

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 3068**

4 (By Delegates Perry, M. Poling, Pino, Boggs, Fragale,
5 Skaff, Guthrie, Hatfield, Sigler, Staggers and Walker)

6 (Originating in the Committee on Finance)

7 [February 25, 2011]

8
9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new article, designated §18B-1E-1, §18B-1E-2,
12 §18B-1E-3 and §18B-1E-4, all relating to West Virginia
13 University Institute of Technology, West Virginia University,
14 the Higher Education Policy Commission, defining certain
15 terms; establishing a revitalization project and plan; stating
16 legislative findings, purpose and intent; and requiring
17 certain reports.

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

19 That the Code of West Virginia, 1931, as amended, be amended
20 by adding thereto a new article, designated §18B-1E-1, §18B-1E-2,
21 §18B-1E-3 and §18B-1E-4, all to read as follows:

22 **ARTICLE 1E. WEST VIRGINIA UNIVERSITY INSTITUTE OF TECHNOLOGY**

23 **REVITALIZATION PROJECT.**

24 **§18B-1E-1. Definitions.**

25 When used in this article the following words have the
26 meanings ascribed to them unless the context clearly indicates a

1 different meaning:

2 (a) "Center of excellence" means an academic program or group
3 of programs located within a particular state institution, division
4 or branch campus that is addressed in the institution's compact and
5 recognized by the institution, its governing board, administrators,
6 faculty and staff as having gained a significant degree of regional
7 or national acclaim for high quality and public service.

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

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

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

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

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

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

26 (h) "WV-CURE" means the task force created pursuant to section

1 three, article one-c of this chapter.

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

5 (j) "WVU-Tech" means West Virginia University Institute of
6 Technology, a division of West Virginia University.

7 **§18B-1E-2. Legislative purpose, findings and intent.**

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

17 (b) Findings.--

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

1 fully-integrated division of West Virginia University.

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

8 (3) Both its traditional strength and its unique opportunity
9 for future growth and service lie in its focus on STEM education,
10 particularly in undergraduate engineering and technology, in which
11 it has been a leader for nearly sixty years.

12 (4) The student-centered programs, combined with small classes
13 and individualized instruction, provide undergraduates with
14 opportunities for hands-on research and cooperative work
15 experiences that usually are available only to graduate students.

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

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

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

1 2009.

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

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

11 (B) According to the WV-CURE report submitted by WV-CURE in
12 2008, West Virginia faces many of the same challenges in preparing
13 and recruiting STEM professionals as the rest of the country, but
14 in addition has unique challenges related to its population
15 demographics and geography.

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

20 (c) Legislative intent. --

21 (1) It is the intent of the Legislature in establishing the
22 revitalization project to encourage WVU-Tech to build upon its
23 tradition of high-quality, student-centered STEM education, to
24 assist the institution to reach its full potential as a center of
25 excellence and a positive force for economic development and
26 cultural enrichment within the community and state, to implement

1 certain recommendations from the WV-CURE report and to create a
2 successful policy model that state decision makers may employ in
3 other areas where state institutions of higher education struggle
4 to overcome similar problems. The revitalization project shall
5 serve as a laboratory in which to identify problems, research
6 solutions and implement those programs and procedures that best
7 meet the intent of this article.

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

17 **§18B-1E-3. Revitalization Project and Plan; Plan approval**
18 **required.**

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

23 (b) On the effective date of this section, the commission
24 shall initiate a study and draw upon the expertise of groups both
25 internal and external to West Virginia to take advantage of the
26 services of national organizations specializing in institutional

1 renewal. The commission shall bear the costs of the study.

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

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

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

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

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

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

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

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

24 (d) The study also shall include consideration of the
25 following recommendations drawn from the WV-CURE report:

26 (1) Creating and maintaining a forum for meaningful

1 interaction between and among the K-12 and professional communities
2 to define better the needs of the STEM stakeholders at each level
3 of the education and early career process. The forum may help to
4 ensure smoother transitions for students at each step and thereby
5 increase student retention and graduation rates. A cooperative
6 approach with the public schools in the institution's service area
7 may serve as means to increase students' interest and familiarize
8 them with the STEM programs WVU-Tech offers;

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

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

19 (4) Diversifying the types of students who pursue STEM
20 education and careers by developing strategic initiatives focused
21 on recruiting and retaining traditionally under-represented groups;

22 (5) Pursuing the goals set forth in section three, article
23 one-c of this chapter to increase West Virginia's capacity for high
24 quality engineering instruction and research; increase access to
25 high quality instruction and research opportunities in STEM
26 disciplines; and stimulate economic development by increasing the

1 number of professional engineers available to business and
2 industry;

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

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

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

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

22 (2) Recommending a process for establishing WVU-Tech as a
23 center of excellence in STEM education with particular emphasis on
24 undergraduate engineering and technology, areas in which the
25 institution has earned a high degree of regional and national
26 recognition for excellence. The purpose of the center of

1 excellence is to enable the institution to concentrate its
2 resources on providing state-of-the-art post-secondary education
3 opportunities in a limited number of areas in which the institution
4 excels. The center of excellence approach promotes effective
5 teaching and learning through education, training, research and
6 information dissemination. All parties involved in identifying and
7 developing the center of excellence bring to the partnership their
8 special expertise of strategic importance to the program and,
9 ultimately, to the citizens of West Virginia;

10 (3) Benchmarks in the following areas:

11 (A) Enrollment;

12 (B) Retention and graduation;

13 (C) Capital improvements and building renovations/demolitions;

14 (D) Athletics, auxiliaries, and other nonacademic units;

15 (E) Fundraising and alumni development;

16 (F) Academic restructure and program development;

17 (G) Marketing and outreach;

18 (H) Remedial and developmental education;

19 (I) Innovative academic initiatives that can be piloted at
20 WVU-Tech with the opportunity for diffusion across the systems of
21 higher education;

22 (J) Transfer and articulation partnerships with other
23 institutions in the state systems of higher education; and

24 (K) Grants, contracts, and externally sponsored research; and

25 (4) A process whereby WVU-Tech may request and receive moneys
26 from the pool of appropriated funds.

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

7 **§18B-1E-4. Plan implementation; legislative intent; oversight;**
8 **reporting.**

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

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

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

25 (d) By December 1, 2012, and annually thereafter until all
26 appropriated funds have been expended, the Chancellor shall report

1 to LOCEA on the allocation of funds. Additionally, the Chancellor
2 shall provide regular updates to LOCEA, as necessary or requested,
3 to keep members informed of the progress made in implementing the
4 purposes and intent of this article and the components of the
5 revitalization plan.

6 (e) By May 1, 2014, the commission and governing board shall
7 provide to LOCEA a detailed summary of all revitalization project
8 activities undertaken to date. This report also shall include
9 recommendations for alterations to the revitalization plan and the
10 goals of the revitalization project and may include recommended
11 options for governance changes including independent status for the
12 institution.