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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

SENATE BILL NO. 591
(ORIGINATING IN THE COMMITTEE
(By Senator on Finance)



PASSED March 9, 1996
In Effect From Passage

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SECRETARY OF STATE
STATE OF WEST VIRGINIA

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Senate Bill No. 591

(Originating in the Committee on Finance)

[Passed March 9, 1996; in effect from passage.]

AN ACT to repeal section thirteen, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to repeal section one, article fifteen of said chapter; to amend and reenact sections one-c, one-d, two and eight-a, article one, chapter eighteen-b of said code; to further amend said article by adding thereto a new section, designated section eight-b; to amend article two of said chapter by adding thereto a new section, designated section nine; to amend and reenact sections one, two and three-a, article three of said chapter; to amend and reenact section one, article four of said chapter; to amend and reenact sections two, three and four, article six of said chapter; and to amend and reenact section one, article eight of said chapter, all relating to higher education generally; repealing obsolete language; strategic plans submitted by institutions of higher education; changing

the submission dates for strategic plans and the requirements for approval of such plans; contents of statewide report cards; changing the submission dates for statewide report cards required to be submitted by institutions of higher education; allocating funds appropriated to the higher education efficiency fund; transferring West Virginia Institute of Technology to the board of trustees; reconstituting the Board of Directors and providing for the election of a chairman; establishing institutional control accounts; community and technical college education; terms of office and election of the chairman of advisory councils of faculty; terms of office and election of the chairman of advisory councils of students; terms of office and election of the chairman of advisory councils of classified employees; establishing a coordinate affiliation between Marshall university and West Virginia graduate college; promulgation of legislative rules; updating language concerning the vice chancellor of health sciences; and defining institutions.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article two, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended be repealed; that section one, article fifteen of said chapter be repealed; that sections one-c, one-d, two and eight-a, article one, chapter eighteen-b of said code be amended and reenacted; that said article be further amended by adding thereto a new section, designated section eight-b; that article two of said chapter be further amended by adding thereto a new section, designated section nine; that sections one, two and three-a, article three of said chapter be amended and reenacted; that section one, article four of said chapter be amended and reenacted; that sections two, three and four, article six of said chapter be amended and reenacted; and that section one, article eight of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. GOVERNANCE.

§18B-1-1c. Strategically focusing resources to maximize

opportunity; institution plans; resource allocation exceptions.

1 (a) *Purpose of strategic plans.* — To achieve the goals
2 for post-secondary education as set forth in section one-
3 a of this article, each of the following state institutions
4 of higher education shall prepare a strategic plan of
5 change to refocus its mission and leadership, and re-
6 structure its existing resources and programs: Bluefield
7 state college; Concord college; Glenville state college;
8 Fairmont state college; Marshall university; West Vir-
9 ginia northern community college; Potomac state college
10 of West Virginia university; Shepherd college; southern
11 West Virginia community college; West Liberty state
12 college; the West Virginia graduate college; West Vir-
13 ginia university institute of technology; West Virginia
14 university at Parkersburg; West Virginia school of
15 osteopathic medicine; West Virginia state college; West
16 Virginia university; and all branch campuses of these
17 institutions of higher education. The plans shall specifi-
18 cally state how the institution will, over a five-year
19 period, refocus its mission and leadership and restruc-
20 ture its existing resources and programs to achieve the
21 goals for post-secondary education including, but not
22 limited to, the following: (1) Increase average faculty
23 salaries at the institution, not including health sciences,
24 to a level at least equal to ninety-five percent of the
25 average faculty salaries at peer institutions in the
26 southern regional education board region: *Provided,*
27 That West Virginia university, excluding West Virginia
28 university at Parkersburg, Potomac state college of West
29 Virginia university, and West Virginia university insti-
30 tute of technology shall state specifically how it will
31 increase average faculty salaries at that institution, not
32 including health sciences, to a level at least equal to
33 ninety percent of the average faculty salaries at peer
34 institutions in the southern regional education board
35 region; (2) achieve full funding of the uniform employee
36 classification system and salary policy for classified
37 employees adopted by the respective governing boards

38 pursuant to section four, article nine of this chapter; (3)
39 eliminate duplicative programs and services, acting
40 alone or in conjunction with another institution, and
41 eliminate under-utilized or unnecessary programs; (4)
42 may combine administrative functions among other
43 institutions; and (5) use admission and exit standards for
44 students, incentives and staff development for assuring
45 quality teaching and learning and the critical assessment
46 of programs to meet the goals. The plan shall also state
47 the manner in which any pay increases will be funded,
48 the sources of any funds used for pay increases, and the
49 savings and costs associated with achieving any other
50 goals specified in the plan and how the funds are to be
51 redirected. The faculty senate, classified staff council
52 and the student government association shall be con-
53 sulted prior to the submission of the plan and their
54 recommendations included in the president's report to
55 the board. Beginning the first day of July, one thousand
56 nine hundred ninety-six, the budgets of state institutions
57 of higher education shall reflect movement to the salary
58 targets for faculty and classified staff as set forth in this
59 section and any other goals specified in their strategic
60 plan for change.

61 (b) *Submission of strategic plans.* — The president or
62 administrative head of each state institution of higher
63 education shall submit the plan for the institution to its
64 respective governing board on or before the first day of
65 November, one thousand nine hundred ninety-five, and
66 every year thereafter, through and including the fiscal
67 year two thousand—two thousand one: *Provided*, That
68 community and technical college education shall not be
69 required to be segregated in the plan until the first day
70 of November, one thousand nine hundred ninety-six.

71 (c) *Approval of strategic plans by the governing boards.*
72 — The governing boards shall approve or disapprove the
73 plans within sixty days of receipt of the plans and notify
74 the institution president or administrative head of its
75 decision. Approval or disapproval of the plan of each
76 institution shall be decided by a vote of the appropriate

77 governing board and shall be made part of its minute
78 record: *Provided*, That if the plan submitted by the
79 institution includes retirement and separation incentives
80 pursuant to section one-d of this article, that portion of
81 the plan shall be submitted by the governing board to the
82 legislative joint standing committee on pensions and
83 retirement, and the time required for review by the
84 committee shall not be included in the sixty days.

85 (d) *Approval of original strategic plans by the secretary*
86 *of education and the arts.* — Once the appropriate
87 governing board approves the original plan, for the fiscal
88 year beginning the first day of July, one thousand nine
89 hundred ninety-six, it shall submit the plan to the
90 secretary of education and the arts, as established in
91 section two, article one, chapter five-f of this code, and
92 hereby known as the “secretary” for purposes of this
93 section, for approval or disapproval. The secretary shall
94 approve or disapprove the plan and notify the appropri-
95 ate governing board of the decision within thirty calen-
96 dar days. Upon such approval the institution shall
97 receive its share of the funds from the “higher education
98 efficiency fund”, pursuant to subsection (j) of this
99 section. If an original plan from any institution is
100 disapproved by the secretary, the secretary shall notify
101 the appropriate governing board and shall return the
102 plan to the institution for revision and resubmission to
103 the appropriate governing board. When an institution
104 resubmits its original strategic plan to the appropriate
105 governing board, the board shall vote to approve or
106 disapprove the plan pursuant to subsection (c) of this
107 section. Once the original plan has been approved by the
108 appropriate governing board, the governing board shall
109 resubmit the plan to the secretary for approval or
110 disapproval. The secretary shall notify the appropriate
111 governing board within twenty calendar days of his or
112 her action. Upon such approval the institution shall
113 receive its share of the funds from the “higher education
114 efficiency fund”, pursuant to subsection (j) of this
115 section.

116 (e) *Disapproval of strategic plans by the governing*
117 *boards.* — If disapproved, the governing board shall
118 return the plan to the institution president or adminis-
119 trative head stating its reasons for disapproval. The
120 institution president or administrative head may modify
121 and resubmit a plan which was disapproved at any time
122 and the governing board shall vote, in accordance with
123 subsection (c) of this section, to approve or disapprove
124 the resubmitted plan within thirty calendar days and
125 notify the institution president or administrative head.
126 If the plan has not been approved by the appropriate
127 governing board on or before the first day of February
128 following the November submission date, the board is
129 authorized to develop a plan for the institution. The
130 president or administrative head of every state institu-
131 tion of higher education with an approved plan shall
132 update the plan on an annual basis to reflect perfor-
133 mance during the preceding year and make any neces-
134 sary modifications. The updated plan shall be submitted
135 on the first day of November in each of the subsequent
136 years through and including the fiscal year two thou-
137 sand—two thousand one, and the governing board shall
138 follow the same procedures for approval or disapproval
139 as provided in this section for the original plan. Upon the
140 approval of a plan or plan update which includes the
141 elimination of a program, the institution president or
142 administrative head immediately shall notify affected
143 students, faculty and staff.

144 (f) *Exceptions under the resource allocation model and*
145 *policies.* — Any state institution of higher education
146 with an approved plan may apply to its governing board
147 for an exception under the resource allocation model and
148 policies to retain funding for student enrollments that
149 decline due to planned program reductions or elimina-
150 tion under the strategic plan. The number of student
151 enrollments subject to the exception shall be based on
152 the average full-time equivalent enrollments over the
153 five preceding years in the program. The allocation
154 exception shall become effective in the next ensuing

155 allocation cycle following approval by the governing
156 board and notification of affected faculty, students and
157 staff of the program reduction or elimination, and shall
158 remain effective for the number of years normally
159 required for students to complete the full program from
160 beginning enrollment to graduation, subject to annual
161 review by the governing board of the actual decline in
162 program enrollments. Notwithstanding any other provi-
163 sion of this section, any program suspended or disconti-
164 nued by action of the governing board on or after the first
165 day of September, one thousand nine hundred ninety-
166 four, and prior to the eleventh day of March, one thou-
167 sand nine hundred ninety-five, which is being eliminated
168 pursuant to that action, is eligible for an exception under
169 the resource allocation model and policies pursuant to
170 this section for the fiscal year one thousand nine hun-
171 dred ninety-six.

172 (g) Any state institution of higher education with an
173 approved plan may apply to its governing board for an
174 exception under the resource allocation model and
175 policies to retain funding for student enrollments that
176 decline due to the planned reductions for the purpose of
177 enhancing the quality of a particular program. The
178 number of student enrollments subject to the exception
179 shall be based on the average full-time equivalent
180 enrollments over the preceding five years in the program.
181 Money allocated to the institution as a result of this
182 exception shall be used to enhance the quality of that
183 particular program. The allocation exception shall
184 become effective in the next ensuing allocation cycle
185 following approval by the governing board and notifica-
186 tion of affected faculty, students and staff of the pro-
187 gram reduction and shall remain in effect subject to
188 biennial review by the governing board of the actual
189 decline in program enrollments and enhancements in
190 quality of the program.

191 (h) The application for an exception under this subsec-
192 tion shall be submitted to the appropriate governing
193 board by the institution president or administrative head

194 and state how the funds will be redirected to achieve the
195 purposes of the institution's approved plan including,
196 but not limited to, salary increases to attract and retain
197 quality faculty and staff, expand and improve the
198 quality of existing programs, and make additional
199 investments in technology and increased access. The
200 governing board shall approve or disapprove the appli-
201 cation within sixty days of receipt and if disapproved,
202 shall return the application to the institution president
203 or administrative head stating the reasons for disap-
204 proval. The institution president or administrative head
205 may modify and resubmit an application which was
206 disapproved at any time and the governing board shall
207 approve or disapprove the resubmitted application
208 within sixty days and notify the institution president or
209 administrative head as provided in this subsection for
210 the original plan.

211 (i) An exception to the resource allocation model and
212 policies granted under this section and any differential
213 approved for an institution by its governing board to
214 reflect the high costs of a program within the institu-
215 tion's mission shall be removed from the institutions
216 base budget and, to the extent included therein, from the
217 indicated level of state support for the purposes of
218 subsection (d), section two, article five of this chapter,
219 and any governing board rule to the contrary is hereby
220 specifically modified.

221 (j) *Higher education efficiency fund.* — It is the ex-
222 pressed intent of the Legislature, subject to the avail-
223 ability of funds and appropriations therefor, to increase
224 state appropriated funds for state institutions of higher
225 education in each of the five fiscal years, one thousand
226 nine hundred ninety-seven, through and including, fiscal
227 year two thousand—two thousand one, at a rate of at
228 least three and twenty-five one-hundredths percent per
229 year to assist the institutions in achieving their strategic
230 plan of change, subject to demonstrated effort by the
231 institutions as determined by the Legislature to refocus
232 and restructure their missions, leadership, resources and

233 programs to meet the plans in accordance with this
234 section. In any fiscal year in which the state appropri-
235 ated funds are less than the expressed intent, the govern-
236 ing boards may adjust the targets set forth in the strate-
237 gic plans for change by a like proportion: *Provided*, That
238 the target shall not be adjusted for those institutions
239 which have lost funds as a result of failure to secure
240 approval, pursuant to this section, or failure to comply
241 with their approved strategic plans. Beginning with
242 legislative appropriations under this subsection for the
243 fiscal year one thousand nine hundred ninety-
244 six—ninety-seven, the Legislature shall appropriate the
245 funds, if any, to a separate account known as the “higher
246 education efficiency fund” in the state budget. Funds
247 from the higher education efficiency fund shall be
248 allocated in the following manner:

249 (1) For the fiscal year one thousand nine hundred
250 ninety-six—ninety-seven, appropriations to the fund
251 shall be allocated only to institutions with approved
252 plans, pursuant to this section; and

253 (2) For the fiscal year one thousand nine hundred
254 ninety-seven—ninety-eight, and every year through and
255 including, the fiscal year two thousand—two thousand
256 one, appropriations to the fund shall be allocated only to
257 institutions with approved plans, pursuant to this
258 section, which are in compliance with their strategic
259 plan for change as approved by the appropriate govern-
260 ing board. The allocations shall be made in accordance
261 with the resource allocation model and policies in the
262 following manner:

263 (i) Any institution with a plan approved by the appro-
264 priate governing board by the first day of July of each
265 fiscal year is entitled to its full annual share of the
266 moneys appropriated to the higher education efficiency
267 fund;

268 (ii) Any institution which fails to secure approval by
269 the appropriate governing board by the first day of July,
270 but secures the approval before the first day of October,

271 is entitled to the remaining three quarters of its annual
272 share of the moneys appropriated to the higher educa-
273 tion efficiency fund;

274 (iii) Any institution which fails to secure approval by
275 the appropriate governing board by the first day of July,
276 but secures approval before the first day of January, is
277 entitled to the remaining one half of its annual share of
278 the moneys appropriated to the higher education effi-
279 ciency fund; and

280 (iv) Any institution which fails to secure approval by
281 the appropriate governing board by the first day of July,
282 but secures approval before the first day of April, is
283 entitled to the remaining one quarter of its annual share
284 of the moneys appropriated to the higher education
285 efficiency fund.

286 The quarterly share of the higher education efficiency
287 fund of an institution which is not so allocated, by the
288 beginning of each quarter, shall be allocated immedi-
289 ately to the higher education grant program, pursuant to
290 article five, chapter eighteen-c of this code, or if such
291 program is fully funded, for expenditure among all
292 institutions for scholarships and student grant programs.

§18B-1-1d. Increasing flexibility and capacity for change.

1 (a) *Retirement and separation incentives.* — Notwith-
2 standing any other provisions of this code to the con-
3 trary, each state institution of higher education may
4 include in their strategic plans, pursuant to section one-c
5 of this article, policies that offer various incentives for
6 voluntary, early or phased retirement of employees, or
7 voluntary separation from employment, when necessary
8 to implement programmatic changes effectively pursuant
9 to the findings, directives, goals and objectives of this
10 article: *Provided*, That such incentives for voluntary,
11 early or phased retirement of employees, or voluntary
12 separation from employment must be submitted by the
13 governing board to the legislative joint committee on
14 pensions and retirement and approved before such

15 policies are adopted as part of the institution's strategic
16 plan. The policies may include the following provisions:

17 (1) Payment of a lump sum to an employee to resign or
18 retire;

19 (2) Continuation of full salary to an employee for a
20 predetermined period of time prior to the employee's
21 resignation or retirement and a reduction in the em-
22 ployee's hours of employment during the predetermined
23 period of time;

24 (3) Continuation of insurance coverage pursuant to the
25 provisions of article sixteen, chapter five of this code for
26 a predetermined period;

27 (4) Continuation of full employer contributions to an
28 employee's retirement plan during a phased retirement
29 period; and

30 (5) That an employee retiring pursuant to an early or
31 phased retirement plan may begin collecting an annuity
32 from the employee's retirement plan prior to the statuto-
33 rily designated retirement date without terminating their
34 service with the institution.

35 No incentive provided for in this section shall be
36 granted except in furtherance of programmatic changes
37 undertaken pursuant to the findings, directives, goals
38 and objectives set forth in this article.

39 No incentive proposed by an institution pursuant to
40 this section shall become a part of the institution's
41 approved strategic plan or be implemented without
42 approval of the legislative joint committee on pensions
43 and retirement.

44 Any costs associated with any incentive adopted or
45 implemented in accordance with this section shall be
46 borne entirely by the institutions and no incentive shall
47 be granted that imposes costs on the retirement systems
48 of the state or the public employees insurance agency
49 unless those costs are paid entirely by the institutions.

50 The Legislature further finds and declares that there is
51 a compelling state interest in restricting the availability
52 and application of these incentives to individual employ-
53 ees determined by the institutions to be in furtherance of
54 the aims of this section and nothing herein shall be
55 interpreted as granting a right or entitlement of any such
56 incentive to any individual or group of individuals. Any
57 employee granted incentives shall be ineligible for
58 reemployment by the institutions during or after the
59 negotiated period of their incentive concludes including
60 contract employment in excess of five thousand dollars
61 per fiscal year.

62 The West Virginia network for educational tele-
63 computing may utilize the incentives contained in any
64 policy approved by the legislative joint committee on
65 pensions and retirement pursuant to this section.

66 (b) *Pilot flexibility initiative.* — The board of directors
67 is directed to submit a plan for a pilot flexibility initia-
68 tive to the legislative oversight commission on education
69 accountability on or before the first day of October, one
70 thousand nine hundred ninety-five. The plan shall
71 include at least the following: (1) A system whereby the
72 state institutions of higher education in the state college
73 system may apply to the board of directors for a waiver
74 of board policies and rules; (2) A detailed application for
75 institutions seeking to participate in the pilot flexibility
76 initiative which shall set forth at a minimum: (i) A
77 statement of the specific goals and objectives that the
78 institution proposes to accomplish if the application is
79 approved; (ii) the specific board policies and rules which
80 the institution seeks to have waived for all or a portion
81 of the waiver period; and (iii) proposed rules and policies
82 under which the institution would operate during the
83 period of waiver; (3) The process by which the board of
84 directors will review the application; (4) The person or
85 body who shall have the final authority to approve the
86 application of not more than two institutions; (5) The
87 time period for which the waiver will be granted; (6) The
88 specific board policies and rules which the institution

89 may request to have waived; (7) The process by which the
90 rules and policies of the institutions participating in the
91 pilot flexibility initiative may modify its rules and
92 policies; and (8) The person or body to whom the institu-
93 tions shall be reporting during the period of waiver.

94 (c) It is the intent of this Legislature to review the pilot
95 flexibility plan and after such review to establish a pilot
96 flexibility initiative in the legislative session of one
97 thousand nine hundred ninety-six.

§18B-1-2. Definitions.

1 The following words when used in this chapter and
2 chapter eighteen-c of this code shall have the meaning
3 hereinafter ascribed to them unless the context clearly
4 indicates a different meaning:

5 (a) "Governing board" or "board" means the university
6 of West Virginia board of trustees or the board of
7 directors of the state college system, whichever is
8 applicable within the context of the institution or
9 institutions referred to in this chapter or in other provi-
10 sions of law;

11 (b) "Governing boards" or "boards" means both the
12 board of trustees and the board of directors;

13 (c) "Freestanding community colleges" means southern
14 West Virginia community and technical college and West
15 Virginia northern community and technical college,
16 which shall not be operated as branches or off-campus
17 locations of any other state institution of higher educa-
18 tion;

19 (d) "Community college" or "community colleges"
20 means community and technical college or colleges as
21 those terms are defined in this section;

22 (e) "Community and technical college", in the singular
23 or plural, means the freestanding community and
24 technical colleges, community and technical education
25 programs of regional campuses of West Virginia univer-
26 sity, and divisions of state institutions of higher educa-

27 tion which have a defined community and technical
28 college district and offer community and technical
29 college education in accordance with the provisions of
30 section three-a, article three of this chapter;

31 (f) "Community and technical college education"
32 means the programs, faculty, administration and funding
33 associated with the mission of community and technical
34 colleges as provided in section three-a, article three of
35 this chapter, and also shall include post-secondary
36 vocational education programs in the state as those
37 terms are defined in this section. Community and
38 technical college education shall be delivered through a
39 system which includes eleven community and technical
40 college districts assigned to state institutions of higher
41 education under the jurisdiction of the board of directors
42 and the board of trustees, respectively;

43 (g) "Directors" or "board of directors" means the
44 board of directors of the state college system created
45 pursuant to article three of this chapter or the members
46 thereof;

47 (h) "Higher educational institution" means any institu-
48 tion as defined by Sections 401(f), (g) and (h) of the
49 federal Higher Education Facilities Act of 1963, as
50 amended;

51 (i) "Post-secondary vocational education programs"
52 means any college-level course or program beyond the
53 high school level provided through an institution of
54 higher education which results in or may result in the
55 awarding of a two-year associate degree, under the
56 jurisdiction of the board of directors;

57 (j) "Rule" or "rules" means a regulation, standard,
58 policy or interpretation of general application and future
59 effect;

60 (k) "Senior administrator" means the person hired by
61 the governing boards in accordance with section one,
62 article four of this chapter, with such powers and duties
63 as may be provided for in section two of said article;

64 (l) "State college" means Bluefield state college,
65 Concord college, Fairmont state college, Glenville state
66 college, Shepherd college, West Liberty state college or
67 West Virginia state college;

68 (m) "State college system" means the state colleges
69 and community and technical colleges, and also shall
70 include post-secondary vocational education programs
71 in the state as those terms are defined in this section;

72 (n) "State college system community and technical
73 colleges" means the freestanding community and technical
74 colleges and community and technical colleges
75 operated on the campuses of state colleges under the
76 jurisdiction of the board of directors of the state college
77 system and all of their associated branches, centers and
78 off-campus locations;

79 (o) "State institution of higher education" means any
80 university, college or community and technical college in
81 the state university system or the state college system as
82 those terms are defined in this section;

83 (p) "Trustees" and "board of trustees" means the
84 university of West Virginia board of trustees created
85 pursuant to article two of this chapter or the members
86 thereof;

87 (q) "University", "university of West Virginia" and
88 "state university system" means the multi-campus,
89 integrated university of the state, consisting of West
90 Virginia university, including West Virginia university at
91 Parkersburg, Potomac state college of West Virginia
92 university, West Virginia university institute of technology and the West Virginia university school of medicine;
93 Marshall university, including the Marshall university
94 school of medicine and the Marshall university commu-
95 nity and technical college; the West Virginia graduate
96 college; and the West Virginia school of osteopathic
97 medicine;

99 (r) "University system community and technical
100 colleges" means Marshall university community and

101 technical college, community and technical education
102 programs at West Virginia university at Parkersburg,
103 community and technical education programs at Poto-
104 mac state college of West Virginia university and West
105 Virginia university institute of technology community
106 and technical college under the jurisdiction of the
107 university of West Virginia board of trustees and all
108 their associated branches, centers and off-campus
109 locations.

110 (s) "Regional campus" means West Virginia university
111 at Parkersburg, Potomac state college of West Virginia
112 university, and West Virginia University institute of
113 technology. The chief executive officer of a regional
114 campus shall be known as "campus president", shall
115 serve at the will and pleasure of the president of West
116 Virginia university, and shall report to the president of
117 West Virginia university or his or her designee in the
118 method specified by West Virginia university. The board
119 of advisors for West Virginia university established
120 pursuant to section one, article six of this chapter shall
121 serve as the advisory board for West Virginia university
122 and its regional campuses. The advisory boards previ-
123 ously appointed for each regional campus shall be known
124 as "Boards of Visitors" and shall provide guidance to the
125 regional campus presidents. Each regional campus shall
126 adopt separate strategic plans required by section one-c
127 of this article.

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

- 1 (a) The governing boards are directed to make informa-
2 tion available to parents, students, faculty, staff, state
3 policymakers and the general public on the quality and
4 performance of public higher education. This informa-
5 tion shall be consistent and comparable between and
6 among the state institutions of higher education and, if
7 applicable, comparable with information from peer
8 institutions in the region and the nation.
- 9 (b) On or before the first day of November, one thou-

10 sand nine hundred ninety-five, the governing boards are
11 directed to adopt a rule pursuant to the provisions of
12 article three-a, chapter twenty-nine-a of this code,
13 providing for the collection, analysis and dissemination
14 of data and information on the performance of the state
15 institutions of higher education, including health sci-
16 ences education, in relation to the findings, directives,
17 goals and objectives set forth in sections one-a and one-b
18 of this article and in comparison to their peers in the
19 region and the nation. In developing the rule, the govern-
20 ing boards shall consult with the governor, the legislative
21 oversight commission on education accountability and
22 the state department of education regarding the relevant
23 areas of data and information considered necessary for
24 inclusion in a higher education report card. Upon
25 approval of the rule by the legislative oversight commis-
26 sion on education accountability, and the effective date
27 of the rule, the provisions of subsection (c) of this section
28 are null and void. The legislative rules shall provide the
29 legislative oversight commission on education account-
30 ability with full and accurate information while mini-
31 mizing the institutional burden of recordkeeping and
32 reporting. The legislative rules shall include uniform
33 definitions for the various indicators of student and
34 institutional performance and guidelines for the collec-
35 tion and reporting of data and the preparation, printing
36 and distribution of report cards under this section. The
37 report card forms shall provide for brief, concise report-
38 ing in nontechnical language of required information.
39 Any technical or explanatory material which an institu-
40 tion or governing board wishes to include shall be
41 contained in a separate appendix available to the general
42 public upon request.

43 (c) The president or chief executive officer of each
44 public college, university or community college shall
45 prepare and submit annually all requested data to the
46 appropriate governing board at the time as the governing
47 board may establish. The governing boards shall prepare
48 institutional report cards for institutions under their

49 jurisdiction and systemwide report cards which shall
50 include the information required in the following
51 subdivisions:

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

76 (2) For professional schools, defined for the purposes
77 of this section as academic programs leading to profes-
78 sions in which licensing is normally required and for
79 which an undergraduate degree is a general prerequisite,
80 the institution shall report the following as available and
81 applicable: Average scores of beginning students and
82 transfer students on standardized entrance examina-
83 tions; number and percentage of student body receiving
84 tuition fee waivers; number, percentage and dollar value
85 of tuition fee waivers categorized by whether the recipi-
86 ent is a resident or nonresident of this state; the number
87 of degrees granted; the graduation or completion rate as

88 may be defined by federal law or regulation for the
89 student body as a whole; the rate at which individuals
90 who complete or graduate from the program of an
91 institution pass applicable licensure or certification
92 examinations required for employment in the particular
93 professional field; the total number of students in each
94 program, including the percentage of those students who
95 are state residents, the percentage of students who are
96 nonresidents of the state, the percentage of students who
97 are women and the percentage of students who are
98 minorities as the term is defined by federal law; and the
99 ratio of expenditures per pupil directly attributable to
100 students enrolled in the professional school as compared
101 to expenditures per pupil calculated as to students
102 enrolled in the institution as a whole.

103 (3) For graduate schools, defined for the purposes of
104 this section as academic programs leading to advanced
105 degrees (masters or doctorates of philosophy in fields for
106 which bachelor's degree programs are available) and for
107 which an undergraduate degree is a general prerequisite,
108 the institution shall report the following as available and
109 applicable: Average scores of beginning students and
110 transfer students on standardized entrance examinations;
111 number and percentage of student body receiving
112 tuition fee waivers; number, percentage and dollar value
113 of tuition fee waivers categorized by whether the recipi-
114 ent is a resident or nonresident of this state; the number
115 of degrees granted; the graduation or completion rate as
116 may be defined by federal law or regulation for the
117 student body as a whole; the rate at which individuals
118 who complete or graduate from the program of an
119 institution pass applicable licensure or certification
120 examinations required for employment; and the total
121 number of students in each program, including the
122 percentage of those students who are state residents, the
123 percentage of students who are nonresidents of the state,
124 the percentage of students who are women and the
125 percentage of students who are minorities as the term is
126 defined by federal law.

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

133 (A) Information on graduates, including, but not
134 limited to, placement of interns and residents, retention
135 rates in the state, retention rates in unreserved areas as
136 determined by the division of health, the percentage
137 practicing in primary care in this state to be defined as
138 family medicine, internal medicine, pediatrics and
139 obstetrics/gynecology, and other information pertinent
140 to health sciences education as it relates to health care
141 delivery in this state such as recruitment programs to
142 attract health care providers to West Virginia; reasons
143 obtained from graduate surveys as to why health care
144 graduates are leaving West Virginia; programs developed
145 to direct graduates into primary care practices and
146 specialty shortage areas in this state; and ways in which
147 the health sciences schools intend to assist in meeting the
148 projected health care needs of this state, including
149 specialty and subspecialty health care professional needs
150 and where those needs are expected to arise, as those
151 needs are defined by the division of health or such other
152 state agency as the division of health may consider
153 appropriate;

154 (B) Contractual and financial arrangements between
155 the health sciences schools and such nonprofit and
156 for-profit entities receiving moneys from the health
157 sciences schools that the board of trustees determines
158 have a significant impact on the provision of health
159 sciences education in this state. The report shall state the
160 entity, the amount of funds paid to the entity and what
161 the payment is for;

162 (C) The roles and missions of the health sciences
163 schools and evaluation of each school's performance in
164 accordance with outcome measures developed to evalu-

165 ate the attainment of the roles, missions and programs
166 developed for each school;

167 (D) The annual audit of the expenditures of each health
168 sciences school and any audit received by the board from
169 the nonprofit and for-profit entities determined by the
170 board of trustees to have a significant affiliation to any
171 health sciences school;

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

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

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

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

190 (I) The financing of health sciences education subse-
191 quent to an annual, comprehensive review thereof. The
192 report shall include anticipated capital costs, projected
193 operating expenses and future growth and recommenda-
194 tions on the allocation of any state or other tax dedicated
195 to the funding of health sciences education; and

196 (J) Such other administrative, budgetary, financial,
197 educational and other concerns as the board of trustees
198 may consider necessary or helpful in providing informa-
199 tion about the health sciences schools pursuant to this
200 subsection.

201 (5) For all public institutions of higher education in the
202 state, the following indicators of institutional perfor-
203 mance in comparison with the aggregate of all other
204 institutions in the state, region and nation as applicable
205 and to the extent comparison data are available: Stu-
206 dent-faculty ratio by school; student-administrator ratio;
207 faculty turnover by school; educational and general
208 expenditure per full-time equivalent (FTE) student;
209 expenditure by fund in graphic display; the academic
210 rank and years of experience of the faculty and adminis-
211 trators at the institution; percentage minorities comprise
212 of faculty and major administrative staff; percentage
213 women comprise of faculty and major administrative
214 staff; percentage of classes taught by adjunct or part-
215 time faculty; statistics concerning the occurrence on
216 campus during the most recent school year and during
217 the preceding school years for which data are available
218 of criminal offenses reported to campus security authori-
219 ties or local police; and statistics concerning the number
220 of arrests for crimes occurring on campus during the
221 most recent school year and during the preceding school
222 years for which data are available.

223 The statewide report card shall include the data for
224 each institution for each separately listed applicable
225 indicator and the aggregate of the data for all institu-
226 tions under the jurisdiction of the board of trustees of
227 the university of West Virginia and for all institutions
228 under the jurisdiction of the board of directors of the
229 state college system for each indicator.

230 The statewide report cards shall be prepared using
231 actual institutional, state, regional and national data as
232 applicable and available indicating the present perfor-
233 mance of the individual institutions and the state
234 systems of higher education and shall also include goals
235 and trends for the institutions and the higher education
236 systems. Each governing board as part of its assessment
237 of the individual institutions under its jurisdiction shall
238 include the number and gross dollar amount of grants
239 received for academic research for each institution and

240 a succinct review of research projects including a brief
241 description of each project and the numbers of faculty,
242 graduate and undergraduate students involved in each
243 project. In assessing progress toward meeting goals and
244 in developing trend information, the governing boards
245 shall review report card data in relation to previously
246 adopted board goals, five-year plans, regional and
247 national higher education trends and the resource
248 allocation model.

249 (d) The higher education central office staff under the
250 direction of the senior administrator shall provide
251 technical assistance to each institution and governing
252 board in data collection and reporting and is responsible
253 for assembling the statewide report card from informa-
254 tion submitted by each governing board.

255 Each governing board shall prepare report card
256 information in accordance with the guidelines set forth
257 in this section and rules promulgated under this section.
258 The statewide report card shall be presented at a regular
259 board meeting of the appropriate governing board
260 subject to applicable notice requirements.

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

270 The governing boards shall make copies of both the
271 institutional and statewide report cards available to any
272 individual requesting them.

**§18B-1-8b. Coordinate affiliation between Marshall univer-
sity and West Virginia graduate college.**

1 There is hereby established a coordinate affiliation
2 between Marshall university and the West Virginia

3 graduate college to insure a jointly planned and operated
4 program of graduate education in the Charleston-
5 Huntington region of West Virginia. The two institutions,
6 while maintaining their individual identities, missions,
7 faculty, curricula and budgets, shall share facilities as
8 appropriate, develop integrated information technology
9 systems, operate joint programs where efficient and
10 practicable, develop joint electronic administrative and
11 library systems, and engage in joint appointment of
12 faculty and administrators as feasible and where cost
13 effective.

ARTICLE 2. UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES.

§18B-2-9. West Virginia University Institute of Technology.

1 (a) Notwithstanding any other provisions of this code
2 to the contrary, the authority to establish, maintain and
3 operate West Virginia institute of technology is hereby
4 transferred to the board of trustees effective the first day
5 of July, one thousand nine hundred ninety-six. West
6 Virginia institute of technology shall henceforth be
7 known as West Virginia university institute of technol-
8 ogy and shall be operated as a regional campus of West
9 Virginia university under the same procedures, policies,
10 rules, and practices utilized by West Virginia university
11 and the board of trustees in operating West Virginia
12 university at Parkersburg and Potomac state college of
13 West Virginia university.

14 (b) Notwithstanding any other provisions of this code
15 to the contrary and notwithstanding the resource alloca-
16 tion policy of the board of trustees, in allocating funds to
17 the institutions under its jurisdiction, the board of
18 trustees, through the first day of July, two thousand one,
19 shall ensure that each institution receives no less than
20 the amount of funds that each institution would have
21 received if West Virginia institute of technology had not
22 been transferred to the jurisdiction of the trustees.

23 (c) Title to all property previously transferred to or
24 vested in the board of directors for the exclusive use or
25 benefit of West Virginia institute of technology is hereby

26 transferred to the board of trustees. Each valid agree-
27 ment, obligation, or claim entered into or incurred by the
28 board of directors on behalf of West Virginia institute of
29 technology is hereby transferred to the board of trustees.

30 (d) Revenues of West Virginia institute of technology
31 previously pledged to pay off the indebtedness of reve-
32 nue bonds issued by the board of directors shall continue
33 to be paid to the board of directors until the existing
34 debt is fully paid. An annual payment of three hundred
35 seventy-three thousand eighty-nine dollars for each of
36 the years remaining on the present system bond issue of
37 the board of directors shall constitute the debt of West
38 Virginia university institute of technology to the board
39 of directors under this subsection. If the board of direc-
40 tors approves, the board of trustees or West Virginia
41 university institute of technology may discharge this
42 indebtedness through alternative payment plans or
43 methods, including prepayment discounted appropri-
44ately.

45 (e) To compensate the other state college institutions
46 for the amount that would have been reallocated under
47 the resource allocation policy of the board of directors if
48 West Virginia institute of technology had remained
49 under the jurisdiction of the board of directors, West
50 Virginia university institute of technology shall transfer
51 two hundred eighty-four thousand five hundred twenty-
52 five dollars to the board of directors for each of the fiscal
53 years one thousand nine hundred ninety-six—ninety-
54 seven, one thousand nine hundred ninety-seven—ninety-
55 eight, and one thousand nine hundred ninety-eight—
56 ninety-nine.

57 (f) West Virginia university institute of technology
58 shall retain the same or a lower type of southern regional
59 education board classification as an institution until at
60 least the first day of July, two thousand.

61 (g) Until at least the first day of July, one thousand
62 nine hundred ninety-seven, West Virginia university
63 institute of technology shall retain the same promotion

64 and tenure process in place prior to the transfer effectuated by this section.

66 (h) For the purposes of meeting the requirements of
67 section one, article seven of this chapter, West Virginia
68 university institute of technology, West Virginia univer-
69 sity at Parkersburg, and Potomac state college of West
70 Virginia university shall be considered separate institu-
71 tions of higher education.

72 (i) Any monies appropriated to or received by
73 West Virginia university institute of technology shall be
74 allocated to West Virginia university institute of technol-
75 ogy under the policies of the board of trustees.

76 It is the intent of the Legislature in implementing the
77 merger of West Virginia university and West Virginia
78 institute of technology that new graduate programs
79 offered by West Virginia University at the West Virginia
80 university institute of technology will not duplicate
81 existing graduate programs currently offered by Mar-
82 shall university and the West Virginia graduate college.
83 Before any graduate programs are offered by West
84 Virginia university at the West Virginia university
85 institute of technology, they must be approved by the
86 board of trustees.

ARTICLE 3. BOARD OF DIRECTORS OF THE STATE COLLEGE SYSTEM.

§18B-3-1. Composition of board; terms and qualifications of members; vacancies; eligibility for reappointment; oath of office; removal from office.

1 (a) The board of directors of the state college system
2 shall consist of sixteen persons, of whom one shall be the
3 chancellor of the university of West Virginia board of
4 trustees, ex officio, who shall not be entitled to vote; one
5 shall be the state superintendent of schools, ex officio,
6 who shall not be entitled to vote; one shall be the chair
7 of the joint commission for vocational-technical-occupa-
8 tional education, ex officio, who shall not be entitled to
9 vote; one shall be the chairman of the advisory council of
10 students, ex officio, who shall be entitled to vote; one

11 shall be the chairman of the advisory council of faculty,
12 ex officio, who shall be entitled to vote; and one shall be
13 the chairman of the advisory council of classified em-
14 ployees, ex officio, who shall be entitled to vote. The
15 other ten directors shall be citizens of the state, ap-
16 pointed by the governor, by and with the advice and
17 consent of the Senate. On or after the tenth day of
18 March, one thousand nine hundred ninety-six, the board
19 shall be reconstituted and all terms of members ap-
20 pointed by the governor prior to the tenth day of March,
21 one thousand nine hundred ninety-six shall expire upon
22 the appointment by the governor of all the directors
23 required to be appointed by this section. The governor
24 shall make appointments required by this section no
25 later than the fifteenth day of March, one thousand nine
26 hundred ninety-six.

27 Each of the directors appointed to the board by the
28 governor shall represent the public interest and shall be
29 especially qualified in the field of higher education by
30 virtue of the person's knowledge, learning, experience or
31 interest in the field. The relative enrollments of bacc-
32 laureate and community and technical students in the
33 state college system shall be considered by the governor
34 when making such appointments and the governor shall
35 use his or her best efforts to achieve a balance among the
36 members who reflect the various interests, goals and
37 concerns reflected by the relative enrollments.

38 Except for the ex officio directors, no person shall be
39 eligible for appointment to membership on the board of
40 directors who is an officer, employee or member of an
41 advisory board of any state college or university, an
42 officer or member of any political party executive
43 committee, the holder of any other public office or public
44 employment under the government of this state or any of
45 its political subdivisions, or an appointee or employee of
46 the board of trustees or board of directors: *Provided*,
47 That if there are no ethical restrictions under state or
48 federal law, a federal employee may serve as a member
49 of the board of directors. Of the ten directors appointed

50 by the governor from the public at large, not more than
51 five thereof shall belong to the same political party and
52 at least three directors of the board shall be appointed
53 from each congressional district.

54 Except as provided in this section, no other person may
55 be appointed to the board.

56 (b) The governor shall appoint ten directors as soon
57 after the tenth day of March, one thousand nine hundred
58 ninety-six, as is practicable, and the original terms of all
59 directors shall commence on that date. The terms of the
60 directors appointed by the governor shall be for overlap-
61 ping terms of six years, except, of the original appoint-
62 ments, three shall be appointed to terms of two years,
63 three shall be appointed to terms of four years and four
64 shall be appointed to terms of six years. Each subsequent
65 appointment which is not for the purpose of filling a
66 vacancy in an unexpired term shall be appointed to a
67 term of six years.

68 The governor shall appoint a director to fill any
69 vacancy among the ten directors appointed by the
70 governor, by and with the advice and consent of the
71 Senate, which director appointed to fill such vacancy
72 shall serve for the unexpired term of the vacating
73 director. The governor shall fill the vacancy within sixty
74 days of the occurrence of the vacancy.

75 All directors appointed by the governor shall be
76 eligible for reappointment: *Provided*, That a person who
77 serves as a director or trustee during all or any part of
78 two consecutive terms beginning after the first day of
79 March, one thousand nine hundred ninety-six, shall be
80 ineligible to serve as a director for a period of three years
81 immediately following the second of the two consecutive
82 terms.

83 The chairman of the advisory council of students, ex
84 officio; the chairman of the advisory council of faculty,
85 ex officio; and the chairman of the advisory council of
86 classified employees, ex officio, shall serve the terms for

87 which they were elected by their respective advisory
88 councils. These members shall be eligible to succeed
89 themselves.

90 (c) Before exercising any authority or performing any
91 duties as a director, each director shall qualify as such
92 by taking and subscribing to the oath of office pre-
93 scribed by section five, article IV of the constitution of
94 West Virginia, and the certificate thereof shall be filed
95 with the secretary of state.

96 (d) No director appointed by the governor shall be
97 removed from office by the governor except for official
98 misconduct, incompetence, neglect of duty or gross
99 immorality, and then only in the manner prescribed by
100 law for the removal by the governor of the state elective
101 officers.

§18B-3-2. Meetings and compensation.

1 (a) The board of directors shall hold at least ten
2 meetings in every fiscal year, including an annual
3 meeting each June: *Provided*, That a meeting for the
4 purpose of selecting the first chairman shall be held
5 during March, one thousand nine hundred ninety-six.
6 Except for the annual meeting, which may be held at a
7 location anywhere in the state, the meetings shall be held
8 on different campuses of institutions in the state college
9 system on a rotating basis or at the central office. The
10 directors may set aside time at these meetings held at the
11 campuses to afford administrators, faculty, students and
12 classified staff at these institutions an opportunity to
13 discuss issues affecting these groups. The directors shall
14 hold at least one meeting each year with the advisory
15 council of faculty, the advisory council of students and
16 the advisory council of classified employees, each of
17 these bodies to be met with separately. Except as other-
18 wise provided in this section, meetings shall be held on
19 such dates and at such places as the directors may
20 prescribe. In addition to the statutorily required meet-
21 ings, the directors may meet at such other times as may
22 be necessary, such meetings to be held upon its own

23 resolution or at the written request of at least five
24 appointed directors.

25 Of the thirteen voting members of the board of direc-
26 tors, seven shall constitute a quorum, and a majority vote
27 of the quorum shall be necessary to pass upon matters
28 before the directors.

29 (b) The directors shall be reimbursed for actual and
30 necessary expenses incident to the performance of such
31 duties, upon presentation of an itemized sworn state-
32 ment thereof. The foregoing reimbursement for actual
33 and necessary expenses shall be paid from appropria-
34 tions made by the Legislature to the directors.

**18B-3-3a. Community and technical college education; estab-
lishment; state level governance; formation of
districts; college level administration and
governance; programs; district consortia;
implementation process; and implementation
team.**

1 (a) *General.* — The purpose of this section is to estab-
2 lish community and technical college education that is
3 well articulated with the public schools and four year
4 colleges; that makes maximum use of shared facilities,
5 faculty, staff, equipment and other resources; that
6 encourages traditional and nontraditional students and
7 adult learners to pursue a life-time of learning; that
8 serves as an instrument of economic development; and
9 that has the independence and flexibility to respond
10 quickly to changing needs. The respective governing
11 boards shall provide for community and technical college
12 education at state institutions of higher education under
13 their jurisdiction to have the administrative, program-
14 matic and budgetary control necessary to allow maxi-
15 mum flexibility and responsiveness to district and
16 community needs consistent with the goal of sharing
17 facilities, faculty, staff, equipment and other resources
18 within and among the districts, the other systems of
19 public and higher education and other education and
20 training programs.

21 (b) *State level governance.* — The board of directors
22 and the board of trustees shall jointly employ a vice
23 chancellor for community and technical college educa-
24 tion. The vice chancellor for community and technical
25 college education shall report directly to and provide
26 assistance to the board of directors and the board of
27 trustees on matters related to community and technical
28 college education and shall serve at their will and
29 pleasure. The vice chancellor for community and techni-
30 cal college education shall advise, assist and consult
31 regularly with the administrative heads, institutional
32 boards of advisors, and district consortia committees of
33 each state institution of higher education involved in
34 community and technical college education.

35 In appointing members to the institutional boards of
36 advisors within the state college system pursuant to
37 section one, article six of this chapter, the board of
38 directors shall consider the relative distribution of
39 baccalaureate and community and technical college
40 enrollments of the respective institutions and shall make
41 up to three of such appointments from the membership
42 of district consortia committee on the basis of such
43 proportional enrollments. All appointments shall be
44 reflective of the economic, industrial, educational,
45 community and employment characteristics of the
46 institution's region and be geographically dispersed to
47 the extent practical.

48 (c) *Formation of community and technical college*
49 *districts.* — The eleven community and technical college
50 districts shall be comprised of contiguous areas of the
51 state which have similar economic, industrial, educa-
52 tional, community and employment characteristics to
53 facilitate specialization in mission and programming.
54 For the purposes of initial implementation and organiza-
55 tion, the districts shall be comprised as follows:

56 (1) Ohio, Brooke, Hancock, Marshall, Tyler and Wetzel
57 counties;

58 (2) Wood, Jackson, Pleasants, Ritchie, Roane, Tyler and

59 Wirt counties;
60 (3) Kanawha, Putnam and Clay counties;
61 (4) Cabell, Mason, Putnam and Wayne counties;
62 (5) Fayette, Clay, Kanawha, Raleigh and Nicholas
63 counties;
64 (6) Logan, Boone, Lincoln, McDowell, Mingo, Raleigh
65 and Wyoming counties;
66 (7) Mercer, Greenbrier, McDowell, Monroe, Poca-
67 hontas, Raleigh and Summers counties;
68 (8) Gilmer, Barbour, Braxton, Calhoun, Clay, Lewis,
69 Nicholas, Upshur and Webster counties;
70 (9) Marion, Doddridge, Harrison, Monongalia, Preston,
71 Randolph, Taylor, Barbour and Tucker counties;
72 (10) Jefferson, Berkeley, Grant, Hardy and Morgan
73 counties;
74 (11) Mineral, Grant, Hampshire, Hardy and Pendleton
75 counties.

76 It is the intent of the Legislature that counties which
77 are listed in more than one district shall be served by the
78 associated community and technical colleges as a coop-
79 erative service area, or shall be divided as the board of
80 directors determines. The boundaries of the eleven
81 districts may be modified from time to time by the board
82 of directors upon request of the affected community and
83 technical colleges to better serve the needs within the
84 districts. Such modifications are not required to follow
85 county boundaries.

86 Subject to any restrictions imposed by the board of
87 directors, the district boundaries shall not be employed
88 to restrict other state institutions of higher education
89 from offering programs of strength to meet underserved
90 needs, consistent with the objective of not duplicating
91 efforts as determined by the governing boards: *Provided,*
92 That nothing herein shall be construed to prevent state

93 institutions of higher education from offering courses at
94 off-campus centers or locations now operating or estab-
95 lished in the future which are not duplicative. Distance
96 learning technology, resource networking and other
97 cooperative and collaborative efforts shall be used to the
98 maximum extent prudent and practical to avoid unnec-
99 essary duplication of program development and delivery.

100 The main campus of the community and technical
101 college shall be identified under the name of the commu-
102 nity and technical college for the district and the district
103 shall be known as the "community and technical college
104 district". In addition, the name of all branches, centers
105 and programs shall reflect the name of the district.

106 (d) *Allocation of resources and budgets.* — All funds for
107 community and technical college education shall be
108 proposed by the governing boards for their respective
109 institutions and appropriated by the Legislature in an
110 institutional control account under the jurisdiction of
111 the board of directors for those institutions governed by
112 the board of directors for their respective institutions
113 and a separate institutional control account under the
114 jurisdiction of the board of trustees for those institutions
115 governed by the board of trustees. The board of directors
116 and the board of trustees shall establish by joint legisla-
117 tive rule a formula for the allocation of such funds to
118 control accounts of individual university system and
119 state college system community and technical colleges,
120 which rule shall include uniform guidelines for the
121 allocation and reporting of student enrollments, costs,
122 reimbursements and revenues for community and
123 technical colleges located on the campus of another state
124 institution of higher education.

125 (e) *College level administration and governance.* — The
126 administrative head of a state college system community
127 and technical college shall be the president, in the case
128 of the freestanding community and technical colleges,
129 and the provost of the community and technical college
130 in the case of all other state college system community

131 and technical colleges. Such provost shall be employed
132 by the president of the state institution of higher education
133 upon which the main campus of the community and
134 technical college is located and the provost shall serve at
135 the will and pleasure of the president. The administrative
136 head shall be responsible for coordination and other
137 administrative arrangements with the host institution
138 and other duties assigned pursuant to this section.
139 Nothing in this section shall prohibit a current employee
140 in community and technical education from being
141 employed as a provost. The administrative and business
142 offices and functions of community and technical
143 colleges, except freestanding, shall be consolidated with
144 those of the host institution to the extent practical. To
145 enhance program flexibility and mobility, to enhance
146 program coordination and delivery in the public schools
147 and to take advantage of the expertise and experience of
148 persons in business and industry, community and
149 technical colleges shall make extensive use of combined
150 courses with four-year colleges and universities, employ
151 by contract or other arrangements college and university
152 faculty to teach community and technical college courses,
153 employ qualified public school teachers as adjunct
154 professors and employ qualified business, industry and
155 labor persons as adjunct professors in technical areas.

156 (f) *Community and technical college programs.* — The
157 mission of each community and technical college shall
158 include the following programs which may be offered on
159 or off campus, at the work site, in the public schools and
160 at other locations at times that are convenient for the
161 intended population:

162 (1) Career and technical education certificate, associate
163 of applied science and selected associate of science
164 degree programs for students seeking immediate employment,
165 individual entrepreneurship skills; occupational
166 development, skill enhancement and career mobility;

167 (2) Transfer education associate of arts and associate
168 of science degree programs for students whose educa-

169 tional goal is to transfer into a baccalaureate degree
170 program;

171 (3) Developmental/remedial education courses, tutori-
172 als, skills development labs and other services for
173 students who need to improve their skills in mathemat-
174 ics, English, reading, study skills, computers and other
175 basic skill areas;

176 (4) Work force training and retraining contract educa-
177 tion with business and industry to train or retrain
178 employees;

179 (5) Continuing development assistance and education
180 credit and noncredit courses for professional and self-
181 development, certification and licensure and literacy
182 training; and

183 (6) Community service workshops, lectures, seminars,
184 clinics, concerts, theatrical performances and other
185 noncredit activities to meet the cultural, civic and
186 personal interests and needs of the community.

187 All administrative, programmatic and budgetary
188 control over community and technical education within
189 the district shall be vested in the administrative head
190 and the institutional board of advisors of state college
191 system community and technical colleges, subject to
192 rules adopted by the board of directors. The administra-
193 tive head and institutional board of advisors shall be
194 responsible for the regular review, revision, elimination
195 and establishment of programs within the district to
196 assure that the needs of the district for community and
197 technical college programs are met. It is the intent of the
198 Legislature that the program review and approval
199 process for community and technical education be
200 separate and distinct from baccalaureate education. The
201 administrative head and institutional board of advisors
202 shall seek assistance from and utilize a district consortia
203 committee in fulfilling this responsibility.

204 (g) *District consortia committee.* — The administrative
205 head of each university system and state college system

206 community and technical college shall form a district
207 consortia committee which shall include representatives
208 distributed geographically to the extent practical of the
209 major community college branches, vocational technical
210 centers, comprehensive high schools, four-year colleges
211 and universities, community service or cultural organi-
212 zations, economic development organizations, business,
213 industry, labor, elected public officials and employment
214 and training programs and offices within the district.
215 The consortia committee shall be chaired by the admin-
216 istrative head or his or her designee and shall advise and
217 assist the administrative head with the following:

218 (1) Completing a comprehensive assessment of the
219 district to determine what education and training
220 programs are necessary to meet the short and long term
221 work force development needs of the district;

222 (2) Coordinating efforts with regional labor market
223 information systems that identify the ongoing needs of
224 business and industry, both current and projected, and
225 provide information to assist in an informed program of
226 planning and decision making;

227 (3) Planning and development of a unified effort to
228 meet the documented work force development needs of
229 the district through individual and cooperative pro-
230 grams, shared facilities, faculty, staff, equipment and
231 other resources and the development and use of distance
232 learning and other educational technologies;

233 (4) Increasing the integration of secondary and post-
234 secondary curriculum and programs that are targeted to
235 meet regional labor market needs, including the planning
236 and implementation of a comprehensive school-to-work
237 transition system that helps students focus on career
238 objectives, builds upon current programs such as high
239 schools that work, tech prep associate degree programs,
240 registered apprenticeships and rural entrepreneurship
241 through action learning and addresses the needs of at-
242 risk students and school dropouts;

243 (5) Planning and implementation of integrated profes-
244 sional development activities for secondary and post-
245 secondary faculty, staff and administrators and other
246 consortia partners throughout the district;

247 (6) Ensuring that program graduates have attained the
248 competencies required for successful employment
249 through the involvement of business, industry and labor
250 in establishing student credentialling;

251 (7) Performance assessment of student knowledge and
252 skills which may be gained from multiple sources so that
253 students gain credit toward program completion and
254 advance more rapidly without repeating coursework in
255 which they already possess competency;

256 (8) Establishing one-stop-shop career centers with
257 integrated employment and training and labor market
258 information systems that enable job seekers to assess
259 their skills, identify and secure needed education train-
260 ing and secure employment and employers to locate
261 available workers;

262 (9) Increasing the integration of adult literacy, adult
263 basic education, federal job opportunities and basic
264 skills, and community and technical college programs
265 and services to expedite the transition of adults from
266 welfare to gainful employment; and

267 (10) Establish a single point of contact for employers
268 and potential employers to access education and training
269 programs throughout the district.

270 (h) *Implementation process.* — The implementation of
271 community and technical college education as set forth
272 in this article shall be accomplished over a three-year
273 period. Major program elements shall be accomplished
274 within the following time frames:

275 (1) One thousand nine hundred ninety-five—ninety-six.

276 (i) Form necessary governance structures and make
277 necessary appointments;

- 278 (ii) Form consortia committees and complete a survey
279 of the educational and training needs of the community
280 college district;
- 281 (iii) Establish the information necessary to separately
282 budget the community and technical college education
283 for fiscal year one thousand nine hundred ninety-
284 six—ninety-seven, including the rules required pursuant
285 to subsection (d) of this section;
- 286 (iv) Establish an ongoing method of providing funding
287 for appropriate staff from the public schools and the
288 community and technical colleges for personnel and
289 other costs related to shared facility projects, including
290 recommendations for any necessary legislative enact-
291 ments;
- 292 (v) Make recommendations to the governor and Legis-
293 lature as may be necessary.
- 294 (2) One thousand nine hundred ninety-six—ninety-
295 seven.
- 296 (i) Begin separate budgeting;
- 297 (ii) Begin full operations of the community and techni-
298 cal colleges as provided in this article.
- 299 (3) One thousand nine hundred ninety-seven—ninety-
300 eight.
- 301 (i) Review and evaluation.
- 302 (ii) *Implementation team.* — There is hereby established
303 an implementation team to monitor and oversee imple-
304 mentation of the community and technical college
305 education in accordance with the provisions of this
306 article. The implementation team shall report to the
307 governor and the legislative oversight commission on
308 education accountability no later than the first day of
309 December, in the years one thousand nine hundred
310 ninety-five, one thousand nine hundred ninety-six and
311 one thousand nine hundred ninety-seven on the status of
312 such implementation and any further needs for legisla-

313 tive enactment. The implementation oversight team shall
314 be composed of the secretary of education and the arts,
315 one representative of public education, one representa-
316 tive of community and technical colleges, one represen-
317 tative of four-year colleges, one representative of the
318 private sector, one representative of employment and
319 training programs, one representative of vocational-
320 technical-occupational education, four members of the
321 Senate and four members of the House of Delegates, all
322 appointed by the governor. The secretary of education
323 and the arts shall be responsible for staffing the imple-
324 mentation oversight team utilizing existing personnel,
325 equipment and offices of the affected agencies.

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-1. Officers of governing boards; employment of chanc- cellors and senior administrator; offices.

1 (a) At its annual meeting in June of each year, each
2 governing board shall elect from its members appointed
3 by the governor a president and such other officers as it
4 may consider necessary or desirable: *Provided*, That the
5 initial annual meeting shall be held during July, one
6 thousand nine hundred eighty-nine. The president and
7 such other officers shall be elected for a one-year term
8 commencing on the first day of July following the annual
9 meeting and ending on the thirtieth day of June of the
10 following year. The president of the board shall serve no
11 more than two consecutive terms.

12 (b) Each governing board shall employ a chancellor
13 who shall serve at the will and pleasure of the employing
14 board and shall assist the governing board in the perfor-
15 mance of its duties and responsibilities. No chancellor
16 may hold or retain any other administrative position
17 within the system of higher education while employed as
18 chancellor. Each chancellor is responsible for carrying
19 out the directives of the governing board by which he or
20 she is employed and shall work with the board in devel-
21 oping policy options. For the purpose of developing or
22 evaluating policy options, the chancellors may request

23 the assistance of the presidents and other administrative
24 heads of the institutions under their jurisdiction and
25 their staffs. The respective chancellors shall jointly agree
26 to and shall hire one senior administrator who shall
27 serve at their will and pleasure in accordance with
28 section two of this article.

29 (c) The vice chancellor for health sciences, shall
30 coordinate the West Virginia university school of medi-
31 cine, the Marshall university school of medicine and the
32 West Virginia school of osteopathic medicine.

33 (d) Suitable offices for the senior administrator and
34 other staff shall be provided in Charleston.

35 (e) The governing boards shall jointly employ a vice
36 chancellor for instructional technology to establish a
37 plan and funding recommendations for development and
38 implementation of a multifaceted instructional technol-
39 ogy strategy that includes, but is not limited to, a goal
40 that every full-time freshman student beginning in the
41 fall semester, one thousand nine hundred ninety-six, and
42 thereafter, and as many other students and faculty as
43 possible will own or lease a computer, and alternatively
44 that computers be available for part-time students
45 through on-site labs; the integration of computer usage
46 into all course work; the involvement of faculty in the
47 development and use of technology-based instruction
48 and instructional courseware for community and techni-
49 cal colleges, colleges and universities; and the expansion
50 distance learning and technology networks throughout
51 the higher education systems to enhance teaching and
52 learning, promote access to quality educational offerings
53 with minimum duplication of effort, increase the deliv-
54 ery of instruction to nontraditional students, provide
55 services to business and industry, and increase the
56 management capabilities of the higher education system.
57 The vice chancellor shall submit the plan to the Legisla-
58 ture on or before the first day of January, one thousand
59 nine hundred ninety-six.

60 The vice chancellor for instructional technology shall

61 supervise the administration, oversight, coordination and
62 implementation of the plan, or portions of the plan,
63 subject to the availability of funds and the direction of
64 the governing boards. In addition, the vice chancellor
65 shall review all technology related matters within the
66 department of education and the arts and suggest
67 appropriate integration and compatibility of the technol-
68 ogy systems within the department and the institutions
69 governed by the board.

70 (f) The governing boards shall jointly employ a vice
71 chancellor for community and technical education
72 pursuant to the provisions of section three-a, article
73 three of this chapter.

ARTICLE 6. ADVISORY COUNCILS OF FACULTY.

§18B-6-2. Advisory councils of faculty.

1 Effective the first day of July, one thousand nine
2 hundred eighty-nine, each governing board shall be
3 assisted by an advisory council of faculty.

4 During the month of April of each even-numbered
5 year, each president or other administrative head of a
6 state institution of higher education, including Potomac
7 state college of West Virginia university, West Virginia
8 university at Parkersburg, and West Virginia university
9 institute of technology, at the direction of the councils
10 and in accordance with procedures established by the
11 councils, shall convene a meeting or otherwise institute
12 a balloting process to elect one faculty to serve on the
13 appropriate governing board's advisory council of
14 faculty, which shall consist of one faculty, so elected,
15 from each such institution under the appropriate govern-
16 ing board. Terms of the members of each council shall be
17 for two years and shall begin on the first day of July of
18 each even-numbered year and members of each advisory
19 council shall be eligible to succeed themselves.

20 The advisory councils of faculty shall meet at least
21 once each quarter. One of the quarterly meetings shall be
22 during the month of July, at which meeting each council

23 shall elect a chairman, who shall be by virtue of the
24 office a voting member of the appropriate governing
25 board: *Provided*, That the chair shall serve no more than
26 two consecutive terms. No member may vote by proxy at
27 such election. In the event of a tie in the last vote taken
28 for such election, a member authorized by the council
29 shall select the chairman by lot from the names of those
30 persons tied. Immediately following the election of a
31 chairman, each council shall elect, in the manner pre-
32 scribed by this section for the election of a chairman, a
33 member of that council to preside over meetings of the
34 council in the chairman's absence. Should the chairman
35 vacate the position, the council shall meet and elect a
36 new chairman to fill the unexpired term within thirty
37 days following such vacancy. In electing the chairman of
38 the advisory council for the board of trustees, West
39 Virginia university and its regional campuses shall have
40 a total of two votes, which shall be cast for one individ-
41 ual, and the elected representatives from Marshall
42 university, the West Virginia graduate college, and West
43 Virginia school of osteopathic medicine shall have one
44 vote per school.

45 Each advisory council of faculty, through its chairman
46 and in any other appropriate manner, shall consult and
47 advise its governing board in matters of higher education
48 in which the faculty members may have an interest.

49 Members of each advisory council shall serve without
50 compensation, but shall be entitled to reimbursement for
51 actual and necessary expenses incurred in the perfor-
52 mance of their official duties from funds allocated to the
53 state institution of higher education served.

54 Each governing board shall furnish secretarial services
55 to its advisory council of faculty, and each advisory
56 council shall cause to be prepared minutes of its meet-
57 ings, which minutes shall be available, upon request, to
58 any faculty member of a state institution of higher
59 education represented on the council. Such minutes shall
60 be forwarded to the advisory council of faculty serving

61 the other governing board.

§18B-6-3. Advisory councils of students.

1 Effective the first day of July, one thousand nine
2 hundred eighty-nine, each governing board shall be
3 assisted by an advisory council of students.

4 The student government organization at each state
5 institution of higher education shall elect a student, who
6 may be the elected head or president of such organiza-
7 tion, to serve on the appropriate governing board's
8 advisory council of students, which are hereby created,
9 consisting of the elected representatives of each institu-
10 tion under the appropriate governing board: *Provided,*
11 That the student government organization at each
12 institution in the university system, including Potomac
13 state college of West Virginia university, West Virginia
14 university at Parkersburg, and West Virginia university
15 institute of technology, shall elect one student per three
16 thousand students enrolled at each institution with a
17 minimum of one representative from each institution.
18 The student government of each institution shall deter-
19 mine how its representatives shall be elected. Terms of
20 the members of such council shall be for one year and
21 shall begin on the first day of May of each year, and
22 members of the advisory councils shall be eligible to
23 succeed themselves.

24 Each institution shall have only one vote in all matters.
25 The advisory councils of students shall meet at least once
26 each quarter, and shall meet during each month of June,
27 at which meeting each council shall elect a chairman,
28 who prior to such elections must be entitled to vote in
29 the state of West Virginia. By virtue of the office, the
30 chairman shall be a voting member of the appropriate
31 governing board. No member may vote by proxy at such
32 election. In the event of a tie in the last vote taken for
33 such election, a member authorized by the council shall
34 select the chairman by lot from the names of those
35 persons tied. Immediately following the election of a
36 chairman, each council shall elect, in the manner pre-

37 scribed by this section for the election of a chairman, a
38 member of that council to preside over meetings of the
39 council in the chairman's absence. Should the chairman
40 vacate the position, the council shall meet and elect a
41 new chairman to fill the unexpired term within thirty
42 days following such vacancy. In electing the chairman of
43 the advisory council for the board of trustees, West
44 Virginia university and its regional campuses shall have
45 a total of two votes, which shall be cast for one individ-
46 ual, and the elected representatives from Marshall
47 university, the West Virginia graduate college, and West
48 Virginia school of osteopathic medicine shall have one
49 vote per school.

50 Each advisory council of students, through its chair-
51 man and in any other appropriate manner, shall consult
52 and advise its governing board in matters of higher
53 education in which the students may have an interest.

54 Members of each advisory council shall serve without
55 compensation, but shall be entitled to reimbursement for
56 actual and necessary expenses incurred in the perfor-
57 mance of their official duties from funds allocated to the
58 state institution of higher education served.

59 Each governing board shall furnish secretarial services
60 to its advisory council of students, and each advisory
61 council shall cause to be prepared minutes of its meet-
62 ings, which minutes shall be available, upon request, to
63 any student of a state institution of higher education
64 represented on the council. Such minutes shall be
65 forwarded to the advisory council of students serving the
66 other governing board.

§18B-6-4. Advisory councils of classified employees.

1 Effective the first day of July, one thousand nine
2 hundred eighty-nine, each governing board shall be
3 assisted by an advisory council of classified employees.

4 During the month of April of each even-numbered
5 year, each president or other administrative head of a
6 state institution of higher education, including Potomac

7 state college of West Virginia university, West Virginia
8 university at Parkersburg and West Virginia university
9 institute of technology, at the direction of the councils
10 and in accordance with procedures established by the
11 councils, shall convene a meeting or otherwise institute
12 a balloting process to elect one classified employee to
13 serve on the appropriate governing board's advisory
14 council of classified employees, which shall consist of
15 one classified employee, so elected, from each such
16 institution under the appropriate governing board.
17 Terms of the members of such councils shall be for two
18 years and shall begin on the first day of July of each
19 even-numbered year, and members of the advisory
20 councils shall be eligible to succeed themselves. For the
21 purpose of this section the term "institution of higher
22 education" includes the facilities and staff supervised by
23 the senior administrator employed by the governing
24 boards, who shall be deemed a part of the state college
25 system, and the West Virginia network for tele-
26 computing, who shall be deemed a part of the state
27 university system.

28 Each advisory council of classified employees shall
29 meet at least once each quarter. One of the quarterly
30 meetings shall be during the month of July, at which
31 meeting each council shall elect a chairman, who shall be
32 by virtue of the office a voting member of the appropri-
33 ate governing board: *Provided*, That the chair shall serve
34 no more than two consecutive terms: *Provided, however*,
35 That the board of directors' advisory council for classi-
36 fied employees' chairman shall not be a member of the
37 staff supervised by the central administrative official.
38 No member may vote by proxy at such election. In the
39 event of a tie in the last vote taken for such election, a
40 member authorized by the council shall select the
41 chairman by lot from the names of those persons tied.
42 Immediately following the election of a chairman, each
43 council shall elect, in the manner prescribed by this
44 section for the election of a chairman, a member of the
45 council to preside over meetings of the council in the

46 chairman's absence. Should the chairman vacate the
47 position, the council shall meet and elect a new chairman
48 to fill the unexpired term within thirty days following
49 such vacancy. In electing the chair of the advisory
50 council for the board of trustees, West Virginia univer-
51 sity and its regional campuses shall have a total of two
52 votes, which shall be cast for one individual, and the
53 elected representatives from Marshall university, the
54 West Virginia graduate college, the West Virginia
55 network for telecomputing and West Virginia school of
56 osteopathic medicine shall have one vote per school.

57 Each advisory council of classified employees, through
58 its chairman and in any other appropriate manner, shall
59 consult and advise its governing board in matters of
60 higher education in which the classified employees may
61 have an interest.

62 Members of each advisory council shall serve without
63 compensation, but shall be entitled to reimbursement for
64 actual and necessary expenses incurred in the perfor-
65 mance of their official duties from funds allocated to the
66 state institution of higher education served.

67 Each governing board shall furnish secretarial services
68 to its advisory council of classified employees, and each
69 advisory council shall cause to be prepared minutes of its
70 meetings, which minutes shall be available, upon re-
71 quest, to any classified employee of a state institution of
72 higher education represented on the council. Such
73 minutes shall be forwarded to the advisory council of
74 classified employees serving the other governing board.

ARTICLE 8. HIGHER EDUCATION FULL-TIME FACULTY SALARIES.

§18B-8-1. Definitions.

1 As used in this article:

2 (a) "Schedule" or "salary schedule" means the grid of
3 minimum salary figures listed in section two of this
4 article;

5 (b) "Academic rank" means the position held by a

6 faculty member as determined by the president, consist-
7 ent with policy established by the governing board, and
8 includes the positions of professor, associate professor,
9 assistant professor and instructor; all other ranks are
10 excluded from the provisions of this article;

11 (c) "Years of experience" means the actual number of
12 years a person has been a full-time faculty member at an
13 institution of higher education within this state. Employ-
14 ment for nine months shall equal one year of experience,
15 but no faculty member may accrue more than one year of
16 experience during any given academic year. Employment
17 for less than full time, or less than nine months during
18 any fiscal year, shall be prorated. In accordance with
19 rules established by the governing boards, a faculty
20 member may be granted additional years of experience
21 for actual years of work or teaching experience at
22 institutions other than institutions of higher education
23 within this state;

24 (d) "Doctoral institutions" means West Virginia
25 university and Marshall university at Huntington.
26 Doctoral programs at Marshall university shall be
27 selective and nonduplicative of West Virginia university
28 unless an exception is recommended by both institutions
29 and approved by the board of trustees. "Master's II
30 institutions" means West Virginia school of osteopathic
31 medicine and the West Virginia graduate college;
32 "baccalaureate and two-year institutions" means
33 Bluefield state college, Concord college, Fairmont state
34 college, Glenville state college, Shepherd college, West
35 Liberty state college, West Virginia university institute
36 of technology, West Virginia state college, West Virginia
37 university at Parkersburg, Southern West Virginia
38 community college, West Virginia northern community
39 college and Potomac state college of West Virginia
40 university and such other institutions as are designated
41 community colleges by the board of directors;

42 (e) "Salary" means the total nine-month or ten-month
43 salary paid from state funds to a full-time faculty

44 member, or if other than nine or ten months, adjusted to
45 a nine-month base salary;

46 (f) "Full-time faculty" means any faculty member
47 designated as such by the president, consistent with
48 approved policy of the appropriate governing board, and
49 those persons with faculty rank who have research or
50 administrative responsibilities;

51 (g) "Fiscal year" means twelve calendar months and
52 begins on the first day of July and ends on the thirtieth
53 day of June; and

54 (h) "Merit increases and salary adjustments" means the
55 amount of additional salary increase allowed on a merit
56 basis or to rectify salary inequities or accommodate
57 competitive market conditions, in accordance with
58 policy established by the appropriate governing board.

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

Martha Yeager Walker
Chairman Senate Committee
Member

Ludy Seacord
Chairman House Committee

Originated in the Senate.

In effect from passage.

Darrell R. Holmes
Clerk of the Senate

Bugay, Jr. Bray
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Bob Balmer
Speaker House of Delegates

The within is approved this the 14th,
day of March, 1996.

Wayne Cossell
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/96

T.D.

6:15pm