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**WEST VIRGINIA CODE CHAPTER 18b**  
**ARTICLE 1D**

WV Legislature

**§18B-1D-1. Master plan repealed; accountability system continued.**

(a) The Legislature finds that:

(1) Accountability and strategic planning are valuable and necessary components of establishing and achieving goals for higher education in this state and fulfilling missions of the institutions;

(2) To be most effective and efficient, the accountability and strategic planning process should be coordinated, streamlined, and nonduplicative; and

(3) Redundant reporting requirements exist in the accountability and strategic planning process which serve to waste scarce resources and decrease efficiency.

(b) It is the intent of the Legislature that the accountability and strategic planning process for public higher education in this state continues in a unified and comprehensive manner while utilizing the resources of the higher education systems in an economical and efficient manner. To that end:

(1) The requirement for a statewide master plan for public higher education is repealed, and any provision of this code regarding the plan is void and of no effect;

(2) The requirements for state and institutional compacts for public higher education are repealed, and any provision of this code regarding the compacts are void and of no effect; and

(3) When collecting data from an institution, the commission and council first shall consider data generated from the unit-record student, registration, course and personnel files, the audited financial statements, and any source previously submitted formally to the commission or council from which the requested data may be obtained, so long as the data or information available through these sources reflects the most current reporting period.

**§18B-1D-2.**

**Repealed**

**Acts, 2019 Reg. Sess., Ch. 136.**

*WV Legislature*

**§18B-1D-3.**

**Repealed**

**Acts, 2019 Reg. Sess., Ch. 136.**

*WV Legislature*

**§18B-1D-4.**

**Repealed**

**Acts, 2019 Reg. Sess., Ch. 136.**

*WV Legislature*

**§18B-1D-5.**

**Repealed**

**Acts, 2019 Reg. Sess., Ch. 136.**

*WV Legislature*

**§18B-1D-6. State compacts; legislative intent; rule required; implementation plans authorized.**

[Repealed].

WV Legislature

**§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.

**§18B-1D-8. Publication of institution and system data.**

(a) The purpose of the institutional and statewide data reporting system is to make information available through the official websites of the commission and council to parents, students, faculty, staff, state policymakers, and the general public on the quality and performance of public higher education.

(b) The information provided through the reporting system shall be consistent and comparable between and among state institutions of higher education. If applicable, the information shall allow for easy comparison with higher education-related data collected and disseminated by the Southern Regional Education Board, the United States Department of Education and other education data-gathering and data-disseminating organizations upon which state policymakers frequently rely in setting policy.

(c) The rules required by this article shall provide for the collection, analysis, and dissemination of information on the performance of the state institutions of higher education, including health sciences education, in relation to the findings, goals, and objectives set forth in this article and §18B-1-1a of this code.

(1) The objective of this portion of the rule is to ensure that the Legislative Oversight Commission on Education Accountability and others identified in subsection (a) of this section are provided with full and accurate information while minimizing the institutional burden of recordkeeping and reporting.

(2) This portion of the rule shall identify various indicators of student and institutional performance that, at a minimum, must be reported annually, set forth general guidelines for the collection and reporting of data, and provide for the preparation and publication of the statewide data and reports.

The statewide annual report shall be analysis-driven, rather than simply data-driven, and shall present information in a format that can inform education policymaking. It shall outline significant trends, identify major areas of concern, and discuss progress toward meeting state and system goals and objectives. It shall be brief and concise, reporting required information in nontechnical language.

(d) The statewide data reporting system shall include the data for each separately listed, applicable indicator identified in the rule promulgated pursuant to subsection (c) of this section and the aggregate of the data for all public institutions of higher education.

(e) A statewide annual report shall be prepared using actual institutional, state, regional, and national data, as applicable and available, indicating the present performance of the individual institutions, the governing boards, and the state systems of higher education. The report shall be based upon information for the current school year or for the most recent school year for which the information is available, in which case the year shall be clearly

noted.

(f) The president or chief executive officer of each state institution of higher education shall prepare and submit annually all requested data to the commission at the times established by the commission.

(g) The higher education central office staff, under the direction of the vice chancellor for administration, shall provide technical assistance to each institution and governing board in data collection and reporting and is responsible for assembling the statewide annual report from information submitted by each governing board.

(h) Current data shall be published to the statewide data reporting system prior to January 1 annually. The statewide annual report shall be completed and disseminated with copies to the Legislative Oversight Commission on Education Accountability prior to January 1 annually, and the staff of the commission and the council shall prepare a report highlighting specifically the trends, progress toward meeting goals and objectives, and major areas of concern for public higher education, including medical education, for presentation to the Legislative Oversight Commission on Education Accountability annually at the interim meetings in January.

(i) The Vice Chancellor for Administration shall make a digital copy of the statewide annual report available to the public for download from the official websites of the commission and council.

**§18B-1D-8a. Modification to reporting requirements to the Legislative Oversight Commission on Education Accountability.**

(a) Notwithstanding any other provisions of this code to the contrary, the following statutorily mandated reports are not required to be prepared and submitted annually to the Legislature but this information and data previously contained therein shall be combined with other reports in a manner that reduces the cost and increases the efficacy of those reports. This includes:

(1) All personnel, classification, compensation and human resources reports set out in section four, article one-b of this chapter, section six, article two-b of this chapter and article nine-a of this chapter;

(2) All capital appropriation requests, priorities and campus and state capital development plans set out in section four, article one-b of this chapter, section six, article two-b of this chapter and article nineteen of this chapter;

(3) All academic related matters and reports including those detailing institutional reauthorization at section seven, article four of this chapter; training of institutional Boards of Governors set out in section nine, article one-d of this chapter and section one, article ten of this chapter dealing with institutional compliance with tuition and fee increases;

(4) All financial aid reports including PROMISE, HEAPS, the Higher Education Grant Program, the Nursing Scholarship Program, the Underwood-Smith Teacher Scholarship Program and others set out in chapter eighteen-c of this code.

(b) In order to create more efficiency, reporting deadlines of statutorily or rule mandated reports may be altered, as needed by the Commission without a statutory or rule-making change,: Provided, That the reports are always provided within any given calendar year.

**§18B-1D-9. Commission, council, and institutional governing board training and development; training and development requirements, applicability and exceptions.**

(a) The Chancellor for higher education and the chancellor for community and technical college education, as those terms are defined in §18B-1-2 of this code, or their designees, shall develop a comprehensive orientation and training program for new members of the commission, the council, and the institutional governing boards and continuing education opportunities for all ongoing members of those bodies, hereinafter referred to as "governing bodies."

(b) Training and development is required as follows:

(1) New Members: The orientation and training offered to new members of the governing bodies shall comprise six hours of instruction time and shall include, but not be limited to:

(A) Information concerning the roles of the governing bodies and their members;

(B) The state goals for higher education set forth in §18B-1-1a of this code;

(C) The higher education accountability system established in §18B-1D-1, *et seq.* of this code;

(D) The fiduciary duties and responsibilities of the governing bodies;

(E) Legal considerations including statutory duties, authorities, and responsibilities of the governing bodies and open records and open meetings requirements;

(F) Ethical considerations arising from membership on a governing body, including the provisions of the West Virginia Governmental Ethics Act set forth in §6B-1-1, *et seq.* of this code;

(G) The removal and replacement provisions of members of governing bodies as established in §6-6-5 and §6-6-6 of this code; and

(H) The circumstances under which the commission or the council, as appropriate, may withdraw specific powers from the institutional governing boards, as set forth in §18B-1B-4 and §18B-2B-6 of this code.

(2) The six hours of orientation and training provided to new members of the governing bodies may be completed in one block or broken up over the member's first year of service: *Provided*, That the new governing body member completes the full six hours of training within twelve months of his or her appointment to the governing body.

(3) Ongoing members - With the exception of the ex officio members of the commission and the council and the student member of a governing board, beginning the second year of the member's service on a governing body, each member shall complete at least four hours of

training and development related to his or her duties each full fiscal year following his or her appointment.

(4) Alternate training - The chancellors may grant credit for training, professional development, or continuing education developed or delivered by an institution of higher education or a third-party training provider: *Provided*, That the chancellors or their designees determine that the training meets the requirements for governing body member training established by this section.

(c) Annually, by July 31, the chairs of the commission, the council, and each governing board shall certify to the chancellors the number of hours of training and development that each member of their respective governing body received during the preceding fiscal year.

(d) If the certification indicates that a member of a governing body has not completed the training and development required by this section, the appropriate chancellor shall send a notice to the affected board member and his or her governing body and to the Governor and the Secretary of State, or to the institutional appointing entity, that the member of the governing body is disqualified from continued service notwithstanding the provisions of §6-6-5 and §6-6-6 of this code. The commission or council, as appropriate, shall request the Governor or appointing entity to appoint a replacement for that governing body member.

(e) As used in this section, "member" means all members of the commission, council and the governing boards unless a specific exception is provided in this section.

**§18B-1D-10. State data sharing compact; legislative intent; findings; definitions.**

(a) The intent of the Legislature in enacting this section is to direct the commission, council and State Board of Education to enter into a state compact, consistent with the provisions of section six of this article, on or before July 1, 2009, to develop and maintain a longitudinal education data system and to share educational information.

(b) The Legislature makes the following findings:

(1) Sound data collection, reporting and analysis are critical to building an education system capable of ensuring that all West Virginia students are adequately prepared for college and the global workforce. Elementary schools, middle schools, secondary schools and higher education institutions can improve instructional and educational decision-making using data that are collected and made available to them.

(2) State education policymaking benefits from partnerships between state education agencies and entities with expertise in education research. It is beneficial for West Virginia to establish systems and processes that permit qualified researchers to assist with state evaluation and research functions in a manner that is consistent with privacy protection laws.

(3) West Virginia is committed to establishing and maintaining a longitudinal student unit record data system that educators and policymakers can use to analyze and assess student progress beginning with early learning programs and continuing through post-secondary education and into employment. The commission, council and State Board of Education have designed, built and deployed some of the fundamental components of a longitudinal data system and have engaged in extensive efforts to link and use available education data effectively. Now, it is necessary to integrate and manage the various education data components in a cooperative manner to establish a data-driven, decision-making environment for this state's education system.

(4) Students will achieve improved learning outcomes because of the longitudinal data system established through the state compact mandated by this section.

(6) State use and management of education data shall be in accordance with all legal requirements protecting student privacy and shall protect personal information from intentional or accidental release to unauthorized persons and from intentional or accidental use for unauthorized purposes.

(c) Definitions:

(1) "Longitudinal data system" means a student unit record data system that links student records beginning with early learning programs and continuing through post-secondary education, entry into the workforce and beyond. The system may consist of separate student unit record systems integrated through agreement and data transfer mechanisms.

(2) "Privacy protection laws" means the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) and any other state or federal laws relating to the confidentiality and protection of personally identifiable information.

(3) "Research organization" means a governmental entity, institution of higher education, public policy organization or other person or entity conducting educational research that meets the following conditions:

(i) Qualified to perform educational research and protect the privacy of student data;

(ii) Seeks to perform research for a noncommercial purpose authorized by privacy protection laws; and

(iii) Agrees to perform the research pursuant to a written agreement meeting the requirements of privacy protection laws and best research practices.

(d) The state data-sharing compact entered into by the commission, council and State Board of Education shall contain the following:

(1) A plan to establish and maintain a longitudinal data system that links early learning, elementary, middle and secondary school student unit records with higher education institution student unit records;

(2) A plan to establish a data warehouse that integrates data from multiple student unit record systems and supports all of the uses and functions of the longitudinal data system;

(3) A list of areas for collaborative research and a preliminary plan for conducting that research;

(4) A system for entering into data sharing arrangements with each other and with research organizations consistent with subsection (f) of this section; and

(5) A provision that allows another party to the compact to review any draft report or study generated using that party's data at least ten days before the report or study is released publicly. During that ten day period, each party shall be given the opportunity to submit comments regarding the accuracy, conclusions and recommendations of the report or study.

(e) To facilitate implementation of the requirements of this section:

(1) The commission, council and State Board of Education are authorized to disclose data to the longitudinal data system and to each other consistent with the purposes of this section;

(2) With the assistance of the state Board of Education, the commission, council and state institutions of higher education shall collect the state Board of Education's unique identifier for all students who have attended public schools in West Virginia to facilitate better matching of student unit record data.

(3) The commission, council and State Board of Education shall collect, use, maintain, disclose and share data in accordance with personal privacy laws and shall develop security measures and procedures that protect personal information from intentional or accidental release to unauthorized persons and from intentional or accidental use for unauthorized purposes.

(f) A data sharing arrangement entered into with a research organization pursuant to this section shall meet the following criteria:

(1) Permitted by and undertaken in accordance with privacy protection laws;

(2) Receives prior approval from the state Superintendent of Schools or designee, the Chancellor for Higher Education or designee, and the Chancellor for Community and Technical College Education or designee, as appropriate, if data from that entity are being utilized in the research;

(3) Prohibits the personal identification of any person by individuals other than authorized representatives of the research organization who have legitimate interests in the information;

(4) Ensures the destruction or return of the data when no longer needed for the authorized purposes under the data sharing arrangement;

(5) Performed pursuant to a written agreement with the research organization that does the following:

(A) Specifies the purpose, scope and duration of the data sharing arrangement;

(B) Requires the recipient of the data to use personally identifiable information from education records only to meet the purpose or purposes of the data sharing arrangement stated in the written agreement;

(C) Describes specific data access, use and security restrictions that the recipient will undertake; and

(D) Contains such other terms and provisions as the commission, council and State Board of Education, as appropriate, consider necessary or appropriate.

(g) As a condition of participating in state-level financial aid programs provided for in chapter eighteen-c of this code, the commission may require nonpublic institutions of higher education to provide data for the longitudinal data system and data warehouse.

**§18B-1D-11. State Advisory Council on Postsecondary Attainment Goals.**

(a) There is hereby created the State Advisory Council on Postsecondary Attainment Goals. The council's purpose is to ensure that students are provided opportunities to learn and earn the most relevant industry-demanded knowledge, skills, and credentials to prepare students for the challenges of college, careers, and life, while helping the state and its employers attain economic growth through collaboration with K-12 education leaders, employers and industry leaders, state agency leaders, the Higher Education Policy Commission, and the Council for Community and Technical College Education to identify high-value and in-demand postsecondary credentials, and to develop a plan to assist the state in achieving its postsecondary attainment goal of having 60 percent of West Virginians between the ages of 25 and 64 hold a degree, certificate, or other postsecondary workforce credential of value in the workplace by 2030.

(b) The State Advisory Council on Postsecondary Attainment Goals shall consist of the following members:

- (1) The Chancellor of the Higher Education Policy Commission, or his or her designee;
- (2) The State Superintendent of Schools, or his or her designee;
- (3) The Secretary of the Department of Commerce, or his or her designee;
- (4) The Director of WorkForce West Virginia, or his or her designee;
- (5) Two presidents representing the state's four-year institutions of higher education, at least one of which shall be the president of a regional institution, appointed jointly by the President of the Senate and the Speaker of the House of Delegates;
- (6) Two presidents representing the state's community and technical colleges appointed jointly by the President of the Senate and the Speaker of the House of Delegates;
- (7) Representatives from at least two employers, industry associations, or chambers of commerce, appointed jointly by the President of the Senate and the Speaker of the House of Delegates;
- (8) Representatives from at least two regional economic development and workforce investment boards, appointed jointly by the President of the Senate and the Speaker of the House Delegates;
- (9) The chair of the Senate Committee on Education as an ex officio nonvoting member;
- (10) The chair of the House Committee on Education as an ex officio nonvoting member; and
- (11) Any other individuals deemed appropriate and appointed jointly by the President of the Senate and the Speaker of the House Delegates.

(c) The council shall be chaired by the Chancellor of the Higher Education Policy Commission. The council shall meet at least quarterly and at the call of the chair. Quorum shall be a simple majority of the council. The administrative functions of the council are the responsibility of the joint staff of the Higher Education Policy Commission and the Council for Community and Technical Education.

(d) The council shall consult with and advise the Legislature on matters related to the progress toward achieving the state's postsecondary attainment goal as established in subsection (a) of this section, including identifying high-value and in-demand postsecondary credentials. The council may:

(1) Make recommendations to the Legislature as required by this section;

(2) Provide guidance to the Legislature on potential statutory solutions relative to achievement of the state's postsecondary attainment goal;

(3) Establish workgroups or subcommittees as the council considers necessary to address pertinent issues related to achievement of the state's postsecondary attainment goal, and to provide consistency in the development of further regulation, if further regulation is determined to be necessary by the council;

(4) Consult with entities and persons with expertise in the areas being studied by the council as the council considers necessary in the fulfillment of its duties, including public and private sector partnerships; and

(5) Provide a forum for a full and fair discussion of issues relating to achievement of the state's postsecondary attainment goal.

(e) The council shall provide leadership, strategic direction, and evaluation of the state's investments in, and progress toward, implementing high-quality career and technical education programs that are accessible to all students and improves the career readiness of the state's workforce by conducting an annual review of career and technical education offerings in K-12 and the state's community college and technical education system to determine the alignment of existing offerings with employer demand, postsecondary degree or certificate programs, and professional industry certifications. The review shall identify career and technical education offerings that are linked to occupations that are in high-demand by employers, require high-level skills, and provide middle- and high-level wages. The review shall include analyses of:

(1) Participating students and their outcomes, including the following:

(A) Academic achievement;

(B) Attainment of industry certifications;

(C) Program completion;

- (D) Applied learning experiences;
  - (E) College credit attainment through the career and technical education program, including dual enrollment or articulation;
  - (F) Postsecondary enrollment and credential attainment, including enrollment in four-year degree programs for state college system students; and
  - (G) Employment outcomes, including wages;
- (2) Demographics of participating students by pathway and credential attainment;
  - (3) Educational settings of the courses;
  - (4) Alignment with high-growth, high-demand, and high-wage employment opportunities;
  - (5) Current and projected economic, labor, and wage data on the needs of the state, regional, and global economy and workforce;
  - (6) Alignment with certificate or degree programs offered at the postsecondary level or professional industry certifications;
  - (7) Employment outcomes, including wages, by career and technical education program offerings;
  - (8) Apprenticeship and pre-apprenticeship offerings;
  - (9) Qualifications and specialized knowledge and expertise of instructors and the opportunities for these educators to upskill in the latest in-demand skills of employers; and
  - (10) Extent to which federal, state, and local funding is used to foster career and technical education program success and program efficiency.
- (f) The council shall report its findings to the Legislative Oversight Commission on Education Accountability and the Joint Committee on Government and Finance by December 31, 2024, and annually thereafter until the council terminates, pursuant to the provisions of this section. The report shall include, at a minimum, the following:
- (1) Conclusions and recommendations about the means to achieve the state's postsecondary attainment goal;
  - (2) Recommendations for statutory and regulatory modifications, if the council determines that such modifications are necessary;
  - (3) Identification of any action that the Legislature may take to better foster awareness of the actions being taken to achieve the state's postsecondary attainment goal; and

(4) Any other ancillary issues relative to achievement of the state's postsecondary attainment goal.

(g) The State Board of Education, the Superintendent of Schools, the Department of Commerce, WorkForce West Virginia, the presidents of the state's public institutions of higher education, and all other entities of state government shall cooperate with the council in the exchange of data, information, and expertise, if so requested by the council, including, but not limited to:

(1) Providing the entity's plans to assist in achievement of the state's postsecondary attainment goal;

(2) Identifying equity gaps among certain high-risk populations, including, but not limited to, returning adults, academically underprepared students, the economically disadvantaged, and underrepresented racial or ethnic minorities;

(3) Sharing information on the economic impact of achievement of the state's postsecondary goal on the State of West Virginia;

(4) Providing an assessment of the benefits of implemented programs and activities aimed at achieving the state's postsecondary attainment goal;

(5) Assisting in the development or revision of detailed action plans to achieve the state's postsecondary attainment goal; and

(6) Providing resources required to implement the plan to achieve the state's postsecondary attainment goal.

(h) The council and all provisions of this section shall terminate and no longer be in effect on December 31, 2027.

**§18B-1D-12. State Advisory Council on Establishing a Military College.**

(a) There is created the State Advisory Council on Establishing a Military College. The council's purpose is to study the viability and potential benefits of creating an accredited educational institution offering baccalaureate degrees that is patterned, to the extent practicable, after one or more of the six senior military colleges. The military college is intended to cultivate and produce excellent leaders of good character to serve our state. The council shall study issues related to the council's purpose, including the following:

- (1) The social and civic impact of a military college upon this state;
- (2) Possible sites at which the military college could be located;
- (3) The fiscal impact of a military college upon this state;
- (4) Possible sources of funding the establishment and operation of a military college;
- (5) The development of a robust Reserve Officers' Training Corps program patterned after the Reserved Officers' Training Corps program at one or more of the six senior military colleges;
- (6) Issues relating to potential admission standards, codes of conduct, curricula, and degrees and programs offered; and
- (7) Any other issues that the council determines to be reasonably related to the council's purpose.

(b) The State Advisory Council on Establishing a Military College consists of seven voting members, all of whom are knowledgeable about and interested in issues relating to the council's purpose.

(c) Voting members shall be appointed by the Governor, by and with the advice and consent of the Senate Appointments shall be made not later than 30 days after the effective date of this act. Vacancies shall be filled in the same manner as original appointments.

(d) The following four members shall be considered nonvoting members:

- (1) The Adjutant General of the West Virginia National Guard, or his or her designee;
- (2) The Secretary of the Department of Commerce, or his or her designee;
- (3) The Chancellor of the Higher Education Policy Commission, or his or her designee;

and (4) A representative of a West Virginia, private, not-for-profit higher education institution.

(e) The members of the council shall select the chairperson and vice chairperson, who may

not be employees of the state. The council shall hold its first meeting not later than 30 days after the appointment of its members. For purposes of the first meeting, the Adjutant General or his or her designee shall call and preside over the first meeting until a chair is selected. Thereafter, the council shall meet at the call of the chairperson or at least once per quarter.

(f) There is hereby created a special revenue fund in the State Treasury designated the Military College Advisory Council Fund, which consists of any appropriations to the fund, all interest earned from investment of the fund, and any gifts, grants, or contributions received by the fund. Expenditures from the fund shall be for the purposes set forth in this section. The board retains the amount in the special revenue fund from year to year. No compensation or expense incurred under this section is a charge against the General Revenue Fund. The special revenue fund shall expire on June 30, 2028, and all such remaining funds shall transfer to the General Revenue Fund.

(g) Not later than 60 days after its first meeting, the council shall employ an executive director, who serves at the council's will and pleasure. The council shall set the qualifications for and salary of the position of executive director. The council may not select one of its own members to serve as executive director.

(h) The executive director and members of the council are entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties. Members are not entitled to compensation for services performed as members.

(i) The council shall report biannually to the Legislative Joint Committee on Government and Finance on the activities of the council. The first report shall be filed on or before the second Wednesday in January, 2026.

(j) The State Advisory Council on Establishing a Military College terminates on June 30, 2028.