WEST VIRGINIA LEGISLATURE
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REGULAR SESSION, 2011

ENROLLED

Senate Bill No. 486
(By Senators Laird, Tucker, Plymale, Kessler (Acting President), Unger, Helmick, Browning, Stollings, McCabe, Wells and Miller)

[Passed March 7, 2011; in effect from passage.]
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-1E-1, §18B-1E-2, §18B-1E-3 and §18B-1E-4, all relating to West Virginia University Institute of Technology, West Virginia University and the Higher Education Policy Commission; defining certain terms; establishing a revitalization project and plan; stating legislative findings, purpose and intent; and requiring certain reports.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §18B-1E-1, §18B-1E-2, §18B-1E-3 and §18B-1E-4, all to read as follows:

ARTICLE 1E. WEST VIRGINIA UNIVERSITY INSTITUTE OF TECHNOLOGY REVITALIZATION PROJECT.

§18B-1E-1. Definitions.

1 When used in this article the following words have the meanings ascribed to them unless the context clearly indicates a different meaning:
(a) "Center of excellence" means an academic program or group of programs located within a particular state institution, division or branch campus that is addressed in the institution's compact and recognized by the institution, its governing board, administrators, faculty and staff as having gained a significant degree of regional or national acclaim for high quality and public service.

(b) "Chancellor" means the chief executive officer employed by the commission.

c) "Governing board" means the board of governors for West Virginia University established pursuant to section one, article two-a of this chapter.

d) "LOCEA" means the Legislative Oversight Commission on Education Accountability established pursuant to section eleven, article three-a, chapter twenty-nine-a of this code.

e) "Revitalization plan" means the implementation process developed pursuant to section three of this article.

f) "Revitalization project" means the entire process undertaken to further the goals of this article including the research, study, revitalization plan development and implementation designed to assist WVU-Tech to reach its full potential as a center of excellence and positive force for economic development and cultural enrichment in the state.

g) "STEM" mean areas of study in science, technology, engineering and mathematics.

h) "WV-CURE" means the task force created pursuant to section three, article one-c of this chapter.

i) "WV-CURE report" means the findings and recommendations contained in the final document submitted to the Legislature pursuant to section three, article one-c of this chapter.

j) "WVU-Tech" means West Virginia University Institute of Technology, a division of West Virginia University.
§18B-1E-2. Legislative purpose, findings and intent.

(a) The purpose of this article is to focus attention on West Virginia University Institute of Technology to honor the institution’s history of excellence and service to the region and the state, to identify its unique role and contributions to higher education and to create and implement the revitalization plan that not only will be used to assist this institution to reach its full potential of service to the citizens of West Virginia, but also may serve as a model that can be replicated at other state institutions of higher education.

(b) Findings.—

(1) WVU-Tech has a distinguished history of more than a hundred years of service, growth and change, but, in addition to the positive advancements, the institution also has dealt with internal conflict and external controversy initiated by multiple changes in policy direction, governance structure and mission. It was founded in 1895 as a preparatory school of West Virginia University and since that time, has functioned as a trade school, a junior college, a free-standing baccalaureate institution and a regional campus of West Virginia University. In 2007, it became a fully-integrated division of West Virginia University.

(2) The many changes of name, mission, governance structure and affiliation, together with its location in the heart of the southern coal fields, assure the institution a unique place in the state system of higher education. The institution continues to provide vital education opportunities to the mostly-rural population which comprise its primary service clientele.

(3) Both its traditional strength and its unique opportunity for future growth and service lie in its focus on STEM education, particularly in undergraduate engineering and technology, in which it has been a leader for nearly sixty years.
(4) The student-centered programs, combined with small classes and individualized instruction, provide undergraduates with opportunities for hands-on research and cooperative work experiences that usually are available only to graduate students.

(5) The Legislature further finds the following regarding the state system of higher education:

(A) Retention and graduation rates at the state institutions of higher education are a major source of concern for state policymakers.

(i) The average retention rate for the state system as a whole, calculated from the fall semester in 2008 to the fall semester of 2009, the most recent period for which data are available, is seventy-three percent. Twenty-seven students out of every one hundred who were enrolled in a state institution of higher education in 2008 did not return for the fall semester in 2009.

(ii) On average, of the students who entered four-year state institutions of higher education as first-time freshmen in 2004, only forty percent had graduated six years later.

(iii) Within these statewide averages there are significant variations among both institutions and disciplines, particularly in the disciplines emphasizing STEM education. Retention rates range from a high of eighty-two percent to a low of fifty-five percent. Six-year graduation rates fall between a high of fifty-nine percent and a low of fifteen percent.

(B) According to the WV-CURE report submitted by WV-CURE in 2008, West Virginia faces many of the same challenges in preparing and recruiting STEM professionals as the rest of the country, but in addition has unique challenges related to its population demographics and geography.

(C) Due to its unique history and geographical location, WVU-Tech provides the ideal laboratory in which to develop
a successful model to address these challenges through the revitalization plan created pursuant to section three of this article.

(c) Legislative intent. —

(1) It is the intent of the Legislature in establishing the revitalization project to encourage WVU-Tech to build upon its tradition of high-quality, student-centered STEM education, to assist the institution to reach its full potential as a center of excellence and a positive force for economic development and cultural enrichment within the community and state, to implement certain recommendations from the WV-CURE report and to create a successful policy model that state decision makers may employ in other areas where state institutions of higher education struggle to overcome similar problems. The revitalization project shall serve as a laboratory in which to identify problems, research solutions and implement those programs and procedures that best meet the intent of this article.

(2) It is further the intent of the Legislature to promote institutional stability at WVU-Tech by keeping the governance structure of the institution unchanged until the report required in section four of this article is received in 2014. Throughout the WVU-Tech revitalization process, the governing board retains statutory control of the institution. Except for authority otherwise granted by statute, this article extends the commission’s authority only to those items identified in the revitalization plan and funded by legislative appropriation therefor.

§18B-1E-3. Revitalization Project and Plan; Plan approval required.

1 (a) There is hereby created the Revitalization Project for WVU-Tech under the direction of the commission. The project includes a study and development of a revitalization plan designed to meet the goals and intent of this article.

5 (b) On the effective date of this section, the commission
shall initiate a study and draw upon the expertise of groups both internal and external to West Virginia to take advantage of the services of national organizations specializing in institutional renewal. The commission shall bear the costs of the study.

(c) The study shall include, but is not limited to, the following thematic areas:

(1) Exploring new academic programs that meet emerging industry needs in West Virginia;

(2) Developing distance education and adult-targeted degree and programmatic offerings, with particular attention to avoiding costly program duplication;

(3) Examining marketing and recruiting strategies at the institution;

(4) Reviewing nonacademic programs and auxiliary operations, focused upon efficiencies and strategic development;

(5) Reviewing fiscal and operating procedures, emphasizing initiatives through which the institution can reduce annual operating costs and maximize all available revenues;

(6) Evaluating all institutionally-affiliated groups, including the alumni association, the WVU-Tech Foundation and all other institutionally-affiliated organizations which are exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, stressing revitalization of these entities; and

(7) Reviewing and assessing the capital infrastructure of the institution.

(d) The study also shall include consideration of the following recommendations drawn from the WV-CURE report:
(1) Creating and maintaining a forum for meaningful interaction between and among the K-12 and professional communities to define better the needs of the STEM stakeholders at each level of the education and early career process. The forum may help to ensure smoother transitions for students at each step and thereby increase student retention and graduation rates. A cooperative approach with the public schools in the institution’s service area may serve as means to increase students’ interest and familiarize them with the STEM programs WVU-Tech offers;

(2) Preparing students for the future by enhancing student design/capstone experiences to include undergraduate research at an earlier point in the baccalaureate curriculum thereby expanding the focus on opportunities for advanced studies and providing students with enhanced critical thinking and learning skills to adapt to an environment of rapidly changing technologies;

(3) Stimulating interest of young people in training and careers in engineering and related disciplines by involving the professional and business communities in a more visible and engaged manner;

(4) Diversifying the types of students who pursue STEM education and careers by developing strategic initiatives focused on recruiting and retaining traditionally underrepresented groups;

(5) Pursuing the goals set forth in section three, article one of this chapter to increase West Virginia’s capacity for high quality engineering instruction and research; increase access to high quality instruction and research opportunities in STEM disciplines; and stimulate economic development by increasing the number of professional engineers available to business and industry;

(6) Exploring opportunities for collaborations between institutions to increase the access to high quality programs
while reducing the overall expenditure per student in high
cost disciplines; and

(7) Developing more electronic classrooms, online pro-
grams, and other technology-driven teaching/learning
facilities in order to pool resources among the engineering
institutions, reach students who are place-bound or who live
in rural areas distant from the institution’s campus and
avoid expensive program duplication.

(e) Based upon the research and findings of the study, the
Chancellor shall coordinate the development of a revitaliza-
tion plan to implement the purpose and intent of this article.
The revitalization plan shall serve to guide the distribution
of all funds appropriated by the Legislature and targeted to
the Revitalization Project. The revitalization plan shall
include, but is not limited to, the following elements:

(1) Providing clear and guiding recommendations for the
revitalization of WVU-Tech;

(2) Recommending a process for establishing WVU-Tech as
a center of excellence in STEM education with particular
emphasis on undergraduate engineering and technology,
areas in which the institution has earned a high degree of
regional and national recognition for excellence. The
purpose of the center of excellence is to enable the institu-
tion to concentrate its resources on providing state-of-the-
art post-secondary education opportunities in a limited
number of areas in which the institution excels. The center
of excellence approach promotes effective teaching and
learning through education, training, research and informa-
tion dissemination. All parties involved in identifying and
developing the center of excellence bring to the partnership
their special expertise of strategic importance to the program
and, ultimately, to the citizens of West Virginia;

(3) Benchmarks in the following areas:

(A) Enrollment;
(B) Retention and graduation;
(C) Capital improvements and building renovations/demolitions;
(D) Athletics, auxiliaries, and other nonacademic units;
(E) Fundraising and alumni development;
(F) Academic restructure and program development;
(G) Marketing and outreach;
(H) Remedial and developmental education;
(I) Innovative academic initiatives that can be piloted at WVU-Tech with the opportunity for diffusion across the systems of higher education;
(J) Transfer and articulation partnerships with other institutions in the state systems of higher education; and
(K) Grants, contracts, and externally sponsored research; and
(4) A process whereby WVU-Tech may request and receive moneys from the pool of appropriated funds.

(f) The findings, conclusions and recommendations of the study, together with the revitalization plan for implementation, shall be reported to the commission and the governing board by September 1, 2011. The revitalization plan shall be delivered to LOCEA no later than September 1, 2011, and LOCEA shall consider the proposed plan and approve or disapprove by September 30, 2011.

§18B-1E-4. Plan implementation; legislative intent; oversight; reporting.

(a) The legislative findings set forth in section two of this article demonstrate the unique historical role that WVU-Tech has played as a vital component of the state’s higher education system. In order for the institution to move
forward and realize its full potential, its future must be supported by a financial commitment from the state. Therefore, as funds are available, it is the intent of the Legislature to make appropriations to the commission to support the revitalization project at WVU-Tech.

(b) Appropriated funds may be expended under the direction of the Chancellor for the purposes set forth in this article and in the revitalization plan approved by LOCEA.

(c) The purposes for which the moneys may be used include, but are not limited to, development costs for new programs, student outreach initiatives, demolition of certain facilities, and renovation of campus infrastructure or other items designed to support existing students and attract new students.

(d) By December 1, 2012, and annually thereafter until all appropriated funds have been expended, the Chancellor shall report to LOCEA on the allocation of funds. Additionally, the Chancellor shall provide regular updates to LOCEA, as necessary or requested, to keep members informed of the progress made in implementing the purposes and intent of this article and the components of the revitalization plan.

(e) By May 1, 2014, the commission and governing board shall provide to LOCEA a detailed summary of all revitalization project activities undertaken to date. This report also shall include recommendations for alterations to the revitalization plan and the goals of the revitalization project and may include recommended options for governance changes including independent status for the institution.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

Acting President of the Senate

Speaker of the House of Delegates

The within is approved this the ______ Day of ______, 2011.

Governor
PRESENTED TO THE GOVERNOR

MAR 15 2011

Time __9:20 AM__