

HB 3019

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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



SECOND ENROLLMENT

House Bill No. 3019

(By Delegates Mezzatesta, Williams, Stemple,
Manuel, Shelton, Ennis and Davis)



Passed March 21, 1999

In Effect from Passage

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OFFICE OF THE CLERK
SENATE

SECOND ENROLLMENT

H. B. 3019

(BY DELEGATES MEZZATESTA, WILLIAMS, STEMPLE,
MANUEL, SHELTON, ENNIS AND DAVIS)

[Passed March 21, 1999; in effect from passage.]

AN ACT to amend article three, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, designated sections six and seven; and to further amend said chapter by adding thereto a new article, designated article three-d, all relating to the board of directors of the state college system; authority, powers and duties of the board of directors of the state college system; community and technical college education; establishing the freestanding eastern West Virginia community and technical college; authority, powers and duties of freestanding community and technical colleges; authority, powers and duties of the board of directors relating to operation of eastern West Virginia community and technical college; authority, powers and duties of eastern West Virginia community and technical college; employing a president and appropriate faculty and staff; advisory board; courses, programs, services, tuition and fees; property and title; authorizing contracts for services; reports required; requiring preparation and submission of strategic plans; authorizing contractual arrangements for administration and operation prior to independent accreditation; community and technical college district; defining freestanding community and technical college; providing

certain operational parameters for freestanding community and technical colleges; filing a request for approval of certificate and associate degree programs; requiring the board of directors to adopt a model of program approval; requiring legislative rules; legislative findings and intent; requiring a study to be authorized on certain higher education issues; and components of the study.

Be it enacted by the Legislature of West Virginia:

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

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

§18B-3-6. Increasing flexibility for freestanding community and technical colleges.

1 (a) For the purposes of this section, “freestanding commu-
2 nity and technical college” means eastern West Virginia
3 community and technical college, southern West Virginia
4 community and technical college, West Virginia northern
5 community and technical college and any other freestanding
6 community and technical college so designated by the Legisla-
7 ture.

8 (b) Notwithstanding any rules or procedures of the state
9 college system board of directors, the freestanding community
10 and technical colleges under the jurisdiction of the board of
11 directors have the authority and the duty to:

12 (1) Incorporate the most effective and efficient use of
13 technology in accessing and delivering courses and programs in
14 order to make the best use of available resources and to control
15 costs;

16 (2) Incorporate a model to offer occupational program
17 curricula in smaller modules to accommodate specific student
18 and employer needs and to gain sufficient flexibility in format-
19 ting courses;

20 (3) Serve as a facilitator for education programs from
21 outside delivery sources that meet the needs of the residents and
22 employers of the district; and

23 (4) Employ faculty in the most effective manner to serve
24 the core mission of the community and technical college. To
25 that end the freestanding community and technical colleges may
26 employ faculty for an indefinite period without a grant of tenure
27 and shall work toward a staffing goal of no more than twenty
28 percent of the faculty holding tenure or being tenure-track
29 employees: *Provided*, That tenured faculty currently employed
30 by public institutions of higher education may not be affected
31 by this provision.

32 (c) The freestanding community and technical colleges may
33 not be required to file a request for approval of certificate and
34 associate degree programs with the board of trustees before
35 implementing a new program pursuant to section eight, article
36 one of this chapter.

37 (d) Potomac State College of West Virginia University and
38 West Virginia University at Parkersburg may not be required to
39 file a request for approval of certificate and associate degree
40 programs with the board of directors before implementing a
41 new program pursuant to section eight, article one of this
42 chapter.

43 (e) The board of directors shall adopt a model of program
44 approval for the freestanding community and technical colleges
45 that permits occupational programs to be customized to meet
46 needs without requiring approval by the board of directors and,
47 furthermore, that incorporates a post-audit review by the board
48 of directors of such programs on a three-year cycle to determine
49 the effectiveness of such programs in meeting district needs.

50 (f) The board of directors shall promulgate legislative rules
51 in accordance with the provisions of article three-a, chapter
52 twenty-nine-a of this code to effectuate the purposes of this
53 section: *Provided*, That the board may not promulgate emer-
54 gency rules. The rules shall be filed with the legislative
55 oversight commission on education accountability no later than

56 the first day of November, one thousand nine hundred ninety-
57 nine.

**§18B-3-7. Legislative findings; study by Joint Committee on
Government and Finance.**

1 (a) The Legislature recognizes that it is in the best interest
2 of the state to have effective and comprehensive higher
3 education programs. It is critical that there be a system for the
4 delivery of high quality community and technical college
5 education because of its importance to the economic and
6 cultural well-being of state residents.

7 (b) The Legislature finds that a need exists to strengthen the
8 public community colleges so that they are able to respond
9 better to the economic needs of the state for a highly trained,
10 competent work force. Therefore, the Legislature has sought,
11 through passage of legislation, to restructure and refocus
12 community and technical college education for the purpose of
13 establishing programs that function well with the public schools
14 and four year colleges, that make maximum use of resources,
15 that encourage citizens to pursue a life-time of learning, that
16 serve as instruments of economic development, and that have
17 the independence and flexibility to respond quickly to changing
18 needs.

19 (c) The Legislature finds that, although great progress has
20 been made on reaching some of the established goals, the
21 purposes for which community and technical college education
22 was created have not been fulfilled and many of the goals
23 established have not been met.

24 (d) The Legislature further finds that a need exists to clarify
25 the missions of public institutions of higher education, to
26 consider the equity and effectiveness of current funding
27 methods and to consider methods of equitably offering access
28 to associate, baccalaureate and graduate education programs at
29 institutions throughout the state.

30 (e) It is the responsibility of the Legislature to make the
31 best use of available resources and to provide a blueprint that
32 will meet goals established for public higher education.

33 Therefore, the joint committee on government and finance shall
34 authorize a study for the purpose of making specific and
35 detailed recommendations to the Legislature. The recommenda-
36 tions shall be delivered to the Legislature by the first day of
37 January, two thousand. The study shall include, but may not be
38 limited to, the following:

39 (1) Recommendations on clarifying the missions of higher
40 education institutions, directing resources to programs that meet
41 the current and future work force needs of the state and
42 distributing available revenues in an equitable fashion that
43 enables each state institution of higher education to fulfill its
44 mission;

45 (2) A review of state statutes and the rules, policies,
46 practices and procedures of the higher education governing
47 boards that may hinder effective delivery of high quality
48 education programs and recommendations on how any statute
49 or policy should be changed;

50 (3) A review of and recommendations on the higher
51 education resource allocation model and resource allocation
52 policies, established pursuant to section two, article five of this
53 chapter, to determine a new or modified model for funding
54 public higher education in West Virginia. The recommenda-
55 tions shall include a method of funding reimbursement based on
56 delivering credit and noncredit course work, eliminating or
57 reducing the funding and regulatory differences between credit
58 and noncredit courses to facilitate students moving between the
59 two types of programs, and allowing faculty more flexibility to
60 teach in both credit and noncredit program areas;

61 (4) Recommendations on a model for delivery of graduate
62 education that makes effective use of resources available at
63 four-year institutions under the jurisdiction of the board of
64 directors;

65 (5) Recommendations on a model for delivery of baccalau-
66 reate education that makes effective use of resources available
67 at the freestanding community colleges under the jurisdiction
68 of the board of directors;

69 (6) A review of facility and maintenance needs of all state
70 institutions of higher education and recommendations for
71 addressing those needs;

72 (7) Recommendations on an appropriate model or models
73 for governance of public institutions of higher education in the
74 state; and

75 (8) Recommendations on the most effective and efficient
76 model to be used in creating a system of public community and
77 technical colleges in West Virginia.

ARTICLE 3D. EASTERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE.

§18B-3D-1. Legislative findings and intent.

1 (a) The Legislature finds that the potomac highlands is an
2 area of the state that is underserved for higher education and
3 that deserves more convenient access to higher education
4 opportunities, including work force development opportunities.

5 (b) It is the intent of the Legislature in establishing eastern
6 West Virginia community and technical college to focus on the
7 advantages available to the potomac highlands and to the state
8 by providing quality community and technical college educa-
9 tion.

10 (c) It is further the intent of the Legislature that eastern
11 West Virginia community and technical college shall serve as
12 a delivery platform for higher education in the potomac
13 highlands while the study required by section seven, article
14 three of this chapter is being conducted. The final organiza-
15 tional structure of the institution should reflect the results of the
16 study.

17 (d) In order to satisfy the growing needs of the potomac
18 highlands for access to quality higher education programs, the
19 community and technical college shall meet the critical two-
20 fold core mission which is to deliver work force development
21 programs that meet the needs of employers and to increase the
22 college participation rate of all the residents of the district.
23 Establishment of this college is intended to provide an opportu-

24 nity to implement more effective education delivery systems,
25 organizational structures, and management and to result in
26 finding the best model for delivery of high quality community
27 and technical college education.

**§18B-3D-2. Establishment and operation of eastern West Virginia
community and technical college; authority and
duty to purchase property, expend appropriations
and conduct programs.**

1 (a) The board of directors shall establish, operate and
2 maintain as a state institution of higher education and as a part
3 of the state college system of West Virginia, the freestanding
4 community and technical college, known as “Eastern West
5 Virginia Community and Technical College”, located in Hardy
6 County. The title to all real property, facilities and equipment
7 of eastern West Virginia community and technical college is
8 and remains vested in the board of directors.

9 (b) The board of directors shall employ a president and
10 such staff and faculty as determined appropriate for the
11 institution; appoint a board of advisors consistent with section
12 one, article six of this chapter; and exercise general determina-
13 tion, control, supervision and management of the financial,
14 business and education policies and affairs of the community
15 and technical college.

16 (c) Subject to the intent of the Legislature as stated in
17 section one of this article, eastern West Virginia community
18 and technical college may offer such curricula, programs,
19 courses and services and confer such degrees as is approved by
20 the board of directors. The board of directors shall fix tuition
21 and establish and set other fees to be charged students as it
22 considers appropriate, including establishing special fees for
23 specific purposes. Special fees shall be paid into special funds
24 and may be used only for the purposes for which the fees were
25 collected.

26 (d) The board of directors shall expend from the appropria-
27 tions allocated for eastern West Virginia community and
28 technical college such funds as are necessary to operate and

29 conduct programs, to acquire clear title to any real property and
30 to make necessary capital improvements. The title to all
31 property purchased for the use of eastern West Virginia
32 community and technical college is vested in the board of
33 directors.

34 (e) The board of directors may enter into contracts on
35 behalf of eastern West Virginia community and technical
36 college with public and private education institutions, agencies,
37 boards, government agencies, corporations, partnerships and
38 individuals to perform instructional or other services.

39 (f) The board of directors shall make any necessary reports
40 to the legislative oversight commission on education account-
41 ability for the phased implementation of this section.

42 (g) Eastern West Virginia community and technical college
43 shall prepare and submit strategic plans in accordance with the
44 provisions of section one-c, article one of this chapter.

45 (h) The board of directors may provide through contractual
46 arrangement for the administration and operation of eastern
47 West Virginia community and technical college by other state
48 institutions of higher education until such time as the commu-
49 nity and technical college attains appropriate independent
50 accreditation. Any contractual arrangement shall ensure that the
51 programs offered at eastern West Virginia community and
52 technical college are accredited while independent accreditation
53 is being sought.

54 (i) Notwithstanding the provisions of section three-a of this
55 article, the community and technical college district of eastern
56 West Virginia community and technical college, for the
57 purposes of initial implementation, is comprised as follows:
58 Grant, Hardy, Hampshire, Pendleton and Tucker counties.

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

Randy Schover
Chairman Senate Committee

Jack Smith
Chairman House Committee

Originating in the House.

Takes effect from passage.

Harrell Holmes
Clerk of the Senate

Gregory M. King
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

[Signature]
Speaker of the House of Delegates

The within *approved* this the *2nd*
day of *April*, 1999.

[Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/99

Time 3:50 pm