

**WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2515**

BY DELEGATES HOWELL, CLARK, SMITH, CROUSE,  
JENNINGS, FERRELL, PHILLIPS, HONAKER, CANNON,  
LINVILLE AND HOTT

[Passed March 9, 2023; in effect ninety days from passage.]

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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**FILED**

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1 AN ACT to amend and reenact §9-3-1 and §9-3-2 of the Code of West Virginia, 1931, as  
2 amended; to amend and reenact §18B-1B-4; and to amend said code by adding thereto  
3 a new section, designated §21A-10-24, all relating to requiring certain agencies to work  
4 together to create an inventory of occupational and educational resources for certain  
5 persons qualified to receive assistance and to maintain and distribute that document;  
6 requiring that the Bureau for Family Assistance, the Higher Education Policy Commission,  
7 and Workforce West Virginia develop and maintain an inventory of available services and  
8 supports for individuals qualified to receive federal, federal-state, or state assistance and  
9 who wish to obtain a degree, secure workforce training, or reenter the workforce; requiring  
10 the Bureau for Family Assistance, the Higher Education Policy Commission, and  
11 Workforce West Virginia to maintain the document on their websites and to distribute the  
12 document via first-class mail upon request; and eliminating authority of Higher Education  
13 Policy Commission to restrict or regulate the carrying of concealed pistols or revolvers in  
14 certain circumstances.

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

## **CHAPTER 9. HUMAN SERVICES.**

### **ARTICLE 3. APPLICATION FOR AND GRANTING OF ASSISTANCE.**

#### **§9-3-1. Application for and granting of federal-state or federal assistance.**

1 (a) Any person domiciled in this state, who shall make, or have made in his or her behalf,  
2 an application therefor and who is otherwise in all respects qualified to receive the same, shall be  
3 granted federal-state assistance or federal assistance in such form and amount, to such extent,  
4 and for such period, as authorized by applicable federal and state laws, rules and regulations and  
5 as determined by the department in accordance with such laws, rules and regulations and within  
6 limits of available funds.

7 (b) In conjunction with the Higher Education Policy Commission and Workforce West  
8 Virginia, the Bureau for Family Assistance must compile and maintain a list of those services  
9 available to assist and support individuals who are qualified to receive federal, federal-state, or  
10 state assistance and who want to obtain a degree, secure workforce training, or reenter the  
11 workforce. This document must be maintained on the Bureau for Family Assistance's website and  
12 any hard copy requested for this document must be supplied to the person requesting the  
13 information via first-class mail.

**§9-3-2. Application for and granting of state assistance.**

1 (a) Any indigent person domiciled in this state, who shall make, or have made in his or her  
2 behalf, an application therefor and who is otherwise in all respects qualified to receive the same,  
3 shall be granted state assistance in such form and amount, to such extent, and for such period,  
4 as authorized by applicable state laws, rules and regulations of the department and as determined  
5 by the department in accordance with such laws, rules and regulations and within limits of  
6 available funds.

7 (b) In conjunction with the Higher Education Policy Commission and Workforce West  
8 Virginia, the Bureau for Family Assistance must compile and maintain a list of those services  
9 available to assist and support individuals who are qualified to receive federal, federal-state, or  
10 state assistance and who want to obtain a degree, secure workforce training, or reenter the  
11 workforce. This document must be maintained on the Bureau for Family Assistance's website and  
12 any hard copy requested for this document must be supplied to the person requesting the  
13 information via first-class mail.

**CHAPTER 18B. HIGHER EDUCATION.**

**ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.**

**§18B-1B-4. Powers and duties of Higher Education Policy Commission.**

1           (a) The primary responsibility of the commission is to provide shared services in a cost-  
2 effective manner upon request to the state colleges and universities, the West Virginia Council  
3 for Community and Technical College Education, and the community and technical colleges;  
4 undertake certain statewide and regional initiatives as specifically designated in this chapter,  
5 including those related to the administration of grants and scholarships and including those in  
6 conjunction with the council; to review, confirm, or approve certain actions undertaken by  
7 governing boards, as delineated in this chapter; and assist in the development of policy that will  
8 achieve the goals, objectives and priorities found in §18B-1-1a and §18B-1D-1 of this code. The  
9 commission shall exercise its authority and carry out its responsibilities in a manner that is  
10 consistent and not in conflict with the powers and duties assigned by law to the West Virginia  
11 Council for Community and Technical College Education and the powers and duties assigned to  
12 the governing boards. To that end, the commission has the following powers and duties relating  
13 to the governing boards under its jurisdiction:

14           (1) Develop and advance the public policy agenda pursuant to §18B-1D-1 *et seq.* of this  
15 code to address major challenges facing the state, including, but not limited to, the goals,  
16 objectives, and priorities established in this chapter;

17           (2) In conjunction with the council, propose emergency and legislative rules in accordance  
18 with §29A-3A-1 and §18B-1-6 of this code to establish a performance-based funding formula  
19 model the commission and council shall use, beginning in the fiscal year 2024 budget cycle, in  
20 developing their annual budget requests to ensure the fair and equitable distribution and use of  
21 public funds among the state's institutions of higher education, including the statutorily and  
22 administratively exempted schools. This funding formula model shall advance the goals of the  
23 state's postsecondary education system by emphasizing outcomes focused on student success  
24 and institutional mission achievement. The formula shall include a range of variables that shall be  
25 weighted in a manner that corresponds to each institution's mission and provides incentives for  
26 productivity improvements consistent with the goal of strengthening the state's economy and

27 workforce by developing the most competitive and capable graduates in the nation. The rule shall,  
28 at a minimum:

29 (A) Establish a set of objective performance metrics that reflect and support the state's  
30 higher education goals and priorities and the methodology by which those metrics shall be used  
31 in the allocation of state funds;

32 (B) Ensure that a portion of each institution's base appropriation is allocated based on  
33 outcomes achieved over a defined period of time;

34 (C) Incentivize postsecondary program offerings that align with the state's higher  
35 education and workforce development priorities; and

36 (D) Establish safeguards to ensure stability of the funding formula model including, but  
37 not limited to, providing for periodic reviews of and revision to the performance metrics and  
38 funding methodology in addition to accounting for inflation;

39 (3) In collaboration with the council and the governing boards:

40 (A) Build public consensus around and sustain attention to a long-range public policy  
41 agenda. In developing the agenda, the commission and council shall seek input from the  
42 Legislature, the Governor, the governing boards, and the State Board of Education and local  
43 school districts to create the necessary linkages to assure smooth, effective and seamless  
44 movement of students through the public education and post-secondary education systems and  
45 to ensure that the needs of public school courses and programs can be fulfilled by the graduates  
46 produced and the programs offered;

47 (B) Assist governing boards in carrying out their duty effectively to govern the individual  
48 institutions of higher education;

49 (4) Serve as a point of contact to state policymakers:

50 (A) The Governor for the public policy agenda; and

51 (B) The Legislature by maintaining a close working relationship with the legislative  
52 leadership and the Legislative Oversight Commission on Education Accountability;

- 53           (5) Upon request, provide shared services to a state institution of higher education;
- 54           (6) Administer scholarship and grant programs as provided for in this code;
- 55           (7) Establish and implement the benchmarks and performance indicators for state colleges  
56 and universities necessary to measure institutional progress in achieving state policy priorities  
57 and institutional missions pursuant to §18B-1D-7 of this code;
- 58           (8) Establish a formal process for recommending capital investment needs and for  
59 determining priorities for state colleges and universities for these investments for consideration  
60 by the Governor and the Legislature as part of the appropriation request process pursuant to  
61 §18B-19-1 *et seq.* of this code;
- 62           (9) Except the statutorily and administratively exempted schools, develop standards and  
63 evaluate governing board requests for capital project financing in accordance with §18B-19-1 *et*  
64 *seq.* of this code;
- 65           (10) Except the statutorily and administratively exempted schools, ensure that governing  
66 boards manage capital projects and facilities needs effectively, including review and approval of  
67 capital projects, in accordance with §18B-19-1 *et seq.* of this code;
- 68           (11) Acquire legal services as considered necessary, including representation of the  
69 commission, the governing boards, employees, and officers before any court or administrative  
70 body, notwithstanding any other provision of this code to the contrary. The counsel may be  
71 employed either on a salaried basis or on a reasonable fee basis. In addition, the commission  
72 may, but is not required to, call upon the Attorney General for legal assistance and representation  
73 as provided by law;
- 74           (12) Employ a chancellor, and any interim chancellor employed shall meet all criteria  
75 required of the chancellor, pursuant to §18B-1B-5 of this code;
- 76           (13) Employ other staff as necessary and appropriate to carry out the duties and  
77 responsibilities of the commission and the council, in accordance with §18B-4-1 *et seq.* of this  
78 code;

79 (14) Provide suitable offices in Kanawha County for the chancellor, vice chancellors, and  
80 other staff;

81 (15) Approve the total compensation package from all sources for presidents of institutions  
82 under its jurisdiction, except the statutorily exempted schools, as proposed by the governing  
83 boards. The governing boards, except the governing boards of the statutorily exempted schools,  
84 must obtain approval from the commission of the total compensation package both when  
85 institutional presidents are employed initially and afterward when any change is made in the  
86 amount of the total compensation package: *Provided*, That the commission shall receive notice,  
87 but need not approve or confirm, an increase in the compensation of an institutional president  
88 that is exactly in the ratio of compensation increases allocated to all institutional employees and  
89 approved by the governing board to expressly include the president;

90 (16) Assist and facilitate the work of the institutions to implement the policy of the state to  
91 assure that parents and students have sufficient information at the earliest possible age on which  
92 to base academic decisions about what is required for students to be successful in college, other  
93 post-secondary education and careers related, as far as possible, to results from current  
94 assessment tools in use in West Virginia;

95 (17) Approve and implement a uniform standard jointly with the council to determine which  
96 students shall be placed in remedial or developmental courses. The standard shall be aligned  
97 with college admission tests and assessment tools used in West Virginia and shall be applied  
98 uniformly by the governing boards. The chancellors shall develop a clear, concise explanation of  
99 the standard which they shall communicate to the State Board of Education and the state  
100 superintendent of schools;

101 (18) Jointly with the council and in conjunction with the West Virginia Network, support  
102 systemwide technology needs through leveraged consortium purchasing, software, database and  
103 networking support, and other services including, but not limited to, the following:



104 (A) Expanding distance learning and technology networks to enhance teaching and  
105 learning, and promoting access to quality educational offerings with minimum duplication of effort;  
106 and

107 (B) Increasing the delivery of instruction to nontraditional students, providing services to  
108 business and industry, and increasing the management capabilities of the higher education  
109 system.

110 (C) Notwithstanding any other provision of law or this code to the contrary, the council,  
111 commission, and governing boards are not subject to the jurisdiction of the Chief Technology  
112 Officer for any purpose;

113 (19) Propose rules in accordance with §29A-3A-1, *et seq.* and §18B-1-6 of this code to  
114 ensure that, within sound academic policy, a student may transfer and apply toward the  
115 requirements of any postsecondary credential the maximum number of credits earned at any  
116 regionally accredited in-state or out-of-state institution of higher education in a manner that  
117 minimizes the need to repeat courses or incur additional costs. This requirement applies to  
118 transfer processes for all levels of postsecondary programs delivered at community and technical  
119 colleges, baccalaureate-degree-granting institutions, and graduate-degree-granting institutions;

120 (20) Propose rules in accordance with §29A-3A-1, *et seq.* and §18B-1-6 of this code to  
121 develop a program through which a student who has gained knowledge and skills through  
122 employment, participation in education, and training at vocational schools or other education  
123 institutions, or Internet-based education programs, may demonstrate by competency-based  
124 assessment that he or she has the necessary knowledge and skills to be granted academic credit  
125 or advanced placement standing toward the requirements of an associate's degree or a  
126 bachelor's degree at a state institution of higher education;

127 (21) Seek out and attend regional, national, and international meetings and forums on  
128 education and workforce development-related topics as, in the commission's discretion, are  
129 critical for the performance of their duties as members, for the purpose of keeping abreast of

130 education trends and policies to aid it in developing the policies for this state to meet the  
131 established education goals, objectives, and priorities pursuant to §18B-1-1a and §18B-1D-1 *et*  
132 *seq.* of this code;

133 (22) Promulgate and implement a rule for governing boards and institutions to follow when  
134 considering capital projects pursuant to §18B-19-1 *et seq.* of this code, which rule shall provide  
135 for appropriate deference to the value judgments of governing boards and may not apply to the  
136 statutorily or administratively exempted schools;

137 (23) Submit to the appropriate agencies of the executive and legislative branches of state  
138 government an appropriation request that reflects recommended appropriations for the  
139 commission and the governing boards under its jurisdiction including the statutorily and  
140 administratively exempted schools. The commission shall submit as part of its appropriation  
141 request the separate recommended appropriation request it received from the council, both for  
142 the council and for the governing boards under the council's jurisdiction. The commission annually  
143 shall submit the proposed allocations based on the funding formula model required by subdivision  
144 (a)(2) of this section;

145 (24) Promulgate rules allocating reimbursement of appropriations, if made available by the  
146 Legislature, to governing boards for qualifying noncapital expenditures incurred in providing  
147 services to students with physical, learning, or severe sensory disabilities;

148 (25) Pursuant to §29A-3A-1 *et seq.* and §18B-1-6 of this code, promulgate rules necessary  
149 or expedient to fulfill the purposes of this chapter and Chapter 18C of this code;

150 (26) Determine when a joint rule among the governing boards under its jurisdiction is  
151 necessary or required by law and, in those instances, in consultation with the governing boards  
152 under its jurisdiction, promulgate the joint rule;

153 (27) Promulgate and implement a rule jointly with the council whereby course credit  
154 earned at a community and technical college transfers for program credit at any other state  
155 institution of higher education and is not limited to fulfilling a general education requirement;

156 (28) Promulgate a rule pursuant to §18B-10-1 of this code establishing tuition and fee  
157 policy for all governing boards under the jurisdiction of the commission, except the statutorily and  
158 administratively exempted schools. The rule shall include, but is not limited to, the following:

159 (A) Differences among institutional missions;

160 (B) Strategies for promoting student access;

161 (C) Consideration of charges to out-of-state students; and

162 (D) Any other policies as the commission and council consider appropriate;

163 (29) Notwithstanding any other provision of this code to the contrary sell, lease, convey,  
164 or otherwise dispose of all or part of any real property that it owns, in accordance with §18B-19-  
165 1 *et seq.* of this code;

166 (30) Provide policy analysis and research focused on issues affecting institutions of higher  
167 education generally or a geographical region thereof;

168 (31) Develop and approve institutional mission definitions except for the statutorily and  
169 administratively exempted schools: *Provided*, That the commission may use funds appropriated  
170 by the Legislature for incentive funds to influence institutional behavior in ways that are consistent  
171 with public priorities, including the statutorily and administratively exempted schools;

172 (32) Review and approve academic programs for governing boards under its jurisdiction,  
173 except the statutorily and administratively exempted schools. The review and approval includes  
174 use of institutional missions as a template to judge the appropriateness of both new and existing  
175 programs and the authority to implement needed changes.

176 (A) The commission's authority to review and approve academic programs for the  
177 statutorily and administratively exempted schools is limited to programs that are proposed to be  
178 offered at a new location not presently served by that institution: *Provided*, That West Virginia  
179 University and the West Virginia University Institute of Technology are subject to the commission's  
180 authority as provided in §18B-1C-2 of this code.

181 (B) In reviewing and approving academic programs, the commission shall focus on the  
182 following policy concerns:

183 (i) New programs may not be implemented which change the institutional mission, unless  
184 the institution also receives approval for expanding the institutional mission;

185 (ii) New programs which require significant additional expense investments for  
186 implementation may not be implemented unless the institution demonstrates that:

187 (I) The expenses shall be addressed by effective reallocations of existing institutional  
188 resources; or

189 (II) The expenses can be legitimately spread out over future years and shall be covered  
190 by reasonably anticipated additional net revenues from new enrollments;

191 (iii) A new undergraduate program which is significantly similar to an existing program  
192 already in the geographic service area may not be implemented unless the institution requesting  
193 the new program demonstrates a compelling need in the service area that is not being met by the  
194 existing program: *Provided*, That the academic programs of the statutorily and administratively  
195 exempted schools are not to be taken into consideration except as it relates to academic programs  
196 offered at West Virginia University in Beckley and West Virginia University Institute of Technology  
197 in Beckley.

198 (C) The commission shall approve or disapprove proposed academic degree programs in  
199 those instances where approval is required as soon as practicable. The commission shall  
200 maintain by rule a format model by which a new program approval shall be requested by an  
201 institution. When a request for approval of a new program is submitted to the commission, the  
202 chancellor shall provide notice within two weeks as to whether the submission meets the required  
203 format, and if it does not the chancellor shall identify each specific deficiency and return the  
204 request to the institution. The institution may refile the request for approval with the commission  
205 to address any identified deficiencies. Within 30 days after the chancellor's confirmation that the

206 request meets the required format, the commission shall either approve or disapprove the request  
207 for the new program. The commission may not withhold approval unreasonably.

208 (33) Distribute funds appropriated to the commission, including incentive and  
209 performance-based funds;

210 (34) Administer state and federal student aid programs under the supervision of the vice  
211 chancellor for administration, including promulgation of rules necessary to administer those  
212 programs;

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

215 (36) Develop and distribute information, assessment, accountability and personnel  
216 systems for state colleges and universities, including maintaining statewide data systems that  
217 facilitate long-term planning and accurate measurement of strategic outcomes and performance  
218 indicators;

219 (37) Jointly with the council, promulgate and implement rules for licensing and oversight  
220 for both public and private degree-granting and nondegree-granting institutions that provide post-  
221 secondary education courses or programs in the state. The council has authority and  
222 responsibility for approval of all post-secondary courses or programs providing community and  
223 technical college education as defined in §18B-1-2 of this code;

224 (38) Develop, facilitate, and oversee statewide and regional projects and initiatives related  
225 to providing post-secondary education at the baccalaureate level and above such as those using  
226 funds from federal categorical programs or those using incentive and performance-based funds  
227 from any source;

228 (39) (A) For all governing boards under its jurisdiction, except for the statutorily exempted  
229 schools, review institutional operating budgets, review and approve capital budgets, and distribute  
230 incentive and performance-based funds.

231 (B) For the governing boards of the statutorily exempted schools, the commission shall  
232 distribute incentive and performance-based funds and may review and comment upon the  
233 institutional operating budgets and capital budgets. The commission's comments, if any, shall be  
234 made part of the governing board's minute record and shall be filed with the Legislative Oversight  
235 Commission on Education Accountability;

236 (40) Provide information, research, and recommendations to state colleges and  
237 universities relating to programs and vocations with employment rates greater than 90 percent  
238 within six months post-graduation; and

239 (41) Provide information, research, and recommendations to state colleges and  
240 universities on coordinating with the West Virginia State Board of Education about complimentary  
241 programs.

242 (b) In addition to the powers and duties provided in this section and any other powers and  
243 duties assigned to it by law, the commission has other powers and duties necessary or expedient  
244 to accomplish the purposes of this chapter and Chapter 18C of this code: *Provided*, That the  
245 provisions of this subsection do not shift management authority from the governing boards to the  
246 commission.

247 (c) The commission may withdraw specific powers of a governing board under its  
248 jurisdiction for a period not to exceed two years, if the commission determines that either of the  
249 following conditions exist:

250 (1) The commission has received information, substantiated by independent audit, of  
251 significant mismanagement or failure to carry out the powers and duties of the governing board  
252 according to state law; or

253 (2) Other circumstances which, in the view of the commission, severely limit the capacity  
254 of the governing board to exercise its powers or carry out its duties and responsibilities.

255           The commission may not withdraw specific powers for a period exceeding two years.  
256 During the withdrawal period, the commission shall take all steps necessary to reestablish sound,  
257 stable and responsible institutional governance.

258           (d) On or after July 1, 2024, nothing in this section authorizes the commission to restrict  
259 or regulate the carrying of a concealed pistol or revolver by a person who holds a current and  
260 valid license to carry a concealed deadly weapon except as expressly authorized in §18B-4-5b of  
261 this code.

262           (e) In conjunction with Workforce West Virginia and the Bureau for Family Assistance, the  
263 Higher Education Policy Commission must compile and maintain a list of those services available  
264 to assist and support individuals who are qualified to receive federal, federal-state, or state  
265 assistance and who want to obtain a degree, secure workforce training, or reenter the workforce.  
266 This document must be maintained on the Higher Education Policy Commission's website, and  
267 any hard copy requested for this document must be supplied to the person requesting the  
268 information via first-class mail.

## **CHAPTER 21A. UNEMPLOYMENT COMPENSATION.**

### **ARTICLE 10. UNEMPLOYMENT COMPENSATION.**

#### **§21A-10-24. List of services and support available to individuals who are qualified to receive federal, federal-state, or state assistance.**

1           (a) In conjunction with the Higher Education Policy Commission and the Bureau for Family  
2 Assistance, Workforce West Virginia must compile and maintain a list of those services available  
3 to assist and support individuals who are qualified to receive federal, federal-state, or state  
4 assistance and who want to obtain a degree, secure workforce training, or reenter the workforce.  
5 This document must be maintained on Workforce West Virginia's website, and any hard copy  
6 requested for this document must be supplied to the person requesting the information via first-  
7 class mail.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

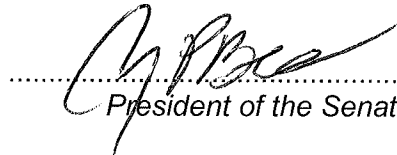
  
Clerk of the House of Delegates

  
Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

  
Speaker of the House of Delegates

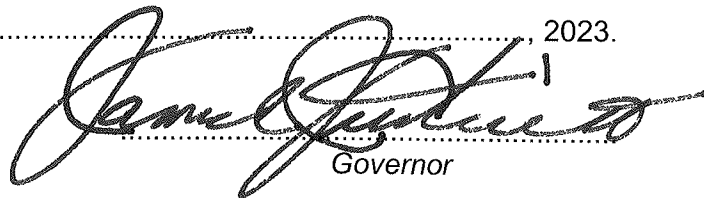
  
President of the Senate

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2023 MAR 29 P 1:10

FILED

The within is approved this the 29<sup>th</sup>  
Day of March, 2023.

  
Governor



PRESENTED TO THE GOVERNOR

MAR 21 2023

Time 3:10pm