WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4240

(By Delegates Wysong, Tabb and Doyle)

Passed March 9, 2006

In Effect from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4240

(BY DELEGATES WYSONG, TABB AND DOYLE)

[Passed March 9, 2006; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated § 18B-3C-13 and §18B-3C-14, all relating to higher education; changing the name of the Community and Technical College of Shepherd to Blue Ridge Community and Technical College; making findings; clarifying legislative intent related to certain institutional boards of governors; permitting institutions under a single governing board to be recognized as a single organization within West Virginia’s financial systems; and clarifying certain operations of certain community and technical colleges.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §18B-3C-13 and §18B-3C-14, all to read as follows:
ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.


Effective the first day of July, two thousand six, the Community and Technical College of Shepherd is named “Blue Ridge Community and Technical College”. Any reference in this code to the Community and Technical College of Shepherd means Blue Ridge Community and Technical College.

§18B-3C-14. Operations of certain administratively linked community and technical colleges.

(a) The provisions of this section apply to the following governing boards created pursuant to section one, article two-a of this chapter:

(1) Fairmont State University Board of Governors, which is responsible for Fairmont State University and Fairmont State Community and Technical College;

(2) The Marshall University Board of Governors, which is responsible for Marshall University and Marshall Community and Technical College;

(3) The West Virginia State University Board of Governors, which is responsible for West Virginia State University and West Virginia State Community and Technical College; and

(4) The West Virginia University Board of Governors, which is responsible for West Virginia University Institute of Technology and the Community and Technical College at West Virginia University Institute of Technology.

(b) Legislative findings. —
The Legislature makes the following findings related to operation of the administratively linked community and technical colleges and the relationship between them and their respective governing boards:

(A) The Legislature has adopted a series of legislation, beginning with Enrolled Senate Bill No. 653, passed during the two thousand regular session, and continuing through Enrolled Senate Bill No. 448, passed during the two thousand four regular session, whose purpose is to strengthen the state's community and technical colleges.

(B) The primary goal of the Legislature in adopting such legislation is to create a thriving system of community and technical colleges that focuses on technical education, workforce training and lifelong learning for the new economy, consistent with a series of legislatively commissioned reports and the findings contained in section one, article two-b of this chapter.

(C) A necessary precedent to accomplishment of this goal is to change the way that leaders at all levels of education, including institutional governing boards, view community and technical colleges. Specifically, education leaders need to understand:

(i) That community and technical colleges are different from traditional four-year colleges in what they seek to accomplish and how they can accomplish it effectively, just as the medical schools, for example, are different from engineering schools;

(ii) That community and technical colleges may not be viewed as add-ons or afterthoughts if the state is to compete successfully in a new economy; and
(iii) That community and technical college programs may not be run primarily for the financial benefit of four-year programs.

(D) At the same time, the Legislature recognizes that community and technical colleges may achieve administrative efficiencies if they are linked to the larger four-year institutions and remain under the authority of a single governing board, especially when two- and four-year programs are directed from a single location.

(c) Legislative intent. —

(1) State and federal officials have found it difficult to ascertain the Legislature's intent as it relates to a number of operational issues, including accounting, financial aid administration, technology, historically black colleges and universities status and reporting, thus jeopardizing some of the administrative efficiencies that the Legislature has sought to maintain.

(2) Therefore, concerning roles of the institutional governing boards listed in subsection (a) of this section and the operation of the community and technical colleges under their jurisdiction it is the intent of the Legislature that:

(A) The requirement for independent, specialized accreditation of community and technical colleges, contained in sections three and eight of this article, ensure that institutional governing boards do not operate community and technical colleges as add-ons or afterthoughts and that a mechanism for external evaluation is in place to ensure the integrity of this process, much as an external organization such as ABET, Inc., reviews and accredits applied science, computing, engineering and technology programs.

(B) The provision contained in section twelve of this article requiring that each administratively linked institution
enter into a fee-for-service agreement approved by the appropriate governing board and by the council ensure that community and technical college programs are not run for the financial benefit of four-year programs and that external evaluation of the real cost of community and technical college education is possible.

(C) The West Virginia State University Board of Governors ensures that two- and four-year students understand the long and honorable history West Virginia State University and West Virginia State Community and Technical College have enjoyed as a federally designated historically black institution and work to regain this important federal designation for the community and technical college.

(d) Notwithstanding any other provision of this code to the contrary and effective no later than the first day of July, two thousand six, each governing board identified in subsection (a) of this section:

(1) May be recognized as a single organization within the financial systems of the State of West Virginia and the entities under its jurisdiction designated as subordinate organizations, if practicable, to facilitate ease of financial processing at the institution level while ensuring that community and technical college data is readily segregable at the state level.

(A) Independent financial auditors shall produce a single audited financial statement for each governing board identified in subsection (a) of this section, but that financial statement shall include a breakdown of assets and liabilities and revenues and expenditures for the community and technical college.

(B) Independent financial auditors shall compile and present a consolidated audited financial statement to the council, separate and apart from higher education’s consoli-
dated financial audit, containing information concerning all community and technical colleges, whether independent or administratively linked institutions.

(2) Shall operate a single student financial aid office for all two- and four-year students under its jurisdiction unless the board expressly determines that another arrangement is clearly more efficient and effective. The commission shall ensure that state-level financial aid programs are administered to facilitate efficiencies at all administratively linked institutions.

(3) Shall use a single set of technology solutions to minimize the complexity of administrative operations for two- and four-year students unless the board expressly determines that another arrangement is clearly more efficient and effective.

(e) In preparing statutorily mandated reports, commission and council staff generally shall segregate community and technical college data so that the Legislature and governing boards can evaluate implementation of the provisions related to community and technical colleges in this chapter. Segregation of community and technical college data from other data may not be construed in a manner that is inconsistent with the general provisions of this section.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the day of , 2006.

Governor