

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4723

BY DELEGATES STATLER, HOWELL, HAMRICK, HANSHAW

(MR. SPEAKER), AND SKAFF

[Introduced February 15, 2022; Referred to the
Committee on Education then Finance]

1 A BILL to repeal §18B-2A-7a of the Code of West Virginia, 1931, as amended; to amend and
2 reenact §18B-1-2 of said code; to amend and reenact §18B-1B-6 of said code; to amend
3 and reenact §18B-2A-1 of said code; to amend and reenact §18B-3C-8 and §18B-3C-13
4 of said code, and to amend said code by adding thereto a new section, designated §18B-
5 3C-13a, all relating to public higher education governance; making Pierpont Community
6 and Technical College a fully integrated division of Fairmont State University known as
7 the Pierpont College of Community and Technical Education on July 1, 2023; increasing
8 the number of members of the Fairmont State Board of Governors to fifteen persons;
9 requiring the appointment by the Governor of at least one member on the Fairmont State
10 University Board of Governors who has knowledge and practical experience in community
11 and technical education; providing for two faculty members on the Fairmont State
12 University Board of Governors at least one of which shall be from the faculty of the
13 Pierpont College of Community and Technical Education elected by the faculty senate;
14 providing that the administrative head of the Pierpont College of Community and Technical
15 Education shall be a dean appointed by the President of Fairmont State University;
16 providing that the chairman of the Fairmont State University Board of Governors shall
17 appoint an advisory board to advise the Fairmont State University Board of Governors on
18 matters relating to the community and technical college curriculum; providing that the
19 members of the advisory board shall elect a chairperson on or after July 1, 2023, who shall
20 be an ex-officio, voting member of the Fairmont State University Board of Governors;
21 providing that the operating budget of Pierpont Community and Technical College is
22 integrated under the authority and jurisdiction of the Fairmont State University Board of
23 Governors; transferring all financial assets and liabilities from the authority of Pierpont
24 Community and Technical College Board of Governors to the authority of the Fairmont
25 State University Board of Governors; satisfying existing outstanding deficits or financial
26 obligations prior to the unification of Fairmont State University and Pierpont Community

27 and Technical College; continuing any capital debt service payment of Pierpont
 28 Community and Technical College and making it the responsibility of the Fairmont State
 29 University Board of Governors; transferring titles to all real property, facilities, and
 30 equipment of, as well as each valid agreement undertaken by Pierpont Community and
 31 Technical College to the Fairmont State University Board of Governors; vesting title of all
 32 property purchased for the use of Pierpont Community and Technical College in the
 33 Fairmont State University Board of Governors; making faculty, classified employees, and
 34 nonclassified employees of Pierpont Community and Technical College employees of
 35 Fairmont State University; providing for a transition period to achieve full accreditation by
 36 the Higher Learning Commission; requiring reports to the Council for Community and
 37 Technical College Education and the Legislative Oversight Commission on Education
 38 Accountability; clarifying that the Council for Community and Technical College Education
 39 shall retain jurisdiction over the academic programming offered by the Pierpont College of
 40 Community and Technical Education; providing for transition team oversight with a sunset
 41 date, authorizing Fairmont State University to begin the change of control accreditation
 42 review process with the Higher Learning Commission on July 1, 2022; updating certain
 43 state institution of higher education names; repealing outdated language; and deleting
 44 obsolete language.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GOVERNANCE.

§18B-1-2. Definitions.

1 The following words when used in this chapter and chapter 18C of this code have the
 2 meanings ascribed to them unless the context clearly indicates a different meaning:

3 ~~“Administratively linked community and technical college” means a state institution of~~
 4 ~~higher education delivering community and technical college education and programs which has~~
 5 ~~maintained a contractual agreement to receive essential services from another accredited state~~

6 ~~institution of higher education prior to July 1, 2008;~~

7 “Advanced technology center” means a facility established under the direction of an
8 ~~independent~~ a community and technical college or the council for the purpose of implementing
9 and delivering education and training programs for high-skill, high-performance 21st-century
10 workplaces;

11 “Approve” or “approval”, when used in reference to action by the commission or the
12 council, means action in which the governance rationale of a governing board under its jurisdiction
13 is given due consideration, and the action of the commission is to additionally establish whether
14 the proposed institutional action is consistent with law and established policy and is an appropriate
15 advancement of the public interest;

16 ~~“Board of visitors” means the advisory board previously appointed for the West Virginia~~
17 ~~Graduate College, and the advisory board previously appointed for West Virginia University~~
18 ~~Institute of Technology, which provide guidance to the Marshall University Graduate College and~~
19 ~~West Virginia University Institute of Technology, respectively;~~

20 “Broker” or “brokering” means serving as an agent on behalf of students, employers,
21 communities, or responsibility areas to obtain education services not offered at that institution.
22 These services include courses, degree programs, or other services contracted through an
23 agreement with a provider of education services either in-state or out of state;

24 “Chancellor” means the Chancellor for Higher Education where the context refers to a
25 function of the Higher Education Policy Commission. “Chancellor” means the Chancellor for
26 Community and Technical College Education where the context refers to a function of the West
27 Virginia Council for Community and Technical College Education;

28 “Chancellor for Community and Technical College Education” means the chief executive
29 officer of the West Virginia Council for Community and Technical College Education employed
30 pursuant to §18B-2B-3 of this code;

31 “Chancellor for Higher Education” means the chief executive officer of the Higher

32 Education Policy Commission employed pursuant to §18B-1B-5 of this code;

33 “Collaboration” means entering into an agreement with one or more providers of education
34 services in order to enhance the scope, quality, or efficiency of education services;

35 “Community and technical college,” in the singular or plural, means the free-standing
36 community and technical colleges and other state institutions of higher education which deliver
37 community and technical college education. This definition includes Blue Ridge Community and
38 Technical College, BridgeValley Community and Technical College, Eastern West Virginia
39 Community and Technical College, Mountwest Community and Technical College, New River
40 Community and Technical College, Pierpont Community and Technical College, Southern West
41 Virginia Community and Technical College, West Virginia Northern Community and Technical
42 College, and West Virginia University at Parkersburg: Provided, That on and after July 1, 2023,
43 Pierpont Community and Technical College shall be a division of Fairmont State University;

44 “Community and technical college education” means the programs, faculty,
45 administration, and funding associated with the delivery of community and technical college
46 education programs;

47 “Community and technical college education program” means any college-level course or
48 program beyond the high school level provided through a public institution of higher education
49 resulting in or which may result in a two-year associate degree award including an associate of
50 arts, an associate of science, and an associate of applied science; certificate programs and skill
51 sets; developmental education; continuing education; collegiate credit and noncredit workforce
52 development programs; and transfer and baccalaureate parallel programs. All programs are
53 under the jurisdiction of the council. Any reference to “post-secondary vocational education
54 programs” means community and technical college education programs as defined in this
55 subdivision;

56 “Confirm” or “confirmation”, when used in reference to action by the commission, means
57 action in which substantial deference is allocated to the governing authority of a governing board

58 under its jurisdiction and the action of the commission is to review whether the proposed
59 institutional action is consistent with law and established policy;

60 "Council" means the West Virginia Council for Community and Technical College
61 Education created by §18B-2B-1 *et seq.* of this code;

62 "Division" means a community and technical college which is fully integrated with a four-
63 year institution of higher education in this state and no longer operates as a free-standing,
64 independent community and technical college;

65 "Dual credit course" or "dual enrollment course" means a credit-bearing college-level
66 course offered in a high school by a state institution of higher education for high school students
67 in which the students are concurrently enrolled and receiving credit at the secondary level;

68 "Essential conditions" means those conditions which shall be met by community and
69 technical colleges as provided in §18B-3C-3 of this code;

70 ~~"Exempted schools"~~ or "Statutorily exempted schools" means West Virginia University,
71 including West Virginia University Potomac State College and West Virginia University Institute
72 of Technology; Marshall University; and the West Virginia School of Osteopathic Medicine;

73 "Governing boards" or "boards" means the institutional boards of governors created by
74 §18B-2A-1 of this code;

75 "Higher Education Policy Commission", "policy commission" or "commission" means the
76 commission created by §18B-1B-1 of this code;

77 "Independent community and technical college" means a state institution of higher
78 education under the jurisdiction of the council, which is independently accredited, is governed by
79 its own independent governing board, and may not be operated as a branch or off-campus
80 location of any other state institution of higher education. This definition includes Blue Ridge
81 Community and Technical College, BridgeValley Community and Technical College, Eastern
82 West Virginia Community and Technical College, Mountwest Community and Technical College,
83 New River Community and Technical College, Pierpont Community and Technical College,

84 Southern West Virginia Community and Technical College, West Virginia Northern Community
85 and Technical College; and West Virginia University at Parkersburg: Provided, That on and after
86 July 1, 2023, Pierpont Community and Technical College shall be a division of Fairmont State
87 University;

88 “Institutional operating budget” or “operating budget” means for any fiscal year an
89 institution’s total unrestricted education and general funding from all sources, including, but not
90 limited to, tuition and fees and legislative appropriation, and any adjustments to that funding as
91 approved by the commission or council based on comparisons with peer institutions or to reflect
92 consistent components of peer operating budgets;

93 “Rule” or “rules” means a regulation, standard, policy, or interpretation of general
94 application and future effect;

95 ~~“Sponsoring institution” means a state institution of higher education that maintained an~~
96 ~~administrative link to a community and technical college providing essential services prior to July~~
97 ~~1, 2008. This definition includes institutions whose governing boards had under their jurisdiction~~
98 ~~a community and technical college, regional campus, or a division delivering community and~~
99 ~~technical college education and programs;~~

100 “State college and university” means Bluefield State College, Concord University,
101 Fairmont State University, Glenville State College, Shepherd University, West Liberty University,
102 or West Virginia State University;

103 “State institution of higher education” means any university, college, or community and
104 technical college under the jurisdiction of a governing board as that term is defined in this section;

105 “Statewide network of independently accredited community and technical colleges” or
106 “community and technical college network” means the state institutions of higher education under
107 the jurisdiction of the West Virginia Council for Community and Technical College Education
108 which are independently accredited, each governed by its own independent governing board, and
109 each having a core mission of providing affordable access to and delivering high quality

110 community and technical education in every region of the state; and

111 “Vice chancellor for administration” means the person employed in accordance with §18B-
112 4-2 of this code. Any reference in this chapter or chapter 18C of this code to “senior administrator”
113 means vice chancellor for administration.

ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.

§18B-1B-6. Appointment of institutional presidents; evaluation.

1 (a) *Appointment of institutional presidents.* — Appointment of presidents of the state
2 institutions of higher education, except the statutorily exempted schools, shall be made as follows:

3 (1) The initial contract term for a president may not exceed two years. At the end of the
4 initial contract period, and subject to the provisions of subsection (c) of this section, the governing
5 board may offer the president a contract of longer duration, but not to exceed five years.

6 (2) The president of a state institution of higher education serves at the will and pleasure
7 of the appointing governing board.

8 (3) The governing boards of the following institutions appoint a president: Bluefield State
9 College, Concord University, Fairmont State University, Glenville State College, Shepherd
10 University, West Liberty University and West Virginia State University, West Virginia University,
11 Marshall University, and the West Virginia School of Osteopathic Medicine.

12 (4) Subject to the approval of the council, the governing board of the community and
13 technical college appoints a president for Blue Ridge Community and Technical College,
14 BridgeValley Community and Technical College, Eastern West Virginia Community and Technical
15 College, Mountwest Community and Technical College, New River Community and Technical
16 College, Pierpont Community and Technical College, Southern West Virginia Community and
17 Technical College, West Virginia Northern Community and Technical College and West Virginia
18 University at Parkersburg: Provided, That on and after July 1, 2023, Pierpont Community and
19 Technical College shall be a division of Fairmont State University.

20 (b) *Other appointments.* — The President of West Virginia University appoints a campus

21 president to be the administrative head of Potomac State College of West Virginia University and
22 a campus president to be the administrative head of West Virginia University Institute of
23 Technology.

24 (c) *Evaluation of presidents.* —

25 (1) The appointing governing board shall conduct written performance evaluations of the
26 institution's president. Evaluations shall be done at the end of the initial contract period and in
27 every third year of employment as president thereafter, recognizing unique characteristics of the
28 institution and using institutional personnel including classified employees if any are employed by
29 the institution, boards of advisors as appropriate, staff of the appropriate governing board, and
30 persons knowledgeable in higher education matters who are not otherwise employed by a
31 governing board. A part of the evaluation shall be a determination of the success of the institution
32 in meeting ~~the requirements of its institutional compact and in achieving~~ the goals, objectives, and
33 priorities established in §18B-1-1 et seq. and §18B-1D-1 et seq. of this code.

34 (2) After reviewing the evaluations, the governing board shall decide by majority vote of
35 its members on continuing employment and the compensation level for the president in
36 accordance with subsection (a) of this section.

37 (d) The legislative rules of the commission and council promulgated in accordance with
38 §18B-1-6 and §29A-3A-1 et seq. of this code which are in effect on January 1, 2014, continue in
39 effect unless amended or repealed. The rules provide guidance for the governing boards, but are
40 not applicable to the statutorily or administratively exempted ~~or the administratively exempted~~
41 ~~schools~~, in filling vacancies in the office of president in accordance with this chapter and shall
42 include, but are not limited to, clarifying the powers, duties and roles of the governing boards,
43 commission, council, and chancellors in the presidential appointment process.

ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.

**§18B-2A-1. Findings; composition of boards; terms and qualification of members;
vacancies; eligibility for reappointment.**

1 (a) Findings. –

2 The Legislature finds that the State of West Virginia is served best when the membership
3 of each governing board includes the following:

4 (1) The academic expertise and institutional experience of faculty members and a student
5 of the institution governed by the board;

6 (2) The technical or professional expertise and institutional experience of a classified
7 employee or, as appropriate, nonclassified employee of the institution governed by the board;

8 (3) An awareness and understanding of the issues facing the institution governed by the
9 board; and

10 (4) The diverse perspectives that arise from a membership that is balanced in terms of
11 gender and varied in terms of race and ethnic heritage.

12 (b) Boards of governors established. –

13 A board of governors is continued at each of the following institutions: Bluefield State
14 College, Blue Ridge Community and Technical College, ~~Bridgmont~~ BridgeValley Community and
15 Technical College, Concord University, Eastern West Virginia Community and Technical College,
16 Fairmont State University, Glenville State College, ~~Kanawha Valley Community and Technical~~
17 ~~College~~ Mountwest Community and Technical College, Marshall University, New River
18 Community and Technical College, Pierpont Community and Technical College, Shepherd
19 University, Southern West Virginia Community and Technical College, West Liberty University,
20 West Virginia Northern Community and Technical College, the West Virginia School of
21 Osteopathic Medicine, West Virginia State University, West Virginia University and West Virginia
22 University at Parkersburg: Provided, That the Board of Governors of Pierpont Community and
23 Technical College is hereby abolished as of July 1, 2023: Provided, however, That the members
24 of the Board of Governors of Pierpont Community and Technical College serving on June 30,
25 2023, shall become the initial advisory board of Pierpont College of Community and Technical
26 Education of Fairmont State University until June 30, 2024: And provided further, That the

27 members of the initial advisory board shall elect a chairperson on or after July 1, 2023, to serve
28 until June 30, 2024.

29 (c) Board membership. –

30 (1) An appointment to fill a vacancy on the board or reappointment of a member who is
31 eligible to serve an additional term is made in accordance with the provisions of this section.

32 (2) The board of governors for Marshall University consists of 16 persons. The board of
33 governors for West Virginia University consists of 17 persons. The Board of Governors for
34 Fairmont State University consists of 15 persons. The boards of governors of the other state
35 institutions of higher education consist of 12 persons.

36 (3) Each board of governors includes the following members:

37 (A) A full-time member of the faculty with the rank of instructor or above duly elected by
38 the faculty of the respective institution.

39 (B) A member of the student body in good academic standing, enrolled for college credit
40 work and duly elected by the student body of the respective institution; and

41 (C) A member from the institutional classified employees duly elected by the classified
42 employees of the respective institution or, if the respective institution does not have classified
43 employees, a member from the institutional nonclassified employees duly elected by the
44 nonclassified employees of the respective institution.

45 (4) For the Board of Governors at Marshall University, 13 lay members appointed by the
46 Governor, by and with the advice and consent of the Senate, pursuant to this section;

47 (5) For the Board of Governors at West Virginia University, 12 lay members appointed by
48 the Governor, by and with the advice and consent of the Senate, pursuant to this section, and
49 additionally:

50 (A) The chairperson of the Board of Visitors of West Virginia University Institute of
51 Technology; and

52 (B) A full-time faculty member representing the extension service at the institution or a full-

53 time faculty member representing the health sciences, selected by the faculty senate.

54 (6) For the Board of Governors at Fairmont State University, 10 lay members appointed
55 by the Governor, by and with the advice and consent of the Senate, pursuant to this section,
56 including at least one member with experience in employment of graduates trained in community
57 and technical education, and additionally:

58 (A) The chair of the Advisory Board of the Pierpont College of Community and Technical
59 Education; and

60 (B) A full-time faculty member representing the Pierpont College of Community and
61 Technical Education, selected by the faculty senate.

62 ~~(6)~~(7) For each board of governors of the other state institutions of higher education, nine
63 lay members appointed by the Governor, by and with the advice and consent of the Senate,
64 pursuant to this section.

65 (A) Of the nine members appointed by the Governor, no more than five may be of the
66 same political party. Of the 13 members appointed by the Governor to the governing board of
67 Marshall University, no more than eight may be of the same political party. Of the 12 members
68 appointed by the Governor to the governing board of West Virginia University, no more than seven
69 may be of the same political party. Of the ten members appointed by the Governor to the
70 governing board of Fairmont State University, no more than six may be of the same political party.

71 (B) Of the nine members appointed by the Governor, at least 5 shall be residents of the
72 state. Of the 13 members appointed by the Governor to the governing board of Marshall
73 University, at least eight shall be residents of the state. Of the 12 members appointed by the
74 Governor to the governing board of West Virginia University, at least seven shall be residents of
75 the state. Of the ten members appointed by the Governor to the governing board of Fairmont
76 State University, at least six shall be residents of the state.

77 ~~(7)~~ (8) In making lay appointments, the Governor shall consider the institutional mission
78 and membership characteristics including the following:

79 (A) The need for individual skills, knowledge and experience relevant to governing the
80 institution;

81 (B) The need for awareness and understanding of institutional problems and priorities,
82 including those related to research, teaching and outreach;

83 (C) The value of gender, racial and ethnic diversity; and

84 (D) The value of achieving balance in gender and diversity in the racial and ethnic
85 characteristics of the lay membership of each board.

86 (d) Board member terms. –

87 (1) The student member serves for a term of one year. Each term begins on July 1.

88 (2) The faculty ~~members serve~~ members serves for a term of two years. Each term begins
89 on July 1. Faculty members are eligible to succeed themselves for three additional terms, not to
90 exceed a total of eight consecutive years.

91 (3) The member representing classified employees or, as appropriate, nonclassified
92 employees serves for a term of two years. Each term begins on July 1. Members representing
93 classified employees or, as appropriate, nonclassified employees are eligible to succeed
94 themselves for three additional terms, not to exceed a total of eight consecutive years.

95 (4) The appointed lay citizen members serve terms of four years each and are eligible to
96 succeed themselves for no more than one additional term, except that citizen members who are
97 appointed to fill unexpired terms are eligible to succeed themselves for two full terms after
98 completing an unexpired term.

99 (5) A vacancy in an unexpired term of a member shall be filled for the unexpired term
100 within 30 days of the occurrence of the vacancy in the same manner as the original appointment
101 or election. Except in the case of a vacancy, all elections are held and all appointments are made
102 no later than June 30 preceding the commencement of the term. Each board of governors shall
103 elect one of its appointed lay members to be chairperson in June of each year. A member may
104 not serve as chairperson for more than four consecutive years.

105 ~~(6) The appointed members of the boards of governors serve staggered terms of up to~~
106 ~~four years except that four of the initial appointments to the governing boards of community and~~
107 ~~technical colleges that became independent July 1, 2008, are for terms of two years and five of~~
108 ~~the initial appointments are for terms of four years.~~

109 (e) Board member eligibility, expenses. –

110 (1) A person is ineligible for appointment to membership on a board of governors of a state
111 institution of higher education under the following conditions:

112 (A) For a baccalaureate institution or university, a person is ineligible for appointment who
113 is an officer, employee or member of any other board of governors within this state; an employee
114 of any institution of higher education within this state; an officer or member of any political party
115 executive committee; the holder of any other public office or public employment under the
116 government of this state or any of its political subdivisions; an employee of any affiliated research
117 corporation created pursuant to ~~article twelve of this chapter~~ §18B-12-1 et seq. of this code; an
118 employee of any affiliated foundation organized and operated in support of one or more state
119 institutions of higher education; or a member of the council or commission: Provided, That if an
120 appointee is an employee or board member of an out-of-state higher education institution, there
121 is no apparent conflict of interest caused by the individual serving in both capacities. This
122 subsection does not prevent the representative from the faculty, classified employees or, as
123 appropriate, nonclassified employees, students or the superintendent of a county board of
124 education from being members of the governing boards.

125 (B) For a community and technical college, a person is ineligible for appointment who is
126 an officer, employee or member of any other board of governors within this state; ~~a member of a~~
127 ~~board of visitors of any public institution of higher education~~; an employee of any institution of
128 higher education within this state; an officer or member of any political party executive committee;
129 the holder of any other public office, other than an elected county office, or public employment,
130 other than employment by the county board of education, under the government of this state or

131 any of its political subdivisions; an employee of any affiliated research corporation created
132 pursuant to §18B-12-1 et seq. of this code; an employee of any affiliated foundation organized
133 and operated in support of one or more state institutions of higher education; or a member of the
134 council or commission: *Provided*, That if an appointee is an employee or board member of an out-
135 of-state higher education institution, there is no apparent conflict of interest caused by the
136 individual serving in both capacities. This subsection does not prevent the representative from
137 the faculty, classified employees or, as appropriate, nonclassified employees or students from
138 being members of the governing boards.

139 (2) Before exercising any authority or performing any duties as a member of a governing
140 board, each member shall qualify as such by taking and subscribing to the oath of office
141 prescribed by section five, article IV of the Constitution of West Virginia and the certificate thereof
142 shall be filed with the Secretary of State.

143 (3) A member of a governing board appointed by the Governor may not be removed from
144 office by the Governor except for official misconduct, incompetence, neglect of duty or gross
145 immorality and then only in the manner prescribed by law for the removal of the state elective
146 officers by the Governor.

147 (4) The members of the board of governors serve without compensation, but are
148 reimbursed for all reasonable and necessary expenses actually incurred in the performance of
149 official duties under this article upon presentation of an itemized sworn statement of expenses.

150 (5) The president of the institution shall make available resources of the institution for
151 conducting the business of its board of governors. All expenses incurred by the board of governors
152 and the institution under this section are paid from funds allocated to the institution for that
153 purpose.

§18B-2A-7a. Transfer of orders, resolutions, policies and rules, obligations, etc.

1 [Repealed].

ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.

§18B-3C-8. Legislative findings and intent; statewide network of independently accredited community and technical colleges; operations and administration.

2 (a) Legislative findings. --

3 ~~(1) The Legislature has enacted legislation, beginning with Enrolled Senate Bill No. 653,~~
 4 ~~passed during the two thousand regular session, and continuing with Enrolled Senate Bill No.~~
 5 ~~703, passed during the two thousand one regular session, Enrolled House Bill No. 2224, passed~~
 6 ~~during the two thousand three regular session, and Enrolled Senate Bill No. 448, passed during~~
 7 ~~the two thousand four regular session, the purpose of which is to strengthen the state's community~~
 8 ~~and technical colleges, clarify their core mission and establish essential conditions to be met, and~~
 9 ~~ensure the most effective delivery of services to business, industry, and West Virginia citizens in~~
 10 ~~every region of the state.~~

11 ~~(2)~~ (1) The primary goal of the Legislature is to create a statewide network of
 12 independently accredited community and technical colleges that focuses on technical education,
 13 work force training, and ~~lifelong learning for the Twenty-first Century~~ ensure the most effective
 14 delivery of services to business, industry, and West Virginia citizens in every region of the state,
 15 consistent with the goals, objectives, priorities and essential conditions established in ~~articles one,~~
 16 ~~one-d and three-c of this chapter~~ §§18B-1-1 et seq., 18B-1D-1, et seq., and 18B-3C-1 et seq. of
 17 this code.

18 ~~(3)~~(2) A necessary precedent to accomplishing the legislative goal is to change the way
 19 that leaders at all levels of education, including institutional governing boards, view community
 20 and technical colleges. Specifically, that the mission of community and technical colleges is
 21 different from that of traditional four-year colleges in what they seek to accomplish and how they
 22 can achieve it effectively and that the state cannot compete successfully in today's information-
 23 driven, technology-based economy if community and technical colleges continue to be viewed as
 24 add-ons or afterthoughts attached to the baccalaureate institutions.

25 (b) Legislative intent. --

26 (1) Therefore, it is the intent of the Legislature that the statewide network of independently-
27 accredited community and technical colleges as a whole and each independent community and
28 technical college individually provide the following types of services as part of the core institutional
29 mission:

30 (A) Career and technical education certificate, associate of applied science, and selected
31 associate of science degree programs for students seeking immediate employment, individual
32 entrepreneurship skills, occupational development, skill enhancement and career mobility;

33 (B) Transfer education associate of arts and associate of science degree programs for
34 students whose educational goal is to transfer into a baccalaureate degree program with particular
35 emphasis on reaching beyond traditional college-age students to unserved or underserved adult
36 populations;

37 (C) Developmental/remedial education courses, tutorials, skills development labs, and
38 other services for students who need to improve their skills in mathematics, English, reading,
39 study skills, computers and other basic skill areas;

40 (D) Work force development education contracted with business and industry to train or
41 retrain employees;

42 (E) Continuing development assistance and education credit and noncredit courses for
43 professional and self-development, certification and licensure, and literacy training; and

44 (F) Community service workshops, lectures, seminars, clinics, concerts, theatrical
45 performances, and other noncredit activities to meet the cultural, civic, and personal interests and
46 needs of the community the institution serves.

47 (2) It is further the intent of the Legislature that each community and technical college
48 focus special attention on programmatic delivery of their core mission services to unserved and
49 underserved populations to achieve established state objectives. These include the following as
50 highest priorities:

51 (A) Increasing the number of adults age ~~twenty-five~~ 25 and above who participate in

52 postsecondary education;

53 (B) Developing technical programs that meet the documented occupational needs of West
54 Virginia's employers;

55 (C) Providing work force development programs by implementing the Adult Career
56 Pathways Model, which provides opportunities for the following:

57 (i) Adults to earn certifications through the completion of skill-sets;

58 (ii) Ordered progression from skill-sets and certifications to one-year certificate programs
59 and progression from one-year certificate degrees to Associate of Applied Science Degree
60 programs, and

61 (iii) Students to exit at any stage of completion in order to enter employment with the option
62 of continuing the pathway progression at a later time and/or on a part-time basis.

63 (D) Offering programs in various time frames other than the traditional semester delivery
64 model and at different locations, including work sites, convenient to working adults;

65 (E) Providing technical programs in modules or "chunks," defined in competencies
66 required for employment and tied to certification and licensing requirements.

67 (F) Entering into collaborative programs that recognize high-quality training programs
68 provided through labor unions, registered apprenticeships, and industry-sponsored training
69 programs with the goal of enabling more adults to earn a college credential;

70 (G) Developing innovative approaches to improve the basic and functional literacy rates
71 of West Virginians in all regions of the state;

72 (H) Developing "bridge programs" for disadvantaged youth and adults to enable them to
73 acquire the skills necessary to be successful in education and training programs that lead to high-
74 skills, high-wage jobs; and

75 (I) Providing access to postsecondary education through the delivery of developmental
76 education for those individuals academically under-prepared for college-level work.

77 (c) In fulfillment of the purposes and intent defined in subsections (a) and (b) of this

78 section, there is continued a statewide network of independently accredited community and
 79 technical colleges serving every region of the state. Each free-standing and independent
 80 community and technical college is strongly encouraged to serve as a higher education center for
 81 its region by brokering with other colleges, universities and providers, in-state and out-of-state,
 82 both public and private, to afford the most coordinated access to needed programs and services
 83 by students, employers and other clients, to achieve the goals, objectives, and essential
 84 conditions established in ~~articles one, one-d, and three-c of this chapter~~ §18B-1-1 et seq., §18B-
 85 1D-1 et seq., and §18B-3C-1 et seq. of this code, and to ensure the most efficient use of scarce
 86 resources.

87 (d) Statewide network of independently accredited community and technical colleges. --

88 ~~(1) By July 1, 2009, each governing board of a community and technical college which~~
 89 ~~became independent on July 1, 2008, shall make a determination by majority vote of the board~~
 90 ~~whether to keep the current name for its respective institution or to select a new name. If a~~
 91 ~~governing board chooses to select a new name, any reference in this code to that institution by a~~
 92 ~~name in use prior to July 1, 2009, means the institution under the name designated by its board~~
 93 ~~of governors.~~

94 ~~(2)~~ The statewide network of independently accredited community and technical colleges
 95 is comprised of the following independent state institutions of higher education under the
 96 jurisdiction of the council:

97 ~~(A)~~(1) Blue Ridge Community and Technical College. --

98 Blue Ridge Community and Technical College is an independently accredited state
 99 institution of higher education. The president and the governing board of the community and
 100 technical college are responsible for maintaining independent accreditation and adhering to the
 101 essential conditions pursuant to ~~section three of this article~~ §18B-3C-3 of this code.

102 ~~(B)~~(2) ~~Bridgement~~ BridgeValley Community and Technical College. --

103 ~~(i)~~(A) ~~Bridgement~~ BridgeValley Community and Technical College is an independently

104 accredited state institution of higher education which may maintain an association with West
105 Virginia University Institute of Technology, a division of West Virginia University, or directly with
106 West Virginia University, subject to the provisions of ~~section twelve of this article~~ §18B-3C-12 of
107 this code. The president and the governing board of the community and technical college are
108 responsible for maintaining independent accreditation and adhering to the essential conditions
109 pursuant to ~~section three of this article~~ §18B-3C-3 of this code.

110 ~~(ii)~~(B) West Virginia University Institute of Technology may continue associate degree
111 programs in areas of particular institutional strength which are closely articulated to its
112 baccalaureate programs and missions or which are of a high-cost nature and can best be provided
113 in direct coordination with a baccalaureate institution. Any such program shall be delivered under
114 the authority of the council and through contract with the community and technical college. The
115 terms of the contract shall be negotiated between the governing boards of the community and
116 technical college and West Virginia University Institute of Technology or directly with West Virginia
117 University, as appropriate. The final contract may not be implemented until approved by the
118 council except that any contract between the community and technical college and West Virginia
119 University Institute of Technology or West Virginia University related to program delivery under
120 the terms of this section in effect on July 1, 2008, shall continue in effect until July 1, 2009, unless
121 amended or revoked before that date by mutual agreement of the contract parties with approval
122 by the council. Such a program shall be evaluated according to the benchmarks and indicators
123 for community and technical college education developed by the council. If the council determines
124 that the program is making insufficient progress toward accomplishing the benchmarks, the
125 program shall thereafter be delivered by the community and technical college.

126 ~~(iii)~~(C) Dual credit course delivery agreements. --

127 ~~(i)~~(i) Nothing in this article alters or abrogates any agreement in place on the effective date
128 of this section between West Virginia University Institute of Technology and ~~Bridgement~~
129 BridgeValley Community and Technical College relating to delivery of dual credit courses as

130 defined in ~~section two, article one of this chapter~~ §18B-1-2 of this code;

131 ~~(H)~~(ii) The community and technical college may deliver technical courses that are part of
132 a certificate or associate degree program as early entrance or dual credit courses for high school
133 students; and

134 ~~(H)~~(iii) Subject to an agreement between the baccalaureate institution and the community
135 and technical college, the latter may deliver early entrance and dual credit courses as defined in
136 section two, article one of this chapter to students in high schools which are not served by the
137 baccalaureate institution.

138 ~~(G)~~(3) Eastern West Virginia Community and Technical College. -

139 Eastern West Virginia Community and Technical College is an independently accredited
140 ~~free-standing state institution of higher education seeking independent accreditation~~. The
141 president and the governing board of Eastern Community and Technical College are responsible
142 for ~~achieving~~ maintaining independent accreditation and adhering to the essential conditions
143 pursuant to ~~section three of this article~~ §18B-3C-3 of this code.

144 ~~(D)~~(4) Mountwest Community and Technical College. --

145 ~~(i)~~(A) Mountwest Community and Technical College is an independently accredited state
146 institution of higher education which may maintain an association with Marshall University subject
147 to the provisions of ~~section twelve of this article~~ §18B-3C-12 of this code. The president and the
148 governing board of the community and technical college are responsible for maintaining
149 independent accreditation and adhering to the essential conditions pursuant to ~~section three of~~
150 ~~this article~~ §18B-3C-3 of this code.

151 ~~(ii)~~(B) Marshall University may continue associate degree programs in areas of particular
152 institutional strength which are closely articulated to its baccalaureate programs and missions or
153 which are of a high-cost nature and can best be provided in direct coordination with a
154 baccalaureate institution. Any such program shall be delivered under the authority of the council
155 and through contract with Mountwest Community and Technical College. The terms of the

156 contract shall be negotiated between the governing boards of the community and technical
157 college and Marshall University. The final contract may not be implemented until approved by the
158 council except that any contract between the community and technical college and Marshall
159 University related to program delivery under the terms of this section in effect on July 1, 2008,
160 shall continue in effect until July 1, 2009, unless amended or revoked before that date by mutual
161 agreement of the contract parties with approval by the council. Such a program shall be evaluated
162 according to the benchmarks and indicators for community and technical college education
163 developed by the council. If the council determines that the program is making insufficient
164 progress toward accomplishing the benchmarks, the program shall thereafter be delivered by
165 Mountwest Community and Technical College.

166 ~~(iii)~~(C) Dual credit course delivery agreements. --

167 ~~(i)~~(i) Nothing in this article alters or abrogates any agreement in place on the effective date
168 of this section between Marshall University and Mountwest Community and Technical College
169 relating to delivery of dual credit courses as defined in ~~section two, article one of this chapter~~
170 §18B-2-1 of this code;

171 ~~(ii)~~(ii) The community and technical college may deliver technical courses that are part of
172 a certificate or associate degree program as early entrance or dual credit courses for high school
173 students; and

174 ~~(iii)~~(iii) Subject to an agreement between the baccalaureate institution and the community
175 and technical college, the latter may deliver early entrance and dual credit courses as defined in
176 ~~section two, article one of this chapter~~ §18B-2-1 of this code to students in high schools which are
177 not served by the baccalaureate institution.

178 ~~(E)~~(5) New River Community and Technical College. --

179 ~~(i)~~(A) New River Community and Technical College is an independently accredited state
180 institution of higher education which may maintain an association with Bluefield State College
181 subject to the provisions of ~~section twelve of this article~~ §18B-3C-12 of this code. The community

182 and technical college is headquartered in or near Beckley and incorporates the campuses of
183 Greenbrier Community College Center of New River Community and Technical College and
184 Nicholas Community College Center of New River Community and Technical College.

185 (ii)(B) The president and the governing board of New River Community and Technical
186 College are responsible for maintaining independent accreditation and adhering to the essential
187 conditions pursuant to ~~section three of this article~~ §18B-3C-3 of this code.

188 (iii)(C) Bluefield State College may continue associate degree programs in areas of
189 particular institutional strength which are closely articulated to its baccalaureate programs and
190 missions or which are of a high-cost nature and can best be provided through direct coordination
191 with a baccalaureate institution. Any such program shall be delivered under the authority of the
192 council and through contract with the community and technical college. The terms of the contract
193 shall be negotiated between the governing boards of the community and technical college and
194 Bluefield State College. The final contract may not be implemented until approved by the council
195 except that any contract between the community and technical college and Bluefield State College
196 related to program delivery under the terms of this section in effect on July 1, 2008, shall continue
197 in effect until July 1, 2009, unless amended or revoked before that date by mutual agreement of
198 the contract parties with approval by the council. Such a program shall be evaluated according to
199 the benchmarks and indicators for community and technical college education developed by the
200 council. If the council determines that the program is making insufficient progress toward
201 accomplishing the benchmarks, the program shall thereafter be delivered by New River
202 Community and Technical College.

203 (iv)(D) Bluefield State College may continue the associate of science degree in nursing
204 which is an existing nationally accredited associate degree program in an area of particular
205 institutional strength and which is closely articulated to the baccalaureate program and mission.
206 The program is of a high-cost nature and can best be provided through direct administration by a
207 baccalaureate institution. This program may not be transferred to New River Community and

208 Technical College or any other community and technical college as long as the program maintains
209 national accreditation and is seamlessly coordinated into the baccalaureate program at the
210 institution.

211 ~~(v)~~(E) New River Community and Technical College participates in the planning and
212 development of a unified effort involving multiple providers to meet the documented education
213 and work force development needs in the region. Nothing in this subdivision prohibits or limits any
214 existing, or the continuation of any existing, affiliation between ~~Mountain State University~~, West
215 Virginia University Institute of Technology and West Virginia University. The objective is to assure
216 students and employers in the area that there is coordination and efficient use of resources among
217 the separate programs and facilities, existing and planned, in the Beckley area.

218 ~~(F)~~(6) Pierpont Community and Technical College. --

219 ~~(i)~~(A) ~~Pierpont Community and Technical College is an independent state institution of~~
220 ~~higher education seeking independent accreditation. The president and the governing board of~~
221 ~~Pierpont Community and Technical College, assisted by the president and governing board of~~
222 ~~Fairmont State University, are responsible for the community and technical college achieving~~
223 ~~independent accreditation and adhering to the essential conditions pursuant to sections three and~~
224 ~~thirteen of this article~~

225 ~~(ii)~~ Effective July 1, 2023, Pierpont Community and Technical College is a fully integrated
226 division of Fairmont State University. may continue associate degree programs in areas of
227 particular institutional strength which are closely articulated to their baccalaureate programs and
228 missions or which are of a high-cost nature and can best be provided in direct coordination with
229 a baccalaureate institution. Any such program shall be delivered under the authority of the council
230 and through contract with the community and technical college. The terms of the contract shall be
231 negotiated between the council and the governing board of Fairmont State University. The final
232 contract may not be implemented until approved by the council except that any contract between
233 the community and technical college and Fairmont State University related to program delivery

234 ~~under the terms of this section in effect on July 1, 2008, shall continue in effect until July 1, 2009,~~
235 ~~unless amended or revoked before that date by mutual agreement of the contract parties with~~
236 ~~approval by the council. Such a program shall be evaluated according to the benchmarks and~~
237 ~~indicators for community and technical college education developed by the council. Such a~~
238 ~~program shall be evaluated according to the benchmarks and indicators for community and~~
239 ~~technical college education developed by the council. If the council determines that the program~~
240 ~~is making insufficient progress toward accomplishing the benchmarks, the program shall~~
241 ~~thereafter be delivered by the community and technical college.~~

242 (iii) (B) Dual credit course delivery agreements. --

243 ~~(i)~~ (i) Nothing in this article alters or abrogates any agreement in place on the effective date
244 of this section between Fairmont State University and Pierpont Community and Technical College
245 relating to delivery of dual credit courses as defined in ~~section two, article one of this chapter~~
246 §18B-1-2 of this code;

247 ~~(ii)~~ (ii) The community and technical college may deliver technical courses that are part of
248 a certificate or associate degree program as early entrance or dual credit courses for high school
249 students; and

250 ~~(iii)~~ (iii) Subject to an agreement between the baccalaureate institution and the community
251 and technical college, the latter may deliver early entrance and dual credit courses as defined in
252 ~~section two, article one of this chapter~~ §18B-1-2 of this code to students in high schools. ~~which~~
253 ~~are not served by the baccalaureate institution.~~

254 ~~(7)~~ (7) Southern West Virginia Community and Technical College. -- Southern West
255 Virginia Community and Technical College is an independently-accredited, ~~free-standing~~ state
256 institution of higher education. The president and the governing board of Southern West Virginia
257 Community and Technical College are responsible for maintaining independent accreditation and
258 adhering to the essential conditions pursuant to ~~section three of this article~~ §18B-3C-3 of this
259 code.

260 ~~(H)(8)~~ West Virginia Northern Community and Technical College. -- West Virginia Northern
261 Community and Technical College is an independently-accredited, ~~free-standing~~ state institution
262 of higher education. The president and the governing board of the community and technical
263 college are responsible for maintaining independent accreditation and adhering to the essential
264 conditions pursuant to ~~section three of this article~~ §18B-3C-3 of this code.

265 ~~(I) Kanawha Valley Community and Technical College. --~~

266 ~~(i) Kanawha Valley State Community and Technical College is an independently~~
267 ~~accredited state institution of higher education which may maintain an association with West~~
268 ~~Virginia State University subject to the provisions of section twelve of this article. The president~~
269 ~~and the governing board of the community and technical college are responsible for maintaining~~
270 ~~independent accreditation and adhering to the essential conditions pursuant to section three of~~
271 ~~this article.~~

272 ~~(ii) West Virginia State University may continue associate degree programs in areas of~~
273 ~~particular institutional strength which are closely articulated to its baccalaureate programs and~~
274 ~~missions or which are of a high-cost nature and can best be provided in direct coordination with~~
275 ~~a baccalaureate institution. Any such program shall be delivered under the authority of the council~~
276 ~~and through contract with the community and technical college. The terms of the contract shall be~~
277 ~~negotiated between the governing boards of the community and technical college and West~~
278 ~~Virginia State University. The final contract may not be implemented until approved by the council~~
279 ~~except that any contract between the community and technical college and West Virginia State~~
280 ~~University related to program delivery under the terms of this section in effect on July 1, 2008,~~
281 ~~shall continue in effect until July 1, 2009, unless amended or revoked before that date by mutual~~
282 ~~agreement of the contract parties with approval by the council. Such a program shall be evaluated~~
283 ~~according to the benchmarks and indicators for community and technical college education~~
284 ~~developed by the council. If the council determines that the program is making insufficient~~
285 ~~progress toward accomplishing the benchmarks, the program shall thereafter be delivered by the~~

286 ~~community and technical college.~~

287 ~~(iii) Dual credit course delivery agreements. --~~

288 ~~(I) Nothing in this article alters or abrogates any agreement in place on the effective date~~
289 ~~of this section between West Virginia State University and Kanawha Valley Community and~~
290 ~~Technical College relating to delivery of dual credit courses as defined in section two, article one~~
291 ~~of this chapter;~~

292 ~~(II) The community and technical college may deliver technical courses that are part of a~~
293 ~~certificate or associate degree program as early entrance or dual credit courses for high school~~
294 ~~students; and~~

295 ~~(III) Subject to an agreement between the baccalaureate institution and the community~~
296 ~~and technical college, the latter may deliver early entrance and dual credit courses as defined in~~
297 ~~section two, article one of this chapter to students in high schools which are not served by the~~
298 ~~baccalaureate institution.~~

299 ~~(J)(9) West Virginia University at Parkersburg. --~~

300 ~~(i)(A) West Virginia University at Parkersburg is an independently accredited state~~
301 ~~institution of higher education which may maintain an association with West Virginia University~~
302 ~~subject to the provisions of section twelve of this article §18B-3C-12 of this code. The president~~
303 ~~and the governing board of the community and technical college are responsible for maintaining~~
304 ~~independent accreditation and adhering to the essential conditions pursuant to section three of~~
305 ~~this article §18B-3C-3 of this code.~~

306 ~~(ii)(B) Any contract between the community and technical college and West Virginia~~
307 ~~University related to program delivery under the authority of the council or related to delivery of~~
308 ~~baccalaureate programs in effect on July 1, 2008 shall continue in effect unless amended or~~
309 ~~revoked by mutual agreement of the contract parties with approval by the council.~~

310 ~~(iii)(C) In recognition of the unique and essential part West Virginia University at~~
311 ~~Parkersburg plays in providing education services in its region, the community and technical~~

312 college may continue delivering baccalaureate degree programs offered at the institution on the
 313 effective date of this section, may implement additional baccalaureate programs with the approval
 314 of the commission, and is strongly encouraged:

315 ~~(H)(i)~~ To continue ~~and~~ to expand its role as a higher education center pursuant to
 316 subsection (c) of this section; and

317 ~~(H)(ii)~~ To broker from West Virginia University and other higher education institutions, as
 318 appropriate, additional baccalaureate level degree programs the community and technical college
 319 determines are needed in its service region. ~~and~~

320 ~~(HH)~~ (D) Any baccalaureate degree programs offered at the community and technical
 321 college shall be delivered under the authority of the commission. The program shall be evaluated
 322 according to the benchmarks and indicators for baccalaureate education developed by the
 323 commission.

**§18B-3C-13. Legislative intent; Pierpont Community and Technical College re-established
 as a division of Fairmont State University; institutional organization, structure, and
 accreditation.**

1 ~~(a) The intent of the Legislature in enacting this section is to provide for the most effective~~
 2 ~~education delivery system for community and technical education programs to the entire region~~
 3 ~~to be served by Pierpont Community and Technical College and to focus the institutional mission~~
 4 ~~on achieving state goals, objectives, priorities, and essential conditions as established in articles~~
 5 ~~one, one-d, and three-c of this chapter. Effective July 1, 2023, Pierpont Community and Technical~~
 6 ~~College is a fully integrated division of Fairmont State University. The fully integrated division is~~
 7 ~~named the Pierpont College of Community and Technical Education. Any reference in this code~~
 8 ~~to Pierpont Community and Technical College as an independent community and technical~~
 9 ~~college after June 30, 2023 means the Pierpont College of Community and Technical Education~~
 10 ~~of Fairmont State University. All administrative and academic units are consolidated with~~
 11 ~~responsibility for direction and support assigned to Fairmont State University and the Fairmont~~

12 State University board of governors.

13 ~~(b) Pierpont Community and Technical College is established as an independent state~~
14 ~~institution of higher education. Any reference in this code to Fairmont State Community and~~
15 ~~Technical College or to Pierpont Community and Technical College, a division of Fairmont State~~
16 ~~University, means the independent state institution of higher education known as Pierpont~~
17 ~~Community and Technical College.~~

18 ~~(c) Effective July 1, 2008, the board of advisors for Pierpont Community and Technical~~
19 ~~College is the governing board for that institution subject to the provisions of article two-a of this~~
20 ~~chapter. The administrative head of Pierpont Community and Technical College on June 30,~~
21 ~~2008, is the president of the independent community and technical college subject to the~~
22 ~~provisions of section five of this article.~~

23 (b) Effective July 1, 2023, the administrative head of the Pierpont College of Community
24 and Technical Education of Fairmont State University shall be a dean who shall be appointed by
25 the president of Fairmont State University.

26 ~~(d) In the delivery of community and technical college education and programs, Pierpont~~
27 ~~Community and Technical College shall adhere to all provisions set forth in this code and rules~~
28 ~~promulgated by the council for the delivery of education and programs, including, but not limited~~
29 ~~to, council review and approval of academic programs, institutional compacts, master plans and~~
30 ~~tuition and fee rates, including capital fees.~~

31 (c) In the delivery of community and technical college education and programs, Fairmont
32 State University shall adhere to all provisions set forth in this code and rules promulgated by the
33 council. Fairmont State University shall deliver community and technical college education
34 through the Pierpont College of Community and Technical Education and shall support the overall
35 mission of providing workforce and technical training to the entire region served by the unified
36 institution, including the support necessary to fulfill the region's needs for a skilled workforce in
37 aviation maintenance technology.

38 ~~(e) Pierpont Community and Technical College shall pursue independent accreditation~~
39 ~~status and the board of Governors of the community and technical college shall provide through~~
40 ~~contractual arrangement for the administration and operation of Pierpont Community and~~
41 ~~Technical College by Fairmont State University while the community and technical college seeks~~
42 ~~appropriate independent accreditation. The contractual arrangement may not be implemented~~
43 ~~until approved by the council and shall include provisions to ensure that the programs offered at~~
44 ~~Pierpont Community and Technical College are accredited while independent accreditation is~~
45 ~~being sought. Fairmont State University shall continue to provide services to the community and~~
46 ~~technical college which the community and technical college or the council considers necessary~~
47 ~~or expedient in carrying out its mission under the terms of an agreement between the two~~
48 ~~institutions pursuant to the provisions of section twelve of this article.~~

49 (d) The Fairmont State University Pierpont College of Community and Technical
50 Education shall not maintain independent regional or national accreditation status but may
51 maintain program-specific accreditation. Fairmont State University shall ensure that the programs
52 offered by the Pierpont College of Community and Technical Education are accredited as
53 appropriate pursuant to the provisions of this section.

54 (e) Notwithstanding any other provision of this section to the contrary, it is the intent of the
55 Legislature that the reunification provisions contained in this section shall begin on July 1, 2022,
56 and be fully implemented in a manner that is in accordance with the policies and procedures of
57 the Higher Learning Commission no later than June 30, 2023. The Board of Governors of
58 Fairmont State University is hereby authorized to begin the Change of Control, Structure or
59 Organization process with the Higher Learning Commission on or after July 1, 2022. Fairmont
60 State University shall seek one unified accreditation from the Higher Learning Commission and
61 shall seek authority and approval to transfer accreditation for individual programs from Pierpont
62 Community and Technical College to Fairmont State University pursuant to the provisions of this
63 subdivision.

64 ~~(f) The council has the authority and the duty to take all steps necessary to assure that~~
65 ~~the institution acquires independent accreditation status as quickly as possible. If the community~~
66 ~~and technical college fails to achieve independent accreditation by July 1, 2011, the council shall~~
67 ~~sever any contractual agreement between Pierpont Community and Technical College and~~
68 ~~Fairmont State University and assign the responsibility for achieving independent accreditation to~~
69 ~~another state institution of higher education.~~

70 (f) The chair of the Board of Governors of Fairmont State University shall, no later than
71 June 30, 2024, name an advisory board of Pierpont College of Community and Technical
72 Education of no less than five and no more than nine members who shall provide guidance to the
73 Board of Governors in fulfilling the academic mission of the division. The chair of the advisory
74 board shall be elected annually from among its members and shall serve as an ex-officio, voting
75 member of the Board of Governors of Fairmont State University.

76 (g) As part of the reunification of Pierpont Community and Technical College as a fully
77 integrated division of Fairmont State University, effective July 1, 2023:

78 (1) The operating budget of Pierpont Community and Technical College is integrated
79 under the authority and jurisdiction of the Board of Governors of Fairmont State University:
80 Provided, That moneys appropriated by the Legislature to Pierpont Community and Technical
81 College exclusively for community and technical education shall be used for the delivery of
82 academic programming in the Pierpont College of Community and Technical Education of
83 Fairmont State University;

84 (2) All financial assets and liabilities, including fund balances, of Pierpont Community and
85 Technical College are transferred to the Board of Governors of Fairmont State University;

86 (3) All revenue and refunding revenue bonds, the debt service thereon and the other
87 obligations under the resolutions adopted and any trust agreements entered in connection
88 therewith, and any other capital debt service payments formerly the responsibility of Pierpont
89 Community and Technical College continue in existence and are the responsibility of the Board

90 of Governors of Fairmont State University;

91 (4) The titles to all real property, facilities, and equipment of, as well as each valid
92 agreement and obligation undertaken by Pierpont Community and Technical College are
93 transferred to the Board of Governors of Fairmont State University, which shall exercise general
94 determination, control, supervision, and management of the financial, business, and education
95 policies and affairs of the Pierpont College of Community and Technical Education as a fully
96 integrated division of Fairmont State University;

97 (5) The title to all property leased, purchased, or renovated for the use of Pierpont
98 Community and Technical College is vested in the Board of Governors of Fairmont State
99 University;

100 (6) The faculty, classified employees, and nonclassified employees of Pierpont
101 Community and Technical College become the faculty, classified employees, and nonclassified
102 employees of Fairmont State University;

103 (7) Fairmont State University shall develop an articulation agreement of course credit
104 transfer of two year academic programs to four year academic programs. Fairmont State
105 University shall submit a comprehensive articulation agreement for approval to the Higher
106 Education Policy Commission no later than July 1, 2023.

107 (8) Fairmont State University shall continue participation in the Advanced Career
108 Education programs and the West Virginia Invests Grant Program by meeting all of the
109 requirements set forth in §18-2E-11 et seq. and §18C-9-1 et seq. of this code.

110 (9) Fairmont State University shall submit a report to the Council for Community and
111 Technical College Education and the Legislative Oversight Commission on Education
112 Accountability no later than June 30, 2024, concerning the effectiveness and implementation of
113 the provisions of this section.

114 (h) Except as otherwise provided in this section, the provisions of this section enacted
115 during the 2022 Regular Session shall take effect upon passage.

ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.

§18B-3C-13a. Pierpont College of Community and Technical Education transition team established; sunset provision.

1 (a) There is hereby created a transition team charged with advising the chancellor of the
2 commission on the implementation of the reunification provisions of §18B-3C-13 of this code.

3 (b) The transition team established by this section shall consist of seven members,
4 designated as follows:

5 (1) Three members named by the chair of the Board of Governors of Fairmont State
6 University; and

7 (2) Three members designated by the chair of the Board of Governors of Pierpont
8 Community and Technical College.

9 (3) The chair of the Board of Governors of Fairmont State University shall serve as the
10 chair of the transition team.

11 (c) The responsibilities of the transition team include the following:

12 (1) Reporting to the Board of Governors of Fairmont State University, at least quarterly,
13 concerning the progress of Fairmont State University in maintaining the community and technical
14 college mandate of the Council for Community and Technical College Education; and

15 (2) Monitoring the overall delivery of the community and technical college curriculum,
16 education, and workforce training programs established pursuant to the provisions of this article.

17 (d) The provisions of this section enacted during the 2022 Regular Session shall take
18 effect upon passage and shall expire on June 30, 2024.

NOTE: The purpose of this bill is to make Pierpont Community and Technical College a fully integrated division of Fairmont State University known as the Pierpont College of Community and Technical Education on July 1, 2023. The bill increases the number of members of the Fairmont State Board of Governors to fifteen persons. The bill requires the appointment by the Governor of at least one member on the Fairmont State University Board of Governors who has knowledge and practical experience in community and technical education. The bill provides for two faculty members on the Fairmont State University Board of Governors, at least one of which shall be from the faculty of the Pierpont College of Community and Technical Education elected by the faculty senate. The bill

provides that the administrative head of the Pierpont College of Community and Technical Education shall be a dean appointed by the President of Fairmont State University. The bill provides that the chairman of the Fairmont State University Board of Governors shall appoint an advisory board to advise the Fairmont State University Board of Governors on matters relating to the community and technical college curriculum. The bill provides that the members of the advisory board shall elect a chairperson on or after July 1, 2023 who shall be an ex-officio, voting member of the Fairmont State University Board of Governors. The bill provides that the operating budget of Pierpont Community and Technical College is integrated under the authority and jurisdiction of the Fairmont State University Board of Governors. The bill transfers all financial assets and liabilities from the authority of Pierpont Community and Technical College Board of Governors to the authority of the Fairmont State University Board of Governors. The bill satisfies existing outstanding deficits or financial obligations prior to the unification of Fairmont State University and Pierpont Community and Technical College. The bill continues any capital debt service payment of Pierpont Community and Technical College and makes it the responsibility of the Fairmont State University board of governors. The bill transfers titles to all real property, facilities, and equipment of, as well as each valid agreement undertaken by Pierpont Community and Technical College to the Fairmont State University Board of Governors. The bill vests title of all property purchased for the use of Pierpont Community and Technical College in the Fairmont State University Board of Governors. The bill makes faculty, classified employees, and nonclassified employees of Pierpont Community and Technical College employees of Fairmont State University. The bill provides for a transition period to achieve full accreditation by the Higher Learning Commission. The bill requires reports to the Council for Community and Technical College Education and the Legislative Oversight Commission on Education Accountability. The bill clarifies that the Council for Community and Technical College Education shall retain jurisdiction over the academic programming offered by the Pierpont College of Community and Technical Education. The bill provides for transition team oversight with a sunset date. The bill authorizes Fairmont State University to begin the change of control accreditation review process with the Higher Learning Commission on July 1, 2022. The bill updates certain state institution of higher education names. The bill repeals outdated language. Finally, the bill deletes obsolete language.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.