

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3441

By Delegate Ellington

[Introduced February 14, 2023;

Referred to the Committee on Education]

1 A BILL to amend and reenact §18B-1D-9 of the Code of West Virginia, 1931, as amended, all
2 relating to revising the training requirements for members of the Higher Education Policy
3 Commission, the Council for Community and Technical College Education, and the
4 institutional governing boards; requiring that the chancellor of the commission and the
5 chancellor of the council develop a comprehensive orientation and training program for
6 members of the commission, council and the institutional governing boards and ongoing
7 educational opportunities for the ongoing members of those governing bodies; setting forth
8 requirements for new member training; clarifying ongoing member training requirements;
9 allowing for alternative training under certain circumstances; removing reporting
10 requirement to the Legislative Oversight Commission on Education Accountability; and
11 making technical changes.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1D. HIGHER EDUCATION ACCOUNTABILITY.

§18B-1D-9. Commission, council, and institutional governing board training and development; training and development requirements, applicability and exceptions.

1 ~~(a) The commission and council, either jointly or separately, shall coordinate periodic~~
2 ~~training and development opportunities for members of the commission, council and institutional~~
3 ~~governing boards as provided in this section. The Chancellor for higher education and the~~
4 ~~chancellor for community and technical college education, as those terms are defined in §18B-1-2~~
5 ~~of this code, or their designees, shall develop a comprehensive orientation and training program~~
6 ~~for new members of the commission, the council, and the institutional governing boards and~~
7 ~~continuing education opportunities for all ongoing members of those bodies, hereinafter referred~~
8 ~~to as "governing bodies."~~

9 ~~The training and development shall address the following topics:~~

10 ~~(1) State goals, objectives and priorities for higher education;~~

11 ~~(2) The accountability system for higher education set forth in this article;~~

12 ~~(3) The general powers and duties of members; and~~

13 ~~(4) Ethical considerations arising from board membership.~~

14 (b) Training and development is required as follows:

15 ~~(1) A member newly appointed to the commission, council or a governing board shall~~
16 ~~complete three hours of training and development by the end of the first fiscal year of service if the~~
17 ~~appointment is made in the first half of a fiscal year. If the appointment is made in the second half~~
18 ~~of a fiscal year the member shall complete three hours of training and development by the end of~~
19 ~~the first half of the second fiscal year~~

20 (1) *New Members:* The orientation and training offered to new members of the governing
21 bodies shall comprise six hours of instruction time and shall include, but not be limited to:

22 (A) Information concerning the roles of the governing bodies and their members;

23 (B) The state goals for higher education set forth in §18B-1-1a of this code;

24 (C) The higher education accountability system established in §18B-1D-1, *et seq.* of this
25 code;

26 (D) The fiduciary duties and responsibilities of the governing bodies;

27 (E) Legal considerations including statutory duties, authorities, and responsibilities of the
28 governing bodies and open records and open meetings requirements;

29 (F) Ethical considerations arising from membership on a governing body, including the
30 provisions of the West Virginia Governmental Ethics Act set forth in §6B-1-1, *et seq.* of this code;

31 (G) The removal and replacement provisions of members of governing bodies as
32 established in §6-6-5 and §6-6-6 of this code; and

33 (H) The circumstances under which the commission or the council, as appropriate, may
34 withdraw specific powers from the institutional governing boards, as set forth in §18B-1B-4 and
35 §18B-2B-6 of this code.

36 (2) The six hours of orientation and training provided to new members of the governing
37 bodies may be completed in one block or broken up over the member's first year of service:

38 Provided, That the new governing body member completes the full six hours of training within
39 twelve months of his or her appointment to the governing body.

40 (2) (3) Ongoing members – With the exception of the ex officio members of the commission
41 and the council and the student member of a governing board, beginning the second year of the
42 member's service on a governing body, each member shall complete at least six ~~six~~ four hours of
43 training and development related to his or her duties within two fiscal years of beginning service
44 and within every two fiscal years of service thereafter each full fiscal year following his or her
45 appointment.

46 (4) Alternate training – The chancellors may grant credit for training, professional
47 development, or continuing education developed or delivered by an institution of higher education
48 or a third-party training provider: Provided, That the chancellors or their designees determine that
49 the training meets the requirements for governing body member training established by this
50 section.

51 (c) Annually, by July 31, the ~~chair~~ chairs of the commission, the council, and each
52 governing board shall certify to the ~~commission or council, as appropriate,~~ chancellors the number
53 of hours of training and development that each member of their respective governing body
54 received during the preceding fiscal year.

55 (d) If the certification indicates that a ~~board member~~ of a governing body has not completed
56 the training and development required by this section, the ~~commission or council, as appropriate,~~
57 appropriate chancellor shall send a notice to the affected board member and his or her governing
58 body and to the Governor and the Secretary of State, or to the institutional appointing entity, that
59 the ~~board member~~ of the governing body is disqualified from continued service notwithstanding
60 the provisions of ~~sections five and six, article six, chapter six~~ §6-6-5 and §6-6-6 of this code. The
61 commission or council, as appropriate, shall request the Governor or appointing entity to appoint a
62 replacement for that ~~board~~ governing body member.

63 ~~(e) Annually, by September 30, the commission and council shall report to the Legislative~~
64 ~~Oversight Commission on Education Accountability on the training and development that~~
65 ~~members of the commission, and council, and the governing boards under their respective~~
66 ~~jurisdictions have received during the preceding fiscal year. This information shall be included in~~
67 ~~the institutional and statewide report cards provided in section eight of this article~~

68 (f)(e) As used in this section, "member" means all members of the commission, council and
69 the governing boards unless a specific exception is provided in this section.

NOTE: The purpose of this bill is to revise the training requirements for members of the Higher Education Policy Commission, the Council for Community and Technical College Education, and the institutional governing boards.

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