

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2697

(BY DELEGATES WILLIAMS, ENNIS, HECK, HENDERSON,
MANUEL, OSBORNE AND SHELTON)

[Passed April 12, 1997; in effect July 1, 1997.]

AN ACT to amend and reenact section two, article one, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section five, article three of said chapter; and to further amend said article by adding thereto two new sections, designated sections six and seven, all relating to authority of board of directors of the state college system over proprietary education institutions, some of which to be renamed West Virginia private postsecondary education institutions as well as correspondence, business, occupational and trade schools; permits; annual reports; accreditation standards; requirements for use of term "college" in name; requirements to offer associate degree programs or nondegree programs longer than one year; exemptions from requirements; prohibiting discrimination against students and graduates of West Virginia private institutions of higher education; participation in job training programs; definitions; and requirement of studies to address West Virginia higher education grant program, transferability of academic credits; study teams for study created; and reports to legislative oversight commission on education accountability.

Be it enacted by the Legislature of West Virginia:

That section two, article one, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, ^{BE AMENDED AND REENACTED,} be amended and reenacted; that section five, article three of said chapter, and that said article be further amended by adding thereto two new sections, designated sections six and seven, all to read as follows:

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1. GOVERNANCE.

§18B-1-2. Definitions.

1 The following words when used in this chapter and
2 chapter eighteen-c of this code shall have the meaning
3 hereinafter ascribed to them unless the context clearly
4 indicates a different meaning:

5 (a) "Governing board" or "board" means the
6 university of West Virginia board of trustees or the board
7 of directors of the state college system, whichever is
8 applicable within the context of the institution or
9 institutions referred to in this chapter or in other
10 provisions of law;

11 (b) "Governing boards" or "boards" means both
12 the board of trustees and the board of directors;

13 (c) "Freestanding community colleges" means
14 southern West Virginia community and technical college
15 and West Virginia northern community and technical
16 college, which shall not be operated as branches or
17 off-campus locations of any other state institution of
18 higher education;

19 (d) "Community college" or "community col-
20 leges" means community and technical college or
21 colleges as those terms are defined in this section;

22 (e) "Community and technical college", in the
23 singular or plural, means the freestanding community and
24 technical colleges, community and technical education
25 programs of regional campuses of West Virginia
26 university, and divisions of state institutions of higher

27 education which have a defined community and technical
28 college district and offer community and technical college
29 education in accordance with the provisions of section
30 three-a, article three of this chapter;

31 (f) "Community and technical college education"
32 means the programs, faculty, administration and funding
33 associated with the mission of community and technical
34 colleges as provided in section three-a, article three of this
35 chapter, and also shall include postsecondary vocational
36 education programs in the state as those terms are defined
37 in this section. Community and technical college
38 education shall be delivered through a system which
39 includes eleven community and technical college districts
40 assigned to state institutions of higher education under the
41 jurisdiction of the board of directors and the board of
42 trustees, respectively;

43 (g) "Directors" or "board of directors" means the
44 board of directors of the state college system created
45 pursuant to article three of this chapter or the members
46 thereof;

47 (h) "Higher educational institution" means any
48 institution as defined by Sections 401(f), (g) and (h) of
49 the federal Higher Education Facilities Act of 1963, as
50 amended;

51 (i) "Postsecondary vocational education programs"
52 means any college-level course or program beyond the
53 high school level provided through an institution of
54 higher education which results in or may result in the
55 awarding of a two-year associate degree, under the
56 jurisdiction of the board of directors;

57 (j) "Rule" or "rules" means a regulation, standard,
58 policy or interpretation of general application and future
59 effect;

60 (k) "Senior administrator" means the person hired
61 by the governing boards in accordance with section one,
62 article four of this chapter, with powers and duties as may
63 be provided for in section two of said article;

64 (l) "State college" means Bluefield state college,

65 Concord college, Fairmont state college, Glenville state
66 college, Shepherd college, West Liberty state college or
67 West Virginia state college;

68 (m) "State college system" means the state colleges
69 and community and technical colleges, and also shall
70 include postsecondary vocational education programs in
71 the state as those terms are defined in this section;

72 (n) "State college system community and technical
73 colleges" means the freestanding community and
74 technical colleges and community and technical colleges
75 operated on the campuses of state colleges under the
76 jurisdiction of the board of directors of the state college
77 system and all of their associated branches, centers and
78 off-campus locations;

79 (o) "State institution of higher education" means
80 any university, college or community and technical
81 college in the state university system or the state college
82 system as those terms are defined in this section;

83 (p) "Trustees" and "board of trustees" means the
84 university of West Virginia board of trustees created
85 pursuant to article two of this chapter or the members
86 thereof;

87 (q) "University", "university of West Virginia" and
88 "state university system" means the multi-campus,
89 integrated university of the state, consisting of West
90 Virginia university, including West Virginia university at
91 Parkersburg, Potomac state college of West Virginia
92 university, West Virginia university institute of technology
93 and the West Virginia university school of medicine;
94 Marshall university, including the Marshall university
95 school of medicine, and the Marshall university
96 community and technical college, the Marshall University
97 graduate college; and the West Virginia school of
98 osteopathic medicine;

99 (r) "University system community and technical
100 colleges" means Marshall university community and
101 technical college, community and technical education
102 programs at West Virginia university at Parkersburg,

103 community and technical education programs at Potomac
104 state college of West Virginia university and West Virginia
105 university institute of technology community and
106 technical college under the jurisdiction of the university of
107 West Virginia board of trustees and all their associated
108 branches, centers and off-campus locations;

109 (s) "Regional campus" means West Virginia uni-
110 versity at Parkersburg, Potomac state college of West
111 Virginia university, and West Virginia university institute
112 of technology. The chief executive officer of a regional
113 campus shall be known as "campus president", shall serve
114 at the will and pleasure of the president of West Virginia
115 university, and shall report to the president of West
116 Virginia university or his or her designee in the method
117 specified by West Virginia university. The board of
118 advisors for West Virginia university established pursuant
119 to section one, article six of this chapter shall serve as the
120 advisory board for West Virginia university and its
121 regional campuses. The advisory boards previously
122 appointed for each regional campus shall be known as
123 "Boards of visitors" and shall provide guidance to the
124 regional campus presidents. Each regional campus shall
125 adopt separate strategic plans required by section one-c of
126 this article;

127 (t) The advisory board previously appointed for the
128 West Virginia graduate college shall be known as the
129 "Board of Visitors" and shall provide guidance to
130 Marshall university graduate college;

131 (u) "Health Sciences and Technology Academy Pro-
132 grams" means programs set forth by the office of the vice
133 chancellor for health sciences to assist junior high and
134 high school students, in conjunction with their parents and
135 teachers, to enhance their knowledge and abilities in
136 subject matters which would further a career in the field of
137 health sciences; and

138 (v) "Private postsecondary education institution"
139 means an institution that has provided educational
140 programs in West Virginia for at least fifty years; has been
141 accredited by an accrediting agency recognized by the
142 United States department of education under the Higher

143 Education Act of 1965, as amended, for a total of at least
144 twenty years; has offered associate degree educational
145 programs at a campus in West Virginia for a total of at
146 least fifteen years; has been authorized to operate in West
147 Virginia under section five, article three of this chapter for
148 a total of at least fifteen years; has been owned and
149 operated by a private entity that has not undergone a
150 change of ownership resulting in a change of majority
151 control, unless the new majority ownership has previously
152 held an ownership interest in a private postsecondary
153 education institution for at least five years. Additional
154 campuses or locations owned and supervised by an
155 educational institution that meets the definition of a
156 private postsecondary education institution are deemed to
157 qualify under the main campus for purposes of meeting
158 such definition, notwithstanding that the additional
159 campuses or locations may not meet all five of the above
160 stated standards. An accredited private postsecondary
161 education institution that offers associate degree programs,
162 and that has owned and supervised one or more West
163 Virginia campuses under permit issued pursuant to article
164 three, section five of this chapter for at least fifteen years
165 prior to the first of July, one thousand nine hundred
166 ninety-seven, is deemed to meet the standards required
167 above.

**ARTICLE 3. BOARD OF DIRECTORS OF THE STATE COLLEGE
SYSTEM.**

**§18B-3-5. Permits required for West Virginia private
postsecondary education institution, corres-
pondence, business, occupational and trade
schools; surety bonds and fees; issuance,
renewal and revocation of permit; reports;
rules; penalty and enforcement.**

1 (a) It shall be unlawful for any person representing a
2 West Virginia private postsecondary education institution
3 (hereinafter "private postsecondary education institu-
4 tion"), or a correspondence, business, occupational or
5 trade school (all collectively called "institutions" or
6 "institution") inside or outside this state, as such shall be
7 defined by the board of directors of the state college

8 system (hereinafter the "board") by rule promulgated in
9 accordance with article three-a, chapter twenty-nine-a of
10 this code, to solicit, sell or offer to sell courses of
11 instruction to any resident of this state for consideration or
12 remuneration unless the institution first applies for a
13 permit, or obtains a permit, from the board in the manner
14 and on the terms herein prescribed.

15 All private training or educational institutions,
16 schools or academies or other organizations shall apply
17 for a permit from the board on forms provided by the
18 board. This section does not apply to private
19 organizations that offer only tax return preparation
20 courses. Each initial application shall be accompanied by
21 a nonrefundable fee of two thousand dollars. The board
22 may also assess an additional fee based on any additional
23 expense required to evaluate the application. The board
24 shall make a determination on the initial permit
25 application within ninety days after receipt of the
26 application and fee. An applicant for an initial permit
27 shall show proof at the time of filing an application that
28 adequate facilities are available and ready for occupancy
29 and that all instructional equipment, books and supplies
30 and personnel are in place and ready for operation. A
31 representative of the board shall make an on-site visit to all
32 new applicants' facilities to confirm its readiness for
33 operation prior to issuance of the initial permit if the
34 facilities are located in West Virginia.

35 An institution is considered to be established under
36 the provisions of this article on the date it first begins to
37 lawfully operate. An established institution is not required
38 to reapply for a permit as a result of changes in
39 governance; administration; ownership; or form of
40 operation. After the first permit year an annual fee of five
41 hundred dollars is imposed on each institution for each
42 campus it operates in this state.

43 (b) Each application shall be accompanied by a
44 surety bond in the penal sum of thirty-five thousand
45 dollars for any institution which has its physical facilities
46 located in this state and which has operated in this state for
47 at least ten years: *Provided*, That if the institution has

48 changed ownership within the last ten years by transfer of
49 ownership control to a person who is a spouse, parent,
50 sibling, child or grandchild of the previous owner, the
51 surety bond shall continue in the penal sum of thirty-five
52 thousand dollars: *Provided, however,* That any institution
53 which has operated in West Virginia for less than ten years,
54 including those institutions which have changed ownership
55 within the last ten years except those institutions noted
56 above who have transferred ownership control to a spouse,
57 parent, sibling, child or grandchild of the previous owner
58 within the last ten years and any institution located in
59 another state which applies for a permit hereunder, shall
60 provide a surety bond of fifty thousand dollars: *Provided*
61 *further,* That any institution may be required to increase
62 its bond to one hundred fifty thousand dollars if its
63 accreditation is terminated for cause or if the institution's
64 institutional eligibility under the Higher Education Act of
65 1965, as amended, has been terminated for cause: *And*
66 *provided further,* That expiration, nonrenewal or voluntary
67 relinquishment of accreditation or institutional eligibility
68 under said act, or failure to meet the requirements of one
69 or more programs under said act, shall not be deemed a
70 termination for cause.

71 In addition, any institution may be required to
72 increase its bond to an amount not to exceed four
73 hundred thousand dollars if, in accordance with the
74 standards of the American institute of certified public
75 accountants, the institution's audited financial statements
76 are qualified because the institution's continued financial
77 viability as an ongoing concern is in doubt, and the board
78 determines an increased bond is reasonably necessary to
79 protect the financial obligations legally due the students
80 then enrolled at the institution. An institution may be
81 required to maintain the increased bonding requirements
82 described above until all students attending classes at the
83 date of termination either graduate or withdraw. The
84 bond may be continuous and shall be conditioned to
85 provide indemnification to any student suffering loss as a
86 result of any fraud or misrepresentation used in procuring
87 the student's enrollment; failure of the institution to meet
88 contractual obligations; or failure of the institution to meet

89 the requirements of this section. The bond shall be given
90 by the institution itself as a blanket bond covering all of its
91 representatives. The surety on any such bond may cancel
92 the same upon giving thirty days' notice in writing to the
93 principal on said bond and to the board and thereafter
94 shall be relieved of liability for any breach of condition
95 occurring after the effective date of said cancellation.

96 (c) A permit shall be valid for one year
97 corresponding to the effective date of the bond and, upon
98 application, accompanied by the required fee and the
99 surety bond as herein required, may be renewed. All fees
100 collected for the issuance or renewal of such permit shall
101 be deposited in the state treasury to the credit of the
102 board.

103 The board may refuse a permit to any institution if
104 the board finds that the institution engages in practices
105 which are inconsistent with this section or with rules issued
106 pursuant thereto. A permit issued hereunder, upon fifteen
107 days' notice and after a hearing, if a hearing is requested
108 by the institution may be suspended or revoked by the
109 board for fraud or misrepresentation in soliciting or
110 enrolling students, for failure of the institution to fulfill its
111 contract with one or more students who are residents of
112 West Virginia, or for violation of or failure to comply with
113 any provision of this section or with any regulation of the
114 board pertinent thereto. Prior to the board taking any
115 adverse action, including refusal, suspension or revocation
116 of a permit, the institution shall be given reasonable
117 opportunity to take corrective measures. Any refusal,
118 suspension or revocation of a permit, or any other adverse
119 action against an institution, shall comply with all
120 constitutional provisions, including due process, relating to
121 the protection of property rights.

122 (d) All private postsecondary education institutions,
123 correspondence, business, occupational or trade schools
124 which have been issued a permit shall make annual reports
125 to the board on forms furnished by the board and shall
126 provide such appropriate information as the board
127 reasonably may require. All private postsecondary
128 education institutions, correspondence, business, occupa-

129 tional or trade schools which have been issued a permit
130 shall furnish to the board of directors a list of its official
131 representatives. Each school shall be issued a certificate of
132 identification by the board for each of its official
133 representatives.

134 (e) The issuance of a permit pursuant to this section
135 does not constitute approval or accreditation of any course
136 or institution. No school nor any representative of a
137 institution shall make any representation stating, asserting
138 or implying that a permit issued pursuant to this section
139 constitutes approval or accreditation by the state of West
140 Virginia, board or any other department or agency of the
141 state.

142 The board is hereby authorized to adopt rules and
143 conduct on-site reviews to evaluate academic standards
144 maintained by institutions for the awarding of certificates,
145 diplomas and associate degrees, which standards may
146 include curriculum, personnel, facilities, materials and
147 equipment: *Provided*, That in the case of accredited
148 private postsecondary education institutions, correspond-
149 ence, business, occupational and trade schools under
150 permit on the first day of July, one thousand nine hundred
151 seventy-nine, having their physical facilities located in this
152 state, and which are accredited by a national or regional
153 accrediting agency or association recognized by the
154 United States department of education, the accrediting
155 agency's standards, procedures and criteria shall be
156 accepted as meeting applicable laws, standards and rules of
157 the board of directors: *Provided, however*, That
158 institutions, which are institutionally accredited by
159 accrediting agencies that are recognized by the United
160 States department of education to establish academic
161 standards for postsecondary education, may offer
162 postsecondary educational programs leading to (and upon
163 successful completion of such programs award graduates)
164 certificates, diplomas and associate degrees in accordance
165 with the academic standards required by such accrediting
166 agency. If a review undertaken by the board indicates
167 there may be deficiencies in the academic standards the
168 institution maintains in its educational programs, that are
169 of such a material nature as to jeopardize continued

170 accreditation, the board shall notify the institution. If the
171 board and the institution are unable to agree on the
172 deficiencies or the steps necessary to correct the
173 deficiencies, the board shall consult with the institution's
174 accrediting agency regarding an academically appropriate
175 resolution, which resolution may include a joint on-site
176 review by the board and the accrediting agency. The
177 board may also review the academic standards of
178 unaccredited institutions and may require such institutions
179 to maintain recognized academic standards that are
180 reasonably appropriate to the nature of the institution and
181 the training offered. The board may authorize an
182 investigation of written student complaints alleging a
183 violation of this section, board rules, or accreditation
184 standards and may take appropriate action based on the
185 findings of such an investigation. All evaluations or
186 investigations of private postsecondary education
187 institutions, correspondence, business, occupational and
188 trade schools, and actions resulting from such evaluations
189 or investigations, shall be made in accordance with rules
190 promulgated by the board of directors pursuant to article
191 three-a, chapter twenty-nine-a of this code.

192 For the purposes of this section, private
193 postsecondary education institutions that award associate
194 degrees shall be defined as private postsecondary
195 education institutions, and associate degrees shall mean
196 degrees awarded by such private postsecondary education
197 institutions pursuant to a program of not less than two
198 academic years: *Provided*, That nothing herein shall be
199 construed to qualify the said proprietary institutions for
200 additional state moneys not otherwise qualified for under
201 other provisions of this code.

202 (f) In regard to private, postsecondary education
203 institutions and other proprietary institutions operating
204 under this section of the code which are accredited by a
205 national or regional accrediting agency or association
206 recognized by the United States department of education
207 and which provide training at a campus located in this
208 state:

209 (1) Any rule or standard which is authorized by this

210 or any section of the code or other law and which is now
211 in effect or promulgated hereafter by the board (or other
212 agency with jurisdiction) shall be clearly, specifically and
213 expressly authorized by narrowly construed enabling law
214 and shall be unenforceable and without legal effect unless
215 authorized by an act of the Legislature under the
216 provisions of article three-a, chapter twenty-nine-a of this
217 code.

218 (2) Notwithstanding any other provision of this
219 section or other law to the contrary, the institution's
220 accrediting agency standards, procedures and criteria shall
221 be accepted as the standards and rules of the board (or
222 other agency with jurisdiction) and as meeting other law
223 or legal requirements relating to the operation of private
224 postsecondary education institutions or correspondence,
225 business, occupational and trade schools which such board
226 or other agency has the legal authority to enforce under
227 any section of the code or other law: *Provided*, That
228 nothing in this section shall be construed to deny students
229 the use of remedies that would otherwise be available
230 under state or federal consumer laws or federal law
231 relating to federal college financial assistance programs.

232 (3) Accredited institutions operating hereunder are
233 hereby recognized as postsecondary. Academic progress
234 shall be measured and reported in credit hours and all
235 reports/documents filed on a credit hour basis unless the
236 institution notifies the board that it utilizes clock hours as
237 its unit of measurement.

238 (g) A representative of any institution who solicits,
239 sells or offers to sell courses of instruction to any resident
240 of this state for consideration or remuneration unless the
241 institution first applies for a permit, or obtains a permit,
242 shall be guilty of a misdemeanor and, upon conviction
243 thereof, shall be fined not more than two hundred dollars
244 per day per violation, or imprisoned in the county jail not
245 more than sixty days, or both fined and imprisoned. No
246 private postsecondary education institution, correspond-
247 ence, business, occupational or trade school shall maintain
248 an action in any court of this state to recover for services
249 rendered pursuant to a contract solicited by the institution

250 if the institution did not hold a valid permit at the time the
251 contract was signed by any of the parties thereto. The
252 attorney general or any county prosecuting attorney, at
253 the request of the board or upon his or her own motion,
254 may bring any appropriate action or proceeding in any
255 court of competent jurisdiction for the enforcement of the
256 provisions of this section relating to permits, bonds and
257 sureties.

258 (h) In regard to institutions operating under this
259 section, all substantive standards and procedural
260 requirements established by the board (or the West
261 Virginia state program review entity or other agency with
262 jurisdiction over institutions operating hereunder) shall
263 meet all substantive and procedural standards of due
264 process relating to the protection of an individual citizen's
265 property rights as provided for under the United States
266 Constitution, and shall follow the substantive standards and
267 procedural requirements established by or under authority
268 of this section.

269 (i) The following provisions are applicable to certain
270 institutions authorized to operate under this section:

271 (1) An institution shall be authorized to use the term
272 "college" in its name only if it offers at least one
273 associate degree program, such as an associate or
274 occupational associate degree, or associate of science or
275 arts degree, at a campus or location in this state: *Provided,*
276 That any West Virginia institution using the term
277 "college" in its name on the first day of January, one
278 thousand nine hundred ninety-seven, may continue using
279 the term "college" in its name or in any future name,
280 revision or designation. A West Virginia branch campus or
281 additional location, or other training facility established by
282 an institution originating in and licensed by another state
283 that is not authorized to use the term "college" in its state
284 of origin may not use the term "college" in its West
285 Virginia operations.

286 (2) Institutional changes, such as the addition of a
287 new campus or training facility, the relocation of the main
288 campus, appointment of new members to the private
289 postsecondary education institution board of directors or

290 other controlling body, appointment of a new president or
291 other officers or administrators, changes in the level of
292 program offerings, or any other such changes, may not
293 cause the institution to be deemed to be a new institution
294 or otherwise adversely alter the institution's legal status or
295 rights granted under any section of the code or other law
296 unless specifically provided for therein: *Provided*, That
297 the private postsecondary education institution continues
298 to offer at least one associate degree program.

299 (3) An institution that has not operated a campus
300 in this state under a permit issued pursuant to this section
301 for at least five years may not offer nondegree programs
302 that are longer than one year in length without approval of
303 the board of directors, and may not offer associate degree
304 programs unless the institution is a subsidiary or division
305 of another private postsecondary education institution
306 authorized to award associate degrees in West Virginia:
307 *Provided*, That any institution which has offered associate
308 degree programs, or nondegree programs longer than one
309 year in length, at a campus in this state on or after the first
310 day of January, one thousand nine hundred ninety-two,
311 may continue to offer such programs.

§18B-3-6. Students of private postsecondary education institutions eligible for state employment and job training opportunities provided by or on behalf of the state of West Virginia under equal protection of the law; private postsecondary education institution defined; board of directors and higher education central office report to be provided to legislative oversight commission on education accountability.

1 (a) Students and graduates of private postsecondary
2 education institutions shall be accorded equal protection
3 of the laws as accorded by the constitution of the United
4 States and the constitution of the state of West Virginia.

5 (1) For purposes of qualifying an individual for
6 employment, promotion or training opportunities offered
7 by or through the state of West Virginia, and all of its
8 agencies and political subdivisions, the educational and
9 training achievements attained by students and graduates

10 of private postsecondary education institutions, including
11 academic credits, credentials and degrees awarded shall be
12 recognized and accepted to the same extent as educational
13 and training achievements attained by students at public
14 community colleges or other educational institutions:
15 *Provided*, That the academic credits, credentials and
16 degrees awarded are comparable to the educational and
17 training achievements attained by students at public
18 community colleges or other educational institutions.

19 (2) Individuals who are eligible for job training
20 assistance or benefits through state, federal or joint state
21 and federal job training and assistance programs
22 administered by or on behalf of the state of West Virginia
23 may use such job training assistance or benefits to enroll
24 in any job training program offered by a private
25 postsecondary education institution or institutions to the
26 extent allowed by federal law or by the requirements of
27 the job assistance program, funding or benefit.

28 (b) A private postsecondary education institution that
29 meets the standards established by section two, article one
30 of this chapter shall be designated as a "West Virginia
31 Private Postsecondary Education Institution," and the
32 annual permit issued by the board shall identify the
33 institution utilizing only such designation and referring
34 only to this section of the code: *Provided*, That, except as
35 may be otherwise provided for in this section, the
36 institution shall continue operating under the provisions of
37 section five of this article, and such designation shall not
38 affect the legal rights and legal responsibilities applicable
39 to the institution under section five nor shall such
40 designation cause any other legal mandates, obligations or
41 requirements to be applied to the private postsecondary
42 education institutions under any other provision of this
43 code.

§18B-3-7. Higher education grant program not accessible to private postsecondary education institutions as defined, correspondence courses, business schools or other proprietary institutions; transferability of credits to postsecondary education institutions within the university of West Virginia system and

the state college system of West Virginia from private postsecondary education institutions as defined, correspondence courses, business schools, and other proprietary institutions is permissive but not mandatory; requirement of study of transferability of credits and access and cost of such access to the West Virginia higher education grant program to be performed by the higher education central office.

1 (a) It is the intent of the Legislature that:

2 (1) The West Virginia higher education grant
3 program not be subject to subsection (a), section six,
4 article three, chapter eighteen-b of the code of West
5 Virginia, one thousand nine hundred thirty-one, as
6 amended.

7 (2) The transferability of credits from private
8 postsecondary education institutions as defined in section
9 two, article one of this chapter, to institutions within the
10 university system of West Virginia or the state college
11 system of West Virginia be permissive. The receiving state
12 institution of higher education shall use the same
13 discretion, policies and procedures promulgated by it or
14 its governing board as it would use to evaluate credits
15 received from other education institutions.

16 (b) The higher education central office is hereby
17 required to make a study of the West Virginia higher
18 education grant program established pursuant to section
19 three, article five, chapter 18-b of this code, with regard to
20 (i) making the West Virginia higher education grant
21 program accessible to the students of private
22 postsecondary education institutions, correspondence
23 schools, business schools and other proprietary
24 institutions; (ii) the additional cost if any of making the
25 West Virginia higher education grant program so
26 accessible; (iii) the ability of the higher education central
27 office staff to monitor disbursements to such students; (iv)
28 the ability of the higher education central office staff to
29 assure compliance with applicable state and federal
30 regulations with regard to disbursements of student
31 financial aid to such students; (v) the additional cost to the

32 state of West Virginia, if any, to make the West Virginia
33 higher education grant program so accessible; and (vi)
34 studying other matters as are required to complete this
35 study.

36 (1) The study team for the study shall include the
37 secretary of education and the arts or designee, the senior
38 administrator of the higher education central office or
39 designee, the vice chancellor for community colleges, five
40 members from the private postsecondary education
41 institution or other proprietary school community, one
42 member to be selected by the senior administrator from
43 the West Virginia higher education grant program
44 advisory council of West Virginia grants who represents
45 private independent institutions and one member from the
46 West Virginia higher education grant program advisory
47 council of West Virginia grants to be selected by the
48 senior administrator who is representative of state
49 institutions of higher education, one member to be
50 selected by the chancellor of the state college system from
51 one of the state institutions of higher education of the state
52 college system, one member to be selected by the
53 chancellor of the university system of West Virginia from
54 one of the state institutions of higher education of the
55 university system of West Virginia: *Provided*, That if the
56 selection of five members from the private postsecondary
57 education institutions is not provided for by associational
58 membership in a representative organization or some
59 other representative body then all participants in the
60 development of this study who represent the private
61 postsecondary education institution community shall have
62 a total of five votes rather than five members.

63 (2) Members of the study team shall pay for their
64 own expenses associated with serving on the study team,
65 except for state employees who shall be reimbursed by
66 their agencies.

67 (c) The higher education central office is hereby
68 required to make a study of the transferability of
69 comparable credits between the private postsecondary
70 education institutions and other proprietary institutions
71 and the state institutions of higher education governed by

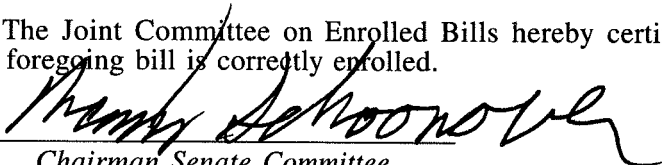
72 the board of trustees and the board of the directors.

73 (1) The study team for the study shall include the
74 secretary of education and the arts or designee, the vice
75 chancellor for community colleges, the director of
76 academic affairs for the higher education central office,
77 one academic officer from a state institution of higher
78 education within the university system of West Virginia to
79 be selected by the chancellor of the board of trustees, one
80 academic officer from a state institution of higher
81 education within the state college system to be selected by
82 the chancellor of the board of directors, four members
83 from the private postsecondary education institutions and
84 other proprietary postsecondary education institutions
85 community: *Provided*, That if the selection of four
86 members from the private postsecondary education
87 institutions is not provided for by associational
88 membership in a representative organization or some
89 other representative body then all participants in the
90 development of this study who represent the private
91 postsecondary education institution community shall have
92 a total of four votes rather than four members.

93 (2) Members of the study team shall pay for their
94 own expenses associated with serving on the study team,
95 except for state employees who shall be reimbursed by
96 their agencies.

97 (d) The studies as described in subsections (b) and
98 (c) of this section shall commence on the first day of July,
99 one thousand nine hundred, ninety-seven, and be
100 completed by the thirtieth day of November, one thousand
101 nine hundred ninety-seven. Findings of both studies shall
102 be presented at the December meeting of the legislative
103 oversight commission on education accountability. The
104 findings may include a minority report in addition to a
105 majority report, if three or more members wish the
106 minority report to be included in the report to the
107 legislative oversight commission on education account-
108 ability. Those members voting to include a minority
109 report may also, with the leave of the chairmen of the
110 Legislative oversight commission on education account-
111 ability, present the minority report to the commission.

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



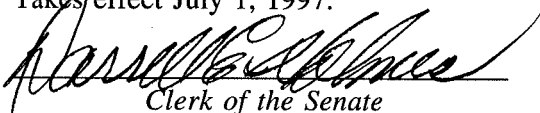
Chairman Senate Committee



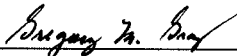
Chairman House Committee

Originating in the House.

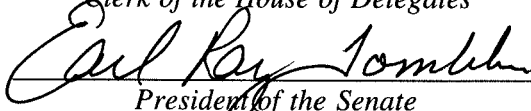
Takes effect July 1, 1997.



Clerk of the Senate



Clerk of the House of Delegates

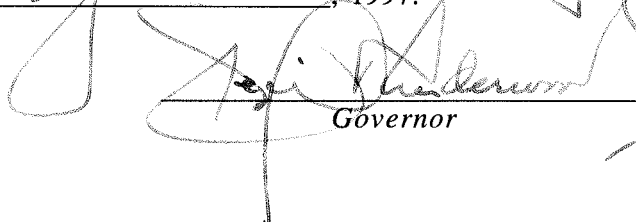


President of the Senate



Speaker of the House of Delegates

The within is disapproved this the May 27th
day of May, 1997.



Governor

PRESENTED TO THE
GOVERNOR

Date 5/1/97

Time 3:01 pm