

SB 595

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REGULAR SESSION, 2008

ENROLLED

Senate Bill No. 595

(BY SENATORS PLYMALE, EDGELL, STOLLINGS, BAILEY,
GREEN, HUNTER, WELLS, WHITE, BOLEY, FACEMYER,
KESSLER, HALL, JENKINS, MCKENZIE AND UNGER)

[Passed March 8, 2008; in effect from passage.]

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OFFICE OF THE
SECRETARY OF STATE

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(BY SENATORS PLYMALE, EDGELL, STOLLINGS, BAILEY,
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AN ACT to repeal §18B-1-1, §18B-1-1b and §18B-1-1c of the Code of West Virginia, 1931, as amended; to repeal §18B-1A-1 and §18B-1A-2 of said code; to repeal §18B-1B-8 and §18B-1B-9 of said code; to repeal §18B-3B-1 and §18B-3B-2 of said code; to repeal §18B-11-5 of said code; to amend and reenact §18-1-4 of said code; to amend and reenact §18-2E-5c of said code; to amend and reenact §18B-1-1a of said code; to amend said code by adding thereto a new article, designated §18B-1D-1, §18B-1D-2, §18B-1D-3, §18B-1D-4, §18B-1D-5, §18B-1D-6, §18B-1D-7 and §18B-1D-8; and to

amend said code by adding thereto a new section, designated §18B-14-9, all relating to education generally; establishing Vision 2020: An Education Blueprint for Two Thousand Twenty; requiring State Board of Education plan that includes goals, objectives, strategies, indicators and benchmarks; specifying certain public education goals and objectives to be included in plan; submission of plan to Process for Improving Education Council; purposes and membership of council; providing legislative findings, intent and purposes; establishing goals for public higher education; creating education partnership to achieve state goals and objectives; establishing elements of higher education accountability system; requiring Higher Education Policy Commission and Council for Community and Technical College Education to propose rules by certain date; defining terms; specifying objectives and priorities; establishing date to achieve certain objectives and priorities; defining responsibilities of Higher Education Policy Commission, Council for Community and Technical College Education and state institutions of higher education relative to accountability system; requiring system master plans, state compacts, institutional compacts and institutional and system report cards; establishing submission, approval, review and reporting requirements; authorizing implementation plans; assigning geographic areas of responsibility; specifying that certain reports are no longer required to be prepared annually except under certain conditions; providing for committee to examine higher education facility needs; specifying membership; and requiring recommendations to Legislative Oversight Commission on Education Accountability by certain date.

Be it enacted by the Legislature of West Virginia:

That §18B-1-1, §18B-1-1b and §18B-1-1c of the Code of West Virginia, 1931, as amended, be repealed; that §18B-1A-1 and §18B-1A-2 of said code be repealed; that §18B-1B-8 and §18B-1B-9 of said code be repealed; that §18B-3B-1 and §18B-3B-2 of said code be repealed; that §18B-11-5 of said code be repealed; that §18-1-4 of said code be amended and reenacted; that §18-2E-5c be amended and reenacted; that §18B-1-1a of said code be amended and reenacted; that said code be amended by adding thereto a new article, designated §18B-1D-1, §18B-1D-2, §18B-1D-3, §18B-1D-4, §18B-1D-5, §18B-1D-6, §18B-1D-7 and §18B-1D-8; and that said code be amended by adding thereto a new section, designated §18B-14-9, all to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 1. DEFINITIONS; LIMITATIONS OF CHAPTER; GOALS FOR EDUCATION.

§18-1-4. Vision 2020: An Education Blueprint for Two Thousand Twenty.

1 (a) This section, together with section one-a, article
2 one, chapter eighteen-b of this code and article one-d of
3 said chapter, shall be known as and may be cited as
4 Vision 2020: An Education Blueprint for Two Thousand
5 Twenty.

6 (b) For the purposes of this section:

7 (1) "Goals" means those long-term public purposes
8 which are the desired end result and only may include
9 those items listed in subsection (e) of this section;

10 (2) "Objectives" means the ends to be accomplished or
11 attained within a specified period of time for the

12 purpose of meeting the established goals; and

13 (3) "Strategies" means specific activities carried out
14 by the public education system which are directed
15 toward accomplishing specific objectives.

16 (c) The Legislature finds that:

17 (1) The measure of a thorough and efficient system of
18 education is whether students graduate prepared to
19 meet the challenges of the future as contributing
20 members of society and that these challenges change,
21 becoming ever more complex and involving a global
22 context more than at any other time in the history of our
23 nation;

24 (2) The state recently has embraced and is
25 implementing the Partnership for 21st Century Skills
26 model for teaching and learning including six key
27 elements (core subjects, 21st Century content, learning
28 and thinking skills, information and communications
29 technology literacy, life skills and 21st Century
30 assessments) to help better prepare students for the
31 challenges of the 21st Century;

32 (3) Published national studies by several organizations
33 routinely examine various elements of state education
34 systems and selected underlying socioeconomic
35 variables and rate and rank West Virginia and the other
36 states, the District of Columbia and the territories based
37 on the measurement systems and priorities established
38 by the organizations, and these measurement systems
39 and priorities change;

40 (4) While the state should take pride in studies that

41 show West Virginia is among the leaders in several of its
42 efforts and is making progress, its students often
43 outperforming expectations based on typical indicators
44 of the likelihood for student success, such as the income
45 and education levels of their parents, it should also
46 recognize that the state must do even more to ensure
47 that high school graduates are fully prepared for
48 post-secondary education or gainful employment;

49 (5) Therefore, the purpose of this section is to provide
50 for the establishment of a clear plan that includes goals,
51 objectives, strategies, indicators and benchmarks to
52 help guide the state's policymakers on the continuous
53 development of the state's education system for the 21st
54 Century.

55 (d) As part of Vision 2020: An Education Blueprint for
56 Two Thousand Twenty, the state board shall establish
57 a plan in accordance with the provisions of this section
58 for submission to and consideration by the Process for
59 Improving Education Council pursuant to section five-c,
60 article two-e of this chapter. The plan shall include
61 only the goals, objectives, strategies, indicators and
62 benchmarks for public education set forth in this
63 section and that meet the requirements of this section.
64 To add clarity and avoid confusion, the goals for public
65 education set forth in the plan pursuant to this section
66 are the exclusive goals for public education. The plan
67 shall include:

68 (1) The goals set forth in this section and no other
69 goals;

70 (2) At least the objectives set forth in this section and
71 specified periods of time for achieving those objectives

72 and any other objectives that may be included in the
73 plan;

74 (3) Strategies for achieving the specific objectives;

75 (4) Indicators for measuring progress toward the goals
76 and objectives established in this section; and

77 (5) Benchmarks for determining when the goals and
78 objectives have been achieved.

79 (e) The plan shall include the following list of
80 exclusive goals for the public education system in West
81 Virginia:

82 (1) Academic achievement according to national and
83 international measures will exceed national and
84 international averages. These national and
85 international measures should include scores on
86 assessments such as the National Assessment of
87 Educational Progress (NAEP), the ACT, the SAT and
88 the Programme for International Assessment (PISA);

89 (2) The public education system will prepare fully all
90 students for post-secondary education or gainful
91 employment;

92 (3) All working-age adults will be functionally
93 literate;

94 (4) The public education system will maintain and
95 promote the health and safety of all students and will
96 develop and promote responsibility, citizenship and
97 strong character in all students; and

98 (5) The public education system will provide equitable
99 education opportunity to all students.

100 (f) The plan also shall include at least the following
101 policy-oriented objectives:

102 (1) *Rigorous 21st Century curriculum and engaging*
103 *instruction for all students.* — All students in West
104 Virginia public schools should have access to and
105 benefit from a rigorous 21st Century curriculum that
106 develops proficiency in core subjects, 21st Century
107 content, learning skills and technology tools. These
108 students also should have that curriculum delivered
109 through engaging, research-based instructional
110 strategies that develop deep understanding and the
111 ability to apply content to real-world situations;

112 (2) *A 21st Century accountability and accreditation*
113 *system.* — The prekindergarten through twelve
114 education system should have a public accrediting
115 system that: (i) Holds local school districts accountable
116 for the student outcomes the state values; and (ii)
117 provides the public with understandable accountability
118 data for judging the quality of local schools. The
119 outcomes on which the system is based should be
120 rigorous and should align with national and
121 international standards such as the National
122 Assessment of Educational Progress (NAEP), the ACT,
123 the SAT and the Programme for International
124 Assessment (PISA). The broad standards established for
125 these outcomes should include a focus on: (A) Mastery
126 of basic skills by all students; (B) closing the
127 achievement gap among student subgroups; and (C)
128 high levels of proficiency in a wide range of desired 21st
129 Century measures and processes. The system for

130 determining school and district accreditation should
131 include school and district self-analysis and generate
132 appropriate research-based strategies for improvement.
133 It also should allow opportunities to create innovative
134 approaches to instructional delivery and design. Thus,
135 the system will incorporate processes for encouraging
136 innovation, including streamlined applications for
137 waivers to state board policy, financial support for
138 successful initiatives and recognition of those practices
139 that can be brought to a district or statewide scale. The
140 primary goal of the accreditation system is to drive
141 school improvement. This 21st Century accountability
142 and accreditation system also should include the
143 methods of addressing capacity set forth in section five,
144 article two-e of this chapter;

145 (3) *A statewide balanced assessment process.* — State,
146 district, school and classroom decisionmaking should be
147 grounded in 21st Century balanced assessment
148 processes that reflect national and international
149 rigorous performance standards and examine student
150 proficiency in 21st Century content, skills and
151 technology tools. A balanced assessment system
152 includes statewide summative assessments, local
153 benchmark assessments and classroom assessments for
154 learning;

155 (4) *A personnel allocation, licensure and funding*
156 *process that aligns with the needs of 21st Century school*
157 *systems and is supported by a quality coordinated*
158 *professional development delivery system.* — Increased
159 accountability demands, as well as the focus on 21st
160 Century learning, require a reexamination of traditional
161 approaches to personnel allocation, licensure and
162 funding. Creating schools of the 21st Century requires

163 new staffing roles and staffing patterns. It also requires
164 ongoing professional development activities focused on
165 enhancing student achievement and achieving specific
166 goals of the school and district strategic plans. Thus,
167 schools should have the ability to access, organize and
168 deliver high quality embedded professional
169 development that provides staff with in-depth sustained
170 and supported learning. Effective school improvement
171 should allow opportunity for staff to collectively learn,
172 plan and implement curricular and instructional
173 improvements on behalf of the students they serve;

174 (5) *School environments that promote safe, healthy*
175 *and responsible behavior and provide an integrated*
176 *system of student support services.* — Each school
177 should create an environment focused on student
178 learning and one where students know they are valued,
179 respected and safe. Furthermore, the school should
180 incorporate programs and processes that instill healthy,
181 safe and responsible behaviors and prepare students for
182 interactions with individuals of diverse racial, ethnic
183 and social backgrounds. School and district processes
184 should include a focus on developing ethical and
185 responsible character, personal dispositions that
186 promote personal wellness through planned daily
187 physical activity and healthy eating habits consistent
188 with high nutritional guidelines and multicultural
189 experiences that develop an appreciation of and respect
190 for diversity;

191 (6) *A leadership recruitment, development and*
192 *support continuum.* — Quality schools and school
193 systems of the 21st Century cannot be created without
194 high quality leaders. Thus, West Virginia should have
195 an aligned leadership professional development

196 continuum that attracts, develops and supports
197 educational leadership at the classroom, school and
198 district level. This leadership development continuum
199 should focus on creating: (i) Learning-centered schools
200 and school systems; (ii) collaborative processes for staff
201 learning and continuous improvement; and (iii)
202 accountability measures for student achievement;

203 (7) *Equitable access to 21st Century technology and*
204 *education resources and school facilities conducive to*
205 *21st Century teaching and learning.* — A quality
206 educational system of the 21st Century should have
207 access to technology tools and processes that enhance
208 effective and efficient operation. Administrators should
209 have the digital resources to monitor student
210 performance, manage a variety of data and
211 communicate effectively. In the classroom, every
212 teacher in every school should be provided with the
213 instructional resources and educational technology
214 necessary to deliver the West Virginia content standards
215 and objectives. Schools of the 21st Century require
216 facilities that accommodate changing technologies, 21st
217 Century instructional processes and 21st Century
218 staffing needs and patterns. These school facilities
219 should mirror the best in green construction and be
220 environmentally and educationally responsive to the
221 communities in which they are located;

222 (8) *Aligned public school with post-secondary and*
223 *workplace readiness programs and standards.* — An
224 educational system in the 21st Century should be seen
225 as a continuum from the public school (prekindergarten
226 through twelve) program through post-secondary
227 education. In order to be successful in a global
228 competitive marketplace, learning should be an

229 ongoing, life-long experience. Thus, the public schools
230 and the institutions of post-secondary education in West
231 Virginia should create a system of common standards,
232 expectations and accountability. Creating such an
233 aligned system will enhance opportunities for success
234 and assure a seamless educational process for West
235 Virginia students; and

236 (9) *A universal prekindergarten system.* — A high
237 quality, universal prekindergarten system should be
238 readily available to every eligible student. The system
239 should promote oral language and preliteracy skills and
240 reduce the deficit of these foundational skills through
241 proactive, early intervention. Research indicates that
242 universal prekindergarten systems improve graduation
243 rates, reduce grade level retentions and reduce the
244 number of special education placements. Therefore,
245 local school systems should create the supports and
246 provide the resources to assure a quality
247 prekindergarten foundation is available to all eligible
248 students.

249 (g) In addition to the policy-oriented objectives set
250 forth in subsection (f) of this section, the plan
251 established pursuant to this section also shall include at
252 least the following performance-oriented objectives:

253 (1) All children entering the first grade will be ready
254 for the first grade;

255 (2) The performance of students falling in the lowest
256 quartile on national and international measures of
257 student performance will improve by fifty percent;

258 (3) Ninety percent of ninth graders will graduate from

259 high school;

260 (4) By two thousand twelve, the gap between the
261 county with the lowest college-going rate and the state
262 average as of the effective date of this act will decrease
263 by fifty percent and the college-going rate of the state
264 will equal the college-going rate of the member states of
265 the Southern Regional Education Board; and

266 (5) By two thousand twenty, the gap between the
267 county with the lowest college-going rate and the state
268 average for school year two thousand twelve will
269 decrease by fifty percent and the college-going rate of
270 the state will exceed the college-going rate of the
271 member states of the Southern Regional Education
272 Board by five percentage points.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

**§18-2E-5c. Process for Improving Education Council
established; membership; expenses;
meetings; powers.**

1 (a) *Process for Improving Education Council.* — There
2 is hereby established the Process for Improving
3 Education Council for the purpose of providing
4 opportunities for consultation among state policy
5 leaders on the process for improving education,
6 including, but not limited to, determination of the
7 things that students should know and be able to do as
8 the result of a thorough and efficient education, the
9 performance and progress of students toward meeting
10 the high quality standards established by the state
11 board, adopting goals, objectives, strategies, indicators
12 and benchmarks for public education and any further
13 improvements necessary to increase the capacity of

14 schools and school systems to deliver a thorough and
15 efficient education.

16 (b) *Council membership.* — The Legislative Oversight
17 Commission on Education Accountability, together with
18 the Governor, ex officio, or the Governor's designee, the
19 Chancellor of the Higher Education Policy Commission,
20 ex officio, or the chancellor's designee, the Chancellor
21 for Community and Technical College Education, ex
22 officio, or the chancellor's designee and the state
23 superintendent comprise the Process for Improving
24 Education Council. Ex officio members are entitled to
25 vote. The Governor or the Governor's designee shall
26 convene the council, as appropriate, and shall serve as
27 chair. The council may meet at any time at the call of
28 the Governor or the Governor's designee.

29 (c) *Compensation.* — Members of the council shall
30 serve without compensation, but shall be reimbursed as
31 provided by law by their respective agencies for all
32 reasonable and necessary expenses actually incurred in
33 the performance of their official duties under this
34 section upon presentation of an itemized sworn
35 statement of their expenses.

36 (d) *Powers of the council.* —

37 The council has the following powers:

38 (1) To meet and consult with the state board, or its
39 designees, and make recommendations on issues related
40 to student, school and school system performance. The
41 following steps are part of the consultation process:

42 (A) The state board shall notify each member of the

43 council whenever the state board proposes to amend its
44 rules on any of the following issues:

45 (i) High quality education standards and efficiency
46 standards established pursuant to section five of this
47 article;

48 (ii) Indicators of efficiency established pursuant to
49 section five of this article; and

50 (iii) Assessment and accountability of school and
51 school system performance and processes established
52 pursuant to section five of this article.

53 (B) The notice to be given pursuant to paragraph (A)
54 of this subdivision shall contain a summary and
55 explanation of the proposed changes, including a draft
56 of the proposal when available, and shall be sent at least
57 fifteen days prior to filing the proposal with the
58 Secretary of State for public comment.

59 (C) If the Governor, or the Governor's designee,
60 believes it is necessary for the council to meet and
61 consult with the state board, or its designees, on
62 changes proposed to any of the issues outlined in
63 subdivision (1) of this subsection, he or she may convene
64 a meeting of the council.

65 (D) If both the President of the Senate and the
66 Speaker of the House of Delegates believe it is necessary
67 for the council to meet and consult with the state board,
68 or its designees, they shall notify the Governor who
69 shall convene a meeting of the council.

70 (E) If the chancellor, or the chancellor's designee

71 believes that it is necessary for the council to meet and
72 consult with the state board, or its designees, he or she
73 may request the Governor to convene a meeting of the
74 council.

75 (2) To require the state board, or its designees, to meet
76 with the council to consult on issues that lie within the
77 scope of the council's jurisdiction;

78 (3) To participate as observers in any on-site review of
79 a school or school system conducted by the Office of
80 Education Performance Audits; and

81 (4) To authorize any employee of the agencies
82 represented by council members to participate as
83 observers in any on-site review of a school or school
84 system conducted by the Office of Education
85 Performance Audits.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 1. GOVERNANCE.

§18B-1-1a. Legislative intent; findings; establishment of state goals for higher education and education; creation of partnership to achieve state goals and objectives.

1 (a) It is the intent of the Legislature in enacting this
2 section to establish state goals for public higher
3 education which benefit the citizens of the State of West
4 Virginia.

5 (b) It is further the intent of the Legislature that this
6 section be read and implemented in conjunction with
7 the accountability system established in article one-d of

8 this chapter and that any reference to this section in this
9 code includes the provisions of that article.

10 (c) *Findings.* — The Legislature finds that
11 post-secondary education is vital to the future of West
12 Virginia. For the state to realize its considerable
13 potential in the 21st Century, it must have a system for
14 the delivery of post-secondary education which is
15 competitive in the changing national and global
16 environment, is affordable for the state and its citizenry
17 and has the capacity to deliver the programs and
18 services necessary to meet regional and statewide needs.

19 The Legislature further finds that it is vitally
20 important for young people entering the workforce to
21 have the education and skills to succeed in today's
22 high-technology, knowledge-based economy. It is
23 equally important for working-age adults who are the
24 majority of the current and potential workforce also to
25 possess the requisite education and skills to compete
26 successfully in the workplace and to have the
27 opportunity to continue learning throughout their lives.
28 The future of the state rests not only on how well its
29 youth are educated, but also on how well it educates its
30 entire population of any age.

31 The Legislature further finds that providing access to
32 a high-quality and affordable post-secondary education
33 is a state responsibility and, while states spent more
34 than seventy billion dollars on public higher education
35 in two thousand six, they are not maximizing that
36 investment. The Legislature recognizes the efforts of
37 the National Conference of State Legislatures' Blue
38 Ribbon Commission on Higher Education in producing
39 a report to assist the states in higher education

40 policymaking. According to the commission report,
41 “Transforming Higher Education: National Imperative
42 — State Responsibility”, the United States is losing its
43 competitive advantage in a new, high-tech, highly
44 mobile global economy. This lack of competitiveness is
45 a matter of the highest urgency for federal and state
46 policymakers and higher education is at the center of
47 this discussion. The report further states that “higher
48 education is both the problem and the solution” because
49 the nation has failed to focus on how higher education
50 energizes American competitiveness and revitalizes the
51 states. Pursuant to these findings, the commission made
52 some specific recommendations addressed to the states
53 which include the following:

54 (1) Define clear state goals;

55 (2) Identify your state’s strengths and weaknesses;

56 (3) Know your state demographic trends for the next
57 ten to thirty years;

58 (4) Identify a place or structure to sustain the public
59 policy agenda;

60 (5) Hold institutions accountable for their
61 performance;

62 (6) Rethink funding formulas and student aid;

63 (7) Make a commitment to access, success and
64 innovation;

65 (8) Encourage partnerships;

66 (9) Give special attention to adult learners; and

67 (10) Focus on productivity.

68 All of these recommendations are useful in providing
69 policy guidance and have been given careful
70 consideration in the development of this section and
71 article one-d of this chapter.

72 (d) *Establishment of state goals.* — In recognition of its
73 importance to the citizens of West Virginia, the
74 Legislature hereby establishes the following goals for
75 public higher education in the state:

76 (1) The ultimate goal of public education is to enhance
77 the quality of life for citizens of the State of West
78 Virginia.

79 (2) The overall focus of public education is on
80 developing and maintaining a process of lifelong
81 learning which is as seamless as possible at all levels,
82 encourages citizens of all ages to increase their
83 knowledge and skills and provides ample opportunities
84 for them to participate in public higher education.

85 (3) Higher education collaborates with public
86 education and other providers to offer education
87 opportunities:

88 (A) To individuals of all ages and socioeconomic
89 backgrounds in all areas of the state; and

90 (B) To overcome financial barriers to participation for
91 both traditional and nontraditional students.

92 (4) Higher education seeks to enhance state efforts to
93 diversify and expand the economy by focusing available
94 resources on programs and courses which best serve
95 students, provide the greatest opportunity for job
96 creation and retention and are most supportive of
97 emerging high-technology and knowledge-based
98 businesses and industries.

99 (5) Higher education creates a learning environment
100 that is student-friendly and that encourages and assists
101 students in the completion of degree requirements,
102 certifications or skill sets within a reasonable period of
103 time.

104 (6) The learning environment expands participation
105 for the increasingly diverse student population and
106 responds to the needs of the current workforce and
107 other nontraditional students.

108 (7) Through the establishment of innovative curricula
109 and assessment efforts, state institutions of higher
110 education ensure that students graduate from nationally
111 recognized and accredited programs and meet or exceed
112 national and international standards for performance in
113 their chosen fields as evidenced through placement and
114 professional licensure examinations.

115 (8) Higher education promotes academic research and
116 innovation to achieve measurable growth in West
117 Virginia's knowledge-based economic sector.

118 (9) State institutions of higher education emphasize
119 productivity and strive to exceed the performance and
120 productivity levels of peer institutions. In return, and
121 within the constraints of fiscal responsibility, the state

122 seeks to invest in institutions so that they may
123 adequately compensate faculty, classified employees
124 and other employees at a competitive level to attract
125 and retain high quality personnel.

126 (10) State institutions of higher education are
127 committed to a shared responsibility with faculty, staff,
128 students and their communities to provide access to the
129 knowledge and to promote acquisition of the skills and
130 abilities necessary to establish and maintain physical
131 fitness and wellness.

132 (A) Programs that encourage healthy lifestyles are
133 essential for the vibrancy of the institutions of higher
134 education, for the well-being of the communities they
135 serve and for the state as a whole.

136 (B) Increasing the fitness levels of adults on college
137 and university campuses is critically important for the
138 people of West Virginia, not only for disease prevention,
139 but also, and perhaps most importantly, to enhance the
140 overall quality of life.

141 (C) While individuals must bear the primary
142 responsibility for their own health, it is imperative that
143 the institutions provide appropriate education and
144 support focused on enriching and expanding the short-
145 and long-term views and attitudes towards physical
146 activity, understanding the principles of wellness and
147 their application to a healthy lifestyle, understanding
148 what components are a necessary part of an all-around
149 healthy lifestyle and learning how to set and achieve
150 realistic goals aimed at establishing healthy habits for
151 the benefit of long-term health and well-being.

152 (e) *Education partnership to achieve state goals and*
153 *objectives.* — If public institutions of higher education
154 are to provide services that meet the needs of state
155 citizens as outlined in this section and article one-d of
156 this chapter, then West Virginia must create and
157 participate in a partnership across various education
158 organizations that recognizes the valuable contributions
159 each member of the group can make. In addition to
160 public education as outlined in section four, article one,
161 chapter eighteen of this code and in addition to the
162 State of West Virginia, key members of this partnership
163 include the state institutions of higher education, the
164 Council for Community and Technical College
165 Education and the Higher Education Policy
166 Commission.

167 (1) *State institutions of higher education.* — The
168 institutions are the cornerstone of efforts to provide
169 higher education services that meet the needs of state
170 citizens. To varying degrees, and depending upon their
171 missions, these institutions serve the state in three
172 major ways:

173 (A) *Instruction.* — By providing direct instruction to
174 students along with the student services necessary to
175 support the instructional mission. These services have
176 two primary goals:

177 (i) To produce college graduates who have the
178 knowledge, skills and desire to make valuable
179 contributions to society; and

180 (ii) To provide opportunities for citizens to engage in
181 life-long learning to enhance their employability and
182 their overall quality of life.

183 (B) *Public service.* — By providing an occupational
184 home for experts in a variety of fields and by serving as
185 the educational home for students. In these capacities,
186 institutions create a large and varied pool of high
187 quality human resources capable of making valuable
188 contributions to business and industry, local and state
189 governments and communities. The following are
190 examples of the types of public service that higher
191 education institutions have to offer:

192 (i) Workforce development, primarily through
193 community and technical colleges, to meet the
194 immediate and long-term needs of employers and
195 employees;

196 (ii) Technical assistance to state and local
197 policymakers as they work to address challenges as
198 diverse as ensuring that West Virginia's citizens receive
199 quality health care, assisting in the development of a
200 solid transportation infrastructure and ensuring that
201 public school teachers have enriching professional
202 development opportunities; and

203 (iii) Opportunities to learn and serve in local
204 communities, to teach civic responsibility and to
205 encourage civic engagement.

206 (C) *Research.* — By conducting research at state
207 institutions of higher education, particularly Marshall
208 University and West Virginia University, to enhance the
209 quality of life in West Virginia in the following ways:

210 (i) Targeting cutting-edge research toward solving
211 pressing societal problems;

212 (ii) Promoting economic development by raising the
213 level of education and specialization among the
214 population; and

215 (iii) Creating jobs through development of new
216 products and services.

217 (2) *The Council for Community and Technical College*
218 *Education and the Higher Education Policy*
219 *Commission*. — In their role as state-level coordinating
220 boards, the council and commission function as
221 important partners with state policy leaders in
222 providing higher education that meets state needs. The
223 council and commission provide service to the state in
224 the following ways:

225 (A) By developing a public policy agenda for various
226 aspects of higher education that is aligned with state
227 goals and objectives and the role and responsibilities of
228 each coordinating board;

229 (B) By ensuring that institutional missions and goals
230 are aligned with relevant parts of the public policy
231 agenda and that institutions maximize the resources
232 available to them to fulfill their missions and make
233 reasonable progress toward meeting established state
234 goals;

235 (C) By evaluating and reporting on progress in
236 implementing the public policy agenda;

237 (D) By promoting system efficiencies through
238 collaboration and cooperation across institutions and
239 through focusing institutional missions as appropriate;
240 and

241 (E) By conducting research, collecting data and
242 providing objective recommendations to aid elected
243 state officials in making policy decisions.

244 (3) *State of West Virginia.* — Elected state officials
245 represent the citizens of West Virginia and are critical
246 partners in providing quality higher education. In this
247 context, these state-level policymakers serve the state in
248 the following ways:

249 (A) By establishing goals, objectives and priorities for
250 higher education based on a thoughtful, systematic
251 determination of state needs;

252 (B) By providing resources necessary to address state
253 goals, objectives and priorities for higher education; and

254 (C) By providing incentives for and removing barriers
255 to the achievement of state goals, objectives and
256 priorities.

ARTICLE 1D. HIGHER EDUCATION ACCOUNTABILITY.

**§18B-1D-1. Legislative intent and purpose; short title; rules
required.**

1 (a) The intent of the Legislature in the enactment of
2 this article is to outline and organize the elements of
3 accountability for public higher education into an
4 effective, coherent system to provide guidance to the
5 state institutions of higher education, the commission
6 and the council and to clarify the roles, relationships
7 and responsibilities between and among these entities,
8 the citizens of West Virginia and elected state officials.
9 The main purposes of the accountability system are as
10 follows:

11 (1) To develop agreement on higher education goals,
12 objectives and priorities through negotiation and
13 consensus-building between elected officials acting on
14 behalf of the citizens of the state and the commission
15 and the council and institutions which receive public
16 funds and provide education services;

17 (2) To create a seamless education system and hold
18 boards and institutions accountable for meeting state
19 goals and objectives.

20 (3) To provide a data-driven, step-by-step process to
21 determine the progress of public higher education in
22 addressing established goals, objectives and priorities;

23 (4) To promote cooperation and collaboration among
24 all entities which are involved in the delivery of public
25 education in West Virginia; and

26 (5) To provide for generation, collection and
27 dissemination of data on which sound state-level policy
28 decisions can be based. Possible uses of this data
29 include the following:

30 (A) Identifying institutions and systems that increase
31 quality and productivity; and

32 (B) Creating a mechanism to target a portion of state
33 appropriations to institutions and systems based on
34 performance in meeting established state goals and
35 objectives.

36 (b) This article, together with section one-a, article
37 one of this chapter and section four, article one, chapter
38 eighteen of this code, shall be known as and may be

39 cited as Vision 2020: An Education Blueprint for Two
40 Thousand Twenty.

41 (c) By the first day of October, two thousand eight, the
42 commission and the council shall propose rules for
43 legislative approval in accordance with the provisions
44 of section six, article one of this chapter and article
45 three-a, chapter twenty-nine-a of this code concerning
46 the accountability system for higher education outlined
47 in this article.

48 (1) The commission and the council may propose rules
49 jointly or separately and may choose to address all of
50 the accountability system in a single rule or may
51 propose additional rules to cover specific elements.

52 (2) At a minimum, the rules shall address the
53 respective responsibilities of the various parties, the
54 development of statewide master plans, the process of
55 entering into institutional and state compacts,
56 performance indicators and institution and state-level
57 reporting to ensure that higher education is accountable
58 to the citizens of West Virginia.

§18B-1D-2. Definitions.

1 (a) *General.* — For the purposes of this article and
2 section one-a, article one of this chapter, terms have the
3 meaning ascribed to them in section two, article one of
4 this chapter, unless the context in which the term is
5 used clearly requires a different meaning or a specific
6 definition is provided in this section.

7 (b) *Definitions.* —

8 (1) "Accountability system for public higher
9 education" or "accountability system" means all
10 research, reports, documents, data and any other
11 materials, the collection, analysis and dissemination of
12 which are necessary or expedient to accomplish the
13 purposes of this article or section one-a, article one of
14 this chapter. The system includes legislative goals,
15 objectives and priorities; public policy agendas;
16 statewide master plans; state and institutional
17 compacts; implementation plans; institutional mission
18 statements and master plans; and the statewide report
19 card.

20 (2) "Education partnership to achieve state goals and
21 objectives" or "education partnership" means the
22 formal and informal working relationships established
23 between and among the State of West Virginia, the
24 commission, the council, the State Board of Education
25 and State Department of Education and the state
26 institutions of higher education for the purpose of
27 achieving state goals and objectives.

28 (3) "Functional literacy rate" means the percentage of
29 adults over the age of seventeen who are able to read
30 beyond a fourth grade level and interpret basic
31 information from sources such as road signs, job
32 applications, newspaper articles and food and medicine
33 labels.

34 (4) "Goals" means those long-term public purposes
35 which are the desired and expected end result for which
36 public higher education is established.

37 (5) "Implementation plan" means a document
38 developed within the higher education community that

39 identifies a series of objectives, sets forth performance
40 indicators that can be used to determine if objectives
41 are being achieved, outlines strategies for accomplishing
42 the objectives and identifies benchmarks for evaluating
43 progress in accomplishing the objectives over the life
44 cycle of the plan.

45 (6) "Institutional compact" means a formal, written
46 contract between either the commission or council and
47 a state institution of higher education under its
48 jurisdiction expressing intent to accomplish state and
49 system goals and objectives.

50 (7) "Institutions under the jurisdiction of the
51 commission" relative to the accountability system
52 established by this article and section one-a, article one
53 of this chapter means Bluefield State College, Concord
54 University, Fairmont State University, Glenville State
55 College, Marshall University, Shepherd University,
56 West Liberty State College, the West Virginia School of
57 Osteopathic Medicine, West Virginia State University
58 and West Virginia University, including Potomac State
59 College of West Virginia University and the West
60 Virginia University Institute of Technology.

61 (8) "Institutions under the jurisdiction of the council"
62 relative to the accountability system established by this
63 article and section one-a, article one of this chapter
64 means Blue Ridge Community and Technical College,
65 the Community and Technical College at West Virginia
66 University Institute of Technology, Eastern West
67 Virginia Community and Technical College, Marshall
68 Community and Technical College, New River
69 Community and Technical College, Pierpont
70 Community and Technical College, Southern West

71 Virginia Community and Technical College, West
72 Virginia Northern Community and Technical College,
73 West Virginia State Community and Technical College
74 and West Virginia University at Parkersburg.

75 (9) "Net college costs" means the total cost of tuition,
76 room and board minus the amount of financial aid a
77 student receives.

78 (10) "Objectives" means the ends to be accomplished
79 or attained within a specified period of time for the
80 purpose of meeting the established goals.

81 (11) "Priority" or "priorities" means the order in
82 which objectives are to be addressed for the purpose of
83 achieving state goals.

84 (12) "Strategy" or "strategies" means specific
85 activities carried out by public higher education which
86 are directed toward accomplishing specific objectives.

87 (13) "Statewide master plan" or "system master plan"
88 means a document developed by the council or
89 commission that sets forth system goals, objectives and
90 strategies and is aligned with, but not limited to,
91 meeting state goals, objectives and priorities.

92 (14) "STEM courses and programs" means curricula
93 leading to a degree or other recognized credential in the
94 science, technology, engineering and mathematics fields
95 of study or specialization.

96 (15) "State compact" means a formal, written
97 agreement between the council and/or the commission
98 and at least one other member of the education

99 partnership to achieve state goals and objectives where
100 significant collaboration and commitment of resources
101 between the parties to the agreement is required in
102 order to achieve the desired results.

**§18B-1D-3. State vision for public higher education; findings;
establishment of objectives.**

1 (a) The Legislature finds that availability of
2 high-quality post-secondary education is so important
3 to the well-being of the citizens of West Virginia that it
4 is in the best interests of the state to focus attention on
5 areas of particular concern and within those areas to
6 specify objectives and priorities that must be addressed
7 by two thousand twenty. The purpose of these
8 objectives and priorities is to achieve the broad-based
9 goals for public higher education established in section
10 one-a, article one of this chapter. Areas of special
11 concern to the Legislature include economic and
12 workforce development; education access and
13 affordability; innovation; student preparation; degree
14 and/or program completion; intra- and inter-system
15 cooperation and collaboration; research; and teaching
16 and learning.

17 (1) *Economic and workforce development.* —

18 (A) Diversifying and strengthening the economy of the
19 state;

20 (B) Providing incentives to systems and institutions to
21 focus attention on those courses and programs which
22 create and retain jobs in the state, especially among the
23 emerging high-technology, knowledge-based businesses
24 and industries.

25 (2) *Access and affordability.* —

26 (A) Maintaining geographic access while eliminating
27 unnecessary duplication;

28 (B) Enhancing education opportunities for the
29 widest range of state citizens:

30 (i) By establishing tuition and fee levels for in-state
31 students that do not inhibit access to public education
32 nor cause students to incur excessive debt. This is
33 particularly important in West Virginia where about
34 two-thirds of all students attending college are enrolled
35 in public higher education institutions and where
36 families devote a very large share of their incomes to
37 pay the cost of education. The share of costs paid by
38 families remains very high even after adjusting for the
39 impact of financial aid; and

40 (ii) By establishing tuition and fee rates for
41 out-of-state students at levels which, at a minimum,
42 cover the full cost of instruction unless doing so is
43 inconsistent with a clearly delineated public policy goal
44 established by the Legislature, the commission or the
45 council.

46 (iii) *Innovation.* — Devise innovative programs,
47 delivery modes, partnerships, research initiatives,
48 curricula and pedagogy to achieve the needs of the state
49 and its citizens and carry out the mission and objectives
50 of the state institutions of higher education. Methods
51 include aligning entrepreneurial efforts, research and
52 partnerships with established state goals.

53 (iv) *Student preparation.* — Ensure that potential

54 students are academically prepared for college and that
55 graduates are adequately prepared for careers or
56 further education.

57 (v) *Degree and/or program completion.* — Despite
58 significant improvement over the past decade, fewer
59 than twenty percent of state residents hold a bachelor's
60 degree. This shortage of highly educated, highly
61 qualified workers substantially limits the state's ability
62 to compete in the knowledge-based economy.

63 (vi) *Collaboration and cooperation.* — Deliver
64 education services to the extent possible through
65 collaboration, coordination and brokering, with
66 particular emphasis on the need for a seamless
67 relationship between public and post-secondary
68 education.

69 (vii) *Research.* — Develop a greater research capacity
70 within public higher education to enhance West
71 Virginia in the eyes of the larger economic and
72 education community, develop greater specialized
73 expertise in high technology and policy fields, create
74 more employment opportunities within the state and
75 provide a basis for improved capacity to compete in the
76 new economy through research focused on meeting state
77 needs.

78 (viii) *Teaching and learning.* — Develop admission
79 and exit standards for students and emphasize
80 professional staff development, program assessment and
81 evaluation and other incentives to improve teaching and
82 learning. Ensure access to stable and continuing
83 graduate-level programs in every region of the state,
84 particularly in STEM subject areas and teacher

85 education related to teaching within a subject area to
86 improve teacher quality.

87 (b) *Vision 2020: Objectives for public higher education.*
88 — In view of the findings outlined in subsection (a) of
89 this section, the Legislature hereby establishes the
90 following objectives to be addressed as highest priorities
91 beginning on the effective date of this article through
92 development of compacts and/or implementation plans
93 between and among members of the education
94 partnership as provided in subsection (e), section one-a,
95 article one of this chapter. The following is the
96 legislative vision for the years two thousand eight
97 through two thousand twenty:

98 (1) *Objective.* — Develop a state-level facilities plan
99 and funding mechanism to reduce the obligation of
100 students and parents to bear the cost of higher
101 education capital projects and facilities maintenance.

102 (A) *Problem statement.* —

103 (i) West Virginia is one of the very few states in the
104 nation which does not address higher education capital
105 project and facilities maintenance needs through a
106 statewide plan.

107 (ii) The burden of paying for capital projects and
108 deferred maintenance is placed on students and their
109 families through collection of capital fees at the
110 institution level and contributes significantly to the
111 poor grade West Virginia receives each year in the
112 category of “Affordability” on “Measuring Up: The
113 National Report Card on Higher Education”.

114 (iii) Net college costs for low- and lower
115 middle-income students to attend state community and
116 technical colleges and four-year colleges and
117 universities average approximately forty-five percent of
118 their annual family income.

119 (iv) The high cost of capital fees contributes directly to
120 the amount of debt incurred by students during their
121 college years and the necessity to repay student loans
122 severely limits career choices and areas of residence
123 after graduation.

124 (B) *Expected outcomes.* — Success in meeting this
125 goal can be measured in part by benchmarks which
126 include the following:

127 (i) Development by the council and commission of a
128 compact with elected state officials to fund a significant
129 portion of higher education capital project needs from
130 dedicated state revenues;

131 (ii) Development by the council and commission of a
132 system to establish priorities for institution capital
133 projects in a manner that is consistent with state public
134 policy goals for higher education;

135 (iii) Implementation of facilities maintenance plans by
136 institutions to ensure that maintenance needs are not
137 deferred inappropriately;

138 (iv) Efficient use of existing classroom and other space
139 by institutions:

140 (I) New capital funding is applied effectively to
141 projects at institutions that have a demonstrated need

142 for new facilities and major renovations; and

143 (II) The cost of operating and maintaining the
144 facilities and physical plants of institutions are
145 appropriate for the size and mission of the institution;
146 and

147 (v) Capital and facilities maintenance planning that
148 gives careful consideration to the recommendations
149 arising from the study mandated by section nine, article
150 fourteen of this chapter.

151 (2) *Objective.* — Increase academic rigor and improve
152 learning at higher education institutions.

153 (A) *Problem statement.* — West Virginia has made
154 significant progress on certain indicators within the
155 category of student learning, but lags far behind
156 national and regional averages on others.

157 (i) The state compares very well in workforce
158 preparation as reflected in professional licensure
159 examinations, ranking among the top five states in the
160 country. More West Virginia graduates take these
161 examinations than is typical nationally and the passage
162 rate is at the national average.

163 (ii) The state also ranks well above the national
164 average passage rate on the state teacher's examination
165 when compared to other states; however, there is serious
166 cause for concern when the state is compared to the
167 national benchmark in preparing students for graduate
168 study.

169 (I) West Virginia ranks more than fifty percentage

170 points below the national average in preparing students
171 to take and pass graduate admissions examinations.

172 (II) Fewer West Virginia graduates take these
173 examinations than is typical nationally and the
174 proportion earning competitive scores is only about
175 seventy-five percent of the national average.

176 (B) *Expected outcomes.* — Success in meeting this
177 goal can be measured in part by benchmarks which
178 include the following:

179 (i) State institutions of higher education develop or
180 use existing nationally normed assessments of student
181 learning outcomes. Data generated through these
182 assessments are analyzed and the results applied by the
183 institutions to improve the quality of undergraduate
184 general education programs; and

185 (ii) Implementation plans at the system and institution
186 levels are developed to improve student preparation for
187 graduate study and to expand graduate and
188 professional education, where appropriate.

189 (3) *Objective.* — Increase the percentage of entering
190 students who persist to receive a degree, a certificate or
191 an industry-recognized credential.

192 (A) *Problem statement.* —

193 (i) This goal is particularly important to West Virginia
194 where only about one person in five holds an associate
195 degree or higher.

196 (ii) The lack of a well-trained workforce is reflected in

197 the most recent score of forty-one received by the state
198 on the nationally recognized New Economy Index which
199 measures the extent to which a state is prepared to
200 participate in knowledge-based industries. This low
201 score places the state well below the national
202 benchmark of sixty on the index.

203 (iii) State institutions of higher education have placed
204 a greater emphasis on student recruitment than on
205 student retention and completion. This strategy alone
206 cannot be successful in meeting state needs for the
207 following reasons:

208 (I) The number of state high school graduates is
209 expected to decline over the next several years;
210 therefore, institutions must improve their performance
211 in retaining the students who enroll.

212 (II) West Virginia is among the leading states in the
213 percentage of first-year students at community colleges
214 who return for their second year and large percentages
215 of freshmen at four-year colleges and universities return
216 for their sophomore year; however, when compared with
217 other states, only a small percentage of these students
218 actually persist to earn a bachelor's degree or associate
219 degree within six years.

220 (III) The state performs poorly on international
221 comparisons of enrolled students who complete
222 certificates or degrees, trailing behind other
223 industrialized and even some third world nations.

224 (IV) While the state college-going rate has improved,
225 most state institutions have made only marginal
226 progress over the past decade in increasing the

227 percentage of students who persist to obtain a degree or
228 certificate.

229 (B) *Expected outcomes.* —

230 (i) Enhanced quality of life for West Virginians,
231 including increased level of per capita income; and

232 (ii) Increased economic development opportunities by
233 expanding existing high-technology and
234 knowledge-based businesses and industries and
235 attracting new ones which demand highly qualified
236 professionals.

237 (4) *Objective.* — State institutions of higher education,
238 particularly community and technical colleges, make
239 maximum effort to recruit and retain adults twenty-five
240 years old or over.

241 (A) *Problem statement.* —

242 (i) The percentage of West Virginia's working-age
243 adults enrolled part-time in college-level education or
244 training is very low and the state has experienced one of
245 the largest declines in the nation on this measure over
246 the past twelve years.

247 (ii) A large part of preparing workers for the 21st
248 Century and for a high-quality style of life hinges upon
249 providing opportunity for adults to acquire a series of
250 skill sets in addition to obtaining a degree or other
251 credential.

252 (iii) A major focus for community and technical
253 colleges is upon providing programs to upgrade

254 employee skills through obtaining industry credentials.
255 Currently, however, only certificate program degrees
256 (one-year) and associate degrees (two-year) are counted
257 for funding purposes even though other types of
258 credentials often are as important in meeting workforce
259 development goals as providing degree programs.

260 (B) *Expected outcomes.* —

261 (i) Provide programs of interest to nontraditional
262 students, including those that afford them the
263 opportunity to obtain certificates and credentials,
264 enhance career development and acquire new skill sets;

265 (ii) Develop a high-visibility marketing program
266 which makes adults aware of the opportunities
267 available to them and assists them in entering or
268 reentering the learning environment;

269 (iii) Provide for lower cost tuition and fee rates,
270 particularly at the community and technical colleges,
271 and/or greater access to financial aid for adult full- and
272 part-time students.

273 (iv) Develop open admissions policies which provide
274 opportunities for adults to participate in public
275 post-secondary education beginning at any level of
276 preparedness. Most working-age adults cannot or will
277 not “go back to high school” in order to prepare
278 themselves to participate in higher education.

279 (v) Tailor institutional policies to meet the needs of
280 adults, recognizing that these individuals have
281 responsibilities that are different from those of
282 traditional-aged college students. High on this list of

283 needs are flexible class schedules to accommodate work
284 obligations and waiving dorm residency requirements.

285 (5) *Objective.* — Provide incentives to state
286 institutions of higher education to encourage emphasis
287 on STEM courses and programs leading to degrees in
288 the high-demand fields of science, technology,
289 engineering and mathematics and to encourage
290 collaboration with public education to stimulate
291 interest and prepare students to succeed in these fields.

292 (A) *Problem statement.* —

293 (i) STEM courses often are more expensive to deliver
294 than traditional programs; therefore, institutions may
295 be reluctant to start or expand programs in these areas
296 because of anticipated cost;

297 (ii) Institutions have difficulty recruiting and
298 retaining faculty members in STEM areas because of
299 competition from surrounding states and other market
300 forces;

301 (iii) There is insufficient communication between
302 STEM teachers in public education, STEM faculty in
303 higher education and professionals employed in
304 STEM-related careers such as engineering;

305 (iv) Many students have not taken sufficiently
306 rigorous high school courses to allow them to succeed in
307 post-secondary STEM courses and programs. A large
308 percentage of students enrolled in higher education
309 STEM programs either withdraw from the institution or
310 change majors within the first year; and

311 (v) The transition from high school to college is
312 difficult for many high school students who lack a
313 family role model to provide guidance relevant to the
314 higher education experience.

315 (B) *Expected outcomes.* —

316 (i) Increased capacity for high quality instruction
317 across public higher education;

318 (ii) Increased student access to high quality
319 undergraduate and graduate research opportunities in
320 science, technology, engineering and mathematics;

321 (iii) Enhanced economic development opportunities
322 through increased numbers of highly-qualified
323 professionals available to business and industry;

324 (iv) Development of a consistent and effective forum
325 for communication among STEM faculty in public and
326 higher education and relevant professional communities
327 to address the continuing needs of students, educators
328 and industry;

329 (v) Increased percentage of high school students who
330 have access to and take advantage of rigorous STEM
331 courses;

332 (vi) Alignment of STEM curricula between public and
333 higher education;

334 (vii) Development of a finance formula that gives
335 greater weight to courses taken in high-cost disciplines
336 and/or those that are critical to the state economy; and

337 (viii) Creation of a STEM coordinator position within
338 the faculty of each state institution of higher education
339 to provide outreach to secondary schools, to mentor
340 freshman students and to collaborate with coordinators
341 at other institutions. Because of the size of the student
342 body, the two research universities may need to create
343 coordinator positions specific to certain high-demand
344 STEM disciplines such as engineering and computer
345 science.

346 (6) *Objective.* — Develop a stable funding stream for
347 state institutions of higher education to pay for essential
348 programs which are expensive to deliver, are in high
349 demand and/or are critical to the state's capacity to
350 replace an aging workforce as employees retire. This
351 objective has a particular impact on community and
352 technical colleges which deliver high-cost technical
353 programs.

354 (A) *Problem statement.* —

355 (i) An educated and technically skilled workforce is
356 vital to the state's ability to be competitive in the global
357 marketplace. Currently, West Virginia's employers
358 must struggle to find a sufficient number of highly
359 qualified workers to fill the jobs they have available;
360 and

361 (ii) The majority of technical occupations require the
362 delivery of equipment-intensive, high-cost programs
363 that state institutions of higher education, especially
364 community and technical colleges, lack the capacity to
365 provide.

366 (B) *Expected outcomes.* —

367 (i) State institutions delivering community and
368 technical college education focus on expanding and/or
369 implementing technical programs to meet the needs of
370 high-demand, high-wage occupations;

371 (ii) Funding priorities for community and technical
372 colleges focus on developing and maintaining high-cost
373 technical programs;

374 (iii) Creation of a strategy to fund the replacement,
375 upgrading and purchase of equipment to implement
376 and/or maintain technical education programs; and

377 (iv) Support critical, noncredit programming by
378 incorporating the number of contact hours delivered
379 into a formula to distribute funding to community and
380 technical colleges.

381 (7) *Objective.* — Develop a mechanism to assure
382 uniform delivery of community and technical college
383 education for all regions of the state.

384 (A) *Problem statement.* — The average education
385 attainment rate in West Virginia lags eleven percent
386 behind the national average in part because delivering
387 education programs to the state's adult, place-bound
388 and rural populations presents significant challenges.

389 (B) *Expected outcomes.* —

390 (i) All state citizens have access to a minimum of two
391 years of college education regardless of their place of
392 residence within the state.

393 (ii) The state institutions increase the innovative use

394 of technology and distance education to provide general
395 and technical education access in sparsely populated
396 rural areas.

397 (iii) Creation of a seamless education system and
398 uniform transfer of credits with special attention to
399 transfers between community and technical colleges and
400 four-year institutions;

401 (iv) Appropriate use of adjunct faculty; and

402 (v) Where feasible, use of facilities in public schools,
403 technical centers and other public facilities as classroom
404 space.

405 (8) *Objective.* — Develop greater research capacity
406 throughout public higher education, with a special focus
407 on the state's two doctoral degree-granting universities.

408 (A) *Problem statement.* —

409 (i) West Virginia ranks near the bottom among all
410 states in the amount of federal and privately funded
411 sponsored research it receives. Historically, only the
412 National Science Foundation's Experimental Program
413 to Stimulate Competitive Research (EPSCOR) has
414 focused on building research capacity in the state, but
415 if West Virginia is to benefit from the increased
416 economic opportunity, better jobs and higher standard
417 of living associated with more STEM professionals in
418 the population, the state must invest more to build its
419 research capacity; and

420 (ii) Low research capacity results in low levels of
421 intellectual property creation, patenting and licensing

422 of commercial property.

423 (B) *Expected outcomes.* —

424 (i) Partnering between and among higher education
425 institutions in West Virginia and between state
426 institutions and larger, resource-rich higher education
427 institutions outside the state;

428 (ii) Developing an institutional and/or statewide
429 research niche and focusing resources on research that
430 contributes most to meeting state needs;

431 (iii) Leveraging scarce resources to make steady,
432 targeted investments in research in niche areas where
433 the state can be a real player at a competitive level;

434 (iv) Developing specific research expertise within the
435 two state doctoral degree-granting universities to
436 generate and analyze data to provide policy
437 recommendations. The areas of focus include funding
438 strategies for higher education, demographic trends and
439 methods to determine and meet workforce development
440 needs by anticipating job creation and credential
441 requirements;

442 (v) Improving communication among the research
443 branches of higher education institutions, including
444 identification of mutually complementary areas of
445 interest to increase funding opportunities and
446 collaboration on intellectual property issues; and

447 (vi) Focusing on economic development through
448 commercial applications of research and recruitment of
449 new research faculty members for this purpose.

450 (9) *Objective.* — Increase the percentage of
451 functionally literate adults in each region of the state.

452 (A) *Problem statement.* —

453 (i) The literacy attainment of a population is defined
454 at its most basic level as the percentage of those
455 individuals over the age of fifteen who can read and
456 write, but such a definition does not address the
457 realities of the 21st Century. The National Literacy Act
458 of 1991 and the National Workforce Investment Act of
459 1998 both define literacy more broadly as “an
460 individual’s ability to read, write, speak in English,
461 compute and solve problems at levels of proficiency
462 necessary to function on the job, in the family of the
463 individual and in society”.

464 Approximately twenty percent of the adult population
465 in West Virginia cannot meet this definition of
466 functional literacy. One adult out of every five in the
467 state lacks the basic literacy skills needed to succeed at
468 work, to enter the learning environment of
469 post-secondary education, to acquire advanced
470 occupational training or to participate in preparing his
471 or her own children to learn.

472 (ii) The high rate of illiteracy in West Virginia not only
473 handicaps adults in seeking employment and achieving
474 their goals for their own quality of life, but also has
475 serious implications for the future of their children and
476 for the state.

477 There is a direct, positive correlation between the
478 reading scores of children and the education level of
479 their parents. The National Assessment of Education

480 Progress (NAEP) has concluded that youngsters whose
481 parents are functionally illiterate are twice as likely to
482 become functionally illiterate adults.

483 (iii) When the level of functional illiteracy in West
484 Virginia is compared to the requirements for
485 high-demand occupations, the negative consequences
486 for the economy of the state become obvious. The
487 International Adult Literacy Survey (IALS) established
488 a scale of five levels which is used extensively to
489 measure the literacy attainment of adults. When this
490 scale was used to compare the literacy requirements of
491 projected high-growth occupations with those in
492 declining occupations such as certain types of
493 manufacturing, researchers found that level three
494 literacy is required for the new jobs, while level two is
495 sufficient for the jobs in the declining occupations.
496 Therefore, workers displaced from jobs in declining
497 occupations as well as those seeking to enter or reenter
498 the work place must possess literacy skills a full level
499 higher than those required for workers only a few years
500 ago. Documents such as manuals outlining standard
501 operating procedures, health and safety manuals, leave
502 forms and retirement options that they encounter daily
503 require a level of literacy well above level two.

504 (iv) A highly skilled and literate work force is essential
505 to the success of state businesses and industry. A ten
506 percent increase in the average education of all workers,
507 equivalent to approximately one additional year of
508 schooling, is associated with an increase of about nine
509 percent in the productivity of that labor force.
510 Additionally, workers who lack literacy skills cannot
511 provide the data and feedback that companies need to
512 make informed business decisions. A company whose

513 employees cannot record reliable production data
514 cannot assess its performance from year to year or
515 determine how well it is meeting its long range goals
516 and objectives.

517 (v) The rate of functional illiteracy in West Virginia
518 also has a direct impact on the health of state citizens.
519 Residents with low literacy skills have difficulty in
520 many health areas including the following:

521 (I) Understanding the correct way to take medication,
522 interpret test results or perform simple self-testing such
523 as taking temperatures or checking blood glucose levels;

524 (II) Understanding and following directions given by
525 physicians or the written instructions provided with
526 prescription or over-the-counter medication for
527 themselves or for their children;

528 (III) Reading and understanding information on food
529 labels and other nutrition information to make sound
530 decisions necessary to establish and maintain healthy
531 lifestyles; and

532 (IV) Furnishing correct information in emergencies to
533 medical providers about illnesses, surgeries and
534 medications or understanding how to fill out insurance
535 forms and other health-related documents.

536 (B) *Expected outcomes.* —

537 (i) Develop greater access and capacity to deliver
538 literacy and remedial education, workforce development
539 training and other higher education services to
540 place-bound adults primarily through the community

541 and technical colleges;

542 (ii) Increase the percentage of the working age
543 population who participate in higher education, either
544 full or part time;

545 (iii) Establish a statewide mechanism to collect data to
546 provide a baseline for measuring progress toward
547 meeting the goal of functional literacy for all
548 working-age adults and to serve as a framework for
549 setting priorities, identifying gaps in service and
550 targeting services to key populations, industries,
551 economic sectors and geographic areas;

552 (iv) Develop programs that include, at a minimum, the
553 following:

554 (I) Learning opportunities within a real-life context,
555 such as workplace and family literacy programs;

556 (II) Recognition of the diversity of individual abilities,
557 skill levels, circumstances and life goals; and

558 (III) Strategies to access, promote and accommodate a
559 variety of instructional methods and learning styles.

560 (v) Develop a culture committed to life-long learning
561 by creating literacy-rich environments wherever people
562 live and work that are capable of influencing changes in
563 individual behavior; and

564 (vi) Create partnerships among schools, employers,
565 workers, governments and communities to achieve these
566 objectives and mechanisms to collect, interpret and
567 disseminate data to assist policymakers in determining

568 the appropriate level of resources essential to support
569 lifelong learning systems.

**§18B-1D-4. Responsibilities of Higher Education Policy
Commission and Council for Community and
Technical College Education; development of
public policy agendas; reports; institutional
responsibilities.**

1 (a) It is the responsibility of the commission, in
2 cooperation with the council, to develop, oversee and
3 advance the public policy agenda mandated by section
4 four, article one-b of this chapter to address the goals
5 and objectives established pursuant to this article and
6 section one-a, article one of this chapter, including, but
7 not limited to, aligning state and institutional compacts,
8 master plans, implementation plans and institutional
9 missions with state goals and objectives to accomplish
10 the purposes of this article.

11 (b) It is the responsibility of the council, in
12 cooperation with the commission when applicable, to
13 develop, oversee and advance the public policy agenda
14 mandated by section six, article two-b of this chapter to
15 address the goals and objectives established pursuant to
16 this article and section one-a, article one of this chapter,
17 including, but not limited to, aligning state and
18 institutional compacts, master plans, implementation
19 plans and institutional missions with state goals and
20 objectives to accomplish the purposes of this article.

21 (c) It is further the responsibility of the commission
22 and council to collect the data, assemble it in the
23 appropriate format and transmit all reports and any
24 other essential documents as needed to fulfill the

25 purposes of this article. Each report shall contain a
26 brief, concise executive summary and shall include
27 trends and recommendations in text format.
28 Recommendations shall be ranked by order of
29 importance and shall be supported by objective data
30 available elsewhere in the report. In addition to those
31 specifically mandated by this chapter or chapter
32 eighteen-c of this code, reporting responsibilities
33 include, but are not limited to, the following:

34 (1) Ensuring that data systems collect the essential
35 information state-level policymakers need to answer
36 key policy questions to fulfill the purposes of the
37 accountability system established pursuant to this
38 article and section one-a, article one of this chapter;

39 (2) Collaborating with public education to establish
40 policies to link existing pre-K, K-12, higher education
41 and teacher data systems to enable tracking of student
42 progress and teacher performance over time; and

43 (3) Ensuring that reports provide data analyses to
44 determine if students entering the public higher
45 education systems are prepared for post-secondary
46 education and if students obtaining degrees, certificates
47 or other credentials are prepared to pursue careers or to
48 continue their education.

49 (d) It is the responsibility of public institutions of
50 higher education to report to the commission or the
51 council, as appropriate, on plans, accomplishments and
52 recommendations to implement the goals and objectives
53 contained in the institutional and state compacts.

§18B-1D-5. Master plans; reports; approval process.

1 (a) The commission and the council each shall develop
2 a master plan for public higher education that is closely
3 aligned with the goals and objectives of this article and
4 section one-a, article one of this chapter as they relate
5 to the missions of institutions under their respective
6 jurisdictions.

7 (b) The authority of the commission and the council,
8 respectively, related to developing and implementing
9 statewide master plans is subject to the following
10 conditions:

11 (1) The master plans shall be established for periods of
12 not more than five years.

13 (2) The master plans in place on the effective date of
14 this article continue in effect until the end of the
15 five-year planning cycle unless amended or rescinded
16 by the commission or council, respectively, pursuant to
17 this article.

18 (3) Any new master plan proposed by the commission
19 or council shall be communicated to the Legislative
20 Oversight Commission on Education Accountability and
21 may not be adopted or implemented without the
22 approval of that body;

23 (4) The commission and council each shall perform a
24 comprehensive review of its master plan at least
25 annually and shall revise it periodically as appropriate
26 to meet state goals and objectives.

27 (5) The commission and the council each shall review
28 the progress of its higher education system in meeting
29 the goals and objectives of the master plan and report to

30 the Legislative Oversight Commission on Education
31 Accountability, with detailed recommendations for
32 amending the plan, by the first day of January, two
33 thousand nine, and annually thereafter.

34 (6) At the end of each five-year planning cycle and as
35 an integral part of the preparation of a new master plan,
36 the commission and the council, respectively, shall
37 prepare and submit to the Legislative Oversight
38 Commission on Education Accountability a
39 comprehensive report containing at least the following:

40 (A) A detailed, data-based analysis of the progress of
41 the system and the institutions within the system
42 toward meeting each goal and objective included in the
43 current plan; and

44 (B) A strategy for using this data as a basis for
45 developing the master plan for the next planning cycle.

46 (c) The master plan shall include a detailed set of
47 system objectives designed to meet the state goals and
48 objectives outlined in this article and section one-a,
49 article one of this chapter, including, but not limited to,
50 the following:

51 (A) A well-developed analysis of missions, degree
52 offerings, resource requirements, physical plant needs,
53 personnel needs, enrollment levels and other planning
54 determinants and projections for public higher
55 education and other matters necessary in such a plan to
56 assure that the needs of the state for a quality system of
57 higher education are addressed; and

58 (B) A strategy for cooperation and collaboration with

59 the State Board of Education and State Department of
60 Education, state institutions of higher education, the
61 counterpart state coordinating board and other relevant
62 education providers to assure that a comprehensive and
63 seamless system of education is developed and
64 implemented for West Virginia.

**§18B-1D-6. State compacts; legislative intent; rule required;
implementation plans authorized.**

1 (a) It is the intent of the Legislature that members of
2 the education partnership to achieve state goals and
3 objectives engage in developing state compacts between
4 and among themselves for the purpose of enhancing the
5 well-being of the citizens of West Virginia. Such a
6 compact constitutes a formal contract and focuses on
7 the goals and objectives established pursuant to this
8 article and section one-a, article one of this chapter. A
9 compact is called for when achievement of specific goals
10 or objectives requires significant collaboration and
11 commitment of resources by more than one member of
12 the partnership.

13 (b) The rules to be proposed relating to state compacts
14 pursuant to subsection (c), section one of this article
15 shall include, but are not limited to, the following
16 components:

17 (1) A procedure to determine when a state compact is
18 necessary or desirable;

19 (2) A procedure for determining the identity of parties
20 to the compact and for establishing compact terms:

21 (A) Parties to the compact may be any two or more

22 members of the education partnership to achieve state
23 goals and objectives who are positioned to make
24 significant contributions to meeting compact objectives;
25 and

26 (B) The terms of the compact shall focus on
27 achievement of objectives. The expected outcomes shall
28 be stated in concrete terms that are measurable.

29 (3) A mechanism for negotiating agreement on
30 compact objectives. The mechanism shall provide for
31 negotiation and development of consensus among the
32 parties and must be reasonable in its operation and
33 outcomes expectations;

34 (4) A procedure for creating and consolidating
35 commitment between and among parties to the compact.
36 Most state compacts will extend over multiple years and
37 will require that negotiation between education
38 partners and elected state officials take into account the
39 constraints of the political process and the limits on
40 available resources; and

41 (5) A process for periodic review, assessment and
42 reporting of progress toward meeting the compact
43 objectives. The rule shall provide for objective analysis
44 and reporting to the compact partners and to the elected
45 officials of the state.

46 (c) In addition to authorizing the commission and the
47 council to enter into state compacts pursuant to
48 subsections (a) and (b) of this section, it is the intent of
49 the Legislature to encourage them strongly to develop
50 implementation plans together with other members of
51 the public higher education community to achieve

52 system and institutional goals and objectives which are
53 consistent with and supportive of the goals and
54 objectives established in this article and section one-a,
55 article one of this chapter.

56 (1) At a minimum, each implementation plan shall
57 contain the following elements:

58 (A) Identification of the goal and the objectives to be
59 achieved;

60 (B) Identification of the parties to the implementation
61 plan and a process for developing consensus among the
62 parties;

63 (C) A needs assessment or other mechanism to
64 determine current status of the proposed objectives,
65 including a survey of available resources and other data
66 relevant to achieving the objectives;

67 (D) Identification of challenges or barriers to meeting
68 objectives;

69 (E) Delineation of tasks to be performed;

70 (F) A specific time line for meeting objectives;

71 (G) An evaluation process administered periodically to
72 determine progress in meeting the objectives during the
73 life span of the plan; and

74 (H) A method for determining success in achieving the
75 objectives following the closing date established by the
76 time line.

77 (2) Implementation plans are internal documents
78 developed among members of the public higher
79 education community and are not subject to an external
80 approval process.

**§18B-1D-7. Findings; establishment of institutional compacts;
compact elements; submission date; review and
approval process; rule required.**

1 (a) The Legislature finds that West Virginia long has
2 recognized the value of education and, on a per capita
3 income basis, ranks very high among the states in its
4 investment to support public education. The
5 Legislature further finds that a combination of state
6 and national demographic and economic factors as well
7 as significant changes in methods of course and
8 program delivery compel both the state and public
9 higher education to create a process that will strengthen
10 institutional capacity to provide the services so valued
11 by the citizens of the state and so essential to promoting
12 economic vitality.

13 (b) Therefore, each state college and university shall
14 prepare an institutional compact for submission to the
15 commission and each community and technical college
16 shall prepare an institutional compact for submission to
17 the council. When the process herein provided is
18 completed, the resulting institutional compact
19 constitutes a negotiated contract between the state
20 institution of higher education and the commission or
21 council, respectively, containing at a minimum the
22 following basic components:

23 (1) Institutional strategies for focusing resources on
24 meeting the goals and objectives set forth in this article

25 and section one-a, article one of this chapter; and

26 (2) Commission or council strategies for promoting
27 and supporting the institution in fulfilling its mission
28 and objectives, to make it more competitive with its
29 peers and to ensure the continuity of academic
30 programs and services to its students.

31 (c) In addition to the basic contract components
32 described in subsection (b) of this section, each compact
33 shall contain at least the following elements:

34 (1) A determination of the mission of the institution
35 which specifically addresses changes necessary or
36 expedient to accomplish the goals and objectives
37 articulated by the state and the appropriate statewide
38 master plan;

39 (2) A detailed statement of how the compact is aligned
40 with and will be implemented in conjunction with the
41 master plan of the institution;

42 (3) A comprehensive assessment of education needs
43 within the institution's geographic area of
44 responsibility;

45 (4) A strategy to ensure access to comprehensive
46 community and technical college and workforce
47 development services within each respective region of
48 the state consistent with the mission of the institution;

49 (5) Provision for collaboration and brokering of
50 education services as necessary or expedient to carry
51 out the institutional mission and meet its objectives;

52 (6) Provision of student services at the optimum level
53 to support the institutional mission and to achieve state
54 goals and objectives;

55 (7) Strategies for using existing infrastructure and
56 resources within each region, where feasible, to increase
57 student access while controlling costs and maintaining
58 academic quality; and

59 (8) Other public policy objectives or initiatives
60 adopted by the commission or council pursuant to the
61 intent and purposes of this article and section one-a,
62 article one of this chapter.

63 (d) Each institutional compact shall be updated
64 annually and shall follow the same general guidelines
65 contained in this section.

66 (e) Development and updating of the institutional
67 compacts is subject to the following conditions:

68 (1) The ultimate responsibility for developing and
69 updating the compacts at the institutional level resides
70 with the board of advisors or the board of governors, as
71 appropriate. It is the responsibility of the commission
72 or council to provide technical assistance as requested
73 and to negotiate with the institution development of the
74 strategies to promote and support the institution
75 pursuant to subsection (b) of this section;

76 (2) The commission and the council each shall
77 establish a date by which institutions under their
78 respective jurisdictions shall submit their compacts to
79 the commission or council pursuant to the provisions of
80 this article. The date established by each state-level

81 coordinating board shall apply uniformly to all
82 institutions under the jurisdiction of that coordinating
83 board and shall meet the following additional
84 conditions:

85 (A) Allow sufficient time for careful analysis of the
86 compacts by the central office staff and for review by
87 members of the commission or the council, as
88 appropriate; and

89 (B) Allow sufficient time for the institutions to make
90 necessary revisions to the compacts as provided in this
91 section.

92 (3) The commission and council shall review each
93 compact from the institutions under their respective
94 jurisdictions and either adopt the compact or return it
95 with specific comments for change or improvement.
96 The commission and council, respectively, shall
97 continue this process as long as each considers
98 advisable;

99 (4) By the first day of May annually, if the
100 institutional compact of any institution as presented by
101 that institution is not adopted by the respective
102 commission or council, then the commission or council
103 is empowered and directed to develop and adopt the
104 institutional compact for the institution and the
105 institution is bound by the compact so adopted; and

106 (5) As far as practicable, the commission and council
107 each shall establish uniform processes and forms for the
108 development and submission of the institutional
109 compacts by the institutions under their respective
110 jurisdictions, taking into consideration the differences

111 in institutional missions and objectives. As a part of
112 this function, the commission and council each shall
113 organize the statements of legislative goals and
114 objectives contained in this article and section one-a,
115 article one of this chapter in a manner that facilitates
116 the purposes therein.

117 (f) *Assignment of geographic areas of responsibility.* —

118 (1) The commission shall assign geographic areas of
119 responsibility to the state institutions of higher
120 education under its jurisdiction, except for the state
121 institutions of higher education known as West Virginia
122 School of Osteopathic Medicine, Marshall University
123 and West Virginia University. For institutions other
124 than the state institutions of higher education known as
125 West Virginia School of Osteopathic Medicine, Marshall
126 University and West Virginia University, the geographic
127 areas of responsibility are made a part of their
128 institutional compacts to ensure that all areas of the
129 state are provided necessary programs and services to
130 achieve state goals and objectives. The commission and
131 the council each shall develop data-based measures to
132 determine the extent to which institutions under their
133 respective jurisdictions are providing higher education
134 services aligned with state goals and objectives and
135 institutional missions within their geographic areas of
136 responsibility. This information shall be reported in the
137 statewide report card established pursuant to section
138 eight of this article.

139 (2) The council shall assign geographic areas of
140 responsibility to the state institutions of higher
141 education under its jurisdiction, including the
142 administratively linked institution known as Marshall

143 Community and Technical College, the administratively
144 linked institution known as the Community and
145 Technical College at West Virginia University Institute
146 of Technology and the regional campus known as West
147 Virginia University at Parkersburg.

148 (3) The geographic areas of responsibility for the state
149 institutions of higher education known as West Virginia
150 School of Osteopathic Medicine, Marshall University
151 and West Virginia University are assigned by the
152 Legislature.

153 (4) The benchmarks established in the institutional
154 compacts include measures of programs and services by
155 geographic area throughout the assigned geographic
156 area of responsibility.

157 (g) The compacts shall contain benchmarks to be used
158 to determine progress toward meeting the objectives
159 established in the compacts. The benchmarks shall
160 meet the following criteria:

161 (1) They shall be objective;

162 (2) They shall be directly linked to the objectives in
163 the compacts;

164 (3) They shall be measured by the indicators described
165 in subsection (h) of this section; and

166 (4) Where applicable, they shall be used to measure
167 progress in geographic areas of responsibility.

168 (h) The rules required by subsection (c), section one of
169 this article shall include indicators which measure the

170 degree to which the goals and objectives set forth in this
171 article and section one-a, article one of this chapter are
172 being met by the institutions under the jurisdiction of
173 the commission and the council, respectively.

174 (1) The rules pertaining to benchmarks and indicators
175 in effect for the commission and the council on the
176 effective date of this section remain in effect for the
177 institutions under their respective jurisdictions until
178 amended, modified, repealed or replaced by the
179 commission or the council, respectively, pursuant to the
180 provisions of this article, section six, article one of this
181 chapter and article three-a, chapter twenty-nine-a of
182 this code.

183 (2) The rules shall set forth at least the following as
184 pertains to all state institutions of higher education:

185 (A) The indicators used to measure the degree to
186 which the goals and objectives are being met;

187 (B) Uniform definitions for the various data elements
188 to be used in establishing the indicators;

189 (C) Guidelines for the collection and reporting of data;
190 and

191 (D) Sufficient detail within the benchmarks and
192 indicators to provide the following information:

193 (i) Measurable evidence that the pursuits of the
194 institution are focused on the education needs of the
195 citizens of the state and are aligned with the objectives
196 of the institutional compacts and statewide master
197 plans;

198 (ii) Delineation of the objectives and benchmarks for
199 an institution so that the commission or council can
200 precisely measure the degree to which progress is being
201 made toward achieving the goals and objectives
202 provided in this article and section one-a, article one of
203 this chapter; and

204 (iii) Identification of specific objectives within the
205 master plan or compact of an institution that are not
206 being met or toward which sufficient progress is not
207 being made.

208 (3) In addition to any other requirement, the rule
209 established by the council shall set forth at least the
210 following as pertains to community and technical
211 college education:

212 (A) Benchmarks and indicators which are targeted to
213 identify the following:

214 (i) The degree to which progress is being made by
215 institutions toward meeting state goals and objectives
216 and the essential conditions for community and
217 technical college education pursuant to section three,
218 article three-c of this chapter;

219 (ii) Information and data necessary to be considered
220 by the council in making the determination required by
221 section three, article two-c of this chapter; and

222 (B) Sufficient detail within the benchmarks and
223 indicators to provide clear evidence to support an
224 objective determination by the council that an
225 institution's progress toward achieving state goals and
226 objectives and the essential conditions for community

227 and technical college education is so deficient that
228 implementation of the provisions of section four, article
229 two-c of this chapter is warranted and necessary.

230 (i) The commission and the council, respectively, shall
231 approve the compacts developed for the institutions
232 under their respective jurisdictions by the boards of
233 governors or the boards of advisors pursuant to this
234 section and consistent with the powers and duties
235 prescribed in section four, article two-a of this chapter
236 and section one, article six of this chapter.

§18B-1D-8. Institutional and system report cards.

1 (a) The purpose of the institutional and statewide
2 report cards is to make information available to parents,
3 students, faculty, staff, state policymakers and the
4 general public on the quality and performance of public
5 higher education. The focus of the report cards is to
6 determine annual progress of the commission, the
7 council and institutions under their respective
8 jurisdictions toward achieving state goals and objectives
9 identified in this article and section one-a, article one of
10 this chapter and system goals and objective contained in
11 the statewide master plans of the commission and
12 council created pursuant to section five of this article.

13 (b) The information contained in the report cards shall
14 be consistent and comparable between and among state
15 institutions of higher education. If applicable, the
16 information shall allow for easy comparison with higher
17 education-related data collected and disseminated by
18 the Southern Regional Education Board, the United
19 States Department of Education and other education
20 data-gathering and data-disseminating organizations

21 upon which state policymakers frequently rely in setting
22 policy.

23 (c) The rules required by subsection (c), section one of
24 this article shall provide for the collection, analysis and
25 dissemination of information on the performance of the
26 state institutions of higher education, including health
27 sciences education, in relation to the findings, goals and
28 objectives set forth in this article and section one-a,
29 article one of this chapter and those contained in the
30 statewide master plans of the commission and council
31 developed pursuant to section five of this article.

32 (1) The objective of this portion of the rule is to ensure
33 that the Legislative Oversight Commission on Education
34 Accountability and others identified in subsection (a) of
35 this section are provided with full and accurate
36 information while minimizing the institutional burden
37 of recordkeeping and reporting.

38 (2) This portion of the rule shall identify various
39 indicators of student and institutional performance
40 that, at a minimum, must be reported annually, set forth
41 general guidelines for the collection and reporting of
42 data and provide for the preparation, printing and
43 distribution of report cards under this section.

44 (d) The report cards shall be analysis-driven, rather
45 than simply data-driven, and shall present information
46 in a format that can inform education policymaking.
47 They shall include an executive summary which outlines
48 significant trends, identifies major areas of concern and
49 discusses progress toward meeting state and system
50 goals and objectives. They shall be brief and concise,
51 reporting required information in nontechnical

52 language. Any technical or supporting material to be
53 included shall be contained in a separate appendix.

54 (e) The statewide report card shall include the data for
55 each separately listed, applicable indicator identified in
56 the rule promulgated pursuant to subsection (c) of this
57 section and the aggregate of the data for all public
58 institutions of higher education.

59 (f) The statewide report card shall be prepared using
60 actual institutional, state, regional and national data, as
61 applicable and available, indicating the present
62 performance of the individual institutions, the
63 governing boards and the state systems of higher
64 education. Statewide report cards shall be based upon
65 information for the current school year or for the most
66 recent school year for which the information is
67 available, in which case the year shall be clearly noted.

68 (g) The president or chief executive officer of each
69 state institution of higher education shall prepare and
70 submit annually all requested data to the commission at
71 the times established by the commission.

72 (h) The higher education central office staff, under the
73 direction of the Vice Chancellor for Administration,
74 shall provide technical assistance to each institution
75 and governing board in data collection and reporting
76 and is responsible for assembling the statewide report
77 card from information submitted by each governing
78 board.

79 (i) The statewide report card shall be completed and
80 disseminated with copies to the Legislative Oversight
81 Commission on Education Accountability prior to the

82 first day of January of each year and the staff of the
83 commission and the council shall prepare a report
84 highlighting specifically the trends, progress toward
85 meeting goals and objectives and major areas of concern
86 for public higher education, including medical
87 education, for presentation to the Legislative Oversight
88 Commission on Education Accountability at the interim
89 meetings in January, two thousand nine, and annually
90 thereafter.

91 (j) Notwithstanding any other provisions of this code
92 to the contrary, the following statutorily mandated
93 reports are not required to be prepared and submitted
94 annually unless a member of the Legislature makes a
95 specific request for a particular report:

96 (1) An annual report, pursuant to subsection (a),
97 section forty-eight, article three, chapter five-a of this
98 code, on vehicle fleets;

99 (2) An annual report, pursuant to subsection (e),
100 section ten, article one of this chapter, on plans,
101 accomplishments and recommendations in
102 implementing a cooperative relationship between
103 Potomac State College and Eastern West Virginia
104 Community and Technical College;

105 (3) An annual report, pursuant to paragraphs (A) and
106 (B), subdivision (10), subsection (a), section four, article
107 one-b of this chapter, concerning higher education
108 performance and enrollment data;

109 (4) An annual report, pursuant to paragraph (A),
110 subdivision (11), subsection (b), section six, article
111 two-b of this chapter, concerning community and

112 technical college performance;

113 (5) An annual report, pursuant to subsection (b),
114 section seven, article five of this chapter, on all sales of
115 obsolete, unusable or surplus commodities;

116 (6) An annual report, pursuant to section eight, article
117 five of this chapter, on purchases from West Virginia
118 businesses;

119 (7) An annual report, pursuant to subsection (j),
120 section one, article ten of this chapter, on the amount of
121 auxiliary fees collected to replace state funds
122 subsidizing auxiliary services;

123 (8) An annual report, pursuant to subsection (c),
124 section five, article thirteen of this chapter, on technical
125 assistance provided to qualified businesses within
126 approved research parks, research zones or technology
127 centers;

128 (9) An annual report, pursuant to subsection (e),
129 section six, article eighteen of this chapter, on the status
130 of the Eminent Scholars Endowment Trust Fund; and

131 (10) An annual report, pursuant to subsection (e),
132 section one, article three, chapter eighteen-c of this
133 code, relevant to the health education loan program.

134 (k) For a reasonable fee, the Vice Chancellor for
135 Administration shall make copies of the report cards,
136 including any appendices of supporting material,
137 available to any individual requesting them.

ARTICLE 14. MISCELLANEOUS.

§18B-14-9. Legislative findings; establishment of study committee; membership; recommendations on higher education facilities.

1 (a) The Legislature finds that it is in the best interest
2 of the state to have an effective and comprehensive
3 system for the delivery of public higher education
4 programs. West Virginia is one of the very few states in
5 the nation which does not address higher education
6 capital project and facilities maintenance needs through
7 a statewide plan. State institutions of higher education
8 vary widely in their ability to incur debt for capital
9 projects and the conditions of their facilities
10 infrastructure. Some institutions have incurred
11 substantial amounts of debt to address capital needs,
12 while other institutions have not.

13 The Legislature further finds that average tuition and
14 fees for current and former administratively linked
15 community and technical colleges rank well above the
16 national average primarily because of the capital fees
17 that students at those institutions have to pay. The
18 large amount of capital fees that students must pay at
19 the institution level contributes significantly to the poor
20 grade the state receives each year in the category of
21 "Affordability" on "Measuring Up: The National Report
22 Card on Higher Education". Net college costs for state
23 students who come from families in the lowest forty
24 percent of the population in terms of income to attend
25 community and technical colleges and four-year
26 colleges and universities in West Virginia represent
27 about forty-five percent of their family's annual income
28 and there are few low-cost college opportunities.

29 The Legislature further finds that the high cost of

30 capital fees contributes directly to the amount of debt
31 incurred by students during their college years. The
32 debt load, in turn, severely limits students' career
33 choices and often dictates their place of residence after
34 graduation.

35 (b) It is the responsibility of the Legislature to
36 determine how to make the best use of available
37 resources and how best to address the problems outlined
38 in subsection (a) of this section. Therefore, the Joint
39 Committee on Government and Finance shall create a
40 committee for the purposes of making a specific and
41 detailed analysis of higher education capital project and
42 facilities maintenance needs and providing
43 recommendations to the Legislature.

44 (c) The committee consists of the following members:

45 (1) The President of the Senate or designee;

46 (2) The Speaker of the House of Delegates or designee;

47 (3) The chairs of the Senate and House of Delegates
48 Committees on Education, who shall cochair the
49 committee;

50 (4) The vice chairs of the Senate and House of
51 Delegates Committees on Education;

52 (5) The chairs of the Senate and House of Delegates
53 Committees on Finance or their designees;

54 (6) The cochairs of the Joint Commission on Economic
55 Development or their designees;

56 (7) Two members each from the Senate Committees on
57 Finance and Education appointed by the President of
58 the Senate; and

59 (8) Two members each from the House Committees on
60 Finance and Education appointed by the Speaker of the
61 House.

62 (d) The committee shall develop and recommend a
63 state-level facilities plan which includes, but is not
64 limited to, the following:

65 (1) A review of capital project and facilities
66 maintenance needs of all state institutions of higher
67 education and recommendations for addressing those
68 needs;

69 (2) Recommendations concerning the appropriate
70 capital debt load that reasonably should be maintained
71 by the commission, council and state institutions of
72 higher education;

73 (3) Recommendations for a funding mechanism to
74 reduce the obligation of students and parents to bear
75 the cost of higher education capital projects and
76 facilities maintenance;

77 (4) Recommendations for maximizing changes in
78 bonding capacity that will occur in two thousand
79 twelve;

80 (5) Development of a uniform definition of deferred
81 maintenance;

82 (6) Recommendations for an appropriate mechanism

83 to target a percentage of state capital contributions to
84 address deferred maintenance needs; and

85 (7) Recommendations for a transparent methodology
86 to set priorities for funding capital projects.

87 (e) The committee shall commence its work on or
88 before the fifteenth day of May, two thousand eight, and
89 shall deliver its recommendations, together with draft
90 legislation to implement the recommendations, to the
91 Legislative Oversight Commission on Education
92 Accountability and the Joint Committee on Government
93 and Finance by the first day of December, two thousand
94 eight.

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

Randy Wette
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Dassel Thomas
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this
the *28th* Day of *March*, 2008.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 24 2008

Time 3:05pm