppression, social justice, intersectionality, neo-pronouns, racial privilege, critical race theory, and any related formulation of these concepts.

(b) "Diversity, Equity, and Inclusion Training" means:

(1) Training toward any diversity, equity, and inclusion activity which seeks to:

(A) Manipulate or otherwise influence the composition of the faculty or student body with reference to race, color, sex, ethnicity, or national origin, apart from ensuring colorblind and sex-neutral admissions and hiring in accordance with state and federal anti-discrimination laws;

(B) Engage in, or promote or promulgate for, differential attention to, treatment of, or provision of special benefits to, individuals or groups on the basis of race, color, ethnicity, or national origin except where permitted by law; or

(C) Promote as the official position of the institution or component thereof, or of the administration, or develop or engage in training, programming, or activities promoting, a widely contested opinion in contravention of the neutral educational policy of this state as described in subsection (a) of this section; or

(2) Training from an administrative official or administrative unit of an institution that involves one or more of the following interrelated concepts:

(A) The nation, the state, American or state culture, society in general is based on or significantly influence by present-day institutional structures or relations of power, privilege, subordination, or oppression that operate on the basis of race, sex, color, ethnicity, national origin, or any intersection of these classes;

(B) Special benefits should be conferred on the basis of race, color, ethnicity, or national origin; or

(C) Unconscious or implicit bias, cultural appropriation, identity group allyship, microaggressions, micro-invalidation, group marginalization, systemic oppression, structural racism, structural inequity, racial privilege, social justice, intersectionality, neo-pronouns, inclusive language, or related formulation of these concepts.

(c) No diversity statement shall ever be required or solicited as part of an admissions process, employment application process, hiring process, contract renewal process, or promotion process; or as a condition of participation in any administrative or decision-

WV Legislature

making function of any public institution of higher education.

(d) No public institution of higher education shall give preferential consideration to an applicant, student, staff member, or faculty member due to any opinion expressed or action taken in support of another individual or a group of individuals on the basis of race, color, ethnicity, or national origin.

WV Legislature

§18B-14-7.

Repealed.

Acts, 2010 Reg. Sess., Ch. 56.

WV Legislature

§18B-14-8.

Repealed.

Acts, 2008 Reg. Sess., Ch. 87.

WV Legislature

§18B-14-9. Legislative findings; establishment of study committee; membership; recommendations on higher education facilities.

[Repealed.]

WV Legislature

§18B-14-10. Credit card solicitation on college campuses; regulation of credit card marketing.

(a) Definitions. -- For the purposes of this section, the following terms have the following meanings:

(1) "College campus" includes the premises and grounds of an institution of higher education;

(2) "Credit card debt education brochure" means the information developed by a college or university, by a registered nonprofit corporation or by other sources as identified and approved by the institution of higher education, that details the appropriate use, benefits and risks of incurring debt through the use of credit cards;

(3) "Credit card marketer" includes a person, corporation, financial institution or business entity that promotes, offers or accepts applications for a credit card;

(4) "Institution of higher education" means any of the following:

(i) A community college or technical college as defined in subsection (e), section two, article one of this chapter; and

(ii) Bluefield state college, Concord college, Glenville state college, Fairmont state college, Marshall university, West Virginia northern community college, West Liberty state college, Potomac state college of West Virginia University, Shepherd college, West Virginia University institute of technology, southern West Virginia community institute of technology, West Virginia University at Parkersburg, West Virginia school of osteopathic medicine, West Virginia state college, West Virginia University and all branch campuses of these institutions of higher education; and

(5) "Student" means a person who is at least eighteen years of age and who attends an institution of higher education whether on a full-time or part-time basis.

(b) The governing boards of each institution shall propose rules in accordance with the rule adopted by the Higher Education Policy Commission pursuant to the provisions of section six, article one of this chapter no later than July 1, 2003, to regulate the marketing practices used on campuses by credit card companies. In proposing these rules, the governing boards shall consider the following requirements:

(1) Registering on-campus credit card marketers;

(2) Limiting credit card marketers to specific institutional campus sites designated by the president or administrative head of the institution or his or her designee;

(3) Prohibiting credit card marketers from offering tangible gifts to students in exchange for completing a credit card application;

WV Legislature

(4) Requiring that no application for the extension of debt through a credit card may be made available to a student unless the application is accompanied by a credit card debt education brochure;

(5) Whether or not to use or the appropriate use of student lists for the purpose of soliciting applications for credit cards; and

(6) Developing a credit card debt education presentation to be incorporated into orientation programs offered to new students.

(c) Unless a student's parent or guardian has agreed in writing to be liable as a cosigner for credit card debts of the student, no person may initiate a debt collection action against the parent or guardian regarding any credit card debt incurred by the student.

WV Legislature

§18B-14-11.

Repealed.

Acts, 2015 Reg. Sess., Ch. 53.

WV Legislature

§18B-14-12. Display of the National Motto in institutions of higher education.

(a) A state institution of higher education, as defined by §18B-1-2 of this code, shall display in a conspicuous location within a common area of the main building of the institution of higher education that is accessible to the public, and may also display in a similar location in common areas of other buildings of the institution of higher education, a durable poster or framed copy of the United States national motto, "In God We Trust": *Provided*, That the poster or framed copy of the national motto described in this section is a minimum of 8.5 by 11 inches, and shall contain a representation of the United States flag centered under the national motto and may not depict any other words, images, or other information.

(b) An institution of higher education may accept and use private donations for the purposes of meeting the provisions of subsection (a) of this section. No public funds may be used for this purpose.

WV Legislature