

1 date under certain circumstances.

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

3 That the Code of West Virginia, 1931, as amended, be amended
4 by adding thereto a new article, designated §18B-3F-1, §18B-3F-2,
5 §18B-3F-3, §18B-3F-4, §18B-3F-5, §18B-3F-6, §18B-3F-7, §18B-3F-8
6 and §18B-3F-9, all to read as follows:

7 **ARTICLE 3F. REORGANIZATION OF COMMUNITY AND TECHNICAL COLLEGES.**

8 **§18B-3F-1. Definitions.**

9 (a) *General.* -- For the purposes of this article terms have
10 the meaning ascribed to them in section two, article one of this
11 chapter, unless the context in which the term is used clearly
12 requires a different meaning or a specific definition is provided
13 in this section.

14 (b) *Definitions.* --

15 (1) "Administrative planning committee" or "planning
16 committee" means the advisory group established pursuant to the
17 provisions of section four of this article to oversee the
18 reorganization of community and technical colleges and to serve as
19 liaison to the institutional board of governors and the council.

20 (2) "Affected institution" means a community and technical
21 college which is included in a reorganization.

22 (3) "Chancellor" means the chief executive officer of the
23 Council for Community and Technical College Education appointed

1 pursuant to section three, article two-b of this chapter.

2 (4) "Consolidated institution" means a community and technical
3 college formed by joining together one or more institutions to
4 create a new multicampus college or integrating one of more
5 institutions into an existing institution to form one multicampus
6 college. An institution that is included in a consolidation or
7 integrated into an existing institution ceases to exist as an
8 independent institution of higher education on the date the
9 reorganization is complete.

10 (5) "Institution" means any community and technical college
11 under the jurisdiction of the council.

12 (6) "Multicampus institution" means a college that has more
13 than one campus as defined and approved by the Higher Learning
14 Commission of the North Central Association of Schools and
15 Colleges.

16 (7) "Institutional reorganization" or "reorganization" means
17 the process of combining institutions to form a consolidated
18 community and technical college or integrating one institution into
19 another.

20 (8) "Strategic reorganization plan" or "plan" means the
21 document developed in accordance with the provisions of section
22 three of this article consisting of strategies, procedures and
23 guidelines to be used in implementing an institutional

1 reorganization.

2 **§18B-3F-2. Legislative findings.**

3 (a) The Legislature finds that while certain areas of the
4 state currently lack a sufficient population or employer base to
5 support an independent community and technical college, it is vital
6 to the citizens and businesses of these areas to have access to
7 comprehensive, high quality community and technical education
8 programs and services that are well articulated with the public
9 schools, baccalaureate institutions, and other community and
10 technical colleges; that make the most efficient and effective use
11 of facilities, faculty, staff, equipment and other available
12 resources; that encourage students of all ages, ability levels, and
13 economic circumstances to pursue a lifetime of learning; that serve
14 as engines of economic development; and that have the ability to
15 adapt quickly to changing needs for workforce training.

16 (b) The Legislature further finds that a critical need exists
17 to enhance the role of technical education in every area of the
18 state; to encourage and strengthen collaborative and cooperative
19 relationships between and among institutions in order to provide
20 the highest quality programs and services most effectively; and to
21 make the most efficient use of scarce resources while avoiding, to
22 the extent practicable, duplication of administrative and
23 programmatic costs. Establishment of multicampus institutions

1 provides an excellent opportunity to implement more effective and
2 efficient systems of program delivery and to explore alternative
3 organizational and management structures best suited to serving the
4 needs of students, employers and the citizens of a geographic
5 region. Consolidation offers an efficient and effective method to
6 provide high quality, comprehensive community and technical
7 education in those areas where two institutions serve the same
8 community and technical college district or population center.
9 Creating a consolidated multicampus institution will enhance the
10 delivery of comprehensive community and technical college education
11 to that entire geographical region.

12 **§18B-3F-3. Strategic reorganization plan.**

13 (a) The council shall collaborate with the administrative
14 planning committee, established in section four of this article, to
15 develop a strategic reorganization plan for Bridgemont Community
16 and Technical College and Kanawha Valley Community and Technical
17 College, including all campuses and instruction sites of both
18 colleges. The council shall develop, implement, and complete the
19 reorganization within three years from the effective date of this
20 section.

21 (b) The reorganization plan includes, but is not limited to,
22 the following elements:

23 (1) A time line showing specific steps for completing the

1 reorganization within three years;

2 (2) A procedure to assure that all affected employees are
3 notified of their employment status pursuant to section nine of
4 this article;

5 (3) A statement of assurances showing specific steps to be
6 taken to safeguard the rights, privileges, and benefits of faculty,
7 classified employees, nonclassified employees, and administrators
8 of the institutions to be reorganized including provisions for
9 fulfilling contracts and protecting earned benefits;

10 (4) A description of the instructional benefits expected from
11 the reorganization including a detailed explanation of enhancements
12 to academic program offerings, workforce development programs for
13 employers, and services to students;

14 (5) A description of the fiscal benefits expected from the
15 reorganization including a detailed explanation of management
16 efficiencies, enhanced leadership skills, better coordination of
17 instruction and student support services, and efficiencies in
18 expenditures per full-time equivalent student;

19 (6) A statement of assurance that student access to high
20 quality education programming will be enhanced and/or maintained;

21 (7) A strategy to secure or, if appropriate, maintain regional
22 accreditation of a reorganized institution including a detailed
23 analysis of technical assistance to be provided to the institution;

1 (8) A student population projection and student demographic
2 analysis for the reorganized institution; and

3 (9) A cost to benefit analysis of the proposed reorganization,
4 including the impact on the geographic service area.

5 **§18B-3F-4. Administrative planning committee; purpose; membership;**
6 **duties; termination.**

7 (a) The council shall establish an administrative planning
8 committee for the reorganization of Bridgemont and Kanawha Valley
9 Community and Technical Colleges.

10 (b) The administrative planning committee oversees the
11 reorganization process including collaborating with the council in
12 developing the strategic reorganization plan and provides advice
13 and technical assistance to the institutional boards of governors
14 and to the council.

15 (c) *Membership.* -- The administrative planning committee
16 consists of the following members:

17 (1) The president of each institution to be reorganized;

18 (2) The chair of the board of governors of each institution to
19 be reorganized;

20 (3) The chair of the council;

21 (4) The vice chancellor for administration, appointed pursuant
22 to section two, article four of this chapter, or a designee; and

23 (5) The chancellor who is the chair of the planning committee.

1 (d) The administrative planning committee is created
2 specifically to assist in the reorganization and ceases to exist
3 three years from the date of creation or on the date when the
4 council determines the reorganization is complete, whichever occurs
5 sooner.

6 **§18B-3F-5. Appointment of institutional board of governors.**

7 (a) Initial appointments to the board of governors of a
8 reorganized institution are made pursuant to the provisions of
9 section one, article two-a of this chapter, except as follows:

10 (1) When a consolidated institution is created, the board of
11 governors of each affected institution is abolished.

12 (2) The Governor shall select lay citizen members of the board
13 of governors for the consolidated institution equally from the
14 former lay citizen members of each of the boards of governors of
15 the affected institutions. Four of the initial appointments are
16 for terms of four years and five of the initial appointments are
17 for terms of three years. When the number of lay citizen members
18 can not be equally apportioned between or among the affected
19 institutions, the Governor may make any remaining appointments in
20 accordance with section one, article two-a of this chapter.

21 (b) At the end of the initial term, and thereafter, an
22 appointment to the board of governors of a consolidated
23 institution, either to fill a vacancy or to reappoint a member who

1 is eligible to serve an additional term, shall be made in
2 accordance with section one, article two-a of this chapter.

3 **§18B-3F-6. Powers and duties of board of governors.**

4 (a) The actions and procedures of the board of governors
5 appointed pursuant to section five of this article are controlled
6 by article two-a of this chapter.

7 (1) The newly-created board has all the powers and duties
8 provided in section four, article two-a of this chapter.

9 (2) A reorganized institution created or established pursuant
10 to the provisions of this article is under the jurisdiction of the
11 council.

12 (b) The programs of a consolidated institution are operated
13 under the procedures, policies, rules and practices of the newly-
14 formed board of governors, which shall initially adopt the rules
15 and policies of one of the affected institutions until the time
16 when new or revised policies are proposed and approved pursuant to
17 section six, article one of this chapter. The administrative
18 planning committee shall make a recommendation to the newly-formed
19 board of governors regarding which of the rules and policies of the
20 affected institutions should be adopted.

21 (c) It is the duty of the board of governors of the
22 consolidated institution to adopt policies, procedures and
23 standards that authorize, support and encourage the consolidated

1 institution to fulfill its core mission. It is further the
2 specific duty of the board of governors to facilitate delivery of
3 a comprehensive program of community and technical college
4 education in the counties that are served by the multicampus
5 consolidated institution. To that end, the board shall expend from
6 the appropriations allocated to the affected institutions such
7 funds as are necessary or expedient to operate and conduct
8 programs, to acquire clear title to any real property and to make
9 necessary capital improvements.

10 (d) Within sixty days following the initial meeting of the
11 board of governors, the board shall choose a name for the
12 consolidated institution.

13 (1) By a vote of a majority of its members, the board of
14 governors may adopt officially, the name of one of the affected
15 institutions included in the consolidation or may select any name
16 as it sees fit.

17 (2) If the board of governors fails to take official action to
18 adopt a name for the consolidated institution within sixty days as
19 provided in this subsection, the consolidated multicampus
20 institution shall be named by the council at its next regularly
21 scheduled meeting.

22 (e) In addition to the powers and duties set forth in this
23 section, the board of governors shall perform the following duties:

1 (1) Choose the president of one of the affected institutions
2 to be president of the newly-created institution pursuant to
3 section seven of this article;

4 (2) Determine which employees of the affected institutions are
5 to be retained pursuant to section nine of this article; and

6 (3) Serve as the designated board of advisors for the
7 Advantage Valley Advanced Technology Center created pursuant to
8 section fourteen, article three-c of this chapter.

9 **§18B-3F-7. Appointment of institutional president; other officers.**

10 (a) The president of each affected institution continues to
11 serve in that capacity until a new institutional board of governors
12 is appointed pursuant to section five of this article.

13 (b) The board of governors shall designate the other president
14 as provost or chief executive officer of his or her respective
15 campus. The salary and benefits of an individual who is serving as
16 an institutional president at the time of a reorganization may not
17 be reduced solely as a result of the reorganization. Provosts and
18 chief executive officers report directly to the president of the
19 consolidated institution.

20 (c) After the initial contract period ends or at the
21 expiration of a president's current contract, the board of
22 governors of the consolidated multicampus institution shall appoint
23 the president in accordance with section six, article one-b of this

1 chapter.

2 **§18B-3F-8. Budget; transfer of property, orders, policies,**
3 **procedures, etc.**

4 (a) When a new institution is created, the operating budget of
5 each affected institution is integrated under the authority and
6 jurisdiction of the board of governors of the consolidated
7 institution.

8 (b) All financial assets, including state fund balances, and
9 liabilities are transferred from the authority of the board of
10 governors of each affected institution to the authority of the
11 board of governors of the consolidated institution.

12 (c) Any capital debt service payment formerly the
13 responsibility of an affected institution continues in the required
14 amount and is the responsibility of the board of governors of the
15 consolidated institution.

16 (d) The title to all real property, facilities, and equipment
17 of, as well as each valid agreement and obligation undertaken by,
18 the affected institutions are transferred to the board of governors
19 of the consolidated institution, which shall exercise general
20 determination, control, supervision and management of the
21 financial, business and education policies and affairs of the
22 consolidated institution.

23 (e) The title to all property purchased for the use of an

1 affected institution is vested in the board of governors of the
2 consolidated institution.

3 **§18B-3F-9. Rights and benefits of employees of affected**
4 **institutions; notice of employment status by**
5 **certain date required.**

6 (a) Within sixty days of appointment, the newly-formed board
7 of governors of a consolidated institution, in consultation with
8 the president, determines which, if any, employees of the affected
9 institutions included in the consolidation are to be retained. The
10 president shall provide official notice to each employee of his or
11 her employment status not later than thirty days after the board's
12 decision.

13 (b) *Official notification to employees.*

14 (1) An employee who is not to be retained shall be given
15 official notice specifying his or her date of termination at least
16 three months prior to the date specified for termination. The
17 termination date may not be later than six months following the
18 date of official notification.

19 (2) An employee who is retained by the board of governors of
20 the consolidated institution is considered as having no break in
21 service for calculation of years of service, seniority,
22 participation in retirement plans, or continued employment by the
23 state.

NOTE: The purpose of this bill is to authorize the reorganization of certain community and technical colleges. The bill sets forth the powers and duties of the West Virginia Council for Community and Technical College Education; provides definitions and makes legislative findings; requires development of a strategic reorganization plan, establishes an administrative planning committee; and provides for appointment of an institutional president and other officers. Additionally, the bill provides for transferring assets and liabilities, orders, policies, and procedures and determining operating budgets; provides for protection of employee rights and benefits; and requires notification of employee retention or termination by certain date under certain circumstances.

This article is new; therefore, strike-throughs and underscoring have been omitted.