

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

**Enrolled**

**Senate Bill 673**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2019 MAR 25 P 5:06

FILED

BY SENATORS RUCKER, BLAIR, AZINGER, CLINE,  
MAYNARD, ROBERTS, ROMANO, STOLLINGS, TRUMP, AND

UNGER

[Passed March 9, 2019; in effect 90 days from  
passage]

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1 AN ACT to repeal §18B-1D-2, §18B-1D-3, §18B-1D-4, and §18B-1D-5 of the Code of West  
2 Virginia, 1931, as amended; to repeal §18B-7-8 of said code; to amend and reenact §18B-  
3 1D-1 and §18B-1D-8 of said code; and to amend and reenact §18C-1-1 of said code, all  
4 relating to public higher education accountability and planning; ensuring efficiency in  
5 planning and accountability; modifying the data collection and reporting processes;  
6 eliminating the requirement for a statewide master plan for public higher education;  
7 eliminating the requirement for state and institutional compacts for public higher education;  
8 eliminating the requirement for a human resources report card for public higher education;  
9 modifying the reporting methods for certain institutional and statewide reports; modifying  
10 the reporting method for the student financial aid report card for public higher education;  
11 and continuing the accountability system for public higher education.

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

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

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

#### **§18B-1D-1. Master plan repealed; accountability system continued.**

- 1 (a) The Legislature finds that:
- 2 (1) Accountability and strategic planning are valuable and necessary components of  
3 establishing and achieving goals for higher education in this state and fulfilling missions of the  
4 institutions;
- 5 (2) To be most effective and efficient, the accountability and strategic planning process  
6 should be coordinated, streamlined, and nonduplicative; and
- 7 (3) Redundant reporting requirements exist in the accountability and strategic planning  
8 process which serve to waste scarce resources and decrease efficiency.
- 9 (b) It is the intent of the Legislature that the accountability and strategic planning process  
10 for public higher education in this state continues in a unified and comprehensive manner while

11 utilizing the resources of the higher education systems in an economical and efficient manner.

12 To that end:

13 (1) The requirement for a statewide master plan for public higher education is repealed,  
14 and any provision of this code regarding the plan is void and of no effect;

15 (2) The requirements for state and institutional compacts for public higher education are  
16 repealed, and any provision of this code regarding the compacts are void and of no effect; and

17 (3) When collecting data from an institution, the commission and council first shall consider  
18 data generated from the unit-record student, registration, course and personnel files, the audited  
19 financial statements, and any source previously submitted formally to the commission or council  
20 from which the requested data may be obtained, so long as the data or information available  
21 through these sources reflects the most current reporting period.

**§18B-1D-2. Definitions.**

1 [Repealed.]

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

1 [Repealed.]

**§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 [Repealed.]

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

1 [Repealed.]

**§18B-1D-8. Publication of institution and system data.**

1 (a) The purpose of the institutional and statewide data reporting system is to make  
2 information available through the official websites of the commission and council to parents,  
3 students, faculty, staff, state policymakers, and the general public on the quality and performance  
4 of public higher education.

5 (b) The information provided through the reporting system shall be consistent and  
6 comparable between and among state institutions of higher education. If applicable, the  
7 information shall allow for easy comparison with higher education-related data collected and  
8 disseminated by the Southern Regional Education Board, the United States Department of  
9 Education and other education data-gathering and data-disseminating organizations upon which  
10 state policymakers frequently rely in setting policy.

11 (c) The rules required by this article shall provide for the collection, analysis, and  
12 dissemination of information on the performance of the state institutions of higher education,  
13 including health sciences education, in relation to the findings, goals, and objectives set forth in  
14 this article and §18B-1-1a of this code.

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

19 (2) This portion of the rule shall identify various indicators of student and institutional  
20 performance that, at a minimum, must be reported annually, set forth general guidelines for the  
21 collection and reporting of data, and provide for the preparation and publication of the statewide  
22 data and reports.

23 The statewide annual report shall be analysis-driven, rather than simply data-driven, and  
24 shall present information in a format that can inform education policymaking. It shall outline  
25 significant trends, identify major areas of concern, and discuss progress toward meeting state  
26 and system goals and objectives. It shall be brief and concise, reporting required information in  
27 nontechnical language.

28 (d) The statewide data reporting system shall include the data for each separately listed,  
29 applicable indicator identified in the rule promulgated pursuant to subsection (c) of this section  
30 and the aggregate of the data for all public institutions of higher education.

31 (e) A statewide annual report shall be prepared using actual institutional, state, regional,  
32 and national data, as applicable and available, indicating the present performance of the individual  
33 institutions, the governing boards, and the state systems of higher education. The report shall be  
34 based upon information for the current school year or for the most recent school year for which  
35 the information is available, in which case the year shall be clearly noted.

36 (f) The president or chief executive officer of each state institution of higher education shall  
37 prepare and submit annually all requested data to the commission at the times established by the  
38 commission.

39 (g) The higher education central office staff, under the direction of the vice chancellor for  
40 administration, shall provide technical assistance to each institution and governing board in data  
41 collection and reporting and is responsible for assembling the statewide annual report from  
42 information submitted by each governing board.

43 (h) Current data shall be published to the statewide data reporting system prior to January  
44 1 annually. The statewide annual report shall be completed and disseminated with copies to the  
45 Legislative Oversight Commission on Education Accountability prior to January 1 annually, and  
46 the staff of the commission and the council shall prepare a report highlighting specifically the  
47 trends, progress toward meeting goals and objectives, and major areas of concern for public  
48 higher education, including medical education, for presentation to the Legislative Oversight  
49 Commission on Education Accountability annually at the interim meetings in January.

50 (i) The Vice Chancellor for Administration shall make a digital copy of the statewide annual  
51 report available to the public for download from the official websites of the commission and  
52 council.

**ARTICLE 7. PERSONNEL GENERALLY.**

**§18B-7-8. Reporting.**

1 [Repealed.]

## **CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.**

### **ARTICLE 1. FINANCIAL ASSISTANCE GENERALLY.**

#### **§18C-1-1. Legislative findings; purpose; administration generally; reporting.**

1 (a) The Legislature makes the following findings:

2 (1) Although enrollments in institutions of higher education in this state and throughout the  
3 nation continue to increase at a rapid pace, West Virginia has not developed sufficiently the state's  
4 human talent and resources because many able, but needy, students are not able to finance a  
5 higher education program;

6 (2) The state can achieve its full economic and social potential only when the following  
7 elements are in place:

8 (A) Every individual has the opportunity to contribute to the full extent of his or her  
9 capability; and

10 (B) The state assists in removing financial barriers to the individual's education goals that  
11 remain after he or she has used all resources and work opportunities available;

12 (b) The ultimate state goal in providing student financial aid is to create a culture that  
13 values education, to improve the quality of the workforce, and to enhance the quality of life for the  
14 citizens of West Virginia.

15 (c) The vice chancellor for administration has a ministerial duty to administer, oversee,  
16 and monitor all state and federal student financial aid programs administered at the state level in  
17 accordance with established rules under the direction of the commission and council and in  
18 consultation with the Higher Education Student Financial Aid Advisory Board.

19 (d) These programs include, but are not limited to, the following programs:

20 (1) The Guaranteed Student Loan Program, which may be administered by a private  
21 nonprofit agency;

22 (2) The Medical Student Loan Program;

- 23 (3) The Underwood-Smith Teacher Scholarship Program;
- 24 (4) The Engineering, Science and Technology Scholarship Program;
- 25 (5) The West Virginia Higher Education Grant Program;
- 26 (6) The Higher Education Adult Part-Time Student Grant Program;
- 27 (7) The West Virginia Providing Real Opportunities for Maximizing In-State Student
- 28 Excellence (PROMISE) Scholarship Program;
- 29 (8) The Higher Education Student Assistance Loan Program established pursuant to §18-
- 30 22D-1 *et seq.* of this code;
- 31 (9) The West Virginia College Prepaid Tuition and Savings Program established pursuant
- 32 to §18-30-1 *et seq.* of this code, which is administered by the State Treasurer;
- 33 (10) The state aid programs for students of optometry, pursuant to §18C-3-1 *et seq.* of this
- 34 code;
- 35 (11) The state aid programs for students of veterinary medicine pursuant to §18-11-6a of
- 36 this code;
- 37 (12) Any reciprocal program and contract program for student aid established pursuant to
- 38 §18B-4-3 and §18B-4-4 of this code;
- 39 (13) Any other state-level student aid programs in this code; and
- 40 (14) Any federal grant or contract student assistance or support programs administered at
- 41 the state level.
- 42 (e) Notwithstanding any provision of this chapter to the contrary, the Vice Chancellor for
- 43 Administration shall publish comprehensive data to the official websites of the commission and
- 44 council regarding the implementation of the financial aid programs identified in subsection (d) of
- 45 this section which are administered under his or her supervision. A concise summary report shall
- 46 be provided to the commission and the council and shall be presented to the Legislative Oversight
- 47 Commission on Education Accountability no later than January 1 annually. The report shall

- 48 address all financial aid issues for which reports are required in this code, as well as any findings
- 49 and recommendations.

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

*Mark S. Hayward*  
.....  
Chairman, Senate Committee

*Steve Lapsitz*  
.....  
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

*Joe Linn*  
.....  
Clerk of the Senate

*Steve Hays*  
.....  
Clerk of the House of Delegates

*William B. Cannichael*  
.....  
President of the Senate

*Lee Haskins*  
.....  
Speaker of the House of Delegates

OFFICE: WEST VIRGINIA  
SECRETARY OF STATE

2019 MAR 25 P 5:06

FILED

The within *is* approved ..... this the *25<sup>th</sup>* .....  
Day of *March* ..... 2019.

*James O. Eastman*  
.....  
Governor

MAR 22 2019

Time 11:16am