



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Community And Technical College Education TITLE-SERIES: 135-06
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Higher Education Accountability System
CITE STATUTORY AUTHORITY: §18B-2B-6(b)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB547

Section §18B-17-3(gg) Passed On 2/12/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

February 27, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Angela S Kerns -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

135CSR6
TITLE 135
LEGISLATIVE RULE
WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL
COLLEGE EDUCATION

SERIES 6
HIGHER EDUCATION ACCOUNTABILITY SYSTEM

§135-6-1. General.

1.1. Scope. -- This rule sets forth an accountability system for community and technical colleges under the jurisdiction of the West Virginia Council for Community and Technical College Education.

1.2. Authority. -- W. Va. Code §18B-2B-6(b).

1.3. Filing Date. -- February 27, 2024.

1.4. Effective Date. -- February 27, 2024.

1.5 Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2029.

§135-6-2. Purpose.

2.1. This rule describes the responsibilities of the Council and the public community and technical colleges under its jurisdiction to West Virginia taxpayers for the performance of the State public higher education system.

2.2. The rule sets forth an accountability system for the Council and institutions under its jurisdiction.

2.3. The rule defines requirements for a public reporting system that facilitates the dissemination of higher education accountability data through internet-based data tools and published reports. At a minimum, the public reporting system shall:

2.3.1. Provide thorough and consistent data and other relevant information to be used in assessing progress of the Council and the institutions under its jurisdiction toward the goals and objectives as stated in W. Va. Code §18B-1-1a;

2.3.2. Provide a basis for comparing institutional and system performance with regional and national norms toward accomplishing the goals and objectives as stated in W. Va. Code §18B-1-1a;

2.3.3. Provide information to assist the Council in assessing institutional and system progress toward statewide and institutional higher education goals;

2.3.4. Provide additional information to assist the Council in assessing institutional and system progress relative to historical, regional, and national trends;

2.3.5. Serve students, parents, faculty, staff, policymakers and the public as a neutral and credible source of information about the overall quality and performance of public higher education in West Virginia.

§135-6-3. Definitions.

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3.1. Unless the context in which used clearly requires a different meaning, the definitions contained in W. Va. Code § 18B-1-2 apply to this rule in addition to the definitions set forth below.

3.2. “Accountability System.” All research, reports, documents, data, and any other materials the collection, analysis, and dissemination of which are necessary to accomplish the purpose of this rule. The system includes goals, objectives and priorities, public policy agendas, implementation plans, institutional mission statements and master plans, the Statewide Annual Report, and the Statewide data reporting system.

3.3. “Goal.” A long-term public purpose that is a desired and expected result for which public higher education is established.

3.4. “Key Performance Indicator.” A quantifiable measure used to evaluate the success of an organization in meeting objectives for performance.

3.5. “Objective.” End to be accomplished or attained within a specified period of time for the purpose of meeting established goals.

3.6. “Priority.” The order in which objectives are to be addressed for the purpose of achieving state goals.

3.7. “State Compact.” A formal written agreement between the Council and at least one other external entity to achieve State goals and objectives where significant collaboration and commitment of resources between the partners to the agreement is required in order to achieve the desired results.

3.8. “Statewide Annual Report.” A report or series of reports that outlines significant trends, identifies major areas of concern, and assesses the progress of Council and the institutions under its jurisdiction toward achieving state, system or institution goals or objectives.

3.9. “Statewide Data Reporting System.” A collection of information management tools that provide public access to data on the performance of the Council and institutions under its jurisdiction.

3.10. “Council.” The Council for Community and Technical College Education established by W. Va. Code § 18B-2B-3.

3.11. “Chancellor.” The Chancellor for Community and Technical College Education as defined in W. Va. Code § 18B-1-2 or his or her designee.

§135-6-4. General Guidelines for Data Collection and Reporting

4.1. The following will guide the further development of the existing higher education database and the collection of data which will comprise the Statewide Data Reporting System and the Statewide Annual Report:

4.1.1. All data reported by institutions shall be based on uniform and consistent definitions as established by the Council.

4.1.2. The Council shall minimize, to the extent allowed by statute, institutional requirements for additional record keeping and reporting.

4.1.3. The Council shall establish data element collection procedures and report timelines.

4.2. The Council shall maintain for a reasonable time, as determined by best practices, all detailed background data used in compiling the Statewide Annual Report.

§135-6-5. Key Performance Indicators and Goal Setting.

5.1. The Council shall adopt a set of key performance indicators to measure institutional and system progress toward achieving State, system and institutional objectives. These indicators will focus on institution- and system-level performance in the areas of finance, admissions, enrollment, academics, student outcomes, and other areas as deemed necessary and appropriate by the Council.

5.2. In cooperation with the institutions under its jurisdiction, the Council shall set State, system, and institutional goals for each of the adopted key performance indicators.

5.3. The Council shall develop and update at least annually a public internet-based data tool that will display system and institutional progress toward meeting established goals.

5.4. The Chancellor shall present an annual report to the Council about progress made toward meeting established goals.

§135-6-6. Statewide Annual Report and Statewide Data Reporting System.

6.1. Purpose.

6.1.1. A primary purpose of the Statewide data reporting system and Statewide Annual Report is to make information available to students, parents, faculty, staff, State policymakers, and the public on the quality and performance of public higher education.

6.1.2. A primary purpose of the Statewide Annual Report is to provide a mechanism to evaluate the annual progress of the Council and institutions under its jurisdiction in achieving State and system goals and objectives.

6.2. Contents.

6.2.1. The Statewide Annual Report shall provide information on the performance of community and technical colleges, including health sciences education, in relation to the State and system goals, objectives and priorities.

6.2.2. When possible, the Statewide Annual Report shall be based upon information for the current academic year or for the most recent academic year for which information is available, in which case the year shall be clearly noted.

6.2.3. When possible, the Statewide Data Reporting System shall break down data by institution.

6.2.4. When possible, the Statewide Annual Report shall provide regional and/or national comparison data.

6.2.5. When possible, the information contained in the Statewide Annual Report and the Statewide Data Reporting System shall allow for easy comparison with higher education-related data collected and disseminated by the Southern Regional Education Board, the United States Department of Education, and other education data-gathering and data-disseminating organizations.

6.2.6. The information contained in the Statewide Annual Report and the Statewide Data Reporting System shall be consistent and comparable between and among higher education institutions.

6.2.7. To the extent practicable, the Statewide Annual Report shall be analysis-driven, rather than solely data-driven, and present information in a format that will help inform higher education policymaking.

6.3. Implementation.

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6.3.1. The Council shall provide technical assistance to each institution and governing board in data collection and reporting.

6.3.2. The president or chief executive officer of each higher education institution shall prepare and submit all requested data to the Council at the times established by the Council.

6.3.3. The Council is responsible for maintaining the Statewide Data Reporting System and developing the Statewide Annual Report using data and information submitted by each institution.

6.3.4. The Council shall complete the Statewide Annual Report no later than January 1 annually with printed copies provided to the public and the Legislative Oversight Commission on Education Accountability. The Council shall also publish the Report in electronic format to its official website.

135-6-7. State Compacts.

7.1. The Council may identify important State and system goals, objectives, and priorities that it and institutions under its jurisdiction acting alone will be unable to accomplish. In such cases, the Council may authorize the Chancellor to enter into State compacts, or contracts, with external entities.

7.2. In determining whether a State compact may be appropriate, the Chancellor shall consider:

7.2.1. Whether significant collaboration with an external entity or entities is necessary or advantageous to increase the likelihood of accomplishing a goal, objective, or priority;

7.2.2. Whether an external entity or entities would need to make a significant commitment of resources to accomplish a goal, objective, or priority; and

7.2.3. Whether an external entity is or entities are receptive to entering into a State compact.

7.3. At a minimum, a State compact shall:

7.3.1. Identify the parties to the compact;

7.3.2. Identify the term of the compact;

7.3.3. Set forth measurable outcomes the parties seek to achieve by entering into the compact;

7.3.4. Identify what each party will contribute in terms of resources as part of the compact;

7.3.5. Set forth a system for evaluating the success or failure of the compact to achieve the outcomes sought; and

7.3.6. Provide that the failure of one party to the compact to perform excuses the Council from performance under the compact.

7.4. Before a proposed State compact becomes operative and binding on the Council and the institutions under its jurisdiction, the Council shall approve it.