WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 2000

ENROLLED

SENATE BILL NO. 653
(Originating in the Committee
(By Senator on Education)

PASSED March 11, 2000
In Effect July 1, 2000 Passage
ENROLLED

Senate Bill No. 653

(Originating in the Committee on Education)

[Passed March 11, 2000; to take effect July 1, 2000.]

AN ACT to amend and reenact section forty-eight, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section eleven, article three, chapter twelve of said code; to amend and reenact sections one-d and two, article one, chapter eighteen-b of said code; to amend said article by adding thereto a new section, designated section one-a; to amend said chapter by adding thereto five new articles, designated articles one-a, one-b, one-c, two-a, and three-f; to amend and reenact section one, article two of said chapter; to amend and reenact section one, article three of said chapter; to amend and reenact articles three-a and three-c of said chapter; to amend and reenact section one, article four of said chapter; to amend said article by adding thereto a new section, designated section eight; to amend and reenact sections three and four, article five of said chapter; to amend and reenact section one, article six of said chapter; to amend
said article by adding thereto four new sections, designated sections one-a, two-a, three-a and four-a; to amend and reenact section one, article seven of said chapter; to amend and reenact section two, article nine of said chapter; to amend and reenact sections one, two and eight, article ten of said chapter; and to amend article fourteen of said chapter by adding thereto two new sections, designated sections eight and nine, all relating to education; public education; post-secondary education; motor vehicle and travel rules; goals for post-secondary education; retirement and separation incentives; defining terms; compact with higher education; institutional compacts; peer institutions; legislative financing goals; financing; institutional operating budget; additional funding; graduate education; repealing inconsistent and obsolete sections; education policy commission; development of a public policy agenda; composition of commission; terms and qualifications of commission members; vacancies; eligibility for reappointment; oath of office; removal from office; meetings and compensation of commission; powers and duties of commission; chief executive officer; chief of operations; executive director for community colleges and workforce development; executive director for health sciences research and development; institutional presidents; evaluation; implementation team; report cards; statewide master plan; institutional boards of advisors; state advisory councils of faculty, classified staff and students; community and technical college system; essential conditions for community and technical colleges; responsibility districts; presidents; programs; district consortia committee; process for achieving independently accredited community and technical colleges; increasing flexibility; tuition and fees; shared facilities and resources; creating the community and technical college serving the Kanawha valley; statewide task force on teacher quality; and statewide task force on student financial aid.

_Be it enacted by the Legislature of West Virginia:_
That section forty-eight, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section eleven, article three, chapter twelve of said code be amended and reenacted; that sections one-d and two, 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 one-a; that said chapter be further amended by adding thereto five new articles, designated articles one-a, one-b, one-c, two-a, and three-f; that articles three-a and three-c of said chapter be amended and reenacted; that section two, article four of said chapter be amended and reenacted; that said article be further amended by adding thereto a new section, designated section eight; that sections three and four, article five of said chapter be amended and reenacted; that section one, article six of said chapter be amended and reenacted; that said article be further amended by adding thereto four new sections, designated sections one-a, two-a, three-a and four-a; that section one, article seven of said chapter be amended and reenacted; that section two, article nine of said chapter be amended and reenacted; that sections one, two and eight, article ten of said chapter be amended and reenacted; and that article fourteen of said chapter be amended by adding two new sections, designated sections eight and nine, all to read as follows:

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 3. PURCHASING DIVISION.

§5A-3-48. Travel rules; exceptions.

1 (a) The secretary of administration shall promulgate rules relating to the ownership, purchase, use, storage, maintenance and repair of all motor vehicles and aircraft owned by the state of West Virginia and in the possession of any department, institution or agency thereof: Provided, That the provisions of sections forty-eight through fifty-three, inclusive, of this article do not apply to the division of highways of the department of transportation,
the West Virginia state police of the department of military affairs and public safety, the division of natural resources, the division of forestry, the department of agriculture, the office of the state fire marshal, the higher education policy commission and the higher education governing boards and their institutions: Provided, however, That the higher education governing boards and their institutions shall report annually to the chancellor for higher education and the legislative oversight commission on education accountability in a form and manner as required by the chancellor for higher education. Such report shall include at least the following: The number of vehicles purchased and the purchase price, the number of donated vehicles and the cost of lease agreements on leased vehicles.

(b) If, in the judgment of the secretary of administration, economy or convenience indicate the expediency thereof, the secretary may require all vehicles and the aircraft subject to regulation by this article, or those he or she may designate, to be kept in garages and other places of storage and to be made available in a manner and under the terms necessary for the official use of any departments, institutions, agencies, officers, agents and employees of the state as designated by the secretary in rules promulgated pursuant to this section. The secretary may administer the travel regulations promulgated by the governor in accordance with section eleven, article three, chapter twelve of this code, unless otherwise determined by the governor.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

§12-3-11. Travel expenses; rules to be promulgated concerning same; dues to voluntary organizations; recruitment expenses for higher education policy commission and West Virginia higher education governing boards; moving expenses of employees of higher
education policy commission and West Virginia higher education governing boards.

The governor shall promulgate rules and regulations concerning out-of-state travel by state officials and employees, except those in the legislative and judicial branches of the state government and except for the attorney general, auditor, secretary of state, treasurer, board of investments, commissioner of agriculture and their employees, the higher education policy commission and the higher education governing boards and institutions under their jurisdiction. The Legislature, the supreme court of appeals and the attorney general, auditor, secretary of state, treasurer, board of investments, commissioner of agriculture, the higher education policy commission and the higher education governing boards shall promulgate rules and regulations concerning out-of-state travel for their respective branches and departments of state government. Copies of such rules and regulations shall be filed with the auditor and the secretary of state.

It shall be unlawful for the auditor to issue a warrant in payment of any claim for out-of-state travel expenses incurred by a state officer or employee unless such claim meets all the requirements of the rules and regulations so filed.

Payment for dues or membership in annual or other voluntary organizations shall be made from the proper item or appropriation after an itemized schedule of such organizations, together with the amount of such dues or membership, has been submitted to the budget director and approved by the governor.

It shall be lawful for the higher education policy commission or a higher education governing board to authorize the payment of traveling expenses incurred by any person invited to visit the campus of any state institution of higher education or any other facility under control of
the board to be interviewed concerning his or her possible employment by the board or agent thereof.

It shall be lawful for the higher education policy commission or a higher education governing board to authorize payment of: (1) All or part of the reasonable expense incurred by a person newly employed by the board in moving his or her household furniture, effects and immediate family to his or her place of employment; and (2) all or part of the reasonable expense incurred by an employee of the board in moving his or her household furniture, effects and immediate family as a result of a reassignment of the employee which is considered desirable, advantageous to and in the best interest of the state. Provided, That no part of the moving expenses of any one such employee shall be paid more frequently than once in twelve months.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1. GOVERNANCE.


(a) Findings. – The Legislature finds that post-secondary education is vital to the future of West Virginia. For the state to realize its considerable potential in the twenty-first century, it must have a system for the delivery of post-secondary education which is competitive in the changing national and global environment, is affordable within the fiscal constraints of the state and for the state's residents to participate and has the capacity to deliver the programs and services necessary to meet regional and statewide needs.

(1) West Virginia leads a national trend toward an aging population wherein a declining percentage of working-age adults will be expected to support a growing percentage of retirees. Public school enrollments statewide have declined and will continue to do so for the foreseeable future...
with a few notable exceptions in growing areas of the state. As the state works to expand and diversify its economy, it is vitally important that young people entering the workforce from our education systems have the knowledge and skills to succeed in the economy of the twenty-first century. It is equally important, however, that working-age adults who are the large majority of the current and potential workforce also possess the requisite knowledge and skills and the ability to continue learning throughout their lifetimes. The reality for West Virginia is that its future rests not only on how well its youth are educated, but also on how well it educates its entire population of any age.

(2) Post-secondary education is changing throughout the nation. Place-bound adults, employers and communities are demanding education and student services that are accessible at any time, at any place and at any pace. Institutions are seizing the opportunity to provide academic content and support services on a global scale by designing new courseware, increasing information technology-based delivery, increasing access to library and other information resources, and developing new methods to assess student competency rather than “seat time” as the basis for recognizing learning, allocating resources and ensuring accountability. In this changing environment, the state must take into account the continuing decline in the public school-age population, the limits of its fiscal resources and the imperative need to serve the educational needs of working-age adults. West Virginia cannot afford to finance quality higher education systems that aspire to offer a full array of programs while competing among themselves for a dwindling pool of traditional applicants. The competitive position of the state and its institutions will depend fundamentally on its capacity to reinforce the quality and differentiation of its institutions through policies that encourage focus and collaboration.
(3) The current accountability system is exceptionally complicated and largely defines accountability in terms of institutional procedures. It also is not well equipped to address crosscutting issues such as regional economic and workforce development, community and technical college services, collaboration with the public schools to improve quality and student participation rates, access to graduate education and other broad issues of state interest. Severe fiscal constraints require West Virginia to make maximum use of existing assets to meet new demands. New investments must be targeted to those initiative designed to enhance and reorient existing capacity, provide incentives for collaboration and focus on the new demands. It must have a single accountability point for developing, building consensus around and sustaining attention to the public policy agenda and for allocating resources consistent with this policy agenda.

(4) The state should make the best use of the expertise that private institutions of higher education can offer and recognize the importance of their contributions to the economic, social and cultural well-being of their communities.

(5) The system of public higher education should be open and accessible to all persons, including persons with disabilities and other persons with special needs.

(b) Compact with higher education. – In pursuance of these findings, it is the intent of the Legislature to engage higher education in a statewide compact for the future of West Virginia, as provided in article one-a of this chapter, that focuses on a public policy agenda that includes, but is not limited to, the following:

(1) Diversifying and expanding the economy of the state;

(2) Increasing the competitiveness of the state's workforce and the availability of professional expertise by
increasing the number of college degrees produced to the level of the national average and significantly improving the level of adult functional literacy; and

(3) Creating a system of higher education that is equipped to succeed at producing these results.

(c) Elements of the compact with higher education. — It is the intent of the Legislature that the compact with higher education include the following elements:

(1) A step-by-step process, as provided in articles one-b and three-c of this chapter, which will enable the state to achieve its public policy agenda through a system of higher education equipped to assist in producing the needed results. This process includes, but is not limited to, separate institutional compacts with state institutions of higher education that describe changes in institutional missions in the areas of research, graduate education, admission standards, community and technical college education and geographical areas of responsibility to accomplish the following:

(A) A capacity within higher education to conduct research to enhance West Virginia in the eyes of the larger economic and educational community and to provide a basis for West Virginia's improved capacity to compete in the new economy through research oriented to state needs;

(B) Access to stable and continuing graduate level programs in every region of the state, particularly in teacher education related to teaching within a subject area to improve teacher quality;

(C) Universities and colleges that have focused missions, their own points of distinction and quality and strong links with the educational, economic and social revitalization of their regions and the state of West Virginia;
Greater access and capacity to deliver technical education, workforce development and other higher education services to place-bound adults thus improving the general levels of post-secondary educational attainment and literacy;

(E) Independently-accredited community and technical colleges in every region of the state, to the extent possible, that: (i) Assess regional needs; (ii) ensure access to comprehensive community and technical college and workforce development services within each of their respective regions; (iii) convene and act as a catalyst for local action in collaboration with regional leaders, employers and other educational institutions; (iv) provide and, as necessary, broker educational services; (v) provide necessary student services; (vi) fulfill such other aspects of the community and technical college mission and general provisions for community and technical colleges as provided for in article three-c of this chapter; and (vii) make maximum use of existing infrastructure and resources within their regions to increase access, including, but not limited to, vocational technical centers, schools, libraries, industrial parks and work sites.

(2) Providing additional resources, subject to availability and appropriation by the Legislature, as provided in article one-a of this chapter, to make the state institutions of higher education more competitive with their peers, assist them in accomplishing the elements of the public policy agenda and ensure the continuity of academic programs and services to students.

(3) Establishing a process for the allocation of additional resources which focuses on achieving the elements of the public policy agenda and streamlines accountability for the step-by-step progress toward achieving these elements within a reasonable time frame as provided in article one-a of this chapter.
(4) Providing additional flexibility to the state institutions of higher education by making permanent the exceptions granted to higher education relating to travel rules and vehicles pursuant to sections forty-eight through fifty-three, inclusive, article three, chapter five-a of this code, and section eleven, article three, chapter twelve of this code.

(5) Revising the higher education governance structure to make it more responsive to state and regional needs.

(c) General goals for post-secondary education. - In pursuance of the findings and the development of institutional compacts with higher education for the future of West Virginia pursuant to article one-a of this chapter, it is the intent of the Legislature to establish general goals for post-secondary education and to have the commission report the progress toward achieving these goals in the higher education report card required pursuant to section nine, article one-b of this chapter and where applicable, made a part of the institutional compacts. The Legislature establishes the general goals as follows:

(1) The overall focus of education is on a lifelong process which is to be as seamless as possible at all levels and is to encourage citizens of all ages to increase their knowledge and skills. Efforts in pursuit of this goal include, but are not limited to the following:

(A) Collaboration, coordination and interaction between public and post-secondary education to: (i) Improve the quality of public education, particularly with respect to ensuring that the needs of public schools for teachers and administrators is met; (ii) inform public school students, their parents and teachers of the academic preparation that students need to be prepared adequately to succeed in their selected fields of study and career plans; and (iii) improve instructional programs in the public schools so
that the students enrolling in post-secondary education are adequately prepared;

(B) Collaboration, coordination and interaction between public and post-secondary education, the governor's council on literacy and the state human resources investment council to promote the effective and efficient utilization of workforce investment and other funds to: (i) provide greatly improved access to information and services for individuals and employers on education and training programs, financial assistance, labor markets and job placement; (ii) increase awareness among the state's citizens of the opportunities available to them to improve their basic literacy, workforce and post-secondary skills and credentials; and (iii) help improve their motivation to take advantage of available opportunities by making the system more seamless and user friendly;

(C) Collaboration, coordination and interaction between public and post-secondary education on the development of seamless curriculum in technical preparation programs and study between the secondary and post-secondary levels; and

(D) Opportunities for advanced high school students to obtain college credit prior to high school graduation.

(2) The number of degrees produced per capita by West Virginia institutions of higher education is at the national average. Efforts in pursuit of this goal include, but are not limited to, the following:

(A) Collaboration, coordination and interaction between public and post-secondary education, the governor's council on literacy and the state human resources investment council to promote to individuals of all ages the benefits of increased post-secondary educational attainment;
(B) Assistance in overcoming the financial barriers to post-secondary education for both traditional and nontraditional students;

(C) An environment within post-secondary education that is student-friendly and that encourages and assists students in the completion of degree requirements within a reasonable time frame. The environment also should expand participation for the increasingly diverse student population;

(D) A spirit of entrepreneurship and flexibility within post-secondary education that is responsive to the needs of the current workforce and other nontraditional students for upgrading and retraining college-level skills; and

(E) The expanded use of technology for instructional delivery and distance learning.

(3) All West Virginians, whether traditional or nontraditional students, displaced workers or those currently employed have access to post-secondary educational opportunities through their community and technical colleges, colleges, and universities which: (i) Are relevant and affordable; (ii) allow them to gain transferrable credits and associate or higher level degrees; (iii) provide quality technical education and skill training; and (iv) are responsive to business, industry, labor and community needs.

(4) State institutions of higher education prepare students to practice good citizenship and to compete in a global economy in which good jobs require an advanced level of education and skills which far surpasses former requirements. Efforts in pursuit of this goal include, but are not limited to, the following:

(A) The development of entrepreneurial skills through programs such as the rural entrepreneurship through action learning (REAL) program which include practical
experience in market analysis, business plan development and operations;

(B) Elements of citizenship development are included across the curriculum in core areas, including practical applications such as community service, civic involvement and participation in charitable organizations and in the many opportunities for the responsible exercise of citizenship that higher education institutions provide;

(C) Students are provided opportunities for internships, externships, work study and other methods to increase their knowledge and skills through practical application in a work environment;

(D) College graduates meet or exceed national and international standards for skill levels in reading, oral and written communications, mathematics, critical thinking, science and technology, research and human relations;

(E) College graduates meet or exceed national and international standards for performance in their fields through national accreditation of programs and through outcomes assessment of graduates; and

(F) Admission and exit standards for students, professional staff development, program assessment and evaluation, and other incentives are used to improve teaching and learning.

State institutions of higher education exceed peer institutions in other states in measures of institutional productivity and administrative efficiency. Efforts in pursuit of this goal include, but are not limited to:

(A) The establishment of systematic ongoing mechanisms for each state institution of higher education to set goals, to measure the extent to which those goals are met and to
use the results of quantitative evaluation processes to improve institutional effectiveness;

(B) The combination and use of resources, technology and faculty to their maximum potential in a way that makes West Virginia higher education more productive than its peer institutions in other states while maintaining educational quality; and

(C) The use of systemic program review to determine how much duplication is necessary to maintain geographic access and to eliminate unnecessary duplication.

(6) Post-secondary education enhances state efforts to diversify and expand the economy of the state. Efforts in pursuit of this goal include, but are not limited to the following:

(A) The focus of resources on programs and courses which offer the greatest opportunities for students and the greatest opportunity for job creation and retention in the state;

(B) The focus of resources on programs supportive of West Virginia employment opportunities and the emerging high-technology industries;

(C) Closer linkages among higher education and business, labor, government and community and economic development organizations; and

(D) Clarification of institutional missions and shifting of resources to programs which meet the current and future workforce needs of the state.

(7) Faculty, staff and administrators are compensated on a competitive level with peer institutions to attract and keep quality personnel at state institutions of higher education.
(8) The tuition and fee levels for in-state students are competitive with those of peer institutions and the tuition and fee levels for out-of-state students are set at a level which at the least covers the full cost of instruction.

§18B-1-1d. Retirement and separation incentives.

(a) Notwithstanding any other provisions of this code to the contrary, each state institution of higher education may include in its strategic plan pursuant to section one-c of this article, policies that offer various incentives for voluntary, early or phased retirement of employees or voluntary separation from employment, when necessary to implement programmatic changes effectively pursuant to the findings, directives, goals and objectives of this article: Provided, That such incentives for voluntary, early or phased retirement of employees, or voluntary separation from employment must be submitted by the governing board to the legislative joint committee on pensions and retirement and approved before such policies are adopted as part of the institution's strategic plan.

(b) Effective the first day of July, two thousand one, each state institution of higher education may implement, under its institutional compact, created pursuant to section two, article one-a of this chapter, policies that offer various incentives for voluntary, early or phased retirement of employees, or voluntary separation from employment, when necessary to implement programmatic changes effectively: Provided, That the institution shall meet all the requirements, including the requirement for obtaining legislative approval, set forth in this section.

(c) The policies may include the following provisions:

(1) Payment of a lump sum to an employee to resign or retire;
(2) Continuation of full salary to an employee for a predetermined period of time prior to the employee's resignation or retirement and a reduction in the employee's hours of employment during the predetermined period;

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

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

(5) That an employee retiring pursuant to an early or phased retirement plan may begin collecting an annuity from the employee's retirement plan prior to the statutorily designated retirement date without terminating his or her service with the institution.

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

(e) No incentive proposed by an institution pursuant to this section shall become a part of the institution's approved strategic plan or institutional compact or be implemented without approval of the legislative joint committee on pensions and retirement.

Any costs associated with any incentive adopted or implemented in accordance with this section shall be borne entirely by the institutions and no incentive shall be granted that imposes costs on the retirement systems of the state or the public employees insurance agency unless those costs are paid entirely by the institutions.
The Legislature further finds and declares that there is a compelling state interest in restricting the availability and application of these incentives to individual employees determined by the institutions to be in furtherance of the aims of this section and nothing herein shall be interpreted as granting a right or entitlement of any such incentive to any individual or group of individuals. Any employee granted incentives shall be ineligible for reemployment by the institutions during or after the negotiated period of his or her incentive concludes, including contract employment in excess of five thousand dollars per fiscal year.

(g) The West Virginia network for educational telecomputing may utilize the incentives contained in any policy approved by the legislative joint committee on pensions and retirement pursuant to this section.

§18B-1-2. Definitions.

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

(a) For the transition year beginning on the first day of July, two thousand, and ending on the thirtieth day of June, two thousand one, only, “governing board” or “board” means the higher education interim governing board created pursuant to article one-c of this chapter; and, beginning on the first day of July, two thousand one, “governing board” or “board” means the institutional board of governors of West Virginia university, Marshall university, the West Virginia school of osteopathic medicine, Bluefield state college, Concord college, eastern West Virginia community and technical college, Fairmont state college, Glenville state college, Shepherd college, southern West Virginia community and technical college, West Liberty state college, West Virginia northern community college, Eastern West Virginia community and technical college, and West Virginia university.
and technical college and West Virginia state college, whichever is applicable within the context of the institution or institutions referred to in this chapter or in other provisions of law;

(b) Beginning on the first day of July, two thousand one, "governing boards" or "boards" means the institutional boards of governors pursuant to subsection (b), section one, article two-a of this chapter;

(c) "Freestanding community and technical colleges" means southern West Virginia community and technical college, West Virginia northern community and technical college and eastern West Virginia community and technical college, which shall not be operated as branches or off-campus locations of any other state institution of higher education;

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

(e) "Community and technical college", in the singular or plural, means the freestanding community and technical colleges and other state institutions of higher education which have defined community and technical college missions and responsibility districts in accordance with the provisions of sections seven and eight, article three-c of this chapter;

(f) "Community and technical college education" means the programs, faculty, administration and funding associated with the mission of community and technical colleges as provided in article three-c of this chapter.

(g) "Essential conditions" means those conditions which shall be met by community and technical colleges as provided in section three, article three-c of this chapter;
(h) "Higher education institution" means any institution as defined by Sections 401(f), (g) and (h) of the federal Higher Education Facilities Act of 1963, as amended;

(i) "Higher education policy commission" or "commission" means the commission created pursuant to section one, article one-b of this chapter;

(j) "Chancellor" means the chief executive officer of the higher education policy commission employed pursuant to section five, article one-b of this chapter;

(k) "Institutional operating budget" or "operating budget" for any fiscal year means an institution's total unrestricted education and general funding from all sources in a prior fiscal year, including, but not limited to, tuition and fees and legislative appropriation, and any adjustments to that funding as approved by the commission based on comparisons with peer institutions or to reflect consistent components of peer operating budgets;

(l) "Post-secondary vocational education programs" means any college-level course or program beyond the high school level provided through an institution of higher education under the jurisdiction of a governing board which results in or may result in the awarding of a two-year associate degree.

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

(n) "Senior administrator" means the vice chancellor for administration employed by the commission in accordance with section two, article four of this chapter. The vice chancellor for administration shall assume all the powers and duties that are assigned by law to the senior administrator;
(o) "State college" means Bluefield state college, Concord state college, Fairmont state college, Glenville state college, Shepherd college, West Liberty state college or West Virginia state college;

(p) "State institution of higher education" means any university, college or community and technical college under the direct or indirect jurisdiction of a governing board as that term is defined in this section;

(q) "Regional campus" means West Virginia university at Parkersburg, Potomac state college of West Virginia university, and West Virginia university institute of technology. Each regional campus shall adopt separate strategic plans required by section one-c of this article;

(r) The advisory board previously appointed for the West Virginia graduate college shall be known as the "board of visitors" and shall provide guidance to the Marshall university graduate college;

(s) "Institutional compact" means a compact between a state institution of higher education and the commission, as described in section two article one-a of this chapter;

(t) "Peer institutions", "peer group" or "peers" means public institutions of higher education used for comparison purposes and selected by the commission pursuant to section three, article one-a of this chapter;

(u) "Administratively linked community and technical college" means a community and technical college created pursuant to section eight, article three-c of this chapter; and

(v) "Sponsoring institution" means the state institution of higher education that maintains an administrative link to a community and technical college pursuant to section eight, article three-c of this chapter;
(w) "Collaboration" means entering into an agreement with one or more providers of education services in order to enhance the scope, quality, or efficiency of educational services; and

(x) "Broker" or the act of "brokering" means serving as an agent on behalf of students, employers, communities, or responsibility areas to obtain educational services not offered by a sponsoring institution. These services include courses, degree programs, or other services contracted through an agreement with a provider of educational services either in-state or out-of-state; and

(y) "Joint commission for vocational-technical-occupational education" or "joint commission" means the commission established pursuant to article three-a of this chapter.

ARTICLE IA. COMPACT WITH HIGHER EDUCATION FOR THE FUTURE OF WEST VIRGINIA.

§18B-IA-1. Purpose of article; legislative findings and intent.

Purpose. – The purpose of this article is to establish a compact with higher education for the future of West Virginia. The Legislature recognizes both the progress achieved thus far through the higher education strategic planning process established pursuant to section one-c, article one of this chapter, and the short falls. West Virginia long has recognized the value of education and, on a per capita income basis, invests more to support education than most other states. Based on its findings, the Legislature recognizes that because of a combination of state and national demographic and economic factors, and emerging changes in higher education delivery systems, it is in the best interests of both the state and the state's higher education system to begin a process that will strengthen their capacity, over the long term, to provide the services of higher education so valued by the citizens.
of the state and so essential to the state's economic vitality. The compact with higher education for the future of West Virginia is intended to encourage continued progress toward achieving the state's goals for higher education and to provide incentives for change. The changes include strengthening the capacity of the higher education system and institutions to serve regional and state needs and responding to the challenges of growing national and global competition in higher education delivery systems.

It is the intent of the Legislature that legislative appropriations for higher education for fiscal year two thousand two and thereafter, will be made in accordance with this article and the strategies, policies, time lines and benchmarks for accomplishing the goals of the compact over a six-year period: Provided, That nothing in this article requires any specific level of appropriation by the Legislature.

§18B-1A-2. Institutional compacts with state institutions of higher education; establishment and review process.

(a) Each institution of higher education shall prepare an institutional compact for submission to the commission. When the process herein provided is completed, the institutional compacts shall form the agreement between the institutions of higher education and the commission and, ultimately, between the institutions of higher education and the people of West Virginia on how the institutions will use their resources to address the intent of the Legislature and the goals set forth in section one-a, article one of this chapter. The compacts shall contain the following:

(1) A step-by-step process to accomplish the intent of the Legislature and the goals set forth in section one-a, article one of this chapter as organized by the commission. The step-by-step process shall be delineated by objectives and
shall set forth a time line for achieving the objectives which shall, where applicable, include benchmarks to measure institutional progress as defined in subsection (e) of this section.

(2) A determination of the mission of the institution which specifically addresses changes, as applicable, in the areas of research, graduate education, baccalaureate education, revised admission requirements, community and technical colleges and such other areas as the commission determines appropriate. In the determination of mission, the institutions and the commission shall consider the report completed by the national center for higher education management systems pursuant to the legislative study as provided in section seven, article three of this chapter;

(3) A plan which is calculated to make any changes in institutional mission and structure within a six-year period;

(4) A statement of the geographic areas of responsibility, where applicable, for each goal to be accomplished as provided in subsection (d) of this section;

(5) A detailed statement of how the compact is aligned with and will be implemented in conjunction with the master plan of the institution;

(6) Such other items, requirements or initiatives, required by the commission, designed to accomplish the intent of the Legislature and the goals set forth in section one-a, article one of this chapter, or other public policy goals established by the commission.

(b) Each institutional compact shall be updated annually and shall follow the same general guidelines contained in subsection (a) of this section.
(c) Development and updating of the institutional compacts shall be subject to the following:

(1) The ultimate responsibility for developing and updating the institutional compacts at the institutional level resides with the institutional board of advisors or the institutional board of governors, as appropriate;

(2) The ultimate responsibility for developing and adopting the final version of the institutional compacts resides with the commission;

(3) The initial institutional compacts shall be submitted to the commission by the institutions on or before the first day of February, two thousand one, and the annual updates shall be submitted on or before the first day of February of each succeeding year;

(4) The commission shall review the initial institutional compacts and the annual updates and either shall adopt the institutional compact or return it with specific comments for change or improvement. The commission shall continue this process as long as it considers advisable;

(5) By the first day of May of each year, if the institutional compact of any institution as presented by that institution is not adopted by the commission, then the commission is empowered and directed to develop and adopt the institutional compact for the institution and the institution shall be bound by the compact so adopted; and

(6) The commission shall, as far as practicable, establish uniform processes and forms for the development and submission of the institutional compacts. As a part of this function, the commission shall organize the statements of legislative intent and goals contained in section one-a, article one of this chapter in a manner that facilitates the purposes of this subdivision and the purposes of this section.
(d) The commission shall assign geographic areas of responsibility to the state institutions of higher education as a part of their institutional compacts to ensure that all areas of the state are provided necessary programs and services to achieve the public policy agenda. The benchmarks established in the institutional compacts shall include measures of programs and services by geographic area throughout the assigned geographic area of responsibility.

(e) The compacts shall contain benchmarks used to determine progress toward meeting the goals established in the compacts. The benchmarks shall meet the following criteria:

1. They shall be as objective as possible;
2. They shall be directly linked to the goals in the compacts;
3. They shall be measured by the indicators described in subsection (f) of this section; and
4. Where applicable, they shall be used to measure progress in geographic areas of responsibility.

(f) The commission shall establish indicators which measure the degree to which the goals and objectives set forth in section one-a, article one of this chapter, are being addressed and met. The benchmarks established in subsection (e) of this section shall be measured by the indicators. The commission shall, on or before the first day of January, two thousand one, file with the legislative oversight commission on education accountability, legislative rules pursuant to article three-a, chapter twenty-nine-a of this code, that set forth at the least the following:

1. The indicators to be used to measure the degree to which the goals and objectives are being met.
(2) Uniform definitions for the various data elements to be used in establishing the indicators;

(3) Guidelines for the collection and reporting of data.

(g) The commission shall approve the master plans developed by the institutional boards of governors and the institutional boards of advisors pursuant to subsection (b), section four, article two-a of this chapter and subsection (k), section one, article six of this chapter.

§18B-1A-3. Peer institutions.

(a) The commission shall select not fewer than ten peer institutions for each state institution of higher education in West Virginia, including, but not limited to, independently-accredited community and technical colleges.

(b) The peer institutions shall be selected from among institutions throughout the United States and not solely from the states that are members of the southern regional education board.

(c) The peer institutions, as selected by the commission, shall be used as benchmarks for comparison purposes only and are not intended to reflect funding goals for West Virginia institutions of higher education. Such a use is inappropriate since institutions selected as peers for a state institution may be located in an area of high per capita income or have their funding subject to other factors that make its use unrealistic for setting funding goals in West Virginia. The peer institutions shall be used for comparison in the following areas:

1. To determine adjustments to base operating budgets as described in section five of this article;

2. To determine comparable levels of tuition;
(3) To determine comparable faculty and staff teaching requirements and other workloads; and

(4) For such other purposes as the law may require or the commission may find useful or necessary.

(d) The commission shall contract with a national, independent education consulting firm to assist in the unbiased selection of peer institutions for each West Virginia institution. The commission shall select peer institutions for each institution through an open, deliberative, objective process and in consultation with the institutional boards of governors, intended to achieve broad understanding of the basis for this selection in the higher education community and the Legislature. Final peer selection is subject to the review of the legislative oversight commission on education accountability. In selecting peer institutions, the commission shall use criteria such as, but not limited to:

(1) Institutional mission;

(2) Institutional size related to full-time equivalent students;

(3) The proportions of full-time and part-time students;

(4) The level of academic programs, including, but not limited to, number of degrees granted at the associate, baccalaureate, masters, doctoral and first-professional level;

(5) The characteristics of academic programs such as health sciences, professional, technical or liberal arts and sciences; and

(6) The level of research funding from federal competitive funding sources.
(e) The commission shall review and make necessary adjustments, subject to the review of the legislative oversight commission on education accountability, to peer institutions at least every six years or as necessary based on changes in institutional missions as approved in institutional compacts or in changes at peer institutions.

(f) Nothing herein shall be construed to prevent the commission from using the same peers or peer groups for more than one institution of higher education.

§18B-1A-4. Legislative financing goals.

(a) The Legislature recognizes that the higher education goals set forth in section one-a, article one of this chapter are of utmost importance. The Legislature further recognizes that meeting the goals may require the appropriation of funds above the current operating budgets of the institutions.

(b) It is, therefore, the desire of the Legislature to increase funding annually for higher education at a rate not less than the annual percentage increase in the overall general revenue budget.

(c) If the commission determines that appropriations are insufficient to fund the requirements of the institutional compacts, the commission first shall consider extending the length of the compacts or otherwise modifying the compacts to allow the institutions to achieve the benchmarks in the compacts. If modifications to the institutional compacts are not sufficient to allow the institutions to meet their benchmarks, the commission shall recommend to the Legislature methods of making the higher education system more efficient. The methods may include, but are not limited to, the following:

(1) Administrative efficiencies;
§18B-1A-5. Financing; institutional operating budgets, additional funding.

(a) **Budget request and appropriations.** – The commission has the responsibility to develop a budget for the state system of higher education, and submit a budget request to the governor before the first day of September, beginning in two thousand, and for each fiscal year thereafter. The budget request specifically shall include the amount of the institutional operating budgets, as defined in section two, article one of this chapter, required for all state institutions of higher education. The budget appropriation for the state system of higher education under this chapter and other provisions of the law shall consist of separate control accounts or institutional control accounts, or some combination of such accounts, for appropriation of institutional operating budgets and other funds. The commission is responsible for allocating state appropriations to supplement institutional operating budgets in accordance with this section. In addition to the institutional operating budget and incentive funding, however, the commission also is responsible for allocating funds that are appropriated to it for other purposes: Provided, That, in order to determine institutional allocations, it is the responsibility of the institutions and their respective institutional boards of governors or advisors, as appropriate, to provide to the commission documentation on preliminary peer comparison calculations, performance of increased productivity and academic quality, and measurable attainment in fulfilling state priorities as set forth in
article one-a of this chapter. The documentation shall be
provided to the commission no later than the first day of
October each year, for policy commission review and
verification.

(b) Legislative Funding Priorities.

(1) The Legislature recognizes the current resource
allocation model has not moved all state institutions
equitably towards comparable peer funding levels. This
formula has left West Virginia institutions at a competitive
disadvantage to their national peers.

(2) The Legislature acknowledges that the resource
allocation model used to comply with Senate Bill 547,
passed during the legislative session of one thousand nine
hundred ninety-five, alleviated some of the disparity that
exists among state institutions' operating budgets, but left
significant differences between the institutions and their
national peers.

(3) The Legislature recognizes that a system of
independently-accredited community and technical
colleges is vital to the economic vitality of the state.

(4) The Legislature places great importance on achieving
the priority goals outlined in the public policy agenda and
believes the state institutions of higher education should
play a vital role in facilitating the attainment of these
goals.

(5) The Legislature also believes it is imperative that the
state make progress on narrowing the peer inequity while
balancing the need for sustaining the quality of our
institutions.

(6) It is the charge of the policy commission to allocate
all funds appropriated in excess of the fiscal year two-
thousand one general revenue appropriations in alignment
with the legislative funding priorities listed below. The
policy commission shall consider the priorities and assign
a percentage of the total appropriation of new funds to
each priority.

(A) Peer equity. – Funds appropriated for this purpose
increase the level of the institutional operating budget for
state institutions of higher education comparable to their
peer institutions. The allocation shall provide, subject to
the availability of funds and legislative appropriations, for
a systematic adjustment of the institutional operating
budgets to move all institutions' funding in the direction
of levels comparable with their peers. Institutional
allocations shall be calculated as follows:

(i) A calculation shall be made of the deficiency in per
student funding of each institution in comparison with the
mean per student funding of the peer institutions as
defined by the commission pursuant to section three,
article one-a of this chapter;

(ii) For all institutions that are deficient in comparison
with peer institutions, the amounts of the deficiencies shall
be totaled;

(iii) A ratio of the amount of the deficiency for an
institution divided by the total amounts of deficiency for
all West Virginia institutions shall be established for each
institution; and

(iv) The allocation to each institution shall be calculated
by multiplying the ratio by the total amount of money in
the account.

(B) Independently accredited community and technical
colleges development. – Funds appropriated for this
purpose will ensure a smooth transition, where required,
from "component" community and technical colleges to
independently-accredited community and technical
colleges as defined in section two, article one of this chapter. Appropriations for this purpose are only to be allocated to those institutions having approved compacts with the commission that expressly include the transition of their component community colleges to independently accredited status and have demonstrated measurable progress towards this goal. By the first day of July, two thousand seven, or, when all required community and technical colleges are independently accredited, whichever first occurs, funds for this purpose shall be allocated to the incentives for institutional contributions to state priorities: Provided, That if the commission determines that payments from the account to the institutions should continue beyond the first day of July, two thousand seven, it shall request an extension from the Legislature;

(C) Research challenge. — Funds appropriated for this purpose shall assist public colleges and universities in West Virginia to compete on a national and international basis by providing incentives to increase their capacity to compete successfully for research funding. The Legislature intends for institutions to collaborate in the development and execution of research projects to the extent practical, and to target research on the needs of the state as established in the public policy agenda and linked to the future competitiveness of this state.

(i) The commission shall develop criteria for awarding grants to institutions under this account, which may include, but are not limited to, the following:

(I) Grants are to be used to match externally-funded, peer-reviewed research;

(II) Grants to match funds for strategic institutional investments in faculty and other resources to increase research capacity;

(ii) The grants shall be distributed as follows:
(I) Forty percent of the moneys shall be distributed at
the discretion of the commission, but with particular
emphasis on start-up money for new research efforts; and

(II) The balance of the moneys shall be distributed to
each public college and university in the same percentage
that the research funds received by that public college or
university bears to the total research funds received by all
public colleges and universities in the state for the previ-
ous year.

(iii) The commission may establish an advisory council
consisting of nationally prominent researchers and scien-
tists, including representatives from outside the state, to
assist in developing the criteria for awarding grants under
this account.

(iv) For the purposes of making the distributions from
this account, the commission shall establish the definition
for research, research funds, and any other terms as may
be necessary to implement this subdivision; and

(D) Incentives for institutional contributions to state
priorities. — Funds appropriated for this purpose provide
incentives to institutions which demonstrate success
toward advancing the goals of the public policy agenda as
set forth in section one-a, article one of this chapter and to
provide incentives for mission enhancement as set forth in
section two of this article.

(E) Sustained Quality Support. — The commission shall
provide additional operating funds to institutions with
approved compacts. The commission shall allocate these
funds on an equal percentage basis to all institutions:
Provided, That the policy commission may delay distribu-
tion of these funds to any institution which does not
demonstrate measurable progress towards the goals
provided in its compact with the policy commission.
(c) Allocations to institutional operating budgets. – For the purposes of this subsection, the commission shall establish by rule pursuant to subsection (e), section two, article one-b of this chapter the method for measuring the progress of each institution towards meeting the benchmarks of its institutional compact.

(d) Allocation of appropriations to the institutions. – Appropriations in this section shall be allocated to the state institutions of higher education in the following manner:

1. For the fiscal year two thousand two, appropriations above the fiscal year two thousand two institutional operating budget shall be allocated only to institutions with approved compacts, pursuant to this article;

2. For the fiscal year two thousand three, and each fiscal year thereafter, appropriations from the funds shall be allocated only to institutions with approved compacts, pursuant to section two of this article, and which also have achieved their annual benchmarks for accomplishing the goals of their compacts, as approved by the commission: Provided, That, if an institution has not achieved all of its annual benchmarks, the commission may distribute a portion of the funds to the institution based on its progress as the commission determines appropriate: Provided, however, That the commission shall establish by rule pursuant to section four, article one-b of this chapter the method for measuring the progress of each institution toward meeting the benchmarks of its institutional compact;

(e) Nothing in this section shall be construed in a manner that limits the appropriation or collection of fees necessary to effectuate the operation and purpose of the policy commission.

§18B-1A-6. Graduate education.
(a) **Intent.** – It is the intent of the Legislature to address the need for high quality graduate education programs to be available throughout the state.

(b) **Findings.** – The Legislature makes the following findings:

1. Since West Virginia ranks below its competitor states in graduate degree production, particularly in the areas that are important to the state's competitive position in the new economy of the twenty-first century, there is a considerable need for greater access to graduate education, especially at the master's degree level;

2. There is a significant disparity in access to part-time graduate degree programs among the different regions of the state and part-time graduate enrollments are heavily concentrated in the counties immediately surrounding Marshall university and West Virginia university;

3. There is a particular need for increased access to graduate programs linked directly to the revitalization of the regional economies of the state; and

4. There is a particular need for improved quality and accessibility of pre-service and in-service programs for teachers in subject matter fields.

(b) In order to meet the need for graduate education, the commission shall be responsible for accomplishing the following:

1. Ensuring that West Virginia university and Marshall university expand access to master's degree programs throughout West Virginia, with a strong emphasis on collaboration with the baccalaureate colleges and community and technical colleges in each region;

2. Ensuring that any institution providing a master's degree program under the provisions of this section
provides a meaningful, coherent program by offering
courses in such a way that students, including place-bound
adults, have ample opportunity to complete a degree in a
reasonable period of time; and

(3) Focusing on providing courses that enhance the
professional skills of teachers in their subject areas;

(4) Ensuring that programs are offered in the most cost-
effective manner to expand access throughout the region
and the state.

(c) Concord college, Fairmont state college, Shepherd
college, West Liberty state college, and West Virginia state
college shall meet the need for graduate education in their
regions by following the procedures outlined below with
each step building upon the foundation of the step before
it:

(1) The institutions shall develop as graduate centers for
their regions to broker access to graduate programs by
contracting with accredited colleges and universities in
and out of the state. These programs shall be related
directly to each region's education and economic needs.

(2) If the graduate education needs of the region have
not been met through brokering, then the institutions may
begin collaborative programs with other institutions
leading to the granting of master's degrees in selected
areas that are demonstrated to be related directly to the
needs of their regions and that draw on faculty strengths.
An institution may continue to offer collaborative pro-
grams aimed at meeting the documented needs with the
approval of the commission or, if a sustained need still
exists, the institution may move to the next level.

(3) If the graduate education needs of the region have
not been met through brokering and collaborative pro-
grams, the institution may explore the option of beginning
its own graduate-level program leading to the granting of
a master's degree. The institution may begin its own
master's degree program only if it can meet the following
conditions as determined by the commission:

(A) Demonstrate that the institution has successfully
completed each of the steps required before exploring
development of its own master's degree program;

(B) Provide evidence based on experience gained in the
brokering and collaborative arrangements that a sustained
demand exists for the program;

(C) Demonstrate that the baccalaureate institution has
the capacity to provide the program;

(D) Demonstrate that the core mission of the baccalaure-
ate institution will not be impaired by offering the gradu-
ate program;

(E) Provide evidence that the graduate program has a
reasonable expectation of being accredited;

(F) Demonstrate that the need documented in subdivi-
sion (B) of this subsection is not currently being met by
any other state institution of higher education; and

(G) Such other conditions as the commission may
determine.

(d) There is an urgent need for master's degree programs
for teachers in disciplines or subject areas, such as mathem-
atics, science, history, literature, foreign languages and
the arts. Currently, master's-level courses in education
that are offered in the regions served by the state universi-
ties are primarily in areas such as guidance and counsel-
ing, administration, special education and other disci-
plines unrelated to teaching in subject areas. If the
commission determines that this need is not being met or
can not be met in a region through the procedure estab-
lished in subsection (c) of this section, then the graduate center in that region may plan one master's degree program in education focused on teaching in subject areas the provisions of this section until the program has been reviewed and approved by the commission. The commission shall approve only those programs, as authorized by this subsection, that emphasize serving the needs of teachers and schools in the colleges' immediate regions. In determining whether a program should be approved, the commission also shall rely upon the recommendations of the statewide task force on teacher quality provided for in section six of this article.

(e) The commission shall review all graduate programs being offered under the provisions of this section and, using the criteria established for program startup in subsection (c) of this section, determine which programs should be discontinued.

(f) At least annually, the governing boards shall evaluate graduate programs developed pursuant to the provisions of this section and report to the commission on the following:

1. The number of programs being offered and the courses offered within each program;
2. The disciplines in which programs are being offered;
3. The locations and times at which courses are offered;
4. The number of students enrolled in the program; and
5. The number of students who have obtained master's degrees through each program.

The governing boards shall provide the commission with any additional information the commission requests in
order to make a determination on the viability of a program.

(g) In developing any graduate program under the provisions of this section, institutions shall consider delivering courses at times and places convenient to adult students who are employed full-time. Institutions shall place an emphasis on extended degree programs, distance learning and off-campus centers which utilize the cost-effective nature of extending existing university capacity to serve the state rather than duplicating the core university capacity and incurring the increased cost of developing master’s degree programs at other institutions throughout the state.

(h) Brokering institutions shall invite proposals from other public institutions of higher education for service provision prior to contracting with other institutions. Provided, That if institutions propose providing graduate programs in service areas other than in their responsibility district, the institution seeking to establish a program shall work through the district’s lead institution in providing those services.

(i) In addition to the approval required by the commission, authorization for any institution to offer a master's degree program under the provisions of this section is subject to the formal approval processes established by the governing boards.

§18B-1A-7. Contrary provisions.

Effective the first day of July, two thousand, the provisions of this article shall supersede any provision of this code to the contrary.

§18B-1A-8. Sections repealed.
(a) On the effective date of this section, sections three-a and four, article three of this chapter relating to community and technical colleges are repealed.

(b) Effective the first day of July, two thousand, section two-b, article five of this chapter, relating to resource allocation policy relief, is repealed.

(c) Effective the first day of July, two thousand, section two-c, article five of this chapter, relating to a review of resource allocation model and policies, is repealed.

(d) Effective the first day of July, two thousand, section five, article six of this chapter, relating to the creation of advisory council on federal resources, is repealed.

(e) Effective the thirtieth day of June, two thousand one, section eight, article one of this chapter, relating to the powers and duties of the governing boards generally, is repealed.

(f) Effective the thirtieth day of June, two thousand one, section eight-a, article one of this chapter, relating to higher education accountability, is repealed.

(g) Effective the first day of July, two thousand, section six, article three of this chapter, relating to increasing flexibility for freestanding community and technical colleges, is repealed.

(h) Effective the thirtieth day of June, two thousand one, section one-b, article one of this chapter, relating to implementation of findings, directives, goals and objectives, is repealed.

(i) Effective the thirtieth day of June, two thousand one, section one-c, article one of this chapter, relating to strategically focusing resources to maximize opportunity, is repealed.
(j) Effective the first day of July, two thousand, section five, article one of this chapter, relating to placing governing boards under the department of education and the arts, is repealed.

(k) Effective the first day of July, two thousand, section six, article six of this chapter, relating to the University of West Virginia anatomical board, is repealed.

(l) Effective the thirtieth day of June, two thousand one, section one, article five of this chapter, relating to appropriations, is repealed.

(m) Effective the thirtieth day of June, two thousand one, section two, article five of this chapter, relating to resource allocation model and policies, is repealed.

(n) Effective the thirtieth day of June, two thousand, section two, article six of this chapter, relating to advisory councils of faculty, is repealed.

(o) Effective the thirtieth day of June, two thousand, section three, article six of this chapter, relating to advisory councils of students, is repealed.

(p) Effective the thirtieth day of June, two thousand, section four, article six of this chapter, relating to advisory councils of classified employees, is repealed.

ARTICLE 18. HIGHER EDUCATION POLICY COMMISSION.

§18B-1B-1. Higher education policy commission established; development of public policy agenda.

There is hereby created the "higher education policy commission", hereinafter referred to as the "commission", which is responsible for developing, gaining consensus around, and overseeing the implementation of a public policy agenda. It is the intent of the Legislature that the commission be responsible for development and articulation of the public policy agenda for higher education and
other statewide issues pursuant to section one-a, article one of this chapter. All matters of governance not specifically assigned to the commission by law are the duty and responsibility of the governing board or boards.

§18B-1B-2. Composition of board; terms and qualifications of members; vacancies; eligibility for reappointment; oath of office; removal from office.

(a) The commission is comprised of nine members, of whom one shall be the secretary of education and the arts, ex officio, who is entitled to vote; and one shall be a member of the state board of education, selected by that board, who is entitled to vote. The member selected by the state board of education shall not continue as a member of the commission if he or she is no longer serving as a member of the state board of education. In that event, another member of the state board shall be selected by that board.

(b) The other seven members of the commission shall be citizens of the state, appointed by the governor, by and with the advice and consent of the Senate: Provided, That, prior to appointment, the governor shall interview each candidate to assure that the person selected understands and is committed to achieving the goals and objectives as set forth in the institutional compacts and in section one-a, article one of this chapter. The governor shall invite the president of the senate, the speaker of the house, the chairs of the senate and house committees on finance and education and such other legislative leaders as the governor may determine to participate in interviewing potential candidates. Each member appointed to the commission by the governor shall represent the public interest and shall be committed to the legislative intent and goals set forth in section one-a, article one of this chapter.
(c) The governor may not appoint any person to be a member of the commission who is an officer, employee or member of an advisory board of any state college or university, an officer or member of any political party executive committee, the holder of any other public office or public employment under the government of this state or any of its political subdivisions or an appointee or employee of any governing board, or an immediate family member of any employee under the jurisdiction of the commission or any governing board. Of the members appointed by the governor from the public at large, no more than four thereof shall belong to the same political party and at least two shall be appointed from each congressional district.

(d) The governor shall appoint seven members to the commission on the first day of July, two thousand, or as soon thereafter as is practicable and the original terms of all members shall commence on the first day of July, two thousand.

(e) The terms of the members appointed by the governor shall be for overlapping terms of five years, except, of the original appointments, one shall be appointed to a term of one year, two shall be appointed to a term of two years, two shall be appointed to a term of three years, and two shall be appointed to a term of four years. Each subsequent appointment which is not for the purpose of filling a vacancy in an unexpired term shall be for a term of four years.

(f) The governor shall appoint a member to fill any vacancy among the seven members of the commission appointed by the governor, by and with the advice and consent of the Senate, which member appointed to fill such vacancy shall serve for the unexpired term of the vacating member. The governor shall fill the vacancy within thirty days of the occurrence of the vacancy.
(g) No member appointed by the governor shall be eligible to serve more than two consecutive terms.

(h) Before exercising any authority or performing any duties as a member of the commission, each member shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article IV of the constitution of West Virginia and the certificate thereof shall be filed with the secretary of state.

(i) No member of the commission appointed by the governor may be removed from office by the governor except for official misconduct, incompetence, neglect of duty or gross immorality, and then only in the manner prescribed by law for the removal of the state elective officers by the governor.

§18B-1B-3. Meetings and compensation.

(a) The secretary of education and the arts shall call the initial meeting of the commission and preside until a chairperson is selected. Thereafter, the commission shall meet as needed at the time and place specified by the call of the chairperson.

(b) The commission shall hold an annual meeting each June for the purpose of electing officers for the next fiscal year. At the annual meeting, the commission shall elect from its members appointed by the governor a chairperson and other officers as it may consider necessary or desirable. Provided, That the initial meeting for the purpose of selecting the first chairperson and other officers shall be held during July, two thousand, or as soon thereafter as practicable. All officers shall be elected from the citizen appointees. The chairperson and other officers shall be elected for a one-year term commencing on the first day of July following the annual meeting and ending on the thirtieth day of June of the following year: Provided, however, That the terms of officers elected in July, two
20 thousand, begin upon election and end on the thirtieth day
21 of June, two thousand one. The chairperson of the board
22 may serve no more than two consecutive terms as chair.
23
24 (c) Members of the commission shall be reimbursed for
25 actual and necessary expenses incident to the performance
26 of their duties upon presentation of an itemized sworn
27 statement thereof. The foregoing reimbursement for
28 actual and necessary expenses shall be paid from appro-
29 priations made by the Legislature to the commission.
30
31 (d) A majority of the members constitutes a quorum for
32 conducting the business of the commission.

§18B-1B-4. Powers and duties of higher education policy com-
mision.

1 (a) The primary responsibility of the commission is to
2 develop policy that will achieve the goals and objectives
3 found in section one-a, article one of this chapter. To that
4 end, the commission has the following powers and duties:
5
6 (1) Develop, oversee and advance the public policy
7 agenda to address major challenges facing the state,
8 including, but not limited to, the goals and objectives
9 found in section one-a, article one of this chapter and
10 including specifically those goals and objectives pertaining
11 to the compacts created pursuant to section two, article
12 one-a of this chapter, and to develop and implement the
13 master plan described in section ten of this article for the
14 purpose of accomplishing the mandates of this section;
15
16 (2) Develop, oversee and advance the implementation of
17 a financing policy for higher education in West Virginia.
18 The policy shall meet the following criteria:
19
20 (A) Provide an adequate level of education and general
21 funding for institutions pursuant to section five, article
22 one-a of this chapter;
(B) Serve to maintain institutional assets, including, but not limited to, human and physical resources and deferred maintenance; and

(C) Invest and provide incentives for achieving the priority goals in the public policy agenda including, but not limited to, those found in section one-a, article one of this chapter;

(3) Create a policy leadership structure capable of the following actions:

(A) Developing, building public consensus around, and sustaining attention to a long-range public policy agenda. In developing the agenda, the commission shall seek input from the Legislature and the governor, and specifically from the state board of education and local school districts in order to create the necessary linkages to assure smooth, effective and seamless movement of students through the public education and post-secondary education systems; and to ensure that the needs of public school courses and programs can be fulfilled by the graduates produced and the programs offered;

(B) Ensuring that the governing boards carry out their duty effectively to govern the individual institutions of higher education; and

(C) Holding the higher education institutions and the higher education system as a whole accountable for accomplishing their missions and implementing the provisions of the compacts;

(4) Develop and adopt each institutional compact;

(5) Review and adopt the annual updates of the institutional compacts;

(6) Review the progress of community and technical colleges in every region of West Virginia; such review
includes, but is not limited to, evaluating and reporting annually to the legislative oversight commission on education accountability on the step-by-step implementation required in article three-c of this chapter;

(7) Serve as the accountability point for the governor for implementation of the public policy agenda and for the Legislature by maintaining a close working relationship with the legislative leadership and the legislative oversight commission on education accountability;

(8) Promulgate legislative rules pursuant to article three-a, chapter twenty-nine-a to fulfill the purposes of section five, article one-a of this chapter;

(9) Establish a peer group for each public institution of higher education in the state as described in section three, article one-a of this chapter;

(10) Establish the benchmarks and performance indicators necessary to measure institutional achievement towards state policy priorities and institutional missions;

(11) In January, two thousand one, and annually thereafter, report to the Legislature and to the legislative oversight commission on education accountability during the January interim meetings, on a date, and at a time and location to be determined by the president of the Senate and the speaker of the House of Delegates. The report shall address at least the following:

(A) The performance of the system of higher education during the previous fiscal year, including, but not limited to, progress in meeting goals stated in the compacts and progress of the institutions and the higher education system as a whole in meeting the goals and objectives set forth in section one-a, article one of this chapter;
(B) An analysis of enrollment data collected pursuant to subsection (i), section one, article ten of this chapter and recommendations for any changes necessary to assure access to high-quality, high-demand education programs for West Virginia residents;

(C) The priorities established for capital investment needs pursuant to subdivision (12) of this subsection and the justification for such priority; and

(D) Recommendations of the commission for statutory changes needed to further the goals and objectives set forth in section one-a, article one of this chapter;

(12) Develop a formal process for identifying needs for capital investments and for establishing priorities for these investments;

(13) Effective the first day of July, two thousand, develop guidelines for institutions to follow concerning extensive capital projects. The guidelines shall provide a process for developing capital projects, including, but not limited to, the notification by an institution to the commission of any proposed capital project which has the potential to exceed one million dollars in cost. No such project may be pursued by an institution without the approval of the commission: Provided, That, this provision does not apply to any project begun prior to the first day of July, two thousand. Neither the commission nor any institution shall approve or promote any capital project or policy for housing which gives a financial advantage to a private sector capital project over an existing West Virginia business;

(14) Draw upon the expertise available within the human resources investment council and the West Virginia development office as a resource in the area of workforce development and training;
(15) Acquire legal services as are considered necessary, including representation of the commission, its institutions, employees and officers before any court or administrative body, notwithstanding any other provision of this code to the contrary. The counsel may be employed either on a salaried basis or on a reasonable fee basis. In addition, the commission may, but is not required to, call upon the attorney general for legal assistance and representation as provided by law;

(16) Employ a chancellor for higher education pursuant to section five of this article;

(17) Employ other staff as necessary and appropriate to carry out the duties and responsibilities of the commission;

(18) Provide suitable offices in Charleston for the chancellor, vice chancellors and other staff;

(19) Conduct a study of the faculty tenure system as administered by the governing boards with specific attention to the role of community service and other criteria for achieving tenured status. The commission shall make a report of its findings and recommendations to the legislative oversight commission on education accountability by the first day of July, two thousand one;

(20) Advise and consent in the appointment of the presidents of the institutions of higher education. The role of the commission in approving an institutional president is to assure through personal interview that the person selected understands and is committed to achieving the goals and objectives as set forth in the institutional compact and in section one-a, article one of this chapter;

(21) Approve the total compensation package from all sources for institutional presidents, as proposed by the governing boards. The governing boards must obtain approval from the commission of the total compensation
package both when institutional presidents are employed initially and afterward when any change is made in the amount of the total compensation package;

(22) Implement the policy of the state to assure that parents and students have sufficient information at the earliest possible age on which to base academic decisions about what is required for students to be successful in college, other postsecondary education and careers related, as far as possible, to results from current assessment tools in use in West Virginia; and

(23) Approve a uniform standard, as developed by the chancellor, to determine which students shall be placed in remedial or developmental courses. The standard shall be aligned with college admission tests and assessment tools used in West Virginia and shall be applied uniformly by the governing boards throughout the public higher education system. The chancellor shall develop a clear, concise explanation of the standard which the governing boards shall communicate to the state board of education and the state superintendent of schools;

(24) Review and approve or disapprove capital projects as described in section subdivision (12), subsection (a) of this section; and

(25) Develop an oversight plan to manage system-wide technology such as the following:

(A) Expanding distance learning and technology networks to enhance teaching and learning, promote access to quality educational offerings with minimum duplication of effort, increase the delivery of instruction to nontraditional students, provide services to business and industry and increase the management capabilities of the higher education system;
(B) Reviewing courses and programs offered within the state by nonstate public or private institutions of higher education;

(26) Establish policies and procedures to ensure that students may transfer and apply toward the requirements for a bachelor's degree the maximum number of credits earned at any regionally accredited in-state or out-of-state community and technical college with as few requirements to repeat courses or to incur additional costs as is consistent with sound academic policy;

(27) Establish policies and procedures to ensure that students may transfer and apply toward the requirements for a degree the maximum number of credits earned at any regionally accredited in-state or out-of-state higher education institution with as few requirements to repeat courses or to incur additional costs as is consistent with sound academic policy;

(28) Establish policies and procedures to ensure that students may transfer and apply toward the requirements for a master's degree the maximum number of credits earned at any regionally accredited in-state or out-of-state higher education institution with as few requirements to repeat courses or to incur additional costs as is consistent with sound academic policy;

(29) Establish policies and programs, in cooperation with the institutions of higher education, through which students who have gained knowledge and skills through employment, participation in education and training at vocational schools or other education institutions, or internet-based educational programs, may demonstrate by competency-based assessment that they have the necessary knowledge and skills to be granted academic credit or advanced placement standing toward the requirements of
an associate degree or a bachelor's degree at a state institution of higher education;

(30) Seek out and attend regional, national and international meetings and forums on education and workforce development related topics, as in the policy commission's discretion is critical for the performance of their duties as members, for the purpose of keeping abreast of education trends and policies to aid it in developing the policies for this state to meet the established education goals and objectives pursuant to section one-a, article one of this chapter;

(31) Develop guidelines for higher education governing boards and institutions to follow providing, without limitation, that higher education governing boards and institutions shall not support or promote, directly or indirectly, any private sector capital project for housing that removes real property or a capital project from the property tax rolls or reduces the property taxes for real property or a capital project;

(32) Certify to the Legislature, on or before the first day of February, two thousand one, the priority funding percentages and other information needed to complete the allocation of funds in section five, article one-a of this chapter;

(33) Consider and submit to the appropriate agencies of the executive and legislative branches of state government, a single budget for higher education that reflects recommended appropriations: Provided, That on the first day of January, two thousand one, and annually thereafter, the policy commission shall submit the proposed institutional allocations based on each institution's progress towards its institutional compact;

(34) Initiate a full review and analysis of all student fees charged by state institutions of higher education and make
recommendations to the legislative oversight commission
on education accountability no later than the second day
of January, two thousand two. The final report shall
contain findings of fact and recommendations for pro-
posed legislation to condense, simplify and streamline the
fee schedule and the use of fees or other money collected
by state institutions of higher education;

(35) The commission has the authority to assess institu-
tions for the payment of expenses of the commission or for
the funding of statewide higher education services,
obligations, or initiatives;

(36) Promulgate rules allocating reimbursement of
appropriations, if made available by the Legislature, to
institutions of higher education for qualifying non-capital
expenditures incurred in the provision of services to
students with physical, learning, or severe sensory disabili-
ties; and

(b) In addition to the powers and duties listed in subsec-
tion (a) of this section, the commission has the following
general powers and duties related to its role in developing,
articulating and overseeing the implementation of the
public policy agenda:

(1) Planning and policy leadership including a distinct
and visible role in setting the state's policy agenda and in
serving as an agent of change;

(2) Policy analysis and research focused on issues
affecting the system as a whole or a geographical region
thereof;

(3) Development of institutional mission definitions
including use of incentive money to influence institutional
behavior in ways that are consistent with public priorities,
(4) Academic program review and approval including the use of institutional missions as a template to judge the appropriateness of both new and existing programs;

(5) Development of budget, allocation of resources including reviewing and approving institutional operating and capital budgets and distributing incentive and performance-based funding;

(6) Administration of state and federal student aid programs;

(7) Acting as the agent to receive and disburse public funds when a governmental entity requires designation of a statewide higher education agency for this purpose;

(8) Development of information, assessment and accountability systems including maintenance of statewide data systems that facilitate long-term planning and accurate measurement of strategic outcomes and performance indicators;

(9) Licensing and oversight for both public and private degree-granting and nondegree-granting institutions that provide post-secondary education courses or programs in the state;

(10) Development and oversight of statewide and region-wide projects and initiatives such as those using funds from federal categorical programs or those using incentive and performance-based funding from any source;

(11) Quality assurance that intersects with all other duties of the commission particularly in the areas of planning, policy analysis, program review and approval, budgeting and information and accountability systems.

(c) In addition to the powers and duties provided for in subsections (a) and (b) of this section and any other powers and duties as may be assigned to it by law, the commission
has such other powers and duties as may be necessary or expedient to accomplish the purposes of this article.

(d) The policy commission is authorized to withdraw specific powers of any institutional governing board for a period not to exceed two years if the commission makes a determination that:

1. The governing board has failed for two consecutive years to develop an institutional compact as required in article one of this chapter;
2. The commission has received information, substantiated by independent audit, of significant mismanagement or failure to carry out the powers and duties of the institutional board of governors according to state law; or
3. Other circumstances which, in the view of the policy commission, severely limit the capacity of the institutional board of governors to carry out its duties and responsibilities.

(e) The period of withdrawal of specific powers may not exceed two years during which time the policy commission is authorized to take steps necessary to reestablish the conditions for restoration of sound, stable and responsible institutional governance.

(f) The policy commission is authorized to withdraw specific powers of any institutional governing board for a period not to exceed two years if the commission makes a determination that:

1. The governing board has failed for two consecutive years to develop an institutional compact as required in article one of this chapter;
2. The commission has received information, substantiated by independent audit, of significant mismanagement
or failure to carry out the powers and duties of the institutional board of governors according to state law; or

(3) Other circumstances which, in the view of the policy commission, severely limit the capacity of the institutional board of governors to carry out its duties and responsibilities.

(g) The period of withdrawal of specific powers may not exceed two years during which time the policy commission is authorized to take steps necessary to re-establish the conditions for restoration of sound, stable and responsible institutional governance.

(h) Notwithstanding the provisions of section six, article one-a of this chapter, the commission shall undertake a study of the most effective and efficient strategies and policies to address the findings and intent of this section.

(1) The issues addressed by this study shall include, but not be limited to:

(A) Strategies to ensure access to graduate education;

(B) The development of state colleges as regional graduate centers with authority to broker access to graduate programs in their responsibility areas;

(C) The process by which state colleges obtain authorization to grant graduate degrees;

(D) The relationship of regional graduate centers at state colleges to graduate programs offered within those regions by state universities; and

(E) Other issues related to initiatives to meet each region's need and enhance the quality and competitiveness of graduate programs offered and/or brokered by West Virginia state colleges and universities.
(2) The commission shall report the findings of this study along with the recommendations for legislative actions, if any, to address these findings and the intent of this section, to the legislative oversight commission on education accountability by the first day of January, two thousand one.

§18B-1B-5. Employment of chancellor for higher education; office; powers and duties generally; employment of vice chancellors.

(a) The commission, created pursuant to section one of this article, shall employ a chancellor for higher education who shall be the chief executive office of the commission and who shall serve at its will and pleasure. The vice chancellor for administration, employed by the commission pursuant to section two, article four of this chapter, shall serve as the interim chancellor until a chancellor is employed.

(b) The commission shall set the qualifications for the position of chancellor and shall conduct a thorough nationwide search for qualified candidates. A qualified candidate is one who meets at least the following criteria:

1. Possesses an excellent academic and administrative background;
2. Demonstrates strong communication skills;
3. Has significant experience and an established national reputation as a professional in the field of higher education;
4. Is free of institutional or regional biases; and
5. Holds or retains no other administrative position within the system of higher education while employed as chancellor.
(c) The chief executive officer shall be compensated on a basis in excess of, but not to exceed twenty percent greater than, the base salary of any president of a state institution of higher education or the administrative head of a governing board.

(d) With the approval of the commission, the chancellor may employ a vice chancellor for health sciences who shall serve at the will and pleasure of the chancellor. The vice chancellor for health sciences shall coordinate the West Virginia university school of medicine, the Marshall university school of medicine, and the West Virginia school of osteopathic medicine and also shall provide assistance to the governing boards on matters related to medical education and health sciences. The vice chancellor for health sciences shall perform all duties assigned by the chancellor, the commission and state law. In the case of a vacancy in the office of vice chancellor of health sciences, the duties assigned to this office by law are the responsibility of the chancellor or a designee;

(e) With the approval of the commission, the chancellor shall employ a vice chancellor for community and technical college education and workforce development who serves at the will and pleasure of the chancellor. The duties of this position include the general supervision of the joint commission for vocational-technical-occupational education, as provided in article three-a of this chapter, and such other duties as assigned. Any reference in this code to the vice chancellor for community and technical colleges means the vice chancellor for community and technical college education and workforce development, which vice chancellor shall become the vice chancellor for community and technical college education and workforce development. It is the duty and responsibility of the vice chancellor for community and technical college education to:
(1) Provide assistance to the commission, the chancellor and the governing boards on matters related to community and technical college education;

(2) Advise, assist and consult regularly with the institutional presidents; institutional boards of governors or boards of advisors, as appropriate; and district consortia committees of the state institutions of higher education involved in community and technical college education; and

(3) Perform all duties assigned by the chancellor, the commission and state law;

(4) With the approval of the commission, the chancellor shall employ a vice chancellor for administration pursuant to section two, article four of this chapter;

(5) Apart from the offices of the vice chancellors as set forth in this section and section two, article four of this chapter, the chancellor shall determine the organization and staffing positions within the office that are necessary to carry out his or her powers and duties and may employ necessary staff;

(f) The chancellor may enter into agreements with any state agency or political subdivision of the state, any state higher education institution or any other person or entity to enlist staff assistance to implement the powers and duties assigned by the commission or by state law;

(g) The chancellor shall be responsible for the day-to-day operations of the commission and shall have the following responsibilities:

(1) To carry out policy and program directives of the commission;

(2) To develop and submit annual reports on the implementation plan to achieve the goals and objectives set
forth in section one-a, article one of this chapter and in the
institutional compacts;

(3) To prepare and submit to the commission for its
approval the proposed budget of the commission including
the offices of the chancellor and the vice chancellors;

(4) To serve as the accountability point for rules promul-
gated by the governing boards by:

(A) Providing technical assistance, when requested, to
the governing boards in the development of rules;

(B) Reviewing rules promulgated by the governing
boards and approving them for filing with the office of the
secretary of state;

(C) Determining when a joint rule among the governing
boards is necessary or required by law, and, in those
instances and in consultation with the governing boards,
promulgating the joint rule; and

(D) Ensuring that the governing boards meet all the
requirements for promulgating rules as set forth in article
three-a, chapter twenty-nine-a of this code;

(5) To perform all other duties and responsibilities
assigned by the commission or by state law;

(6) The chancellor shall be reimbursed for all actual and
necessary expenses incurred in the performance of all
assigned duties and responsibilities;

(7) The chancellor is the primary advocate for higher
education and, with the commission, advises the Legisla-
ture on matters of higher education in West Virginia. As
the primary advocate for higher education, the chancellor
shall work closely with the legislative oversight commis-
sion on education accountability and with the elected
leadership of the state to ensure that they are fully in-
Enr. S. B. No. 653] 62

...formed about higher education issues and that the commission fully understands the goals for higher education that the Legislature has established by law;

...The chancellor may design and develop for consideration by the commission new statewide or regional initiatives in accordance with the goals set forth in section one-a, article one of this chapter and the public policy agenda articulated by the commission.

...The chancellor shall work closely with members of the state board of education and with the state superintendent of schools to assure that the following goals are met:

1. Development and implementation of a seamless kindergarten-through-college system of education; and
2. Appropriate coordination of missions and programs.

To further the goals of cooperation and coordination between the commission and the state board of education, the chancellor shall serve as an ex officio, nonvoting member of the state board of education.

§ 18B-1B-6. Appointment of institutional presidents; evaluation.

(a) Appointment of institutional presidents. — Effective on the first day of July, two thousand, appointment of presidents of the public institutions of higher education shall be made as follows:

(1) Subject to the approval of the commission, the appropriate governing board of the institution shall appoint a president for Bluefield state college, Concord college, eastern West Virginia community and technical college, Fairmont state college, Glenville state college, Marshall university, Shepherd college, southern West Virginia community and technical college, West Liberty state college, West Virginia northern community and technical college, West Virginia school of osteopathic...
(2) Subject to the approval of the appropriate governing board and to the provisions of article three-c of this chapter, the president of the appropriate institution shall appoint the president of the regional campuses of West Virginia university and of the community and technical colleges which remain linked administratively to a sponsoring institution. The presidents of such regional campuses and community and technical colleges shall serve at the will and pleasure of the institutional president.

(3) Subject to the approval of the commission and to the provisions of article three-c of this chapter, the president of Bluefield state college, the president of Glenville state college and the president of West Virginia state college shall appoint the provost of the community and technical college at their respective institutions, who shall serve at the will and pleasure of the president of the employing institution.

(b) Incumbent heads of institutions. – Any president of a public institution of higher education in office on the first day of July, two thousand, shall continue in office subject to state law: Provided, That the provost of an administratively linked community and technical college in office on the thirtieth day of June, two thousand one, shall become the president of that community and technical college on the first day of July, two thousand one, unless the governing board of the institution, subject to the consent of the commission, determines otherwise. The presidents shall continue in office subject to state law and subject to the will and pleasure of the appropriate governing board or employing institution.

(c) Evaluation of institutional presidents. – The governing boards shall conduct written performance evaluations
of each institution's president: Provided, That the presidents of regional campuses and of administratively linked community and technical colleges shall be evaluated by the president of the employing institution, in every fourth year of employment as president, recognizing unique characteristics of the institution and utilizing institutional personnel, institutional boards of advisors as appropriate, staff of the appropriate governing board and persons knowledgeable in higher education matters who are not otherwise employed by a governing board. A part of the evaluation shall be a determination of the success of the institution in meeting the requirements of its institutional compact.

§18B-1B-7. Duties of higher education policy commission during transition year.

During the transition year beginning on the first day of July, two thousand, and ending on the thirtieth day of June, two thousand one, the following is the intent of the Legislature:

(a) The higher education interim governing board, established in article one-c of this chapter, is the governing agency for public higher education in West Virginia;

(b) The chancellor for higher education shall provide to the governing board adequate and appropriate staff assistance to carry out its duties and responsibilities as assigned by law;

(c) The commission shall focus its attention first on organizing itself to carry out its duties and responsibilities, including, but not limited to, establishing a search and screening process to identify candidates and to employ a chancellor;
(d) The commission shall focus its attention second on the following policy areas, but may consider others as appropriate:

(1) Developing legislative rules as required by law.

(2) Researching and developing the elements of the finance plan required by section five, article one-a of this chapter;

(3) Developing guidelines to be used by institutional boards of governors in employing institutional presidents;

(4) Developing a statewide master plan pursuant to section nine, article one-b of this chapter;

(5) Developing and approving the institutional compacts as provided in section two, article one-a of this chapter;

(6) Developing a plan to provide on-going education and training opportunities to members of institutional boards of governors and institutional boards of advisors, including, but not limited to, exploring the possibility of obtaining private funds to bring members together for orientation, education and leadership training prior to the first day of July, two thousand one;

(7) Establishing a peer group for each public institution of higher education in the state as provided in section three, article one-a of this chapter;

(8) Developing the elements of the higher education report card to be used to report institutional and system progress on meeting the goals and objectives of the institutional compacts and of section one-a, article one of this chapter.

(e) On or before the first day of January, two thousand one, the commission shall certify to the governor, the president of the senate and the speaker of the house of
delegates draft legislation which will accomplish the
transfer of all powers, duties, property, obligations,
contracts, rules, orders, resolutions or any other matters
which should be transferred or vested in the commission,
the governing boards or any other agency. In the event the
Legislature does not enact legislation which accomplishes
the recommended transfers or vesting, effective the first
day of July, two thousand one, all such matters are trans-
ferred to and vested in the commission and the commission
is hereby authorized and directed to delegate such matters
as is consistent with assigned powers and duties in section
four of this article and section four, article two-a of this
chapter. In the event of a dispute between or among the
commission and the governing boards as to the proper
delegation of these matters, the decision of the commission
shall control.

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

1 Effective on the first day of July, two thousand one:

2 (a) The commission is directed to make information
available to parents, students, faculty, staff, state
policymakers and the general public on the quality and
performance of public higher education. This information
shall be consistent and comparable between and among
the state institutions of higher education and, if applica-
ble, comparable with information from peer institutions in
the region and the nation.

10 (b) On or before the first day of July, two thousand one,
the commission shall review policy series sixteen, related
to the higher education report card, of the rules of the
board of trustees and board of directors and determine
whether a new rule should be adopted providing for the
collection, analysis and dissemination of data and infor-
mation on the performance of the state institutions of
higher education, including health sciences education, in relation to the findings, directives, goals and objectives set forth in section one-a, article one of this chapter, the institutional compacts, and in comparison to their peers. The rules shall provide the legislative oversight commission on education accountability with full and accurate information while minimizing the institutional burden of recordkeeping and reporting. The rules shall include uniform definitions for the various indicators of student and institutional performance and guidelines for the collection and reporting of data and the preparation, printing and distribution of report cards under this section. The report card forms shall provide for brief, concise reporting in nontechnical language of required information. Any technical or explanatory material which a governing board wishes to include shall be contained in a separate appendix available for a reasonable fee to the general public upon request.

(c) The president or chief executive officer of each public college, university or community and technical college shall prepare and submit annually all requested data to the commission at the time established by the commission. The commission shall prepare report cards for institutions under their jurisdiction and in accordance with the guidelines set forth in this section and rules promulgated under this section.

(d) The higher education central office staff under the direction of the vice chancellor for administration shall provide technical assistance to each institution and governing board in data collection and reporting and is responsible for assembling the statewide report card from information submitted by each governing board. The statewide report card shall include the data for each institution for each separately-listed, applicable indicator and the aggregate of the data for all public institutions of
higher education. The statewide report card shall be prepared using actual institutional, state, regional and national data as applicable and available indicating the present performance of the individual institutions, the governing boards, and the state system of higher education. The report card also shall include goals and trends for the institutions and the higher education system and shall include all the information required either by statute or by rule as authorized in subsection (b) of this section. Statewide report cards shall be based upon information for the current school year or for the most recent school year for which the information is available, in which case such year shall be clearly footnoted.

(e) The statewide report card shall be completed and disseminated with copies to the legislative oversight commission on education accountability prior to the first day of January of each year.

(f) For a reasonable fee, the chancellor shall make copies of the report cards available to any individual requesting them.

§18B-1B-9. Statewide master plan.

(a) The commission shall develop a master plan for higher education for the state.

(b) The plan shall be developed on or before the first day of July, two thousand one, and shall be communicated to the legislative oversight commission on education accountability.

(c) The master plan shall include, but not be limited to, the following:

(1) A detailed demonstration of how the master plan will be used to meet the goals and objectives outlined in section one-a, article one of this chapter;
(2) A well-developed set of goals, as set forth in section one-a, article one of this chapter, outlining missions, degree offerings, resource requirements, physical plant needs, personnel needs, enrollment levels and other planning determinants and projections for public higher education and other matters necessary in such a plan to assure that the needs of the state for a quality system of higher education are addressed; and

(3) A plan for involving and collaborating with the state board of education, the public and private institutions of higher education and other education providers to assure that a comprehensive system of education is developed for West Virginia.

(d) The master plan for higher education for the state shall be established for periods of not less than three nor more than six years and shall be revised periodically as necessary.

ARTICLE 1C. TRANSITION IMPLEMENTATION.

§18B-1C-1. Transition oversight.

(a) The legislative oversight commission on education accountability is charged with responsibility to monitor and oversee implementation of the policy changes required by this act.

(b) The responsibilities of the commission include, but are not limited to, the following:

(1) Reviewing the overall progress of the policy commission and institutions in implementing the provisions of this act;

(2) Reviewing the implementation of financing policy including:
(A) Monitoring the process for selecting peer institutions as provided for in section three, article one-a of this chapter;

(B) Monitoring the process for determining the institutional operating budgets pursuant to section five, article one-a of this chapter;

(3) Monitoring the development of indicators and benchmarks as provided for in section two, article one-a of this chapter;

(4) Monitoring the development of the institutional compacts pursuant to section two, article one-a of this chapter and the statewide master plan required in section ten, article one-b of this chapter; and

(5) Subject to the provisions of section eight, article one-b of this chapter, evaluating the existing community and technical college programs and services at each of the community and technical colleges and determining the effectiveness of the indicated manner to accomplish the essential conditions at each institution. Notwithstanding the provisions of section eight, article three-c of this chapter, the team shall determine if the goals of section one-a, article one of this chapter are being met under the current structure;

(c) The provisions of this section expire the thirtieth day of June, two thousand one.

§18B-1C-2. Higher education interim governing board.

(a) There is hereby established the higher education interim governing board, to serve as the “institutional board of governors” for all state institution of higher education, as provided for in article two-a of this chapter, from the effective date of this act through the thirtieth day of June, two thousand one.
(b) The interim governing board is comprised of seven persons, appointed by the governor, with the advice and consent of the Senate. Nothing prohibits any member of any other governing board from being appointed to this board.

(c) The interim governing board shall be appointed as soon as possible after the passage of this act and shall continue its duties until the thirtieth day of June, two thousand one. Appointments to the board shall be made so that members may begin their work no later than the first day of July, two thousand.

(d) Any person appointed to a position on the board shall have governing experience in higher education; be knowledgeable on education matters; represent the public interest; and be especially qualified in the field of higher education.

(e) The members shall elect a chairman.

(f) The board shall meet as needed at the time and place specified by the call of the chairperson or a majority of the members.

(g) The intent and purposes of the interim governing board are:

1. To serve and act as the governing board for state institutions of higher education for the period of one year beginning the first day of July, two thousand, and ending the thirtieth day of June, two thousand one, and to ensure a smooth, efficient transition to a new governing structure to be effective the first day of July, two thousand one;

2. Initiate the implementation of this act to inform the governor and the Legislature of the implementation status and any areas in which further executive or legislative action may be necessary;
(3) To advise and assist the commission on implementation of the act in a manner which achieves the intent, purposes and goals of the act;

(4) To resolve or seek appropriate remedy to errors, omissions, oversights or conflicts relative to implementation of the act; and

(5) Take such other action within their scope of authority as may be necessary to provide for the smooth transition in the governance of the higher education system.

(h) Members of the commission shall be reimbursed for actual and necessary expenses incident to the performance of their duties upon presentation of an itemized sworn statement thereof. The reimbursement shall be paid from legislative appropriations and other funds available to the commission.

(i) A majority of the members constitutes a quorum for conducting the business of the board.

(j) On the first day of July, two thousand, there is transferred to the interim governing board, all powers, duties, property, obligations, contracts, rules, orders, resolutions or any other matters which were vested in the prior boards of trustees, directors, or both.

(k) The provisions of this section expire the thirtieth day of June, two thousand one.

ARTICLE 2. UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES.

§18B-2-1. Composition of board; terms and qualifications of members; vacancies; eligibility for reappointment; oath of office; removal from office.

(a) The board of trustees shall consist of seventeen persons, of whom one shall be the chancellor of the board of directors of the state college system, ex officio, who shall not be entitled to vote; one shall be the state superin-
tendent of schools, ex officio, who shall not be entitled to
vote; one shall be the chairman of the advisory council of
students, ex officio, who shall be entitled to vote; one shall
be the chairman of the advisory council of faculty, ex
officio, who shall be entitled to vote; and one shall be the
chairman of the advisory council of classified employees,
ex officio, who shall be entitled to vote. The other twelve
trustees shall be citizens of the state, appointed by the
governor, by and with the advice and consent of the
Senate.

Each of the trustees appointed to the board by the
governor shall represent the public interest and shall be
especially qualified in the field of higher education by
virtue of the person's knowledge, learning, experience or
interest in the field.

Except for the ex officio trustees, no person shall be
eligible for appointment to membership on the board of
trustees who is an officer, employee or member of an
advisory board of any state college or university, an officer
or member of any political party executive committee, the
holder of any other public office or public employment
under the government of this state or any of its political
subdivisions or an appointee or employee of the board of
trustees or the board of directors: Provided, That if there
are no ethical restrictions under state or federal law, a
federal employee may serve as a member of the board of
trustees. Of the twelve trustees appointed by the governor
from the public at large, not more than six thereof shall
belong to the same political party and at least two trustees
shall be appointed from each congressional district.

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

(b) The governor shall appoint twelve trustees as soon
after the first day of July, one thousand nine hundred
eighty-nine, as is practicable, and the original terms of all
trustees shall commence on that date.

The terms of the trustees appointed by the governor shall
be for overlapping terms of six years, except, of the
original appointments, four shall be appointed to terms of
two years, four shall be appointed to terms of four years
and four shall be appointed to terms of six years. Each
subsequent appointment which is not for the purpose of
filling a vacancy in an unexpired term shall be for a term
of six years.

The governor shall appoint a trustee to fill any vacancy
among the twelve trustees appointed by the governor, by
and with the advice and consent of the Senate, which
trustee appointed to fill such vacancy shall serve for the
unexpired term of the vacating trustee. The governor shall
fill the vacancy within sixty days of the occurrence of the
vacancy.

All trustees appointed by the governor shall be eligible
for reappointment: Provided, That a person who has
served as a trustee or director during all or any part of two
consecutive terms shall be ineligible to serve as a trustee
or director for a period of three years immediately follow-
ing the second of the two consecutive terms.

The chairman of the advisory council of students, ex
officio; the chairman of the advisory council of faculty, ex
officio; and the chairman of the advisory council of
classified employees, ex officio, shall serve the terms for
which they were elected by their respective advisory
councils. These members shall be eligible to succeed
themselves.

(c) Before exercising any authority or performing any
duties as a trustee, each trustee shall qualify as such by
taking and subscribing to the oath of office prescribed by
section five, article IV of the constitution of West Virginia,
and the certificate thereof shall be filed with the secretary of state.

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

(e) The board of trustees is abolished the thirtieth day of June, two thousand.

(f) On the first day of July, two thousand, there is transferred to the interim governing board, all powers, duties, property, obligations, contracts, rules, orders, resolutions or any other matters which were vested in the prior boards of trustees, directors, or both.

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

§18B-2A-1. Composition of boards; terms and qualifications of members; vacancies; eligibility for reappointment.

(a) Effective the thirtieth day of June, two thousand one, the institutional boards of advisors at Bluefield state college, Concord college, eastern West Virginia community and technical college, Fairmont state college, Glenville state college, Marshall university, Shepherd college, southern West Virginia community and technical college, West Liberty state college, West Virginia northern community and technical college, the West Virginia school of osteopathic medicine, West Virginia state college and West Virginia university are abolished.

(b) Effective the first day of July, two thousand one, an institutional board of governors is established at each of the following institutions: Bluefield state college, Concord college, eastern West Virginia community and technical
college, Fairmont state college, Glenville state college, Marshall university, Shepherd college, southern West Virginia community and technical college, West Liberty state college, West Virginia northern community and technical college, the West Virginia school of osteopathic medicine, West Virginia state college and West Virginia university. Each institutional board of governors shall consist of twelve persons: Provided, That the institutional boards of governors for Marshall university and West Virginia university shall consist of fifteen persons. Each institutional board of governors shall include:

1. A full-time member of the faculty with the rank of instructor or above duly elected by the faculty;
2. A member of the student body in good academic standing, enrolled for college credit work and duly elected by the student body;
3. A member of the institutional classified staff duly elected by the classified staff; and
4. Nine lay members appointed by the governor by and with the advice and consent of the Senate pursuant to section one-a, article six of this chapter: Provided, That for the institutional boards of governors at Marshall university and West Virginia university, twelve lay members shall be appointed by the governor by and with the advice and consent of the Senate pursuant to section one-a, article six of this chapter: Provided, however, That, of the appointed lay members, the governor shall appoint one superintendent of a county board of education from the area served by the institution: Provided further, That in making the initial appointments to the institutional boards of governors, the governor shall appoint, except in the case of death, resignation, or failure to be confirmed by the Senate, those persons who are lay members of the institutional boards of advisors for those institutions.
named in subsection (a) on the thirtieth day of June, two
thousand one, and appointed pursuant to section one-a,
article six of this chapter.

(c) Of the nine members appointed by the governor, no
more than five may be of the same political party: Pro-
vided, That of the twelve members appointed by the
governor to the governing boards of Marshall university
and West Virginia university, no more than seven may be
of the same political party. At least six of the members
shall be residents of the state: Provided, however, That of
the twelve members appointed by the governor to the
governing boards of Marshall university and West Virginia
university, at least eight of the members shall be residents
of the state. The student member shall serve for a term of
one year. The term beginning in July, two thousand, shall
end on the thirtieth day of June, two thousand one. The
term beginning in July, two thousand one, shall end on the
thirtieth day of June, two thousand two. Thereafter, the
term shall begin on the first day of July. The faculty
member and the classified staff member shall serve for a
term of two years: Provided further, That the term begin-
ing in July, two thousand, shall end on the thirtieth day
of June, two thousand one, and the term beginning in July,
two thousand one, shall end on the thirtieth day of June,
two thousand three. Thereafter, the term shall begin on
the first day of July. The appointed lay citizen members
shall serve terms of four years each. All members shall be
eligible to succeed themselves for no more than one
additional term. A vacancy in an unexpired term of a
member shall be filled for the unexpired term within thirty
days of the occurrence of the vacancy in the same manner
as the original appointment or election. Except in the case
of a vacancy, all elections shall be held and all appoint-
ments shall be made no later than the thirtieth day of June
preceding the commencement of the term: And provided
further, That election of officers for the term beginning in
July, two thousand, one shall be made that July. Each institutional board of governors shall elect one of its appointed lay members to be chairperson in June of each year. And provided further, That no member may serve as chairperson for more than two consecutive years.

(d) The appointed members of the institutional boards of governors shall serve staggered terms. Of the initial appointments by the governor to each of the institutional boards of governors, two shall be appointed for terms of one year, two shall be appointed for terms of two years, two shall be appointed for terms of three years and three shall be appointed for terms of four years. Provided, That for the initial appointments to the governing boards of Marshall university and West Virginia university, three shall be appointed for terms of one year, three shall be appointed for terms of two years, three shall be appointed for terms of three years and three shall be appointed for terms of four years. After the initial appointments, all appointees shall serve for terms of four years.

(e) No person shall be eligible for appointment to membership on an institutional board of governors who is an officer, employee or member of any other institutional board of governors, a member of an institutional board of advisors of any public institution of higher education, an employee of any institution of higher education, an officer or member of any political party executive committee, the holder of any other public office or public employment under the government of this state or any of its political subdivisions or a member of the commission: Provided, That this subsection shall not be construed to prevent the faculty, classified staff, student representative or superintendent of a county board of education from being members of the governing boards: Provided, however, That a member of the board of trustees or board of directors who is selected to serve...
on an institutional board of governors also may retain a seat on the governing board from which he or she was selected.

(f) Before exercising any authority or performing any duties as a member of a governing board, each member shall qualify as such by taking and subscribing to the oath of office prescribed by section five, article IV of the constitution of West Virginia and the certificate thereof shall be filed with the secretary of state.

(g) No member of a governing board appointed by the governor may be removed from office by the governor except for official misconduct, incompetence, neglect of duty or gross immorality and then only in the manner prescribed by law for the removal of the state elective officers by the governor.

(h) The president of the institution shall make available resources of the institution for conducting the business of its institutional board of governors. The members of the institutional board of governors shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties under this article upon presentation of an itemized sworn statement of their expenses. All expenses incurred by the institutional board of governors and the institution under this section shall be paid from funds allocated to the institution for that purpose.


(a) The boards of governors shall hold at least six meetings in every fiscal year, including an annual meeting each June: Provided, That an annual meeting for the purpose of selecting the first chairperson and other officers shall be held during July, two thousand one. The president of the appropriate institution shall call the first
meeting of the institutional board of governors in July,
two thousand one, or as soon thereafter as practicable
and preside until officers are elected. Officers elected in
July, two thousand one, shall begin their terms upon
election and shall serve until the thirtieth day of June the
following year. Of the twelve voting members of the
boards of governors, seven shall constitute a quorum,
and a majority vote of the quorum shall be necessary to
pass upon matters before the institutional board of
governors.

(b) The boards of governors may set aside time as they
consider appropriate to afford administrators, faculty,
students and classified staff an opportunity to discuss
issues affecting these groups.

§18B-2A-3. Governing boards under chancellor for higher
education.

(a) Effective on the first day of July, two thousand, the
governing board or boards are subject to the supervision
of the chancellor for higher education pursuant to the
provisions of article one-b of this chapter. Rules adopted
by the governing boards are subject to approval by the
chancellor.

(b) The chancellor is responsible for the coordination of
policies and purposes of the governing boards and shall
provide for and facilitate sufficient interaction among
the governing boards and between the governing boards
and the state board of education to meet the goals and
objectives provided for in the compacts and in section
one-a, article one of this chapter.

(c) The governing board or boards and the state board
of education shall provide any and all information
requested by the chancellor in a timely manner.

Effective the first day of July, two thousand one, each
governing board shall separately have the following
powers and duties:

(a) Determine, control, supervise and manage the
financial, business and education policies and affairs of
the state institutions of higher education under its
jurisdiction;

(b) Develop a master plan for the institutions under its
jurisdiction; except the administratively linked commu-
nity and technical colleges shall develop their master
plans subject to the provisions of section one, article six
of this chapter. The ultimate responsibility for develop-
ing and updating the master plans at the institutional
level resides with the institutional board of governors,
but the ultimate responsibility for approving the final
version of the institutional master plans, including
periodic updates, resides with the commission. Each
master plan shall include, but not be limited to the
following:

(1) A detailed demonstration of how the master plan
will be used to meet the goals and objectives of the
institutional compact;

(2) A well-developed set of goals outlining missions,
degree offerings, resource requirements, physical plant
needs, personnel needs, enrollment levels and other
planning determinates and projections necessary in such
a plan to assure that the needs of the institution’s area of
responsibility for a quality system of higher education
are addressed;

(3) Documentation of the involvement of the commis-
sion, institutional constituency groups, clientele of the
institution, and the general public in the development of
all segments of the institutional master plan.
The plan shall be established for periods of not less than three nor more than six years and shall be revised periodically as necessary, including the addition or deletion of degree programs as, in the discretion of the appropriate governing board, may be necessary.

(c) Prescribe for the state institutions of higher education under its jurisdiction, in accordance with its master plan and the compact for each institution, specific functions and responsibilities to meet the higher education needs of its area of responsibility and to avoid unnecessary duplication;

(d) Direct the preparation of a budget request for the state institutions of higher education under its jurisdiction, such request to relate directly to missions, goals and projections as found in the institutional master plans and the institutional compacts;

(e) Consider, review and submit to the commission a budget request on behalf of the state institutions of higher education under its jurisdiction;

(f) Review, at least every five years, all academic programs offered at the state institutions of higher education under its jurisdiction. The review shall address the viability, adequacy and necessity of the programs in relation to its institutional master plan, the institutional compact, and the education and workforce needs of its responsibility district. As a part of the review, each governing board shall require the institutions under its jurisdiction to conduct periodic studies of its graduates and their employers to determine placement patterns and the effectiveness of the education experience. Where appropriate, these studies should make use of the studies required of many academic disciplines by their accrediting bodies.
(g) The governing boards also shall ensure that the sequence and availability of academic programs and courses offered by the institutions under their jurisdiction is such that students have the maximum opportunity to complete programs in the time frame normally associated with program completion. Each governing board also is responsible to see that the needs of nontraditional college-age students are appropriately addressed and, to the extent it is possible for the individual governing board to control, to assure core coursework completed at state institutions of higher education under its jurisdiction is transferable to any other state institution of higher education for credit with the grade earned.

(h) Subject to the provisions of article one-b of this chapter, the appropriate governing board has the exclusive authority to approve the teacher education programs offered in the institution under its control. In order to permit graduates of teacher education programs to receive a degree from a nationally accredited program and in order to prevent expensive duplication of program accreditation, the chancellor may select and utilize one nationally recognized teacher education program accreditation standard as the appropriate standard for program evaluation.

(i) Utilize faculty, students and classified staff in institutional-level planning and decision making when those groups are affected.

(j) Administer a system for the management of personnel matters, including, but not limited to, personnel classification, compensation, and discipline for employees of the institutions under their jurisdiction, subject to the provisions of state and federal law: Provided, That the chancellor may promulgate a new uniform rule for the purpose of standardizing, as much as possible, the
administration of personnel matters among the institutions of higher education;

(k) Administer a system for the hearing of employee grievances and appeals therefrom as prescribed by article twenty-nine, chapter eighteen of this code so that aggrieved parties may be assured of timely and objective review: Provided, That after the first day of July, two thousand, the procedure established in article twenty-nine, chapter eighteen of this code shall be the exclusive mechanism for hearing employee grievances and appeals.

(l) Solicit and utilize or expend voluntary support, including financial contributions and support services, for the state institutions of higher education under its jurisdiction;

(m) Appoint a president or other administrative head for the institutions of higher education under its jurisdiction subject to the provisions of section six, article one-b of this chapter.

(n) Conduct written performance evaluations of each institution's president pursuant to section six, article one-b of this chapter;

(o) Submit to the commission no later than the first day of November of each year, an annual report of the performance of the institutions of higher education under its jurisdiction during the previous fiscal year as compared to stated goals in its master plan and institutional compact; and

(p) Enter into contracts or consortium agreements with the public schools, private schools or private industry to provide technical, vocational, college preparatory, remedial and customized training courses at locations either on campuses of the public institution of higher education or at off-campus locations in the institution's...
responsibility district. To accomplish this goal, the boards are permitted to share resources among the various groups in the community.

(q) Delegate, with prescribed standards and limitations, the part of its power and control over the business affairs of a particular state institution of higher education under its jurisdiction to the president or other administrative head of the state institution of higher education in any case where it considers the delegation necessary and prudent in order to enable the institution to function in a proper and expeditious manner and to meet the requirements of its institutional compact. If a governing board elects to delegate any of its power and control under the provisions of this subsection, it shall notify the chancellor. Any such delegation of power and control may be rescinded by the appropriate governing board or the chancellor at any time, in whole or in part.

(r) Unless changed by the commission, the governing boards shall continue to abide by existing rules setting forth standards for acceptance of advanced placement credit for their respective institutions. Individual departments at institutions of higher education may, upon approval of the institutional faculty senate, require higher scores on the advanced placement test than scores designated by the appropriate governing board when the credit is to be used toward meeting a requirement of the core curriculum for a major in that department.

(s) Each governing board, or its designee, shall consult, cooperate and work with the state treasurer and the state auditor to update as necessary and maintain an efficient and cost-effective system for the financial management and expenditure of special revenue and appropriated state funds at the institutions under its jurisdiction that ensures that properly submitted requests for payment be
paid on or before due date, but in any event, within fifteen days of receipt in the state auditor's office.

(t) The governing boards in consultation with the chancellor and the secretary of the department of administration shall develop, update as necessary and maintain a plan to administer a consistent method of conducting personnel transactions, including, but not limited to, hiring, dismissal, promotions and transfers at the institutions under their jurisdiction. Each such personnel transaction shall be accompanied by the appropriate standardized system or forms which will be submitted to the respective governing board and the department of finance and administration.

(u) Notwithstanding any other provision of this code to the contrary, the governing boards shall have the authority to transfer funds from any account specifically appropriated for their use to any corresponding line item in a general revenue account at any agency or institution under their jurisdiction as long as such transferred funds are used for the purposes appropriated. The governing boards also shall have the authority to transfer funds from appropriated special revenue accounts for capital improvements under their jurisdiction to special revenue accounts at agencies or institutions under their jurisdiction as long as such transferred funds are used for the purposes appropriated.

(v) Notwithstanding any other provision of this code to the contrary, the governing boards may acquire legal services as are considered necessary, including representation of the governing boards, their institutions, employees and officers before any court or administrative body. The counsel may be employed either on a salaried basis or on a reasonable fee basis. In addition, the governing boards may, but are not required to, call upon
the attorney general for legal assistance and representa-
tion as provided by law.

ARTICLE 3A. WEST VIRGINIA JOINT COMMISSION FOR VOCATIONAL-
TECHNICAL-OCCUPATIONAL EDUCATION.

§18B-3A-1. Joint commission continued; jurisdiction of higher
education policy commission.

1 The West Virginia joint commission for vocational-
technical-occupational education, hereinafter referred to
in this article as the joint commission, is hereby contin-
ued. The joint commission is subject to the jurisdiction
of the higher education policy commission established in
article one-b of this chapter, hereinafter referred to as
the policy commission, and is subject to the supervision
of the chancellor and the vice chancellor for community
and technical college education and workforce develop-
ment of the policy commission.

§18B-3A-2. Legislative findings and intent.

1 The Legislature finds that the goals for post-secondary
education set forth in section one-a, article one of this
chapter include among the findings that the reality for
West Virginia is that its future rests not only on how well
its youth are educated, but also on how well it educates
its entire population at any age and that the state must
take into account the imperative need to serve the
educational needs of working-age adults. These findings
further note that the state should make the best use of
the expertise that private institutions of higher educa-
tion, vocational and technical programs and private
proprietary schools can offer and recognize the impor-
tance of their contributions to the economic, social and
cultural well-being of their communities.

15 The Legislature further finds that said section includes
goals that focus on the need to better serve both tradi-
tional and nontraditional students and adults, among
which is the goal that the overall focus of education is on a lifelong process which is to be as seamless as possible at all levels and is to encourage citizens of all ages to increase their knowledge and skills. These goals also emphasize the need for cooperation and collaboration at all levels in education, training and workforce development to achieve the state’s public policy agenda.

The Legislature finds that because of its acts to streamline accountability, make maximum use of existing assets to meet new demands and target new funding on initiatives designed to enhance and reorient existing capacity, provide incentives for brokering and collaboration, and focus on new demands, many of the responsibilities originally charged to the joint commission are no longer relevant.

Therefore, the intent of the Legislature in amending and reenacting this article is to reorient the mission, role and responsibilities of the joint commission consistent with and supportive of the mission, role and responsibilities of the education policy commission, the goals for post-secondary education and accountability for achieving the state’s public policy agenda.

18B-3A-3. Appointment, composition and terms of joint commission; meetings; expenses.

(a) The joint commission is comprised of nine persons appointed by the governor, with the advice and consent of the Senate. Seven of the appointees shall represent the interests of the business, labor and employer communities and demonstrate knowledge of the workforce needs of the various areas of the state. No person who is employed by an institution of higher education, and no person who is engaged in providing, or employed by a person or company whose primary function is to provide workforce development services and activities, is eligible
to serve on the joint commission. No provider of educational services, workforce development services or related activities may serve on the joint commission. The governor shall appoint three members from each congressional district. Not more than four of the members may be from the same political party. The vice chancellor for community and technical college education and workforce development of the policy commission and the assistant superintendent for technical and adult education of the state department of education shall serve as ex officio, nonvoting members of the joint commission. The members shall elect a chair from among the business representatives.

(b) Members of the joint commission shall serve for terms of four years, except that of the original appointments, three members shall be appointed for two years and four members shall be appointed for four years. No member may serve more than two consecutive full terms nor may any member be appointed to a term which results in the member serving more than eight consecutive years.

(c) The joint commission shall meet at least quarterly and may meet more often at the call of the cochairs. One such meeting of the joint commission shall be a public forum for the discussion of the goals and standards for vocational education in the state. Members of the joint commission shall serve without compensation, but upon proper request, shall be reimbursed for their actual necessary expenses incurred in the performance of their duties as commission members, except that members of the commission who are employees of the state shall be reimbursed by their employing agency.

§18B-3A-4. Definitions.

1 As used in this article:
(a) "Secondary vocational-technical-occupational education" means any course or program at the high school level that results in, or may result in, a high school diploma or its equivalent, under the jurisdiction of the state board of education.

(b) "Post-secondary vocational-technical-occupational education" means any course or program beyond the high school level that results in, or may result in, the awarding of a two-year associate degree, certificate or other credential from an institution under the jurisdiction of the policy commission or other public or private education provider.

(c) "Adult basic education" means adult basic skills education designed to improve the basic literacy needs of adults, including information processing skills, communication skills, and computational skills, leading to a high school equivalency diploma, under the jurisdiction of the state board of education.

§18B-3A-5. Duties and responsibilities.

The joint commission has the duties and responsibilities set forth in the provisions of section two, article two-b, chapter eighteen of this code, and in addition shall:

(a) Advise and assist the state board of education and the policy commission on state plans for secondary and post-secondary vocational-technical-occupational and adult basic education, including, but not limited to:

(1) Policies to strengthen vocational-technical-occupational and adult basic education;

(2) Programs and methods to assist in the improvement, modernization and expanded delivery of vocational-technical-occupational and adult basic education;
technical-occupational and adult basic education programs;

(3) The distribution of federal vocational education funding provided under Public Law 98-524, with an emphasis on the distribution of financial assistance among secondary and post-secondary vocational-technical-occupational and adult basic education programs to help meet the public policy agenda;

(4) Collaboration, cooperation and interaction among all secondary and post-secondary vocational-technical-occupational and adult basic education programs in the state, including the programs assisted under the federal Vocational Education Act and the Workforce Investment Act, to promote the development of seamless curriculum, and the elimination of duplicative programs;

(5) Coordination of the delivery of vocational-technical-occupational and adult basic education in a manner designed to make the most effective use of available public funds to increase accessibility for students; and

(6) Encouraging through articulation the most efficient utilization of available resources, both public and private, to meet the needs of vocational-technical-occupational and adult basic education students.

(b) Analyze and report to the policy commission on the distribution of spending for vocational-technical-occupational and adult basic education in the state and on the availability of vocational-technical-occupational and adult basic education activities and services within the state.

(c) Promote the delivery of vocational-technical-occupational and adult basic education programs in the
state which emphasize the involvement of business and labor organizations.

(d) Promote public participation in the provision of vocational-technical-occupational and adult basic education at the local level, with an emphasis on programs which involve the participation of local employers and labor organizations.

(e) Promote equal access to quality vocational-technical-occupational and adult basic education programs to handicapped and disadvantaged individuals, adults who are in need of training and retraining, individuals who are single parents or homemakers, individuals participating in programs designed to eliminate sexual bias and stereotyping in vocational-technical-occupational education, and criminal offenders serving in correctional institutions.

(f) Assist the commission, the chancellor, the vice chancellor for community and technical college education and workforce development, and those institutions delivering community and technical college education, as defined in section two, article one, of this chapter in the successful and efficient development, coordination and delivery of community and technical college programs and services in the state.

(g) Under the supervision of the chancellor and the vice chancellor for community and technical college education and workforce development, the joint commission has the following additional powers and duties:

(1) To oversee the step-by-step implementation of the comprehensive community and technical college system of education provided in article three-c of this chapter;

(2) To interview nominees for appointments of community and technical college presidents or provosts and
make recommendations to the chancellor, or in the case of a provost, to the institutional president;

(3) To review and make recommendations to the commission for the approval of the institutional compacts for the community and technical colleges;

(4) To make recommendations to the commission for approval of the administration and distribution of the independently accredited community and technical college development account;

(5) To ensure coordination among the community and technical colleges and other state-level, regional and local workforce entities, including, but not limited to, the human resource investment council and the West Virginia literacy council;

(6) To assist the community and technical colleges in establishing and promoting links with employers and labor in the geographic areas for which each of the community and technical colleges is responsible;

(7) To develop alliances among the community and technical colleges for resource sharing, joint development of courses and courseware, sharing of expertise and staff development;

(8) To provide a point for resolving issues relating to transfer and articulation between and among community and technical colleges, state colleges, and universities and to advise the commission on these issues;

(9) To assist the commission in developing a statewide system of community and technical college programs and services to place-bound adults and employers in every region of West Virginia for competency-based certification of knowledge and skills, including a statewide competency-based associate degree program; and
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.

(a) The board of directors of the state college system shall consist of sixteen persons, of whom one shall be the chancellor of the university of West Virginia board of trustees, ex officio, who shall not be entitled to vote; one shall be the state superintendent of schools, ex officio, who shall not be entitled to vote; one shall be the chairman of the joint commission for vocational-technical-occupational education, ex officio, who shall not be entitled to vote; one shall be the chairman of the advisory council of students, ex officio, who shall be entitled to vote; one shall be the chairman of the advisory council of faculty, ex officio, who shall be entitled to vote; and one shall be the chairman of the advisory council of classified employees, ex officio, who shall be entitled to vote. The other ten directors shall be citizens of the state, appointed by the governor, by and with the advice and consent of the Senate. On or after the tenth day of March, one thousand nine hundred ninety-six, the board shall be reconstituted and all terms of members appointed by the governor prior to the tenth day of March, one thousand nine hundred ninety-six, shall expire upon the appointment by the governor of all the directors required to be appointed by this section. The governor shall make appointments required by this section no later than the fifteenth day of March, one thousand nine hundred ninety-six.

Each of the directors appointed to the board by the governor shall represent the public interest and shall be
especiall y qualified in the field of higher education by virtue of the person's knowledge, learning, experience or interest in the field. The relative enrollments of baccalaureate and community and technical students in the state college system shall be considered by the governor when making such appointments and the governor shall use his or her best efforts to achieve a balance among the members who reflect the various interests, goals and concerns reflected by the relative enrollments.

Except for the ex officio directors, no person shall be eligible for appointment to membership on the board of directors who is an officer, employee or member of an advisory board of any state college or university, an officer or member of any political party executive committee, the holder of any other public office or public employment under the government of this state or any of its political subdivisions, or an appointee or employee of the board of trustees or board of directors: Provided, That if there are no ethical restrictions under state or federal law, a federal employee may serve as a member of the board of directors. Of the ten directors appointed by the governor from the public at large, not more than five thereof shall belong to the same political party and at least three directors of the board shall be appointed from each congressional district.

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

(b) The governor shall appoint ten directors as soon after the tenth day of March, one thousand nine hundred ninety-six, as is practicable, and the original terms of all directors shall commence on that date. The terms of the directors appointed by the governor shall be for overlapping terms of six years, except, of the original appointments, three shall be appointed to terms of two years, three shall be appointed to terms of four years and four
shall be appointed to terms of six years. Each subsequent appointment which is not for the purpose of filling a vacancy in an unexpired term shall be appointed to a term of six years.

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

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

The chairman of the advisory council of students, ex officio; the chairman of the advisory council of faculty, ex officio; and the chairman of the advisory council of classified employees, ex officio, shall serve the terms for which they were elected by their respective advisory councils. These members shall be eligible to succeed themselves.

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

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

(e) The board of directors is abolished the thirtieth day
of June, two thousand.

(f) On the first day of July, two thousand, there is
transferred to the interim governing board, all powers,
duties, property, obligations, contracts, rules, orders,
resolutions or any other matters which were vested in the
prior boards of trustees, directors, or both.

ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.

§18B-3C-1. Legislative findings.

1 (a) Findings. – The Legislature hereby finds:

2 (1) That community and technical colleges in every
region of West Virginia are essential elements of a
statewide strategy to prepare students for further post-
secondary education, life long learning and development
of the workforce necessary to diversity and grow the
state’s economy.

8 (2) That, despite progress in the past decade, West
Virginia continues to lag behind neighboring states and
the nation in the competitiveness of its workforce for the
new economy. Specifically, West Virginia:

12 (A) Ranks fiftieth among the states in the preparation
of its workforce for the new economy;

14 (B) Continues to have low rates of participation among
high school graduates in post-secondary education and
ranks last among competitor states in the proportion of
high school graduates who attend a community college;
(C) Ranks forty-seventh in the nation in the proportion of its adult population at the lowest levels of literacy; and

(D) Ranks tenth among eleven competitor states in the number of certificates and associate degrees granted.

(3) That, despite progress made in developing community and technical colleges pursuant to Senate Bill No. 547, chapter ninety-nine, acts of the Legislature, regular session, one thousand nine hundred ninety-nine, most of these colleges remain subordinated to colleges and universities with four-year and graduate missions.

(4) That, while the number of high school graduates is declining and the needs of adults for further education and training is increasing, less than twenty-five per cent of the students enrolled in West Virginia institutions are over age twenty-five.

(5) That only half the enrollment in community and technical colleges is in institutions independently accredited to carry out that mission.

(6) That in most of the component community and technical colleges the majority of faculty are appointed and rewarded according to the policies of the four-year institution, not the community and technical college.

(7) That West Virginia is one of only five states in which most of the enrollment in associate degree programs is in institutions that are not independently accredited as two-year institutions.

(8) That the community and technical college mission in West Virginia continues to be seen by many as narrowly defined and offering primarily associate degree programs and rather than the critical functions of workforce development, developmental education,
community outreach and regional economic development as defined in Senate Bill No. 547.

(9) That half the community and technical college students in West Virginia pay the higher tuition and fees of the sponsoring four-year institution and not the lower rate of free-standing community and technical colleges.

(10) That, despite the needs of place-bound adults, adults in the workplace and employers, current higher education financing policy provides strong disincentives for both free-standing and component community and technical colleges to provide off-campus programs and services.

(11) That Senate Bill No. 547 set forth a definition of the kinds of community and technical college programs or service that should be available and accessible in every region of West Virginia.

(12) That over the past forty years, West Virginia has debated forming a distinct system of community and technical colleges with a focused mission in each region of the state. However, the state already had a network of public colleges in each region and, because of severe resource limitation and low population density, West Virginia evolved a system of community and technical colleges that depends in large part on the existing four-year colleges to offer associate degrees and other community and technical college services. West Virginia has established only a limited number of freestanding community and technical colleges.

(13) That Senate Bill No. 547 sought to strengthen the state's community and technical colleges in a number of ways.
81 (14) That the implementation of specific structural and
82 procedural provisions of Senate Bill No. 547 was decid-
83 edly mixed.

84 (15) That Senate Bill No. 547 had widely varying
85 impact on the availability of community and technical
86 college services throughout West Virginia. The scope of
87 services in several regions of the state, especially those
88 with component colleges, has fallen far short of the kind
89 of comprehensive, dynamic services envisioned in Senate
90 Bill No. 547.

91 (16) That since the enactment of Senate Bill No. 547
92 increasing attention has been given to the related prior-
93 ity of workforce development.

94 (17) That since the enactment of Senate Bill No. 547
95 changes have accelerated dramatically in post-secondary
96 education demand and delivery systems.

97 (18) That the substantive goal of Senate Bill No. 547 to
98 ensure access to community and technical college pro-
99 grams and services remains valid and is even more
100 important today than five years ago.

101 (19) That there are essential conditions which must be
102 met by each community and technical college in West
103 Virginia in order to address the needs of the people of the
104 state.

105 (b) Legislative Intent. — It is the intent of the Legisla-
106 ture, that the process for achieving independently-
107 accredited community and technical colleges be carried
108 out using the most effective and most efficient method
109 available. In implementing this process the governing
110 boards and institutions of higher education should utilize
111 facilities that already are available. These include, but
112 are not limited to, the facilities of public high schools
113 and vocational education centers. It is further the intent
of the Legislature that this article not be implemented in
such a manner as to require an extensive building
program. Prior to pursuing any capital project, an
institution shall follow the guidelines for developing
capital projects provided for in subdivision thirteen,
subsection (a), section four, article one-b of this chapter.

§18B-3C-2. Purposes of article.

The general purposes of this article are the following:

(a) To establish community and technical college
education that is well articulated with the public schools
and four-year colleges; that makes maximum use of
shared facilities, faculty, staff, equipment and other
resources; that encourages traditional and nontraditional
students and adult learners to pursue a life-time of
learning; that serves as an instrument of economic
development; and that has the independence and flexibility
to respond quickly to changing needs;

(b) To charge the respective governing boards with
providing community and technical college education at
state institutions of higher education under their juris-
diction that have the administrative, programmatic and
budgetary control necessary to allow maximum flexibility
and responsiveness to district and community needs.
Education services shall be provided consistent with the
goal of sharing facilities, faculty, staff, equipment and
other resources within and among the districts, the other
systems of public and higher education and other educa-
tion and training programs;

(c) To establish the essential conditions for community
and technical college programs and services, as defined
in section three of this article, necessary to insure that
each region of West Virginia is served by a community
and technical college meeting the needs of the people of
the region;
(d) To establish a mechanism for ensuring that, where applicable, a transition plan for meeting the essential conditions is developed by each relevant community and technical college;

(e) To establish responsibility districts for each of the community and technical colleges to ensure accountability that the full range of community and technical education programs and services is provided in all areas of the state;

(f) To define the full range of programs and services that every community and technical college has the responsibility to provide; and

(g) To establish such other policies and procedures necessary to ensure that the needs of West Virginia, its people and its businesses are met for the programs and services that can be provided through a comprehensive system of community and technical colleges.

§18B-3C-3. Essential conditions for community and technical college programs and services.

The Legislature hereby establishes the following essential conditions for community and technical college programs and services:

(a) Independent accreditation by the commission on institutions of higher education of the north central association of colleges and schools (NCA) reflecting external validation that academic programs, services, faculty, governance, financing and other policies are aligned with the community and technical college mission of the institution;

(b) A full range of community and technical college services offered as specified in section six of this article;
(c) Programmatic approval consistent with the provisions of section nine of this article;

(d) A fee structure competitive with its peer institutions;

(e) Basic services, some of which may be obtained under contract with existing institutions in the region. These basic services shall include, but are not limited to, the following:

(1) Student services, including, but not limited to, advising, academic counseling, financial aid and provision of the first line of academic mentoring and mediation;

(2) Instructional support services;

(3) Access to information and library services;

(4) Physical space in which courses can be offered;

(5) Access to necessary technology for students, faculty and mentors;

(6) Monitoring and assessment; and

(7) Administrative services, including, but not limited to, registration, fee collection and bookstore and other services for the distribution of learning materials;

(f) A president who is the chief academic and administrative officer of the community and technical college appointed and serving pursuant to the terms of section six, article one-b of this chapter;

(g) An institutional board of governors or an institutional board of advisors appointed and serving as required by law;

(h) A full-time core faculty, complemented by persons engaged through contract or other arrangements, includ-
(i) A faculty personnel policy, formally established to be separate and distinct from that of other institutions, which includes, but is not limited to, appointment, promotion, workload and, if appropriate, tenure pursuant to section nine of this article. These policies shall be appropriate for the community and technical college mission and may not be linked to the policies of any other institution;

(j) Community and technical colleges designed and operating as open-provider centers with the authority and flexibility to draw on the resources of the best and most appropriate provider to ensure that community and technical college services are available and delivered in the region in a highly responsive manner. A community and technical college may contract with other institutions and providers as necessary to obtain the academic programs and resources to complement those available through a sponsoring college, where applicable, in order to meet the region's needs.

(k) Separately identified state funding allocations for each of the community and technical colleges. The president of the community and technical college has full budgetary authority for the entity, subject to accountability to its governing board, including authority to retain all tuition and fees generated by the community and technical college for use to carry out its mission.

(l) Where independently-accredited community and technical colleges are linked administratively to a sponsoring state college or university in order to ensure
efficient use of limited resources, the following conditions shall apply:

(1) The community and technical college shall be accredited separately from the sponsoring institution;

(2) All state funding allocations for the community and technical college shall be transferred directly to the community and technical college. The sponsoring institution may charge fees for administrative overhead costs subject to a schedule approved by the commission.

(3) Policies shall be formally established to ensure the separation of academic and faculty personnel policies of the community and technical college from those of the sponsoring institution. These policies include, but are not limited to, appointment, promotion, workload and, if appropriate, tenure.

§18B-3C-4. Responsibility districts.

(a) Each community and technical college is hereby assigned a responsibility district within which it is responsible for providing the full array of community and technical college programs and services as defined in section six of this article. The programs and services shall address the public policy agenda, compact elements and goals for post-secondary education established in section one-a, article one of this chapter as they relate to community and technical colleges, and other goals which may be established by the commission. The responsibility districts shall be comprised of contiguous areas of the state which have similar economic, industrial, educational, community and employment characteristics to facilitate specialization in mission and programming. For the purposes of initial implementation and organization, the districts shall be comprised as follows and assigned to the designated community and technical colleges:
(1) West Virginia northern community and technical college - Ohio, Brooke, Hancock, Marshall, Tyler and Wetzel counties;

(2) West Virginia university at Parkersburg - Wood, Jackson, Pleasants, Ritchie, Roane, Tyler and Wirt counties;

(3) Southern West Virginia community and technical college - Logan, Boone, Lincoln, McDowell, Mingo, Raleigh and Wyoming counties;

(4) Bluefield state community and technical college - Mercer, Greenbrier, McDowell, Monroe, Pocahontas, Raleigh and Summers counties;

(5) Glenville state community and technical college - Gilmer, Barbour, Braxton, Calhoun, Clay, Lewis, Nicholas, Roane, Upshur and Webster counties;

(6) Fairmont state community and technical college - Marion, Doddridge, Harrison, Monongalia, Preston, Randolph, Taylor, and Barbour counties;

(7) Shepherd community and technical college - Jefferson, Berkeley, Grant and Morgan counties;

(8) Eastern West Virginia community and technical college - Mineral, Grant, Hampshire, Hardy, Tucker and Pendleton counties; and

(b) It is the intent of the Legislature that, where counties are listed in more than one district, the county shall be the joint responsibility of each community and technical college assigned that county, or shall be divided as determined by the commission. The boundaries of the districts may be modified from time to time by the commission to serve better the needs within the districts. Such modifications are not required to follow county boundaries.
§18B-3C-5. Appointment of community and technical college presidents.

The administrative head of a community and technical college shall be the president or the provost, who shall be chosen pursuant to the terms of section six, article one-b of this chapter.

§18B-3C-6. Community and technical college programs.

(a) The mission of each community and technical college includes the following programs which may be offered on or off campus, at the work site, in the public schools and at other locations and at times that are convenient for the intended population:

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

(2) Transfer education associate of arts and associate of science degree programs for students whose educational goal is to transfer into a baccalaureate degree program;

(3) Developmental/remedial education courses, literacy education, tutorials, skills development labs and other services for students who need to improve their skills in
(4) Workforce training and retraining and contract education with business and industry to train or retrain employees;

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

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

(7) Cooperative arrangements with the public school system for the seamless progression of students through programs of study which are calculated to begin at the secondary level and conclude at the community and technical college level.

(b) All administrative, programmatic and budgetary control over community and technical education within the district shall be vested in the president or provost, subject to rules adopted by the governing boards and the commission. The president and the provost with the institutional board of governors or institutional board of advisors, as appropriate, shall be responsible for the regular review, revision, elimination and establishment of programs within the district to assure that the needs of the district for community and technical college programs are met. It is the intent of the Legislature that the program review and approval process for community and technical education be separate and distinct from baccalaureate education and subject to the provisions of section nine of this article. The president and institutional board of advisors shall seek assistance from and
§18B-3C-7. District consortia committees.

(a) The president or provost of each community and technical college shall form a district consortium committee which shall include representatives, distributed geographically to the extent practicable, of the major community and technical college branches, vocational-technical centers, comprehensive high schools, four-year colleges and universities, community service or cultural organizations, economic development organizations, business, industry, labor, elected public officials and employment and training programs and offices within the district. The consortium committee shall be chaired by the president or provost, or his or her designee, and shall advise and assist the president or provost with the following:

(1) Completing a comprehensive assessment of the district to determine what education and training programs are necessary to meet the short and long-term workforce development needs of the district;

(2) Coordinating efforts with regional labor market information systems to identify the ongoing needs of businesses and industry, both current and projected, and to provide information to assist in an informed program of planning and decision making;
(3) Planning and development of a unified effort to meet the documented workforce development needs of the district through individual and cooperative programs, shared facilities, faculty, staff, equipment and other resources and the development and use of distance learning and other educational technologies;

(4) Regularly reviewing and revising curricula to ensure that the workforce needs are met, developing new programs and phasing out or modifying existing programs as appropriate to meet such needs, streamlining procedures for designing and implementing customized training programs and accomplishing such other complements of a quality comprehensive community and technical college.

(5) Increasing the integration of secondary and post-secondary curriculum and programs that are targeted to meet regional labor market needs, including implementation of a comprehensive school-to-work transition system that accomplishes the following:

(A) Helps students focus on career objectives;

(B) Establishes cooperative programs and student internships with business and industry;

(C) Builds upon current programs such as high schools that work, tech prep associate degree programs, registered apprenticeships and rural entrepreneurship through action learning, and

(D) Addresses the needs of at-risk students and school dropouts;

(6) Planning and implementation of integrated professional development activities for secondary and post-
secondary faculty, staff and administrators and other consortium partners throughout the district;

(7) Ensuring that program graduates have attained the competencies required for successful employment through the involvement of business, industry and labor in establishing student credentialing;

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

(9) Cooperating with workforce development investment councils in establishing one-stop-shop career centers with integrated employment and training and labor market information systems that enable job seekers to assess their skills, identify and secure needed education training and secure employment and employers to locate available workers;

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

(11) Establishing a single point of contact for employers and potential employers to access education and training programs throughout the district.

§18B-3C-8. Process for achieving independently-accredited community and technical colleges.

(a) Over a six-year period beginning the first day of July, two thousand one, West Virginia shall move from having "component" community and technical colleges
to having a statewide network of independently accredited community and technical colleges serving every region of the state. This section does not apply to the freestanding community and technical colleges, West Virginia university at Parkersburg, Potomac state college of West Virginia university and West Virginia university institute of technology.

(b) To be eligible for funds appropriated to develop independently accredited community and technical colleges, a state institution of higher education shall demonstrate the following:

(1) That it has as a part of its institutional compact approved by the commission a step-by-step plan with measurable benchmarks for developing an independently accredited community and technical college that meets the essential conditions set forth in section three of this article, except as limited in subdivisions (2) and (4), subsection (c), of this section;

(2) That it is able to offer evidence annually to the satisfaction of the commission that it is making progress toward accomplishing the benchmarks established in its institutional compact for developing an independently accredited community and technical college; and

(3) That it has submitted an expenditure schedule approved by the commission which sets forth a proposed plan of expenditures for funds allocated to it from the fund.

(c) The following are recommended strategies for moving from the current arrangement of "component" community and technical colleges to the legislatively mandated statewide network of independently accredited community and technical colleges serving every
region of the state. The Legislature recognizes that there
may be other means to achieve this ultimate objective;
however, it is the intent of the Legislature that the move
from the current arrangement of "component" commu-
nity and technical colleges to the legislatively-mandated
statewide network of independently accredited commu-
nity and technical colleges serving every region of the
state shall be accomplished. The following recommenda-
tions are designed to reflect significant variations among
regions and the potential impacts on the sponsoring
institutions.

(1) Marshall university community and technical
college, West Virginia state community and technical
college and West Virginia university institute of technol-
ogy. — The status of these institutions shall be determined
pursuant to the provisions of article three-f of this
chapter.

(2) Bluefield state community and technical college. —
Bluefield state community and technical college, includ-
ing the Lewisburg center, should retain its relationship
as a component of Bluefield state college. The president
and the institutional board of governors of Bluefield
state college are accountable to the commission for
ensuring that the full range of community and technical
college services is available throughout the region and
that the community and technical college adheres, as
nearly as possible, to the essential conditions pursuant to
section three of this article with the possible exception of
independent accreditation.

(3) Center for higher education and workforce develop-
ment at Beckley. — The president of Bluefield state
college and the institutional board of advisors are
responsible, according to a plan approved by the com-
mmission, for the step-by-step implementation of a new
independently-accredited community and technical
college administratively linked to Bluefield State College,
known as the center for higher education and workforce
development, which adheres to the essential conditions
pursuant to section three of this article. As an
independently-accredited community and technical
college the center shall also serve as higher education
center for its region by brokering with other colleges,
universities and other providers, in-state and out-of-state,
both public and private, to ensure the coordinated access
of students, employers, and other clients to needed
programs and services. The new community and techni-
cal college shall serve Raleigh, Summers and Fayette
counties and be headquartered in Beckley. The commis-
sion shall appoint an institutional board of advisors for
the center at Beckley which is separate from the institu-
tional board of advisors of Bluefield State College but
may have some overlap in membership to facilitate
coordination. In addition, the president of the center
shall appoint a district consortia committee to advise the
president on a comprehensive assessment of the needs in
the region, on coordinating efforts with regional labor
market information systems, and on other areas as
provided for in section seven of this article relating to the
duties of district consortia committees. The center shall
facilitate the planning and development of a unified
effort involving multiple providers and facilities includ-
ing, but not limited to, Concord College, the college of
West Virginia, Marshall University, West Virginia univer-
sity, West Virginia University Institute of Technology, and
other entities to meet the documented workforce devel-
lopment needs in the region: Provided, That nothing in
this subdivision prohibits or limits any existing, or the
continuation of any existing affiliation between the
college of West Virginia, West Virginia University
Institute of Technology, and West Virginia University.
The center for higher education and workforce develop-
ment at Beckley shall also provide the facilities and
support services for other public and private institutions delivering courses, programs and services in Beckley. The objective would be to assure students and employers in the area that there would be coordination and efficient use of resources among the separate programs and facilities, existing and planned, in the Beckley area. If, at a future time, the commission believes it appropriate, it may recommend to the Legislature that the Beckley institution be created as a freestanding institution.

(4) Glenville state community and technical college. — Glenville state community and technical college, including the centers in Nicholas, Lewis and Roane counties, should retain its relationship as a component of Glenville state college. The president of Glenville state college and the governing board are accountable to the commission for ensuring that the full range of community and technical college services is available throughout the region and that the community and technical college adheres as nearly as possible to the essential conditions pursuant to section three of this article, with the possible exception of independent accreditation.

(5) Fairmont state community and technical college. — Fairmont state community and technical college should be an independently accredited community and technical college serving Marion, Doddridge, Barbour, Harrison, Monongalia, Preston, Randolph and Taylor counties. The community and technical college is developed on the base of the existing component community and technical college of Fairmont state college. Subject to the provisions of section eight of this article, the president and the governing board of Fairmont state college are responsible, according to a plan approved by the commission, for step-by-step implementation of the independently accredited community and technical college which adheres to the essential conditions pursuant to section
three of this article. Subject to the provisions of section eight of this article, the community and technical college will remain administratively linked to Fairmont state college. Nothing herein shall be construed to require Fairmont state college to discontinue any associate degree program in areas of particular institutional strength which are closely articulated to their baccalaureate programs and missions or which are of a high-cost nature and can best be provided in direct coordination with a baccalaureate institution.

(6) Shepherd community and technical college. - Shepherd community and technical college should become an independently accredited community and technical college. It should serve Jefferson, Berkeley and Morgan counties. The new community and technical college is developed on the base of the existing component community and technical college of Shepherd college. Subject to the provisions of section eight of this article, the president and the governing board of Shepherd college are responsible, according to a plan approved by the commission, for step-by-step implementation of the new independently accredited community and technical college which adheres to the essential conditions pursuant to section three of this article. Subject to the provisions of section eight of this article, the community and technical college will remain administratively linked to Shepherd college. Nothing herein shall be construed to require Shepherd college to discontinue any associate degree program in areas of particular institutional strength which are closely articulated to their baccalaureate programs and missions or which are of a high-cost nature and can best be provided in direct coordination with a baccalaureate institution.

§18B-3C-9. Increasing flexibility for community and technical colleges.
(a) Notwithstanding any rules or procedures of the governing boards to the contrary, the community and technical colleges 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 to 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.

(A) 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 employed by the freestanding community and technical colleges before the first day of July one thousand nine hundred ninety-nine, shall not be affected by this provision.

(B) All community and technical colleges, other than those set forth in paragraph (A) of this subdivision, may employ faculty for an indefinite period without a grant of tenure. The immediate goal is to use this provision as a tool to assist the community and technical colleges in meeting the essential conditions provided for in section three of this article and in gaining independent accredi-
tation status. The ultimate goal is to provide the flexibility community and technical colleges need to meet the needs of the state by working toward having no more than twenty percent of the core faculty holding tenure or being tenure-track employees: *Provided*, That tenured faculty employed by community and technical colleges other than freestanding community and technical colleges on the effective date of this section may not be affected by this provision: *Provided, however, That* tenure shall not be denied to a faculty member solely as a result of change in employing institution necessitated by the change to independently-accredited community and technical colleges.

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

(c) The governing boards shall promulgate rules to implement the provisions of this section and shall file these rules for review and approval with the chancellor no later than the first day of December, two thousand.

§18B-3C-10. Free-standing community and technical colleges; tuition and fees.

(a) During the transition year, beginning the first day of July, two thousand, and ending the thirtieth day of June, two thousand one, the appropriate governing board may fix tuition and establish and set such other fees to be charged students at community and technical colleges as it considers appropriate, and shall pay such tuition and
fees collected into a revolving fund for the partial or full support, including the making of capital improvements, of any community and technical college. Funds collected at any such community and technical college may be used only for the benefit of that community and technical college. The appropriate governing board also may establish special fees for such purposes as, including, but not limited to, health services, student activities, student recreation, athletics or any other extracurricular purposes. Such special fees shall be paid into special funds in the state treasury and used only for the purposes for which collected.

(b) Beginning on the first day of July, two thousand one, the appropriate governing board may fix tuition and establish and set such other fees to be charged students at community and technical colleges as it considers appropriate, subject to the provisions of subdivision (2) of this subsection.

(1) As used in this subsection, “appropriate governing board” means:

(A) The governing board of the institution, in the case of a freestanding community and technical college;

(B) The governing boards of Glenville state college and Bluefield state college, respectively, in the cases of Glenville community and technical college and Bluefield community and technical college; and

(C) The institutional board of advisors in all other cases.

(2) The appropriate governing board, in consultation with the joint commission, also may establish special fees for such purposes as, including, but not limited to, health services, student activities, student recreation, athletics
or any other extracurricular purposes: Provided, That the joint commission shall determine which fees, if any, do not apply to the entire student population and to which students such fees do not apply. Such special fees may be used only for the purposes for which collected.

(3) A community and technical college may contract with any other state institution of higher education for the participation of its students in programs, activities or services of the other institution and for the use of such fees collected.

(c) All tuition and fee charges in the total aggregate shall comply with the terms of the institutions compact approved by the policy commission based on peer comparisons or cost of instruction as set forth in the goals for post-secondary education pursuant to section one-a, article one of this chapter.

§18B-3C-11. Shared facilities and resources; memoranda of agreements; and joint administrative boards.

(a) To the maximum extent feasible, community and technical colleges shall be developed as multisite institutions utilizing existing facilities, including cooperative use of existing vocational education institutes and centers, offering services on the campuses of existing baccalaureate and graduate institutions, at work sites in collaboration with employers and other appropriate venues. Subject to the limitation of subdivision (8), subsection (a), section four, article one-b of this chapter, new public capital investment in physical facilities shall be kept to a minimum. All community and technical colleges shall have missions encompassing the full range of services and programs.

(b) The governing boards may accept federal grants and funds from county boards of education, other local
governmental bodies, corporations or persons. The
governing boards may enter into memoranda of under­
standing agreements with such governmental bodies,
corporations or persons for the use or acceptance of local
facilities and for the acceptance of grants or contribu­
tions toward the cost of the acquisiton or construc­tion
of such facilities. Such local governmental bodies may
convey capital improvements, or lease the same without
monetary consideration, to the governing boards for the
use by the community and technical college and the
governing boards may accept such facilities, or the use or
lease thereof, and grants or contributions for such
purposes from such governmental bodies, the federal
government or any corporation or person. In addition,
the various education agencies shall establish coopera­
tive relationships to utilize existing community and
technical colleges and programs, public school vocational
centers and other existing facilities to serve the identified
needs within the community and technical college
district.

(c) To facilitate the administration, operation and
financing of programs in shared facilities of any institu­
tion of public higher education and a county board or
boards of education, the affected governing boards and
county board or boards of education may appoint a joint
administrative board consisting of such membership and
possessing such delegated authorities as the respective
boards consider necessary and prudent for the operation
of such shared facilities. If appointed, such joint admin­
istrative board shall consist of five members to be
appointed as follows: The county board of education
shall appoint two members; the appropriate governing
board shall appoint two members; and one shall be an
at-large member, who shall chair the joint administrative
board, and shall be appointed by mutual agreement of
the respective boards. When two or more county boards
of education are participating in such shared program,
such county board appointments shall be made by
mutual agreement of each of the participating county
boards. Members shall serve for staggered terms of three
years. With respect to initial appointments, one member
appointed by the county board or boards of education
and one member appointed by the governing board shall
serve for one year, one member appointed by the county
board or boards of education and one member appointed
by the governing board shall serve for two years and the
at-large member shall serve for three years. Subsequent
appointments shall be for three years. A member may
not serve more than two consecutive terms. Members
shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of their
duties as board members from funds allocated to the
shared facility, except that members who are employed
by a board of education, governing board or state institution of higher education shall be reimbursed by their
employer.

§18B-3C-12. Relationship between administratively linked
community and technical colleges and sponsoring institutions.

(a) Intent and Purposes. --

(1) It is the intent of the Legislature to establish
community and technical colleges in every region of the
state of West Virginia that, as far as possible, meet the
essential conditions of section three of this article.

(2) The Legislature finds that, in order to increase
efficiency, reduce costs and, generally, to facilitate the
effective transition from community and technical
colleges which are components of existing institutions of
higher education to community and technical colleges which meet, as far as possible, the essential conditions, it is appropriate to maintain an administrative link between the community and technical colleges and the sponsoring institution.

(3) This section defines the relationship between the community and technical colleges and its sponsoring institution.

(b) The sponsoring institution which is administratively linked to a community and technical college shall provide the following services:

(1) Personnel management;
(2) Record keeping;
(3) Payroll;
(4) Accounting;
(5) Legal services;
(6) Registration;
(7) Student aid;
(8) Student records; and
(9) Such other services as determined to be necessary and appropriate by the commission.

(c) Subject to the approval of the appropriate governing board, the president of the sponsoring institution, pursuant to the terms of section six, article one-b of this chapter, shall appoint the presidents of the community and technical college, who shall serve at the will and pleasure of the institutional president. Subject to the provisions of section six, article one-b of this chapter, the
appropriate governing board shall appoint the president of the sponsoring institution.

(d) The governing board and the president of the sponsoring institution shall be responsible for the step-by-step development of the community and technical college and for compliance with the essential conditions, all as required by this article.

(e) The president of the sponsoring institution shall have such responsibilities, powers and duties in the development of the community and technical college and in compliance with the essential conditions, as directed by the governing board or as are necessary for the proper implementation of the provisions of this act.

(f) The sponsoring institution may charge fees for administrative overhead costs subject to a schedule approved by the commission.

(g) Notwithstanding any other provision of the code to the contrary, the commission shall take necessary steps to ensure that institutional bonded indebtedness is secure and that administratively-linked community and technical colleges assume their fair share of any institutional debt acquired while they were part of the baccalaureate institution.

(h) The community and technical college is encouraged to secure academic services from the sponsoring institution when it is in the best interests of the students to be served, the community and technical college and the sponsoring institution. In determining whether or not to secure services from the sponsoring institution, the community and technical college shall consider the following:

(1) The cost of the academic services;
(2) The quality of the academic services;

(3) The availability, both as to time and place, of the academic services; and

(4) Such other considerations as the community and technical college finds appropriate taking into account the best interests of the students to be served, the community and technical college, and the sponsoring institution: Provided, That nothing in this article shall be construed to prohibit any state institution of higher education from purchasing or brokering remedial and/or developmental courses from a community and technical college.

ARTICLE 3F. COMMUNITY AND TECHNICAL COLLEGE SERVICES IN THE RESPONSIBILITY AREAS OF MARSHALL UNIVERSITY, WEST VIRGINIA STATE COLLEGE AND WEST VIRGINIA UNIVERSITY INSTITUTE OF TECHNOLOGY.

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

(a) Legislative Intent. — It is the intent of the Legislature to enhance community and technical college services in the responsibility areas of Marshall university, West Virginia state college and West Virginia university institute of technology through the delivery of community and technical college services that meet the goals of section six, article three-c of this chapter and are delivered pursuant to the essential condition of section three, article three-c of this chapter. It is further the intent of the Legislature to make maximum use of existing institutions in the region and to focus on the benefits available to the Kanawha valley and to the state of providing quality community and technical college education.

(b) Findings. — The Legislature finds the following:
Enr. S. B. No. 653]

(1) That the Kanawha valley is an area of the state that is under-served for community and technical college education and that deserves more convenient access to higher education opportunities, including access to workforce development programs;

(2) That, in order to satisfy the growing needs of the Kanawha valley region for access to quality higher education programs, the delivery of community and technical college services in the Kanawha valley must meet the goals for comprehensive community and technical college education described in section two, article three-c of this chapter and must meet the essential conditions for a comprehensive community and technical college education as described in section three, article three-c of this chapter.

§18B-3F-2. Implementation board established.

(a) There is established an implementation board appointed by the policy commission to insure the step-by-step implementation of the legislative intent contained in section one of this article.

(b) The implementation board shall be comprised of nine members including the president of Marshall university, or a designee, the president of West Virginia state college, or a designee, and the president of West Virginia university institute of technology, or a designee and six lay persons, three from the responsibility area of Marshall university and three from the responsibility areas of West Virginia state college and West Virginia university institute of technology.

(c) The implementation board shall develop a plan, to be recommended to the policy commission, for the most effective and efficient method to deliver comprehensive community and technical college education to the citizens and employers of the responsibility areas of
Marshall University, West Virginia State College and West Virginia University Institute of Technology. The plan shall include, but not be limited to:

(1) A determination of the most appropriate manner to achieve the goals set forth in section one-a, article one of this chapter;

(2) The relative strengths of the existing institutions of higher education in the responsibility areas;

(3) The impact of the status of West Virginia State College as an historically black institution of higher education and as an eighteen hundred and ninety land grant institution.

(4) A determination of the appropriate relationship among the existing public institutions of higher education in the responsibility areas.

(d) The implementation board shall be accountable to the policy commission for the implementation of the appropriate system, based upon its plan, to meet the essential conditions for effective community and technical education as provided for in section three, article three-c of this chapter.

(e) If, in the opinion of the commission, implementation of the findings can not be accomplished without statutory change, then on or before the fifteenth day of January, two thousand one, the commission shall certify to the governor, the president of the senate and the speaker of the house of delegates draft legislation to accomplish the goals of this section and section one-a, article one of this chapter.

§18B-3F-3. Continuing community and technical services of existing institutions.
Subject to change by the commission through the process for the establishment of institutional compacts defined in section two, article one-a of this chapter, nothing in this article may be construed to require Marshall university, West Virginia state College or West Virginia Institute of Technology to discontinue any associate degree program in areas of particular institutional strength which are closely articulated to their baccalaureate programs and missions or which are of a high cost nature and can best be provided in direct coordination with a baccalaureate institution.

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-2. Employment of vice chancellor for administration; office; powers and duties generally.

(a) With the approval of the commission, the chancellor for higher education shall employ the vice chancellor for administration who shall serve at the will and pleasure of the chancellor. Any reference in this code to the senior administrator means the vice chancellor of administration, which senior administrator shall become the vice chancellor of administration and also shall serve as interim chancellor for higher education until a chancellor is employed pursuant to section five, article one-b of this chapter.

(b) The vice chancellor for administration has a ministerial duty, in consultation with and under direction of the chancellor, to perform such functions, tasks and duties as may be necessary to carry out the policy directives of the commission and such other duties as may be prescribed by law.

(c) The vice chancellor for administration may employ and discharge, and shall supervise, such professional, administrative, clerical and other employees as may be necessary to these duties and shall delineate staff respon-
sibilities as considered desirable and appropriate. The vice chancellor for administration shall fix the compensation and emoluments of such employees. Provided, that those employees whose job duties meet criteria listed in the system of job classifications as stated in article nine of this chapter shall be accorded the job title, compensation and rights established in the article as well as all other rights and privileges accorded classified employees by the provisions of this code.

(a) Effective on the first day of July, two thousand, the office of the senior administrator and all personnel employed on the thirtieth day of June, two thousand, within the higher education central office, the West Virginia network for educational telecomputing, and the offices of the chancellor of the board of trustees and the chancellor of the board of directors, shall be transferred to the jurisdiction of the chancellor for higher education. Provided, That prior to the first day of October, two thousand, no employee shall be terminated or have his or her salary and benefit levels reduced as the sole result of the governance reorganization that becomes effective on the first day of July, two thousand.

(e) The vice chancellor for administration shall follow state and national education trends and gather data on higher education needs.

(f) The vice chancellor for administration, in accordance with established guidelines and in consultation with and under the direction of the chancellor shall administer, oversee or monitor all state and federal student assistance and support programs administered on the state level, including those provided for in chapter eighteen-c of this code.

(g) The vice chancellor for administration has a fiduciary responsibility to administer the tuition and regis-
The vice chancellor for administration shall administer the purchasing system or systems of the commission, the office of the chancellor, and the governing boards:

Provided, That the chancellor may delegate authority for the purchasing systems or portions thereof to the institution presidents.

The vice chancellor for administration is responsible for the management of the West Virginia network for educational telecomputing (WVNET). The vice chancellor for administration shall establish a computer advisory board, which shall be representative of higher education and other users of the West Virginia Network for Educational Telecomputing as the chancellor for higher education determines appropriate. It is the responsibility of the computer advisory board to recommend to the chancellor policies for a statewide shared computer system.

The central office, under the direction of the vice chancellor for administration, shall provide necessary staff support to the commission and the office of the chancellor.

Effective on the first day of July, two thousand, the vice chancellor for administration may administer any program or service authorized or required to be performed by the board of trustees or the board of directors on the thirtieth day of June, two thousand, and not specifically assigned to another agency. In addition, the vice chancellor for administration may administer any program or service authorized or required to be performed by the commission or the chancellor for higher education, but not assigned specifically to the commission or the chancellor. Such program or service may
include, but shall not be limited to, telecommunications activities and other programs and services provided for under grants and contracts from federal and other external funding sources.

§18B-4-8. West Virginia Anatomical Board; powers and duties relating to anatomical gifts; requisition of bodies; autopsies; transportation of bodies; expenses of preservation; bond required; offenses and penalties.

(a) There is hereby established the "West Virginia anatomical board" which consists of the following four members: (1) The dean of the school of dentistry, West Virginia university; (2) the chairperson of the department of anatomy, West Virginia university; (3) the chairperson of the department of anatomy, school of medicine, Marshall university; and (4) the dean of the school of medicine, West Virginia school of osteopathic medicine.

(b) The board shall have authority to appoint such officers, employees and agents as may be necessary to carry out the purposes for which the board is organized. It shall keep a full and complete record of its transactions, showing, among other things, every dead human body coming under its authority, giving name, sex, age, date of death, place from which received, and when and from whom received, which record shall be open at all times to the inspection of the attorney general and any prosecuting attorney in the state.

(c) The board shall be responsible for making requisition for, receiving, and making disposition of the dead human bodies for the scientific uses and purposes of reputable education institutions, within the state and elsewhere, having medical, osteopathy, dentistry or nursing schools. The board shall have full power to establish rules for its own government and for the
requisition, use, disposition and control of such bodies as may come under its authority by way of gift, pursuant to this section or pursuant to section four, article nineteen, chapter sixteen of this code.

(d) All dead human bodies which may come under the charge or control of any mortician, any officer or agent of the department of welfare or of any county commission or municipality, or any superintendent, officer or agent having the supervision of any prison, morgue, hospital or other public institution in this state, and which may be required to be buried at public expense, shall be subject to the requisition of the board as provided in this section. No such body shall be delivered to the board if any person related to the deceased by blood or marriage shall make a statement in writing to that effect, and shall claim such body for burial, or shall make affidavit that the relative is unable to bear the expense of burial and desires that the deceased be buried at public expense. This statement and affidavit may be filed by any such relative with the person having charge and control of the body of the person so claimed, either before or after the death of such person.

(e) No autopsy shall be performed on any unclaimed body without the written permission of the board, except upon the proper order of a duly authorized law-enforcement officer.

(f) It shall be the duty of any person who has charge or control of any unclaimed body, subject to requisition by the board, to give notice to the board of that fact by telephone or telegraph within twenty-four hours after such body comes under that person's control. Thereafter, such person shall hold the body subject to the order of the board for at least twenty-four hours after the sending of such notice. If the board makes requisition for the body within the twenty-four hour period, it shall be
delivered, pursuant to the order of the board, to the
board or its authorized agent for transportation to any
education institution which the board considers to be in
bona fide need of the body and able to adequately
control, use and dispose of the body. The board shall
make suitable arrangements for the transportation of any
body, or part or parts of any body, which may come
under its authority to the education institution. All
expenses incurred in connection with the preservation,
delivery and transportation of any body delivered
pursuant to the order of the board shall be paid by the
educational institution receiving the body.

(g) No dead body shall be received or requisitioned by
the board until the members of the board have filed a
bond with the clerk of the circuit court of Kanawha
County in a penalty of one thousand dollars, with good
security, signed by a responsible person or persons, or by
some surety company authorized to do business in this
state, or have proved to the clerk that they are covered
by a suitable bond in at least that amount, conditioned
for the faithful performance of their duties.

(h) Any person who shall neglect, refuse or fail to
perform any duty required by this section relating to the
board shall be guilty of a misdemeanor, and, upon
conviction thereof, shall be punished by a fine of not
more than one hundred dollars or by imprisonment in the
county or regional jail for not more than ten days, or by
both such fine and imprisonment. Any person who fails
to give the required notice that that person has charge of
an unclaimed body subject to requisition by the board
shall also be personally liable for all burial expenses, if
such body was buried at public expense, to the public
agency that paid for the burial.

ARTICLE 5. HIGHER EDUCATION BUDGETS AND EXPENDITURES.
§18B-5-3. Authority to contract for programs, services and facilities.

1 The governing boards and the education policy commission are authorized and empowered to enter into contracts and expend funds for programs, services and facilities provided by public and private educational institutions, associations, boards, agencies, consortia, corporations, partnerships, individuals and local, state and federal governmental bodies within and outside of West Virginia in order that maximum higher educational opportunities of high quality may be provided to the citizens of the state in the most economical manner:

Provided, That in no event may a contract for such services and facilities be entered into unless the higher education policy commission or the governing boards have determined that such services and facilities are necessary and that such services and facilities would be at a savings to the state.

Notwithstanding the provisions of this section, nothing herein contained shall supersede the responsibility and respective duties of the commissioner of finance and administration, and the director of the purchasing division of such department for the execution of the contracts entered into under this article and such contracts shall be in complete conformity with the provisions of articles three and five, chapter five-a of this code.

§18B-5-4. Purchase or acquisition of materials, supplies, equipment and printing.

(a) The higher education policy commission and each governing board, through the vice chancellor for administration shall purchase or acquire all materials, supplies, equipment and printing required for that governing
board or the higher education policy commission, as
appropriate, and the state institutions of higher educa-
tion under their jurisdiction. The higher education
policy commission and the governing boards each shall
adopt rules governing and controlling acquisitions and
purchases in accordance with the provisions of this
section. Such rules shall assure that the governing
boards: (1) Do not preclude any person from participat-
ing and making sales thereof to the governing board or to
the higher education policy commission except as
otherwise provided in section five of this article: Pro-
vided, That the providing of consultant services such as
strategic planning services will not preclude or inhibit
the governing boards or the higher education policy
commission from considering any qualified bid or
response for delivery of a product or a commodity
because of the rendering of those consultant services; (2)
shall establish and prescribe specifications, in all proper
cases, for materials, supplies, equipment and printing to
be purchased; (3) shall adopt and prescribe such purchase
order, requisition or other forms as may be required; (4)
shall negotiate for and make purchases and acquisitions
in such quantities, at such times and under contract, in
the open market or through other accepted methods of
governmental purchasing as may be practicable in
accordance with general law; (5) shall advertise for bids
on all purchases exceeding fifteen thousand dollars, to
purchase by means of sealed bids and competitive
bidding or to effect advantageous purchases through
other accepted governmental methods and practices:
Provided, however, That for printing services, bids shall
be advertised by written notification of such bids to any
print shop, affiliated with an institution of higher
education and operated by classified employees, on all
purchases exceeding five thousand dollars; (6) shall post
notices of all acquisitions and purchases for which
competitive bids are being solicited in the purchasing office of the specified institution involved in the purchase, at least two weeks prior to making such purchases and ensure that the notice is available to the public during business hours; (7) shall provide for purchasing in the open market; (8) shall make provision for vendor notification of bid solicitation and emergency purchasing; and (9) provide that competitive bids are not required for purchases of one thousand dollars or less.

(b) The higher education policy commission or each governing board, through the vice chancellor for administration may issue a check in advance to a company supplying postage meters for postage used by that board, the policy commission and by the state institutions of higher education under their jurisdiction.

(c) When a purchase is to be made by bid, any or all bids may be rejected. However, all purchases based on advertised bid requests shall be awarded to the lowest responsible bidder taking into consideration the qualities of the articles to be supplied, their conformity with specifications, their suitability to the requirements of the governing boards, the higher education policy commission and delivery terms: Provided, That the preference for resident vendors as provided in section thirty-seven, article three, chapter five-a of this code shall apply to the competitive bids made pursuant to this section.

(d) The governing boards and the higher education policy commission shall maintain a purchase file, which shall be a public record and open for public inspection. After the award of the order or contract, the governing boards and the higher education policy commission shall indicate upon the successful bid that it was the successful bid, and shall further indicate why bids are rejected and, if the mathematical low vendor is not awarded the
137  (e) The governing boards and the higher education policy commission also shall adopt rules to prescribe qualifications to be met by any person who is to be employed as a buyer pursuant to this section. These rules shall require that no person may be employed as a buyer unless that person, at the time of employment, either is:

1. A graduate of an accredited college or university; or
2. Has at least four years' experience in purchasing for any unit of government or for any business, commercial or industrial enterprise. Any person making purchases and acquisitions pursuant to this section shall execute a bond in the penalty of fifty thousand dollars, payable to the state of West Virginia, with a corporate bonding or surety company authorized to do business in this state as surety thereon, in form prescribed by the attorney general and conditioned upon the faithful performance of all duties in accordance with sections four through eight of this article and the rules of the governing boards and the higher education policy commission. In lieu of separate bonds for such buyers, a blanket surety bond may be obtained. Any such bond or bonds shall be filed with the secretary of state. The cost of any such bond or bonds shall be paid from funds appropriated to the applicable governing board or higher education policy commission.
(f) All purchases and acquisitions shall be made in consideration and within limits of available appropriations and funds and in accordance with applicable provisions of article two, chapter five-a of this code, relating to expenditure schedules and quarterly allotments of funds.

(g) The governing boards and the higher education policy commission may make requisitions upon the auditor for a sum to be known as an advance allowance account, in no case to exceed five percent of the total of the appropriations for the governing board or the higher education policy commission, and the auditor shall draw a warrant upon the treasurer for such accounts; and all such advance allowance accounts shall be accounted for by the applicable governing board or higher education policy commission once every thirty days or more often if required by the state auditor.

(h) Contracts entered into pursuant to this section shall be signed by the applicable governing board or the higher education policy commission in the name of the state and shall be approved as to form by the attorney general: Provided, That a contract in which the total does not exceed five thousand dollars and for which the attorney general has not responded within fifteen days of presentation of the contract, the contract shall be deemed approved: Provided, however, That a contract or a change order for that contract which in total does not exceed fifteen thousand dollars and which uses terms and conditions or standardized forms previously approved by the attorney general and does not make substantive changes in the terms and conditions of the contract does not require approval by the attorney general: Provided further, That the attorney general shall make a list of those changes which he or she deems to be substantive and the list, and any changes thereto,
shall be published in the state register. A contract that exceeds fifteen thousand dollars shall be filed with the state auditor. *And provided further,* That upon request, the governing boards or the higher education policy commission shall make all contracts available for inspection by the state auditor. The governing board or the higher education policy commission, as appropriate shall prescribe the amount of deposit or bond to be submitted with a bid or contract, if any, and the amount of deposit or bond to be given for the faithful performance of a contract. If the governing board or the higher education policy commission purchases or contracts for materials, supplies, equipment and printing contrary to the provisions of sections four through seven of this article or the rules pursuant thereto, such purchase or contract shall be void and of no effect.

(i) Any governing board or the higher education policy commission, as appropriate, may request the director of purchases to make available, from time to time, the facilities and services of that department to the governing boards or the higher education policy commission in the purchase and acquisition of materials, supplies, equipment and printing, and the director of purchases shall cooperate with that governing board or the higher education policy commission, as appropriate, in all such purchases and acquisitions upon such request.

(j) Each governing board or the policy commission, as appropriate, shall permit private institutions of higher education to join as purchasers on purchase contracts for materials, supplies and equipment entered into by that governing board or the higher education policy commission. Any private school desiring to join as purchasers on such purchase contracts shall file with that governing board or the higher education policy commission an affidavit signed by the president of the institution of
higher education or a designated requesting that it be 
authorized to join as purchaser on purchase contracts of 
that governing board or the higher education policy 
commission, as appropriate, and agreeing that it will be 
bound by such terms and conditions as that governing 
board or the higher education policy commission may 
prescribe, and that it will be responsible for payment 
directly to the vendor under each purchase contract.

(k) Notwithstanding any other provision of this code to 
the contrary, the governing boards and the higher 
education policy commission, as appropriate, may make 
purchases from the federal government or from federal 
government contracts if the materials, supplies, equip-
ment or printing to be purchased is available from the 
federal government or from a federal contract and 
purchasing from the federal government or from a 
federal government contract would be the most finan-
cially advantageous manner of making the purchase.

(l) An independent performance audit of all purchasing 
functions and duties which are performed at any institu-
tion of higher education shall be performed each fiscal 
year. The joint committee on government and finance 
shall conduct the performance audit and the governing 
boards and the higher education policy commission, as 
appropriate, shall be responsible for paying the cost of 
the audit from funds appropriated to the governing 
boards or the higher education policy commission.

(m) The governing boards shall require each institution 
under their respective jurisdictions to notify and inform 
every vendor doing business with that institution of the 
provisions of section fifty-four, article three, chapter 
five-a of this code, also known as the “Prompt Pay Act of 
1990”.
(n) Consultant services, such as strategic planning services, may not preclude or inhibit the governing boards or the higher education policy commission from considering any qualified bid or response for delivery of a product or a commodity because of the rendering of those consultant services.

ARTICLE 6. ADVISORY BOARDS.

§18B-6-1. Institutional boards of advisors for regional campuses and administratively linked community and technical colleges.

(a) Effective the first day of July, two thousand, there is established at each of the following state institutions of higher education, excluding centers and branches thereof, an institutional board of advisors: Potomac state college of West Virginia university, West Virginia university at Parkersburg, West Virginia university institute of technology, Marshall university community and technical college; center for higher education and workforce development at Beckley, Fairmont community and technical college and Shepherd community and technical college.

(1) For the transition year beginning on the first day of July, two thousand, through the thirtieth day of June, two thousand one, only, the lay members of the institutional board of advisors established for each of the regional campuses of West Virginia university are appointed by the president of the respective institution.

Effective the first day of July, two thousand one, the lay members of the institutional boards of advisors for the regional campuses of West Virginia university are appointed by the institutional board of governors.

(2) The lay members of the institutional board of advisors established for Marshall university community and technical college, center for higher education and
workforce development at Beckley, Fairmont community and technical college and Shepherd community and technical college are appointed by the joint commission.

(b) The board of advisors consists of fifteen members, including a full-time member of the faculty with the rank of instructor or above duly elected by the faculty; a member of the student body in good academic standing, enrolled for college credit work and duly elected by the student body; a member of the institutional classified staff duly elected by the classified staff; and twelve lay persons appointed pursuant to subsection (a) of this section who have demonstrated a sincere interest in and concern for the welfare of that institution and who are representative of the population of its responsibility district and fields of study. At least eight of the twelve lay persons appointed shall be residents of the state. Of the lay members who are residents of the state, at least two shall be alumni of the institution, and no more than a simple majority may be of the same political party.

(c) The student member shall serve for a term of one year beginning upon appointment in July, two thousand, and ending on the thirtieth day of April, two thousand one. Thereafter the term shall begin on the first day of June. The faculty member and the classified staff member shall serve for a term of two years beginning upon appointment in July, two thousand, and ending on the thirtieth day of April, two thousand two. Thereafter the term shall begin on the first day of June; and the twelve lay members shall serve terms of four years each beginning upon appointment in July, two thousand. Thereafter the term shall begin on the first day of June. All members, are eligible to succeed themselves for no more than one additional term. A vacancy in an unexpired term of a member shall be filled for the remainder of the unexpired term within thirty days of the occur-
rence thereof in the same manner as the original appointment or election. Except in the case of a vacancy, all elections shall be held and all appointments shall be made no later than the thirtieth day of April preceding the commencement of the term.

(d) Each board of advisors shall hold a regular meeting at least quarterly, commencing in July of each year. Additional meetings may be held upon the call of the chairperson, president of the institution or upon the written request of at least five members. A majority of the members constitutes a quorum for conducting the business of the board of advisors.

(e) One of the twelve lay members shall be elected as chairperson by the board of advisors in June of each year: Provided, That the chairperson elected in two thousand, shall be elected in July: Provided, however, That no member may serve as chairperson for more than two consecutive years.

(f) The president of the institution shall make available resources of the institution for conducting the business of the board of advisors. The members of the board of advisors shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties under this section upon presentation of an itemized sworn statement thereof. All expenses incurred by the boards of advisors and the institutions under this section shall be paid from funds allocated to the institutions for that purpose.

(g) The board of advisors shall review, prior to the submission by the president to its governing board, all proposals of the institution in the areas of mission, academic programs, budget, capital facilities and such other matters as requested by the president of the institution or its governing board or otherwise assigned
to it by law. The board of advisors shall comment on each such proposal in writing, with such recommendations for concurrence therein or revision or rejection thereof as it considers proper. The written comments and recommendations shall accompany the proposal to the governing board and the governing board shall include the comments and recommendations in its consideration of and action on the proposal. The governing board shall promptly acknowledge receipt of the comments and recommendations and shall notify the board of advisors in writing of any action taken thereon.

(h) The board of advisors shall review, prior to their implementation by the president, all proposals regarding institution-wide personnel policies. The board of advisors may comment on the proposals in writing.

(i) The board of advisors shall provide advice and assistance to the president in establishing closer connections between higher education and business, labor, government, community and economic development organizations to give students greater opportunities to experience the world of work, such as business and community service internships, apprenticeships and cooperative programs; to communicate better and serve the current workforce and workforce development needs of their service area, including the needs of nontraditional students for college-level skills upgrading and retraining and the needs of employers for specific programs of limited duration; and to assess the performance of the institution's graduates and assist in job placement.

(j) Upon the occurrence of a vacancy in the office of president of the institution, the board of advisors shall serve as a search and screening committee for candidates to fill the vacancy under guidelines established by the commission pursuant to the provisions of subsection (d),
section eight, article one-b of this chapter. When serving
as a search and screening committee, the board of
advisors and its governing board are each authorized to
appoint up to three additional persons to serve on the
committee as long as the search and screening process is
in effect. The three additional appointees of the board of
advisors shall be faculty members of the institution.
Only for the purposes of the search and screening pro­
cess, the additional members shall possess the same
powers and rights as the regular members of the board of
advisors, including reimbursement for all reasonable and
necessary expenses actually incurred. Following the
search and screening process, the committee shall submit
the names of at least three candidates to the governing
board for consideration and appointment. If the govern­
ing board rejects all candidates submitted, the committee
shall submit the names of at least three additional
candidates, and this process shall be repeated until the
governing board appoints one of the candidates submit­
ted. The governing board shall provide all necessary
staff assistance to the board of advisors in its role as a
search and screening committee.
(k) The boards of advisors shall develop a master plan
for each administratively linked community and techni­
cal college. The ultimate responsibility for developing
and updating the master plans at the institutional level
resides with the institutional board of advisors, but the
ultimate responsibility for approving the final version of
the institutional master plans, including periodic up­
dates, resides with the commission. The plan shall
include, but not be limited to, the following:
(1) A detailed demonstration of how the master plan
will be used to meet the goals and objectives of the
(2) A well-developed set of goals outlining missions, degree offerings, resource requirements, physical plant needs, personnel needs, enrollment levels and other planning determinates and projections necessary in such a plan to assure that the needs of the institution's area of responsibility for a quality system of higher education are addressed;

(3) Documentation of the involvement of the commission, institutional constituency groups, clientele of the institution, and the general public in the development of all segments of the institutional master plan.

The plan shall be established for periods of not less than three nor more than six years and shall be revised periodically as necessary, including recommendations on the addition or deletion of degree programs as, in the discretion of the board of advisors, may be necessary.

§18B-6-la. Institutional boards of advisors for universities, state colleges and free-standing community and technical colleges.

(a) For the transition year beginning on the first day of July, two thousand, through the thirtieth day of June, two thousand one, only, there is established at the following state institutions of higher education, excluding centers and branches thereof, an institutional board of advisors: Bluefield state college, Concord college, eastern West Virginia community and technical college, Fairmont state college, Glenville state college, Marshall university, Shepherd college, southern West Virginia community and technical college, West Liberty state college, West Virginia northern community and technical college, the West Virginia school of osteopathic medicine, West Virginia state college and West Virginia university.

(b) The boards of advisors are established as follows:
(1) Each institutional board of advisors shall consist of twelve persons: Provided, That the institutional boards of advisors for Marshall university and West Virginia university shall consist of fifteen persons. Each board of advisors shall include:

(A) A full-time member of the faculty with the rank of instructor or above duly elected by the faculty;

(B) A member of the student body in good academic standing, enrolled for college credit work and duly elected by the student body;

(C) A member of the institutional classified staff duly elected by the classified staff; and

(D) Nine lay members appointed by the governor, by and with the advice and consent of the Senate: Provided, That for the institutional boards of advisors at Marshall university and West Virginia university, the governor shall appoint twelve members, by and with the advice and consent of the Senate: Provided, however, That, of the appointed lay members, the governor shall appoint one superintendent of a county board of education from the area served by the institution: Provided further, That in making the initial appointments only, the governor shall endeavor to make all appointments from a pool of those persons who, on the thirtieth day of June, two thousand, are members of the board of trustees and the board of directors.

(2) Of the nine members appointed by the governor, no more than five may be of the same political party: Provided, That for the appointed members of the institutional boards of advisors of Marshall university and West Virginia university, no more than seven may be of the same political party. At least six of the members shall be residents of the state: Provided, however, That for the appointed members of the institutional boards of advi-
sors of Marshall university and West Virginia university, at least eight of the members shall be residents of the state. All members shall serve for a term of one year. A vacancy in an unexpired term of a member shall be filled for the unexpired term within thirty days of the occurrence of the vacancy in the same manner as the original appointment or election. Except in the case of a vacancy, all elections shall be held and all appointments shall be made no later than the thirtieth day of June preceding the commencement of the term; Provided further, That election of officers for the term beginning in July, two thousand, shall be made in July. Each board of advisors shall elect one of its appointed lay members to be chairperson.

(3) Each board of advisors shall hold a regular meeting at least quarterly, commencing in July, two thousand. Additional meetings may be held upon the call of the chairperson or upon the written request of at least four members; Provided, That for the institutional boards of advisors of Marshall university and West Virginia university, additional meetings may be held upon the call of the chairperson or upon the written request of at least five members. A majority of the members constitutes a quorum for conducting the business of the board of advisors.

(4) The president of the institution shall make available resources of the institution for conducting the business of the board of advisors. The members of the board of advisors shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties under this section upon presentation of an itemized sworn statement thereof. All expenses incurred by the board of advisors and the institution under this
section shall be paid from funds allocated to the institution for that purpose.

(5) The board of advisors shall review, prior to the submission by the president to its governing board, all proposals of the institution in the areas of mission, academic programs, budget, capital facilities and such other matters as requested by the president of the institution or its governing board or otherwise assigned to it by law. The board of advisors shall comment on each such proposal in writing, with such recommendations for concurrence therein or revision or rejection thereof as it considers proper. The written comments and recommendations shall accompany the proposal to the governing board and the governing board shall include the comments and recommendations in its consideration of and action on the proposal. The governing board shall promptly acknowledge receipt of the comments and recommendations and shall notify the board of advisors in writing of any action taken thereon.

(6) The board of advisors shall review, prior to their implementation by the president, all proposals regarding institution-wide personnel policies. The board of advisors may comment on the proposals in writing.

(7) The board of advisors shall provide advice and assistance to the president in establishing closer connections between higher education and business, labor, government, community and economic development organizations to give students greater opportunities to experience the world of work, such as business and community service internships, apprenticeships and cooperative programs; to communicate better and serve the current workforce and workforce development needs of their service area, including the needs of nontraditional students for college-level skills upgrading and retraining and the needs of employers for specific
programs of limited duration; and to assess the performance of the institution's graduates and assist in job placement.

(8) Upon the occurrence of a vacancy in the office of president of the institution, the board of advisors serves as a search and screening committee for candidates to fill the vacancy under guidelines established by its governing board. When serving as a search and screening committee, the board of advisors and its governing board are each authorized to appoint up to three additional persons to serve on the committee as long as the search and screening process is in effect. The three additional appointees of the board of advisors shall be faculty members of the institution. Only for the purposes of the search and screening process, the additional members shall possess the same powers and rights as the regular members of the board of advisors, including reimbursement for all reasonable and necessary expenses actually incurred. Following the search and screening process, the committee shall submit the names of at least three candidates to the governing board for consideration and appointment. If the governing board rejects all candidates submitted, the committee shall submit the names of at least three additional candidates and this process shall be repeated until the governing board appoints one of the candidates submitted. The governing board shall provide all necessary staff assistance to the board of advisors in its role as a search and screening committee.

(c) The institutional boards of advisors created under this section have the following additional duties:

(1) The responsibility to develop the institutional compacts for their respective institutions under the guidance and direction of the commission pursuant to section two, article one-a of this chapter.
§18B-6-2a. State advisory council of faculty.

(a) Effective the first day of July, two thousand, there is hereby established the state advisory council of faculty. For the purposes of this section, the state advisory council of faculty shall be referred to as the "council".

(b) During the month of April of each odd-numbered year, beginning in the year two thousand one, each president or other administrative head of a state institution of higher education, including, but not limited to, Potomac state college of West Virginia university, West Virginia university at Parkersburg, West Virginia university institute of technology, Robert C. Byrd health sciences Charleston division of West Virginia university and the Marshall university graduate college, at the direction of the council and in accordance with procedures established by the council, shall convene a meeting or otherwise institute a balloting process to elect one faculty to serve on the institutional board of governors or the institutional board of advisors, as applicable. Terms of the members of the council shall be for two years and shall begin on the first day of July of each odd-numbered year. Members of the council shall be eligible to succeed themselves. Each person so elected shall be a member of the statewide advisory council of faculty.

(c) The council shall meet at least once each quarter. One of the quarterly meetings shall be during the month of July, at which meeting the council shall elect a chairperson: Provided, That the chairperson shall serve no more than two consecutive terms as chair. No member may vote by proxy at the election. In the event of a tie in the last vote
taken for such election, a member authorized by the
council shall select the chairperson by lot from the names
of those persons tied. Immediately following the election
of a chairperson, the council shall elect, in the manner
prescribed by this section for the election of a chairper-
son, a member of the council to preside over meetings of
the council in the chairperson's absence. Should the
chairperson vacate the position, the council shall meet
and elect a new chairperson to fill the unexpired term
within thirty days following the vacancy.

(d) The council, through its chairperson and in any
appropriate manner, shall communicate to the commis-
sion, through the chancellor, matters of higher education
in which the faculty members may have an interest.

(e) The commission shall meet annually between the
months of October and December with the council to
discuss matters of higher education in which the faculty
members or the commission may have an interest.

(f) Members of the council shall serve without compen-
sation, but shall be entitled to reimbursement for actual
and necessary expenses incurred in the performance of
their official duties from funds allocated to the state
institution of higher education served.

(g) The council shall cause to be prepared minutes of its
meetings, which minutes shall be available, upon request,
to any faculty member of a state institution of higher
education represented on the council.

§18B-6-3a. State advisory council of students.

(a) Effective the first day of July, two thousand, there
is hereby established the state advisory council of
students. For the purposes of this section, the state
advisory council of students shall be referred to as the
"council".
(b) During the month of April of each year, beginning in the year two thousand one, each student government organization at each state institution of higher education, including, but not limited to, Potomac state college of West Virginia university, West Virginia university at Parkersburg, West Virginia university institute of technology, Robert C. Byrd health sciences Charleston division of West Virginia university and the Marshall university graduate college, at the direction of the council and in accordance with procedures established by the council, shall elect a student, who may be the elected head or president of the organization, to serve on the institutional board of governors or the institutional board of advisors, as applicable. Terms of the members of the council shall be for one year and shall begin on the first day of July of each year. Members of the council shall be eligible to succeed themselves. Each person so elected shall be a member of the statewide advisory council of students.

(c) The council shall meet at least once each quarter. One of the quarterly meetings shall be during the month of July, at which meeting the council shall elect a chairperson. No member may vote by proxy at the election. In the event of a tie in the last vote taken for such election, a member authorized by the council shall select the chairperson by lot from the names of those persons tied. Immediately following the election of a chairperson, the council shall elect, in the manner prescribed by this section for the election of a chairperson, a member of the council to preside over meetings of the council in the chairperson's absence. Should the chairperson vacate the position, the council shall meet and elect a new chairperson to fill the unexpired term within thirty days following the vacancy.
(d) The council, through its chairperson and in any appropriate manner, shall communicate to the commission, through the chancellor, matters of higher education in which the student members may have an interest.

(e) The commission shall meet annually, between the months of October and December, with the council to discuss matters of higher education in which the student members or the commission may have an interest.

(f) Members of the council shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties from funds allocated to the state institution of higher education served.

(g) The council shall cause to be prepared minutes of its meetings, which minutes shall be available, upon request, to any student of a state institution of higher education represented on the council.

§18B-6-4a. State advisory councils of classified employees.

(a) Effective the first day of July, two thousand, there is hereby established the state advisory council of classified employees. For the purposes of this section, the state advisory council of classified employees shall be referred to as the "council".

(b) During the month of April of each odd-numbered year, beginning in the year two thousand one, each president or other administrative head of a state institution of higher education, including, but not limited to, Potomac state college of West Virginia university, West Virginia university at Parkersburg, West Virginia university institute of technology, Robert C. Byrd health sciences Charleston division of West Virginia university and the Marshall university graduate college, at the direction of the council and in accordance with proce-
dures established by the council, shall convene a meeting
or otherwise institute a balloting process to elect one
classified employee to serve on the institutional board of
governors or the institutional board of advisors. Terms
of the members of each council shall be for two years and
shall begin on the first day of July of each odd-numbered
year and members of the council shall be eligible to
succeed themselves. Each person so elected shall be a
member of the statewide advisory council of classified
employees.

(c) The council of classified employees shall meet at
least once each quarter. One of the quarterly meetings
shall be during the month of July, at which meeting the
council shall elect a chairperson: Provided, That the
chair shall serve no more than two consecutive terms as
chair. No member may vote by proxy at the election. In
the event of a tie in the last vote taken for such election,
a member authorized by the council shall select the
chairperson by lot from the names of those persons tied.
Immediately following the election of a chairperson, the
council shall elect, in the manner prescribed by this
section for the election of a chairperson, a member of the
council to preside over meetings of the council in the
chairperson's absence. Should the chairperson vacate
the position, the council shall meet and elect a new
chairperson to fill the unexpired term within thirty days
following the vacancy.

(d) The council, through its chairperson and in any
appropriate manner, shall communicate to the commis-
sion, through the chancellor, matters of higher education
in which the classified employees may have an interest.

(e) The commission shall meet annually, between the
months of October and December, with the council to
discuss matters of higher education in which the classi-
fied employees or the commission may have an interest.
(f) Members of the council shall serve without compensation, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties from funds allocated to the state institution of higher education served.

(g) The council shall cause to be prepared minutes of its meetings, which minutes shall be available, upon request, to any classified employee of a state institution of higher education represented on the council.

ARTICLE 7. PERSONNEL GENERALLY.

§18B-7-1. Seniority for full-time classified personnel; seniority to be observed in reducing work force; preferred recall list; renewal of listing; notice of vacancies.

(a) Definitions for terms used in this section are in accordance with those provided in section two, article nine of this chapter except that the provisions of this section shall apply only to classified employees whose employment, if continued, accumulates to a minimum total of one thousand forty hours during a calendar year and extends over at least nine months of a calendar year:

Provided, That this section also applies to any classified employee who is involuntarily transferred to a position in nonclassified status for which he or she did not apply:

Provided, however, That any classified employee involuntarily transferred to a position in nonclassified status may only exercise the rights set out in this section for positions equivalent to or lower than the last job class the employee held.

(b) All decisions by the appropriate governing board, the education policy commission or its agents at state institutions of higher education concerning reductions in work force of full-time classified personnel, whether by temporary furlough or permanent termination, shall be
made in accordance with this section. For layoffs by
classification for reason of lack of funds or work, or
abolition of position or material changes in duties or
organization and for recall of employees laid off, consid-
eration shall be given to an employee's seniority as
measured by permanent employment in the service of the
state system of higher education. In the event that the
institution wishes to lay off a more senior employee, the
institution shall demonstrate that the senior employee
cannot perform any other job duties held by less senior
employees of that institution in the same job class or any
other equivalent or lower job class for which the senior
employee is qualified: Provided, That if an employee
refuses to accept a position in a lower job class, the
employee shall retain all rights of recall provided in this
section. If two or more employees accumulate identical
seniority, the priority shall be determined by a random
selection system established by the employees and
approved by the institution.

(c) Any employee laid off during a furlough or reduc-
tion in work force shall be placed upon a preferred recall
list and shall be recalled to employment by the institu-
tion on the basis of seniority. An employee's listing with
an institution shall remain active for a period of one
calendar year from the date of termination or furlough or
from the date of the most recent renewal. If an employee
fails to renew the listing with the institution, the em-
ployee's name may be removed from the list. An em-
ployee placed upon the preferred list shall be recalled to
any position opening by the institution within the
classifications in which the employee had previously
been employed or to any lateral position for which the
employee is qualified. An employee on the preferred
recall list shall not forfeit the right to recall by the
institution if compelling reasons require the employee to
refuse an offer of reemployment by the institution.
The institution shall notify all employees maintaining active listings on the preferred recall list of all position openings that from time to time exist. The notice shall be sent by certified mail to the last known address of the employee. It is the duty of each employee listed to notify the institution of any change in address and to timely renew the listing with the institution. No position openings shall be filled by the institution, whether temporary or permanent, until all employees on the preferred recall list have been properly notified of existing vacancies and have been given an opportunity to accept reemployment.

(d) A nonexempt classified employee, including a nonexempt employee who has not accumulated a minimum total of one thousand forty hours during the calendar year or whose contract does not extend over at least nine months of a calendar year, who meets the minimum qualifications for a nonexempt job opening at the institution where the employee is currently employed, whether the job is a lateral transfer or a promotion, and applies for the job shall be transferred or promoted before a new person is hired unless the hiring is affected by mandates in affirmative action plans or the requirements of Public Law 101-336, the Americans With Disabilities Act. If more than one qualified, nonexempt classified employee applies, the best-qualified nonexempt classified employee shall be awarded the position. In instances where the classified employees are equally qualified, the nonexempt classified employee with the greatest amount of continuous seniority at that state institution of higher education shall be awarded the position. A nonexempt classified employee is one to whom the provisions of the Federal Fair Labor Standards Act, as amended, apply.
91 (e) In addition to any other information required, any
92 application for personnel governed by the provisions of
93 this section shall include the applicant's social security
94 number.

ARTICLE 9. CLASSIFIED EMPLOYEE SALARY SCHEDULE AND CLASSIFICATION SYSTEM.


1 As used in this article:

2 (a) "Classified employee or employee" means any
3 regular full-time or regular part-time employee of a
4 governing board or the commission, including all em-
5 ployees of the West Virginia network for educational
6 telecomputing and employees at the higher education
7 central office of the policy commission, who hold a
8 position that is assigned a particular job title and pay
9 grade in accordance with the personnel classification
10 system established by this section or governing board
11 policy and shall include all employees of the West
12 Virginia network for educational telecomputing;

13 (b) "Nonclassified employee" means an individual who
14 is responsible for policy formation at the department or
15 institutional level, or reports directly to the president, or
16 is in a position considered critical to the institution by
17 the president pursuant to policies adopted by the govern-
18 ing board: Provided, That the percentage of personnel
19 placed in the category of "nonclassified" at any given
20 institution shall not exceed ten percent of the total
21 number of employees of that institution who are eligible
22 for membership in any state retirement system of the
23 state of West Virginia or other retirement plan autho-
24 rized by the state: Provided, however, That an additional
25 ten percent of the total number of employees of that
26 institution as defined in this subsection may be placed in
27 the category of "nonclassified" if they are in a position
considered critical to the institution by the president.
Final approval of such placement shall be with the appropriate governing board;

(c) "Job description" means the specific listing of duties and responsibilities as determined by the appropriate governing board and associated with a particular job title;

(d) "Job title" means the name of the position or job as defined by the appropriate governing board;

(e) "Merit increases and salary adjustments" means the amount of additional salary increase allowed on a merit basis or to rectify salary inequities or accommodate competitive market conditions in accordance with rules established by the appropriate governing board;

(f) "Pay grade" means the number assigned by the appropriate governing board to a particular job title and refers to the vertical column heading of the salary schedule established in section three of this article;

(g) "Personnel classification system" means the process of job categorization adopted by the appropriate governing board by which job title, job description, pay grade and placement on the salary schedule are determined;

(h) "Salary" means the amount of compensation paid through the state treasury per annum to a classified employee;

(i) "Schedule" or "salary schedule" means the grid of annual salary figures established in section three of this article; and

(j) "Years of experience" means the number of years a person has been an employee of the state of West Virginia and refers to the horizontal column heading of the salary schedule established in section three of this article.
For the purpose of placement on the salary schedule pursuant to said section, employment for nine months or more shall equal one year of experience, but no classified employee may accrue more than one year of experience during any given fiscal year. Employment for less than full time or less than nine months during any fiscal year shall be prorated. For the purpose of determining the amount of annual salary increase pursuant to subsection (b), section five of this article, employment for less than twelve months during any fiscal year shall be prorated. In accordance with rules established by the appropriate governing board, a classified employee may be granted additional years of experience not to exceed the actual number of years of prior, relevant work or experience at accredited institutions of higher education other than state institutions of higher education.

ARTICLE 10. FEES AND OTHER MONEY COLLECTED AT STATE INSTITUTIONS OF HIGHER EDUCATION.

§18B-10-1. Enrollment, tuition and other fees at education institutions; refund of fees.

(a) Each governing board shall fix tuition and other fees for each school term for the different classes or categories of students enrolling at each state institution of higher education under its jurisdiction and may include among such fees any one or more of the following: (1) Health service fees; (2) Infirmary fees; (3) Student activities, recreational, athletic and extracurricular fees, which fees may be used to finance a students' attorney to perform legal services for students in civil matters at such institutions: Provided, That such legal services shall be limited to only those types of cases, programs or services approved by the administrative head of such institution where such legal services are to be performed; and (4) Graduate center fees and branch college fees, or either, if the establishment and operations
of graduate centers or branch colleges are otherwise authorized by law. All fees collected at any graduate center or at any branch college shall be paid into special funds and shall be used solely for the maintenance and operation of the graduate center or branch college at which they were collected: Provided, however, That the governing boards shall use the median of the average tuition and required fees at similarly classified institutions in member states of the southern regional education board as a goal in establishing tuition and required fee levels for residents at state institutions of higher education under their jurisdiction: Provided further, That the governing boards shall use the actual instructional cost as the same shall be determined in accordance with board rule, in establishing nonresident undergraduate fees, with the goal of having tuition and fees cover the actual cost by fiscal year one thousand nine hundred ninety-six: And provided further, That effective the first day of July, two thousand one, tuition and fees for nonresident, undergraduate students shall, at a minimum, cover actual instructional costs: And provided further, That students enrolled in undergraduate courses offered at off-campus locations shall pay an off-campus instruction fee and shall not pay the athletic fee and the student activity fee. The off-campus instruction fee shall be used solely for the support of off-campus courses offered by the institution. Off-campus locations for each institution shall be defined by the appropriate governing board. The schedule of all fees, and any changes therein, shall be entered in the minutes of the meeting of the appropriate governing board, and the board shall file with the legislative auditor a certified copy of such schedule and changes.

(b) In addition to the fees mentioned in the preceding paragraph, each governing board may impose and collect a student union building fee. All such building fees
collected at an institution shall be paid into a special
student union building fund for such institution, which
is hereby created in the state treasury, and shall be used
only for the construction, operation and maintenance of
a student union building or a combination student union
and dining hall building or for the payment of the
principal of and interest on any bond issued to finance
part or all of the construction of a student union building
or a combination student union and dining hall building
or the renovation of an existing structure for use as a
student union building or a combination student union
and dining hall building, all as more fully provided in
section ten of this article. Any moneys in such funds not
needed immediately for such purposes may be invested
in any such bonds or other securities as are now or
hereafter authorized as proper investments for state
funds.

(c) The boards shall establish the rates to be charged
full-time students enrolled during a regular academic
term. For fee purposes, a full-time undergraduate
student is one enrolled for twelve or more credit hours in
a regular term, and a full-time graduate student is one
enrolled for nine or more credit hours in a regular term.
Undergraduate students taking fewer than twelve credit
hours in a regular term shall have their fees reduced pro
rata based upon one twelfth of the full-time rate per
credit hour, and graduate students taking fewer than
nine credit hours in a regular term shall have their fees
reduced pro rata based upon one ninth of the full-time
rate per credit hour.

Fees for students enrolled in summer terms or other
nontraditional time periods shall be prorated based upon
the number of credit hours for which the student enrolls
in accordance with the above provisions.
(d) All fees are due and payable by the student upon enrollment and registration for classes except as provided for in this subsection:

(1) The governing boards shall permit fee payments to be made in up to three installments over the course of the academic term: Provided, That all fees must be paid prior to the awarding of course credit at the end of the academic term.

(2) The governing boards also shall authorize the acceptance of credit cards or other payment methods which may be generally available to students for the payment of fees: Provided, That the governing boards may charge the students for the reasonable and customary charges incurred in accepting credit cards and other methods of payment.

(3) If a governing board determines that any student was adversely, financially affected by a legal work stoppage that commenced on or after the first day of January, one thousand nine hundred ninety-three, it may allow the student an additional six months to pay the fees for any academic term: Provided, That the governing board shall determine if a student was adversely, financially affected on a case-by-case basis.

(e) On or before the first day of July, two thousand one, the chancellor for higher education shall review policy series twenty-two of the governing boards, related to assessment, payment and refund of fees and determine whether a new rule should be adopted regarding the refund of any fees upon the voluntary or involuntary withdrawal from classes of any student. The rules shall comply with all applicable state and federal laws and shall be uniformly applied throughout the system.

(f) In addition to the fees mentioned in the preceding subsections, each governing board may impose, collect
and distribute a fee to be used to finance a nonprofit, student-controlled public interest research group: Provided, That the students at such institution demonstrate support for the increased fee in a manner and method established by that institution's elected student government: Provided, however, That such fees shall not be used to finance litigation against the institution.

(g) Any proposed fee increase which would become effective during the transition year beginning on the first day of July, two thousand, and ending on the thirtieth day of June, two thousand one, and which has been approved by the governing boards, shall then be submitted by the governing boards to the chancellor for higher education for approval. Such approval shall be granted only upon the certification that such institution requesting a fee increase is in compliance with the strategic plans required to be submitted, pursuant to section one-b, article one of this chapter. Notice, in the form of a report, shall be provided by the chancellor to the legislative oversight commission on education accountability describing such fee increases and showing how such increases compare with the average tuition and fees charged at comparable peer institutions in member states of the southern regional education board. Effective the first day of July, two thousand one, tuition and fees rates shall be determined in accordance with subsection (h), subsection (i) and subsection (j) of this section.

(h) Effective the first day of July, two thousand one, institutions shall retain tuition and fee revenues not pledged for bonded indebtedness or other purposes in accordance with a revised tuition policy adopted by the respective governing boards and approved by the commission. The revised tuition policy shall:

(1) Provide a basis for establishing nonresident tuition and fees;
(2) Allow institutions to charge different tuition and fees for different programs; and

(3) Establish methodology, where applicable, to ensure that, within the appropriate time period under the compact, community and technical college tuition rates for community and technical college students in all independently-accredited community and technical colleges will be commensurate with the tuition and fees charged by their peer institutions.

(i) No penalty shall be imposed by the commission upon any institution based upon the number of nonresidents who attend the institution unless the commission determines that admission of nonresidents to any institution or program of study within the institution is impeding unreasonably the ability of the resident students to attend the institution or participate in the programs of the institution. The institutions shall report annually to the commission on the numbers of out-of-state residents and such other enrollment information as the commission may request.

(j) No governing board may increase tuition and fees more than four percent nor increase tuition and fees to more than one hundred percent of the tuition and fees of peer institutions, as determined by the commission, without the approval of the commission.

§18B-10-2. Higher education resource fee.

In addition to the fees specifically provided for in section one of this article, all students enrolled for credit at a state institution of higher education shall pay a higher education resource fee. The commission shall fix the fee rates for the various institutions and classes of students under its jurisdiction and may from time to time change these rates. The amount of the fee charged at each institution shall be prorated for part-time students.
The fee imposed by this section is in addition to the maximum fees allowed to be collected under the provision of section one of this article and is not limited thereby. Refunds of such fee may be made in the same manner as any other fee collected at state institutions of higher education.

Ninety percent of the total fees collected at each institution pursuant to this section shall be deposited in a special fund in the state treasury for the institution at which the fees are collected and may be used by the institution for libraries and library supplies, including books, periodicals, subscriptions and audiovisual materials, instructional equipment and materials; and for the improvement in quality and scope of student services.

Up to ten percent of the fee collections shall be deposited in a special fund and expended or allocated by the policy commission to meet general operating expenses of the policy commission or to fund state-wide programs:

Provided, That the board shall, to the maximum extent practicable, offset the impact, if any, on financially needy students of any potential fee increases under this section by allocating an appropriate amount of such fee revenue to the state scholarship program to be expended in accordance with the provisions of article five, chapter eighteen-c of this code.

The policy commission shall, on or before the first day of July of each year, provide the legislative auditor with a report of the projected fee collections for the board and each of its institutions and the expenditures proposed for such fee.

§18B-10-8. Collection; disposition and use of additional registration fee; creation of special capital improvements funds; revenue bonds.
(a) In addition to all other fees imposed by the commission, there is hereby imposed and the commission is hereby directed to provide for the collection of an additional registration fee from all students enrolled in any state institution of higher education under its jurisdiction in the amounts hereinafter provided.

For full-time students at each state institution of higher education, the additional registration fee shall be fifty dollars per semester. The commission has authority to increase such additional registration fee at institutions of higher education under its jurisdiction for students who are nonresidents of this state. For all part-time students and for all summer school students, the commission shall impose and collect such fee in proportion to, but not exceeding, that paid by full-time students.

The fee imposed by this section is in addition to the maximum fees allowed to be collected under the provision of section one of this article and may not be limited thereby. Refunds of such fee may be made in the same manner as any other fee collected at state institutions of higher education.

(b) There is created in the state treasury a state system special capital improvements fund into which shall be paid all proceeds of the additional registration fees collected from students at all state institutions of higher education pursuant to this section to be expended by the commission for the payment of the principal of or interest on any revenue bonds issued by the board of regents or the previous governing boards for which such registration fees were pledged prior to the enactment of this section.

(c) The commission may make expenditures from any of the special capital improvements funds established in this section to finance, in whole or in part, together with
any federal, state or other grants or contributions, any
one or more of the following projects: (1) The acquisition
of land or any rights or interest therein; (2) the construc-
tion or acquisition of new buildings; (3) the renovation or
construction of additions to existing buildings; (4) the
acquisition of furnishings and equipment for any such
buildings; and (5) the construction or acquisition of any
other capital improvements or capital educational
facilities at such state institutions of higher education,
including any roads, utilities or other properties, real or
personal, or for other purposes necessary, appurtenant or
incidental to the construction, acquisition, financing and
placing in operation of such buildings, capital improve-
ments or capital educational facilities.

The commission, in its discretion, may use the moneys
in such special capital improvements funds to finance the
costs of the above purposes on a cash basis, or may from
time to time issue revenue bonds of the state as provided
in this section to finance all or part of such purposes and
pledge all or any part of the moneys in such special funds
for the payment of the principal of and interest on such
revenue bonds, and for reserves therefor. Any pledge of
such special funds for such revenue bonds shall be a prior
and superior charge on such special funds over the use of
any of the moneys in such funds to pay for the cost of any
of such purposes on a cash basis: Provided, That any
expenditures from such special funds, other than for the
retirement of revenue bonds, may only be made by the
commission to meet the cost of a predetermined capital
improvements program for one or more of the state
institutions of higher education, in such order of priority
as was agreed upon by the commission and presented to
the governor for inclusion in the annual budget bill, and
only with the approval of the Legislature as indicated by
direct appropriation for the purpose.
Such revenue bonds may be authorized and issued from
time to time by the commission to finance in whole or in
part the purposes provided in this section in an aggregate
principal amount not exceeding the amount which the
commission determines can be paid as to both principal
and interest and reasonable margins for a reserve there-
for from the moneys in such special funds.

The issuance of such revenue bonds shall be authorized
by a resolution adopted by the commission, and such
revenue bonds shall bear such date or dates, mature at
such time or times not exceeding forty years from their
respective dates; be in such form either coupon or
registered, with such exchangeability and
interchangeability privileges; be payable in such medium
of payment and at such place or places, within or without
the state; be subject to such terms of prior redemption at
such prices not exceeding one hundred five per centum of
the principal amount thereof; and shall have such other
terms and provisions as determined by the commission.

Such revenue bonds shall be signed by the governor and
by the chancellor of the commission authorizing the
issuance thereof, under the great seal of the state,
attested by the secretary of state, and the coupons
attached thereto shall bear the facsimile signature of the
chancellor of the commission. Such revenue bonds shall
be sold in such manner as the commission determines is
for the best interests of the state.

The commission may enter into trust agreements with
banks or trust companies, within or without the state,
and in such trust agreements or the resolutions authoriz-
ing the issuance of such bonds may enter into valid and
legally binding covenants with the holders of such
revenue bonds as to the custody, safeguarding and
disposition of the proceeds of such revenue bonds, the
moneys in such special funds, sinking funds, reserve
funds, or any other moneys or funds; as to the rank and priority, if any, of different issues of revenue bonds by the commission under the provisions of this section; as to the maintenance or revision of the amounts of such additional registration fees, and the terms and conditions, if any, under which such additional registration fees may be reduced; and as to any other matters or provisions which are deemed necessary and advisable by the commission in the best interests of the state and to enhance the marketability of such revenue bonds.

After the issuance of any of such revenue bonds, the additional registration fees at the state institutions of higher education may not be reduced as long as any of such revenue bonds are outstanding and unpaid except under such terms, provisions and conditions as shall be contained in the resolution, trust agreement or other proceedings under which such revenue bonds were issued.

Such revenue bonds shall be and constitute negotiable instruments under the Uniform Commercial Code of this state; shall, together with the interest thereon, be exempt from all taxation by the state of West Virginia, or by any county, school district, municipality or political subdivision thereof; and such revenue bonds may not be deemed to be obligations or debts of the state, and the credit or taxing power of the state may not be pledged therefor, but such revenue bonds shall be payable only from the revenue pledged therefor as provided in this section.

Additional revenue bonds may be issued by the education policy commission pursuant to this section and financed by additional revenues or funds dedicated from other sources. It is the intent of the Legislature to authorize over a five year period from the effective date of this section additional sources of revenue and funds to effect such funding for capital improvement.
Funding of system-wide and campus-specific revenue bonds under any other section of this code is hereby continued and authorized pursuant to the terms of this section. Revenues of any state institution of higher education pledged to the repayment of any bonds issued pursuant to this code shall remain the responsibility of that institution.

ARTICLE 14. MISCELLANEOUS.

§18B-14-8. Statewide task force on teacher quality.

(a) There is hereby created a statewide task force on teacher quality to address issues which shall include, but not be limited to, the following:

(1) Need to strengthen teacher education in subject area fields by addressing the quality and regional accessibility of pre-service and in-service programs at both the baccalaureate and graduate degree levels;

(2) Need to address teacher salaries;

(3) Need to determine the appropriate supply of teachers to meet future demand;

(4) Need to determine the most effective method of staff development for teachers; and

(5) Need to address methods to prepare teachers to integrate technology effectively in the classroom, including the following:

(i) The resources necessary for teacher education programs to prepare teachers for the technology demands of the classroom environment;

(ii) The opportunities and resources for professional development experiences in technology; and
(6) Need to study methods to extend programs such as the Benedum collaborative model of teacher education at West Virginia university to other geographic areas of the state.

(b) The task force shall be chaired by the chancellor for higher education or a designee and shall be comprised of twenty-one members selected as follows: eight members to be appointed by the governor; five members to be appointed by the state board of education; five members to be appointed by the governing boards; one member to be selected by the West Virginia professional teachers standards commission from among their membership; one member representing private institutions of higher education selected by the West Virginia association of independent colleges, inc.; and the secretary of education and the arts or a designee. Of the eight members to be appointed by the governor, two shall be representatives of statewide teacher organizations and of the six members to be appointed by the state board of education, at least three shall be classroom teachers and at least one shall be selected from among the membership of the state board of education.

(c) Appointments to the task force shall be made so that members may begin their work no later than the first day of July, two thousand.

(d) The task force shall report on its progress to the legislative oversight commission on education accountability and the commission. The initial progress report shall be made in October, two thousand, and, additionally, in each quarter thereafter until the work of the task force is completed.

(e) The task force shall complete its work and make a final report to the legislative oversight commission on education accountability and the commission no later
than the first day of November, two thousand one. The
final report shall contain findings of fact, recommenda-
tions, and strategies for implementing recommended
changes.

§18B-14-9. Statewide task force on student financial aid.

(a) There is hereby created a statewide task force on
student financial aid to address issues which shall
include, but not be limited to, the following:

(1) The impact of the full range of student aid and
prepaid admission programs including federal, state and
institutional programs;

(2) The interrelationships of the various programs;

(3) The feasibility and effectiveness of grants versus
loans; and

(4) A longitudinal study detailing the amount of money
spent for student aid in West Virginia over the past
fifteen years, or, if data for a full fifteen years is not
available, for the longest time period possible; the
number of students served; and the number of those
students who have remained in the state.

(b) The task force shall be chaired by the chancellor for
higher education or a designee and shall be comprised of
fourteen members selected as follows: Six members
selected by the governing boards; two members repre-
senting private institutions of higher education selected
by the West Virginia association of independent colleges,
inc.; four members selected by the state board of educa-
tion; the state treasurer or a designee; and the secretary
of education and the arts or a designee.

(c) Appointments to the task force shall be made so
that members may begin their work no later than the
first day of July, two thousand.
(d) The task force shall make an initial progress report to the legislative oversight commission on education accountability and the commission by the first day of December, two thousand, and shall report quarterly thereafter until the work of the task force is completed.

(e) The task force shall complete its work and make a final report to the legislative oversight commission on education accountability and the commission no later than the first day of October, two thousand one. The final report shall contain findings of fact, recommendations and strategies for implementing recommended changes.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the Senate,
Takes effect July 1, 2000.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 17th Day of March 2000

Governor
PRESENTED TO THE
GOVERNOR
Date 31/5/70
Time 3.15 pm