

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

House Bill 3441

BY DELEGATE ELLINGTON

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

1 AN ACT to amend and reenact §18B-1D-9 of the Code of West Virginia, 1931, as amended, all
2 relating to revising the training requirements for members of the Higher Education Policy
3 Commission, the Council for Community and Technical College Education, and the
4 institutional governing boards; requiring that the chancellor of the commission and the
5 chancellor of the council develop a comprehensive orientation and training program for
6 members of the commission, council and the institutional governing boards and ongoing
7 educational opportunities for the ongoing members of those governing bodies; setting forth
8 requirements for new member training; clarifying ongoing member training requirements;
9 allowing for alternative training under certain circumstances; removing reporting
10 requirement to the Legislative Oversight Commission on Education Accountability; and
11 making technical changes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1D. HIGHER EDUCATION ACCOUNTABILITY.

§18B-1D-9. Commission, council, and institutional governing board training and development; training and development requirements, applicability and exceptions.

1 (a) The Chancellor for higher education and the chancellor for community and technical
2 college education, as those terms are defined in §18B-1-2 of this code, or their designees, shall
3 develop a comprehensive orientation and training program for new members of the commission,
4 the council, and the institutional governing boards and continuing education opportunities for all
5 ongoing members of those bodies, hereinafter referred to as "governing bodies."

6 (b) Training and development is required as follows:

7 (1) *New Members*: The orientation and training offered to new members of the governing
8 bodies shall comprise six hours of instruction time and shall include, but not be limited to:

9 (A) Information concerning the roles of the governing bodies and their members;

10 (B) The state goals for higher education set forth in §18B-1-1a of this code;

11 (C) The higher education accountability system established in §18B-1D-1, *et seq.* of this
12 code;

13 (D) The fiduciary duties and responsibilities of the governing bodies;

14 (E) Legal considerations including statutory duties, authorities, and responsibilities of the
15 governing bodies and open records and open meetings requirements;

16 (F) Ethical considerations arising from membership on a governing body, including the
17 provisions of the West Virginia Governmental Ethics Act set forth in §6B-1-1, *et seq.* of this code;

18 (G) The removal and replacement provisions of members of governing bodies as
19 established in §6-6-5 and §6-6-6 of this code; and

20 (H) The circumstances under which the commission or the council, as appropriate, may
21 withdraw specific powers from the institutional governing boards, as set forth in §18B-1B-4 and
22 §18B-2B-6 of this code.

23 (2) The six hours of orientation and training provided to new members of the governing
24 bodies may be completed in one block or broken up over the member's first year of service:
25 *Provided*, That the new governing body member completes the full six hours of training within
26 twelve months of his or her appointment to the governing body.

27 (3) *Ongoing members* – With the exception of the ex officio members of the commission
28 and the council and the student member of a governing board, beginning the second year of the
29 member's service on a governing body, each member shall complete at least four hours of training
30 and development related to his or her duties each full fiscal year following his or her appointment.

31 (4) *Alternate training* – The chancellors may grant credit for training, professional
32 development, or continuing education developed or delivered by an institution of higher education
33 or a third-party training provider: *Provided*, That the chancellors or their designees determine that
34 the training meets the requirements for governing body member training established by this
35 section.

36 (c) Annually, by July 31, the chairs of the commission, the council, and each governing
37 board shall certify to the chancellors the number of hours of training and development that each
38 member of their respective governing body received during the preceding fiscal year.

39 (d) If the certification indicates that a member of a governing body has not completed the
40 training and development required by this section, the appropriate chancellor shall send a notice
41 to the affected board member and his or her governing body and to the Governor and the
42 Secretary of State, or to the institutional appointing entity, that the member of the governing body
43 is disqualified from continued service notwithstanding the provisions of §6-6-5 and §6-6-6 of this
44 code. The commission or council, as appropriate, shall request the Governor or appointing entity
45 to appoint a replacement for that governing body member.

46 (e) As used in this section, "member" means all members of the commission, council and
47 the governing boards unless a specific exception is provided in this section.

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

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2023.

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Governor