

Senate Bill No. 486

(By Senators Laird, Tucker, Plymale,
Kessler (Acting President), Unger, Helmick,
Browning, Stollings, McCabe, Wells and Miller)

[Introduced February 10, 2011; referred to
the Committee on Education; and then to
the Committee on Finance.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-1E-1, §18B-1E-2, §18B-1E-3 and §18B-1E-4, all relating to West Virginia University Institute of Technology, West Virginia University and the Higher Education Policy Commission; defining certain terms; establishing a revitalization project and plan; stating legislative findings, purpose and intent; and requiring certain reports.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1E. WEST VIRGINIA UNIVERSITY INSTITUTE OF TECHNOLOGY REVITALIZATION PROJECT.

§18B-1E-1. Definitions.

1 When used in this article the following words have the
2 meanings ascribed to them unless the context clearly
3 indicates a different meaning:

4 “Center of excellence” means an academic program or
5 group of programs located within a particular state institu-
6 tion, division or branch campus that is addressed in the
7 institution’s compact and recognized by the institution, its
8 governing board, administrators, faculty and staff as having
9 gained a significant degree of regional or national acclaim
10 for high quality and public service.

11 “Chancellor” means the chief executive officer employed
12 by the commission.

13 “Governing board” means the board of Governors for West
14 Virginia University established pursuant to section one,
15 article two-a of this chapter.

16 “LOCEA” or “Legislative Oversight Commission on
17 Education Accountability” means the joint legislative
18 commission established pursuant to section eleven, article
19 three-a, chapter twenty-nine-a of this code.

20 “Revitalization plan” or “plan” means the implementation
21 process developed pursuant to section three of this article.

22 “Revitalization project” means the entire process under-
23 taken to further the goals of this article including the
24 research, plan development and implementation designed to
25 assist WVU-Tech to reach its full potential as a center of
26 excellence and positive force for economic development and
27 cultural enrichment in the state.

28 “STEM education” or “STEM” mean areas of study in
29 science, technology, engineering and mathematics.

30 “WV-CURE” means the task force created pursuant to
31 section three, article one-c of this chapter.

32 “WV-CURE report” means the findings and recommenda-
33 tions contained in the final document submitted to the
34 Legislature pursuant to section three, article one-c of this
35 chapter.

36 “WVU-Tech” means West Virginia University Institute of
37 Technology, a division of West Virginia University.

§18B-1E-2. Legislative purpose, findings and intent.

1 (a) The purpose of this article is to focus attention on West
2 Virginia University Institute of Technology to honor the
3 institution’s history of excellence and service to the region

4 and the state, to identify its unique role and contributions to
5 higher education and to create and implement the revitaliza-
6 tion plan that not only will be used to assist this institution
7 to reach its full potential of service to the citizens of West
8 Virginia, but also may serve as a model that can be repli-
9 cated at other state institutions of higher education.

10 (b) *Findings* —

11 (1) WVU-Tech has a distinguished history of more than a
12 hundred years of service, growth and change, but, in addition
13 to the positive advancements, the institution also has dealt
14 with internal conflict and external controversy initiated by
15 multiple changes in policy direction, governance structure
16 and mission. It was founded in 1895 as a preparatory school
17 of West Virginia University and since that time, has func-
18 tioned as a trade school, a junior college, a free-standing
19 baccalaureate institution and a regional campus of West
20 Virginia University. In 2007, it became a fully-integrated
21 division of the university.

22 (2) The many changes of name, mission, governance
23 structure and affiliation, together with its location in the
24 heart of the southern coal fields, assure the institution a
25 unique place in the state system of higher education. The

26 institution continues to provide vital education opportunities
27 to the mostly rural population which comprise its primary
28 service clientele.

29 (3) Both its traditional strength and its unique opportunity
30 for future growth and service lie in its focus on (STEM)
31 education, particularly in undergraduate engineering and
32 technology, in which it has been a leader for nearly sixty
33 years.

34 (4) The student-centered programs, combined with small
35 classes and individualized instruction, provide undergradu-
36 ates with opportunities for hands-on research and coopera-
37 tive work experiences that usually are available only to
38 graduate students.

39 (5) The Legislature further finds the following regarding
40 the state system of higher education:

41 (A) Retention and graduation rates at the state institutions
42 are a major source of concern for state policymakers.

43 (i) The average retention rate for the state system as a
44 whole, calculated from the fall semester in 2008 to the fall
45 semester of 2009, the most recent period for which data are
46 available, is seventy-three percent. Twenty-seven students
47 out of every one hundred who were enrolled in a state

48 institution of higher education in 2008 did not return for the
49 fall semester in 2009.

50 (ii) On average, of the students who entered four-year state
51 institutions as first-time freshmen in 2004, only forty percent
52 had graduated six years later.

53 (iii) Within these statewide averages there are significant
54 variations among both institutions and disciplines, particu-
55 larly in the disciplines emphasizing STEM education.
56 Retention rates range from a high of eighty-two percent to a
57 low of fifty-five percent. Six-year graduation rates fall
58 between a high of fifty-nine percent and a low of fifteen
59 percent.

60 (B) According to the report submitted by the WV-CURE
61 task force in 2008 pursuant to section three, article one-c of
62 this code, West Virginia faces many of the same challenges
63 in preparing and recruiting STEM professionals as the rest
64 of the country, but in addition has unique challenges related
65 to its population demographics and geography.

66 (C) Due to its unique history and geographical location,
67 WVU-Tech provides the ideal laboratory in which to develop
68 a successful model to address these challenges through the

69 Revitalization Plan created pursuant to section three of this
70 article.

71 (c) *Legislative intent* — It is the intent of the Legislature in
72 establishing the revitalization project set forth in section
73 three of this article to encourage WVU-Tech to build upon its
74 tradition of high-quality, student-centered STEM education,
75 to assist the institution to reach its full potential as a center
76 of excellence and a positive force for economic development
77 and cultural enrichment within the community and state, to
78 implement certain recommendations from the WV-CURE
79 report and to create a successful policy model that state
80 decisionmakers may employ in other areas where state
81 institutions of higher education struggle to overcome similar
82 problems. The revitalization project shall serve as a labora-
83 tory in which to identify problems, research solutions and
84 implement those programs and procedures that best meet the
85 intent of this article.

86 It is further the intent of the Legislature to promote
87 institutional stability at WVU-Tech by keeping the gover-
88 nance structure of the institution unchanged until the report
89 required in section four of this article is received in 2014.

90 Throughout the WVU-Tech revitalization process, the
91 governing board retains statutory control of the institution.
92 Except for authority otherwise granted by statute, this
93 article extends the commission's authority only to those
94 items identified in the revitalization plan and funded by
95 legislative appropriation therefor.

**§18B-1E-3. Revitalization project and plan; plan approval re-
quired.**

1 (a) There is hereby created the revitalization project for
2 WVU-Tech under the direction of the commission. The
3 project includes a study and development of the revitaliza-
4 tion plan designed to meet the goals and intent of this article.

5 (b) On the effective date of this section, the commission
6 shall initiate a study and draw upon the expertise of both
7 groups internal and external to West Virginia to take
8 advantage of the services of national organizations specializ-
9 ing in institutional renewal. The commission shall bear the
10 costs of the study. (c) The study shall include, but is not
11 limited to, the following thematic areas:

12 (1) Exploring new academic programs that meet emerging
13 industry needs in West Virginia;

14 (2) Developing distance education and adult-targeted
15 degree and programmatic offerings, with particular attention
16 to avoiding costly program duplication;

17 (3) Examining marketing and recruiting strategies at the
18 institution;

19 (4) Reviewing nonacademic programs and auxiliary
20 operations, focused upon efficiencies and strategic develop-
21 ment;

22 (5) Reviewing fiscal and operating procedures, emphasizing
23 initiatives through which the institution can reduce annual
24 operating costs and maximize all available revenues;

25 (6) Evaluating all institutionally affiliated groups, includ-
26 ing the alumni association, the WVU-Tech Foundation and
27 all other institutionally affiliated Section 501(c)(3) organiza-
28 tions, stressing revitalization of these entities; and

29 (7) Reviewing and assessing the capital infrastructure of
30 the institution.

31 (d) The study also shall include consideration of the
32 following recommendations drawn from the WV-CURE
33 report:

34 (1) Creating and maintaining a forum for meaningful
35 interaction between and among the K-12 and professional

36 communities to define better the needs of the STEM stake-
37 holders at each level of the education and early career
38 process. The forum may help to ensure smoother transitions
39 for students at each step and thereby increase student
40 retention and graduation rates. A cooperative approach with
41 the public schools in the institution's service area may serve
42 as means to increase students' interest and familiarize them
43 with the STEM programs WVU-Tech offers.

44 (2) Preparing students for the future by enhancing student
45 design/capstone experiences to include undergraduate
46 research at an earlier point in the baccalaureate curriculum
47 thereby expanding the focus on opportunities for advanced
48 studies and providing students with enhanced critical
49 thinking and learning skills to adapt to an environment of
50 rapidly changing technologies;

51 (3) Stimulating interest of young people in training and
52 careers in engineering and related disciplines by involving
53 the professional and business communities in a more visible
54 and engaged manner;

55 (4) Diversifying the types of students who pursue STEM
56 education and careers by developing strategic initiatives

57 focused on recruiting and retaining traditionally under-
58 represented groups;

59 (5) Pursuing the goals set forth in section three, article
60 one-c of this chapter to increase West Virginia's capacity for
61 high quality engineering instruction and research; increase
62 access to high quality instruction and research opportunities
63 in STEM disciplines; and stimulate economic development
64 by increasing the number of professional engineers available
65 to business and industry.

66 (6) Exploring opportunities for collaborations between
67 institutions to increase the access to high quality programs
68 while reducing the overall expenditure per student in high
69 cost disciplines.

70 (7) Developing more electronic classrooms, online pro-
71 grams, and other technology driven teaching/learning
72 facilities in order to pool resources among the engineering
73 institutions, reach students who are place-bound or who live
74 in rural areas distant from the institution's campus and
75 avoid expensive program duplication.

76 (e) Based upon the research and findings of the study, the
77 chancellor shall coordinate the development of a report to
78 implement the purpose and intent of this article. The recom-

79 mendations of the study shall serve to guide the distribution
80 of all funds appropriated by the Legislature and targeted to
81 the revitalization project. The plan shall include, but is not
82 limited to, the following elements:

83 (1) Providing clear and guiding recommendations for the
84 revitalization of WVU-Tech;

85 (2) Recommending a process for establishing WVU-Tech as
86 a center of excellence in STEM education with particular
87 emphasis on undergraduate engineering and technology,
88 areas in which the institution has earned a high degree of
89 regional and national recognition for excellence. The
90 purpose of the center of excellence is to enable the institu-
91 tion to concentrate its resources on providing state-of-the-
92 art post-secondary education opportunities in a limited
93 number of areas in which the institution excels. The center
94 of excellence approach promotes effective teaching and
95 learning through education, training, research and informa-
96 tion dissemination. All parties involved in identifying and
97 developing the center of excellence bring to the partnership
98 their special expertise of strategic importance to the program
99 and, ultimately, to the citizens of West Virginia;

100 (3) Benchmarks in the following areas:

- 101 (A) Enrollment;
- 102 (B) Retention and graduation;
- 103 (C) Capital improvements and building renovations/
104 demolitions;
- 105 (D) Athletics, auxiliaries, and other nonacademic units;
- 106 (E) Fundraising and alumni development;
- 107 (F) Academic restructure and program development;
- 108 (G) Marketing and outreach;
- 109 (H) Remedial and developmental education;
- 110 (I) Innovative academic initiatives that can be piloted at
111 WVU-Tech with the opportunity for diffusion across the
112 systems of higher education;
- 113 (J) Transfer and articulation partnerships with other
114 institutions in the state systems of higher education; and
- 115 (K) Grants, contracts, and externally sponsored research.
- 116 (4) A process whereby WVU-Tech may request and receive
117 money from the pool of appropriated funds.
- 118 (f) The findings, conclusions and recommendations of the
119 study, together with the revitalization plan for implementa-
120 tion, shall be reported to the commission and the governing
121 board by September 1, 2011. The plan shall be delivered to
122 LOCEA no later than September 1, 2011, and LOCEA shall

123 consider the proposed plan and approve or disapprove by
124 September 30, 2011.

**§18B-1E-4. Plan implementation; legislative intent; oversight;
reporting.**

1 (a) The legislative findings set forth in section two of this
2 article demonstrate the unique historical role that WVU-
3 Tech has played as a vital component of the state's higher
4 education system. In order for the institution to move
5 forward and realize its full potential, its future must be
6 supported by a financial commitment from the state. There-
7 fore, as funds are available, it is the intent of the Legislature
8 to make appropriations to the commission to support the
9 revitalization project at WVU-Tech.

10 (b) Appropriated funds may be expended under the
11 direction of the chancellor for the purposes set forth in this
12 article and in the Revitalization Plan approved by LOCEA.

13 (c) The purposes for which the moneys may be used
14 include, but are not limited to, development costs for new
15 programs, student outreach initiatives, demolition of certain
16 facilities, and renovation of campus infrastructure or other
17 items designed to support existing students and attract new
18 students.

19 (d) By December 1, 2012, and annually thereafter until all
20 appropriated funds have been expended, the chancellor shall
21 report to LOCEA on the allocation of funds. Additionally,
22 the chancellor shall provide regular updates to LOCEA, as
23 necessary or requested, to keep members informed of the
24 progress made in implementing the purposes and intent of
25 this article and the recommendations of the revitalization
26 plan.

27 (e) By May 1, 2014, the commission and governing board
28 shall provide to LOCEA a detailed summary of all revitaliza-
29 tion project activities undertaken to date. This report also
30 shall include recommendations for alterations in the Revital-
31 ization Plan and the goals of the revitalization project and
32 may include recommended options for governance changes
33 including independent status for the institution.

(NOTE: The purpose of this bill is to create the WVU-Tech Revitalization Project under the direction of the Policy Commission. The Project includes research on methods of institutional renewal, a plan for implementation of recommendations, development of a renewal model that may be replicated at other state institutions of higher education, and reports to the Legislature detailing use of resources, together with any recommendations for alterations in the Project's goals or institutional governance structure.

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