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WEST VIRGINIA LEGISLATURE

SEVENTY-EIGHTH LEGISLATURE DAY OF STATE CB

REGULAR SESSION, 2008

ENROLLED

**Senate Bill No. 595**

(By SENATORS PLYMALE, EDGEELL, STOLLINGS, BAILEY,  
GREEN, HUNTER, WELLS, WHITE, BOLEY, FACEMYER,  
KESSLER, HALL, JENKINS, MCKENZIE AND UNGER)

[Passed March 8, 2008; in effect from passage.]

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CLERK WEST VIRGINIA  
GENERAL ASSEMBLY OF STATE

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AN ACT to repeal §18B-1-1, §18B-1-1b and §18B-1-1c of the Code of West Virginia, 1931, as amended; to repeal §18B-1A-1 and §18B-1A-2 of said code; to repeal §18B-1B-8 and §18B-1B-9 of said code; to repeal §18B-3B-1 and §18B-3B-2 of said code; to repeal §18B-11-5 of said code; to amend and reenact §18-1-4 of said code; to amend and reenact §18-2E-5c of said code; to amend and reenact §18B-1-1a of said code; to amend said code by adding thereto a new article, designated §18B-1D-1, §18B-1D-2, §18B-1D-3, §18B-1D-4, §18B-1D-5, §18B-1D-6, §18B-1D-7 and §18B-1D-8; and to

amend said code by adding thereto a new section, designated §18B-14-9, all relating to education generally; establishing Vision 2020: An Education Blueprint for Two Thousand Twenty; requiring State Board of Education plan that includes goals, objectives, strategies, indicators and benchmarks; specifying certain public education goals and objectives to be included in plan; submission of plan to Process for Improving Education Council; purposes and membership of council; providing legislative findings, intent and purposes; establishing goals for public higher education; creating education partnership to achieve state goals and objectives; establishing elements of higher education accountability system; requiring Higher Education Policy Commission and Council for Community and Technical College Education to propose rules by certain date; defining terms; specifying objectives and priorities; establishing date to achieve certain objectives and priorities; defining responsibilities of Higher Education Policy Commission, Council for Community and Technical College Education and state institutions of higher education relative to accountability system; requiring system master plans, state compacts, institutional compacts and institutional and system report cards; establishing submission, approval, review and reporting requirements; authorizing implementation plans; assigning geographic areas of responsibility; specifying that certain reports are no longer required to be prepared annually except under certain conditions; providing for committee to examine higher education facility needs; specifying membership; and requiring recommendations to Legislative Oversight Commission on Education Accountability by certain date.

*Be it enacted by the Legislature of West Virginia:*

That §18B-1-1, §18B-1-1b and §18B-1-1c of the Code of West Virginia, 1931, as amended, be repealed; that §18B-1A-1 and §18B-1A-2 of said code be repealed; that §18B-1B-8 and §18B-1B-9 of said code be repealed; that §18B-3B-1 and §18B-3B-2 of said code be repealed; that §18B-11-5 of said code be repealed; that §18-1-4 of said code be amended and reenacted; that §18-2E-5c be amended and reenacted; that §18B-1-1a of said code be amended and reenacted; that said code be amended by adding thereto a new article, designated §18B-1D-1, §18B-1D-2, §18B-1D-3, §18B-1D-4, §18B-1D-5, §18B-1D-6, §18B-1D-7 and §18B-1D-8; and that said code be amended by adding thereto a new section, designated §18B-14-9, all to read as follows:

## CHAPTER 18. EDUCATION.

### ARTICLE 1. DEFINITIONS; LIMITATIONS OF CHAPTER; GOALS FOR EDUCATION.

#### §18-1-4. Vision 2020: An Education Blueprint for Two Thousand Twenty.

1       (a) This section, together with section one-a, article  
2       one, chapter eighteen-b of this code and article one-d of  
3       said chapter, shall be known as and may be cited as  
4       Vision 2020: An Education Blueprint for Two Thousand  
5       Twenty.

6       (b) For the purposes of this section:

7           (1) "Goals" means those long-term public purposes  
8       which are the desired end result and only may include  
9       those items listed in subsection (e) of this section;

10          (2) "Objectives" means the ends to be accomplished or  
11       attained within a specified period of time for the

12 purpose of meeting the established goals; and

13 (3) "Strategies" means specific activities carried out  
14 by the public education system which are directed  
15 toward accomplishing specific objectives.

16 (c) The Legislature finds that:

17 (1) The measure of a thorough and efficient system of  
18 education is whether students graduate prepared to  
19 meet the challenges of the future as contributing  
20 members of society and that these challenges change,  
21 becoming ever more complex and involving a global  
22 context more than at any other time in the history of our  
23 nation;

24 (2) The state recently has embraced and is  
25 implementing the Partnership for 21st Century Skills  
26 model for teaching and learning including six key  
27 elements (core subjects, 21st Century content, learning  
28 and thinking skills, information and communications  
29 technology literacy, life skills and 21st Century  
30 assessments) to help better prepare students for the  
31 challenges of the 21st Century;

32 (3) Published national studies by several organizations  
33 routinely examine various elements of state education  
34 systems and selected underlying socioeconomic  
35 variables and rate and rank West Virginia and the other  
36 states, the District of Columbia and the territories based  
37 on the measurement systems and priorities established  
38 by the organizations, and these measurement systems  
39 and priorities change;

40 (4) While the state should take pride in studies that

41 show West Virginia is among the leaders in several of its  
42 efforts and is making progress, its students often  
43 outperforming expectations based on typical indicators  
44 of the likelihood for student success, such as the income  
45 and education levels of their parents, it should also  
46 recognize that the state must do even more to ensure  
47 that high school graduates are fully prepared for  
48 post-secondary education or gainful employment;

49 (5) Therefore, the purpose of this section is to provide  
50 for the establishment of a clear plan that includes goals,  
51 objectives, strategies, indicators and benchmarks to  
52 help guide the state's policymakers on the continuous  
53 development of the state's education system for the 21st  
54 Century.

55 (d) As part of Vision 2020: An Education Blueprint for  
56 Two Thousand Twenty, the state board shall establish  
57 a plan in accordance with the provisions of this section  
58 for submission to and consideration by the Process for  
59 Improving Education Council pursuant to section five-c,  
60 article two-e of this chapter. The plan shall include  
61 only the goals, objectives, strategies, indicators and  
62 benchmarks for public education set forth in this  
63 section and that meet the requirements of this section.  
64 To add clarity and avoid confusion, the goals for public  
65 education set forth in the plan pursuant to this section  
66 are the exclusive goals for public education. The plan  
67 shall include:

68 (1) The goals set forth in this section and no other  
69 goals;

70 (2) At least the objectives set forth in this section and  
71 specified periods of time for achieving those objectives

72 and any other objectives that may be included in the  
73 plan;

74 (3) Strategies for achieving the specific objectives;

75 (4) Indicators for measuring progress toward the goals  
76 and objectives established in this section; and

77 (5) Benchmarks for determining when the goals and  
78 objectives have been achieved.

79 (e) The plan shall include the following list of  
80 exclusive goals for the public education system in West  
81 Virginia:

82 (1) Academic achievement according to national and  
83 international measures will exceed national and  
84 international averages. These national and  
85 international measures should include scores on  
86 assessments such as the National Assessment of  
87 Educational Progress (NAEP), the ACT, the SAT and  
88 the Programme for International Assessment (PISA);

89 (2) The public education system will prepare fully all  
90 students for post-secondary education or gainful  
91 employment;

92 (3) All working-age adults will be functionally  
93 literate;

94 (4) The public education system will maintain and  
95 promote the health and safety of all students and will  
96 develop and promote responsibility, citizenship and  
97 strong character in all students; and

98       (5) The public education system will provide equitable  
99       education opportunity to all students.

100      (f) The plan also shall include at least the following  
101      policy-oriented objectives:

102      (1) *Rigorous 21st Century curriculum and engaging*  
103      *instruction for all students.* — All students in West  
104      Virginia public schools should have access to and  
105      benefit from a rigorous 21st Century curriculum that  
106      develops proficiency in core subjects, 21st Century  
107      content, learning skills and technology tools. These  
108      students also should have that curriculum delivered  
109      through engaging, research-based instructional  
110      strategies that develop deep understanding and the  
111      ability to apply content to real-world situations;

112      (2) *A 21st Century accountability and accreditation*  
113      *system.* — The prekindergarten through twelve  
114      education system should have a public accrediting  
115      system that: (i) Holds local school districts accountable  
116      for the student outcomes the state values; and (ii)  
117      provides the public with understandable accountability  
118      data for judging the quality of local schools. The  
119      outcomes on which the system is based should be  
120      rigorous and should align with national and  
121      international standards such as the National  
122      Assessment of Educational Progress (NAEP), the ACT,  
123      the SAT and the Programme for International  
124      Assessment (PISA). The broad standards established for  
125      these outcomes should include a focus on: (A) Mastery  
126      of basic skills by all students; (B) closing the  
127      achievement gap among student subgroups; and (C)  
128      high levels of proficiency in a wide range of desired 21st  
129      Century measures and processes. The system for

130 determining school and district accreditation should  
131 include school and district self-analysis and generate  
132 appropriate research-based strategies for improvement.  
133 It also should allow opportunities to create innovative  
134 approaches to instructional delivery and design. Thus,  
135 the system will incorporate processes for encouraging  
136 innovation, including streamlined applications for  
137 waivers to state board policy, financial support for  
138 successful initiatives and recognition of those practices  
139 that can be brought to a district or statewide scale. The  
140 primary goal of the accreditation system is to drive  
141 school improvement. This 21st Century accountability  
142 and accreditation system also should include the  
143 methods of addressing capacity set forth in section five,  
144 article two-e of this chapter;

145       (3) *A statewide balanced assessment process.* — State,  
146 district, school and classroom decisionmaking should be  
147 grounded in 21st Century balanced assessment  
148 processes that reflect national and international  
149 rigorous performance standards and examine student  
150 proficiency in 21st Century content, skills and  
151 technology tools. A balanced assessment system  
152 includes statewide summative assessments, local  
153 benchmark assessments and classroom assessments for  
154 learning;

155       (4) *A personnel allocation, licensure and funding*  
156 *process that aligns with the needs of 21st Century school*  
157 *systems and is supported by a quality coordinated*  
158 *professional development delivery system.* — Increased  
159 accountability demands, as well as the focus on 21st  
160 Century learning, require a reexamination of traditional  
161 approaches to personnel allocation, licensure and  
162 funding. Creating schools of the 21st Century requires

163 new staffing roles and staffing patterns. It also requires  
164 ongoing professional development activities focused on  
165 enhancing student achievement and achieving specific  
166 goals of the school and district strategic plans. Thus,  
167 schools should have the ability to access, organize and  
168 deliver high quality embedded professional  
169 development that provides staff with in-depth sustained  
170 and supported learning. Effective school improvement  
171 should allow opportunity for staff to collectively learn,  
172 plan and implement curricular and instructional  
173 improvements on behalf of the students they serve;

174 *(5) School environments that promote safe, healthy  
175 and responsible behavior and provide an integrated  
176 system of student support services.* — Each school  
177 should create an environment focused on student  
178 learning and one where students know they are valued,  
179 respected and safe. Furthermore, the school should  
180 incorporate programs and processes that instill healthy,  
181 safe and responsible behaviors and prepare students for  
182 interactions with individuals of diverse racial, ethnic  
183 and social backgrounds. School and district processes  
184 should include a focus on developing ethical and  
185 responsible character, personal dispositions that  
186 promote personal wellness through planned daily  
187 physical activity and healthy eating habits consistent  
188 with high nutritional guidelines and multicultural  
189 experiences that develop an appreciation of and respect  
190 for diversity;

191 *(6) A leadership recruitment, development and  
192 support continuum.* — Quality schools and school  
193 systems of the 21st Century cannot be created without  
194 high quality leaders. Thus, West Virginia should have  
195 an aligned leadership professional development

196 continuum that attracts, develops and supports  
197 educational leadership at the classroom, school and  
198 district level. This leadership development continuum  
199 should focus on creating: (i) Learning-centered schools  
200 and school systems; (ii) collaborative processes for staff  
201 learning and continuous improvement; and (iii)  
202 accountability measures for student achievement;

203 *(7) Equitable access to 21st Century technology and*  
204 *education resources and school facilities conducive to*  
205 *21st Century teaching and learning.* — A quality  
206 educational system of the 21st Century should have  
207 access to technology tools and processes that enhance  
208 effective and efficient operation. Administrators should  
209 have the digital resources to monitor student  
210 performance, manage a variety of data and  
211 communicate effectively. In the classroom, every  
212 teacher in every school should be provided with the  
213 instructional resources and educational technology  
214 necessary to deliver the West Virginia content standards  
215 and objectives. Schools of the 21st Century require  
216 facilities that accommodate changing technologies, 21st  
217 Century instructional processes and 21st Century  
218 staffing needs and patterns. These school facilities  
219 should mirror the best in green construction and be  
220 environmentally and educationally responsive to the  
221 communities in which they are located;

222 *(8) Aligned public school with post-secondary and*  
223 *workplace readiness programs and standards.* — An  
224 educational system in the 21st Century should be seen  
225 as a continuum from the public school (prekindergarten  
226 through twelve) program through post-secondary  
227 education. In order to be successful in a global  
228 competitive marketplace, learning should be an

229 ongoing, life-long experience. Thus, the public schools  
230 and the institutions of post-secondary education in West  
231 Virginia should create a system of common standards,  
232 expectations and accountability. Creating such an  
233 aligned system will enhance opportunities for success  
234 and assure a seamless educational process for West  
235 Virginia students; and

236 (9) *A universal prekindergarten system.* — A high  
237 quality, universal prekindergarten system should be  
238 readily available to every eligible student. The system  
239 should promote oral language and preliteracy skills and  
240 reduce the deficit of these foundational skills through  
241 proactive, early intervention. Research indicates that  
242 universal prekindergarten systems improve graduation  
243 rates, reduce grade level retentions and reduce the  
244 number of special education placements. Therefore,  
245 local school systems should create the supports and  
246 provide the resources to assure a quality  
247 prekindergarten foundation is available to all eligible  
248 students.

249 (g) In addition to the policy-oriented objectives set  
250 forth in subsection (f) of this section, the plan  
251 established pursuant to this section also shall include at  
252 least the following performance-oriented objectives:

253 (1) All children entering the first grade will be ready  
254 for the first grade;

255 (2) The performance of students falling in the lowest  
256 quartile on national and international measures of  
257 student performance will improve by fifty percent;

258 (3) Ninety percent of ninth graders will graduate from

259 high school;

260 (4) By two thousand twelve, the gap between the  
261 county with the lowest college-going rate and the state  
262 average as of the effective date of this act will decrease  
263 by fifty percent and the college-going rate of the state  
264 will equal the college-going rate of the member states of  
265 the Southern Regional Education Board; and

266 (5) By two thousand twenty, the gap between the  
267 county with the lowest college-going rate and the state  
268 average for school year two thousand twelve will  
269 decrease by fifty percent and the college-going rate of  
270 the state will exceed the college-going rate of the  
271 member states of the Southern Regional Education  
272 Board by five percentage points.

**ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.**

**§18-2E-5c. Process for Improving Education Council  
established; membership; expenses;  
meetings; powers.**

1 (a) *Process for Improving Education Council.*—There  
2 is hereby established the Process for Improving  
3 Education Council for the purpose of providing  
4 opportunities for consultation among state policy  
5 leaders on the process for improving education,  
6 including, but not limited to, determination of the  
7 things that students should know and be able to do as  
8 the result of a thorough and efficient education, the  
9 performance and progress of students toward meeting  
10 the high quality standards established by the state  
11 board, adopting goals, objectives, strategies, indicators  
12 and benchmarks for public education and any further  
13 improvements necessary to increase the capacity of

14 schools and school systems to deliver a thorough and  
15 efficient education.

16 (b) *Council membership.* — The Legislative Oversight  
17 Commission on Education Accountability, together with  
18 the Governor, ex officio, or the Governor's designee, the  
19 Chancellor of the Higher Education Policy Commission,  
20 ex officio, or the chancellor's designee, the Chancellor  
21 for Community and Technical College Education, ex  
22 officio, or the chancellor's designee and the state  
23 superintendent comprise the Process for Improving  
24 Education Council. Ex officio members are entitled to  
25 vote. The Governor or the Governor's designee shall  
26 convene the council, as appropriate, and shall serve as  
27 chair. The council may meet at any time at the call of  
28 the Governor or the Governor's designee.

29 (c) *Compensation.* — Members of the council shall  
30 serve without compensation, but shall be reimbursed as  
31 provided by law by their respective agencies for all  
32 reasonable and necessary expenses actually incurred in  
33 the performance of their official duties under this  
34 section upon presentation of an itemized sworn  
35 statement of their expenses.

36 (d) *Powers of the council.* —

37 The council has the following powers:

38 (1) To meet and consult with the state board, or its  
39 designees, and make recommendations on issues related  
40 to student, school and school system performance. The  
41 following steps are part of the consultation process:

42 (A) The state board shall notify each member of the

43 council whenever the state board proposes to amend its  
44 rules on any of the following issues:

45 (i) High quality education standards and efficiency  
46 standards established pursuant to section five of this  
47 article;

48 (ii) Indicators of efficiency established pursuant to  
49 section five of this article; and

50 (iii) Assessment and accountability of school and  
51 school system performance and processes established  
52 pursuant to section five of this article.

53 (B) The notice to be given pursuant to paragraph (A)  
54 of this subdivision shall contain a summary and  
55 explanation of the proposed changes, including a draft  
56 of the proposal when available, and shall be sent at least  
57 fifteen days prior to filing the proposal with the  
58 Secretary of State for public comment.

59 (C) If the Governor, or the Governor's designee,  
60 believes it is necessary for the council to meet and  
61 consult with the state board, or its designees, on  
62 changes proposed to any of the issues outlined in  
63 subdivision (1) of this subsection, he or she may convene  
64 a meeting of the council.

65 (D) If both the President of the Senate and the  
66 Speaker of the House of Delegates believe it is necessary  
67 for the council to meet and consult with the state board,  
68 or its designees, they shall notify the Governor who  
69 shall convene a meeting of the council.

70 (E) If the chancellor, or the chancellor's designee

71 believes that it is necessary for the council to meet and  
72 consult with the state board, or its designees, he or she  
73 may request the Governor to convene a meeting of the  
74 council.

75 (2) To require the state board, or its designees, to meet  
76 with the council to consult on issues that lie within the  
77 scope of the council's jurisdiction;

78 (3) To participate as observers in any on-site review of  
79 a school or school system conducted by the Office of  
80 Education Performance Audits; and

81 (4) To authorize any employee of the agencies  
82 represented by council members to participate as  
83 observers in any on-site review of a school or school  
84 system conducted by the Office of Education  
85 Performance Audits.

## **CHAPTER 18B. HIGHER EDUCATION.**

### **ARTICLE 1. GOVERNANCE.**

#### **§18B-1-1a. Legislative intent; findings; establishment of state goals for higher education and education; creation of partnership to achieve state goals and objectives.**

1 (a) It is the intent of the Legislature in enacting this  
2 section to establish state goals for public higher  
3 education which benefit the citizens of the State of West  
4 Virginia.

5 (b) It is further the intent of the Legislature that this  
6 section be read and implemented in conjunction with  
7 the accountability system established in article one-d of

8 this chapter and that any reference to this section in this  
9 code includes the provisions of that article.

10 (c) *Findings.* — The Legislature finds that  
11 post-secondary education is vital to the future of West  
12 Virginia. For the state to realize its considerable  
13 potential in the 21st Century, it must have a system for  
14 the delivery of post-secondary education which is  
15 competitive in the changing national and global  
16 environment, is affordable for the state and its citizenry  
17 and has the capacity to deliver the programs and  
18 services necessary to meet regional and statewide needs.

19 The Legislature further finds that it is vitally  
20 important for young people entering the workforce to  
21 have the education and skills to succeed in today's  
22 high-technology, knowledge-based economy. It is  
23 equally important for working-age adults who are the  
24 majority of the current and potential workforce also to  
25 possess the requisite education and skills to compete  
26 successfully in the workplace and to have the  
27 opportunity to continue learning throughout their lives.  
28 The future of the state rests not only on how well its  
29 youth are educated, but also on how well it educates its  
30 entire population of any age.

31 The Legislature further finds that providing access to  
32 a high-quality and affordable post-secondary education  
33 is a state responsibility and, while states spent more  
34 than seventy billion dollars on public higher education  
35 in two thousand six, they are not maximizing that  
36 investment. The Legislature recognizes the efforts of  
37 the National Conference of State Legislatures' Blue  
38 Ribbon Commission on Higher Education in producing  
39 a report to assist the states in higher education

40 policymaking. According to the commission report,  
41 “Transforming Higher Education: National Imperative  
42 — State Responsibility”, the United States is losing its  
43 competitive advantage in a new, high-tech, highly  
44 mobile global economy. This lack of competitiveness is  
45 a matter of the highest urgency for federal and state  
46 policymakers and higher education is at the center of  
47 this discussion. The report further states that “higher  
48 education is both the problem and the solution” because  
49 the nation has failed to focus on how higher education  
50 energizes American competitiveness and revitalizes the  
51 states. Pursuant to these findings, the commission made  
52 some specific recommendations addressed to the states  
53 which include the following:

- 54       (1) Define clear state goals;
- 55       (2) Identify your state's strengths and weaknesses;
- 56       (3) Know your state demographic trends for the next  
57 ten to thirty years;
- 58       (4) Identify a place or structure to sustain the public  
59 policy agenda;
- 60       (5) Hold institutions accountable for their  
61 performance;
- 62       (6) Rethink funding formulas and student aid;
- 63       (7) Make a commitment to access, success and  
64 innovation;
- 65       (8) Encourage partnerships;

66 (9) Give special attention to adult learners; and

67 (10) Focus on productivity.

68 All of these recommendations are useful in providing  
69 policy guidance and have been given careful  
70 consideration in the development of this section and  
71 article one-d of this chapter.

72 (d) *Establishment of state goals.*—In recognition of its  
73 importance to the citizens of West Virginia, the  
74 Legislature hereby establishes the following goals for  
75 public higher education in the state:

76 (1) The ultimate goal of public education is to enhance  
77 the quality of life for citizens of the State of West  
78 Virginia.

79 (2) The overall focus of public education is on  
80 developing and maintaining a process of lifelong  
81 learning which is as seamless as possible at all levels,  
82 encourages citizens of all ages to increase their  
83 knowledge and skills and provides ample opportunities  
84 for them to participate in public higher education.

85 (3) Higher education collaborates with public  
86 education and other providers to offer education  
87 opportunities:

88 (A) To individuals of all ages and socioeconomic  
89 backgrounds in all areas of the state; and

90 (B) To overcome financial barriers to participation for  
91 both traditional and nontraditional students.

92       (4) Higher education seeks to enhance state efforts to  
93 diversify and expand the economy by focusing available  
94 resources on programs and courses which best serve  
95 students, provide the greatest opportunity for job  
96 creation and retention and are most supportive of  
97 emerging high-technology and knowledge-based  
98 businesses and industries.

99       (5) Higher education creates a learning environment  
100 that is student-friendly and that encourages and assists  
101 students in the completion of degree requirements,  
102 certifications or skill sets within a reasonable period of  
103 time.

104       (6) The learning environment expands participation  
105 for the increasingly diverse student population and  
106 responds to the needs of the current workforce and  
107 other nontraditional students.

108       (7) Through the establishment of innovative curricula  
109 and assessment efforts, state institutions of higher  
110 education ensure that students graduate from nationally  
111 recognized and accredited programs and meet or exceed  
112 national and international standards for performance in  
113 their chosen fields as evidenced through placement and  
114 professional licensure examinations.

115       (8) Higher education promotes academic research and  
116 innovation to achieve measurable growth in West  
117 Virginia's knowledge-based economic sector.

118       (9) State institutions of higher education emphasize  
119 productivity and strive to exceed the performance and  
120 productivity levels of peer institutions. In return, and  
121 within the constraints of fiscal responsibility, the state

122 seeks to invest in institutions so that they may  
123 adequately compensate faculty, classified employees  
124 and other employees at a competitive level to attract  
125 and retain high quality personnel.

126 (10) State institutions of higher education are  
127 committed to a shared responsibility with faculty, staff,  
128 students and their communities to provide access to the  
129 knowledge and to promote acquisition of the skills and  
130 abilities necessary to establish and maintain physical  
131 fitness and wellness.

132 (A) Programs that encourage healthy lifestyles are  
133 essential for the vibrancy of the institutions of higher  
134 education, for the well-being of the communities they  
135 serve and for the state as a whole.

136 (B) Increasing the fitness levels of adults on college  
137 and university campuses is critically important for the  
138 people of West Virginia, not only for disease prevention,  
139 but also, and perhaps most importantly, to enhance the  
140 overall quality of life.

141 (C) While individuals must bear the primary  
142 responsibility for their own health, it is imperative that  
143 the institutions provide appropriate education and  
144 support focused on enriching and expanding the short-  
145 and long-term views and attitudes towards physical  
146 activity, understanding the principles of wellness and  
147 their application to a healthy lifestyle, understanding  
148 what components are a necessary part of an all-around  
149 healthy lifestyle and learning how to set and achieve  
150 realistic goals aimed at establishing healthy habits for  
151 the benefit of long-term health and well-being.

152       (e) *Education partnership to achieve state goals and*  
153       *objectives.* — If public institutions of higher education  
154       are to provide services that meet the needs of state  
155       citizens as outlined in this section and article one-d of  
156       this chapter, then West Virginia must create and  
157       participate in a partnership across various education  
158       organizations that recognizes the valuable contributions  
159       each member of the group can make. In addition to  
160       public education as outlined in section four, article one,  
161       chapter eighteen of this code and in addition to the  
162       State of West Virginia, key members of this partnership  
163       include the state institutions of higher education, the  
164       Council for Community and Technical College  
165       Education and the Higher Education Policy  
166       Commission.

167       (1) *State institutions of higher education.* — The  
168       institutions are the cornerstone of efforts to provide  
169       higher education services that meet the needs of state  
170       citizens. To varying degrees, and depending upon their  
171       missions, these institutions serve the state in three  
172       major ways:

173       (A) *Instruction.* — By providing direct instruction to  
174       students along with the student services necessary to  
175       support the instructional mission. These services have  
176       two primary goals:

177       (i) To produce college graduates who have the  
178       knowledge, skills and desire to make valuable  
179       contributions to society; and

180       (ii) To provide opportunities for citizens to engage in  
181       life-long learning to enhance their employability and  
182       their overall quality of life.

183       (B) *Public service.* — By providing an occupational  
184       home for experts in a variety of fields and by serving as  
185       the educational home for students. In these capacities,  
186       institutions create a large and varied pool of high  
187       quality human resources capable of making valuable  
188       contributions to business and industry, local and state  
189       governments and communities. The following are  
190       examples of the types of public service that higher  
191       education institutions have to offer:

192       (i) Workforce development, primarily through  
193       community and technical colleges, to meet the  
194       immediate and long-term needs of employers and  
195       employees;

196       (ii) Technical assistance to state and local  
197       policymakers as they work to address challenges as  
198       diverse as ensuring that West Virginia's citizens receive  
199       quality health care, assisting in the development of a  
200       solid transportation infrastructure and ensuring that  
201       public school teachers have enriching professional  
202       development opportunities; and

203       (iii) Opportunities to learn and serve in local  
204       communities, to teach civic responsibility and to  
205       encourage civic engagement.

206       (C) *Research.* — By conducting research at state  
207       institutions of higher education, particularly Marshall  
208       University and West Virginia University, to enhance the  
209       quality of life in West Virginia in the following ways:

210       (i) Targeting cutting-edge research toward solving  
211       pressing societal problems;

212       (ii) Promoting economic development by raising the  
213       level of education and specialization among the  
214       population; and

215       (iii) Creating jobs through development of new  
216       products and services.

217       (2) *The Council for Community and Technical College*  
218       *Education and the Higher Education Policy*  
219       *Commission.* — In their role as state-level coordinating  
220       boards, the council and commission function as  
221       important partners with state policy leaders in  
222       providing higher education that meets state needs. The  
223       council and commission provide service to the state in  
224       the following ways:

225       (A) By developing a public policy agenda for various  
226       aspects of higher education that is aligned with state  
227       goals and objectives and the role and responsibilities of  
228       each coordinating board;

229       (B) By ensuring that institutional missions and goals  
230       are aligned with relevant parts of the public policy  
231       agenda and that institutions maximize the resources  
232       available to them to fulfill their missions and make  
233       reasonable progress toward meeting established state  
234       goals;

235       (C) By evaluating and reporting on progress in  
236       implementing the public policy agenda;

237       (D) By promoting system efficiencies through  
238       collaboration and cooperation across institutions and  
239       through focusing institutional missions as appropriate;  
240       and

241       (E) By conducting research, collecting data and  
242       providing objective recommendations to aid elected  
243       state officials in making policy decisions.

244       (3) *State of West Virginia.* — Elected state officials  
245       represent the citizens of West Virginia and are critical  
246       partners in providing quality higher education. In this  
247       context, these state-level policymakers serve the state in  
248       the following ways:

249       (A) By establishing goals, objectives and priorities for  
250       higher education based on a thoughtful, systematic  
251       determination of state needs;

252       (B) By providing resources necessary to address state  
253       goals, objectives and priorities for higher education; and

254       (C) By providing incentives for and removing barriers  
255       to the achievement of state goals, objectives and  
256       priorities.

#### **ARTICLE 1D. HIGHER EDUCATION ACCOUNTABILITY.**

##### **§18B-1D-1. Legislative intent and purpose; short title; rules required.**

1       (a) The intent of the Legislature in the enactment of  
2       this article is to outline and organize the elements of  
3       accountability for public higher education into an  
4       effective, coherent system to provide guidance to the  
5       state institutions of higher education, the commission  
6       and the council and to clarify the roles, relationships  
7       and responsibilities between and among these entities,  
8       the citizens of West Virginia and elected state officials.  
9       The main purposes of the accountability system are as  
10      follows:

11       (1) To develop agreement on higher education goals,  
12      objectives and priorities through negotiation and  
13      consensus-building between elected officials acting on  
14      behalf of the citizens of the state and the commission  
15      and the council and institutions which receive public  
16      funds and provide education services;

17       (2) To create a seamless education system and hold  
18      boards and institutions accountable for meeting state  
19      goals and objectives.

20       (3) To provide a data-driven, step-by-step process to  
21      determine the progress of public higher education in  
22      addressing established goals, objectives and priorities;

23       (4) To promote cooperation and collaboration among  
24      all entities which are involved in the delivery of public  
25      education in West Virginia; and

26       (5) To provide for generation, collection and  
27      dissemination of data on which sound state-level policy  
28      decisions can be based. Possible uses of this data  
29      include the following:

30       (A) Identifying institutions and systems that increase  
31      quality and productivity; and

32       (B) Creating a mechanism to target a portion of state  
33      appropriations to institutions and systems based on  
34      performance in meeting established state goals and  
35      objectives.

36       (b) This article, together with section one-a, article  
37      one of this chapter and section four, article one, chapter  
38      eighteen of this code, shall be known as and may be

39 cited as Vision 2020: An Education Blueprint for Two  
40 Thousand Twenty.

41 (c) By the first day of October, two thousand eight, the  
42 commission and the council shall propose rules for  
43 legislative approval in accordance with the provisions  
44 of section six, article one of this chapter and article  
45 three-a, chapter twenty-nine-a of this code concerning  
46 the accountability system for higher education outlined  
47 in this article.

48 (1) The commission and the council may propose rules  
49 jointly or separately and may choose to address all of  
50 the accountability system in a single rule or may  
51 propose additional rules to cover specific elements.

52 (2) At a minimum, the rules shall address the  
53 respective responsibilities of the various parties, the  
54 development of statewide master plans, the process of  
55 entering into institutional and state compacts,  
56 performance indicators and institution and state-level  
57 reporting to ensure that higher education is accountable  
58 to the citizens of West Virginia.

#### §18B-1D-2. Definitions.

1 (a) *General.* — For the purposes of this article and  
2 section one-a, article one of this chapter, terms have the  
3 meaning ascribed to them in section two, article one of  
4 this chapter, unless the context in which the term is  
5 used clearly requires a different meaning or a specific  
6 definition is provided in this section.

7 (b) *Definitions.* —

8       (1) "Accountability system for public higher  
9 education" or "accountability system" means all  
10 research, reports, documents, data and any other  
11 materials, the collection, analysis and dissemination of  
12 which are necessary or expedient to accomplish the  
13 purposes of this article or section one-a, article one of  
14 this chapter. The system includes legislative goals,  
15 objectives and priorities; public policy agendas;  
16 statewide master plans; state and institutional  
17 compacts; implementation plans; institutional mission  
18 statements and master plans; and the statewide report  
19 card.

20      (2) "Education partnership to achieve state goals and  
21 objectives" or "education partnership" means the  
22 formal and informal working relationships established  
23 between and among the State of West Virginia, the  
24 commission, the council, the State Board of Education  
25 and State Department of Education and the state  
26 institutions of higher education for the purpose of  
27 achieving state goals and objectives.

28      (3) "Functional literacy rate" means the percentage of  
29 adults over the age of seventeen who are able to read  
30 beyond a fourth grade level and interpret basic  
31 information from sources such as road signs, job  
32 applications, newspaper articles and food and medicine  
33 labels.

34      (4) "Goals" means those long-term public purposes  
35 which are the desired and expected end result for which  
36 public higher education is established.

37      (5) "Implementation plan" means a document  
38 developed within the higher education community that

39 identifies a series of objectives, sets forth performance  
40 indicators that can be used to determine if objectives  
41 are being achieved, outlines strategies for accomplishing  
42 the objectives and identifies benchmarks for evaluating  
43 progress in accomplishing the objectives over the life  
44 cycle of the plan.

45 (6) "Institutional compact" means a formal, written  
46 contract between either the commission or council and  
47 a state institution of higher education under its  
48 jurisdiction expressing intent to accomplish state and  
49 system goals and objectives.

50 (7) "Institutions under the jurisdiction of the  
51 commission" relative to the accountability system  
52 established by this article and section one-a, article one  
53 of this chapter means Bluefield State College, Concord  
54 University, Fairmont State University, Glenville State  
55 College, Marshall University, Shepherd University,  
56 West Liberty State College, the West Virginia School of  
57 Osteopathic Medicine, West Virginia State University  
58 and West Virginia University, including Potomac State  
59 College of West Virginia University and the West  
60 Virginia University Institute of Technology.

61 (8) "Institutions under the jurisdiction of the council"  
62 relative to the accountability system established by this  
63 article and section one-a, article one of this chapter  
64 means Blue Ridge Community and Technical College,  
65 the Community and Technical College at West Virginia  
66 University Institute of Technology, Eastern West  
67 Virginia Community and Technical College, Marshall  
68 Community and Technical College, New River  
69 Community and Technical College, Pierpont  
70 Community and Technical College, Southern West

71     Virginia Community and Technical College, West  
72     Virginia Northern Community and Technical College,  
73     West Virginia State Community and Technical College  
74     and West Virginia University at Parkersburg.

75       (9) "Net college costs" means the total cost of tuition,  
76     room and board minus the amount of financial aid a  
77     student receives.

78       (10) "Objectives" means the ends to be accomplished  
79     or attained within a specified period of time for the  
80     purpose of meeting the established goals.

81       (11) "Priority" or "priorities" means the order in  
82     which objectives are to be addressed for the purpose of  
83     achieving state goals.

84       (12) "Strategy" or "strategies" means specific  
85     activities carried out by public higher education which  
86     are directed toward accomplishing specific objectives.

87       (13) "Statewide master plan" or "system master plan"  
88     means a document developed by the council or  
89     commission that sets forth system goals, objectives and  
90     strategies and is aligned with, but not limited to,  
91     meeting state goals, objectives and priorities.

92       (14) "STEM courses and programs" means curricula  
93     leading to a degree or other recognized credential in the  
94     science, technology, engineering and mathematics fields  
95     of study or specialization.

96       (15) "State compact" means a formal, written  
97     agreement between the council and/or the commission  
98     and at least one other member of the education

99 partnership to achieve state goals and objectives where  
100 significant collaboration and commitment of resources  
101 between the parties to the agreement is required in  
102 order to achieve the desired results.

**§18B-1D-3. State vision for public higher education; findings; establishment of objectives.**

1       (a) The Legislature finds that availability of  
2 high-quality post-secondary education is so important  
3 to the well-being of the citizens of West Virginia that it  
4 is in the best interests of the state to focus attention on  
5 areas of particular concern and within those areas to  
6 specify objectives and priorities that must be addressed  
7 by two thousand twenty. The purpose of these  
8 objectives and priorities is to achieve the broad-based  
9 goals for public higher education established in section  
10 one-a, article one of this chapter. Areas of special  
11 concern to the Legislature include economic and  
12 workforce development; education access and  
13 affordability; innovation; student preparation; degree  
14 and/or program completion; intra- and inter-system  
15 cooperation and collaboration; research; and teaching  
16 and learning.

17       (1) *Economic and workforce development.* —

18           (A) Diversifying and strengthening the economy of the  
19 state;

20           (B) Providing incentives to systems and institutions to  
21 focus attention on those courses and programs which  
22 create and retain jobs in the state, especially among the  
23 emerging high-technology, knowledge-based businesses  
24 and industries.

25       (2) *Access and affordability.* —

26       (A) Maintaining geographic access while eliminating .  
27 unnecessary duplication;

28       (B) Enhancing education opportunities for the  
29 widest range of state citizens:

30       (i) By establishing tuition and fee levels for in-state  
31 students that do not inhibit access to public education  
32 nor cause students to incur excessive debt. This is  
33 particularly important in West Virginia where about  
34 two-thirds of all students attending college are enrolled  
35 in public higher education institutions and where  
36 families devote a very large share of their incomes to  
37 pay the cost of education. The share of costs paid by  
38 families remains very high even after adjusting for the  
39 impact of financial aid; and

40       (ii) By establishing tuition and fee rates for  
41 out-of-state students at levels which, at a minimum,  
42 cover the full cost of instruction unless doing so is  
43 inconsistent with a clearly delineated public policy goal  
44 established by the Legislature, the commission or the  
45 council.

46       (iii) *Innovation.* — Devise innovative programs,  
47 delivery modes, partnerships, research initiatives,  
48 curricula and pedagogy to achieve the needs of the state  
49 and its citizens and carry out the mission and objectives  
50 of the state institutions of higher education. Methods  
51 include aligning entrepreneurial efforts, research and  
52 partnerships with established state goals.

53       (iv) *Student preparation.* — Ensure that potential

54 students are academically prepared for college and that  
55 graduates are adequately prepared for careers or  
56 further education.

57 (v) *Degree and/or program completion.* — Despite  
58 significant improvement over the past decade, fewer  
59 than twenty percent of state residents hold a bachelor's  
60 degree. This shortage of highly educated, highly  
61 qualified workers substantially limits the state's ability  
62 to compete in the knowledge-based economy.

63 (vi) *Collaboration and cooperation.* — Deliver  
64 education services to the extent possible through  
65 collaboration, coordination and brokering, with  
66 particular emphasis on the need for a seamless  
67 relationship between public and post-secondary  
68 education.

69 (vii) *Research.* — Develop a greater research capacity  
70 within public higher education to enhance West  
71 Virginia in the eyes of the larger economic and  
72 education community, develop greater specialized  
73 expertise in high technology and policy fields, create  
74 more employment opportunities within the state and  
75 provide a basis for improved capacity to compete in the  
76 new economy through research focused on meeting state  
77 needs.

78 (viii) *Teaching and learning.* — Develop admission  
79 and exit standards for students and emphasize  
80 professional staff development, program assessment and  
81 evaluation and other incentives to improve teaching and  
82 learning. Ensure access to stable and continuing  
83 graduate-level programs in every region of the state,  
84 particularly in STEM subject areas and teacher

85 education related to teaching within a subject area to  
86 improve teacher quality.

87 (b) *Vision 2020: Objectives for public higher education.*  
88 — In view of the findings outlined in subsection (a) of  
89 this section, the Legislature hereby establishes the  
90 following objectives to be addressed as highest priorities  
91 beginning on the effective date of this article through  
92 development of compacts and/or implementation plans  
93 between and among members of the education  
94 partnership as provided in subsection (e), section one-a,  
95 article one of this chapter. The following is the  
96 legislative vision for the years two thousand eight  
97 through two thousand twenty:

98 (1) *Objective.* — Develop a state-level facilities plan  
99 and funding mechanism to reduce the obligation of  
100 students and parents to bear the cost of higher  
101 education capital projects and facilities maintenance.

102 (A) *Problem statement.* —

103 (i) West Virginia is one of the very few states in the  
104 nation which does not address higher education capital  
105 project and facilities maintenance needs through a  
106 statewide plan.

107 (ii) The burden of paying for capital projects and  
108 deferred maintenance is placed on students and their  
109 families through collection of capital fees at the  
110 institution level and contributes significantly to the  
111 poor grade West Virginia receives each year in the  
112 category of “Affordability” on “Measuring Up: The  
113 National Report Card on Higher Education”.

114       (iii) Net college costs for low- and lower  
115      middle-income students to attend state community and  
116      technical colleges and four-year colleges and  
117      universities average approximately forty-five percent of  
118      their annual family income.

119       (iv) The high cost of capital fees contributes directly to  
120      the amount of debt incurred by students during their  
121      college years and the necessity to repay student loans  
122      severely limits career choices and areas of residence  
123      after graduation.

124       (B) *Expected outcomes.* — Success in meeting this  
125      goal can be measured in part by benchmarks which  
126      include the following:

127       (i) Development by the council and commission of a  
128      compact with elected state officials to fund a significant  
129      portion of higher education capital project needs from  
130      dedicated state revenues;

131       (ii) Development by the council and commission of a  
132      system to establish priorities for institution capital  
133      projects in a manner that is consistent with state public  
134      policy goals for higher education;

135       (iii) Implementation of facilities maintenance plans by  
136      institutions to ensure that maintenance needs are not  
137      deferred inappropriately;

138       (iv) Efficient use of existing classroom and other space  
139      by institutions:

140       (I) New capital funding is applied effectively to  
141      projects at institutions that have a demonstrated need

142 for new facilities and major renovations; and

143 (II) The cost of operating and maintaining the  
144 facilities and physical plants of institutions are  
145 appropriate for the size and mission of the institution;  
146 and

147 (v) Capital and facilities maintenance planning that  
148 gives careful consideration to the recommendations  
149 arising from the study mandated by section nine, article  
150 fourteen of this chapter.

151 (2) *Objective.* — Increase academic rigor and improve  
152 learning at higher education institutions.

153 (A) *Problem statement.* — West Virginia has made  
154 significant progress on certain indicators within the  
155 category of student learning, but lags far behind  
156 national and regional averages on others.

157 (i) The state compares very well in workforce  
158 preparation as reflected in professional licensure  
159 examinations, ranking among the top five states in the  
160 country. More West Virginia graduates take these  
161 examinations than is typical nationally and the passage  
162 rate is at the national average.

163 (ii) The state also ranks well above the national  
164 average passage rate on the state teacher's examination  
165 when compared to other states; however, there is serious  
166 cause for concern when the state is compared to the  
167 national benchmark in preparing students for graduate  
168 study.

169 (I) West Virginia ranks more than fifty percentage

170 points below the national average in preparing students  
171 to take and pass graduate admissions examinations.

172 (II) Fewer West Virginia graduates take these  
173 examinations than is typical nationally and the  
174 proportion earning competitive scores is only about  
175 seventy-five percent of the national average.

176 (B) *Expected outcomes.* — Success in meeting this  
177 goal can be measured in part by benchmarks which  
178 include the following:

179 (i) State institutions of higher education develop or  
180 use existing nationally normed assessments of student  
181 learning outcomes. Data generated through these  
182 assessments are analyzed and the results applied by the  
183 institutions to improve the quality of undergraduate  
184 general education programs; and

185 (ii) Implementation plans at the system and institution  
186 levels are developed to improve student preparation for  
187 graduate study and to expand graduate and  
188 professional education, where appropriate.

189 (3) *Objective.* — Increase the percentage of entering  
190 students who persist to receive a degree, a certificate or  
191 an industry-recognized credential.

192 (A) *Problem statement.* —

193 (i) This goal is particularly important to West Virginia  
194 where only about one person in five holds an associate  
195 degree or higher.

196 (ii) The lack of a well-trained workforce is reflected in

197 the most recent score of forty-one received by the state  
198 on the nationally recognized New Economy Index which  
199 measures the extent to which a state is prepared to  
200 participate in knowledge-based industries. This low  
201 score places the state well below the national  
202 benchmark of sixty on the index.

203 (iii) State institutions of higher education have placed  
204 a greater emphasis on student recruitment than on  
205 student retention and completion. This strategy alone  
206 cannot be successful in meeting state needs for the  
207 following reasons:

208 (I) The number of state high school graduates is  
209 expected to decline over the next several years;  
210 therefore, institutions must improve their performance  
211 in retaining the students who enroll.

212 (II) West Virginia is among the leading states in the  
213 percentage of first-year students at community colleges  
214 who return for their second year and large percentages  
215 of freshmen at four-year colleges and universities return  
216 for their sophomore year; however, when compared with  
217 other states, only a small percentage of these students  
218 actually persist to earn a bachelor's degree or associate  
219 degree within six years.

220 (III) The state performs poorly on international  
221 comparisons of enrolled students who complete  
222 certificates or degrees, trailing behind other  
223 industrialized and even some third world nations.

224 (IV) While the state college-going rate has improved,  
225 most state institutions have made only marginal  
226 progress over the past decade in increasing the

227 percentage of students who persist to obtain a degree or  
228 certificate.

229 (B) *Expected outcomes.* —

230 (i) Enhanced quality of life for West Virginians,  
231 including increased level of per capita income; and

232 (ii) Increased economic development opportunities by  
233 expanding existing high-technology and  
234 knowledge-based businesses and industries and  
235 attracting new ones which demand highly qualified  
236 professionals.

237 (4) *Objective.* — State institutions of higher education,  
238 particularly community and technical colleges, make  
239 maximum effort to recruit and retain adults twenty-five  
240 years old or over.

241 (A) *Problem statement.* —

242 (i) The percentage of West Virginia's working-age  
243 adults enrolled part-time in college-level education or  
244 training is very low and the state has experienced one of  
245 the largest declines in the nation on this measure over  
246 the past twelve years.

247 (ii) A large part of preparing workers for the 21st  
248 Century and for a high-quality style of life hinges upon  
249 providing opportunity for adults to acquire a series of  
250 skill sets in addition to obtaining a degree or other  
251 credential.

252 (iii) A major focus for community and technical  
253 colleges is upon providing programs to upgrade

254 employee skills through obtaining industry credentials.  
255 Currently, however, only certificate program degrees  
256 (one-year) and associate degrees (two-year) are counted  
257 for funding purposes even though other types of  
258 credentials often are as important in meeting workforce  
259 development goals as providing degree programs.

260 (B) *Expected outcomes.* —

261 (i) Provide programs of interest to nontraditional  
262 students, including those that afford them the  
263 opportunity to obtain certificates and credentials,  
264 enhance career development and acquire new skill sets;

265 (ii) Develop a high-visibility marketing program  
266 which makes adults aware of the opportunities  
267 available to them and assists them in entering or  
268 reentering the learning environment;

269 (iii) Provide for lower cost tuition and fee rates,  
270 particularly at the community and technical colleges,  
271 and/or greater access to financial aid for adult full- and  
272 part-time students.

273 (iv) Develop open admissions policies which provide  
274 opportunities for adults to participate in public  
275 post-secondary education beginning at any level of  
276 preparedness. Most working-age adults cannot or will  
277 not "go back to high school" in order to prepare  
278 themselves to participate in higher education.

279 (v) Tailor institutional policies to meet the needs of  
280 adults, recognizing that these individuals have  
281 responsibilities that are different from those of  
282 traditional-aged college students. High on this list of

283    needs are flexible class schedules to accommodate work  
284    obligations and waiving dorm residency requirements.

285    (5) *Objective.* — Provide incentives to state  
286    institutions of higher education to encourage emphasis  
287    on STEM courses and programs leading to degrees in  
288    the high-demand fields of science, technology,  
289    engineering and mathematics and to encourage  
290    collaboration with public education to stimulate  
291    interest and prepare students to succeed in these fields.

292    (A) *Problem statement.* —

293    (i) STEM courses often are more expensive to deliver  
294    than traditional programs; therefore, institutions may  
295    be reluctant to start or expand programs in these areas  
296    because of anticipated cost;

297    (ii) Institutions have difficulty recruiting and  
298    retaining faculty members in STEM areas because of  
299    competition from surrounding states and other market  
300    forces;

301    (iii) There is insufficient communication between  
302    STEM teachers in public education, STEM faculty in  
303    higher education and professionals employed in  
304    STEM-related careers such as engineering;

305    (iv) Many students have not taken sufficiently  
306    rigorous high school courses to allow them to succeed in  
307    post-secondary STEM courses and programs. A large  
308    percentage of students enrolled in higher education  
309    STEM programs either withdraw from the institution or  
310    change majors within the first year; and

311       (v) The transition from high school to college is  
312       difficult for many high school students who lack a  
313       family role model to provide guidance relevant to the  
314       higher education experience.

315       (B) *Expected outcomes.* —

316       (i) Increased capacity for high quality instruction  
317       across public higher education;

318       (ii) Increased student access to high quality  
319       undergraduate and graduate research opportunities in  
320       science, technology, engineering and mathematics;

321       (iii) Enhanced economic development opportunities  
322       through increased numbers of highly-qualified  
323       professionals available to business and industry;

324       (iv) Development of a consistent and effective forum  
325       for communication among STEM faculty in public and  
326       higher education and relevant professional communities  
327       to address the continuing needs of students, educators  
328       and industry;

329       (v) Increased percentage of high school students who  
330       have access to and take advantage of rigorous STEM  
331       courses;

332       (vi) Alignment of STEM curricula between public and  
333       higher education;

334       (vii) Development of a finance formula that gives  
335       greater weight to courses taken in high-cost disciplines  
336       and/or those that are critical to the state economy; and

337       (viii) Creation of a STEM coordinator position within  
338       the faculty of each state institution of higher education  
339       to provide outreach to secondary schools, to mentor  
340       freshman students and to collaborate with coordinators  
341       at other institutions. Because of the size of the student  
342       body, the two research universities may need to create  
343       coordinator positions specific to certain high-demand  
344       STEM disciplines such as engineering and computer  
345       science.

346       (6) *Objective.* — Develop a stable funding stream for  
347       state institutions of higher education to pay for essential  
348       programs which are expensive to deliver, are in high  
349       demand and/or are critical to the state's capacity to  
350       replace an aging workforce as employees retire. This  
351       objective has a particular impact on community and  
352       technical colleges which deliver high-cost technical  
353       programs.

354       (A) *Problem statement.* —

355       (i) An educated and technically skilled workforce is  
356       vital to the state's ability to be competitive in the global  
357       marketplace. Currently, West Virginia's employers  
358       must struggle to find a sufficient number of highly  
359       qualified workers to fill the jobs they have available;  
360       and

361       (ii) The majority of technical occupations require the  
362       delivery of equipment-intensive, high-cost programs  
363       that state institutions of higher education, especially  
364       community and technical colleges, lack the capacity to  
365       provide.

366       (B) *Expected outcomes.* —

367       (i) State institutions delivering community and  
368       technical college education focus on expanding and/or  
369       implementing technical programs to meet the needs of  
370       high-demand, high-wage occupations;

371       (ii) Funding priorities for community and technical  
372       colleges focus on developing and maintaining high-cost  
373       technical programs;

374       (iii) Creation of a strategy to fund the replacement,  
375       upgrading and purchase of equipment to implement  
376       and/or maintain technical education programs; and

377       (iv) Support critical, noncredit programming by  
378       incorporating the number of contact hours delivered  
379       into a formula to distribute funding to community and  
380       technical colleges.

381       (7) *Objective.* — Develop a mechanism to assure  
382       uniform delivery of community and technical college  
383       education for all regions of the state.

384       (A) *Problem statement.* — The average education  
385       attainment rate in West Virginia lags eleven percent  
386       behind the national average in part because delivering  
387       education programs to the state's adult, place-bound  
388       and rural populations presents significant challenges.

389       (B) *Expected outcomes.* —

390       (i) All state citizens have access to a minimum of two  
391       years of college education regardless of their place of  
392       residence within the state.

393       (ii) The state institutions increase the innovative use

394 of technology and distance education to provide general  
395 and technical education access in sparsely populated  
396 rural areas.

397 (iii) Creation of a seamless education system and  
398 uniform transfer of credits with special attention to  
399 transfers between community and technical colleges and  
400 four-year institutions;

401 (iv) Appropriate use of adjunct faculty; and

402 (v) Where feasible, use of facilities in public schools,  
403 technical centers and other public facilities as classroom  
404 space.

405 (8) *Objective.* — Develop greater research capacity  
406 throughout public higher education, with a special focus  
407 on the state's two doctoral degree-granting universities.

408 (A) *Problem statement.* —

409 (i) West Virginia ranks near the bottom among all  
410 states in the amount of federal and privately funded  
411 sponsored research it receives. Historically, only the  
412 National Science Foundation's Experimental Program  
413 to Stimulate Competitive Research (EPSCOR) has  
414 focused on building research capacity in the state, but  
415 if West Virginia is to benefit from the increased  
416 economic opportunity, better jobs and higher standard  
417 of living associated with more STEM professionals in  
418 the population, the state must invest more to build its  
419 research capacity; and

420 (ii) Low research capacity results in low levels of  
421 intellectual property creation, patenting and licensing

422 of commercial property.

423 (B) *Expected outcomes.* —

424 (i) Partnering between and among higher education  
425 institutions in West Virginia and between state  
426 institutions and larger, resource-rich higher education  
427 institutions outside the state;

428 (ii) Developing an institutional and/or statewide  
429 research niche and focusing resources on research that  
430 contributes most to meeting state needs;

431 (iii) Leveraging scarce resources to make steady,  
432 targeted investments in research in niche areas where  
433 the state can be a real player at a competitive level;

434 (iv) Developing specific research expertise within the  
435 two state doctoral degree-granting universities to  
436 generate and analyze data to provide policy  
437 recommendations. The areas of focus include funding  
438 strategies for higher education, demographic trends and  
439 methods to determine and meet workforce development  
440 needs by anticipating job creation and credential  
441 requirements;

442 (v) Improving communication among the research  
443 branches of higher education institutions, including  
444 identification of mutually complementary areas of  
445 interest to increase funding opportunities and  
446 collaboration on intellectual property issues; and

447 (vi) Focusing on economic development through  
448 commercial applications of research and recruitment of  
449 new research faculty members for this purpose.

450        (9) *Objective.* — Increase the percentage of  
451        functionally literate adults in each region of the state.

452        (A) *Problem statement.* —

453        (i) The literacy attainment of a population is defined  
454        at its most basic level as the percentage of those  
455        individuals over the age of fifteen who can read and  
456        write, but such a definition does not address the  
457        realities of the 21st Century. The National Literacy Act  
458        of 1991 and the National Workforce Investment Act of  
459        1998 both define literacy more broadly as “an  
460        individual’s ability to read, write, speak in English,  
461        compute and solve problems at levels of proficiency  
462        necessary to function on the job, in the family of the  
463        individual and in society”.

464        Approximately twenty percent of the adult population  
465        in West Virginia cannot meet this definition of  
466        functional literacy. One adult out of every five in the  
467        state lacks the basic literacy skills needed to succeed at  
468        work, to enter the learning environment of  
469        post-secondary education, to acquire advanced  
470        occupational training or to participate in preparing his  
471        or her own children to learn.

472        (ii) The high rate of illiteracy in West Virginia not only  
473        handicaps adults in seeking employment and achieving  
474        their goals for their own quality of life, but also has  
475        serious implications for the future of their children and  
476        for the state.

477        There is a direct, positive correlation between the  
478        reading scores of children and the education level of  
479        their parents. The National Assessment of Education

480 Progress (NAEP) has concluded that youngsters whose  
481 parents are functionally illiterate are twice as likely to  
482 become functionally illiterate adults.

483 (iii) When the level of functional illiteracy in West  
484 Virginia is compared to the requirements for  
485 high-demand occupations, the negative consequences  
486 for the economy of the state become obvious. The  
487 International Adult Literacy Survey (IALS) established  
488 a scale of five levels which is used extensively to  
489 measure the literacy attainment of adults. When this  
490 scale was used to compare the literacy requirements of  
491 projected high-growth occupations with those in  
492 declining occupations such as certain types of  
493 manufacturing, researchers found that level three  
494 literacy is required for the new jobs, while level two is  
495 sufficient for the jobs in the declining occupations.  
496 Therefore, workers displaced from jobs in declining  
497 occupations as well as those seeking to enter or reenter  
498 the work place must possess literacy skills a full level  
499 higher than those required for workers only a few years  
500 ago. Documents such as manuals outlining standard  
501 operating procedures, health and safety manuals, leave  
502 forms and retirement options that they encounter daily  
503 require a level of literacy well above level two.

504 (iv) A highly skilled and literate work force is essential  
505 to the success of state businesses and industry. A ten  
506 percent increase in the average education of all workers,  
507 equivalent to approximately one additional year of  
508 schooling, is associated with an increase of about nine  
509 percent in the productivity of that labor force.  
510 Additionally, workers who lack literacy skills cannot  
511 provide the data and feedback that companies need to  
512 make informed business decisions. A company whose

513 employees cannot record reliable production data  
514 cannot assess its performance from year to year or  
515 determine how well it is meeting its long range goals  
516 and objectives.

517 (v) The rate of functional illiteracy in West Virginia  
518 also has a direct impact on the health of state citizens.  
519 Residents with low literacy skills have difficulty in  
520 many health areas including the following:

521 (I) Understanding the correct way to take medication,  
522 interpret test results or perform simple self-testing such  
523 as taking temperatures or checking blood glucose levels;

524 (II) Understanding and following directions given by  
525 physicians or the written instructions provided with  
526 prescription or over-the-counter medication for  
527 themselves or for their children;

528 (III) Reading and understanding information on food  
529 labels and other nutrition information to make sound  
530 decisions necessary to establish and maintain healthy  
531 lifestyles; and

532 (IV) Furnishing correct information in emergencies to  
533 medical providers about illnesses, surgeries and  
534 medications or understanding how to fill out insurance  
535 forms and other health-related documents.

536 (B) *Expected outcomes.* —

537 (i) Develop greater access and capacity to deliver  
538 literacy and remedial education, workforce development  
539 training and other higher education services to  
540 place-bound adults primarily through the community

541 and technical colleges;

542 (ii) Increase the percentage of the working age  
543 population who participate in higher education, either  
544 full or part time;

545 (iii) Establish a statewide mechanism to collect data to  
546 provide a baseline for measuring progress toward  
547 meeting the goal of functional literacy for all  
548 working-age adults and to serve as a framework for  
549 setting priorities, identifying gaps in service and  
550 targeting services to key populations, industries,  
551 economic sectors and geographic areas;

552 (iv) Develop programs that include, at a minimum, the  
553 following:

554 (I) Learning opportunities within a real-life context,  
555 such as workplace and family literacy programs;

556 (II) Recognition of the diversity of individual abilities,  
557 skill levels, circumstances and life goals; and

558 (III) Strategies to access, promote and accommodate a  
559 variety of instructional methods and learning styles.

560 (v) Develop a culture committed to life-long learning  
561 by creating literacy-rich environments wherever people  
562 live and work that are capable of influencing changes in  
563 individual behavior; and

564 (vi) Create partnerships among schools, employers,  
565 workers, governments and communities to achieve these  
566 objectives and mechanisms to collect, interpret and  
567 disseminate data to assist policymakers in determining

568 the appropriate level of resources essential to support  
569 lifelong learning systems.

**§18B-1D-4. Responsibilities of Higher Education Policy  
Commission and Council for Community and  
Technical College Education; development of  
public policy agendas; reports; institutional  
responsibilities.**

1       (a) It is the responsibility of the commission, in  
2 cooperation with the council, to develop, oversee and  
3 advance the public policy agenda mandated by section  
4 four, article one-b of this chapter to address the goals  
5 and objectives established pursuant to this article and  
6 section one-a, article one of this chapter, including, but  
7 not limited to, aligning state and institutional compacts,  
8 master plans, implementation plans and institutional  
9 missions with state goals and objectives to accomplish  
10 the purposes of this article.

11     (b) It is the responsibility of the council, in  
12 cooperation with the commission when applicable, to  
13 develop, oversee and advance the public policy agenda  
14 mandated by section six, article two-b of this chapter to  
15 address the goals and objectives established pursuant to  
16 this article and section one-a, article one of this chapter,  
17 including, but not limited to, aligning state and  
18 institutional compacts, master plans, implementation  
19 plans and institutional missions with state goals and  
20 objectives to accomplish the purposes of this article.

21     (c) It is further the responsibility of the commission  
22 and council to collect the data, assemble it in the  
23 appropriate format and transmit all reports and any  
24 other essential documents as needed to fulfill the

25 purposes of this article. Each report shall contain a  
26 brief, concise executive summary and shall include  
27 trends and recommendations in text format.  
28 Recommendations shall be ranked by order of  
29 importance and shall be supported by objective data  
30 available elsewhere in the report. In addition to those  
31 specifically mandated by this chapter or chapter  
32 eighteen-c of this code, reporting responsibilities  
33 include, but are not limited to, the following:

34 (1) Ensuring that data systems collect the essential  
35 information state-level policymakers need to answer  
36 key policy questions to fulfill the purposes of the  
37 accountability system established pursuant to this  
38 article and section one-a, article one of this chapter;

39 (2) Collaborating with public education to establish  
40 policies to link existing pre-K, K-12, higher education  
41 and teacher data systems to enable tracking of student  
42 progress and teacher performance over time; and

43 (3) Ensuring that reports provide data analyses to  
44 determine if students entering the public higher  
45 education systems are prepared for post-secondary  
46 education and if students obtaining degrees, certificates  
47 or other credentials are prepared to pursue careers or to  
48 continue their education.

49 (d) It is the responsibility of public institutions of  
50 higher education to report to the commission or the  
51 council, as appropriate, on plans, accomplishments and  
52 recommendations to implement the goals and objectives  
53 contained in the institutional and state compacts.

**§18B-1D-5. Master plans; reports; approval process.**

1       (a) The commission and the council each shall develop  
2       a master plan for public higher education that is closely  
3       aligned with the goals and objectives of this article and  
4       section one-a, article one of this chapter as they relate  
5       to the missions of institutions under their respective  
6       jurisdictions.

7       (b) The authority of the commission and the council,  
8       respectively, related to developing and implementing  
9       statewide master plans is subject to the following  
10      conditions:

11      (1) The master plans shall be established for periods of  
12      not more than five years.

13      (2) The master plans in place on the effective date of  
14      this article continue in effect until the end of the  
15      five-year planning cycle unless amended or rescinded  
16      by the commission or council, respectively, pursuant to  
17      this article.

18      (3) Any new master plan proposed by the commission  
19      or council shall be communicated to the Legislative  
20      Oversight Commission on Education Accountability and  
21      may not be adopted or implemented without the  
22      approval of that body;

23      (4) The commission and council each shall perform a  
24      comprehensive review of its master plan at least  
25      annually and shall revise it periodically as appropriate  
26      to meet state goals and objectives.

27      (5) The commission and the council each shall review  
28      the progress of its higher education system in meeting  
29      the goals and objectives of the master plan and report to

30 the Legislative Oversight Commission on Education  
31 Accountability, with detailed recommendations for  
32 amending the plan, by the first day of January, two  
33 thousand nine, and annually thereafter.

34 (6) At the end of each five-year planning cycle and as  
35 an integral part of the preparation of a new master plan,  
36 the commission and the council, respectively, shall  
37 prepare and submit to the Legislative Oversight  
38 Commission on Education Accountability a  
39 comprehensive report containing at least the following:

40 (A) A detailed, data-based analysis of the progress of  
41 the system and the institutions within the system  
42 toward meeting each goal and objective included in the  
43 current plan; and

44 (B) A strategy for using this data as a basis for  
45 developing the master plan for the next planning cycle.

46 (c) The master plan shall include a detailed set of  
47 system objectives designed to meet the state goals and  
48 objectives outlined in this article and section one-a,  
49 article one of this chapter, including, but not limited to,  
50 the following:

51 (A) A well-developed analysis of missions, degree  
52 offerings, resource requirements, physical plant needs,  
53 personnel needs, enrollment levels and other planning  
54 determinants and projections for public higher  
55 education and other matters necessary in such a plan to  
56 assure that the needs of the state for a quality system of  
57 higher education are addressed; and

58 (B) A strategy for cooperation and collaboration with

59 the State Board of Education and State Department of  
60 Education, state institutions of higher education, the  
61 counterpart state coordinating board and other relevant  
62 education providers to assure that a comprehensive and  
63 seamless system of education is developed and  
64 implemented for West Virginia.

**§18B-1D-6. State compacts; legislative intent; rule required;  
implementation plans authorized.**

1       (a) It is the intent of the Legislature that members of  
2 the education partnership to achieve state goals and  
3 objectives engage in developing state compacts between  
4 and among themselves for the purpose of enhancing the  
5 well-being of the citizens of West Virginia. Such a  
6 compact constitutes a formal contract and focuses on  
7 the goals and objectives established pursuant to this  
8 article and section one-a, article one of this chapter. A  
9 compact is called for when achievement of specific goals  
10 or objectives requires significant collaboration and  
11 commitment of resources by more than one member of  
12 the partnership.

13     (b) The rules to be proposed relating to state compacts  
14 pursuant to subsection (c), section one of this article  
15 shall include, but are not limited to, the following  
16 components:

17     (1) A procedure to determine when a state compact is  
18 necessary or desirable;

19     (2) A procedure for determining the identity of parties  
20 to the compact and for establishing compact terms;

21     (A) Parties to the compact may be any two or more

22 members of the education partnership to achieve state  
23 goals and objectives who are positioned to make  
24 significant contributions to meeting compact objectives;  
25 and

26 (B) The terms of the compact shall focus on  
27 achievement of objectives. The expected outcomes shall  
28 be stated in concrete terms that are measurable.

29 (3) A mechanism for negotiating agreement on  
30 compact objectives. The mechanism shall provide for  
31 negotiation and development of consensus among the  
32 parties and must be reasonable in its operation and  
33 outcomes expectations;

34 (4) A procedure for creating and consolidating  
35 commitment between and among parties to the compact.  
36 Most state compacts will extend over multiple years and  
37 will require that negotiation between education  
38 partners and elected state officials take into account the  
39 constraints of the political process and the limits on  
40 available resources; and

41 (5) A process for periodic review, assessment and  
42 reporting of progress toward meeting the compact  
43 objectives. The rule shall provide for objective analysis  
44 and reporting to the compact partners and to the elected  
45 officials of the state.

46 (c) In addition to authorizing the commission and the  
47 council to enter into state compacts pursuant to  
48 subsections (a) and (b) of this section, it is the intent of  
49 the Legislature to encourage them strongly to develop  
50 implementation plans together with other members of  
51 the public higher education community to achieve

52 system and institutional goals and objectives which are  
53 consistent with and supportive of the goals and  
54 objectives established in this article and section one-a,  
55 article one of this chapter.

56 (1) At a minimum, each implementation plan shall  
57 contain the following elements:

58 (A) Identification of the goal and the objectives to be  
59 achieved;

60 (B) Identification of the parties to the implementation  
61 plan and a process for developing consensus among the  
62 parties;

63 (C) A needs assessment or other mechanism to  
64 determine current status of the proposed objectives,  
65 including a survey of available resources and other data  
66 relevant to achieving the objectives;

67 (D) Identification of challenges or barriers to meeting  
68 objectives;

69 (E) Delineation of tasks to be performed;

70 (F) A specific time line for meeting objectives;

71 (G) An evaluation process administered periodically to  
72 determine progress in meeting the objectives during the  
73 life span of the plan; and

74 (H) A method for determining success in achieving the  
75 objectives following the closing date established by the  
76 time line.

77       (2) Implementation plans are internal documents  
78       developed among members of the public higher  
79       education community and are not subject to an external  
80       approval process.

**§18B-1D-7. Findings; establishment of institutional compacts;  
compact elements; submission date; review and  
approval process; rule required.**

1       (a) The Legislature finds that West Virginia long has  
2       recognized the value of education and, on a per capita  
3       income basis, ranks very high among the states in its  
4       investment to support public education. The  
5       Legislature further finds that a combination of state  
6       and national demographic and economic factors as well  
7       as significant changes in methods of course and  
8       program delivery compel both the state and public  
9       higher education to create a process that will strengthen  
10      institutional capacity to provide the services so valued  
11      by the citizens of the state and so essential to promoting  
12      economic vitality.

13       (b) Therefore, each state college and university shall  
14       prepare an institutional compact for submission to the  
15       commission and each community and technical college  
16       shall prepare an institutional compact for submission to  
17       the council. When the process herein provided is  
18       completed, the resulting institutional compact  
19       constitutes a negotiated contract between the state  
20       institution of higher education and the commission or  
21       council, respectively, containing at a minimum the  
22       following basic components:

23       (1) Institutional strategies for focusing resources on  
24       meeting the goals and objectives set forth in this article

25 and section one-a, article one of this chapter; and

26 (2) Commission or council strategies for promoting  
27 and supporting the institution in fulfilling its mission  
28 and objectives, to make it more competitive with its  
29 peers and to ensure the continuity of academic  
30 programs and services to its students.

31 (c) In addition to the basic contract components  
32 described in subsection (b) of this section, each compact  
33 shall contain at least the following elements:

34 (1) A determination of the mission of the institution  
35 which specifically addresses changes necessary or  
36 expedient to accomplish the goals and objectives  
37 articulated by the state and the appropriate statewide  
38 master plan;

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

42 (3) A comprehensive assessment of education needs  
43 within the institution's geographic area of  
44 responsibility;

45 (4) A strategy to ensure access to comprehensive  
46 community and technical college and workforce  
47 development services within each respective region of  
48 the state consistent with the mission of the institution;

49 (5) Provision for collaboration and brokering of  
50 education services as necessary or expedient to carry  
51 out the institutional mission and meet its objectives;

52       (6) Provision of student services at the optimum level  
53       to support the institutional mission and to achieve state  
54       goals and objectives;

55       (7) Strategies for using existing infrastructure and  
56       resources within each region, where feasible, to increase  
57       student access while controlling costs and maintaining  
58       academic quality; and

59       (8) Other public policy objectives or initiatives  
60       adopted by the commission or council pursuant to the  
61       intent and purposes of this article and section one-a,  
62       article one of this chapter.

63       (d) Each institutional compact shall be updated  
64       annually and shall follow the same general guidelines  
65       contained in this section.

66       (e) Development and updating of the institutional  
67       compacts is subject to the following conditions:

68       (1) The ultimate responsibility for developing and  
69       updating the compacts at the institutional level resides  
70       with the board of advisors or the board of governors, as  
71       appropriate. It is the responsibility of the commission  
72       or council to provide technical assistance as requested  
73       and to negotiate with the institution development of the  
74       strategies to promote and support the institution  
75       pursuant to subsection (b) of this section;

76       (2) The commission and the council each shall  
77       establish a date by which institutions under their  
78       respective jurisdictions shall submit their compacts to  
79       the commission or council pursuant to the provisions of  
80       this article. The date established by each state-level

81 coordinating board shall apply uniformly to all  
82 institutions under the jurisdiction of that coordinating  
83 board and shall meet the following additional  
84 conditions:

85 (A) Allow sufficient time for careful analysis of the  
86 compacts by the central office staff and for review by  
87 members of the commission or the council, as  
88 appropriate; and

89 (B) Allow sufficient time for the institutions to make  
90 necessary revisions to the compacts as provided in this  
91 section.

92 (3) The commission and council shall review each  
93 compact from the institutions under their respective  
94 jurisdictions and either adopt the compact or return it  
95 with specific comments for change or improvement.  
96 The commission and council, respectively, shall  
97 continue this process as long as each considers  
98 advisable;

99 (4) By the first day of May annually, if the  
100 institutional compact of any institution as presented by  
101 that institution is not adopted by the respective  
102 commission or council, then the commission or council  
103 is empowered and directed to develop and adopt the  
104 institutional compact for the institution and the  
105 institution is bound by the compact so adopted; and

106 (5) As far as practicable, the commission and council  
107 each shall establish uniform processes and forms for the  
108 development and submission of the institutional  
109 compacts by the institutions under their respective  
110 jurisdictions, taking into consideration the differences

111 in institutional missions and objectives. As a part of  
112 this function, the commission and council each shall  
113 organize the statements of legislative goals and  
114 objectives contained in this article and section one-a,  
115 article one of this chapter in a manner that facilitates  
116 the purposes therein.

117 (f) *Assignment of geographic areas of responsibility.* —

118 (1) The commission shall assign geographic areas of  
119 responsibility to the state institutions of higher  
120 education under its jurisdiction, except for the state  
121 institutions of higher education known as West Virginia  
122 School of Osteopathic Medicine, Marshall University  
123 and West Virginia University. For institutions other  
124 than the state institutions of higher education known as  
125 West Virginia School of Osteopathic Medicine, Marshall  
126 University and West Virginia University, the geographic  
127 areas of responsibility are made a part of their  
128 institutional compacts to ensure that all areas of the  
129 state are provided necessary programs and services to  
130 achieve state goals and objectives. The commission and  
131 the council each shall develop data-based measures to  
132 determine the extent to which institutions under their  
133 respective jurisdictions are providing higher education  
134 services aligned with state goals and objectives and  
135 institutional missions within their geographic areas of  
136 responsibility. This information shall be reported in the  
137 statewide report card established pursuant to section  
138 eight of this article.

139 (2) The council shall assign geographic areas of  
140 responsibility to the state institutions of higher  
141 education under its jurisdiction, including the  
142 administratively linked institution known as Marshall

143     Community and Technical College, the administratively  
144     linked institution known as the Community and  
145     Technical College at West Virginia University Institute  
146     of Technology and the regional campus known as West  
147     Virginia University at Parkersburg.

148         (3) The geographic areas of responsibility for the state  
149     institutions of higher education known as West Virginia  
150     School of Osteopathic Medicine, Marshall University  
151     and West Virginia University are assigned by the  
152     Legislature.

153         (4) The benchmarks established in the institutional  
154     compacts include measures of programs and services by  
155     geographic area throughout the assigned geographic  
156     area of responsibility.

157         (g) The compacts shall contain benchmarks to be used  
158     to determine progress toward meeting the objectives  
159     established in the compacts. The benchmarks shall  
160     meet the following criteria:

161             (1) They shall be objective;

162             (2) They shall be directly linked to the objectives in  
163     the compacts;

164             (3) They shall be measured by the indicators described  
165     in subsection (h) of this section; and

166             (4) Where applicable, they shall be used to measure  
167     progress in geographic areas of responsibility.

168         (h) The rules required by subsection (c), section one of  
169     this article shall include indicators which measure the

170 degree to which the goals and objectives set forth in this  
171 article and section one-a, article one of this chapter are  
172 being met by the institutions under the jurisdiction of  
173 the commission and the council, respectively.

174 (1) The rules pertaining to benchmarks and indicators  
175 in effect for the commission and the council on the  
176 effective date of this section remain in effect for the  
177 institutions under their respective jurisdictions until  
178 amended, modified, repealed or replaced by the  
179 commission or the council, respectively, pursuant to the  
180 provisions of this article, section six, article one of this  
181 chapter and article three-a, chapter twenty-nine-a of  
182 this code.

183 (2) The rules shall set forth at least the following as  
184 pertains to all state institutions of higher education:

185 (A) The indicators used to measure the degree to  
186 which the goals and objectives are being met;

187 (B) Uniform definitions for the various data elements  
188 to be used in establishing the indicators;

189 (C) Guidelines for the collection and reporting of data;  
190 and

191 (D) Sufficient detail within the benchmarks and  
192 indicators to provide the following information:

193 (i) Measurable evidence that the pursuits of the  
194 institution are focused on the education needs of the  
195 citizens of the state and are aligned with the objectives  
196 of the institutional compacts and statewide master  
197 plans;

198       (ii) Delineation of the objectives and benchmarks for  
199      an institution so that the commission or council can  
200      precisely measure the degree to which progress is being  
201      made toward achieving the goals and objectives  
202      provided in this article and section one-a, article one of  
203      this chapter; and

204       (iii) Identification of specific objectives within the  
205      master plan or compact of an institution that are not  
206      being met or toward which sufficient progress is not  
207      being made.

208       (3) In addition to any other requirement, the rule  
209      established by the council shall set forth at least the  
210      following as pertains to community and technical  
211      college education:

212       (A) Benchmarks and indicators which are targeted to  
213      identify the following:

214       (i) The degree to which progress is being made by  
215      institutions toward meeting state goals and objectives  
216      and the essential conditions for community and  
217      technical college education pursuant to section three,  
218      article three-c of this chapter;

219       (ii) Information and data necessary to be considered  
220      by the council in making the determination required by  
221      section three, article two-c of this chapter; and

222       (B) Sufficient detail within the benchmarks and  
223      indicators to provide clear evidence to support an  
224      objective determination by the council that an  
225      institution's progress toward achieving state goals and  
226      objectives and the essential conditions for community

227 and technical college education is so deficient that  
228 implementation of the provisions of section four, article  
229 two-c of this chapter is warranted and necessary.

230 (i) The commission and the council, respectively, shall  
231 approve the compacts developed for the institutions  
232 under their respective jurisdictions by the boards of  
233 governors or the boards of advisors pursuant to this  
234 section and consistent with the powers and duties  
235 prescribed in section four, article two-a of this chapter  
236 and section one, article six of this chapter.

**§18B-1D-8. Institutional and system report cards.**

1 (a) The purpose of the institutional and statewide  
2 report cards is to make information available to parents,  
3 students, faculty, staff, state policymakers and the  
4 general public on the quality and performance of public  
5 higher education. The focus of the report cards is to  
6 determine annual progress of the commission, the  
7 council and institutions under their respective  
8 jurisdictions toward achieving state goals and objectives  
9 identified in this article and section one-a, article one of  
10 this chapter and system goals and objective contained in  
11 the statewide master plans of the commission and  
12 council created pursuant to section five of this article.

13 (b) The information contained in the report cards shall  
14 be consistent and comparable between and among state  
15 institutions of higher education. If applicable, the  
16 information shall allow for easy comparison with higher  
17 education-related data collected and disseminated by  
18 the Southern Regional Education Board, the United  
19 States Department of Education and other education  
20 data-gathering and data-disseminating organizations

21      upon which state policymakers frequently rely in setting  
22      policy.

23      (c) The rules required by subsection (c), section one of  
24      this article shall provide for the collection, analysis and  
25      dissemination of information on the performance of the  
26      state institutions of higher education, including health  
27      sciences education, in relation to the findings, goals and  
28      objectives set forth in this article and section one-a,  
29      article one of this chapter and those contained in the  
30      statewide master plans of the commission and council  
31      developed pursuant to section five of this article.

32      (1) The objective of this portion of the rule is to ensure  
33      that the Legislative Oversight Commission on Education  
34      Accountability and others identified in subsection (a) of  
35      this section are provided with full and accurate  
36      information while minimizing the institutional burden  
37      of recordkeeping and reporting.

38      (2) This portion of the rule shall identify various  
39      indicators of student and institutional performance  
40      that, at a minimum, must be reported annually, set forth  
41      general guidelines for the collection and reporting of  
42      data and provide for the preparation, printing and  
43      distribution of report cards under this section.

44      (d) The report cards shall be analysis-driven, rather  
45      than simply data-driven, and shall present information  
46      in a format that can inform education policymaking.  
47      They shall include an executive summary which outlines  
48      significant trends, identifies major areas of concern and  
49      discusses progress toward meeting state and system  
50      goals and objectives. They shall be brief and concise,  
51      reporting required information in nontechnical

52 language. Any technical or supporting material to be  
53 included shall be contained in a separate appendix.

54 (e) The statewide report card shall include the data for  
55 each separately listed, applicable indicator identified in  
56 the rule promulgated pursuant to subsection (c) of this  
57 section and the aggregate of the data for all public  
58 institutions of higher education.

59 (f) The statewide report card shall be prepared using  
60 actual institutional, state, regional and national data, as  
61 applicable and available, indicating the present  
62 performance of the individual institutions, the  
63 governing boards and the state systems of higher  
64 education. Statewide report cards shall be based upon  
65 information for the current school year or for the most  
66 recent school year for which the information is  
67 available, in which case the year shall be clearly noted.

68 (g) The president or chief executive officer of each  
69 state institution of higher education shall prepare and  
70 submit annually all requested data to the commission at  
71 the times established by the commission.

72 (h) The higher education central office staff, under the  
73 direction of the Vice Chancellor for Administration,  
74 shall provide technical assistance to each institution  
75 and governing board in data collection and reporting  
76 and is responsible for assembling the statewide report  
77 card from information submitted by each governing  
78 board.

79 (i) The statewide report card shall be completed and  
80 disseminated with copies to the Legislative Oversight  
81 Commission on Education Accountability prior to the

82     first day of January of each year and the staff of the  
83     commission and the council shall prepare a report  
84     highlighting specifically the trends, progress toward  
85     meeting goals and objectives and major areas of concern  
86     for public higher education, including medical  
87     education, for presentation to the Legislative Oversight  
88     Commission on Education Accountability at the interim  
89     meetings in January, two thousand nine, and annually  
90     thereafter.

91         (j) Notwithstanding any other provisions of this code  
92     to the contrary, the following statutorily mandated  
93     reports are not required to be prepared and submitted  
94     annually unless a member of the Legislature makes a  
95     specific request for a particular report:

96             (1) An annual report, pursuant to subsection (a),  
97     section forty-eight, article three, chapter five-a of this  
98     code, on vehicle fleets;

99             (2) An annual report, pursuant to subsection (e),  
100    section ten, article one of this chapter, on plans,  
101    accomplishments and recommendations in  
102    implementing a cooperative relationship between  
103    Potomac State College and Eastern West Virginia  
104    Community and Technical College;

105             (3) An annual report, pursuant to paragraphs (A) and  
106    (B), subdivision (10), subsection (a), section four, article  
107    one-b of this chapter, concerning higher education  
108    performance and enrollment data;

109             (4) An annual report, pursuant to paragraph (A),  
110    subdivision (11), subsection (b), section six, article  
111    two-b of this chapter, concerning community and

112 technical college performance;

113 (5) An annual report, pursuant to subsection (b),  
114 section seven, article five of this chapter, on all sales of  
115 obsolete, unusable or surplus commodities;

116 (6) An annual report, pursuant to section eight, article  
117 five of this chapter, on purchases from West Virginia  
118 businesses;

119 (7) An annual report, pursuant to subsection (j),  
120 section one, article ten of this chapter, on the amount of  
121 auxiliary fees collected to replace state funds  
122 subsidizing auxiliary services;

123 (8) An annual report, pursuant to subsection (c),  
124 section five, article thirteen of this chapter, on technical  
125 assistance provided to qualified businesses within  
126 approved research parks, research zones or technology  
127 centers;

128 (9) An annual report, pursuant to subsection (e),  
129 section six, article eighteen of this chapter, on the status  
130 of the Eminent Scholars Endowment Trust Fund; and

131 (10) An annual report, pursuant to subsection (e),  
132 section one, article three, chapter eighteen-c of this  
133 code, relevant to the health education loan program.

134 (k) For a reasonable fee, the Vice Chancellor for  
135 Administration shall make copies of the report cards,  
136 including any appendices of supporting material,  
137 available to any individual requesting them.

**ARTICLE 14. MISCELLANEOUS.**

**§18B-14-9. Legislative findings; establishment of study committee; membership; recommendations on higher education facilities.**

1       (a) The Legislature finds that it is in the best interest  
2       of the state to have an effective and comprehensive  
3       system for the delivery of public higher education  
4       programs. West Virginia is one of the very few states in  
5       the nation which does not address higher education  
6       capital project and facilities maintenance needs through  
7       a statewide plan. State institutions of higher education  
8       vary widely in their ability to incur debt for capital  
9       projects and the conditions of their facilities  
10      infrastructure. Some institutions have incurred  
11      substantial amounts of debt to address capital needs,  
12      while other institutions have not.

13      The Legislature further finds that average tuition and  
14      fees for current and former administratively linked  
15      community and technical colleges rank well above the  
16      national average primarily because of the capital fees  
17      that students at those institutions have to pay. The  
18      large amount of capital fees that students must pay at  
19      the institution level contributes significantly to the poor  
20      grade the state receives each year in the category of  
21      “Affordability” on “Measuring Up: The National Report  
22      Card on Higher Education”. Net college costs for state  
23      students who come from families in the lowest forty  
24      percent of the population in terms of income to attend  
25      community and technical colleges and four-year  
26      colleges and universities in West Virginia represent  
27      about forty-five percent of their family’s annual income  
28      and there are few low-cost college opportunities.

29      The Legislature further finds that the high cost of

30 capital fees contributes directly to the amount of debt  
31 incurred by students during their college years. The  
32 debt load, in turn, severely limits students' career  
33 choices and often dictates their place of residence after  
34 graduation.

35 (b) It is the responsibility of the Legislature to  
36 determine how to make the best use of available  
37 resources and how best to address the problems outlined  
38 in subsection (a) of this section. Therefore, the Joint  
39 Committee on Government and Finance shall create a  
40 committee for the purposes of making a specific and  
41 detailed analysis of higher education capital project and  
42 facilities maintenance needs and providing  
43 recommendations to the Legislature.

44 (c) The committee consists of the following members:

45 (1) The President of the Senate or designee;

46 (2) The Speaker of the House of Delegates or designee;

47 (3) The chairs of the Senate and House of Delegates  
48 Committees on Education, who shall cochair the  
49 committee;

50 (4) The vice chairs of the Senate and House of  
51 Delegates Committees on Education;

52 (5) The chairs of the Senate and House of Delegates  
53 Committees on Finance or their designees;

54 (6) The cochairs of the Joint Commission on Economic  
55 Development or their designees;

56       (7) Two members each from the Senate Committees on  
57     Finance and Education appointed by the President of  
58     the Senate; and

59       (8) Two members each from the House Committees on  
60     Finance and Education appointed by the Speaker of the  
61     House.

62       (d) The committee shall develop and recommend a  
63     state-level facilities plan which includes, but is not  
64     limited to, the following:

65       (1) A review of capital project and facilities  
66     maintenance needs of all state institutions of higher  
67     education and recommendations for addressing those  
68     needs;

69       (2) Recommendations concerning the appropriate  
70     capital debt load that reasonably should be maintained  
71     by the commission, council and state institutions of  
72     higher education;

73       (3) Recommendations for a funding mechanism to  
74     reduce the obligation of students and parents to bear  
75     the cost of higher education capital projects and  
76     facilities maintenance;

77       (4) Recommendations for maximizing changes in  
78     bonding capacity that will occur in two thousand  
79     twelve;

80       (5) Development of a uniform definition of deferred  
81     maintenance;

82       (6) Recommendations for an appropriate mechanism

83 to target a percentage of state capital contributions to  
84 address deferred maintenance needs; and

85 (7) Recommendations for a transparent methodology  
86 to set priorities for funding capital projects.

87 (e) The committee shall commence its work on or  
88 before the fifteenth day of May, two thousand eight, and  
89 shall deliver its recommendations, together with draft  
90 legislation to implement the recommendations, to the  
91 Legislative Oversight Commission on Education  
92 Accountability and the Joint Committee on Government  
93 and Finance by the first day of December, two thousand  
94 eight.

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

  
Randy White  
Chairman Senate Committee

  
[unclear]  
Chairman House Committee

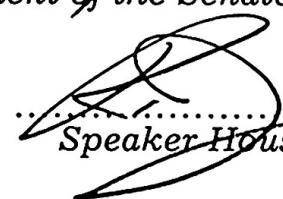
Originated in the Senate.

In effect from passage.

  
Darrell E. Glass  
Clerk of the Senate

  
[unclear]  
Clerk of the House of Delegates

  
Earl Ray Tomblin  
President of the Senate

  
[unclear]  
Speaker House of Delegates

The within is approved this  
the 28<sup>th</sup> Day of March, 2008.

  
[unclear]  
Governor

PRESSENTED TO THE  
GOVERNOR

MAR 24 2008

Time 3:05pm