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HB

FILED

2006 APR -5 P 6: 23

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4240

(By Delegates Wysong, Tabb and Doyle)



Passed March 9, 2006

In Effect from Passage

FILED

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E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 4240

(BY DELEGATES WYSONG, TABB AND DOYLE)

[Passed March 9, 2006: in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18B-3C-13 and §18B-3C-14, all relating to higher education; changing the name of the Community and Technical College of Shepherd to Blue Ridge Community and Technical College; making findings; clarifying legislative intent related to certain institutional boards of governors; permitting institutions under a single governing board to be recognized as a single organization within West Virginia's financial systems; and clarifying certain operations of certain community and technical colleges.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections, designated §18B-3C-13 and §18B-3C-14, all to read as follows:

ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.

§18B-3C-13. Blue Ridge Community and Technical College.

1 Effective the first day of July, two thousand six, the
2 Community and Technical College of Shepherd is named “Blue
3 Ridge Community and Technical College”. Any reference in
4 this code to the Community and Technical College of Shepherd
5 means Blue Ridge Community and Technical College.

§18B-3C-14. Operations of certain administratively linked community and technical colleges.

1 (a) The provisions of this section apply to the following
2 governing boards created pursuant to section one, article two-a
3 of this chapter:

4 (1) Fairmont State University Board of Governors, which
5 is responsible for Fairmont State University and Fairmont
6 State Community and Technical College;

7 (2) The Marshall University Board of Governors, which is
8 responsible for Marshall University and Marshall Community
9 and Technical College;

10 (3) The West Virginia State University Board of Gover-
11 nors, which is responsible for West Virginia State University
12 and West Virginia State Community and Technical College;
13 and

14 (4) The West Virginia University Board of Governors,
15 which is responsible for West Virginia University Institute of
16 Technology and the Community and Technical College at
17 West Virginia University Institute of Technology.

18 (b) *Legislative findings.* —

19 The Legislature makes the following findings related to
20 operation of the administratively linked community and
21 technical colleges and the relationship between them and their
22 respective governing boards:

23 (A) The Legislature has adopted a series of legislation,
24 beginning with Enrolled Senate Bill No. 653, passed during
25 the two thousand regular session, and continuing through
26 Enrolled Senate Bill No. 448, passed during the two thousand
27 four regular session, whose purpose is to strengthen the state's
28 community and technical colleges.

29 (B) The primary goal of the Legislature in adopting such
30 legislation is to create a thriving system of community and
31 technical colleges that focuses on technical education,
32 workforce training and lifelong learning for the new economy,
33 consistent with a series of legislatively commissioned reports
34 and the findings contained in section one, article two-b of this
35 chapter.

36 (C) A necessary precedent to accomplishment of this goal
37 is to change the way that leaders at all levels of education,
38 including institutional governing boards, view community and
39 technical colleges. Specifically, education leaders need to
40 understand:

41 (i) That community and technical colleges are different
42 from traditional four-year colleges in what they seek to
43 accomplish and how they can accomplish it effectively, just as
44 the medical schools, for example, are different from engineer-
45 ing schools;

46 (ii) That community and technical colleges may not be
47 viewed as add-ons or afterthoughts if the state is to compete
48 successfully in a new economy; and

49 (iii) That community and technical college programs may
50 not be run primarily for the financial benefit of four-year
51 programs.

52 (D) At the same time, the Legislature recognizes that
53 community and technical colleges may achieve administrative
54 efficiencies if they are linked to the larger four-year institu-
55 tions and remain under the authority of a single governing
56 board, especially when two- and four-year programs are
57 directed from a single location.

58 (c) *Legislative intent.* —

59 (1) State and federal officials have found it difficult to
60 ascertain the Legislature's intent as it relates to a number of
61 operational issues, including accounting, financial aid adminis-
62 tration, technology, historically black colleges and universities
63 status and reporting, thus jeopardizing some of the administra-
64 tive efficiencies that the Legislature has sought to maintain.

65 (2) Therefore, concerning roles of the institutional govern-
66 ing boards listed in subsection (a) of this section and the
67 operation of the community and technical colleges under their
68 jurisdiction it is the intent of the Legislature that:

69 (A) The requirement for independent, specialized accredi-
70 tation of community and technical colleges, contained in
71 sections three and eight of this article, ensure that institutional
72 governing boards do not operate community and technical
73 colleges as add-ons or afterthoughts and that a mechanism for
74 external evaluation is in place to ensure the integrity of this
75 process, much as an external organization such as ABET, Inc.,
76 reviews and accredits applied science, computing, engineering
77 and technology programs.

78 (B) The provision contained in section twelve of this
79 article requiring that each administratively linked institution

80 enter into a fee-for-service agreement approved by the
81 appropriate governing board and by the council ensure that
82 community and technical college programs are not run for the
83 financial benefit of four-year programs and that external
84 evaluation of the real cost of community and technical college
85 education is possible.

86 (C) The West Virginia State University Board of Gover-
87 nors ensures that two- and four-year students understand the
88 long and honorable history West Virginia State University and
89 West Virginia State Community and Technical College have
90 enjoyed as a federally designated historically black institution
91 and work to regain this important federal designation for the
92 community and technical college.

93 (d) Notwithstanding any other provision of this code to the
94 contrary and effective no later than the first day of July, two
95 thousand six, each governing board identified in subsection (a)
96 of this section:

97 (1) May be recognized as a single organization within the
98 financial systems of the State of West Virginia and the entities
99 under its jurisdiction designated as subordinate organizations,
100 if practicable, to facilitate ease of financial processing at the
101 institution level while ensuring that community and technical
102 college data is readily segregable at the state level.

103 (A) Independent financial auditors shall produce a single
104 audited financial statement for each governing board identified
105 in subsection (a) of this section, but that financial statement
106 shall include a breakdown of assets and liabilities and revenues
107 and expenditures for the community and technical college.

108 (B) Independent financial auditors shall compile and
109 present a consolidated audited financial statement to the
110 council, separate and apart from higher education's consoli-

111 dated financial audit, containing information concerning all
112 community and technical colleges, whether independent or
113 administratively linked institutions.

114 (2) Shall operate a single student financial aid office for all
115 two- and four-year students under its jurisdiction unless the
116 board expressly determines that another arrangement is clearly
117 more efficient and effective. The commission shall ensure that
118 state-level financial aid programs are administered to facilitate
119 efficiencies at all administratively linked institutions.

120 (3) Shall use a single set of technology solutions to
121 minimize the complexity of administrative operations for two-
122 and four-year students unless the board expressly determines
123 that another arrangement is clearly more efficient and effec-
124 tive.

125 (e) In preparing statutorily mandated reports, commission
126 and council staff generally shall segregate community and
127 technical college data so that the Legislature and governing
128 boards can evaluate implementation of the provisions related
129 to community and technical colleges in this chapter. Segrega-
130 tion of community and technical college data from other data
131 may not be construed in a manner that is inconsistent with the
132 general provisions of this section.

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

Clay White
Chairman Senate Committee

W. Bruce
Chairman House Committee

Originating in the House.

In effect from passage.

Daniel Edwards
Clerk of the Senate

Buffy D. Smith
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Robert L.
Speaker of the House of Delegates

The within *is approved* this the *5th*
day of *April*, 2006.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

MAR 23 2006

Time 3:20 p