

WEST VIRGINIA CODE: §18B-1D-7

§18B-1D-7. Findings; establishment of institutional compacts; compact elements; submission date; review and approval process; rule required.

(a) The Legislature finds that West Virginia long has recognized the value of education and, on a per capita income basis, ranks very high among the states in its investment to support public education. The Legislature further finds that a combination of state and national demographic and economic factors as well as significant changes in methods of course and program delivery compel both the state and public higher education to create a process that will strengthen institutional capacity to provide the services so valued by the citizens of the state and so essential to promoting economic vitality.

(b) The commission and council each shall organize the statements of legislative goals and objectives contained in this article and §18B-1-1a of this code in a manner that facilitates the purposes therein.

(c) *Assignment of geographic areas of responsibility.* —

(1) The commission shall assign geographic areas of responsibility to the state institutions of higher education under its jurisdiction, except for the statutorily exempted schools. For institutions other than the statutorily exempted schools, the geographic areas of responsibility shall be assigned in such a way as to ensure that all areas of the state are provided necessary programs and services to achieve state goals and objectives. The commission and the council each shall develop data-based measures to determine the extent to which institutions, with the exception of the statutorily exempted schools, under their respective jurisdictions are providing higher education services aligned with state goals and objectives and institutional missions within their geographic areas of responsibility. This information shall be reported in the statewide data reporting system established pursuant to §18B-1D-8 of this code.

(2) The council shall assign geographic areas of responsibility to the state institutions of higher education under its jurisdiction.

(3) The geographic areas of responsibility for the state institutions of higher education known as West Virginia School of Osteopathic Medicine, Marshall University, and West Virginia University are statewide.

(4) Each state institution of higher education shall establish benchmarks in collaboration with the commission or council, as applicable, which include measures of programs and services by geographic area throughout the assigned geographic area of responsibility.

(d) The benchmarks shall be used to determine progress toward meeting the state's higher education objectives. The benchmarks shall meet the following criteria:

- (1) They shall be objective;
- (2) They shall be directly linked to the established objectives;
- (3) They shall be measured by the indicators described in subsection (e) of this section; and
- (4) Where applicable, they shall be used to measure progress in geographic areas of responsibility.

(e) The rules required by §18B-1D-1(c) of this code shall include indicators which measure the degree to which the goals and objectives set forth in this article and §18B-1-1a of this code are being met by the institutions under the jurisdiction of the commission and the council, respectively.

(1) The rules pertaining to benchmarks and indicators in effect for the commission and the council on the effective date of this section remain in effect for the institutions under their respective jurisdictions until amended, modified, repealed, or replaced by the commission or the council, respectively, pursuant to the provisions of this article, §18B-1-6 of this code, and §29A-3A-1 *et seq.* of this code.

(2) The rules shall set forth at least the following as pertains to all state institutions of higher education, except the statutorily exempted schools:

(A) The indicators used to measure the degree to which the goals and objectives are being met;

(B) Uniform definitions for the various data elements to be used in establishing the indicators;

(C) Guidelines for the collection and reporting of data; and

(D) Sufficient detail within the benchmarks and indicators to provide the following information:

(i) Measurable evidence that the pursuits of the institution are focused on the education needs of the citizens of the state and are aligned with the objectives required pursuant to this section;

(ii) Delineation of the objectives and benchmarks for an institution so that the commission or council can precisely measure the degree to which progress is being made toward achieving the goals and objectives provided in this article and §18B-1-1a of this code: *Provided*, That the commission has no authority regarding the objectives and benchmarks for statutorily exempted schools; and

(iii) Identification of specific objectives that are not being met or toward which sufficient progress is not being made.

(3) In addition to any other requirement, the rule established by the council shall set forth at least the following as pertains to community and technical college education:

(A) Benchmarks and indicators which are targeted to identify the following:

(i) The degree to which progress is being made by institutions toward meeting state goals and objectives and the essential conditions for community and technical college education pursuant to §18B-3C-3 of this code;

(ii) Information and data necessary to be considered by the council in making the determination required by §18B-2C-3 of this code; and

(B) Sufficient detail within the benchmarks and indicators to provide clear evidence to support an objective determination by the council that an institution's progress toward achieving state goals and objectives and the essential conditions for community and technical college education is so deficient that implementation of the provisions of §18B-2C-4 of this code is warranted and necessary.