

ENROLLED

Senate Bill No. 486

(BY SENATORS LAIRD, TUCKER, PLYMALE, KESSLER (ACTING PRESIDENT), UNGER,
HELMICK, BROWNING, STOLLINGS, MCCABE, WELLS AND MILLER)

[Passed March 7, 2011; in effect from passage.]

AN ACT 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 and 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 or
5 group of programs located within a particular state institu-
6 tion, 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
10 for high quality and public service.

11 (b) “Chancellor” means the chief executive officer em-
12 ployed 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 Commission
17 on Education Accountability established pursuant to section
18 eleven, article three-a, chapter twenty-nine-a of this code.

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

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

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

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

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

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

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

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

10 (b) *Findings.*—

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

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

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

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

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

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

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

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

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

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

66 (C) Due to its unique history and geographical location,
67 WVU-Tech provides the ideal laboratory in which to develop

68 a successful model to address these challenges through the
69 revitalization plan created pursuant to section three of this
70 article.

71 (c) *Legislative intent.* —

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

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

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

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 advan-
8 tage 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 emerging
14 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 develop-
22 ment;

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

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

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

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

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

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

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

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

62 (5) Pursuing the goals set forth in section three, article one-
63 c of this chapter to increase West Virginia's capacity for high
64 quality engineering instruction and research; increase access
65 to high quality instruction and research opportunities in
66 STEM disciplines; and stimulate economic development by
67 increasing the number of professional engineers available to
68 business and industry;

69 (6) Exploring opportunities for collaborations between
70 institutions to increase the access to high quality programs

71 while reducing the overall expenditure per student in high
72 cost disciplines; and

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

79 (e) Based upon the research and findings of the study, the
80 Chancellor shall coordinate the development of a revitaliza-
81 tion plan to implement the purpose and intent of this article.
82 The revitalization plan shall serve to guide the distribution
83 of all funds appropriated by the Legislature and targeted to
84 the Revitalization Project. The revitalization plan shall
85 include, but is not limited to, the following elements:

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

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

103 (3) Benchmarks in the following areas:

104 (A) Enrollment;

- 105 (B) Retention and graduation;
- 106 (C) Capital improvements and building renovations/
107 demolitions;
- 108 (D) Athletics, auxiliaries, and other nonacademic units;
- 109 (E) Fundraising and alumni development;
- 110 (F) Academic restructure and program development;
- 111 (G) Marketing and outreach;
- 112 (H) Remedial and developmental education;
- 113 (I) Innovative academic initiatives that can be piloted at
114 WVU-Tech with the opportunity for diffusion across the
115 systems of higher education;
- 116 (J) Transfer and articulation partnerships with other
117 institutions in the state systems of higher education; and
- 118 (K) Grants, contracts, and externally sponsored research;
119 and
- 120 (4) A process whereby WVU-Tech may request and receive
121 moneys from the pool of appropriated funds.
- 122 (f) The findings, conclusions and recommendations of the
123 study, together with the revitalization plan for implementa-
124 tion, shall be reported to the commission and the governing
125 board by September 1, 2011. The revitalization plan shall be
126 delivered to LOCEA no later than September 1, 2011, and
127 LOCEA shall consider the proposed plan and approve or
128 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-
3 Tech 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. There-
7 fore, as funds are available, it is the intent of the Legislature
8 to make appropriations to the commission to support the
9 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 all
20 appropriated funds have been expended, the Chancellor shall
21 report to LOCEA on the allocation of funds. Additionally,
22 the Chancellor shall provide regular updates to LOCEA, as
23 necessary or requested, to keep members informed of the
24 progress made in implementing the purposes and intent of
25 this article and the components of the revitalization plan.

26 (e) By May 1, 2014, the commission and governing board
27 shall provide to LOCEA a detailed summary of all revitaliza-
28 tion project activities undertaken to date. This report also
29 shall include recommendations for alterations to the revital-
30 ization plan and the goals of the revitalization project and
31 may include recommended options for governance changes
32 including independent status for the institution.

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

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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Acting President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2011.

.....
Governor

