

1 **ENROLLED**

2 **Senate Bill No. 595**

3 (BY SENATORS PLYMALE, EDGELL, STOLLINGS, BAILEY, GREEN, HUNTER, WELLS,  
4 WHITE, BOLEY, FACEMYER, KESSLER, HALL, JENKINS, MCKENZIE AND UNGER)

5 \_\_\_\_\_  
6 [Passed March 8, 2008; in effect from passage.]  
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10 AN ACT to repeal §18B-1-1, §18B-1-1b and §18B-1-1c of the Code of  
11 West Virginia, 1931, as amended; to repeal §18B-1A-1 and  
12 §18B-1A-2 of said code; to repeal §18B-1B-8 and §18B-1B-9 of  
13 said code; to repeal §18B-3B-1 and §18B-3B-2 of said code; to  
14 repeal §18B-11-5 of said code; to amend and reenact §18-1-4 of  
15 said code; to amend and reenact §18-2E-5c of said code; to  
16 amend and reenact §18B-1-1a of said code; to amend said code  
17 by adding thereto a new article, designated §18B-1D-1,  
18 §18B-1D-2, §18B-1D-3, §18B-1D-4, §18B-1D-5, §18B-1D-6,  
19 §18B-1D-7 and §18B-1D-8; and to amend said code by adding  
20 thereto a new section, designated §18B-14-9, all relating to  
21 education generally; establishing Vision 2020: An Education  
22 Blueprint for Two Thousand Twenty; requiring State Board of  
23 Education plan that includes goals, objectives, strategies,  
24 indicators and benchmarks; specifying certain public education

1 goals and objectives to be included in plan; submission of  
2 plan to Process for Improving Education Council; purposes and  
3 membership of council; providing legislative findings, intent  
4 and purposes; establishing goals for public higher education;  
5 creating education partnership to achieve state goals and  
6 objectives; establishing elements of higher education  
7 accountability system; requiring Higher Education Policy  
8 Commission and Council for Community and Technical College  
9 Education to propose rules by certain date; defining terms;  
10 specifying objectives and priorities; establishing date to  
11 achieve certain objectives and priorities; defining  
12 responsibilities of Higher Education Policy Commission,  
13 Council for Community and Technical College Education and  
14 state institutions of higher education relative to  
15 accountability system; requiring system master plans, state  
16 compacts, institutional compacts and institutional and system  
17 report cards; establishing submission, approval, review and  
18 reporting requirements; authorizing implementation plans;  
19 assigning geographic areas of responsibility; specifying that  
20 certain reports are no longer required to be prepared annually  
21 except under certain conditions; providing for committee to  
22 examine higher education facility needs; specifying  
23 membership; and requiring recommendations to Legislative  
24 Oversight Commission on Education Accountability by certain

1 date.

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

3 That §18B-1-1, §18B-1-1b and §18B-1-1c of the Code of West  
4 Virginia, 1931, as amended, be repealed; that §18B-1A-1 and  
5 §18B-1A-2 of said code be repealed; that §18B-1B-8 and §18B-1B-9 of  
6 said code be repealed; that §18B-3B-1 and §18B-3B-2 of said code be  
7 repealed; that §18B-11-5 of said code be repealed; that §18-1-4 of  
8 said code be amended and reenacted; that §18-2E-5c be amended and  
9 reenacted; that §18B-1-1a of said code be amended and reenacted;  
10 that said code be amended by adding thereto a new article,  
11 designated §18B-1D-1, §18B-1D-2, §18B-1D-3, §18B-1D-4, §18B-1D-5,  
12 §18B-1D-6, §18B-1D-7 and §18B-1D-8; and that said code be amended  
13 by adding thereto a new section, designated §18B-14-9, all to read  
14 as follows:

15 **CHAPTER 18. EDUCATION.**

16 **ARTICLE 1. DEFINITIONS; LIMITATIONS OF CHAPTER; GOALS FOR**  
17 **EDUCATION.**

18 **§18-1-4. Vision 2020: An Education Blueprint for Two Thousand**  
19 **Twenty.**

20 (a) This section, together with section one-a, article one,  
21 chapter eighteen-b of this code and article one-d of said chapter,  
22 shall be known as and may be cited as Vision 2020: An Education  
23 Blueprint for Two Thousand Twenty.

24 (b) For the purposes of this section:

1           (1) "Goals" means those long-term public purposes which are  
2 the desired end result and only may include those items listed in  
3 subsection (e) of this section;

4           (2) "Objectives" means the ends to be accomplished or attained  
5 within a specified period of time for the purpose of meeting the  
6 established goals; and

7           (3) "Strategies" means specific activities carried out by the  
8 public education system which are directed toward accomplishing  
9 specific objectives.

10          (c) The Legislature finds that:

11          (1) The measure of a thorough and efficient system of  
12 education is whether students graduate prepared to meet the  
13 challenges of the future as contributing members of society and  
14 that these challenges change, becoming ever more complex and  
15 involving a global context more than at any other time in the  
16 history of our nation;

17          (2) The state recently has embraced and is implementing the  
18 Partnership for 21st Century Skills model for teaching and learning  
19 including six key elements (core subjects, 21st Century content,  
20 learning and thinking skills, information and communications  
21 technology literacy, life skills and 21st Century assessments) to  
22 help better prepare students for the challenges of the 21st  
23 Century;

24          (3) Published national studies by several organizations

1 routinely examine various elements of state education systems and  
2 selected underlying socioeconomic variables and rate and rank West  
3 Virginia and the other states, the District of Columbia and the  
4 territories based on the measurement systems and priorities  
5 established by the organizations, and these measurement systems and  
6 priorities change;

7       (4) While the state should take pride in studies that show  
8 West Virginia is among the leaders in several of its efforts and is  
9 making progress, its students often outperforming expectations  
10 based on typical indicators of the likelihood for student success,  
11 such as the income and education levels of their parents, it should  
12 also recognize that the state must do even more to ensure that high  
13 school graduates are fully prepared for post-secondary education or  
14 gainful employment;

15       (5) Therefore, the purpose of this section is to provide for  
16 the establishment of a clear plan that includes goals, objectives,  
17 strategies, indicators and benchmarks to help guide the state's  
18 policymakers on the continuous development of the state's education  
19 system for the 21st Century.

20       (d) As part of Vision 2020: An Education Blueprint for Two  
21 Thousand Twenty, the state board shall establish a plan in  
22 accordance with the provisions of this section for submission to  
23 and consideration by the Process for Improving Education Council  
24 pursuant to section five-c, article two-e of this chapter. The

1 plan shall include only the goals, objectives, strategies,  
2 indicators and benchmarks for public education set forth in this  
3 section and that meet the requirements of this section. To add  
4 clarity and avoid confusion, the goals for public education set  
5 forth in the plan pursuant to this section are the exclusive goals  
6 for public education. The plan shall include:

7 (1) The goals set forth in this section and no other goals;

8 (2) At least the objectives set forth in this section and  
9 specified periods of time for achieving those objectives and any  
10 other objectives that may be included in the plan;

11 (3) Strategies for achieving the specific objectives;

12 (4) Indicators for measuring progress toward the goals and  
13 objectives established in this section; and

14 (5) Benchmarks for determining when the goals and objectives  
15 have been achieved.

16 (e) The plan shall include the following list of exclusive  
17 goals for the public education system in West Virginia:

18 (1) Academic achievement according to national and  
19 international measures will exceed national and international  
20 averages. These national and international measures should include  
21 scores on assessments such as the National Assessment of  
22 Educational Progress (NAEP), the ACT, the SAT and the Programme for  
23 International Assessment (PISA);

24 (2) The public education system will prepare fully all

1 students for post-secondary education or gainful employment;

2 (3) All working-age adults will be functionally literate;

3 (4) The public education system will maintain and promote the  
4 health and safety of all students and will develop and promote  
5 responsibility, citizenship and strong character in all students;  
6 and

7 (5) The public education system will provide equitable  
8 education opportunity to all students.

9 (f) The plan also shall include at least the following policy-  
10 oriented objectives:

11 (1) *Rigorous 21st Century curriculum and engaging instruction*  
12 *for all students.* -- All students in West Virginia public schools  
13 should have access to and benefit from a rigorous 21st Century  
14 curriculum that develops proficiency in core subjects, 21st Century  
15 content, learning skills and technology tools. These students also  
16 should have that curriculum delivered through engaging,  
17 research-based instructional strategies that develop deep  
18 understanding and the ability to apply content to real-world  
19 situations;

20 (2) *A 21st Century accountability and accreditation system.* --  
21 The prekindergarten through twelve education system should have a  
22 public accrediting system that: (i) Holds local school districts  
23 accountable for the student outcomes the state values; and (ii)  
24 provides the public with understandable accountability data for

1 judging the quality of local schools. The outcomes on which the  
2 system is based should be rigorous and should align with national  
3 and international standards such as the National Assessment of  
4 Educational Progress (NAEP), the ACT, the SAT and the Programme for  
5 International Assessment (PISA). The broad standards established  
6 for these outcomes should include a focus on: (A) Mastery of basic  
7 skills by all students; (B) closing the achievement gap among  
8 student subgroups; and (C) high levels of proficiency in a wide  
9 range of desired 21st Century measures and processes. The system  
10 for determining school and district accreditation should include  
11 school and district self-analysis and generate appropriate  
12 research-based strategies for improvement. It also should allow  
13 opportunities to create innovative approaches to instructional  
14 delivery and design. Thus, the system will incorporate processes  
15 for encouraging innovation, including streamlined applications for  
16 waivers to state board policy, financial support for successful  
17 initiatives and recognition of those practices that can be brought  
18 to a district or statewide scale. The primary goal of the  
19 accreditation system is to drive school improvement. This 21st  
20 Century accountability and accreditation system also should include  
21 the methods of addressing capacity set forth in section five,  
22 article two-e of this chapter;

23 (3) *A statewide balanced assessment process.* -- State,  
24 district, school and classroom decisionmaking should be grounded in

1 21st Century balanced assessment processes that reflect national  
2 and international rigorous performance standards and examine  
3 student proficiency in 21st Century content, skills and technology  
4 tools. A balanced assessment system includes statewide summative  
5 assessments, local benchmark assessments and classroom assessments  
6 for learning;

7       (4) *A personnel allocation, licensure and funding process that*  
8 *aligns with the needs of 21st Century school systems and is*  
9 *supported by a quality coordinated professional development*  
10 *delivery system.* -- Increased accountability demands, as well as  
11 the focus on 21st Century learning, require a reexamination of  
12 traditional approaches to personnel allocation, licensure and  
13 funding. Creating schools of the 21st Century requires new  
14 staffing roles and staffing patterns. It also requires ongoing  
15 professional development activities focused on enhancing student  
16 achievement and achieving specific goals of the school and district  
17 strategic plans. Thus, schools should have the ability to access,  
18 organize and deliver high quality embedded professional development  
19 that provides staff with in-depth sustained and supported learning.  
20 Effective school improvement should allow opportunity for staff to  
21 collectively learn, plan and implement curricular and instructional  
22 improvements on behalf of the students they serve;

23       (5) *School environments that promote safe, healthy and*  
24 *responsible behavior and provide an integrated system of student*

1 *support services.* -- Each school should create an environment  
2 focused on student learning and one where students know they are  
3 valued, respected and safe. Furthermore, the school should  
4 incorporate programs and processes that instill healthy, safe and  
5 responsible behaviors and prepare students for interactions with  
6 individuals of diverse racial, ethnic and social backgrounds.  
7 School and district processes should include a focus on developing  
8 ethical and responsible character, personal dispositions that  
9 promote personal wellness through planned daily physical activity  
10 and healthy eating habits consistent with high nutritional  
11 guidelines and multicultural experiences that develop an  
12 appreciation of and respect for diversity;

13 (6) *A leadership recruitment, development and support*  
14 *continuum.* -- Quality schools and school systems of the 21st  
15 Century cannot be created without high quality leaders. Thus, West  
16 Virginia should have an aligned leadership professional development  
17 continuum that attracts, develops and supports educational  
18 leadership at the classroom, school and district level. This  
19 leadership development continuum should focus on creating: (i)  
20 Learning-centered schools and school systems; (ii) collaborative  
21 processes for staff learning and continuous improvement; and (iii)  
22 accountability measures for student achievement;

23 (7) *Equitable access to 21st Century technology and education*  
24 *resources and school facilities conducive to 21st Century teaching*

1 *and learning.* -- A quality educational system of the 21st Century  
2 should have access to technology tools and processes that enhance  
3 effective and efficient operation. Administrators should have the  
4 digital resources to monitor student performance, manage a variety  
5 of data and communicate effectively. In the classroom, every  
6 teacher in every school should be provided with the instructional  
7 resources and educational technology necessary to deliver the West  
8 Virginia content standards and objectives. Schools of the 21st  
9 Century require facilities that accommodate changing technologies,  
10 21st Century instructional processes and 21st Century staffing  
11 needs and patterns. These school facilities should mirror the best  
12 in green construction and be environmentally and educationally  
13 responsive to the communities in which they are located;

14 (8) *Aligned public school with post-secondary and workplace*  
15 *readiness programs and standards.* -- An educational system in the  
16 21st Century should be seen as a continuum from the public school  
17 (prekindergarten through twelve) program through post-secondary  
18 education. In order to be successful in a global competitive  
19 marketplace, learning should be an ongoing, life-long experience.  
20 Thus, the public schools and the institutions of post-secondary  
21 education in West Virginia should create a system of common  
22 standards, expectations and accountability. Creating such an  
23 aligned system will enhance opportunities for success and assure a  
24 seamless educational process for West Virginia students; and

1           (9) *A universal prekindergarten system.* - A high quality,  
2 universal prekindergarten system should be readily available to  
3 every eligible student. The system should promote oral language  
4 and preliteracy skills and reduce the deficit of these foundational  
5 skills through proactive, early intervention. Research indicates  
6 that universal prekindergarten systems improve graduation rates,  
7 reduce grade level retentions and reduce the number of special  
8 education placements. Therefore, local school systems should  
9 create the supports and provide the resources to assure a quality  
10 prekindergarten foundation is available to all eligible students.

11           (g) In addition to the policy-oriented objectives set forth in  
12 subsection (f) of this section, the plan established pursuant to  
13 this section also shall include at least the following performance-  
14 oriented objectives:

15           (1) All children entering the first grade will be ready for  
16 the first grade;

17           (2) The performance of students falling in the lowest  
18 quartile on national and international measures of student  
19 performance will improve by fifty percent;

20           (3) Ninety percent of ninth graders will graduate from high  
21 school;

22           (4) By two thousand twelve, the gap between the county with  
23 the lowest college-going rate and the state average as of the  
24 effective date of this act will decrease by fifty percent and the

1 college-going rate of the state will equal the college-going rate  
2 of the member states of the Southern Regional Education Board; and

3 (5) By two thousand twenty, the gap between the county with  
4 the lowest college-going rate and the state average for school year  
5 two thousand twelve will decrease by fifty percent and the college-  
6 going rate of the state will exceed the college-going rate of the  
7 member states of the Southern Regional Education Board by five  
8 percentage points.

9 **ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.**

10 **§18-2E-5c. Process for Improving Education Council established;**  
11 **membership; expenses; meetings; powers.**

12 (a) *Process for Improving Education Council.* -- There is  
13 hereby established the Process for Improving Education Council for  
14 the purpose of providing opportunities for consultation among state  
15 policy leaders on the process for improving education, including,  
16 but not limited to, determination of the things that students  
17 should know and be able to do as the result of a thorough and  
18 efficient education, the performance and progress of students  
19 toward meeting the high quality standards established by the state  
20 board, adopting goals, objectives, strategies, indicators and  
21 benchmarks for public education and any further improvements  
22 necessary to increase the capacity of schools and school systems to  
23 deliver a thorough and efficient education.

24 (b) *Council membership.* -- The Legislative Oversight

1 Commission on Education Accountability, together with the Governor,  
2 ex officio, or the Governor's designee, the Chancellor of the  
3 Higher Education Policy Commission, ex officio, or the chancellor's  
4 designee, the Chancellor for Community and Technical College  
5 Education, ex officio, or the chancellor's designee and the state  
6 superintendent comprise the Process for Improving Education  
7 Council. Ex officio members are entitled to vote. The Governor or  
8 the Governor's designee shall convene the council, as appropriate,  
9 and shall serve as chair. The council may meet at any time at the  
10 call of the Governor or the Governor's designee.

11 (c) *Compensation.* -- Members of the council shall serve  
12 without compensation, but shall be reimbursed as provided by law by  
13 their respective agencies for all reasonable and necessary expenses  
14 actually incurred in the performance of their official duties under  
15 this section upon presentation of an itemized sworn statement of  
16 their expenses.

17 (d) *Powers of the council.* --

18 The council has the following powers:

19 (1) To meet and consult with the state board, or its  
20 designees, and make recommendations on issues related to student,  
21 school and school system performance. The following steps are part  
22 of the consultation process:

23 (A) The state board shall notify each member of the council  
24 whenever the state board proposes to amend its rules on any of the

1 following issues:

2 (i) High quality education standards and efficiency standards  
3 established pursuant to section five of this article;

4 (ii) Indicators of efficiency established pursuant to section  
5 five of this article; and

6 (iii) Assessment and accountability of school and school  
7 system performance and processes established pursuant to section  
8 five of this article.

9 (B) The notice to be given pursuant to paragraph (A) of this  
10 subdivision shall contain a summary and explanation of the proposed  
11 changes, including a draft of the proposal when available, and  
12 shall be sent at least fifteen days prior to filing the proposal  
13 with the Secretary of State for public comment.

14 (C) If the Governor, or the Governor's designee, believes it  
15 is necessary for the council to meet and consult with the state  
16 board, or its designees, on changes proposed to any of the issues  
17 outlined in subdivision (1) of this subsection, he or she may  
18 convene a meeting of the council.

19 (D) If both the President of the Senate and the Speaker of the  
20 House of Delegates believe it is necessary for the council to meet  
21 and consult with the state board, or its designees, they shall  
22 notify the Governor who shall convene a meeting of the council.

23 (E) If the chancellor, or the chancellor's designee believes  
24 that it is necessary for the council to meet and consult with the

1 state board, or its designees, he or she may request the Governor  
2 to convene a meeting of the council.

3 (2) To require the state board, or its designees, to meet with  
4 the council to consult on issues that lie within the scope of the  
5 council's jurisdiction;

6 (3) To participate as observers in any on-site review of a  
7 school or school system conducted by the Office of Education  
8 Performance Audits; and

9 (4) To authorize any employee of the agencies represented by  
10 council members to participate as observers in any on-site review  
11 of a school or school system conducted by the Office of Education  
12 Performance Audits.

13 **CHAPTER 18B. HIGHER EDUCATION.**

14 **ARTICLE 1. GOVERNANCE.**

15 **§18B-1-1a. Legislative intent; findings; establishment of state**  
16 **goals for higher education and education; creation of**  
17 **partnership to achieve state goals and objectives.**

18 (a) It is the intent of the Legislature in enacting this  
19 section to establish state goals for public higher education which  
20 benefit the citizens of the State of West Virginia.

21 (b) It is further the intent of the Legislature that this  
22 section be read and implemented in conjunction with the  
23 accountability system established in article one-d of this chapter  
24 and that any reference to this section in this code includes the

1 provisions of that article.

2       (c) *Findings.* -- The Legislature finds that post-secondary  
3 education is vital to the future of West Virginia. For the state  
4 to realize its considerable potential in the 21st Century, it must  
5 have a system for the delivery of post-secondary education which is  
6 competitive in the changing national and global environment, is  
7 affordable for the state and its citizenry and has the capacity to  
8 deliver the programs and services necessary to meet regional and  
9 statewide needs.

10       The Legislature further finds that it is vitally important for  
11 young people entering the workforce to have the education and  
12 skills to succeed in today's high-technology, knowledge-based  
13 economy. It is equally important for working-age adults who are  
14 the majority of the current and potential workforce also to possess  
15 the requisite education and skills to compete successfully in the  
16 workplace and to have the opportunity to continue learning  
17 throughout their lives. The future of the state rests not only on  
18 how well its youth are educated, but also on how well it educates  
19 its entire population of any age.

20       The Legislature further finds that providing access to a  
21 high-quality and affordable post-secondary education is a state  
22 responsibility and, while states spent more than seventy billion  
23 dollars on public higher education in two thousand six, they are  
24 not maximizing that investment. The Legislature recognizes the

1 efforts of the National Conference of State Legislatures' Blue  
2 Ribbon Commission on Higher Education in producing a report to  
3 assist the states in higher education policymaking. According to  
4 the commission report, "Transforming Higher Education: National  
5 Imperative -- State Responsibility", the United States is losing  
6 its competitive advantage in a new, high-tech, highly mobile global  
7 economy. This lack of competitiveness is a matter of the highest  
8 urgency for federal and state policymakers and higher education is  
9 at the center of this discussion. The report further states that  
10 "higher education is both the problem and the solution" because the  
11 nation has failed to focus on how higher education energizes  
12 American competitiveness and revitalizes the states. Pursuant to  
13 these findings, the commission made some specific recommendations  
14 addressed to the states which include the following:

- 15 (1) Define clear state goals;
- 16 (2) Identify your state's strengths and weaknesses;
- 17 (3) Know your state demographic trends for the next ten to  
18 thirty years;
- 19 (4) Identify a place or structure to sustain the public policy  
20 agenda;
- 21 (5) Hold institutions accountable for their performance;
- 22 (6) Rethink funding formulas and student aid;
- 23 (7) Make a commitment to access, success and innovation;
- 24 (8) Encourage partnerships;

1 (9) Give special attention to adult learners; and

2 (10) Focus on productivity.

3 All of these recommendations are useful in providing policy  
4 guidance and have been given careful consideration in the  
5 development of this section and article one-d of this chapter.

6 (d) *Establishment of state goals.* -- In recognition of its  
7 importance to the citizens of West Virginia, the Legislature hereby  
8 establishes the following goals for public higher education in the  
9 state:

10 (1) The ultimate goal of public education is to enhance the  
11 quality of life for citizens of the State of West Virginia.

12 (2) The overall focus of public education is on developing and  
13 maintaining a process of lifelong learning which is as seamless as  
14 possible at all levels, encourages citizens of all ages to increase  
15 their knowledge and skills and provides ample opportunities for  
16 them to participate in public higher education.

17 (3) Higher education collaborates with public education and  
18 other providers to offer education opportunities:

19 (A) To individuals of all ages and socioeconomic backgrounds  
20 in all areas of the state; and

21 (B) To overcome financial barriers to participation for both  
22 traditional and nontraditional students.

23 (4) Higher education seeks to enhance state efforts to  
24 diversify and expand the economy by focusing available resources on

1 programs and courses which best serve students, provide the  
2 greatest opportunity for job creation and retention and are most  
3 supportive of emerging high-technology and knowledge-based  
4 businesses and industries.

5 (5) Higher education creates a learning environment that is  
6 student-friendly and that encourages and assists students in the  
7 completion of degree requirements, certifications or skill sets  
8 within a reasonable period of time.

9 (6) The learning environment expands participation for the  
10 increasingly diverse student population and responds to the needs  
11 of the current workforce and other nontraditional students.

12 (7) Through the establishment of innovative curricula and  
13 assessment efforts, state institutions of higher education ensure  
14 that students graduate from nationally recognized and accredited  
15 programs and meet or exceed national and international standards  
16 for performance in their chosen fields as evidenced through  
17 placement and professional licensure examinations.

18 (8) Higher education promotes academic research and innovation  
19 to achieve measurable growth in West Virginia's knowledge-based  
20 economic sector.

21 (9) State institutions of higher education emphasize  
22 productivity and strive to exceed the performance and productivity  
23 levels of peer institutions. In return, and within the constraints  
24 of fiscal responsibility, the state seeks to invest in institutions

1 so that they may adequately compensate faculty, classified  
2 employees and other employees at a competitive level to attract and  
3 retain high quality personnel.

4 (10) State institutions of higher education are committed to  
5 a shared responsibility with faculty, staff, students and their  
6 communities to provide access to the knowledge and to promote  
7 acquisition of the skills and abilities necessary to establish and  
8 maintain physical fitness and wellness.

9 (A) Programs that encourage healthy lifestyles are essential  
10 for the vibrancy of the institutions of higher education, for the  
11 well-being of the communities they serve and for the state as a  
12 whole.

13 (B) Increasing the fitness levels of adults on college and  
14 university campuses is critically important for the people of West  
15 Virginia, not only for disease prevention, but also, and perhaps  
16 most importantly, to enhance the overall quality of life.

17 (C) While individuals must bear the primary responsibility for  
18 their own health, it is imperative that the institutions provide  
19 appropriate education and support focused on enriching and  
20 expanding the short- and long-term views and attitudes towards  
21 physical activity, understanding the principles of wellness and  
22 their application to a healthy lifestyle, understanding what  
23 components are a necessary part of an all-around healthy lifestyle  
24 and learning how to set and achieve realistic goals aimed at

1 establishing healthy habits for the benefit of long-term health and  
2 well-being.

3       (e) *Education partnership to achieve state goals and*  
4 *objectives.* -- If public institutions of higher education are to  
5 provide services that meet the needs of state citizens as outlined  
6 in this section and article one-d of this chapter, then West  
7 Virginia must create and participate in a partnership across  
8 various education organizations that recognizes the valuable  
9 contributions each member of the group can make. In addition to  
10 public education as outlined in section four, article one, chapter  
11 eighteen of this code and in addition to the State of West  
12 Virginia, key members of this partnership include the state  
13 institutions of higher education, the Council for Community and  
14 Technical College Education and the Higher Education Policy  
15 Commission.

16       (1) *State institutions of higher education.* -- The  
17 institutions are the cornerstone of efforts to provide higher  
18 education services that meet the needs of state citizens. To  
19 varying degrees, and depending upon their missions, these  
20 institutions serve the state in three major ways:

21       (A) *Instruction.* -- By providing direct instruction to  
22 students along with the student services necessary to support the  
23 instructional mission. These services have two primary goals:

24       (i) To produce college graduates who have the knowledge,

1 skills and desire to make valuable contributions to society; and

2 (ii) To provide opportunities for citizens to engage in life-  
3 long learning to enhance their employability and their overall  
4 quality of life.

5 (B) *Public service.* -- By providing an occupational home for  
6 experts in a variety of fields and by serving as the educational  
7 home for students. In these capacities, institutions create a  
8 large and varied pool of high quality human resources capable of  
9 making valuable contributions to business and industry, local and  
10 state governments and communities. The following are examples of  
11 the types of public service that higher education institutions have  
12 to offer:

13 (i) Workforce development, primarily through community and  
14 technical colleges, to meet the immediate and long-term needs of  
15 employers and employees;

16 (ii) Technical assistance to state and local policymakers as  
17 they work to address challenges as diverse as ensuring that West  
18 Virginia's citizens receive quality health care, assisting in the  
19 development of a solid transportation infrastructure and ensuring  
20 that public school teachers have enriching professional development  
21 opportunities; and

22 (iii) Opportunities to learn and serve in local communities,  
23 to teach civic responsibility and to encourage civic engagement.

24 (C) *Research.* -- By conducting research at state institutions

1 of higher education, particularly Marshall University and West  
2 Virginia University, to enhance the quality of life in West  
3 Virginia in the following ways:

4 (i) Targeting cutting-edge research toward solving pressing  
5 societal problems;

6 (ii) Promoting economic development by raising the level of  
7 education and specialization among the population; and

8 (iii) Creating jobs through development of new products and  
9 services.

10 (2) *The Council for Community and Technical College Education*  
11 *and the Higher Education Policy Commission*. -- In their role as  
12 state-level coordinating boards, the council and commission  
13 function as important partners with state policy leaders in  
14 providing higher education that meets state needs. The council and  
15 commission provide service to the state in the following ways:

16 (A) By developing a public policy agenda for various aspects  
17 of higher education that is aligned with state goals and objectives  
18 and the role and responsibilities of each coordinating board;

19 (B) By ensuring that institutional missions and goals are  
20 aligned with relevant parts of the public policy agenda and that  
21 institutions maximize the resources available to them to fulfill  
22 their missions and make reasonable progress toward meeting  
23 established state goals;

24 (C) By evaluating and reporting on progress in implementing

1 the public policy agenda;

2 (D) By promoting system efficiencies through collaboration and  
3 cooperation across institutions and through focusing institutional  
4 missions as appropriate; and

5 (E) By conducting research, collecting data and providing  
6 objective recommendations to aid elected state officials in making  
7 policy decisions.

8 (3) *State of West Virginia.* -- Elected state officials  
9 represent the citizens of West Virginia and are critical partners  
10 in providing quality higher education. In this context, these  
11 state-level policymakers serve the state in the following ways:

12 (A) By establishing goals, objectives and priorities for  
13 higher education based on a thoughtful, systematic determination of  
14 state needs;

15 (B) By providing resources necessary to address state goals,  
16 objectives and priorities for higher education; and

17 (C) By providing incentives for and removing barriers to the  
18 achievement of state goals, objectives and priorities.

19 **ARTICLE 1D. HIGHER EDUCATION ACCOUNTABILITY.**

20 **§18B-1D-1. Legislative intent and purpose; short title; rules**  
21 **required.**

22 (a) The intent of the Legislature in the enactment of this  
23 article is to outline and organize the elements of accountability  
24 for public higher education into an effective, coherent system to

1 provide guidance to the state institutions of higher education, the  
2 commission and the council and to clarify the roles, relationships  
3 and responsibilities between and among these entities, the citizens  
4 of West Virginia and elected state officials. The main purposes of  
5 the accountability system are as follows:

6 (1) To develop agreement on higher education goals, objectives  
7 and priorities through negotiation and consensus-building between  
8 elected officials acting on behalf of the citizens of the state and  
9 the commission and the council and institutions which receive  
10 public funds and provide education services;

11 (2) To create a seamless education system and hold boards and  
12 institutions accountable for meeting state goals and objectives.

13 (3) To provide a data-driven, step-by-step process to  
14 determine the progress of public higher education in addressing  
15 established goals, objectives and priorities;

16 (4) To promote cooperation and collaboration among all  
17 entities which are involved in the delivery of public education in  
18 West Virginia; and

19 (5) To provide for generation, collection and dissemination of  
20 data on which sound state-level policy decisions can be based.  
21 Possible uses of this data include the following:

22 (A) Identifying institutions and systems that increase quality  
23 and productivity; and

24 (B) Creating a mechanism to target a portion of state

1 appropriations to institutions and systems based on performance in  
2 meeting established state goals and objectives.

3 (b) This article, together with section one-a, article one of  
4 this chapter and section four, article one, chapter eighteen of  
5 this code, shall be known as and may be cited as Vision 2020: An  
6 Education Blueprint for Two Thousand Twenty.

7 (c) By the first day of October, two thousand eight, the  
8 commission and the council shall propose rules for legislative  
9 approval in accordance with the provisions of section six, article  
10 one of this chapter and article three-a, chapter twenty-nine-a of  
11 this code concerning the accountability system for higher education  
12 outlined in this article.

13 (1) The commission and the council may propose rules jointly  
14 or separately and may choose to address all of the accountability  
15 system in a single rule or may propose additional rules to cover  
16 specific elements.

17 (2) At a minimum, the rules shall address the respective  
18 responsibilities of the various parties, the development of  
19 statewide master plans, the process of entering into institutional  
20 and state compacts, performance indicators and institution and  
21 state-level reporting to ensure that higher education is  
22 accountable to the citizens of West Virginia.

23 **§18B-1D-2. Definitions.**

24 (a) *General.* -- For the purposes of this article and section

1 one-a, article one of this chapter, terms have the meaning ascribed  
2 to them in section two, article one of this chapter, unless the  
3 context in which the term is used clearly requires a different  
4 meaning or a specific definition is provided in this section.

5 (b) *Definitions.* --

6 (1) "Accountability system for public higher education" or  
7 "accountability system" means all research, reports, documents,  
8 data and any other materials, the collection, analysis and  
9 dissemination of which are necessary or expedient to accomplish the  
10 purposes of this article or section one-a, article one of this  
11 chapter. The system includes legislative goals, objectives and  
12 priorities; public policy agendas; statewide master plans; state  
13 and institutional compacts; implementation plans; institutional  
14 mission statements and master plans; and the statewide report card.

15 (2) "Education partnership to achieve state goals and  
16 objectives" or "education partnership" means the formal and  
17 informal working relationships established between and among the  
18 State of West Virginia, the commission, the council, the State  
19 Board of Education and State Department of Education and the state  
20 institutions of higher education for the purpose of achieving state  
21 goals and objectives.

22 (3) "Functional literacy rate" means the percentage of adults  
23 over the age of seventeen who are able to read beyond a fourth  
24 grade level and interpret basic information from sources such as

1 road signs, job applications, newspaper articles and food and  
2 medicine labels.

3 (4) "Goals" means those long-term public purposes which are  
4 the desired and expected end result for which public higher  
5 education is established.

6 (5) "Implementation plan" means a document developed within  
7 the higher education community that identifies a series of  
8 objectives, sets forth performance indicators that can be used to  
9 determine if objectives are being achieved, outlines strategies for  
10 accomplishing the objectives and identifies benchmarks for  
11 evaluating progress in accomplishing the objectives over the life  
12 cycle of the plan.

13 (6) "Institutional compact" means a formal, written contract  
14 between either the commission or council and a state institution of  
15 higher education under its jurisdiction expressing intent to  
16 accomplish state and system goals and objectives.

17 (7) "Institutions under the jurisdiction of the commission"  
18 relative to the accountability system established by this article  
19 and section one-a, article one of this chapter means Bluefield  
20 State College, Concord University, Fairmont State University,  
21 Glenville State College, Marshall University, Shepherd University,  
22 West Liberty State College, the West Virginia School of Osteopathic  
23 Medicine, West Virginia State University and West Virginia  
24 University, including Potomac State College of West Virginia

1 University and the West Virginia University Institute of  
2 Technology.

3 (8) "Institutions under the jurisdiction of the council"  
4 relative to the accountability system established by this article  
5 and section one-a, article one of this chapter means Blue Ridge  
6 Community and Technical College, the Community and Technical  
7 College at West Virginia University Institute of Technology,  
8 Eastern West Virginia Community and Technical College, Marshall  
9 Community and Technical College, New River Community and Technical  
10 College, Pierpont Community and Technical College, Southern West  
11 Virginia Community and Technical College, West Virginia Northern  
12 Community and Technical College, West Virginia State Community and  
13 Technical College and West Virginia University at Parkersburg.

14 (9) "Net college costs" means the total cost of tuition, room  
15 and board minus the amount of financial aid a student receives.

16 (10) "Objectives" means the ends to be accomplished or  
17 attained within a specified period of time for the purpose of  
18 meeting the established goals.

19 (11) "Priority" or "priorities" means the order in which  
20 objectives are to be addressed for the purpose of achieving state  
21 goals.

22 (12) "Strategy" or "strategies" means specific activities  
23 carried out by public higher education which are directed toward  
24 accomplishing specific objectives.

1 (13) "Statewide master plan" or "system master plan" means a  
2 document developed by the council or commission that sets forth  
3 system goals, objectives and strategies and is aligned with, but  
4 not limited to, meeting state goals, objectives and priorities.

5 (14) "STEM courses and programs" means curricula leading to a  
6 degree or other recognized credential in the science, technology,  
7 engineering and mathematics fields of study or specialization.

8 (15) "State compact" means a formal, written agreement between  
9 the council and/or the commission and at least one other member of  
10 the education partnership to achieve state goals and objectives  
11 where significant collaboration and commitment of resources between  
12 the parties to the agreement is required in order to achieve the  
13 desired results.

14 **§18B-1D-3. State vision for public higher education; findings;**  
15 **establishment of objectives.**

16 (a) The Legislature finds that availability of high-quality  
17 post-secondary education is so important to the well-being of the  
18 citizens of West Virginia that it is in the best interests of the  
19 state to focus attention on areas of particular concern and within  
20 those areas to specify objectives and priorities that must be  
21 addressed by two thousand twenty. The purpose of these objectives  
22 and priorities is to achieve the broad-based goals for public  
23 higher education established in section one-a, article one of this  
24 chapter. Areas of special concern to the Legislature include

1 economic and workforce development; education access and  
2 affordability; innovation; student preparation; degree and/or  
3 program completion; intra- and inter-system cooperation and  
4 collaboration; research; and teaching and learning.

5 (1) *Economic and workforce development.* --

6 (A) Diversifying and strengthening the economy of the state;

7 (B) Providing incentives to systems and institutions to focus  
8 attention on those courses and programs which create and retain  
9 jobs in the state, especially among the emerging high-technology,  
10 knowledge-based businesses and industries.

11 (2) *Access and affordability.* --

12 (A) Maintaining geographic access while eliminating  
13 unnecessary duplication;

14 (B) Enhancing education opportunities for the widest range of  
15 state citizens:

16 (i) By establishing tuition and fee levels for in-state  
17 students that do not inhibit access to public education nor cause  
18 students to incur excessive debt. This is particularly important  
19 in West Virginia where about two-thirds of all students attending  
20 college are enrolled in public higher education institutions and  
21 where families devote a very large share of their incomes to pay  
22 the cost of education. The share of costs paid by families remains  
23 very high even after adjusting for the impact of financial aid; and

24 (ii) By establishing tuition and fee rates for out-of-state

1 students at levels which, at a minimum, cover the full cost of  
2 instruction unless doing so is inconsistent with a clearly  
3 delineated public policy goal established by the Legislature, the  
4 commission or the council.

5 (iii) *Innovation*. -- Devise innovative programs, delivery  
6 modes, partnerships, research initiatives, curricula and pedagogy  
7 to achieve the needs of the state and its citizens and carry out  
8 the mission and objectives of the state institutions of higher  
9 education. Methods include aligning entrepreneurial efforts,  
10 research and partnerships with established state goals.

11 (iv) *Student preparation*. -- Ensure that potential students  
12 are academically prepared for college and that graduates are  
13 adequately prepared for careers or further education.

14 (V) *Degree and/or program completion*. -- Despite significant  
15 improvement over the past decade, fewer than twenty percent of  
16 state residents hold a bachelor's degree. This shortage of highly  
17 educated, highly qualified workers substantially limits the state's  
18 ability to compete in the knowledge-based economy.

19 (vi) *Collaboration and cooperation*. -- Deliver education  
20 services to the extent possible through collaboration, coordination  
21 and brokering, with particular emphasis on the need for a seamless  
22 relationship between public and post-secondary education.

23 (vii) *Research*. -- Develop a greater research capacity within  
24 public higher education to enhance West Virginia in the eyes of the

1 larger economic and education community, develop greater  
2 specialized expertise in high technology and policy fields, create  
3 more employment opportunities within the state and provide a basis  
4 for improved capacity to compete in the new economy through  
5 research focused on meeting state needs.

6 (viii) *Teaching and learning.* -- Develop admission and exit  
7 standards for students and emphasize professional staff  
8 development, program assessment and evaluation and other incentives  
9 to improve teaching and learning. Ensure access to stable and  
10 continuing graduate-level programs in every region of the state,  
11 particularly in STEM subject areas and teacher education related to  
12 teaching within a subject area to improve teacher quality.

13 (b) *Vision 2020: Objectives for public higher education.* -- In  
14 view of the findings outlined in subsection (a) of this section,  
15 the Legislature hereby establishes the following objectives to be  
16 addressed as highest priorities beginning on the effective date of  
17 this article through development of compacts and/or implementation  
18 plans between and among members of the education partnership as  
19 provided in subsection (e), section one-a, article one of this  
20 chapter. The following is the legislative vision for the years two  
21 thousand eight through two thousand twenty:

22 (1) *Objective.* -- Develop a state-level facilities plan and  
23 funding mechanism to reduce the obligation of students and parents  
24 to bear the cost of higher education capital projects and

1 facilities maintenance.

2 (A) *Problem statement.* --

3 (i) West Virginia is one of the very few states in the nation  
4 which does not address higher education capital project and  
5 facilities maintenance needs through a statewide plan.

6 (ii) The burden of paying for capital projects and deferred  
7 maintenance is placed on students and their families through  
8 collection of capital fees at the institution level and contributes  
9 significantly to the poor grade West Virginia receives each year in  
10 the category of "Affordability" on "Measuring Up: The National  
11 Report Card on Higher Education".

12 (iii) Net college costs for low- and lower middle-income  
13 students to attend state community and technical colleges and  
14 four-year colleges and universities average approximately  
15 forty-five percent of their annual family income.

16 (iv) The high cost of capital fees contributes directly to the  
17 amount of debt incurred by students during their college years and  
18 the necessity to repay student loans severely limits career choices  
19 and areas of residence after graduation.

20 (B) *Expected outcomes.* -- Success in meeting this goal can be  
21 measured in part by benchmarks which include the following:

22 (i) Development by the council and commission of a compact  
23 with elected state officials to fund a significant portion of  
24 higher education capital project needs from dedicated state

1 revenues;

2       (ii) Development by the council and commission of a system to  
3 establish priorities for institution capital projects in a manner  
4 that is consistent with state public policy goals for higher  
5 education;

6       (iii) Implementation of facilities maintenance plans by  
7 institutions to ensure that maintenance needs are not deferred  
8 inappropriately;

9       (iv) Efficient use of existing classroom and other space by  
10 institutions:

11       (I) New capital funding is applied effectively to projects at  
12 institutions that have a demonstrated need for new facilities and  
13 major renovations; and

14       (II) The cost of operating and maintaining the facilities and  
15 physical plants of institutions are appropriate for the size and  
16 mission of the institution; and

17       (v) Capital and facilities maintenance planning that gives  
18 careful consideration to the recommendations arising from the study  
19 mandated by section nine, article fourteen of this chapter.

20       (2) *Objective.* -- Increase academic rigor and improve learning  
21 at higher education institutions.

22       (A) *Problem statement.* -- West Virginia has made significant  
23 progress on certain indicators within the category of student  
24 learning, but lags far behind national and regional averages on

1 others.

2 (i) The state compares very well in workforce preparation as  
3 reflected in professional licensure examinations, ranking among the  
4 top five states in the country. More West Virginia graduates take  
5 these examinations than is typical nationally and the passage rate  
6 is at the national average.

7 (ii) The state also ranks well above the national average  
8 passage rate on the state teacher's examination when compared to  
9 other states; however, there is serious cause for concern when the  
10 state is compared to the national benchmark in preparing students  
11 for graduate study.

12 (I) West Virginia ranks more than fifty percentage points  
13 below the national average in preparing students to take and pass  
14 graduate admissions examinations.

15 (II) Fewer West Virginia graduates take these examinations  
16 than is typical nationally and the proportion earning competitive  
17 scores is only about seventy-five percent of the national average.

18 (B) *Expected outcomes.* -- Success in meeting this goal can be  
19 measured in part by benchmarks which include the following:

20 (i) State institutions of higher education develop or use  
21 existing nationally normed assessments of student learning  
22 outcomes. Data generated through these assessments are analyzed  
23 and the results applied by the institutions to improve the quality  
24 of undergraduate general education programs; and

1           (ii) Implementation plans at the system and institution levels  
2 are developed to improve student preparation for graduate study and  
3 to expand graduate and professional education, where appropriate.

4           (3) *Objective.* -- Increase the percentage of entering students  
5 who persist to receive a degree, a certificate or an  
6 industry-recognized credential.

7           (A) *Problem statement.* --

8           (i) This goal is particularly important to West Virginia where  
9 only about one person in five holds an associate degree or higher.

10          (ii) The lack of a well-trained workforce is reflected in the  
11 most recent score of forty-one received by the state on the  
12 nationally recognized New Economy Index which measures the extent  
13 to which a state is prepared to participate in knowledge-based  
14 industries. This low score places the state well below the  
15 national benchmark of sixty on the index.

16          (iii) State institutions of higher education have placed a  
17 greater emphasis on student recruitment than on student retention  
18 and completion. This strategy alone cannot be successful in  
19 meeting state needs for the following reasons:

20          (I) The number of state high school graduates is expected to  
21 decline over the next several years; therefore, institutions must  
22 improve their performance in retaining the students who enroll.

23          (II) West Virginia is among the leading states in the  
24 percentage of first-year students at community colleges who return

1 for their second year and large percentages of freshmen at  
2 four-year colleges and universities return for their sophomore  
3 year; however, when compared with other states, only a small  
4 percentage of these students actually persist to earn a bachelor's  
5 degree or associate degree within six years.

6 (III) The state performs poorly on international comparisons  
7 of enrolled students who complete certificates or degrees, trailing  
8 behind other industrialized and even some third world nations.

9 (IV) While the state college-going rate has improved, most  
10 state institutions have made only marginal progress over the past  
11 decade in increasing the percentage of students who persist to  
12 obtain a degree or certificate.

13 (B) *Expected outcomes.* --

14 (i) Enhanced quality of life for West Virginians, including  
15 increased level of per capita income; and

16 (ii) Increased economic development opportunities by expanding  
17 existing high-technology and knowledge-based businesses and  
18 industries and attracting new ones which demand highly qualified  
19 professionals.

20 (4) *Objective.* -- State institutions of higher education,  
21 particularly community and technical colleges, make maximum effort  
22 to recruit and retain adults twenty-five years old or over.

23 (A) *Problem statement.* --

24 (i) The percentage of West Virginia's working-age adults

1 enrolled part-time in college-level education or training is very  
2 low and the state has experienced one of the largest declines in  
3 the nation on this measure over the past twelve years.

4 (ii) A large part of preparing workers for the 21st Century  
5 and for a high-quality style of life hinges upon providing  
6 opportunity for adults to acquire a series of skill sets in  
7 addition to obtaining a degree or other credential.

8 (iii) A major focus for community and technical colleges is  
9 upon providing programs to upgrade employee skills through  
10 obtaining industry credentials. Currently, however, only  
11 certificate program degrees (one-year) and associate degrees  
12 (two-year) are counted for funding purposes even though other types  
13 of credentials often are as important in meeting workforce  
14 development goals as providing degree programs.

15 (B) *Expected outcomes.* --

16 (i) Provide programs of interest to nontraditional students,  
17 including those that afford them the opportunity to obtain  
18 certificates and credentials, enhance career development and  
19 acquire new skill sets;

20 (ii) Develop a high-visibility marketing program which makes  
21 adults aware of the opportunities available to them and assists  
22 them in entering or reentering the learning environment;

23 (iii) Provide for lower cost tuition and fee rates,  
24 particularly at the community and technical colleges, and/or

1 greater access to financial aid for adult full- and part-time  
2 students.

3 (iv) Develop open admissions policies which provide  
4 opportunities for adults to participate in public post-secondary  
5 education beginning at any level of preparedness. Most working-age  
6 adults cannot or will not "go back to high school" in order to  
7 prepare themselves to participate in higher education.

8 (v) Tailor institutional policies to meet the needs of adults,  
9 recognizing that these individuals have responsibilities that are  
10 different from those of traditional-aged college students. High on  
11 this list of needs are flexible class schedules to accommodate work  
12 obligations and waiving dorm residency requirements.

13 (5) *Objective.* -- Provide incentives to state institutions of  
14 higher education to encourage emphasis on STEM courses and programs  
15 leading to degrees in the high-demand fields of science,  
16 technology, engineering and mathematics and to encourage  
17 collaboration with public education to stimulate interest and  
18 prepare students to succeed in these fields.

19 (A) *Problem statement.* --

20 (i) STEM courses often are more expensive to deliver than  
21 traditional programs; therefore, institutions may be reluctant to  
22 start or expand programs in these areas because of anticipated  
23 cost;

24 (ii) Institutions have difficulty recruiting and retaining

1 faculty members in STEM areas because of competition from  
2 surrounding states and other market forces;

3 (iii) There is insufficient communication between STEM  
4 teachers in public education, STEM faculty in higher education and  
5 professionals employed in STEM-related careers such as engineering;

6 (iv) Many students have not taken sufficiently rigorous high  
7 school courses to allow them to succeed in post-secondary STEM  
8 courses and programs. A large percentage of students enrolled in  
9 higher education STEM programs either withdraw from the institution  
10 or change majors within the first year; and

11 (v) The transition from high school to college is difficult  
12 for many high school students who lack a family role model to  
13 provide guidance relevant to the higher education experience.

14 (B) *Expected outcomes.* --

15 (i) Increased capacity for high quality instruction across  
16 public higher education;

17 (ii) Increased student access to high quality undergraduate  
18 and graduate research opportunities in science, technology,  
19 engineering and mathematics;

20 (iii) Enhanced economic development opportunities through  
21 increased numbers of highly-qualified professionals available to  
22 business and industry;

23 (iv) Development of a consistent and effective forum for  
24 communication among STEM faculty in public and higher education and

1 relevant professional communities to address the continuing needs  
2 of students, educators and industry;

3 (v) Increased percentage of high school students who have  
4 access to and take advantage of rigorous STEM courses;

5 (vi) Alignment of STEM curricula between public and higher  
6 education;

7 (vii) Development of a finance formula that gives greater  
8 weight to courses taken in high-cost disciplines and/or those that  
9 are critical to the state economy; and

10 (viii) Creation of a STEM coordinator position within the  
11 faculty of each state institution of higher education to provide  
12 outreach to secondary schools, to mentor freshman students and to  
13 collaborate with coordinators at other institutions. Because of  
14 the size of the student body, the two research universities may  
15 need to create coordinator positions specific to certain  
16 high-demand STEM disciplines such as engineering and computer  
17 science.

18 (6) *Objective.* -- Develop a stable funding stream for state  
19 institutions of higher education to pay for essential programs  
20 which are expensive to deliver, are in high demand and/or are  
21 critical to the state's capacity to replace an aging workforce as  
22 employees retire. This objective has a particular impact on  
23 community and technical colleges which deliver high-cost technical  
24 programs.

1           (A) *Problem statement.* --

2           (i) An educated and technically skilled workforce is vital to  
3 the state's ability to be competitive in the global marketplace.  
4 Currently, West Virginia's employers must struggle to find a  
5 sufficient number of highly qualified workers to fill the jobs they  
6 have available; and

7           (ii) The majority of technical occupations require the  
8 delivery of equipment-intensive, high-cost programs that state  
9 institutions of higher education, especially community and  
10 technical colleges, lack the capacity to provide.

11          (B) *Expected outcomes.* --

12          (i) State institutions delivering community and technical  
13 college education focus on expanding and/or implementing technical  
14 programs to meet the needs of high-demand, high-wage occupations;

15          (ii) Funding priorities for community and technical colleges  
16 focus on developing and maintaining high-cost technical programs;

17          (iii) Creation of a strategy to fund the replacement,  
18 upgrading and purchase of equipment to implement and/or maintain  
19 technical education programs; and

20          (iv) Support critical, noncredit programming by incorporating  
21 the number of contact hours delivered into a formula to distribute  
22 funding to community and technical colleges.

23          (7) *Objective.* -- Develop a mechanism to assure uniform  
24 delivery of community and technical college education for all

1 regions of the state.

2 (A) *Problem statement.* -- The average education attainment  
3 rate in West Virginia lags eleven percent behind the national  
4 average in part because delivering education programs to the  
5 state's adult, place-bound and rural populations presents  
6 significant challenges.

7 (B) *Expected outcomes.* --

8 (i) All state citizens have access to a minimum of two years  
9 of college education regardless of their place of residence within  
10 the state.

11 (ii) The state institutions increase the innovative use of  
12 technology and distance education to provide general and technical  
13 education access in sparsely populated rural areas.

14 (iii) Creation of a seamless education system and uniform  
15 transfer of credits with special attention to transfers between  
16 community and technical colleges and four-year institutions;

17 (iv) Appropriate use of adjunct faculty; and

18 (v) Where feasible, use of facilities in public schools,  
19 technical centers and other public facilities as classroom space.

20 (8) *Objective.* -- Develop greater research capacity throughout  
21 public higher education, with a special focus on the state's two  
22 doctoral degree-granting universities.

23 (A) *Problem statement.* --

24 (i) West Virginia ranks near the bottom among all states in

1 the amount of federal and privately funded sponsored research it  
2 receives. Historically, only the National Science Foundation's  
3 Experimental Program to Stimulate Competitive Research (EPSCOR) has  
4 focused on building research capacity in the state, but if West  
5 Virginia is to benefit from the increased economic opportunity,  
6 better jobs and higher standard of living associated with more STEM  
7 professionals in the population, the state must invest more to  
8 build its research capacity; and

9 (ii) Low research capacity results in low levels of  
10 intellectual property creation, patenting and licensing of  
11 commercial property.

12 (B) *Expected outcomes.* --

13 (i) Partnering between and among higher education institutions  
14 in West Virginia and between state institutions and larger,  
15 resource-rich higher education institutions outside the state;

16 (ii) Developing an institutional and/or statewide research  
17 niche and focusing resources on research that contributes most to  
18 meeting state needs;

19 (iii) Leveraging scarce resources to make steady, targeted  
20 investments in research in niche areas where the state can be a  
21 real player at a competitive level;

22 (iv) Developing specific research expertise within the two  
23 state doctoral degree-granting universities to generate and analyze  
24 data to provide policy recommendations. The areas of focus include

1 funding strategies for higher education, demographic trends and  
2 methods to determine and meet workforce development needs by  
3 anticipating job creation and credential requirements;

4 (v) Improving communication among the research branches of  
5 higher education institutions, including identification of mutually  
6 complementary areas of interest to increase funding opportunities  
7 and collaboration on intellectual property issues; and

8 (vi) Focusing on economic development through commercial  
9 applications of research and recruitment of new research faculty  
10 members for this purpose.

11 (9) *Objective.* -- Increase the percentage of functionally  
12 literate adults in each region of the state.

13 (A) *Problem statement.* --

14 (i) The literacy attainment of a population is defined at its  
15 most basic level as the percentage of those individuals over the  
16 age of fifteen who can read and write, but such a definition does  
17 not address the realities of the 21st Century. The National  
18 Literacy Act of 1991 and the National Workforce Investment Act of  
19 1998 both define literacy more broadly as "an individual's ability  
20 to read, write, speak in English, compute and solve problems at  
21 levels of proficiency necessary to function on the job, in the  
22 family of the individual and in society".

23 Approximately twenty percent of the adult population in West  
24 Virginia cannot meet this definition of functional literacy. One

1 adult out of every five in the state lacks the basic literacy skills needed to succeed at work, to enter the learning environment of post-secondary education, to acquire advanced occupational training or to participate in preparing his or her own children to learn.

(ii) The high rate of illiteracy in West Virginia not only handicaps adults in seeking employment and achieving their goals for their own quality of life, but also has serious implications for the future of their children and for the state.

There is a direct, positive correlation between the reading scores of children and the education level of their parents. The National Assessment of Education Progress (NAEP) has concluded that youngsters whose parents are functionally illiterate are twice as likely to become functionally illiterate adults.

(iii) When the level of functional illiteracy in West Virginia is compared to the requirements for high-demand occupations, the negative consequences for the economy of the state become obvious. The International Adult Literacy Survey (IALS) established a scale of five levels which is used extensively to measure the literacy attainment of adults. When this scale was used to compare the literacy requirements of projected high-growth occupations with those in declining occupations such as certain types of manufacturing, researchers found that level three literacy is required for the new jobs, while level two is sufficient for the

1 jobs in the declining occupations. Therefore, workers displaced  
2 from jobs in declining occupations as well as those seeking to  
3 enter or reenter the work place must possess literacy skills a full  
4 level higher than those required for workers only a few years ago.  
5 Documents such as manuals outlining standard operating procedures,  
6 health and safety manuals, leave forms and retirement options that  
7 they encounter daily require a level of literacy well above level  
8 two.

9 (iv) A highly skilled and literate work force is essential to  
10 the success of state businesses and industry. A ten percent  
11 increase in the average education of all workers, equivalent to  
12 approximately one additional year of schooling, is associated with  
13 an increase of about nine percent in the productivity of that labor  
14 force. Additionally, workers who lack literacy skills cannot  
15 provide the data and feedback that companies need to make informed  
16 business decisions. A company whose employees cannot record  
17 reliable production data cannot assess its performance from year to  
18 year or determine how well it is meeting its long range goals and  
19 objectives.

20 (v) The rate of functional illiteracy in West Virginia also  
21 has a direct impact on the health of state citizens. Residents  
22 with low literacy skills have difficulty in many health areas  
23 including the following:

24 (I) Understanding the correct way to take medication,

1 interpret test results or perform simple self-testing such as  
2 taking temperatures or checking blood glucose levels;

3 (II) Understanding and following directions given by  
4 physicians or the written instructions provided with prescription  
5 or over-the-counter medication for themselves or for their  
6 children;

7 (III) Reading and understanding information on food labels and  
8 other nutrition information to make sound decisions necessary to  
9 establish and maintain healthy lifestyles; and

10 (IV) Furnishing correct information in emergencies to medical  
11 providers about illnesses, surgeries and medications or  
12 understanding how to fill out insurance forms and other  
13 health-related documents.

14 (B) *Expected outcomes.* --

15 (i) Develop greater access and capacity to deliver literacy  
16 and remedial education, workforce development training and other  
17 higher education services to place-bound adults primarily through  
18 the community and technical colleges;

19 (ii) Increase the percentage of the working age population who  
20 participate in higher education, either full or part time;

21 (iii) Establish a statewide mechanism to collect data to  
22 provide a baseline for measuring progress toward meeting the goal  
23 of functional literacy for all working-age adults and to serve as  
24 a framework for setting priorities, identifying gaps in service and

1 targeting services to key populations, industries, economic sectors  
2 and geographic areas;

3 (iv) Develop programs that include, at a minimum, the  
4 following:

5 (I) Learning opportunities within a real-life context, such as  
6 workplace and family literacy programs;

7 (II) Recognition of the diversity of individual abilities,  
8 skill levels, circumstances and life goals; and

9 (III) Strategies to access, promote and accommodate a variety  
10 of instructional methods and learning styles.

11 (v) Develop a culture committed to life-long learning by  
12 creating literacy-rich environments wherever people live and work  
13 that are capable of influencing changes in individual behavior; and

14 (vi) Create partnerships among schools, employers, workers,  
15 governments and communities to achieve these objectives and  
16 mechanisms to collect, interpret and disseminate data to assist  
17 policymakers in determining the appropriate level of resources  
18 essential to support lifelong learning systems.

19 **§18B-1D-4. Responsibilities of Higher Education Policy Commission  
20 and Council for Community and Technical College  
21 Education; development of public policy agendas;  
22 reports; institutional responsibilities.**

23 (a) It is the responsibility of the commission, in cooperation  
24 with the council, to develop, oversee and advance the public policy

1 agenda mandated by section four, article one-b of this chapter to  
2 address the goals and objectives established pursuant to this  
3 article and section one-a, article one of this chapter, including,  
4 but not limited to, aligning state and institutional compacts,  
5 master plans, implementation plans and institutional missions with  
6 state goals and objectives to accomplish the purposes of this  
7 article.

8 (b) It is the responsibility of the council, in cooperation  
9 with the commission when applicable, to develop, oversee and  
10 advance the public policy agenda mandated by section six, article  
11 two-b of this chapter to address the goals and objectives  
12 established pursuant to this article and section one-a, article one  
13 of this chapter, including, but not limited to, aligning state and  
14 institutional compacts, master plans, implementation plans and  
15 institutional missions with state goals and objectives to  
16 accomplish the purposes of this article.

17 (c) It is further the responsibility of the commission and  
18 council to collect the data, assemble it in the appropriate format  
19 and transmit all reports and any other essential documents as  
20 needed to fulfill the purposes of this article. Each report shall  
21 contain a brief, concise executive summary and shall include trends  
22 and recommendations in text format. Recommendations shall be  
23 ranked by order of importance and shall be supported by objective  
24 data available elsewhere in the report. In addition to those

1 specifically mandated by this chapter or chapter eighteen-c of this  
2 code, reporting responsibilities include, but are not limited to,  
3 the following:

4 (1) Ensuring that data systems collect the essential  
5 information state-level policymakers need to answer key policy  
6 questions to fulfill the purposes of the accountability system  
7 established pursuant to this article and section one-a, article one  
8 of this chapter;

9 (2) Collaborating with public education to establish policies  
10 to link existing pre-K, K-12, higher education and teacher data  
11 systems to enable tracking of student progress and teacher  
12 performance over time; and

13 (3) Ensuring that reports provide data analyses to determine  
14 if students entering the public higher education systems are  
15 prepared for post-secondary education and if students obtaining  
16 degrees, certificates or other credentials are prepared to pursue  
17 careers or to continue their education.

18 (d) It is the responsibility of public institutions of higher  
19 education to report to the commission or the council, as  
20 appropriate, on plans, accomplishments and recommendations to  
21 implement the goals and objectives contained in the institutional  
22 and state compacts.

23 **§18B-1D-5. Master plans; reports; approval process.**

24 (a) The commission and the council each shall develop a master

1 plan for public higher education that is closely aligned with the  
2 goals and objectives of this article and section one-a, article one  
3 of this chapter as they relate to the missions of institutions  
4 under their respective jurisdictions.

5 (b) The authority of the commission and the council,  
6 respectively, related to developing and implementing statewide  
7 master plans is subject to the following conditions:

8 (1) The master plans shall be established for periods of not  
9 more than five years.

10 (2) The master plans in place on the effective date of this  
11 article continue in effect until the end of the five-year planning  
12 cycle unless amended or rescinded by the commission or council,  
13 respectively, pursuant to this article.

14 (3) Any new master plan proposed by the commission or council  
15 shall be communicated to the Legislative Oversight Commission on  
16 Education Accountability and may not be adopted or implemented  
17 without the approval of that body;

18 (4) The commission and council each shall perform a  
19 comprehensive review of its master plan at least annually and shall  
20 revise it periodically as appropriate to meet state goals and  
21 objectives.

22 (5) The commission and the council each shall review the  
23 progress of its higher education system in meeting the goals and  
24 objectives of the master plan and report to the Legislative

1 Oversight Commission on Education Accountability, with detailed  
2 recommendations for amending the plan, by the first day of January,  
3 two thousand nine, and annually thereafter.

4 (6) At the end of each five-year planning cycle and as an  
5 integral part of the preparation of a new master plan, the  
6 commission and the council, respectively, shall prepare and submit  
7 to the Legislative Oversight Commission on Education Accountability  
8 a comprehensive report containing at least the following:

9 (A) A detailed, data-based analysis of the progress of the  
10 system and the institutions within the system toward meeting each  
11 goal and objective included in the current plan; and

12 (B) A strategy for using this data as a basis for developing  
13 the master plan for the next planning cycle.

14 (c) The master plan shall include a detailed set of system  
15 objectives designed to meet the state goals and objectives outlined  
16 in this article and section one-a, article one of this chapter,  
17 including, but not limited to, the following:

18 (A) A well-developed analysis of missions, degree offerings,  
19 resource requirements, physical plant needs, personnel needs,  
20 enrollment levels and other planning determinants and projections  
21 for public higher education and other matters necessary in such a  
22 plan to assure that the needs of the state for a quality system of  
23 higher education are addressed; and

24 (B) A strategy for cooperation and collaboration with the

1 State Board of Education and State Department of Education, state  
2 institutions of higher education, the counterpart state  
3 coordinating board and other relevant education providers to assure  
4 that a comprehensive and seamless system of education is developed  
5 and implemented for West Virginia.

6 **§18B-1D-6. State compacts; legislative intent; rule required;**  
7 **implementation plans authorized.**

8 (a) It is the intent of the Legislature that members of the  
9 education partnership to achieve state goals and objectives engage  
10 in developing state compacts between and among themselves for the  
11 purpose of enhancing the well-being of the citizens of West  
12 Virginia. Such a compact constitutes a formal contract and focuses  
13 on the goals and objectives established pursuant to this article  
14 and section one-a, article one of this chapter. A compact is  
15 called for when achievement of specific goals or objectives  
16 requires significant collaboration and commitment of resources by  
17 more than one member of the partnership.

18 (b) The rules to be proposed relating to state compacts  
19 pursuant to subsection (c), section one of this article shall  
20 include, but are not limited to, the following components:

21 (1) A procedure to determine when a state compact is necessary  
22 or desirable;

23 (2) A procedure for determining the identity of parties to the  
24 compact and for establishing compact terms:

1 (A) Parties to the compact may be any two or more members of  
2 the education partnership to achieve state goals and objectives who  
3 are positioned to make significant contributions to meeting compact  
4 objectives; and

5 (B) The terms of the compact shall focus on achievement of  
6 objectives. The expected outcomes shall be stated in concrete  
7 terms that are measurable.

8 (3) A mechanism for negotiating agreement on compact  
9 objectives. The mechanism shall provide for negotiation and  
10 development of consensus among the parties and must be reasonable  
11 in its operation and outcomes expectations;

12 (4) A procedure for creating and consolidating commitment  
13 between and among parties to the compact. Most state compacts will  
14 extend over multiple years and will require that negotiation  
15 between education partners and elected state officials take into  
16 account the constraints of the political process and the limits on  
17 available resources; and

18 (5) A process for periodic review, assessment and reporting of  
19 progress toward meeting the compact objectives. The rule shall  
20 provide for objective analysis and reporting to the compact  
21 partners and to the elected officials of the state.

22 (c) In addition to authorizing the commission and the council  
23 to enter into state compacts pursuant to subsections (a) and (b) of  
24 this section, it is the intent of the Legislature to encourage them

1 strongly to develop implementation plans together with other  
2 members of the public higher education community to achieve system  
3 and institutional goals and objectives which are consistent with  
4 and supportive of the goals and objectives established in this  
5 article and section one-a, article one of this chapter.

6 (1) At a minimum, each implementation plan shall contain the  
7 following elements:

8 (A) Identification of the goal and the objectives to be  
9 achieved;

10 (B) Identification of the parties to the implementation plan  
11 and a process for developing consensus among the parties;

12 (C) A needs assessment or other mechanism to determine current  
13 status of the proposed objectives, including a survey of available  
14 resources and other data relevant to achieving the objectives;

15 (D) Identification of challenges or barriers to meeting  
16 objectives;

17 (E) Delineation of tasks to be performed;

18 (F) A specific time line for meeting objectives;

19 (G) An evaluation process administered periodically to  
20 determine progress in meeting the objectives during the life span  
21 of the plan; and

22 (H) A method for determining success in achieving the  
23 objectives following the closing date established by the time line.

24 (2) Implementation plans are internal documents developed

1 among members of the public higher education community and are not  
2 subject to an external approval process.

3 **§18B-1D-7. Findings; establishment of institutional compacts;**  
4 **compact elements; submission date; review and**  
5 **approval process; rule required.**

6 (a) The Legislature finds that West Virginia long has  
7 recognized the value of education and, on a per capita income  
8 basis, ranks very high among the states in its investment to  
9 support public education. The Legislature further finds that a  
10 combination of state and national demographic and economic factors  
11 as well as significant changes in methods of course and program  
12 delivery compel both the state and public higher education to  
13 create a process that will strengthen institutional capacity to  
14 provide the services so valued by the citizens of the state and so  
15 essential to promoting economic vitality.

16 (b) Therefore, each state college and university shall prepare  
17 an institutional compact for submission to the commission and each  
18 community and technical college shall prepare an institutional  
19 compact for submission to the council. When the process herein  
20 provided is completed, the resulting institutional compact  
21 constitutes a negotiated contract between the state institution of  
22 higher education and the commission or council, respectively,  
23 containing at a minimum the following basic components:

24 (1) Institutional strategies for focusing resources on meeting

1 the goals and objectives set forth in this article and section  
2 one-a, article one of this chapter; and

3 (2) Commission or council strategies for promoting and  
4 supporting the institution in fulfilling its mission and  
5 objectives, to make it more competitive with its peers and to  
6 ensure the continuity of academic programs and services to its  
7 students.

8 (c) In addition to the basic contract components described in  
9 subsection (b) of this section, each compact shall contain at least  
10 the following elements:

11 (1) A determination of the mission of the institution which  
12 specifically addresses changes necessary or expedient to accomplish  
13 the goals and objectives articulated by the state and the  
14 appropriate statewide master plan;

15 (2) A detailed statement of how the compact is aligned with  
16 and will be implemented in conjunction with the master plan of the  
17 institution;

18 (3) A comprehensive assessment of education needs within the  
19 institution's geographic area of responsibility;

20 (4) A strategy to ensure access to comprehensive community and  
21 technical college and workforce development services within each  
22 respective region of the state consistent with the mission of the  
23 institution;

24 (5) Provision for collaboration and brokering of education

1 services as necessary or expedient to carry out the institutional  
2 mission and meet its objectives;

3 (6) Provision of student services at the optimum level to  
4 support the institutional mission and to achieve state goals and  
5 objectives;

6 (7) Strategies for using existing infrastructure and resources  
7 within each region, where feasible, to increase student access  
8 while controlling costs and maintaining academic quality; and

9 (8) Other public policy objectives or initiatives adopted by  
10 the commission or council pursuant to the intent and purposes of  
11 this article and section one-a, article one of this chapter.

12 (d) Each institutional compact shall be updated annually and  
13 shall follow the same general guidelines contained in this section.

14 (e) Development and updating of the institutional compacts is  
15 subject to the following conditions:

16 (1) The ultimate responsibility for developing and updating  
17 the compacts at the institutional level resides with the board of  
18 advisors or the board of governors, as appropriate. It is the  
19 responsibility of the commission or council to provide technical  
20 assistance as requested and to negotiate with the institution  
21 development of the strategies to promote and support the  
22 institution pursuant to subsection (b) of this section;

23 (2) The commission and the council each shall establish a date  
24 by which institutions under their respective jurisdictions shall

1 submit their compacts to the commission or council pursuant to the  
2 provisions of this article. The date established by each  
3 state-level coordinating board shall apply uniformly to all  
4 institutions under the jurisdiction of that coordinating board and  
5 shall meet the following additional conditions:

6 (A) Allow sufficient time for careful analysis of the compacts  
7 by the central office staff and for review by members of the  
8 commission or the council, as appropriate; and

9 (B) Allow sufficient time for the institutions to make  
10 necessary revisions to the compacts as provided in this section.

11 (3) The commission and council shall review each compact from  
12 the institutions under their respective jurisdictions and either  
13 adopt the compact or return it with specific comments for change or  
14 improvement. The commission and council, respectively, shall  
15 continue this process as long as each considers advisable;

16 (4) By the first day of May annually, if the institutional  
17 compact of any institution as presented by that institution is not  
18 adopted by the respective commission or council, then the  
19 commission or council is empowered and directed to develop and  
20 adopt the institutional compact for the institution and the  
21 institution is bound by the compact so adopted; and

22 (5) As far as practicable, the commission and council each  
23 shall establish uniform processes and forms for the development and  
24 submission of the institutional compacts by the institutions under

1 their respective jurisdictions, taking into consideration the  
2 differences in institutional missions and objectives. As a part of  
3 this function, the commission and council each shall organize the  
4 statements of legislative goals and objectives contained in this  
5 article and section one-a, article one of this chapter in a manner  
6 that facilitates the purposes therein.

7 (f) *Assignment of geographic areas of responsibility.* --

8 (1) The commission shall assign geographic areas of  
9 responsibility to the state institutions of higher education under  
10 its jurisdiction, except for the state institutions of higher  
11 education known as West Virginia School of Osteopathic Medicine,  
12 Marshall University and West Virginia University. For institutions  
13 other than the state institutions of higher education known as West  
14 Virginia School of Osteopathic Medicine, Marshall University and  
15 West Virginia University, the geographic areas of responsibility  
16 are made a part of their institutional compacts to ensure that all  
17 areas of the state are provided necessary programs and services to  
18 achieve state goals and objectives. The commission and the council  
19 each shall develop data-based measures to determine the extent to  
20 which institutions under their respective jurisdictions are  
21 providing higher education services aligned with state goals and  
22 objectives and institutional missions within their geographic areas  
23 of responsibility. This information shall be reported in the  
24 statewide report card established pursuant to section eight of this

1 article.

2           (2) The council shall assign geographic areas of  
3 responsibility to the state institutions of higher education under  
4 its jurisdiction, including the administratively linked institution  
5 known as Marshall Community and Technical College, the  
6 administratively linked institution known as the Community and  
7 Technical College at West Virginia University Institute of  
8 Technology and the regional campus known as West Virginia  
9 University at Parkersburg.

10           (3) The geographic areas of responsibility for the state  
11 institutions of higher education known as West Virginia School of  
12 Osteopathic Medicine, Marshall University and West Virginia  
13 University are assigned by the Legislature.

14           (4) The benchmarks established in the institutional compacts  
15 include measures of programs and services by geographic area  
16 throughout the assigned geographic area of responsibility.

17           (g) The compacts shall contain benchmarks to be used to  
18 determine progress toward meeting the objectives established in the  
19 compacts. The benchmarks shall meet the following criteria:

20           (1) They shall be objective;

21           (2) They shall be directly linked to the objectives in the  
22 compacts;

23           (3) They shall be measured by the indicators described in  
24 subsection (h) of this section; and

1 (4) Where applicable, they shall be used to measure progress  
2 in geographic areas of responsibility.

3 (h) The rules required by subsection (c), section one of this  
4 article shall include indicators which measure the degree to which  
5 the goals and objectives set forth in this article and section  
6 one-a, article one of this chapter are being met by the  
7 institutions under the jurisdiction of the commission and the  
8 council, respectively.

9 (1) The rules pertaining to benchmarks and indicators in  
10 effect for the commission and the council on the effective date of  
11 this section remain in effect for the institutions under their  
12 respective jurisdictions until amended, modified, repealed or  
13 replaced by the commission or the council, respectively, pursuant  
14 to the provisions of this article, section six, article one of this  
15 chapter and article three-a, chapter twenty-nine-a of this code.

16 (2) The rules shall set forth at least the following as  
17 pertains to all state institutions of higher education:

18 (A) The indicators used to measure the degree to which the  
19 goals and objectives are being met;

20 (B) Uniform definitions for the various data elements to be  
21 used in establishing the indicators;

22 (C) Guidelines for the collection and reporting of data; and

23 (D) Sufficient detail within the benchmarks and indicators to  
24 provide the following information:

1 (i) Measurable evidence that the pursuits of the institution  
2 are focused on the education needs of the citizens of the state and  
3 are aligned with the objectives of the institutional compacts and  
4 statewide master plans;

5 (ii) Delineation of the objectives and benchmarks for an  
6 institution so that the commission or council can precisely measure  
7 the degree to which progress is being made toward achieving the  
8 goals and objectives provided in this article and section one-a,  
9 article one of this chapter; and

10 (iii) Identification of specific objectives within the master  
11 plan or compact of an institution that are not being met or toward  
12 which sufficient progress is not being made.

13 (3) In addition to any other requirement, the rule established  
14 by the council shall set forth at least the following as pertains  
15 to community and technical college education:

16 (A) Benchmarks and indicators which are targeted to identify  
17 the following:

18 (i) The degree to which progress is being made by institutions  
19 toward meeting state goals and objectives and the essential  
20 conditions for community and technical college education pursuant  
21 to section three, article three-c of this chapter;

22 (ii) Information and data necessary to be considered by the  
23 council in making the determination required by section three,  
24 article two-c of this chapter; and

1 (B) Sufficient detail within the benchmarks and indicators to  
2 provide clear evidence to support an objective determination by the  
3 council that an institution's progress toward achieving state goals  
4 and objectives and the essential conditions for community and  
5 technical college education is so deficient that implementation of  
6 the provisions of section four, article two-c of this chapter is  
7 warranted and necessary.

8 (i) The commission and the council, respectively, shall  
9 approve the compacts developed for the institutions under their  
10 respective jurisdictions by the boards of governors or the boards  
11 of advisors pursuant to this section and consistent with the powers  
12 and duties prescribed in section four, article two-a of this  
13 chapter and section one, article six of this chapter.

14 **§18B-1D-8. Institutional and system report cards.**

15 (a) The purpose of the institutional and statewide report  
16 cards is to make information available to parents, students,  
17 faculty, staff, state policymakers and the general public on the  
18 quality and performance of public higher education. The focus of  
19 the report cards is to determine annual progress of the commission,  
20 the council and institutions under their respective jurisdictions  
21 toward achieving state goals and objectives identified in this  
22 article and section one-a, article one of this chapter and system  
23 goals and objective contained in the statewide master plans of the  
24 commission and council created pursuant to section five of this

1 article.

2 (b) The information contained in the report cards shall be  
3 consistent and comparable between and among state institutions of  
4 higher education. If applicable, the information shall allow for  
5 easy comparison with higher education-related data collected and  
6 disseminated by the Southern Regional Education Board, the United  
7 States Department of Education and other education data-gathering  
8 and data-disseminating organizations upon which state policymakers  
9 frequently rely in setting policy.

10 (c) The rules required by subsection (c), section one of this  
11 article shall provide for the collection, analysis and  
12 dissemination of information on the performance of the state  
13 institutions of higher education, including health sciences  
14 education, in relation to the findings, goals and objectives set  
15 forth in this article and section one-a, article one of this  
16 chapter and those contained in the statewide master plans of the  
17 commission and council developed pursuant to section five of this  
18 article.

19 (1) The objective of this portion of the rule is to ensure  
20 that the Legislative Oversight Commission on Education  
21 Accountability and others identified in subsection (a) of this  
22 section are provided with full and accurate information while  
23 minimizing the institutional burden of recordkeeping and reporting.

24 (2) This portion of the rule shall identify various indicators

1 of student and institutional performance that, at a minimum, must  
2 be reported annually, set forth general guidelines for the  
3 collection and reporting of data and provide for the preparation,  
4 printing and distribution of report cards under this section.

5 (d) The report cards shall be analysis-driven, rather than  
6 simply data-driven, and shall present information in a format that  
7 can inform education policymaking. They shall include an executive  
8 summary which outlines significant trends, identifies major areas  
9 of concern and discusses progress toward meeting state and system  
10 goals and objectives. They shall be brief and concise, reporting  
11 required information in nontechnical language. Any technical or  
12 supporting material to be included shall be contained in a separate  
13 appendix.

14 (e) The statewide report card shall include the data for each  
15 separately listed, applicable indicator identified in the rule  
16 promulgated pursuant to subsection (c) of this section and the  
17 aggregate of the data for all public institutions of higher  
18 education.

19 (f) The statewide report card shall be prepared using actual  
20 institutional, state, regional and national data, as applicable and  
21 available, indicating the present performance of the individual  
22 institutions, the governing boards and the state systems of higher  
23 education. Statewide report cards shall be based upon information  
24 for the current school year or for the most recent school year for

1 which the information is available, in which case the year shall be  
2 clearly noted.

3 (g) The president or chief executive officer of each state  
4 institution of higher education shall prepare and submit annually  
5 all requested data to the commission at the times established by  
6 the commission.

7 (h) The higher education central office staff, under the  
8 direction of the Vice Chancellor for Administration, shall provide  
9 technical assistance to each institution and governing board in  
10 data collection and reporting and is responsible for assembling the  
11 statewide report card from information submitted by each governing  
12 board.

13 (i) The statewide report card shall be completed and  
14 disseminated with copies to the Legislative Oversight Commission on  
15 Education Accountability prior to the first day of January of each  
16 year and the staff of the commission and the council shall prepare  
17 a report highlighting specifically the trends, progress toward  
18 meeting goals and objectives and major areas of concern for public  
19 higher education, including medical education, for presentation to  
20 the Legislative Oversight Commission on Education Accountability at  
21 the interim meetings in January, two thousand nine, and annually  
22 thereafter.

23 (j) Notwithstanding any other provisions of this code to the  
24 contrary, the following statutorily mandated reports are not

1 required to be prepared and submitted annually unless a member of  
2 the Legislature makes a specific request for a particular report:

3 (1) An annual report, pursuant to subsection (a), section  
4 forty-eight, article three, chapter five-a of this code, on vehicle  
5 fleets;

6 (2) An annual report, pursuant to subsection (e), section ten,  
7 article one of this chapter, on plans, accomplishments and  
8 recommendations in implementing a cooperative relationship between  
9 Potomac State College and Eastern West Virginia Community and  
10 Technical College;

11 (3) An annual report, pursuant to paragraphs (A) and (B),  
12 subdivision (10), subsection (a), section four, article one-b of  
13 this chapter, concerning higher education performance and  
14 enrollment data;

15 (4) An annual report, pursuant to paragraph (A), subdivision  
16 (11), subsection (b), section six, article two-b of this chapter,  
17 concerning community and technical college performance;

18 (5) An annual report, pursuant to subsection (b), section  
19 seven, article five of this chapter, on all sales of obsolete,  
20 unusable or surplus commodities;

21 (6) An annual report, pursuant to section eight, article five  
22 of this chapter, on purchases from West Virginia businesses;

23 (7) An annual report, pursuant to subsection (j), section one,  
24 article ten of this chapter, on the amount of auxiliary fees

1 collected to replace state funds subsidizing auxiliary services;

2 (8) An annual report, pursuant to subsection (c), section  
3 five, article thirteen of this chapter, on technical assistance  
4 provided to qualified businesses within approved research parks,  
5 research zones or technology centers;

6 (9) An annual report, pursuant to subsection (e), section six,  
7 article eighteen of this chapter, on the status of the Eminent  
8 Scholars Endowment Trust Fund; and

9 (10) An annual report, pursuant to subsection (e), section  
10 one, article three, chapter eighteen-c of this code, relevant to  
11 the health education loan program.

12 (k) For a reasonable fee, the Vice Chancellor for  
13 Administration shall make copies of the report cards, including any  
14 appendices of supporting material, available to any individual  
15 requesting them.

16 **ARTICLE 14. MISCELLANEOUS.**

17 **§18B-14-9. Legislative findings; establishment of study committee;**  
18 **membership; recommendations on higher education**  
19 **facilities.**

20 (a) The Legislature finds that it is in the best interest of  
21 the state to have an effective and comprehensive system for the  
22 delivery of public higher education programs. West Virginia is one  
23 of the very few states in the nation which does not address higher  
24 education capital project and facilities maintenance needs through

1 a statewide plan. State institutions of higher education vary  
2 widely in their ability to incur debt for capital projects and the  
3 conditions of their facilities infrastructure. Some institutions  
4 have incurred substantial amounts of debt to address capital needs,  
5 while other institutions have not.

6 The Legislature further finds that average tuition and fees  
7 for current and former administratively linked community and  
8 technical colleges rank well above the national average primarily  
9 because of the capital fees that students at those institutions  
10 have to pay. The large amount of capital fees that students must  
11 pay at the institution level contributes significantly to the poor  
12 grade the state receives each year in the category of  
13 "Affordability" on "Measuring Up: The National Report Card on  
14 Higher Education". Net college costs for state students who come  
15 from families in the lowest forty percent of the population in  
16 terms of income to attend community and technical colleges and  
17 four-year colleges and universities in West Virginia represent  
18 about forty-five percent of their family's annual income and there  
19 are few low-cost college opportunities.

20 The Legislature further finds that the high cost of capital  
21 fees contributes directly to the amount of debt incurred by  
22 students during their college years. The debt load, in turn,  
23 severely limits students' career choices and often dictates their  
24 place of residence after graduation.

1 (b) It is the responsibility of the Legislature to determine  
2 how to make the best use of available resources and how best to  
3 address the problems outlined in subsection (a) of this section.  
4 Therefore, the Joint Committee on Government and Finance shall  
5 create a committee for the purposes of making a specific and  
6 detailed analysis of higher education capital project and  
7 facilities maintenance needs and providing recommendations to the  
8 Legislature.

9 (c) The committee consists of the following members:

10 (1) The President of the Senate or designee;

11 (2) The Speaker of the House of Delegates or designee;

12 (3) The chairs of the Senate and House of Delegates Committees  
13 on Education, who shall cochair the committee;

14 (4) The vice chairs of the Senate and House of Delegates  
15 Committees on Education;

16 (5) The chairs of the Senate and House of Delegates Committees  
17 on Finance or their designees;

18 (6) The cochairs of the Joint Commission on Economic  
19 Development or their designees;

20 (7) Two members each from the Senate Committees on Finance and  
21 Education appointed by the President of the Senate; and

22 (8) Two members each from the House Committees on Finance and  
23 Education appointed by the Speaker of the House.

24 (d) The committee shall develop and recommend a state-level

1 facilities plan which includes, but is not limited to, the  
2 following:

3 (1) A review of capital project and facilities maintenance  
4 needs of all state institutions of higher education and  
5 recommendations for addressing those needs;

6 (2) Recommendations concerning the appropriate capital debt  
7 load that reasonably should be maintained by the commission,  
8 council and state institutions of higher education;

9 (3) Recommendations for a funding mechanism to reduce the  
10 obligation of students and parents to bear the cost of higher  
11 education capital projects and facilities maintenance;

12 (4) Recommendations for maximizing changes in bonding capacity  
13 that will occur in two thousand twelve;

14 (5) Development of a uniform definition of deferred  
15 maintenance;

16 (6) Recommendations for an appropriate mechanism to target a  
17 percentage of state capital contributions to address deferred  
18 maintenance needs; and

19 (7) Recommendations for a transparent methodology to set  
20 priorities for funding capital projects.

21 (e) The committee shall commence its work on or before the  
22 fifteenth day of May, two thousand eight, and shall deliver its  
23 recommendations, together with draft legislation to implement the  
24 recommendations, to the Legislative Oversight Commission on

1 Education Accountability and the Joint Committee on Government and  
2 Finance by the first day of December, two thousand eight.