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1991 APR -2 AM 9:53

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991



ENROLLED

SENATE BILL NO. 412

(By Senator Lucht)



PASSED March 9, 1991

In Effect from Passage

ENROLLED
Senate Bill No. 412

(BY SENATORS LUCHT, WAGNER, BLATNIK, FELTON,
JONES AND WITHERS)

[Passed March 9, 1991; in effect from passage.]

AN ACT to amend article one, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight-a; to amend article two of said chapter by adding thereto a new section, designated section six; and to amend and reenact section eleven, article three-a, chapter twenty nine-a of said code, relating to state institutions of higher education; requiring institutional and statewide report cards to insure accountability in accordance with rules approved by legislative oversight commission on education accountability; requiring reporting of comparative data as enumerated for undergraduate, professional, graduate and health sciences schools; providing generally for said report cards; declaring legislative findings regarding health sciences education and funding for medical education; stating legislative intent regarding vice chancellor for health sciences; and increasing legislative members of legislative oversight commission on education accountability.

Be it enacted by the Legislature of West Virginia:

That article one, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one,

as amended, be amended by adding thereto a new section, designated section eight-a; that article two of said chapter be amended by adding thereto a new section, designated section six; and that section eleven, article three-a, chapter twenty-nine-a of said code be amended and reenacted to read as follows:

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1. GOVERNANCE.

§18B-1-8a. Higher education accountability; institutional and statewide report cards.

- 1 (a) The governing boards are directed to make
2 information available to parents, students, faculty,
3 staff, state policymakers and the general public on the
4 quality and performance of public higher education.
5 This information shall be consistent and comparable
6 between and among the state institutions of higher
7 education and, if applicable, comparable with informa-
8 tion from peer institutions in the region and nation.
9 The governing boards shall prepare forms for institu-
10 tional and statewide report cards and shall by the
11 thirtieth day of September, one thousand nine hun-
12 dred ninety-one, promulgate reasonable and proper
13 legislative rules subject to approval of the Legislature
14 pursuant to the provisions of article three-a, chapter
15 twenty-nine-a of this code. Such legislative rules shall
16 provide the legislative oversight commission on educa-
17 tion accountability with full and accurate information
18 while minimizing the institutional burden of record-
19 keeping and reporting. Such legislative rules shall
20 include uniform definitions for the various indicators
21 of student and institutional performance and guide-
22 lines for the collection and reporting of data and the
23 preparation, printing and distribution of report cards
24 under this section. The report card forms shall provide
25 for brief, concise reporting in nontechnical language of
26 required information. Any technical or explanatory
27 material which an institution or governing board
28 wishes to include shall be contained in a separate
29 appendix available to the general public upon request.
- 30 (b) The president or chief executive officer of each

31 public college, university or community college shall
32 prepare and submit annually all requested data to the
33 appropriate governing board at such time as the
34 governing board may establish. The governing boards
35 shall prepare institutional report cards for institutions
36 under their jurisdiction and systemwide report cards
37 which shall include the information required in the
38 following subdivisions.

39 (1) For all undergraduate students and for all
40 institutions having undergraduate programs, the
41 institution shall report the following as available and
42 applicable: Average scores of incoming freshmen and
43 transfer students on the American college test (ACT)
44 or scholastic aptitude test (SAT); percentage of incom-
45 ing freshmen enrolled in developmental classes;
46 student performance as measured by grade point
47 average and/or appropriate testing measures; the
48 graduation or completion rate as may be defined by
49 federal law or regulation for the student body as a
50 whole and separately for students at the institution
51 who received athletically-related student aid catego-
52 rized by sex and athletic program; the rate at which
53 individuals who complete or graduate from the pro-
54 gram of an institution pass applicable licensure or
55 certification examinations required for employment in
56 a particular vocation, trade or professional field;
57 student mobility (transfers in, transfers out and
58 withdrawals); number and percentage of student body
59 receiving tuition fee waivers; and number, percentage
60 and dollar value of tuition fee waivers categorized by
61 whether such waiver is for athletic participation or is
62 an academic waiver and by whether the recipient is a
63 resident or nonresident of this state.

64 (2) For professional schools, defined for the purposes
65 of this section as academic programs leading to profes-
66 sions in which licensing is normally required and for
67 which an undergraduate degree is a general prerequi-
68 site, the institution shall report the following as
69 available and applicable: Average scores of beginning
70 students and transfer students on standardized
71 entrance examinations; number and percentage of

72 student body receiving tuition fee waivers; number,
73 percentage and dollar value of tuition fee waivers
74 categorized by whether the recipient is a resident or
75 nonresident of this state; the number of degrees
76 granted; the graduation or completion rate as may be
77 defined by federal law or regulation for the student
78 body as a whole; the rate at which individuals who
79 complete or graduate from the program of an institu-
80 tion pass applicable licensure or certification examina-
81 tions required for employment in the particular
82 professional field; the total number of students in each
83 program, including the percentage of those students
84 who are state residents, the percentage of students
85 who are non-residents of the state, the percentage of
86 students who are women, and the percentage of
87 students who are minorities as the term is defined by
88 federal law; and the ratio of expenditures per pupil
89 directly attributable to students enrolled in the profes-
90 sional school as compared to expenditures per pupil
91 calculated as to students enrolled in the institution as
92 a whole.

93 (3) For graduate schools, defined for the purposes of
94 this section as academic programs leading to advanced
95 degrees (masters or doctorates of philosophy in fields
96 for which bachelor's degree programs are available)
97 and for which an undergraduate degree is a general
98 prerequisite, the institution shall report the following
99 as available and applicable: Average scores of begin-
100 ning students and transfer students on standardized
101 entrance examinations; number and percentage of
102 student body receiving tuition fee waivers; number,
103 percentage and dollar value of tuition fee waivers
104 categorized by whether the recipient is a resident or
105 nonresident of this state; the number of degrees
106 granted; the graduation or completion rate as may be
107 defined by federal law or regulation for the student
108 body as a whole; the rate at which individuals who
109 complete or graduate from the program of an institu-
110 tion pass applicable licensure or certification examina-
111 tions required for employment; and the total number
112 of students in each program, including the percentage
113 of those students who are state residents, the percent-

114 age of students who are non-residents of the state, the
115 percentage of students who are women, and the
116 percentage of students who are minorities as the term
117 is defined by federal law.

118 (4) In addition to any and all information required
119 by subdivision (2) of this subsection, each health
120 sciences school shall assist the vice chancellor for
121 health sciences in providing information for the
122 institutional and statewide report cards, which shall
123 include reports on the following:

124 (A) Information on graduates, including, but not
125 limited to, placement of interns and residents, reten-
126 tion rates in the state, retention rates in underserved
127 areas as determined by the division of health, the
128 percentage practicing in primary care in this state to
129 be defined as family medicine, internal medicine,
130 pediatrics and obstetrics/gynecology, and other infor-
131 mation pertinent to health sciences education as it
132 relates to health care delivery in this state such as
133 recruitment programs to attract health care providers
134 to West Virginia; reasons obtained from graduate
135 surveys as to why health care graduates are leaving
136 West Virginia; programs developed to direct graduates
137 into primary care practices and specialty shortage
138 areas in this state; and ways in which the health
139 sciences schools intend to assist in meeting the pro-
140 jected health care needs of this state, including
141 specialty and sub-specialty health care professional
142 needs and where such needs are expected to arise, as
143 those needs are defined by the division of health or
144 such other state agency as the division of health may
145 deem appropriate.

146 (B) Contractual and financial arrangements between
147 the health sciences schools and such non-profit and
148 for-profit entities receiving moneys from the health
149 sciences schools that the board of trustees determines
150 have a significant impact on the provision of health
151 sciences education in this state, such report to state the
152 entity, the amount of funds paid to such entity and
153 what the payment is for;

154 (C) The roles and missions of the health sciences
155 schools and evaluation of each school's performance in
156 accordance with outcome measures developed to
157 evaluate the attainment of the roles, missions and
158 programs developed for each school;

159 (D) The annual audit of the expenditures of each
160 health sciences school and any audit received by the
161 board from such non-profit and for-profit entities
162 determined by the board of trustees to have a signif-
163 icant affiliation to any health sciences school;

164 (E) Findings regarding management and operation
165 of the health sciences schools, such findings to be
166 based on the annual audits and to include proposals for
167 and barriers to improving efficiency and generating
168 cost savings in health sciences education;

169 (F) The quality of health sciences education, includ-
170 ing but not limited to a review of any accrediting
171 agency's report on health sciences education at any
172 state-funded health sciences school;

173 (G) The clinical health care services and programs
174 offered or delivered by the health sciences schools,
175 including, but not limited to, programs which use
176 existing state facilities for the purposes of clinical
177 rotations;

178 (H) Matters relating to the funding and budgeting of
179 health sciences education in this state, including, but
180 not limited to, ways in which such budget effectuates
181 the roles and missions of the health sciences schools;

182 (I) The financing of health sciences education
183 subsequent to an annual, comprehensive review
184 thereof, which report shall include anticipated capital
185 costs, projected operating expenses, and future growth
186 and recommendations on the allocation of any state or
187 other tax dedicated to the funding of health sciences
188 education; and

189 (J) Such other administrative, budgetary, financial,
190 educational and other concerns as the board of trus-
191 tees may deem necessary or helpful in providing
192 information about the health sciences schools pursuant

193 to this subsection.

194 (5) For all public institutions of higher education in
195 the state, the following indicators of institutional
196 performance in comparison with the aggregate of all
197 other institutions in the state, region and nation as
198 applicable and to the extent comparison data are
199 available: Student-faculty ratio by school; student-
200 administrator ratio; faculty turnover by school; educa-
201 tional and general expenditure per full-time equiva-
202 lent (FTE) student; expenditure by fund in graphic
203 display; the academic rank and years of experience of
204 the faculty and administrators at the institution;
205 percentage minorities comprise of faculty and major
206 administrative staff; percentage women comprise of
207 faculty and major administrative staff; percentage of
208 classes taught by adjunct or part-time faculty; statistics
209 concerning the occurrence on campus during the most
210 recent school year and during the preceding school
211 years for which data are available of criminal offenses
212 reported to campus security authorities or local police;
213 and statistics concerning the number of arrests for
214 crimes occurring on campus during the most recent
215 school year and during the preceding school years for
216 which data are available.

217 (c) The statewide report card shall include the data
218 for each institution for each separately listed applica-
219 ble indicator and the aggregate of the data for all
220 institutions under the jurisdiction of the board of
221 trustees of the university of West Virginia and for all
222 institutions under the jurisdiction of the board of
223 directors of the state college system for each indicator.

224 (d) The statewide report cards shall be prepared
225 using actual institutional, state, regional and national
226 data as applicable and available indicating the present
227 performance of the individual institutions and the
228 state systems of higher education and shall also
229 include goals and trends for the institutions and the
230 higher education systems. Each governing board as
231 part of its assessment of the individual institutions
232 under its jurisdiction shall include the number and
233 gross dollar amount of grants received for academic

234 research for each institution and a succinct review of
235 research projects including a brief description of each
236 project and the numbers of faculty, graduate and
237 undergraduate students involved in each project. In
238 assessing progress toward meeting goals and in devel-
239 oping trend information, the governing boards shall
240 review report card data in relation to previously
241 adopted board goals, five-year plans, regional and
242 national higher education trends and the resource
243 allocation model.

244 The higher education central office staff under the
245 direction of the senior administrator shall provide
246 technical assistance to each institution and governing
247 board in data collection and reporting and shall be
248 responsible for assembling the statewide report card
249 from information submitted by each governing board.

250 Each governing board shall prepare report card
251 information in accordance with the guidelines set
252 forth in this section. The statewide report card shall be
253 presented at a regular board meeting of the appropri-
254 ate governing board subject to applicable notice
255 requirements.

256 The statewide report cards shall be completed and
257 disseminated with copies to the legislative oversight
258 commission on education accountability prior to the
259 first day of December, one thousand nine hundred
260 ninety-two, and each year thereafter. Statewide report
261 cards shall be based upon information for the current
262 school year or for the most recent school year for
263 which such information is available, in which case
264 such year shall be clearly footnoted.

265 The governing boards shall make copies of both the
266 institutional and statewide report cards available to
267 any individual requesting them.

ARTICLE 2. UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES.

§18B-2-6. Health sciences education; legislative findings and intent.

1 (a) The Legislature hereby finds and declares that
2 the higher education accountability report card for

3 health sciences education as provided for in section
4 eight-a, article one of this chapter shall serve as a basis
5 for the accountability and coordination of health
6 sciences education in this state. The Legislature
7 further finds that the preparation of such report card
8 would best be supervised by a vice chancellor for
9 health sciences who is not the director of health and
10 who has the assistance of the staff of each state
11 institution of higher education with health sciences
12 programs.

13 (b) The Legislature further finds and declares that
14 adequate funding will be pursued to maintain the
15 accreditation, integrity and quality of medical educa-
16 tion and other health sciences programs in West
17 Virginia.

CHAPTER 29A. STATE ADMINISTRATIVE PROCEDURES.

ARTICLE 3A. HIGHER EDUCATION RULEMAKING.

§29A-3A-11. Creation of a legislative oversight commission on education accountability; termination.

1 (a) There is hereby created a joint commission of the
2 Legislature known as the legislative oversight commis-
3 sion on education accountability to review all legisla-
4 tive rules of the board and such other rules as the
5 commission deems appropriate. The commission shall
6 be composed of six members of the Senate appointed
7 by the president of the Senate and six members of the
8 House of Delegates appointed by the speaker of the
9 House of Delegates. No more than five of the six
10 members appointed by the president of the Senate and
11 the speaker of the House of Delegates, respectively,
12 may be members of the same political party. In
13 addition, the president of the Senate and the speaker
14 of the House of Delegates shall be ex officio nonvoting
15 members of the commission and shall designate the
16 cochairmen. At least one of the Senate members and
17 one of the House members shall be members of the
18 committee on education of the Senate and House,
19 respectively, and at least one of the Senate members
20 and at least one of the House members shall be a
21 member of the committee on finance of the Senate

22 and House, respectively. The members shall serve
23 until their successors shall have been appointed as
24 heretofore provided. Members of the commission shall
25 receive such compensation and expenses as provided
26 in article two-a, chapter four of this code. Such
27 expenses and all other expenses including those
28 incurred in the employment of legal, technical, inves-
29 tigative, clerical, stenographic, advisory and other
30 personnel shall be paid from an appropriation to be
31 made expressly for the legislative oversight commis-
32 sion on education accountability, but if no such
33 appropriation be made, such expenses shall be paid
34 from the appropriation under "Account No. 103 for
35 Joint Expenses", but no expense of any kind whatever
36 payable under said account no. 103 for joint expenses
37 shall be incurred unless first approved by the joint
38 committee on government and finance. The commis-
39 sion shall meet at any time both during sessions of the
40 Legislature and in the interim.

41 (b) The commission may adopt such rules of proce-
42 dure as it considers necessary for the submission,
43 presentation and consideration of rules.

44 (c) The legislative oversight commission on educa-
45 tion accountability shall be terminated on the first day
46 of July, one thousand nine hundred ninety-two, unless
47 review of its functions shall be undertaken pursuant to
48 the provisions of sections nine, ten and eleven, article
49 ten, chapter four of this code. If such commission is
50 terminated pursuant to this subsection, any report
51 required to be submitted to them shall instead be
52 submitted to the joint committee on education of the
53 Legislature.

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

J. Homer Heck
.....
Chairman Senate Committee

Ernest C. Meade
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Samuel E. Adams
.....
Clerk of the Senate

Donald L. Kapp
.....
Clerk of the House of Delegates

Keith Boudette
.....
President of the Senate

Robert C. Allen
.....
Speaker House of Delegates

The within ~~is approved~~..... this the ~~2nd~~.....

day of ~~April~~....., 1991.

Gaston Caperton
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/28/41

Time 10:35 am