

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 542

BY SENATORS BALDWIN, MANN, STOLLINGS, AND

JEFFRIES

[Introduced February 14, 2018; Referred
to the Committee on Education; and then to the Committee
on Finance]

1 A BILL to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating
2 to requiring the creation of a four-year middle high school pilot program as a part of the
3 Upper Kanawha Valley Resiliency and Revitalization Program; setting forth legislative
4 findings; allowing State Superintendent of Schools to override decision of certain high
5 school and county board of education in certain instances; requiring research of other
6 similar programs for the purpose of seeking advice and incorporating best aspects of other
7 programs; requiring indicators from which the success of the program can be measured;
8 and requiring reports to the Legislative Oversight Commission on Education
9 Accountability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-15. Upper Kanawha Valley Resiliency and Revitalization Program.

1 (a) *Definitions.* —

2 (1) *General.* — Terms defined in this section have the meanings ascribed to them by this
3 section, unless a different meaning is clearly required by either the context in which the term is
4 used, or by specific definition in this section.

5 (2) *Terms Defined.* —

6 (A) “Contributing partners” means those entities or their representatives described in
7 subsection (f) of this section.

8 (B) “Program” means the Upper Kanawha Valley Resiliency and Revitalization Program
9 established in this section.

10 (C) “Revitalization council” means those entities or their representatives described in
11 subsection (d) of this section.

12 (D) “Technical assistance” means resources provided by the state, revitalization council,
13 contributing partners or any other individuals or entities providing programming, funding or other
14 support to benefit the Upper Kanawha Valley under the program.

15 (E) “Upper Kanawha Valley” means an area defined by the Development Office that
16 encompasses the areas from Gauley Bridge to Pratt, including the municipalities of Montgomery,
17 Smithers, Pratt and Gauley Bridge or other communities in the vicinity of the West Virginia
18 University Institute of Technology.

19 (F) “Upper Kanawha Valley Resiliency and Revitalization Program” means the entire
20 process undertaken to further the goals of this section, including:

21 (i) Collaboration development and implementation between the members, contributors
22 and technical assistance resource providers; and

23 (ii) The creation of a four-year middle high school pilot program pursuant to §5B-2-15(j) of
24 this code.

25 (b) *Legislative purpose, findings and intent.* —

26 (1) The decision to relocate the historic campus of the West Virginia University Institute of
27 Technology from Montgomery, West Virginia to Beckley, West Virginia will have a dramatic
28 economic impact on the Upper Kanawha Valley.

29 (2) The purpose of this section is to establish the Upper Kanawha Valley Resiliency and
30 Revitalization Program. To further this purpose, this program creates a collaboration among state
31 government, higher education and private and nonprofit sectors to streamline technical assistance
32 capacity, existing services and other resources to facilitate community revitalization in the Upper
33 Kanawha Valley.

34 (3) It is the intent of the Legislature to identify existing state resources that can be
35 prioritized to support the Upper Kanawha Valley, generate thoughtful and responsible ideas to
36 mitigate the negative effects of the departure of the West Virginia Institute of Technology from the
37 Upper Kanawha Valley and help chart a new course and prosperous future for the Upper
38 Kanawha Valley.

39 (c) *Upper Kanawha Valley Resiliency and Revitalization Program established; duration of*
40 *program.* —

41 (1) The Development Office shall establish the Upper Kanawha Valley Resiliency and
42 Revitalization Program in accordance with the provisions of this section, subject to the availability
43 of funding necessary to support the program. The program shall inventory existing assets and
44 resources, prioritize planning and technical assistance, and determine such other assistance as
45 might be available to revitalize communities in the Upper Kanawha Valley.

46 (2) The program shall be established for an initial period of five years from the effective
47 date of this legislation: Provided, That the four-year middle high school pilot program established
48 pursuant to §5B-2-15(j) of this code shall extend until the school year ending in 2022.

49 (d) *Revitalization council created.* — There is hereby created a revitalization council to
50 fulfill the purposes of this section. The revitalization council shall be coordinated by the
51 Development Office in the Department of Commerce and be subject to oversight by the secretary
52 of the department. The following entities shall serve as members of the revitalization council:

53 (1) The Executive Director of the Development Office or their designee, who shall serve
54 as chairperson of the council;

55 (2) The Secretary of the Department of Health and Human Resources or their designee;

56 (3) The Commissioner of the Department of Agriculture or their designee;

57 (4) The Executive Director of the West Virginia Housing Development Fund or their
58 designee;

59 (5) A representative from the Kanawha County commission;

60 (6) A representative from the Fayette County commission;

61 (7) The mayor, or their designee, from the municipalities of Montgomery, Smithers, Pratt
62 and Gauley Bridge;

63 (8) A representative from Bridge Valley Community and Technical College; and

64 (9) A representative from West Virginia University.

65 (e) *Duties of the revitalization council.* —

66 (1) The council shall identify existing state resources that can be prioritized to support

67 economic development efforts in the Upper Kanawha Valley.

68 (2) The council shall direct existing resources in a unified effort and in conjunction with
69 contributing partners, as applicable, to support the Upper Kanawha Valley.

70 (3) The council shall develop a rapid response strategy to attract or develop new
71 enterprises and job creating opportunities in the Upper Kanawha Valley.

72 (4) The council shall conduct or commission a comprehensive assessment of assets
73 available at the campus of the West Virginia Institute of Technology and determine how those
74 assets will be preserved and repurposed.

75 (5) The council shall assist communities in the Upper Kanawha Valley by developing an
76 economic plan to diversify and advance the community.

77 (6) Members of the council shall support both the planning and implementation for the
78 program and shall give priority wherever possible to programmatic activity and discretionary,
79 noncompetitive funding during the period the program remains in effect.

80 (7) Members of the council shall work together to leverage funding or other agency
81 resources to benefit efforts to revitalize the Upper Kanawha Valley.

82 (f) *Contributing partners.* — To the extent possible, the revitalization council shall
83 incorporate the resources and expertise of additional providers of technical assistance to support
84 the program, which shall include, but not be limited to:

85 (1) The West Virginia Small Business Development Center;

86 (2) The Center for Rural Health Development;

87 (3) The West Virginia University Brickstreet Center for Entrepreneurship;

88 (4) The West Virginia University Land Use and Sustainability Law Clinic;

89 (5) The West Virginia University Center for Big Ideas;

90 (6) The New River Gorge Regional Development Authority;

91 (7) The Rahall Transportation Institute;

92 (8) The Marshall University Center for Business and Economic Research;

93 (9) TechConnect;
94 (10) The West Virginia Community Development Hub;
95 (11) The West Virginia University Northern Brownfields Assistance Center;
96 (12) West Virginia State University Extension Service; and
97 (13) West Virginia University Extension Service, Community, Economic and Workforce
98 Development.

99 (g) *Reporting and agency accountability.* — The revitalization council, in coordination with
100 its contributing partners, as applicable, shall report annually to the Governor and the Legislature
101 detailing the progress of the technical assistance support provided by the program, the strategic
102 plan for the Upper Kanawha Valley and the results of these efforts.

103 (h) *Economic Incentives for businesses investing in the Upper Kanawha Valley.* — The
104 Development Office and the revitalization council, as applicable, will work to educate businesses
105 investing, or interested in investing, in the Upper Kanawha Valley, about the availability of, and
106 access to, economic development assistance, including, but not limited to, the economic
107 opportunity tax credit provided in §11-13Q-19 of this code; the manufacturing investment tax
108 credit provided under §11-13S-1 *et seq.* of this code; and any other applicable tax credit or
109 development assistance.

110 (i) *Use of state property and equipment; faculty.* — The Development Office or other owner
111 of state property and equipment in the Upper Kanawha Valley is authorized to provide for the low
112 cost and economical use and sharing of state property and equipment, including computers,
113 research labs and other scientific and necessary equipment to assist any business within the
114 Upper Kanawha Valley at a nominal or reduced-cost reimbursements to the state for such use.

115 (j) *Middle high school pilot program.* - As part of the program established in this section
116 and for implementation beginning with the 2018 - 2019 school year, for any community and
117 technical college and high school located within two road miles of each other in the Upper
118 Kanawha Valley, as defined in this section, the State Superintendent of Schools and the

119 community and technical college shall enter into a written agreement to create a four-year middle
120 high school pilot program in which high school students enrolled in the school can take a
121 combination of high school courses and college courses to meet the requirements to graduate
122 from high school and earn college credits that can be applied toward meeting the requirements
123 of a degree or credential.

124 (1) The Legislature finds that:

125 (A) The West Virginia Constitution designates the State Superintendent of Schools as the
126 state's chief school officer, and requires him or her to perform such duties as may be required by
127 law; and

128 (B) §18-3-3 of this code charges the State Superintendent of Schools with general
129 supervision of all county superintendents and county boards of education.

130 (2) Based on the State Superintendent of School's authority described in §5B-2-15(i)(1) of
131 this code and subject to the State Board of Education's constitutional authority over the free
132 schools, the State Superintendent of Schools may issue a directive overriding any decision of the
133 high school or the county board of education of the district in which the high school is located if
134 he or she determines that the decision is unjustifiably detrimental to the pilot program created
135 pursuant to this subsection. A decision is unjustifiably detrimental if it negatively effects the pilot
136 program without any justification such as financial constraints, complying with school employment
137 law or other justifications. If the high school or county board of education does not comply with
138 any directive of the State Superintendent of Schools pursuant to this subdivision, he or she shall
139 have the same authority to enforce the directive pursuant to §18-3-4 of this code to the same
140 extent as if laws pertaining to the school system of the state had been violated.

141 (3) In creating the program, the State Superintendent of Schools and college shall
142 research other similar programs within or outside of the state for the purpose of seeking advice
143 and incorporating the best aspects of other programs into the new pilot program from the outset.

144 (4) The written agreement shall include indicators from which the success of the program
145 can be measured for determining whether the pilot should be continued beyond the initial four
146 years, for determining whether the pilot should be expanded to other areas of the state, and for
147 determining whether the program should be fully expanded statewide.

148 (5) At the conclusion of each of the four school years of the pilot project and by September
149 1 of each of those years, the State Superintendent of Schools and the president of the community
150 and technical college, both, or their designees shall report to the Legislative Oversight
151 Commission on Education Accountability indicators of success of the pilot project and any other
152 information relevant to continuation or expansion of the middle college high school concept.

NOTE: The purpose of this bill is to require the creation of a four-year middle high school pilot program as a part of the Upper Kanawha Valley Resiliency and Revitalization Program.

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