

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Enrolled

Senate Bill 488

By Senator Rucker

[Passed March 11, 2024; in effect 90 days from
passage]

1 AN ACT to amend and reenact §18B-4-7 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new section, designated §18B-4-7a, all relating to
3 aligning state and federal accreditation rules; requiring the Higher Education Policy
4 Commission, the Council for Community and Technical College Education and the
5 institutional governing boards of the exempted schools to regularly update their rules
6 regarding accreditation to conform to federal regulations; requiring the council,
7 commission, and governing boards to promulgate rules, by December 31, 2023, to permit
8 institutions to choose to pursue accreditation with a recognized accreditor; making
9 findings; requiring the council, commission, and governing boards to amend their
10 regulations regarding accreditation by December 31, 2023; and providing that any
11 regulations that imply or state that certain accreditors must be used are incorrect and must
12 be amended.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-7. Accreditation of institutions of higher education; standards for degrees.

1 (a) The council shall make rules for the accreditation of community and technical colleges
2 in this state and shall determine the minimum standards for conferring degrees. The commission
3 shall make rules for the accreditation of colleges in this state except the governing boards of the
4 exempted schools shall make rules for their respective institutions, and each shall determine the
5 minimum standards for conferring degrees. The governing boards of the exempted schools shall
6 promulgate rules pursuant to the provisions of §18B-1-6 of this code for the accreditation of their
7 respective institutions.

8 (1) The council, commission, and governing boards of the exempted schools shall
9 regularly update their rules regarding accreditation to conform with changes by, and to take
10 advantage of new flexibilities and data sources made available by, the United States Department
11 of Education and by the United States Congress.

12 (2) By December 31, 2023, the council, commission, and governing boards must
13 promulgate rules that permit institutions to choose to pursue institutional accreditation with any
14 accreditor recognized by the United States Department of Education.

15 (b) An institution of higher education may not confer a degree on any basis of work or merit
16 below the minimum standards prescribed by the council or commission.

17 (c) With the approval of the commission and subject to subsections (e), (f), and (g) of this
18 section, governing boards of institutions which currently offer substantial undergraduate course
19 offerings and a master's degree in a discipline are authorized to grant baccalaureate degrees in
20 that discipline.

21 (d) Except as otherwise provided in this section, a charter or other instrument containing
22 the right to confer degrees of higher education status may not be granted by the State of West
23 Virginia to an institution, association, or organization within the state, nor may a degree be
24 awarded, until the condition of conferring the degree first has been approved in writing by the
25 council or commission, as appropriate, or by the institution's governing board in the case of the
26 exempted schools.

27 (e) To retain the authority to confer degrees pursuant to this section, each institution shall
28 provide annually to the commission or council, as requested, all information the commission or
29 council considers necessary to assess the performance of the institution and to determine whether
30 the institution continues to meet the minimum standards for conferring degrees. This information
31 includes, but is not limited to, the following data:

32 (1) All information current and future federal or state laws and regulations require the
33 institution to report to the public, to students, to employees, or to federal or state agencies;

34 (2) Other consumer information the commission or council considers necessary, including,
35 but not limited to, graduation and retention rates, transfers, post-graduation placements, loan
36 defaults, and numbers and types of student complaints;

37 (3) A detailed explanation of financial operations including, but not limited to, policies,

38 formulas and procedures related to calculation, payment and refund for all tuition and fees; and

39 (4) An assessment of the adequacy of the institution's curriculum, personnel, facilities,
40 materials, and equipment to meet the minimum standards for conferring degrees.

41 (f) The commission and council may conduct on-site reviews to evaluate an institution's
42 academic standards, may conduct financial audits, or may require the institution to perform these
43 audits and provide detailed data to the commission or council.

44 (g) The commission or council shall revoke an institution's authority to confer degrees
45 when the institution's governing body, chief executive officer, or both, have done any one or more
46 of the following:

47 (1) Failed to maintain the minimum standards for conferring degrees; or

48 (2) Willfully provided false, misleading, or incomplete information to the commission or
49 council.

50 (h) The commission and council each shall compile the information collected pursuant to
51 subsections (e), (f) and (g) of this section and submit a report on the information to the Legislative
52 Oversight Commission on Education Accountability annually beginning December 1, 2012. The
53 commission and council each shall make the information and report available to the public in a
54 form and manner that is accessible to the general public, including, but not limited to, posting on its
55 website.

§18B-4-7a. Choice of accreditors.

1 (a) The Legislature finds and declares that:

2 (1) The United States Department of Education promulgated new regulations on
3 November 1, 2019, that revise the criteria used by the department to recognize accrediting
4 agencies to allow competition (84 Fed. Reg. 58834);

5 (2) The council, commission, and governing boards of the exempted schools must take
6 advantage of the new regulations in order to improve education quality through competition among
7 accreditors by amending their own regulations;

8 (3) Regulatory references to accreditation involving the North Central Association are out
9 of date because it was dissolved in 2014; and

10 (4) Seventeen accreditors are currently recognized by the United States Department of
11 Education (seven traditionally "regional" accreditors and 10 traditionally "national" accreditors).

12 (b) *Competition.* —

13 (1) By December 31, 2023, the council, commission, and governing boards of the
14 exempted schools must amend their regulations regarding accreditation to ensure that every
15 postsecondary institution in the state may freely choose to pursue accreditation by any accreditor
16 recognized by the United States Department of Education for the kinds of programs offered by the
17 institution; and

18 (2) To the extent that such regulations imply or state that institutions default to, or normally
19 would, should, or must be accredited by the Higher Learning Commission and/or the now-defunct
20 North Central Association, such regulations are incorrect and must be amended.