

COMMITTEE SUBSTITUTE

FOR

H. B. 3068

(BY DELEGATES PERRY, M. POLING, PINO, BOGGS, FRAGALE,
SKAFF, GUTHRIE, HATFIELD, SIGLER, STAGGERS AND WALKER)

(Originating in the Committee on Finance)
[February 25, 2011]

A BILL 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, 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
2 meanings ascribed to them unless the context clearly
3 indicates a different meaning:

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

11 (b) “Chancellor” means the chief executive officer
12 employed by the commission.

13 (c) “Governing board” means the board of governors for
14 West Virginia University established pursuant to section one,
15 article two-a of this chapter.

16 (d) “LOCEA” means the Legislative Oversight
17 Commission on Education Accountability established
18 pursuant to section eleven, article three-a, chapter twenty-
19 nine-a of this code.

20 (e) “Revitalization plan” means the implementation
21 process developed pursuant to section three of this article.

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

28 (g) “STEM” mean areas of study in science, technology,
29 engineering and mathematics.

30 (h) “WV-CURE” means the task force created pursuant
31 to section three, article one-c of this chapter.

32 (i) “WV-CURE report” means the findings and
33 recommendations contained in the final document submitted
34 to the Legislature pursuant to section three, article one-c of
35 this chapter.

36 (j) “WVU-Tech” means West Virginia University
37 Institute of Technology, a division of West Virginia
38 University.

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

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

11 (b) Findings.--

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

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

30 (3) Both its traditional strength and its unique opportunity
31 for future growth and service lie in its focus on STEM
32 education, particularly in undergraduate engineering and
33 technology, in which it has been a leader for nearly sixty
34 years.

35 (4) The student-centered programs, combined with small
36 classes and individualized instruction, provide
37 undergraduates with opportunities for hands-on research and
38 cooperative work experiences that usually are available only
39 to graduate students.

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

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

45 (i) The average retention rate for the state system as a
46 whole, calculated from the fall semester in 2008 to the fall
47 semester of 2009, the most recent period for which data are
48 available, is seventy-three percent. Twenty-seven students

49 out of every one hundred who were enrolled in a state
50 institution of higher education in 2008 did not return for the
51 fall semester in 2009.

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

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

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

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

73 (c) Legislative intent. --

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

88 (2) It is further the intent of the Legislature to promote
89 institutional stability at WVU-Tech by keeping the
90 governance structure of the institution unchanged until the
91 report required in section four of this article is received in
92 2014. Throughout the WVU-Tech revitalization process, the
93 governing board retains statutory control of the institution.
94 Except for authority otherwise granted by statute, this article
95 extends the commission's authority only to those items
96 identified in the revitalization plan and funded by legislative
97 appropriation therefor.

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

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

5 (b) On the effective date of this section, the commission
6 shall initiate a study and draw upon the expertise of groups
7 both internal and external to West Virginia to take advantage

8 of the services of national organizations specializing in
9 institutional renewal. The commission shall bear the costs of
10 the study.

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

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

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

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

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

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

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

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

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

38 (1) Creating and maintaining a forum for meaningful
39 interaction between and among the K-12 and professional
40 communities to define better the needs of the STEM
41 stakeholders at each level of the education and early career
42 process. The forum may help to ensure smoother transitions
43 for students at each step and thereby increase student
44 retention and graduation rates. A cooperative approach with
45 the public schools in the institution's service area may serve

46 as means to increase students' interest and familiarize them
47 with the STEM programs WVU-Tech offers;

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

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

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

63 (5) Pursuing the goals set forth in section three, article
64 one-c of this chapter to increase West Virginia's capacity for

65 high quality engineering instruction and research; increase
66 access to high quality instruction and research opportunities
67 in STEM disciplines; and stimulate economic development
68 by increasing the number of professional engineers available
69 to business and industry;

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

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

80 (e) Based upon the research and findings of the study, the
81 Chancellor shall coordinate the development of a
82 revitalization plan to implement the purpose and intent of this
83 article. The revitalization plan shall serve to guide the

84 distribution of all funds appropriated by the Legislature and
85 targeted to the Revitalization Project. The revitalization plan
86 shall include, but is not limited to, the following elements:

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

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

- 104 (3) Benchmarks in the following areas:
- 105 (A) Enrollment;
- 106 (B) Retention and graduation;
- 107 (C) Capital improvements and building
- 108 renovations/demolitions;
- 109 (D) Athletics, auxiliaries, and other nonacademic units;
- 110 (E) Fundraising and alumni development;
- 111 (F) Academic restructure and program development;
- 112 (G) Marketing and outreach;
- 113 (H) Remedial and developmental education;
- 114 (I) Innovative academic initiatives that can be piloted at
- 115 WVU-Tech with the opportunity for diffusion across the
- 116 systems of higher education;
- 117 (J) Transfer and articulation partnerships with other
- 118 institutions in the state systems of higher education; and
- 119 (K) Grants, contracts, and externally sponsored research;
- 120 and
- 121 (4) A process whereby WVU-Tech may request and
- 122 receive moneys from the pool of appropriated funds.

123 (f) The findings, conclusions and recommendations of the
124 study, together with the revitalization plan for
125 implementation, shall be reported to the commission and the
126 governing board by September 1, 2011. The revitalization
127 plan shall be delivered to LOCEA no later than September 1,
128 2011, and LOCEA shall consider the proposed plan and
129 approve or disapprove by September 30, 2011.

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

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

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

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

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

27 (e) By May 1, 2014, the commission and governing
28 board shall provide to LOCEA a detailed summary of all

29 revitalization project activities undertaken to date. This
30 report also shall include recommendations for alterations to
31 the revitalization plan and the goals of the revitalization
32 project and may include recommended options for
33 governance changes including independent status for the
34 institution.