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.

(a) The governing boards are directed to make information available to parents, students, faculty, staff, state policymakers and the general public on the quality and performance of public higher education. This information shall be consistent and comparable between and among the state institutions of higher education and, if applicable, comparable with information from peer institutions in the region and nation. The governing boards shall prepare forms for institutional and statewide report cards and shall by the thirtieth day of September, one thousand nine hundred ninety-one, promulgate reasonable and proper legislative rules subject to approval of the Legislature pursuant to the provisions of article three-a, chapter twenty-nine-a of this code. Such legislative rules shall provide the legislative oversight commission on education accountability with full and accurate information while minimizing the institutional burden of record-keeping and reporting. Such legislative rules shall include uniform definitions for the various indicators of student and institutional performance and guidelines for the collection and reporting of data and the preparation, printing and distribution of report cards under this section. The report card forms shall provide for brief, concise reporting in nontechnical language of required information. Any technical or explanatory material which an institution or governing board wishes to include shall be contained in a separate appendix available to the general public upon request.

(b) The president or chief executive officer of each
public college, university or community college shall prepare and submit annually all requested data to the appropriate governing board at such time as the governing board may establish. The governing boards shall prepare institutional report cards for institutions under their jurisdiction and systemwide report cards which shall include the information required in the following subdivisions.

(1) For all undergraduate students and for all institutions having undergraduate programs, the institution shall report the following as available and applicable: Average scores of incoming freshmen and transfer students on the American college test (ACT) or scholastic aptitude test (SAT); percentage of incoming freshmen enrolled in developmental classes; student performance as measured by grade point average and/or appropriate testing measures; the graduation or completion rate as may be defined by federal law or regulation for the student body as a whole and separately for students at the institution who received athletically-related student aid categorized by sex and athletic program; the rate at which individuals who complete or graduate from the program of an institution pass applicable licensure or certification examinations required for employment in a particular vocation, trade or professional field; student mobility (transfers in, transfers out and withdrawals); number and percentage of student body receiving tuition fee waivers; and number, percentage and dollar value of tuition fee waivers categorized by whether such waiver is for athletic participation or is an academic waiver and by whether the recipient is a resident or nonresident of this state.

(2) For professional schools, defined for the purposes of this section as academic programs leading to professions in which licensing is normally required and for which an undergraduate degree is a general prerequisite, the institution shall report the following as available and applicable: Average scores of beginning students and transfer students on standardized entrance examinations; number and percentage of
student body receiving tuition fee waivers; number, percentage and dollar value of tuition fee waivers categorized by whether the recipient is a resident or nonresident of this state; the number of degrees granted; the graduation or completion rate as may be defined by federal law or regulation for the student body as a whole; the rate at which individuals who complete or graduate from the program of an institution pass applicable licensure or certification examinations required for employment in the particular professional field; the total number of students in each program, including the percentage of those students who are state residents, the percentage of students who are non-residents of the state, the percentage of students who are women, and the percentage of students who are minorities as the term is defined by federal law; and the ratio of expenditures per pupil directly attributable to students enrolled in the professional school as compared to expenditures per pupil calculated as to students enrolled in the institution as a whole.

(3) For graduate schools, defined for the purposes of this section as academic programs leading to advanced degrees (masters or doctorates of philosophy in fields for which bachelor's degree programs are available) and for which an undergraduate degree is a general prerequisite, the institution shall report the following as available and applicable: Average scores of beginning students and transfer students on standardized entrance examinations; number and percentage of student body receiving tuition fee waivers; number, percentage and dollar value of tuition fee waivers categorized by whether the recipient is a resident or nonresident of this state; the number of degrees granted; the graduation or completion rate as may be defined by federal law or regulation for the student body as a whole; the rate at which individuals who complete or graduate from the program of an institution pass applicable licensure or certification examinations required for employment; and the total number of students in each program, including the percentage of those students who are state residents, the percent-
age of students who are non-residents of the state, the percentage of students who are women, and the percentage of students who are minorities as the term is defined by federal law.

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

(A) Information on graduates, including, but not limited to, placement of interns and residents, retention rates in the state, retention rates in underserved areas as determined by the division of health, the percentage practicing in primary care in this state to be defined as family medicine, internal medicine, pediatrics and obstetrics/gynecology, and other information pertinent to health sciences education as it relates to health care delivery in this state such as recruitment programs to attract health care providers to West Virginia; reasons obtained from graduate surveys as to why health care graduates are leaving West Virginia; programs developed to direct graduates into primary care practices and specialty shortage areas in this state; and ways in which the health sciences schools intend to assist in meeting the projected health care needs of this state, including specialty and sub-specialty health care professional needs and where such needs are expected to arise, as those needs are defined by the division of health or such other state agency as the division of health may deem appropriate.

(B) Contractual and financial arrangements between the health sciences schools and such non-profit and for-profit entities receiving moneys from the health sciences schools that the board of trustees determines have a significant impact on the provision of health sciences education in this state, such report to state the entity, the amount of funds paid to such entity and what the payment is for;
(C) The roles and missions of the health sciences schools and evaluation of each school’s performance in accordance with outcome measures developed to evaluate the attainment of the roles, missions and programs developed for each school;

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

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

(F) The quality of health sciences education, including but not limited to a review of any accrediting agency’s report on health sciences education at any state-funded health sciences school;

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

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

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

(J) Such other administrative, budgetary, financial, educational and other concerns as the board of trustees may deem necessary or helpful in providing information about the health sciences schools pursuant
(5) For all public institutions of higher education in the state, the following indicators of institutional performance in comparison with the aggregate of all other institutions in the state, region and nation as applicable and to the extent comparison data are available: Student-faculty ratio by school; student-administrator ratio; faculty turnover by school; educational and general expenditure per full-time equivalent (FTE) student; expenditure by fund in graphic display; the academic rank and years of experience of the faculty and administrators at the institution; percentage minorities comprise of faculty and major administrative staff; percentage women comprise of faculty and major administrative staff; percentage of classes taught by adjunct or part-time faculty; statistics concerning the occurrence on campus during the most recent school year and during the preceding school years for which data are available of criminal offenses reported to campus security authorities or local police; and statistics concerning the number of arrests for crimes occurring on campus during the most recent school year and during the preceding school years for which data are available.

(c) The statewide report card shall include the data for each institution for each separately listed applicable indicator and the aggregate of the data for all institutions under the jurisdiction of the board of trustees of the university of West Virginia and for all institutions under the jurisdiction of the board of directors of the state college system for each indicator.

(d) The statewide report cards shall be prepared using actual institutional, state, regional and national data as applicable and available indicating the present performance of the individual institutions and the state systems of higher education and shall also include goals and trends for the institutions and the higher education systems. Each governing board as part of its assessment of the individual institutions under its jurisdiction shall include the number and gross dollar amount of grants received for academic
research for each institution and a succinct review of research projects including a brief description of each project and the numbers of faculty, graduate and undergraduate students involved in each project. In assessing progress toward meeting goals and in developing trend information, the governing boards shall review report card data in relation to previously adopted board goals, five-year plans, regional and national higher education trends and the resource allocation model.

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

Each governing board shall prepare report card information in accordance with the guidelines set forth in this section. The statewide report card shall be presented at a regular board meeting of the appropriate governing board subject to applicable notice requirements.

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

The governing boards shall make copies of both the institutional and statewide report cards available to 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 the higher education accountability report card for
health sciences education as provided for in section eight-a, article one of this chapter shall serve as a basis for the accountability and coordination of health sciences education in this state. The Legislature further finds that the preparation of such report card would best be supervised by a vice chancellor for health sciences who is not the director of health and who has the assistance of the staff of each state institution of higher education with health sciences programs.

(b) The Legislature further finds and declares that adequate funding will be pursued to maintain the accreditation, integrity and quality of medical education and other health sciences programs in West Virginia.

CHAPTER 29A. STATE ADMINISTRATIVE PROCEDURES.

ARTICLE 3A. HIGHER EDUCATION RULEMAKING.

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

(a) There is hereby created a joint commission of the Legislature known as the legislative oversight commission on education accountability to review all legislative rules of the board and such other rules as the commission deems appropriate. The commission shall be composed of six members of the Senate appointed by the president of the Senate and six members of the House of Delegates appointed by the speaker of the House of Delegates. No more than five of the six members appointed by the president of the Senate and the speaker of the House of Delegates, respectively, may be members of the same political party. In addition, the president of the Senate and the speaker of the House of Delegates shall be ex officio nonvoting members of the commission and shall designate the cochairs. At least one of the Senate members and one of the House members shall be members of the committee on education of the Senate and House, respectively, and at least one of the Senate members and at least one of the House members shall be a member of the committee on finance of the Senate
and House, respectively. The members shall serve
until their successors shall have been appointed as
heretofore provided. Members of the commission shall
receive such compensation and expenses as provided
in article two-a, chapter four of this code. Such
expenses and all other expenses including those
incurred in the employment of legal, technical, inves-
tigative, clerical, stenographic, advisory and other
personnel shall be paid from an appropriation to be
made expressly for the legislative oversight commis-
sion on education accountability, but if no such
appropriation be made, such expenses shall be paid
from the appropriation under “Account No. 103 for
Joint Expenses”, but no expense of any kind whatever
payable under said account no. 103 for joint expenses
shall be incurred unless first approved by the joint
committee on government and finance. The commis-
sion shall meet at any time both during sessions of the
Legislature and in the interim.

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

(c) The legislative oversight commission on educa-
tion accountability shall be terminated on the first day
of July, one thousand nine hundred ninety-two, unless
review of its functions shall be undertaken pursuant to
the provisions of sections nine, ten and eleven, article
ten, chapter four of this code. If such commission is
terminated pursuant to this subsection, any report
required to be submitted to them shall instead be
submitted to the joint committee on education of the
Legislature.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within bill approved this the 2nd day of... 1991.

Governor