

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Do Not Mark In This Box

SEP 11 1999  
OFFICE OF THE SECRETARY OF STATE  
STATE HOUSE

Form #3

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: State College System of West Virginia Board of Directors TITLE NUMBER: 131

CITE AUTHORITY: WV Code §18B-3-6

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING FILED PROPOSED: Series 25

TITLE OF RULE BEING PROPOSED: Increased Flexibility for freestanding community and  
Technical Colleges

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE REVIEW COMMITTEE FOR THEIR REVIEW.

  
Signature

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# DEPARTMENT OF EDUCATION AND THE ARTS

## Office of the Secretary

State Capitol Bldg. 5, Room 205  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305  
Telephone: (304) 558-2440  
Fax No.: (304) 558-1311



David R. Ice  
Cabinet Secretary

Cecil H. Underwood  
Governor

December 10, 1999

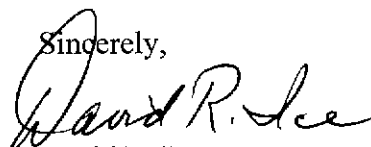
The Honorable Ken Hechler  
Secretary of State  
State Capitol Building 1  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Secretary Hechler:

I am hereby approving for filing with your office, and submission to the Legislative Oversight Commission on Education Accountability (LOCEA) for their review, the following interpretive rule of the State College System Board of Directors:

**Title 131, Series 25: Increased Flexibility for Freestanding Community and Technical Colleges.**

The rule is attached.

Sincerely,  
  
David R. Ice  
Cabinet Secretary

cc Chancellor Trump

Enclosure

**SERIES 25**  
**INCREASED FLEXIBILITY FOR FREESTANDING**  
**COMMUNITY AND TECHNICAL COLLEGES**

During the 1999 Legislative Session, House Bill 3019 was passed giving freestanding community and technical colleges additional flexibility in implementing occupational programs and hiring faculty. Other areas addressed in the legislation deal with the delivery of programs utilizing technology and smaller modules. The legislation calls for the State College System Board of Directors to promulgate and submit a legislative rule to the Legislative Oversight Commission on Education Accountability. This is not a joint rule with the University System Board of Trustees.

The legislation requires the Board of Directors to adopt a model of occupational program approval that permits freestanding community and technical colleges to implement occupational programs without Board approval, but does require a post-audit review of the programs. Another provision in the legislation allows freestanding community and technical colleges to employ faculty for an indefinite period without granting tenure. The legislation sets a goal of no more than twenty percent (20%) of freestanding community and technical college faculty holding tenure or being tenure-track faculty. Tenured faculty now employed by freestanding community and technical colleges are not affected by this provision.

## FISCAL NOTE FOR PROPOSED RULES

Rule Title: Increased Flexibility for Freestanding Community and Technical Colleges

Type of Rule:      X   Legislative              Interpretive              Procedural

Agency    State College System of West Virginia Board of Directors

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

No Fiscal Impact

2. Explanation of above estimates

3. Objectives of these rules

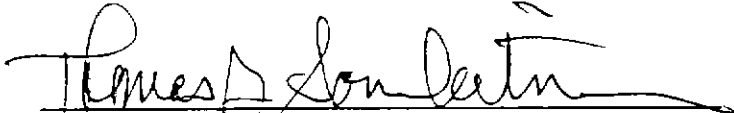
4. Explanation of Overall Economic Impact of Proposed Rule

A. Economic Impact on State Government

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

C. Economic Impact on Citizens/Public at Large

Date: September 24, 1999

  
Signature of Agency Head or Authorized Representative

**TITLE 131  
LEGISLATIVE RULE  
STATE COLLEGE SYSTEM OF WEST VIRGINIA  
BOARD OF DIRECTORS  
SERIES 25**

3 52 AM '99  
OFFICE  
SECRETARY

**TITLE: INCREASED FLEXIBILITY FOR FREESTANDING  
COMMUNITY AND TECHNICAL COLLEGES**

**SECTION 1. GENERAL**

- 1.1 Scope - Rule regarding the approval of new occupational programs for freestanding community and technical colleges, mode of delivery of such programs, and employment of faculty.
- 1.2 Authority - West Virginia Code §18B-3-6
- 1.3 Filing Date - December 7, 1999
- 1.4 Effective Date -

**SECTION 2. DEFINITIONS**

- 2.1 Board State College System Board of Directors
- 2.2 Chancellor State College System Chancellor
- 2.3 Freestanding Community and Technical College Eastern West Virginia Community and Technical College, Southern West Virginia Community and Technical College, West Virginia Northern Community College and any other college so designated by the Legislature.
- 2.4 Occupational Program Certificate or associate degree programs

delivered by a freestanding community and technical college with the primary intent of preparing the student to enter employment upon completion of the program.

- 2.5 Temporary Faculty Those faculty who have not been appointed in a tenure-track or tenured status. Their appointment may be full-time or part-time.
- 2.6 Two-Plus-Two Program An academic program that is designed for the first two years to be delivered by a community and technical college culminating in an associate degree and articulated into a baccalaureate program without loss of credit.
- 2.7 Transfer Academic Program An associate degree program delivered by a community and technical college for the primary purpose of providing the first two years of a baccalaureate degree program.
- 2.8 Module A self-contained instructional component that is part of an overall course.

**SECTION 3. TECHNOLOGY IN THE DELIVERY OF COURSES AND PROGRAMS**

- 3.1 Freestanding community and technical colleges are encouraged to incorporate the most effective and efficient use of technology in the delivery of courses and programs in order to make the best use of available resources and to control costs.
- 3.2 Each freestanding community and technical college shall submit to the Chancellor a five-year plan for increasing the use of technology in the delivery of courses.

**SECTION 4. DELIVERY OF CURRICULA UTILIZING MODULES**

- 4.1 Freestanding community and technical colleges will deliver curricula by

utilizing smaller credit and non-credit modules, particularly in the delivery of workforce development programs intended for adults and employed individuals.

- 4.2 Each freestanding community and technical college will employ a system to break down curricula into smaller modules that is consistent across the campus and allows for maximum flexibility in formatting courses.
- 4.3 Each freestanding community and technical college will provide for professional development activities for those faculty involved in the development and delivery of curricula in smaller modules.

## **SECTION 5. FACILITATOR FOR BROKERING EDUCATION PROGRAMS**

- 5.1 Each freestanding community and technical college will incorporate into its mission the roles of facilitator and broker of outside education and training programs that meet the needs of the residents and employers of the district.
- 5.2 The roles of facilitator and broker of outside education programs into the district will be incorporated into the overall workforce delivery strategy of each freestanding community and technical college.

## **SECTION 6. FACULTY TYPES AND CONDITION OF EMPLOYMENT**

- 6.1 The goal for each freestanding community and technical college in the appointment of faculty is to limit the number of tenured and tenure-track faculty to no more than twenty percent of full-time faculty employed at the institution.
- 6.2 Appointments to the faculty are addressed in Series 36, *Academic Freedom, Professional Responsibility, Promotion and Tenure*, of the State College System rules. Faculty are classified either as tenure, tenure-track, or temporary. Faculty employed on a non-tenure track are designated as temporary faculty.
- 6.3 Temporary faculty are eligible for reappointment, though no number of appointments shall create any presumption of a right to appointment as tenure-track or tenured faculty.

- 6.4 The employment status of tenured and tenure-track faculty holding appointment at each of the freestanding community and technical colleges at the time of implementation of this rule shall not be affected.

## **SECTION 7. OCCUPATIONAL PROGRAM APPROVAL**

- 7.1 New occupational programs at freestanding community and technical colleges may be implemented without approval by the Board. Two-plus-two programs and transfer education program approval will continue to follow the provisions of State College System Procedure Number 23.
- 7.2 Before the implementation of an occupational program at a freestanding community and technical college, the college must notify the Chancellor that such program is being implemented and the date the new program is to be placed on the official program inventory of the college.
- 7.3 Three (3) years after the date of implementation of the occupational program, the Board will conduct a post-audit review of the program.
- 7.4 The Board will request information from the college for the post-audit review that includes, but is not limited to the following:
- 7.4.1 The goals and objectives of the program and the documented need the program was implemented to meet.
  - 7.4.2 A listing of the courses and the number of credit hours required for each.
  - 7.4.3 Headcount and full-time equivalency (FTE) enrollment and number of graduates for each year the program has been in existence.
  - 7.4.4 Placement rate of graduates and type of employment secured.
  - 7.4.5 The annual total expenditures to deliver the program and source of funding.
  - 7.4.6 Projection of future resource requirements and source of funding.
  - 7.4.7 Total number of full-time and part-time faculty per year to deliver the program.

- 7.4.8 Listing of course delivery modes.
  - 7.4.9 Listing of advisory committee members and how the advisory committee has been utilized for program improvement.
  - 7.4.10 Program assessment measures that have been developed and implemented.
- 7.5 After completion of the post-audit review, should there be a recommendation for discontinuance of the program, the Chancellor shall make such recommendation to the Board for action.

**SECTION 8.**            **REPORTING**

- 8.1 Each freestanding community and technical college will report annually to the Chancellor on the progress made in: (1) increasing the use of technology in the delivery of courses, (2) delivery of curricula utilizing modules, and (3) reaching the goal of the number of faculty tenured or in tenure-track positions to twenty percent (20%).
- 8.2 Reports will be completed on forms provided by the Chancellor.