

1 **ENROLLED**

2 **Senate Bill No. 486**

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

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6 [Passed March 7, 2011; in effect from passage.]  
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9 AN ACT to amend the Code of West Virginia, 1931, as amended, by  
10 adding thereto a new article, designated §18B-1E-1, §18B-1E-2,  
11 §18B-1E-3 and §18B-1E-4, all relating to West Virginia  
12 University Institute of Technology, West Virginia University  
13 and the Higher Education Policy Commission; defining certain  
14 terms; establishing a revitalization project and plan; stating  
15 legislative findings, purpose and intent; and requiring  
16 certain reports.

17 *Be it enacted by the Legislature of West Virginia:*

18 That the Code of West Virginia, 1931, as amended, be amended  
19 by adding thereto a new article, designated §18B-1E-1, §18B-1E-2,  
20 §18B-1E-3 and §18B-1E-4, all to read as follows:

21 **ARTICLE 1E. WEST VIRGINIA UNIVERSITY INSTITUTE OF TECHNOLOGY**

22 **REVITALIZATION PROJECT.**

23 **§18B-1E-1. Definitions.**

24 When used in this article the following words have the

1 meanings ascribed to them unless the context clearly indicates a  
2 different meaning:

3       (a) "Center of excellence" means an academic program or group  
4 of programs located within a particular state institution, division  
5 or branch campus that is addressed in the institution's compact and  
6 recognized by the institution, its governing board, administrators,  
7 faculty and staff as having gained a significant degree of regional  
8 or national acclaim for high quality and public service.

9       (b) "Chancellor" means the chief executive officer employed by  
10 the commission.

11       (c) "Governing board" means the board of governors for West  
12 Virginia University established pursuant to section one, article  
13 two-a of this chapter.

14       (d) "LOCEA" means the Legislative Oversight Commission on  
15 Education Accountability established pursuant to section eleven,  
16 article three-a, chapter twenty-nine-a of this code.

17       (e) "Revitalization plan" means the implementation process  
18 developed pursuant to section three of this article.

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

1 (g) "STEM" mean areas of study in science, technology,  
2 engineering and mathematics.

3 (h) "WV-CURE" means the task force created pursuant to section  
4 three, article one-c of this chapter.

5 (i) "WV-CURE report" means the findings and recommendations  
6 contained in the final document submitted to the Legislature  
7 pursuant to section three, article one-c of this chapter.

8 (j) "WVU-Tech" means West Virginia University Institute of  
9 Technology, a division of West Virginia University.

10 **§18B-1E-2. Legislative purpose, findings and intent.**

11 (a) The purpose of this article is to focus attention on West  
12 Virginia University Institute of Technology to honor the  
13 institution's history of excellence and service to the region and  
14 the state, to identify its unique role and contributions to higher  
15 education and to create and implement the revitalization plan that  
16 not only will be used to assist this institution to reach its full  
17 potential of service to the citizens of West Virginia, but also may  
18 serve as a model that can be replicated at other state institutions  
19 of higher education.

20 (b) *Findings.*--

21 (1) WVU-Tech has a distinguished history of more than a  
22 hundred years of service, growth and change, but, in addition to  
23 the positive advancements, the institution also has dealt with  
24 internal conflict and external controversy initiated by multiple

1 changes in policy direction, governance structure and mission. It  
2 was founded in 1895 as a preparatory school of West Virginia  
3 University and since that time, has functioned as a trade school,  
4 a junior college, a free-standing baccalaureate institution and a  
5 regional campus of West Virginia University. In 2007, it became a  
6 fully-integrated division of West Virginia University.

7       (2) The many changes of name, mission, governance structure  
8 and affiliation, together with its location in the heart of the  
9 southern coal fields, assure the institution a unique place in the  
10 state system of higher education. The institution continues to  
11 provide vital education opportunities to the mostly-rural  
12 population which comprise its primary service clientele.

13       (3) Both its traditional strength and its unique opportunity  
14 for future growth and service lie in its focus on STEM education,  
15 particularly in undergraduate engineering and technology, in which  
16 it has been a leader for nearly sixty years.

17       (4) The student-centered programs, combined with small classes  
18 and individualized instruction, provide undergraduates with  
19 opportunities for hands-on research and cooperative work  
20 experiences that usually are available only to graduate students.

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

23       (A) Retention and graduation rates at the state institutions  
24 of higher education are a major source of concern for state

1 policymakers.

2 (i) The average retention rate for the state system as a  
3 whole, calculated from the fall semester in 2008 to the fall  
4 semester of 2009, the most recent period for which data are  
5 available, is seventy-three percent. Twenty-seven students out of  
6 every one hundred who were enrolled in a state institution of  
7 higher education in 2008 did not return for the fall semester in  
8 2009.

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

12 (iii) Within these statewide averages there are significant  
13 variations among both institutions and disciplines, particularly in  
14 the disciplines emphasizing STEM education. Retention rates range  
15 from a high of eighty-two percent to a low of fifty-five percent.  
16 Six-year graduation rates fall between a high of fifty-nine percent  
17 and a low of fifteen percent.

18 (B) According to the WV-CURE report submitted by WV-CURE in  
19 2008, West Virginia faces many of the same challenges in preparing  
20 and recruiting STEM professionals as the rest of the country, but  
21 in addition has unique challenges related to its population  
22 demographics and geography.

23 (C) Due to its unique history and geographical location, WVU-  
24 Tech provides the ideal laboratory in which to develop a successful

1 model to address these challenges through the revitalization plan  
2 created pursuant to section three of this article.

3 (c) *Legislative intent.* --

4 (1) It is the intent of the Legislature in establishing the  
5 revitalization project to encourage WVU-Tech to build upon its  
6 tradition of high-quality, student-centered STEM education, to  
7 assist the institution to reach its full potential as a center of  
8 excellence and a positive force for economic development and  
9 cultural enrichment within the community and state, to implement  
10 certain recommendations from the WV-CURE report and to create a  
11 successful policy model that state decision makers may employ in  
12 other areas where state institutions of higher education struggle  
13 to overcome similar problems. The revitalization project shall  
14 serve as a laboratory in which to identify problems, research  
15 solutions and implement those programs and procedures that best  
16 meet the intent of this article.

17 (2) It is further the intent of the Legislature to promote  
18 institutional stability at WVU-Tech by keeping the governance  
19 structure of the institution unchanged until the report required in  
20 section four of this article is received in 2014. Throughout the  
21 WVU-Tech revitalization process, the governing board retains  
22 statutory control of the institution. Except for authority  
23 otherwise granted by statute, this article extends the commission's  
24 authority only to those items identified in the revitalization plan

1 and funded by legislative appropriation therefor.

2 **§18B-1E-3. Revitalization Project and Plan; Plan approval**  
3 **required.**

4 (a) There is hereby created the Revitalization Project for  
5 WVU-Tech under the direction of the commission. The project  
6 includes a study and development of a revitalization plan designed  
7 to meet the goals and intent of this article.

8 (b) On the effective date of this section, the commission  
9 shall initiate a study and draw upon the expertise of groups both  
10 internal and external to West Virginia to take advantage of the  
11 services of national organizations specializing in institutional  
12 renewal. The commission shall bear the costs of the study.

13 (c) The study shall include, but is not limited to, the  
14 following thematic areas:

15 (1) Exploring new academic programs that meet emerging  
16 industry needs in West Virginia;

17 (2) Developing distance education and adult-targeted degree  
18 and programmatic offerings, with particular attention to avoiding  
19 costly program duplication;

20 (3) Examining marketing and recruiting strategies at the  
21 institution;

22 (4) Reviewing nonacademic programs and auxiliary operations,  
23 focused upon efficiencies and strategic development;

24 (5) Reviewing fiscal and operating procedures, emphasizing

1 initiatives through which the institution can reduce annual  
2 operating costs and maximize all available revenues;

3 (6) Evaluating all institutionally-affiliated groups,  
4 including the alumni association, the WVU-Tech Foundation and all  
5 other institutionally-affiliated organizations which are exempt  
6 from taxation pursuant to Section 501(c)(3) of the Internal Revenue  
7 Code of 1986, as amended, stressing revitalization of these  
8 entities; and

9 (7) Reviewing and assessing the capital infrastructure of the  
10 institution.

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

13 (1) Creating and maintaining a forum for meaningful  
14 interaction between and among the K-12 and professional communities  
15 to define better the needs of the STEM stakeholders at each level  
16 of the education and early career process. The forum may help to  
17 ensure smoother transitions for students at each step and thereby  
18 increase student retention and graduation rates. A cooperative  
19 approach with the public schools in the institution's service area  
20 may serve as means to increase students' interest and familiarize  
21 them with the STEM programs WVU-Tech offers;

22 (2) Preparing students for the future by enhancing student  
23 design/capstone experiences to include undergraduate research at an  
24 earlier point in the baccalaureate curriculum thereby expanding the

1 focus on opportunities for advanced studies and providing students  
2 with enhanced critical thinking and learning skills to adapt to an  
3 environment of rapidly changing technologies;

4 (3) Stimulating interest of young people in training and  
5 careers in engineering and related disciplines by involving the  
6 professional and business communities in a more visible and engaged  
7 manner;

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

11 (5) Pursuing the goals set forth in section three, article  
12 one-c of this chapter to increase West Virginia's capacity for high  
13 quality engineering instruction and research; increase access to  
14 high quality instruction and research opportunities in STEM  
15 disciplines; and stimulate economic development by increasing the  
16 number of professional engineers available to business and  
17 industry;

18 (6) Exploring opportunities for collaborations between  
19 institutions to increase the access to high quality programs while  
20 reducing the overall expenditure per student in high cost  
21 disciplines; and

22 (7) Developing more electronic classrooms, online programs,  
23 and other technology-driven teaching/learning facilities in order  
24 to pool resources among the engineering institutions, reach

1 students who are place-bound or who live in rural areas distant  
2 from the institution's campus and avoid expensive program  
3 duplication.

4 (e) Based upon the research and findings of the study, the  
5 Chancellor shall coordinate the development of a revitalization  
6 plan to implement the purpose and intent of this article. The  
7 revitalization plan shall serve to guide the distribution of all  
8 funds appropriated by the Legislature and targeted to the  
9 Revitalization Project. The revitalization plan shall include, but  
10 is not limited to, the following elements:

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

13 (2) Recommending a process for establishing WVU-Tech as a  
14 center of excellence in STEM education with particular emphasis on  
15 undergraduate engineering and technology, areas in which the  
16 institution has earned a high degree of regional and national  
17 recognition for excellence. The purpose of the center of  
18 excellence is to enable the institution to concentrate its  
19 resources on providing state-of-the-art post-secondary education  
20 opportunities in a limited number of areas in which the institution  
21 excels. The center of excellence approach promotes effective  
22 teaching and learning through education, training, research and  
23 information dissemination. All parties involved in identifying and  
24 developing the center of excellence bring to the partnership their

1 special expertise of strategic importance to the program and,  
2 ultimately, to the citizens of West Virginia;

3 (3) Benchmarks in the following areas:

4 (A) Enrollment;

5 (B) Retention and graduation;

6 (C) Capital improvements and building renovations/demolitions;

7 (D) Athletics, auxiliaries, and other nonacademic units;

8 (E) Fundraising and alumni development;

9 (F) Academic restructure and program development;

10 (G) Marketing and outreach;

11 (H) Remedial and developmental education;

12 (I) Innovative academic initiatives that can be piloted at  
13 WVU-Tech with the opportunity for diffusion across the systems of  
14 higher education;

15 (J) Transfer and articulation partnerships with other  
16 institutions in the state systems of higher education; and

17 (K) Grants, contracts, and externally sponsored research; and

18 (4) A process whereby WVU-Tech may request and receive moneys  
19 from the pool of appropriated funds.

20 (f) The findings, conclusions and recommendations of the  
21 study, together with the revitalization plan for implementation,  
22 shall be reported to the commission and the governing board by  
23 September 1, 2011. The revitalization plan shall be delivered to  
24 LOCEA no later than September 1, 2011, and LOCEA shall consider the

1 proposed plan and approve or disapprove by September 30, 2011.

2 **§18B-1E-4. Plan implementation; legislative intent; oversight;**  
3 **reporting.**

4 (a) The legislative findings set forth in section two of this  
5 article demonstrate the unique historical role that WVU-Tech has  
6 played as a vital component of the state's higher education system.  
7 In order for the institution to move forward and realize its full  
8 potential, its future must be supported by a financial commitment  
9 from the state. Therefore, as funds are available, it is the  
10 intent of the Legislature to make appropriations to the commission  
11 to support the revitalization project at WVU-Tech.

12 (b) Appropriated funds may be expended under the direction of  
13 the Chancellor for the purposes set forth in this article and in  
14 the revitalization plan approved by LOCEA.

15 (c) The purposes for which the moneys may be used include, but  
16 are not limited to, development costs for new programs, student  
17 outreach initiatives, demolition of certain facilities, and  
18 renovation of campus infrastructure or other items designed to  
19 support existing students and attract new students.

20 (d) By December 1, 2012, and annually thereafter until all  
21 appropriated funds have been expended, the Chancellor shall report  
22 to LOCEA on the allocation of funds. Additionally, the Chancellor  
23 shall provide regular updates to LOCEA, as necessary or requested,  
24 to keep members informed of the progress made in implementing the

1 purposes and intent of this article and the components of the  
2 revitalization plan.

3       (e) By May 1, 2014, the commission and governing board shall  
4 provide to LOCEA a detailed summary of all revitalization project  
5 activities undertaken to date. This report also shall include  
6 recommendations for alterations to the revitalization plan and the  
7 goals of the revitalization project and may include recommended  
8 options for governance changes including independent status for the  
9 institution.