

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Introduced**

## **Senate Bill 653**

BY SENATORS WELD, CAPUTO, AND ROMANO

[Introduced February 16, 2022; referred  
to the Committee on Education]

1 A BILL to repeal §18B-2A-7a of the Code of West Virginia, 1931, as amended; to amend and  
2 reenact §18B-1-2 of said code; to amend and reenact §18B-1B-6 of said code; to amend  
3 and reenact §18B-2A-1 of said code; to amend and reenact §18B-3C-8 and §18B-3C-13  
4 of said code, and to amend said code by adding thereto a new section, designated §18B-  
5 3C-13a, all relating to public higher education governance; making Pierpont Community  
6 and Technical College a fully integrated division of Fairmont State University known as  
7 the Pierpont College of Community and Technical Education on July 1, 2023; increasing  
8 the number of members of the Fairmont State Board of Governors to 15 persons; requiring  
9 the appointment by the Governor of at least one member on the Fairmont State University  
10 Board of Governors who has knowledge and practical experience in community and  
11 technical education; providing for two faculty members on the Fairmont State University  
12 Board of Governors at least one of which shall be from the faculty of the Pierpont College  
13 of Community and Technical Education elected by the faculty senate; providing that the  
14 administrative head of the Pierpont College of Community and Technical Education shall  
15 be a dean appointed by the President of Fairmont State University; providing that the  
16 chairman of the Fairmont State University Board of Governors shall appoint an advisory  
17 board to advise the Fairmont State University Board of Governors on matters relating to  
18 the community and technical college curriculum; providing that the members of the  
19 advisory board shall elect a chairperson on or after July 1, 2023, who shall be an ex-officio,  
20 voting member of the Fairmont State University Board of Governors; providing that the  
21 operating budget of Pierpont Community and Technical College is integrated under the  
22 authority and jurisdiction of the Fairmont State University Board of Governors; transferring  
23 all financial assets and liabilities from the authority of Pierpont Community and Technical  
24 College Board of Governors to the authority of the Fairmont State University Board of  
25 Governors; satisfying existing outstanding deficits or financial obligations prior to the  
26 unification of Fairmont State University and Pierpont Community and Technical College;

27 continuing any capital debt service payment of Pierpont Community and Technical College  
 28 and making it the responsibility of the Fairmont State University Board of Governors;  
 29 transferring titles to all real property, facilities, and equipment of, as well as each valid  
 30 agreement undertaken by Pierpont Community and Technical College to the Fairmont  
 31 State University Board of Governors; vesting title of all property purchased for the use of  
 32 Pierpont Community and Technical College in the Fairmont State University Board of  
 33 Governors; making faculty, classified employees, and nonclassified employees of  
 34 Pierpont Community and Technical College employees of Fairmont State University;  
 35 providing for a transition period to achieve full accreditation by the Higher Learning  
 36 Commission; requiring reports to the Council for Community and Technical College  
 37 Education and the Legislative Oversight Commission on Education Accountability;  
 38 clarifying that the Council for Community and Technical College Education shall retain  
 39 jurisdiction over the academic programming offered by the Pierpont College of Community  
 40 and Technical Education; providing for transition team oversight with a sunset date;  
 41 authorizing Fairmont State University to begin the change of control accreditation review  
 42 process with the Higher Learning Commission on July 1, 2022; updating certain state  
 43 institution of higher education names; repealing outdated language; and deleting obsolete  
 44 language.

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

## **ARTICLE 1. GOVERNANCE.**

### **§18B-1-2. Definitions.**

1 The following words when used in this chapter and chapter 18C of this code have the  
 2 meanings ascribed to them unless the context clearly indicates a different meaning:

3 ~~“Administratively linked community and technical college” means a state institution of~~  
 4 ~~higher education delivering community and technical college education and programs which has~~  
 5 ~~maintained a contractual agreement to receive essential services from another accredited state~~

6 ~~institution of higher education prior to July 1, 2008;~~

7 “Advanced technology center” means a facility established under the direction of an  
8 ~~independent~~ a community and technical college or the council for the purpose of implementing  
9 and delivering education and training programs for high-skill, high-performance ~~21st-century~~  
10 workplaces;

11 “Approve” or “approval”, when used in reference to action by the commission or the  
12 council, means action in which the governance rationale of a governing board under its jurisdiction  
13 is given due consideration, and the action of the commission is to additionally establish whether  
14 the proposed institutional action is consistent with law and established policy and is an appropriate  
15 advancement of the public interest;

16 ~~“Board of visitors” means the advisory board previously appointed for the West Virginia~~  
17 ~~Graduate College, and the advisory board previously appointed for West Virginia University~~  
18 ~~Institute of Technology, which provide guidance to the Marshall University Graduate College and~~  
19 ~~West Virginia University Institute of Technology, respectively;~~

20 “Broker” or “brokering” means serving as an agent on behalf of students, employers,  
21 communities, or responsibility areas to obtain education services not offered at that institution.  
22 These services include courses, degree programs, or other services contracted through an  
23 agreement with a provider of education services either in-state or out of state;

24 “Chancellor” means the Chancellor for Higher Education where the context refers to a  
25 function of the Higher Education Policy Commission. “Chancellor” means the Chancellor for  
26 Community and Technical College Education where the context refers to a function of the West  
27 Virginia Council for Community and Technical College Education;

28 “Chancellor for Community and Technical College Education” means the chief executive  
29 officer of the West Virginia Council for Community and Technical College Education employed  
30 pursuant to §18B-2B-3 of this code;

31 “Chancellor for Higher Education” means the chief executive officer of the Higher

32 Education Policy Commission employed pursuant to §18B-1B-5 of this code;

33 “Collaboration” means entering into an agreement with one or more providers of education  
34 services in order to enhance the scope, quality, or efficiency of education services;

35 “Community and technical college,” in the singular or plural, means the free-standing  
36 community and technical colleges and other state institutions of higher education which deliver  
37 community and technical college education. This definition includes Blue Ridge Community and  
38 Technical College, BridgeValley Community and Technical College, Eastern West Virginia  
39 Community and Technical College, Mountwest Community and Technical College, New River  
40 Community and Technical College, Pierpont Community and Technical College, Southern West  
41 Virginia Community and Technical College, West Virginia Northern Community and Technical  
42 College, and West Virginia University at Parkersburg: Provided, That on and after July 1, 2023,  
43 Pierpont Community and Technical College shall be a division of Fairmont State University;

44 “Community and technical college education” means the programs, faculty,  
45 administration, and funding associated with the delivery of community and technical college  
46 education programs;

47 “Community and technical college education program” means any college-level course or  
48 program beyond the high school level provided through a public institution of higher education  
49 resulting in or which may result in a two-year associate degree award including an associate of  
50 arts, an associate of science, and an associate of applied science; certificate programs and skill  
51 sets; developmental education; continuing education; collegiate credit and noncredit workforce  
52 development programs; and transfer and baccalaureate parallel programs. All programs are  
53 under the jurisdiction of the council. Any reference to “post-secondary vocational education  
54 programs” means community and technical college education programs as defined in this  
55 subdivision;

56 “Confirm” or “confirmation”, when used in reference to action by the commission, means  
57 action in which substantial deference is allocated to the governing authority of a governing board

58 under its jurisdiction and the action of the commission is to review whether the proposed  
59 institutional action is consistent with law and established policy;

60 “Council” means the West Virginia Council for Community and Technical College  
61 Education created by §18B-2B-1 *et seq.* of this code;

62 “Division” means a community and technical college which is fully integrated with a four-  
63 year institution of higher education in this state and no longer operates as a free-standing,  
64 independent community and technical college;

65 “Dual credit course” or “dual enrollment course” means a credit-bearing college-level  
66 course offered in a high school by a state institution of higher education for high school students  
67 in which the students are concurrently enrolled and receiving credit at the secondary level;

68 “Essential conditions” means those conditions which shall be met by community and  
69 technical colleges as provided in §18B-3C-3 of this code;

70 ~~“Exempted schools” or~~ “Statutorily exempted schools” means West Virginia University,  
71 including West Virginia University Potomac State College and West Virginia University Institute  
72 of Technology; Marshall University; and the West Virginia School of Osteopathic Medicine;

73 “Governing boards” or “boards” means the institutional boards of governors created by  
74 §18B-2A-1 of this code;

75 “Higher Education Policy Commission”, “policy commission” or “commission” means the  
76 commission created by §18B-1B-1 of this code;

77 “Independent community and technical college” means a state institution of higher  
78 education under the jurisdiction of the council, which is independently accredited, is governed by  
79 its own independent governing board, and may not be operated as a branch or off-campus  
80 location of any other state institution of higher education. This definition includes Blue Ridge  
81 Community and Technical College, BridgeValley Community and Technical College, Eastern  
82 West Virginia Community and Technical College, Mountwest Community and Technical College,  
83 New River Community and Technical College, Pierpont Community and Technical College,

84 Southern West Virginia Community and Technical College, West Virginia Northern Community  
85 and Technical College; and West Virginia University at Parkersburg: Provided, That on and after  
86 July 1, 2023, Pierpont Community and Technical College shall be a division of Fairmont State  
87 University;

88 “Institutional operating budget” or “operating budget” means for any fiscal year an  
89 institution’s total unrestricted education and general funding from all sources, including, but not  
90 limited to, tuition and fees and legislative appropriation, and any adjustments to that funding as  
91 approved by the commission or council based on comparisons with peer institutions or to reflect  
92 consistent components of peer operating budgets;

93 “Rule” or “rules” means a regulation, standard, policy, or interpretation of general  
94 application and future effect;

95 ~~“Sponsoring institution” means a state institution of higher education that maintained an~~  
96 ~~administrative link to a community and technical college providing essential services prior to July~~  
97 ~~1, 2008. This definition includes institutions whose governing boards had under their jurisdiction~~  
98 ~~a community and technical college, regional campus, or a division delivering community and~~  
99 ~~technical college education and programs~~

100 “State college and university” means Bluefield State College, Concord University,  
101 Fairmont State University, Glenville State College, Shepherd University, West Liberty University,  
102 or West Virginia State University;

103 “State institution of higher education” means any university, college, or community and  
104 technical college under the jurisdiction of a governing board as that term is defined in this section;

105 “Statewide network of independently accredited community and technical colleges” or  
106 “community and technical college network” means the state institutions of higher education under  
107 the jurisdiction of the West Virginia Council for Community and Technical College Education  
108 which are independently accredited, each governed by its own independent governing board, and  
109 each having a core mission of providing affordable access to and delivering high quality

110 community and technical education in every region of the state; and

111 “Vice chancellor for administration” means the person employed in accordance with §18B-  
112 4-2 of this code. Any reference in this chapter or chapter 18C of this code to “senior administrator”  
113 means vice chancellor for administration.

## **ARTICLE 1B. HIGHER EDUCATION POLICY COMMISSION.**

### **§18B-1B-6. Appointment of institutional presidents; evaluation.**

1 (a) *Appointment of institutional presidents.* — Appointment of presidents of the state  
2 institutions of higher education, except the statutorily exempted schools, shall be made as follows:

3 (1) The initial contract term for a president may not exceed two years. At the end of the  
4 initial contract period, and subject to the provisions of subsection (c) of this section, the governing  
5 board may offer the president a contract of longer duration, but not to exceed five years.

6 (2) The president of a state institution of higher education serves at the will and pleasure  
7 of the appointing governing board.

8 (3) The governing boards of the following institutions appoint a president: Bluefield State  
9 College, Concord University, Fairmont State University, Glenville State College, Shepherd  
10 University, West Liberty University and West Virginia State University, West Virginia University,  
11 Marshall University, and the West Virginia School of Osteopathic Medicine.

12 (4) Subject to the approval of the council, the governing board of the community and  
13 technical college appoints a president for Blue Ridge Community and Technical College,  
14 BridgeValley Community and Technical College, Eastern West Virginia Community and Technical  
15 College, Mountwest Community and Technical College, New River Community and Technical  
16 College, Pierpont Community and Technical College, Southern West Virginia Community and  
17 Technical College, West Virginia Northern Community and Technical College and West Virginia  
18 University at Parkersburg: Provided, That on and after July 1, 2023, Pierpont Community and  
19 Technical College shall be a division of Fairmont State University.

20 (b) *Other appointments.* — The President of West Virginia University appoints a campus



21 president to be the administrative head of Potomac State College of West Virginia University and  
22 a campus president to be the administrative head of West Virginia University Institute of  
23 Technology.

24 (c) *Evaluation of presidents.* —

25 (1) The appointing governing board shall conduct written performance evaluations of the  
26 institution's president. Evaluations shall be done at the end of the initial contract period and in  
27 every third year of employment as president thereafter, recognizing unique characteristics of the  
28 institution and using institutional personnel including classified employees if any are employed by  
29 the institution, boards of advisors as appropriate, staff of the appropriate governing board, and  
30 persons knowledgeable in higher education matters who are not otherwise employed by a  
31 governing board. A part of the evaluation shall be a determination of the success of the institution  
32 in meeting ~~the requirements of its institutional compact and in achieving~~ the goals, objectives, and  
33 priorities established in §18B-1-1 et seq. and §18B-1D-1 et seq. of this code.

34 (2) After reviewing the evaluations, the governing board shall decide by majority vote of  
35 its members on continuing employment and the compensation level for the president in  
36 accordance with subsection (a) of this section.

37 (d) The legislative rules of the commission and council promulgated in accordance with  
38 §18B-1-6 and §29A-3A-1 et seq. of this code which are in effect on January 1, 2014, continue in  
39 effect unless amended or repealed. The rules provide guidance for the governing boards, but are  
40 not applicable to the statutorily or administratively exempted ~~or the administratively exempted~~  
41 ~~schools~~, in filling vacancies in the office of president in accordance with this chapter and shall  
42 include, but are not limited to, clarifying the powers, duties and roles of the governing boards,  
43 commission, council, and chancellors in the presidential appointment process.

## **ARTICLE 2A. INSTITUTIONAL BOARDS OF GOVERNORS.**

**§18B-2A-1. Findings; composition of boards; terms and qualification of members;  
vacancies; eligibility for reappointment.**

1 (a) Findings. –

2 The Legislature finds that the State of West Virginia is served best when the membership  
3 of each governing board includes the following:

4 (1) The academic expertise and institutional experience of faculty members and a student  
5 of the institution governed by the board;

6 (2) The technical or professional expertise and institutional experience of a classified  
7 employee or, as appropriate, nonclassified employee of the institution governed by the board;

8 (3) An awareness and understanding of the issues facing the institution governed by the  
9 board; and

10 (4) The diverse perspectives that arise from a membership that is balanced in terms of  
11 gender and varied in terms of race and ethnic heritage.

12 (b) Boards of governors established. –

13 A board of governors is continued at each of the following institutions: Bluefield State  
14 College, Blue Ridge Community and Technical College, ~~Bridgmont~~ BridgeValley Community and  
15 Technical College, Concord University, Eastern West Virginia Community and Technical College,  
16 Fairmont State University, Glenville State College, ~~Kanawha Valley Community and Technical~~  
17 ~~College~~ Mountwest Community and Technical College, Marshall University, New River  
18 Community and Technical College, Pierpont Community and Technical College, Shepherd  
19 University, Southern West Virginia Community and Technical College, West Liberty University,  
20 West Virginia Northern Community and Technical College, the West Virginia School of  
21 Osteopathic Medicine, West Virginia State University, West Virginia University and West Virginia  
22 University at Parkersburg: Provided, That the Board of Governors of Pierpont Community and  
23 Technical College is hereby abolished as of July 1, 2023: Provided, however, That the members  
24 of the Board of Governors of Pierpont Community and Technical College serving on June 30,  
25 2023, shall become the initial advisory board of Pierpont College of Community and Technical  
26 Education of Fairmont State University until June 30, 2024: Provided further, That the members

27 of the initial advisory board shall elect a chairperson on or after July 1, 2023, to serve until June  
28 30, 2024.

29 (c) Board membership. –

30 (1) An appointment to fill a vacancy on the board or reappointment of a member who is  
31 eligible to serve an additional term is made in accordance with the provisions of this section.

32 (2) The board of governors for Marshall University consists of 16 persons. The board of  
33 governors for West Virginia University consists of 17 persons. The Board of Governors for  
34 Fairmont State University consists of 15 persons. The boards of governors of the other state  
35 institutions of higher education consist of 12 persons.

36 (3) Each board of governors includes the following members:

37 (A) A full-time member of the faculty with the rank of instructor or above duly elected by  
38 the faculty of the respective institution.

39 (B) A member of the student body in good academic standing, enrolled for college credit  
40 work and duly elected by the student body of the respective institution; and

41 (C) A member from the institutional classified employees duly elected by the classified  
42 employees of the respective institution or, if the respective institution does not have classified  
43 employees, a member from the institutional nonclassified employees duly elected by the  
44 nonclassified employees of the respective institution.

45 (4) For the Board of Governors at Marshall University, 13 lay members appointed by the  
46 Governor, by and with the advice and consent of the Senate, pursuant to this section;

47 (5) For the Board of Governors at West Virginia University, 12 lay members appointed by  
48 the Governor, by and with the advice and consent of the Senate, pursuant to this section, and  
49 additionally:

50 (A) The chairperson of the Board of Visitors of West Virginia University Institute of  
51 Technology; and

52 (B) A full-time faculty member representing the extension service at the institution or a full-

53 time faculty member representing the health sciences, selected by the faculty senate.

54 (6) For the Board of Governors at Fairmont State University, 10 lay members appointed  
55 by the Governor, by and with the advice and consent of the Senate, pursuant to this section,  
56 including at least one member with experience in employment of graduates trained in community  
57 and technical education, and additionally:

58 (A) The chair of the Advisory Board of the Pierpont College of Community and Technical  
59 Education; and

60 (B) A full-time faculty member representing the Pierpont College of Community and  
61 Technical Education, selected by the faculty senate.

62 ~~(6)~~(7) For each board of governors of the other state institutions of higher education, nine  
63 lay members appointed by the Governor, by and with the advice and consent of the Senate,  
64 pursuant to this section.

65 (A) Of the nine members appointed by the Governor, no more than five may be of the  
66 same political party. Of the 13 members appointed by the Governor to the governing board of  
67 Marshall University, no more than eight may be of the same political party. Of the 12 members  
68 appointed by the Governor to the governing board of West Virginia University, no more than seven  
69 may be of the same political party. Of the ten members appointed by the Governor to the  
70 governing board of Fairmont State University, no more than six may be of the same political party.

71 (B) Of the nine members appointed by the Governor, at least 5 shall be residents of the  
72 state. Of the 13 members appointed by the Governor to the governing board of Marshall  
73 University, at least eight shall be residents of the state. Of the 12 members appointed by the  
74 Governor to the governing board of West Virginia University, at least seven shall be residents of  
75 the state. Of the ten members appointed by the Governor to the governing board of Fairmont  
76 State University, at least six shall be residents of the state.

77 ~~(7)~~ (8) In making lay appointments, the Governor shall consider the institutional mission  
78 and membership characteristics including the following:

79 (A) The need for individual skills, knowledge and experience relevant to governing the  
80 institution;

81 (B) The need for awareness and understanding of institutional problems and priorities,  
82 including those related to research, teaching and outreach;

83 (C) The value of gender, racial and ethnic diversity; and

84 (D) The value of achieving balance in gender and diversity in the racial and ethnic  
85 characteristics of the lay membership of each board.

86 (d) Board member terms. –

87 (1) The student member serves for a term of one year. Each term begins on July 1.

88 (2) The faculty ~~members serve~~ members serves for a term of two years. Each term begins  
89 on July 1. Faculty members are eligible to succeed themselves for three additional terms, not to  
90 exceed a total of eight consecutive years.

91 (3) The member representing classified employees or, as appropriate, nonclassified  
92 employees serves for a term of two years. Each term begins on July 1. Members representing  
93 classified employees or, as appropriate, nonclassified employees are eligible to succeed  
94 themselves for three additional terms, not to exceed a total of eight consecutive years.

95 (4) The appointed lay citizen members serve terms of four years each and are eligible to  
96 succeed themselves for no more than one additional term, except that citizen members who are  
97 appointed to fill unexpired terms are eligible to succeed themselves for two full terms after  
98 completing an unexpired term.

99 (5) A vacancy in an unexpired term of a member shall be filled for the unexpired term  
100 within 30 days of the occurrence of the vacancy in the same manner as the original appointment  
101 or election. Except in the case of a vacancy, all elections are held and all appointments are made  
102 no later than June 30 preceding the commencement of the term. Each board of governors shall  
103 elect one of its appointed lay members to be chairperson in June of each year. A member may  
104 not serve as chairperson for more than four consecutive years.

105 ~~(6) The appointed members of the boards of governors serve staggered terms of up to~~  
106 ~~four years except that four of the initial appointments to the governing boards of community and~~  
107 ~~technical colleges that became independent July 1, 2008, are for terms of two years and five of~~  
108 ~~the initial appointments are for terms of four years~~

109 (e) Board member eligibility, expenses. –

110 (1) A person is ineligible for appointment to membership on a board of governors of a state  
111 institution of higher education under the following conditions:

112 (A) For a baccalaureate institution or university, a person is ineligible for appointment who  
113 is an officer, employee or member of any other board of governors within this state; an employee  
114 of any institution of higher education within this state; an officer or member of any political party  
115 executive committee; the holder of any other public office or public employment under the  
116 government of this state or any of its political subdivisions; an employee of any affiliated research  
117 corporation created pursuant to ~~article twelve of this chapter~~ §18B-12-1 et seq. of this code; an  
118 employee of any affiliated foundation organized and operated in support of one or more state  
119 institutions of higher education; or a member of the council or commission: Provided, That if an  
120 appointee is an employee or board member of an out-of-state higher education institution, there  
121 is no apparent conflict of interest caused by the individual serving in both capacities. This  
122 subsection does not prevent the representative from the faculty, classified employees or, as  
123 appropriate, nonclassified employees, students or the superintendent of a county board of  
124 education from being members of the governing boards.

125 (B) For a community and technical college, a person is ineligible for appointment who is  
126 an officer, employee or member of any other board of governors within this state; ~~a member of a~~  
127 ~~board of visitors of any public institution of higher education~~; an employee of any institution of  
128 higher education within this state; an officer or member of any political party executive committee;  
129 the holder of any other public office, other than an elected county office, or public employment,  
130 other than employment by the county board of education, under the government of this state or

131 any of its political subdivisions; an employee of any affiliated research corporation created  
132 pursuant to §18B-12-1 et seq. of this code; an employee of any affiliated foundation organized  
133 and operated in support of one or more state institutions of higher education; or a member of the  
134 council or commission: *Provided*, That if an appointee is an employee or board member of an out-  
135 of-state higher education institution, there is no apparent conflict of interest caused by the  
136 individual serving in both capacities. This subsection does not prevent the representative from  
137 the faculty, classified employees or, as appropriate, nonclassified employees or students from  
138 being members of the governing boards.

139 (2) Before exercising any authority or performing any duties as a member of a governing  
140 board, each member shall qualify as such by taking and subscribing to the oath of office  
141 prescribed by section five, article IV of the Constitution of West Virginia and the certificate thereof  
142 shall be filed with the Secretary of State.

143 (3) A member of a governing board appointed by the Governor may not be removed from  
144 office by the Governor except for official misconduct, incompetence, neglect of duty or gross  
145 immorality and then only in the manner prescribed by law for the removal of the state elective  
146 officers by the Governor.

147 (4) The members of the board of governors serve without compensation, but are  
148 reimbursed for all reasonable and necessary expenses actually incurred in the performance of  
149 official duties under this article upon presentation of an itemized sworn statement of expenses.

150 (5) The president of the institution shall make available resources of the institution for  
151 conducting the business of its board of governors. All expenses incurred by the board of governors  
152 and the institution under this section are paid from funds allocated to the institution for that  
153 purpose.

**§18B-2A-7a. Transfer of orders, resolutions, policies and rules, obligations, etc.**

1 [Repealed].

**ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.**

**§18B-3C-8. Legislative findings and intent; statewide network of independently accredited community and technical colleges; operations and administration.**

1 (a) Legislative findings. --

2 ~~(1) The Legislature has enacted legislation, beginning with Enrolled Senate Bill No. 653,~~  
 3 ~~passed during the two thousand regular session, and continuing with Enrolled Senate Bill No.~~  
 4 ~~703, passed during the two thousand one regular session, Enrolled House Bill No. 2224, passed~~  
 5 ~~during the two thousand three regular session, and Enrolled Senate Bill No. 448, passed during~~  
 6 ~~the two thousand four regular session, the purpose of which is to strengthen the state's community~~  
 7 ~~and technical colleges, clarify their core mission and establish essential conditions to be met, and~~  
 8 ~~ensure the most effective delivery of services to business, industry, and West Virginia citizens in~~  
 9 ~~every region of the state~~

10 ~~(2)~~ (1) The primary goal of the Legislature is to create a statewide network of  
 11 independently accredited community and technical colleges that focuses on technical education,  
 12 work force training, and ~~lifelong learning for the Twenty-first Century~~ ensure the most effective  
 13 delivery of services to business, industry, and West Virginia citizens in every region of the state,  
 14 consistent with the goals, objectives, priorities and essential conditions established in ~~articles one,~~  
 15 ~~one-d and three-c of this chapter~~ §§18B-1-1 et seq., 18B-1D-1, et seq., and 18B-3C-1 et seq. of  
 16 this code.

17 ~~(3)~~(2) A necessary precedent to accomplishing the legislative goal is to change the way  
 18 that leaders at all levels of education, including institutional governing boards, view community  
 19 and technical colleges. Specifically, that the mission of community and technical colleges is  
 20 different from that of traditional four-year colleges in what they seek to accomplish and how they  
 21 can achieve it effectively and that the state cannot compete successfully in today's information-  
 22 driven, technology-based economy if community and technical colleges continue to be viewed as  
 23 add-ons or afterthoughts attached to the baccalaureate institutions.

24 (b) Legislative intent. --



25 (1) Therefore, it is the intent of the Legislature that the statewide network of independently-  
26 accredited community and technical colleges as a whole and each independent community and  
27 technical college individually provide the following types of services as part of the core institutional  
28 mission:

29 (A) Career and technical education certificate, associate of applied science, and selected  
30 associate of science degree programs for students seeking immediate employment, individual  
31 entrepreneurship skills, occupational development, skill enhancement and career mobility;

32 (B) Transfer education associate of arts and associate of science degree programs for  
33 students whose educational goal is to transfer into a baccalaureate degree program with particular  
34 emphasis on reaching beyond traditional college-age students to unserved or underserved adult  
35 populations;

36 (C) Developmental/remedial education courses, tutorials, skills development labs, and  
37 other services for students who need to improve their skills in mathematics, English, reading,  
38 study skills, computers and other basic skill areas;

39 (D) Work force development education contracted with business and industry to train or  
40 retrain employees;

41 (E) Continuing development assistance and education credit and noncredit courses for  
42 professional and self-development, certification and licensure, and literacy training; and

43 (F) Community service workshops, lectures, seminars, clinics, concerts, theatrical  
44 performances, and other noncredit activities to meet the cultural, civic, and personal interests and  
45 needs of the community the institution serves.

46 (2) It is further the intent of the Legislature that each community and technical college  
47 focus special attention on programmatic delivery of their core mission services to unserved and  
48 underserved populations to achieve established state objectives. These include the following as  
49 highest priorities:

50 (A) Increasing the number of adults age ~~twenty-five~~ 25 and above who participate in

51 postsecondary education;

52 (B) Developing technical programs that meet the documented occupational needs of West  
53 Virginia's employers;

54 (C) Providing work force development programs by implementing the Adult Career  
55 Pathways Model, which provides opportunities for the following:

56 (i) Adults to earn certifications through the completion of skill-sets;

57 (ii) Ordered progression from skill-sets and certifications to one-year certificate programs  
58 and progression from one-year certificate degrees to Associate of Applied Science Degree  
59 programs, and

60 (iii) Students to exit at any stage of completion in order to enter employment with the option  
61 of continuing the pathway progression at a later time and/or on a part-time basis.

62 (D) Offering programs in various time frames other than the traditional semester delivery  
63 model and at different locations, including work sites, convenient to working adults;

64 (E) Providing technical programs in modules or "chunks," defined in competencies  
65 required for employment and tied to certification and licensing requirements.

66 (F) Entering into collaborative programs that recognize high-quality training programs  
67 provided through labor unions, registered apprenticeships, and industry-sponsored training  
68 programs with the goal of enabling more adults to earn a college credential;

69 (G) Developing innovative approaches to improve the basic and functional literacy rates  
70 of West Virginians in all regions of the state;

71 (H) Developing "bridge programs" for disadvantaged youth and adults to enable them to  
72 acquire the skills necessary to be successful in education and training programs that lead to high-  
73 skills, high-wage jobs; and

74 (I) Providing access to postsecondary education through the delivery of developmental  
75 education for those individuals academically under-prepared for college-level work.

76 (c) In fulfillment of the purposes and intent defined in subsections (a) and (b) of this

77 section, there is continued a statewide network of independently accredited community and  
 78 technical colleges serving every region of the state. Each free-standing and independent  
 79 community and technical college is strongly encouraged to serve as a higher education center for  
 80 its region by brokering with other colleges, universities and providers, in-state and out-of-state,  
 81 both public and private, to afford the most coordinated access to needed programs and services  
 82 by students, employers and other clients, to achieve the goals, objectives, and essential  
 83 conditions established in ~~articles one, one-d, and three-c of this chapter~~ §18B-1-1 et seq., §18B-  
 84 1D-1 et seq., and §18B-3C-1 et seq. of this code, and to ensure the most efficient use of scarce  
 85 resources.

86 (d) Statewide network of independently accredited community and technical colleges. --

87 ~~(1) By July 1, 2009, each governing board of a community and technical college which~~  
 88 ~~became independent on July 1, 2008, shall make a determination by majority vote of the board~~  
 89 ~~whether to keep the current name for its respective institution or to select a new name. If a~~  
 90 ~~governing board chooses to select a new name, any reference in this code to that institution by a~~  
 91 ~~name in use prior to July 1, 2009, means the institution under the name designated by its board~~  
 92 ~~of governors~~

93 ~~(2)~~ The statewide network of independently accredited community and technical colleges  
 94 is comprised of the following independent state institutions of higher education under the  
 95 jurisdiction of the council:

96 ~~(A)~~(1) Blue Ridge Community and Technical College. --

97 Blue Ridge Community and Technical College is an independently accredited state  
 98 institution of higher education. The president and the governing board of the community and  
 99 technical college are responsible for maintaining independent accreditation and adhering to the  
 100 essential conditions pursuant to ~~section three of this article~~ §18B-3C-3 of this code.

101 ~~(B)~~(2) ~~Bridgement~~ BridgeValley Community and Technical College. --

102 ~~(i)~~(A) ~~Bridgement~~ BridgeValley Community and Technical College is an independently

103 accredited state institution of higher education which may maintain an association with West  
104 Virginia University Institute of Technology, a division of West Virginia University, or directly with  
105 West Virginia University, subject to the provisions of ~~section twelve of this article~~ §18B-3C-12 of  
106 this code. The president and the governing board of the community and technical college are  
107 responsible for maintaining independent accreditation and adhering to the essential conditions  
108 pursuant to ~~section three of this article~~ §18B-3C-3 of this code.

109       ~~(ii)~~(B) West Virginia University Institute of Technology may continue associate degree  
110 programs in areas of particular institutional strength which are closely articulated to its  
111 baccalaureate programs and missions or which are of a high-cost nature and can best be provided  
112 in direct coordination with a baccalaureate institution. Any such program shall be delivered under  
113 the authority of the council and through contract with the community and technical college. The  
114 terms of the contract shall be negotiated between the governing boards of the community and  
115 technical college and West Virginia University Institute of Technology or directly with West Virginia  
116 University, as appropriate. The final contract may not be implemented until approved by the  
117 council except that any contract between the community and technical college and West Virginia  
118 University Institute of Technology or West Virginia University related to program delivery under  
119 the terms of this section in effect on July 1, 2008, shall continue in effect until July 1, 2009, unless  
120 amended or revoked before that date by mutual agreement of the contract parties with approval  
121 by the council. Such a program shall be evaluated according to the benchmarks and indicators  
122 for community and technical college education developed by the council. If the council determines  
123 that the program is making insufficient progress toward accomplishing the benchmarks, the  
124 program shall thereafter be delivered by the community and technical college.

125       ~~(iii)~~(C) Dual credit course delivery agreements. --

126       ~~(i)~~(i) Nothing in this article alters or abrogates any agreement in place on the effective date  
127 of this section between West Virginia University Institute of Technology and ~~Bridgement~~  
128 BridgeValley Community and Technical College relating to delivery of dual credit courses as

129 defined in ~~section two, article one of this chapter~~ §18B-1-2 of this code;

130 ~~(H)(ii)~~ (ii) The community and technical college may deliver technical courses that are part of  
 131 a certificate or associate degree program as early entrance or dual credit courses for high school  
 132 students; and

133 ~~(H)(iii)~~ (iii) Subject to an agreement between the baccalaureate institution and the community  
 134 and technical college, the latter may deliver early entrance and dual credit courses as defined in  
 135 section two, article one of this chapter to students in high schools which are not served by the  
 136 baccalaureate institution.

137 ~~(G)(3)~~ (3) Eastern West Virginia Community and Technical College. -

138 Eastern West Virginia Community and Technical College is ~~free-standing state institution~~  
 139 ~~of higher education seeking independent accreditation~~ an independently accredited. The  
 140 president and the governing board of Eastern Community and Technical College are responsible  
 141 for ~~achieving~~ maintaining independent accreditation and adhering to the essential conditions  
 142 pursuant to ~~section three of this article~~ §18B-3C-3 of this code.

143 ~~(D)(4)~~ (4) Mountwest Community and Technical College. --

144 ~~(i)(A)~~ (A) Mountwest Community and Technical College is an independently accredited state  
 145 institution of higher education which may maintain an association with Marshall University subject  
 146 to the provisions of ~~section twelve of this article~~ §18B-3C-12 of this code. The president and the  
 147 governing board of the community and technical college are responsible for maintaining  
 148 independent accreditation and adhering to the essential conditions pursuant to ~~section three of~~  
 149 ~~this article~~ §18B-3C-3 of this code.

150 ~~(ii)(B)~~ (B) Marshall University may continue associate degree programs in areas of particular  
 151 institutional strength which are closely articulated to its baccalaureate programs and missions or  
 152 which are of a high-cost nature and can best be provided in direct coordination with a  
 153 baccalaureate institution. Any such program shall be delivered under the authority of the council  
 154 and through contract with Mountwest Community and Technical College. The terms of the

155 contract shall be negotiated between the governing boards of the community and technical  
156 college and Marshall University. The final contract may not be implemented until approved by the  
157 council except that any contract between the community and technical college and Marshall  
158 University related to program delivery under the terms of this section in effect on July 1, 2008,  
159 shall continue in effect until July 1, 2009, unless amended or revoked before that date by mutual  
160 agreement of the contract parties with approval by the council. Such a program shall be evaluated  
161 according to the benchmarks and indicators for community and technical college education  
162 developed by the council. If the council determines that the program is making insufficient  
163 progress toward accomplishing the benchmarks, the program shall thereafter be delivered by  
164 Mountwest Community and Technical College.

165 ~~(iii)~~(C) Dual credit course delivery agreements. --

166 ~~(i)~~(i) Nothing in this article alters or abrogates any agreement in place on the effective date  
167 of this section between Marshall University and Mountwest Community and Technical College  
168 relating to delivery of dual credit courses as defined in ~~section two, article one of this chapter~~  
169 §18B-2-1 of this code;

170 ~~(ii)~~(ii) The community and technical college may deliver technical courses that are part of  
171 a certificate or associate degree program as early entrance or dual credit courses for high school  
172 students; and

173 ~~(iii)~~(iii) Subject to an agreement between the baccalaureate institution and the community  
174 and technical college, the latter may deliver early entrance and dual credit courses as defined in  
175 ~~section two, article one of this chapter~~ §18B-2-1 of this code to students in high schools which are  
176 not served by the baccalaureate institution.

177 ~~(E)~~(5) New River Community and Technical College. --

178 ~~(i)~~(A) New River Community and Technical College is an independently accredited state  
179 institution of higher education which may maintain an association with Bluefield State College  
180 subject to the provisions of ~~section twelve of this article~~ §18B-3C-12 of this code. The community

181 and technical college is headquartered in or near Beckley and incorporates the campuses of  
182 Greenbrier Community College Center of New River Community and Technical College and  
183 Nicholas Community College Center of New River Community and Technical College.

184 (ii)(B) The president and the governing board of New River Community and Technical  
185 College are responsible for maintaining independent accreditation and adhering to the essential  
186 conditions pursuant to ~~section three of this article~~ §18B-3C-3 of this code.

187 (iii)(C) Bluefield State College may continue associate degree programs in areas of  
188 particular institutional strength which are closely articulated to its baccalaureate programs and  
189 missions or which are of a high-cost nature and can best be provided through direct coordination  
190 with a baccalaureate institution. Any such program shall be delivered under the authority of the  
191 council and through contract with the community and technical college. The terms of the contract  
192 shall be negotiated between the governing boards of the community and technical college and  
193 Bluefield State College. The final contract may not be implemented until approved by the council  
194 except that any contract between the community and technical college and Bluefield State College  
195 related to program delivery under the terms of this section in effect on July 1, 2008, shall continue  
196 in effect until July 1, 2009, unless amended or revoked before that date by mutual agreement of  
197 the contract parties with approval by the council. Such a program shall be evaluated according to  
198 the benchmarks and indicators for community and technical college education developed by the  
199 council. If the council determines that the program is making insufficient progress toward  
200 accomplishing the benchmarks, the program shall thereafter be delivered by New River  
201 Community and Technical College.

202 (iv)(D) Bluefield State College may continue the associate of science degree in nursing  
203 which is an existing nationally accredited associate degree program in an area of particular  
204 institutional strength and which is closely articulated to the baccalaureate program and mission.  
205 The program is of a high-cost nature and can best be provided through direct administration by a  
206 baccalaureate institution. This program may not be transferred to New River Community and

207 Technical College or any other community and technical college as long as the program maintains  
208 national accreditation and is seamlessly coordinated into the baccalaureate program at the  
209 institution.

210 ~~(v)~~(E) New River Community and Technical College participates in the planning and  
211 development of a unified effort involving multiple providers to meet the documented education  
212 and work force development needs in the region. Nothing in this subdivision prohibits or limits any  
213 existing, or the continuation of any existing, affiliation between ~~Mountain State University~~, West  
214 Virginia University Institute of Technology and West Virginia University. The objective is to assure  
215 students and employers in the area that there is coordination and efficient use of resources among  
216 the separate programs and facilities, existing and planned, in the Beckley area.

217 ~~(F)~~(6) Pierpont Community and Technical College. --

218 ~~(i)~~(A) ~~Pierpont Community and Technical College is an independent state institution of~~  
219 ~~higher education seeking independent accreditation. The president and the governing board of~~  
220 ~~Pierpont Community and Technical College, assisted by the president and governing board of~~  
221 ~~Fairmont State University, are responsible for the community and technical college achieving~~  
222 ~~independent accreditation and adhering to the essential conditions pursuant to sections three and~~  
223 ~~thirteen of this article~~

224 ~~(ii)~~ Effective July 1, 2023, Pierpont Community and Technical College is a fully integrated  
225 division of Fairmont State University. ~~may continue associate degree programs in areas of~~  
226 ~~particular institutional strength which are closely articulated to their baccalaureate programs and~~  
227 ~~missions or which are of a high-cost nature and can best be provided in direct coordination with~~  
228 ~~a baccalaureate institution. Any such program shall be delivered under the authority of the council~~  
229 ~~and through contract with the community and technical college. The terms of the contract shall be~~  
230 ~~negotiated between the council and the governing board of Fairmont State University. The final~~  
231 ~~contract may not be implemented until approved by the council except that any contract between~~  
232 ~~the community and technical college and Fairmont State University related to program delivery~~



233 ~~under the terms of this section in effect on July 1, 2008, shall continue in effect until July 1, 2009,~~  
234 ~~unless amended or revoked before that date by mutual agreement of the contract parties with~~  
235 ~~approval by the council. Such a program shall be evaluated according to the benchmarks and~~  
236 ~~indicators for community and technical college education developed by the council. Such a~~  
237 ~~program shall be evaluated according to the benchmarks and indicators for community and~~  
238 ~~technical college education developed by the council. If the council determines that the program~~  
239 ~~is making insufficient progress toward accomplishing the benchmarks, the program shall~~  
240 ~~thereafter be delivered by the community and technical college~~

241 ~~(iii)~~ (B) Dual credit course delivery agreements. --

242 ~~(i)~~ (i) Nothing in this article alters or abrogates any agreement in place on the effective date  
243 of this section between Fairmont State University and Pierpont Community and Technical College  
244 relating to delivery of dual credit courses as defined in ~~section two, article one of this chapter~~  
245 §18B-1-2 of this code;

246 ~~(ii)~~ (ii) The community and technical college may deliver technical courses that are part of  
247 a certificate or associate degree program as early entrance or dual credit courses for high school  
248 students; and

249 ~~(iii)~~ (iii) Subject to an agreement between the baccalaureate institution and the community  
250 and technical college, the latter may deliver early entrance and dual credit courses as defined in  
251 ~~section two, article one of this chapter~~ §18B-1-2 of this code to students in high schools. ~~which~~  
252 ~~are not served by the baccalaureate institution.~~

253 ~~(7)~~ (7) Southern West Virginia Community and Technical College. -- Southern West  
254 Virginia Community and Technical College is an independently-accredited, ~~free-standing~~ state  
255 institution of higher education. The president and the governing board of Southern West Virginia  
256 Community and Technical College are responsible for maintaining independent accreditation and  
257 adhering to the essential conditions pursuant to ~~section three of this article~~ §18B-3C-3 of this  
258 code.

259           ~~(H)(8)~~ West Virginia Northern Community and Technical College. -- West Virginia Northern  
260 Community and Technical College is an independently-accredited, ~~free-standing~~ state institution  
261 of higher education. The president and the governing board of the community and technical  
262 college are responsible for maintaining independent accreditation and adhering to the essential  
263 conditions pursuant to ~~section three of this article~~ §18B-3C-3 of this code.

264           ~~(I) Kanawha Valley Community and Technical College. --~~

265           ~~(i) Kanawha Valley State Community and Technical College is an independently~~  
266 ~~accredited state institution of higher education which may maintain an association with West~~  
267 ~~Virginia State University subject to the provisions of section twelve of this article. The president~~  
268 ~~and the governing board of the community and technical college are responsible for maintaining~~  
269 ~~independent accreditation and adhering to the essential conditions pursuant to section three of~~  
270 ~~this article.~~

271           ~~(ii) West Virginia State University may continue associate degree programs in areas of~~  
272 ~~particular institutional strength which are closely articulated to its baccalaureate programs and~~  
273 ~~missions or which are of a high-cost nature and can best be provided in direct coordination with~~  
274 ~~a baccalaureate institution. Any such program shall be delivered under the authority of the council~~  
275 ~~and through contract with the community and technical college. The terms of the contract shall be~~  
276 ~~negotiated between the governing boards of the community and technical college and West~~  
277 ~~Virginia State University. The final contract may not be implemented until approved by the council~~  
278 ~~except that any contract between the community and technical college and West Virginia State~~  
279 ~~University related to program delivery under the terms of this section in effect on July 1, 2008,~~  
280 ~~shall continue in effect until July 1, 2009, unless amended or revoked before that date by mutual~~  
281 ~~agreement of the contract parties with approval by the council. Such a program shall be evaluated~~  
282 ~~according to the benchmarks and indicators for community and technical college education~~  
283 ~~developed by the council. If the council determines that the program is making insufficient~~  
284 ~~progress toward accomplishing the benchmarks, the program shall thereafter be delivered by the~~

285 ~~community and technical college.~~

286 ~~(iii) Dual credit course delivery agreements. --~~

287 ~~(I) Nothing in this article alters or abrogates any agreement in place on the effective date~~  
288 ~~of this section between West Virginia State University and Kanawha Valley Community and~~  
289 ~~Technical College relating to delivery of dual credit courses as defined in section two, article one~~  
290 ~~of this chapter;~~

291 ~~(II) The community and technical college may deliver technical courses that are part of a~~  
292 ~~certificate or associate degree program as early entrance or dual credit courses for high school~~  
293 ~~students; and~~

294 ~~(III) Subject to an agreement between the baccalaureate institution and the community~~  
295 ~~and technical college, the latter may deliver early entrance and dual credit courses as defined in~~  
296 ~~section two, article one of this chapter to students in high schools which are not served by the~~  
297 ~~baccalaureate institution~~

298 ~~(J)(9) West Virginia University at Parkersburg. --~~

299 ~~(i)(A) West Virginia University at Parkersburg is an independently accredited state~~  
300 ~~institution of higher education which may maintain an association with West Virginia University~~  
301 ~~subject to the provisions of section twelve of this article §18B-3C-12 of this code. The president~~  
302 ~~and the governing board of the community and technical college are responsible for maintaining~~  
303 ~~independent accreditation and adhering to the essential conditions pursuant to section three of~~  
304 ~~this article §18B-3C-3 of this code.~~

305 ~~(ii)(B) Any contract between the community and technical college and West Virginia~~  
306 ~~University related to program delivery under the authority of the council or related to delivery of~~  
307 ~~baccalaureate programs in effect on July 1, 2008 shall continue in effect unless amended or~~  
308 ~~revoked by mutual agreement of the contract parties with approval by the council.~~

309 ~~(iii)(C) In recognition of the unique and essential part West Virginia University at~~  
310 ~~Parkersburg plays in providing education services in its region, the community and technical~~

311 college may continue delivering baccalaureate degree programs offered at the institution on the  
 312 effective date of this section, may implement additional baccalaureate programs with the approval  
 313 of the commission, and is strongly encouraged:

314 ~~(H)(i)~~ To continue ~~and~~ to expand its role as a higher education center pursuant to  
 315 subsection (c) of this section; and

316 ~~(H)(ii)~~ To broker from West Virginia University and other higher education institutions, as  
 317 appropriate, additional baccalaureate level degree programs the community and technical college  
 318 determines are needed in its service region. ~~and~~

319 ~~(HH)~~ (D) Any baccalaureate degree programs offered at the community and technical  
 320 college shall be delivered under the authority of the commission. The program shall be evaluated  
 321 according to the benchmarks and indicators for baccalaureate education developed by the  
 322 commission.

**§18B-3C-13. Legislative intent; Pierpont Community and Technical College re-established  
 as a division of Fairmont State University; institutional organization, structure, and  
 accreditation.**

1 ~~(a) The intent of the Legislature in enacting this section is to provide for the most effective~~  
 2 ~~education delivery system for community and technical education programs to the entire region~~  
 3 ~~to be served by Pierpont Community and Technical College and to focus the institutional mission~~  
 4 ~~on achieving state goals, objectives, priorities, and essential conditions as established in articles~~  
 5 ~~one, one-d, and three-c of this chapter~~ Effective July 1, 2023, Pierpont Community and Technical  
 6 College is a fully integrated division of Fairmont State University. The fully integrated division is  
 7 named the Pierpont College of Community and Technical Education. Any reference in this code  
 8 to Pierpont Community and Technical College as an independent community and technical  
 9 college after June 30, 2023, means the Pierpont College of Community and Technical Education  
 10 of Fairmont State University. All administrative and academic units are consolidated with  
 11 responsibility for direction and support assigned to Fairmont State University and the Fairmont

12 State University board of governors.

13 ~~(b) Pierpont Community and Technical College is established as an independent state~~  
14 ~~institution of higher education. Any reference in this code to Fairmont State Community and~~  
15 ~~Technical College or to Pierpont Community and Technical College, a division of Fairmont State~~  
16 ~~University, means the independent state institution of higher education known as Pierpont~~  
17 ~~Community and Technical College.~~

18 ~~(c) Effective July 1, 2008, the board of advisors for Pierpont Community and Technical~~  
19 ~~College is the governing board for that institution subject to the provisions of article two-a of this~~  
20 ~~chapter. The administrative head of Pierpont Community and Technical College on June 30,~~  
21 ~~2008, is the president of the independent community and technical college subject to the~~  
22 ~~provisions of section five of this article~~

23 (b) Effective July 1, 2023, the administrative head of the Pierpont College of Community  
24 and Technical Education of Fairmont State University shall be a dean who shall be appointed by  
25 the president of Fairmont State University.

26 ~~(d) In the delivery of community and technical college education and programs, Pierpont~~  
27 ~~Community and Technical College shall adhere to all provisions set forth in this code and rules~~  
28 ~~promulgated by the council for the delivery of education and programs, including, but not limited~~  
29 ~~to, council review and approval of academic programs, institutional compacts, master plans and~~  
30 ~~tuition and fee rates, including capital fees~~

31 (c) In the delivery of community and technical college education and programs, Fairmont  
32 State University shall adhere to all provisions set forth in this code and rules promulgated by the  
33 council. Fairmont State University shall deliver community and technical college education  
34 through the Pierpont College of Community and Technical Education and shall support the overall  
35 mission of providing workforce and technical training to the entire region served by the unified  
36 institution, including the support necessary to fulfill the region's needs for a skilled workforce in  
37 aviation maintenance technology.

38 ~~(e) Pierpont Community and Technical College shall pursue independent accreditation~~  
39 ~~status and the board of Governors of the community and technical college shall provide through~~  
40 ~~contractual arrangement for the administration and operation of Pierpont Community and~~  
41 ~~Technical College by Fairmont State University while the community and technical college seeks~~  
42 ~~appropriate independent accreditation. The contractual arrangement may not be implemented~~  
43 ~~until approved by the council and shall include provisions to ensure that the programs offered at~~  
44 ~~Pierpont Community and Technical College are accredited while independent accreditation is~~  
45 ~~being sought. Fairmont State University shall continue to provide services to the community and~~  
46 ~~technical college which the community and technical college or the council considers necessary~~  
47 ~~or expedient in carrying out its mission under the terms of an agreement between the two~~  
48 ~~institutions pursuant to the provisions of section twelve of this article~~

49 (d) The Fairmont State University Pierpont College of Community and Technical  
50 Education shall not maintain independent regional or national accreditation status but may  
51 maintain program-specific accreditation. Fairmont State University shall ensure that the programs  
52 offered by the Pierpont College of Community and Technical Education are accredited as  
53 appropriate pursuant to the provisions of this section.

54 (e) Notwithstanding any other provision of this section to the contrary, it is the intent of the  
55 Legislature that the reunification provisions contained in this section shall begin on July 1, 2022,  
56 and be fully implemented in a manner that is in accordance with the policies and procedures of  
57 the Higher Learning Commission no later than June 30, 2023. The Board of Governors of  
58 Fairmont State University is hereby authorized to begin the Change of Control, Structure or  
59 Organization process with the Higher Learning Commission on or after July 1, 2022. Fairmont  
60 State University shall seek one unified accreditation from the Higher Learning Commission and  
61 shall seek authority and approval to transfer accreditation for individual programs from Pierpont  
62 Community and Technical College to Fairmont State University pursuant to the provisions of this  
63 subdivision.

64 ~~(f) The council has the authority and the duty to take all steps necessary to assure that~~  
65 ~~the institution acquires independent accreditation status as quickly as possible. If the community~~  
66 ~~and technical college fails to achieve independent accreditation by July 1, 2011, the council shall~~  
67 ~~sever any contractual agreement between Pierpont Community and Technical College and~~  
68 ~~Fairmont State University and assign the responsibility for achieving independent accreditation to~~  
69 ~~another state institution of higher education~~

70 (f) The chair of the Board of Governors of Fairmont State University shall, no later than  
71 June 30, 2024, name an advisory board of Pierpont College of Community and Technical  
72 Education of no less than five and no more than nine members who shall provide guidance to the  
73 Board of Governors in fulfilling the academic mission of the division. The chair of the advisory  
74 board shall be elected annually from among its members and shall serve as an ex-officio, voting  
75 member of the Board of Governors of Fairmont State University.

76 (g) As part of the reunification of Pierpont Community and Technical College as a fully  
77 integrated division of Fairmont State University, effective July 1, 2023:

78 (1) The operating budget of Pierpont Community and Technical College is integrated  
79 under the authority and jurisdiction of the Board of Governors of Fairmont State University:  
80 Provided, That moneys appropriated by the Legislature to Pierpont Community and Technical  
81 College exclusively for community and technical education shall be used for the delivery of  
82 academic programming in the Pierpont College of Community and Technical Education of  
83 Fairmont State University;

84 (2) All financial assets and liabilities, including fund balances, of Pierpont Community and  
85 Technical College are transferred to the Board of Governors of Fairmont State University;

86 (3) All revenue and refunding revenue bonds, the debt service thereon and the other  
87 obligations under the resolutions adopted and any trust agreements entered in connection  
88 therewith, and any other capital debt service payments formerly the responsibility of Pierpont  
89 Community and Technical College continue in existence and are the responsibility of the Board

90 of Governors of Fairmont State University;

91 (4) The titles to all real property, facilities, and equipment of, as well as each valid  
92 agreement and obligation undertaken by Pierpont Community and Technical College are  
93 transferred to the Board of Governors of Fairmont State University, which shall exercise general  
94 determination, control, supervision, and management of the financial, business, and education  
95 policies and affairs of the Pierpont College of Community and Technical Education as a fully  
96 integrated division of Fairmont State University;

97 (5) The title to all property leased, purchased, or renovated for the use of Pierpont  
98 Community and Technical College is vested in the Board of Governors of Fairmont State  
99 University;

100 (6) The faculty, classified employees, and nonclassified employees of Pierpont  
101 Community and Technical College become the faculty, classified employees, and nonclassified  
102 employees of Fairmont State University;

103 (7) Fairmont State University shall develop an articulation agreement of course credit  
104 transfer of two year academic programs to four year academic programs. Fairmont State  
105 University shall submit a comprehensive articulation agreement for approval to the Higher  
106 Education Policy Commission no later than July 1, 2023.

107 (8) Fairmont State University shall continue participation in the Advanced Career  
108 Education programs and the West Virginia Invests Grant Program by meeting all of the  
109 requirements set forth in §18-2E-11 et seq. and §18C-9-1 et seq. of this code.

110 (9) Fairmont State University shall submit a report to the Council for Community and  
111 Technical College Education and the Legislative Oversight Commission on Education  
112 Accountability no later than June 30, 2024, concerning the effectiveness and implementation of  
113 the provisions of this section.

114 (h) Except as otherwise provided in this section, the provisions of this section enacted  
115 during the 2022 Regular Session shall take effect upon passage.



**ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.**

**§18B-3C-13a. Pierpont College of Community and Technical Education transition team established; sunset provision.**

1 (a) There is hereby created a transition team charged with advising the chancellor of the  
2 commission on the implementation of the reunification provisions of §18B-3C-13 of this code.

3 (b) The transition team established by this section shall consist of seven members,  
4 designated as follows:

5 (1) Three members named by the chair of the Board of Governors of Fairmont State  
6 University; and

7 (2) Three members designated by the chair of the Board of Governors of Pierpont  
8 Community and Technical College.

9 (3) The chair of the Board of Governors of Fairmont State University shall serve as the  
10 chair of the transition team.

11 (c) The responsibilities of the transition team include the following:

12 (1) Reporting to the Board of Governors of Fairmont State University, at least quarterly,  
13 concerning the progress of Fairmont State University in maintaining the community and technical  
14 college mandate of the Council for Community and Technical College Education; and

15 (2) Monitoring the overall delivery of the community and technical college curriculum,  
16 education, and workforce training programs established pursuant to the provisions of this article.

17 (d) The provisions of this section enacted during the 2022 Regular Session shall take  
18 effect upon passage and shall expire on June 30, 2024.

NOTE: The purpose of this bill is to make Pierpont Community and Technical College a fully integrated division of Fairmont State University known as the Pierpont College of Community and Technical Education on July 1, 2023. The bill increases the number of members of the Fairmont State Board of Governors to fifteen persons. The bill requires the appointment by the Governor of at least one member on the Fairmont State University Board of Governors who has knowledge and practical experience in community and technical education. The bill provides for two faculty members on the Fairmont State University Board of Governors, at least one of which shall be from the faculty of the Pierpont College of Community and Technical Education elected by the faculty senate. The bill

provides that the administrative head of the Pierpont College of Community and Technical Education shall be a dean appointed by the President of Fairmont State University. The bill provides that the chairman of the Fairmont State University Board of Governors shall appoint an advisory board to advise the Fairmont State University Board of Governors on matters relating to the community and technical college curriculum. The bill provides that the members of the advisory board shall elect a chairperson on or after July 1, 2023 who shall be an ex-officio, voting member of the Fairmont State University Board of Governors. The bill provides that the operating budget of Pierpont Community and Technical College is integrated under the authority and jurisdiction of the Fairmont State University Board of Governors. The bill transfers all financial assets and liabilities from the authority of Pierpont Community and Technical College Board of Governors to the authority of the Fairmont State University Board of Governors. The bill satisfies existing outstanding deficits or financial obligations prior to the unification of Fairmont State University and Pierpont Community and Technical College. The bill continues any capital debt service payment of Pierpont Community and Technical College and makes it the responsibility of the Fairmont State University board of governors. The bill transfers titles to all real property, facilities, and equipment of, as well as each valid agreement undertaken by Pierpont Community and Technical College to the Fairmont State University Board of Governors. The bill vests title of all property purchased for the use of Pierpont Community and Technical College in the Fairmont State University Board of Governors. The bill makes faculty, classified employees, and nonclassified employees of Pierpont Community and Technical College employees of Fairmont State University. The bill provides for a transition period to achieve full accreditation by the Higher Learning Commission. The bill requires reports to the Council for Community and Technical College Education and the Legislative Oversight Commission on Education Accountability. The bill clarifies that the Council for Community and Technical College Education shall retain jurisdiction over the academic programming offered by the Pierpont College of Community and Technical Education. The bill provides for transition team oversight with a sunset date. The bill authorizes Fairmont State University to begin the change of control accreditation review process with the Higher Learning Commission on July 1, 2022. The bill updates certain state institution of higher education names. The bill repeals outdated language. Finally, the bill deletes obsolete language.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.