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
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.

(a) For the purposes of this section, "freestanding community and technical college" means eastern West Virginia community and technical college, southern West Virginia community and technical college, West Virginia northern community and technical college and any other freestanding community and technical college so designated by the Legislature.

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

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

(2) Incorporate a model to offer occupational program curricula in smaller modules to accommodate specific student and employer needs and to gain sufficient flexibility in formatting courses;
(3) Serve as a facilitator for education programs from outside delivery sources that meet the needs of the residents and employers of the district; and

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

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

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

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

(f) The board of directors shall promulgate legislative rules in accordance with the provisions of article three-a, chapter twenty-nine-a of this code to effectuate the purposes of this section: Provided, That the board may not promulgate emergency rules. The rules shall be filed with the legislative oversight commission on education accountability no later than
§18B-3-7. Legislative findings; study by Joint Committee on Government and Finance.

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

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

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

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

(e) It is the responsibility of the Legislature to make the best use of available resources and to provide a blueprint that will meet goals established for public higher education.
Therefore, the joint committee on government and finance shall authorize a study for the purpose of making specific and detailed recommendations to the Legislature. The recommendations shall be delivered to the Legislature by the first day of January, two thousand. The study shall include, but may not be limited to, the following:

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

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

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

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

(5) Recommendations on a model for delivery of baccalaureate education that makes effective use of resources available at the freestanding community colleges under the jurisdiction of the board of directors;
(6) A review of facility and maintenance needs of all state institutions of higher education and recommendations for addressing those needs;

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

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

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

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

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

(b) It is the intent of the Legislature in establishing eastern West Virginia community and technical college to focus on the advantages available to the potomac highlands and to the state by providing quality community and technical college education.

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

(d) In order to satisfy the growing needs of the potomac highlands for access to quality higher education programs, the community and technical college shall meet the critical two-fold core mission which is to deliver work force development programs that meet the needs of employers and to increase the college participation rate of all the residents of the district. Establishment of this college is intended to provide an opportu-
nity to implement more effective education delivery systems, organizational structures, and management and to result in finding the best model for delivery of high quality community 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.

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

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

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

(d) The board of directors shall expend from the appropriations allocated for eastern West Virginia community and technical college such funds as are necessary to operate and
conduct programs, to acquire clear title to any real property and
to make necessary capital improvements. The title to all
property purchased for the use of eastern West Virginia
community and technical college is vested in the board of
directors.

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

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

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

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

(i) Notwithstanding the provisions of section three-a of this
article, the community and technical college district of eastern
West Virginia community and technical college, for the
purposes of initial implementation, is comprised as follows:
Grant, Hardy, Hampshire, Pendleton and Tucker counties.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within __________ approved this the __________ day of __________, 1999.

Governor