

LEGISLATIVE OVERSIGHT COMMISSION ON EDUCATION ACCOUNTABILITY

Senate Finance Committee Room
December 10, 2018

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West Virginia Higher Education Policy Commission

Report to the Legislative Oversight Commission on Education Accountability

Request to Repeal Legislative Rules

West Virginia Higher Education Policy Commission
Title 133

Series 15, Legislative Rule, Acceptance of Advanced Placement Credit

West Virginia Higher Education Policy Commission
Title 133

Series 53, Legislative Rule, Human Resources Administration

TITLE 133

LEGISLATIVE RULE

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 15

ACCEPTANCE OF ADVANCED PLACEMENT CREDIT

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes Higher Education Policy Commission policy and guidelines for institutional policies in matters of acceptance of advanced placement credit.
- 1.2 Authority - West Virginia Code 18B-2a-4
- 1.3 Filing Date - May 22, 2002
- 1.4 Effective Date – June 22, 2002
- 1.5 Repeals and replaces Title 128, Series 4, and Title 131, Series 4.

SECTION 2. STATEMENT OF PRINCIPLE

- 2.1 The Higher Education Policy Commission believes that it is important to encourage students at all educational levels to aspire to higher intellectual achievements and that the Advanced Placement Program of the College Board is an instrument that allows high school students to master college subject matter and to document their intellectual achievements through successful completion of advanced placement examinations.
- 2.2 The commission encourages high school students to participate in this program in which successful completion of examinations will result in the acceptance of credit by all West Virginia state colleges and universities.

SECTION 3. GUIDELINES FOR ACCEPTANCE OF ADVANCED PLACEMENT CREDIT

- 3.1 West Virginia state colleges and universities shall accept advanced placement credits according to the following guidelines:
 - 3.1.1 High school students completing advanced placement examinations of the College Board with a minimum score of 3 will receive credit at any state college or university, as indicated in the list of advanced placement exams offered by the College Board. The Central Office of the Higher Education Policy Commission maintains a list of all College Board advanced placement exams and the minimum number of credits that each institution shall grant. Credit is to be awarded solely on the basis of

satisfactory performance of a score of 3 or higher on the advanced placement examinations.

- 3.1.2 When the examination is in the area of the student's major, the institution will award credit toward the major or the core curriculum.
- 3.1.3 An academic department within the institution may, upon approval of the institutional faculty, require a higher score than 3 on an advanced placement test if the credit is to be used toward meeting a course requirement for a major in the department.
- 3.1.4 Credits awarded by regionally accredited institutions of higher education for successful completion of advanced placement exams are transferable to West Virginia state colleges and universities in accordance with the advanced placement policy of the receiving institution.

SECTION 4. INSTITUTIONAL GUIDELINES

- 4.1 Each institution shall develop guidelines for acceptance of advanced placement credits that are consistent with the provisions of this rule and publish the guidelines in the college or university bulletin and/or other appropriate institutional publications.

SECTION 5. INSTITUTIONAL POLICY

- 5.1 Each institution shall file its policy on award of advanced placement credit with the Chancellor's office.

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 53
HUMAN RESOURCES ADMINISTRATION

§133-53-1. General.

- 1.1. Scope. This rule establishes policy in a number of areas regarding human resources administration for the employees of the West Virginia Higher Education Policy Commission (Commission) and the public higher education institutions in West Virginia. It also provides guidelines for governing boards relative to decisions pertaining to public higher education employees.

The primary responsibility for implementation rests with the Commission, in consultation with the West Virginia Council for Community and Technical College Education (Council), who shall provide leadership and assistance to the human resources professionals within each organization to bring about the changes successfully.

- 1.2. Authority. West Virginia Code §18B-1B-5, §18B-4-2a, §18B-7, §18B-8, §18B-9 and §18B-9A.
- 1.3. Filing Date. May 2, 2013.
- 1.4. Effective Date. May 2, 2013.
- 1.5. Repeals and replaces Title 133 Series 8, Sections 3, 10, 11, 18, and 19.

§133-53-2. Purpose.

- 2.1. The intent of this rule is to establish a statewide, integrated human resources structure capable of, but not limited to, meeting the following objectives.
 - 2.1.a. Providing benefits to the citizens of the State of West Virginia by supporting the public policy agenda as articulated by state policymakers;
 - 2.1.b. Addressing fiscal responsibility by making the best use of scarce resources and promoting fairness, accountability, credibility, transparency and a systematic (FACTS) approach to progress in personnel decision-making;

- 2.1.c. Building upon human resources best practices to prevent, reduce, or, wherever possible, eliminate arbitrary and capricious decisions affecting employees of higher education organizations;
- 2.1.d. Creating a stable, self-regulating human resources system capable of evolving to meet changing needs;
- 2.1.e. Providing for institutional flexibility with meaningful accountability;
- 2.1.f. Adhering to federal and state laws, promulgated and adopted rules;
- 2.1.g. Implementing, as appropriate, human resources best practices throughout the state higher education system;
- 2.1.h. Developing and implementing a classification and compensation system that is fair, transparent, understandable, easy to administer, self regulating, and adaptable to meet future goals and priorities;
- 2.1.i. Providing for careful consideration of the recommendations and supporting documentation contained in the Final Report of the Select Committee on Higher Education Personnel;
- 2.1.j. Encouraging organizations to pursue a human resources strategy which provides monetary and non-monetary returns to employees in exchange for their time, talents, and efforts to meet articulated goals, objectives and priorities of the State, the Commission and the organization;
- 2.1.k. Maximizing the recruitment, motivation and retention of highly qualified employees, ensuring satisfaction and engagement of employees with their jobs, ensuring job performance and achieving desired results; and
- 2.1.l. Providing for recommendations from the Compensation Planning and Review Committee and the Job Classification Committee to be considered by the Commission and to be included in the legislative reporting process.

§133-53-3. Definitions.

- 3.1. Base Salary. The amount or a rate of compensation for a specified position of employment or activity excluding annual experience increment and any other payments or allowances for work or activity unrelated to that specified position of employment.

- 3.2. Benchmark Job. A job that is commonly found and defined and is used to make pay comparisons, either within the organization or to comparable jobs outside the organization.
- 3.3. Benefits. Programs that an employer uses to supplement the cash compensation of employees, including but not limited to, health and welfare plans, retirement plans, pay for time not worked, and other employee perquisites.
- 3.4. Career Ladder. A structured sequence of related, upwardly progressing positions.
- 3.5. Chancellor. Chancellor refers to the chief executive officer of the West Virginia Higher Education Policy Commission or the West Virginia Council for Community and Technical College Education, as appropriate.
- 3.6. Classification System. An organized structure in which classified jobs, job descriptions, job titles, and job analyses are utilized to determine a hierarchy of jobs, career ladders and pay grade assignments.
- 3.7. Classified Employee. Any regular employee of an organization who holds a full-time or part-time position and is assigned a particular job and job title within the classification system established by this rule or by other duly promulgated and adopted rules of the Commission.
- 3.8. Compensation. Earnings provided by an employer to an employee for services rendered.
- 3.9. Compensation Philosophy. The guiding principles that ensure that a compensation program supports an organization's culture.
- 3.10. Compensation Strategy. The principles that guide the design, implementation and administration of a compensation program at an organization for the purpose of supporting the organization's mission, vision, goals and objectives.
- 3.11. Employee Classification or Employee Class. There are three employee classes: classified, nonclassified and faculty.
- 3.12. External Market Compensation: The external market, for purposes of evaluating relative market equity, for a classified, nonclassified or faculty position, shall be deemed to be the median compensation of substantially comparable positions in the relevant recruitment market as provided for in the approved institutional salary rule.

- 3.13. Factor. A key position trait used to evaluate a classified position according to a point factor system. The items are Knowledge; Experience; Complexity and Problem Solving; Freedom of Action; Breadth of Responsibility; Scope and Effect; Intrasystems Contacts; External Contacts; Direct Supervision Exercised; Indirect Supervision Exercised; Physical Coordination; and Working Conditions and Physical Demands.
- 3.14. Full Funding. When an organization provides, in total, one hundred percent of the funds needed to meet the salary funding target reflected in the Temporary Higher Education Classified Employee Annual Salary Schedule, as calculated in October, 2010.
- 3.15. Generic Job Description. A summary of the essential functions of a job, including the general nature of the work performed, a characteristic listing of duties and responsibilities, and the specifications necessary to perform the work.
- 3.16. Hot Jobs. Jobs which are subject to market volatility and in high demand, usually for a temporary length of time, for which there is a low supply of available workers with the required education, skills and abilities.
- 3.17. Institutions. The following entities individually or collectively—Bluefield State College; Concord University; Fairmont State University; Glenville State College; Marshall University; Shepherd University; West Liberty University; West Virginia School of Osteopathic Medicine; West Virginia State University; and West Virginia University, including Potomac State College and West Virginia University Institute of Technology.
- 3.18. Job. The total collection of tasks, duties, and responsibilities assigned to one or more individuals whose work is of the same nature and level.
- 3.19. Job Evaluation. A formal process used to evaluate classified jobs, establish proper pay grades, and slot jobs in pay grades.
- 3.20. Job Family. A series of job titles in an occupational area or group.
- 3.21. Job Title. The label that uniquely identifies and generally describes a job. The same descriptive job title shall be given to a group of jobs, regardless of location in the organization, which are substantially the same in duties and responsibilities, and which require substantially the same knowledge, skills and abilities performed under similar working conditions.
- 3.22. Major Deficiency. When an organization has failed to comply with federal or state law or with personnel rules of the Commission as identified by the human resources review.

- 3.23. **Meaningful Accountability.** Measures that ensure adherence to rules and policies and provides for consequences for non-compliance.
- 3.24. **Merit Increases.** A discretionary salary increase given to an employee to reward demonstrated achievements in the performance of the duties and responsibilities of a position, as evaluated by criteria established by the organization.
- 3.25. **Nonclassified Employee.** An employee of an organization who holds a position that is not assigned a particular job and job title within the classification system established by this rule, or, by other duly promulgated and adopted rules of the Commission and who meets one or more of the following criteria:
- 3.25.a. Employee holds a direct policy-making position at the department or organization level; or
- 3.25.b. Employee reports directly to the president or chief executive officer of the organization.
- 3.26. **Nonclassified Job Description.** A summary of the most important features of a job, including the general nature and level of the work performed.
- 3.27. **Organizations.** The following entities individually or collectively—Bluefield State College; Concord University; Fairmont State University; Glenville State College; Marshall University; Shepherd University; West Liberty University; West Virginia School of Osteopathic Medicine; West Virginia State University; West Virginia University, including Potomac State College and West Virginia University Institute of Technology; Blue Ridge Community and Technical College; Bridgemont Community and Technical College; Eastern West Virginia Community and Technical College; Kanawha Valley Community and Technical College; Mountwest Community and Technical College; New River Community and Technical College; Pierpont Community and Technical College; Southern West Virginia Community and Technical College; West Virginia Northern Community College; West Virginia University at Parkersburg; the Office of the Higher Education Policy Commission; the Office of the Council for Community and Technical College Education; and the West Virginia Network for Educational Telecomputing.
- 3.28. **Pay Grade.** The level to which a job is assigned within a classification structure.
- 3.29. **Peer Group.** The job occupation group as recommended by the external vendor conducting the employee market salary study used to compare where each employee category falls in relation to its relevant recruitment

market.

- 3.30. Point Factor Methodology. A method used to evaluate job factors in order to determine the pay grade to which a classified position is assigned.
- 3.31. Position. A set of duties and responsibilities requiring employment of a single employee at a particular organization.
- 3.32. Position Information Questionnaire (PIQ). A tool used in the creation and evaluation of a classified position including the factors of Knowledge; Experience; Complexity and Problem Solving; Freedom of Action; Scope and Effect; Breadth of Responsibility; Intrasystems Contacts; External Contacts; Direct Supervision Exercised; Indirect Supervision Exercised; Physical Coordination; and Working Conditions and Physical Demands.
- 3.33. President. A chief executive officer of an institution of higher education in West Virginia who reports to the institution's governing board.
- 3.34. Promotion. Movement from a classified position requiring a certain level of skill, effort, and authority into a vacant or newly created classified position assigned to a different job title and a higher pay grade that requires a greater degree of skill, effort, and authority.
- 3.35. Relative Market Equity. The relative market status of each employee classification at an organization falls within five (5) percent of all other employee classifications within the organization for the preceding three-year period. A comparison of the relative market status of the three distinct employee classes wherein the range from the class furthest from its market is within five (5) percent of the class closest to its market.
- 3.36. Relative Market Status. The calculated relationship between the average salary of each employee classification and its peer group.
- 3.37. Return Rights. The right of a nonclassified employee to return to either classified status or faculty status when provided for in the employee's contract or when an employee is involuntarily transferred to a nonclassified position; provided, however, that the return right either shall be provided for in West Virginia Code, or be in writing, a copy of which is to be provided to the employee and placed in the personnel file. For return to classified status, this writing must set forth the classified job title and pay grade. For return to faculty status, this writing must set forth the appropriate faculty track, and rank.
- 3.38. Salary Benchmarking. The process of market pricing a benchmark job.

- 3.39. Salary Schedule. A schedule consisting of a series of pay grades enacted by the Legislature or the Commission.
- 3.40. Step. A standard progression in pay rate established within a pay grade.

§133-53-4. Classification and Compensation System Goals and Objectives.

- 4.1. The Commission, in consultation with the Council, shall implement, control, supervise, and manage a complete, uniform system of personnel classification and compensation for classified employee positions. The chief purposes of the system are to accomplish the following goals and objectives:
 - 4.1.a. Attract well qualified and diverse applicants.
 - 4.1.b. Retain and motivate employees to accomplish objectives, goals, and priorities in state law, rules of the Commission, state-wide master plans for higher education, and institutional compacts.
 - 4.1.c. Retain and reward classified employees who make valuable contributions to state and organization goals, objectives and priorities.
 - 4.1.d. Compensate employees within an organization fairly in relation to one another.
 - 4.1.e. Compensate employees across the higher education system who are performing similar work at similar wage rates.
 - 4.1.f. Compensate employees at levels that are competitive with appropriate external markets and are fiscally responsible.
 - 4.1.g. Ensure that regular market salary analyses are performed to determine how organization compensation for all classes of employees compares to compensation in relevant external markets.
 - 4.1.h. Maintain a uniform system for classifying jobs and positions of an organization's classified employees.
 - 4.1.i. Move classified employees through the compensation system based on performance and other objective, measureable factors including education, years of experience in higher education and experience above position requirements.
 - 4.1.j. Assign each current employee to an initial step for his or her pay grade that is closest to and exceeds his or her current salary regardless of previous education, experience or performance. The

salary of a current employee may not be reduced by a job reclassification, a modification of the market salary schedule, or other conditions that the Commission and the Council consider appropriate and reasonable.

- 4.2. The Commission, in consultation with the Job Classification Committee (JCC), shall have in place a generic job description for every classified job title.
- 4.3. The Commission, in consultation with the JCC, shall develop a Position Information Questionnaire (PIQ) to be used by all organizations to gather data necessary for classification of positions.
 - 4.3.a. Each organization must ensure that a PIQ shall exist for every classified position. A PIQ shall be updated at least every three years for accuracy by the employee and supervisor and submitted to human resources. Submission of an updated PIQ does not constitute a request for a classification review. A formal request must be made pursuant to section six of this rule.
 - 4.3.b. Neither the employee nor the supervisor shall place duties in the employee's PIQ that the employee is not performing, but may be expected to perform in the future.
- 4.4. Salary adjustments shall be made in accordance with the procedures for upgrades and downgrades specified in Commission rule or rules. During the course of its reviews, should the JCC discover the systematic misapplication of the program by an organization, it shall notify the Chancellors, who will take the appropriate action warranted.
- 4.5. Whenever the Chancellors, in consultation with the Vice Chancellor for Human Resources and the JCC determine that employees have been misclassified at the organizational level, they shall order that these classifications and salaries be immediately adjusted to the proper level.
- 4.6. Absent fraud on the behalf of the employee, any overpayment to the employee because of an erroneous classification decision by an organization shall not be collected from the employee. However, any erroneous overpayment to such an employee, once corrected, shall not be deemed as evidence in claims by other employees that the classification and compensation program is not equitable or uniform.
- 4.7. Provide that recommendations from the Compensation Planning and Review Committee (CPRC) and the JCC be considered by the Commission and the Council and be included in the legislative reporting process.

- 4.8. The Commission may allow the CPRC to collapse the three lowest pay grades into a single pay grade and provide for employees to be paid at rates appropriate to the highest of the three lowest pay grades.
- 4.9. Pursuant to State law, the Commission may not delegate to the JCC or the CPRC the following:
 - 4.9.a. Approval of a classification and compensation rule;
 - 4.9.b. Approval of the job evaluation plan;
 - 4.9.c. Approval of the annual market salary schedule; and
 - 4.9.d. Approval of the annual minimum salary schedule.

§133-53-5. Job Classification Committee.

- 5.1. The Commission hereby establishes a Job Classification Committee (JCC). This committee shall replace the Job Evaluation Committee (JEC) upon the effective date of this rule. The Vice Chancellor for Human Resources shall serve as the Chair of the Job Classification Committee.
- 5.2. The JCC shall be comprised of four classified employees and six Human Resources specialists, ensuring representation from the Council institutions and the Commission institutions.
- 5.3. The Chancellor shall solicit nominations for JCC members from the Advisory Council of Classified Employees (ACCE) and the Chief Human Resources Officers (CHROs).
- 5.4. JCC members shall be appointed by the Chancellor of the West Virginia Higher Education Policy Commission, with concurrence of the Chancellor of the West Virginia Council for Community and Technical College Education, subject to approval by the Commission and Council.
- 5.5. An organization may have no more than two members serving on the Committee at any time and the combined membership representing various groups or divisions within or affiliated with an organization in total may not constitute a majority of the membership.
- 5.6. Committee members shall serve staggered terms. One third of the initial appointments shall be for two years, one third for three years and one third for four years. Thereafter, the term is four years. A member may not serve more than four years consecutively.

- 5.7. The Commission shall use a point factor methodology to classify jobs. The Commission, in consultation with the Council, may adjust the job evaluation plan, including the factors used to classify jobs and their relative values, if necessary.
- 5.8. Powers and duties of the Job Classification Committee include, but are not limited to, the following:
 - 5.8.a. Providing a system of audit for all job descriptions to make sure that the responsibilities of positions are accurately reflected;
 - 5.8.b. Modifying and deleting jobs and assigning job titles;
 - 5.8.c. Reviewing and revising job titles to make them consistent among organizations, including adopting consistent title abbreviations;
 - 5.8.d. Establishing job worth hierarchies and data lines for each job title;
 - 5.8.e. Classifying jobs, establishing proper pay grades, and placing jobs in pay grades consistent with the job evaluation plan;
 - 5.8.f. Determining when new job titles are needed and creating new job titles within the system;
 - 5.8.g. Recommending base pay enhancements for jobs for which the application of point factor methodology produces significantly lower salaries than external market pricing. The JCC may exercise this authority only if it reevaluates each job annually to make a determination whether the enhancement should be continued;
 - 5.8.h. Recommending a procedure for performing job family reviews for the joint approval of the Commission and Council;
 - 5.8.i. Determining appropriate career ladders within the classification system and establishing criteria for career progression;
 - 5.8.j. Hearing job classification appeals prior to commencement of the formal grievance process pursuant to Commission rule or rules; and
 - 5.8.k. Developing operational procedures which shall include, but not be limited to, the keeping of minutes which shall be recorded, posted and maintained at the direction of the Vice Chancellor for Human Resources.
- 5.9. The JCC shall meet monthly if there is business to conduct and also may meet more frequently at the call of the chair, given adequate lead time. A

majority of the voting members serving on the Committee at a given time constitutes a quorum for the purpose of conducting business providing that both classified staff and human resources representatives are present.

- 5.10. When evaluating jobs, the JCC shall use the following procedure:
 - 5.10.a. Each JCC member shall classify each job individually, independently of other members;
 - 5.10.b. The chair shall compile and share the individual evaluations with the whole JCC; and
 - 5.10.c. After discussing the issues and resolving differences, the JCC shall make a determination of the appropriate classification for each job. The Vice Chancellor for Human Resources shall communicate, in writing, the JCC's decision to the CHROs and members of the JCC within ten working days.

§133-53-6. Classification Review Request of Existing Position.

- 6.1. An incumbent classified employee or the employee's supervisor may request a PIQ review when significant changes occur in the principal duties and responsibilities of a classified position. To initiate the review, the employee and supervisor must revise the PIQ and submit it to Human Resources along with a formal request for a review. The request must include the date and the reason for such request.
 - 6.1.a. The responsibility for assigning tasks and duties to a position belongs to the supervisor.
 - 6.1.b. Requests for position reviews also may be initiated by an employee with Human Resources after discussion with the immediate supervisor.
 - 6.1.c. PIQ reviews also may be initiated by the institution's Chief Human Resources Officer or his/her designee after discussion with the immediate supervisor.
- 6.2. Within forty-five (45) working days from the date of the formal request for review of a PIQ, the institution's Chief Human Resources Officer or his/her designee shall report to the requestor in writing the result of the classification review.
- 6.3. An organization that fails to complete a review within the specified time shall provide the employee back pay from the date the request for review

was received if the review, when completed, produces a reclassification of the position into a job in a higher pay grade.

§133-53-7. Classification Appeals Process.

- 7.1. The objective of classifying a position is to determine job content and its relative worth. A job's title and description are based upon the duties and responsibilities of the position, not the characteristics of the individual holding the position.
- 7.2. In the event that a classified employee disagrees with a classification decision made at the organizational level, he/she may appeal that decision in writing to the Vice Chancellor for Human Resources for review by the JCC. Filing a classification appeal, however, shall not abridge the rights of a classified employee to file a formal grievance, using the statutory grievance process as set forth in West Virginia Code §6C-2-1 *et seq.*; provided, however, upon the simultaneous filing of a statutory grievance and a classification appeal to the Vice Chancellor for Human Resources by a classified employee, a request may be made, in writing, by the classified employee to hold the grievance in abeyance until the review by the JCC is completed and a classification decision is rendered by the JCC.
- 7.3. Time limits.
 - 7.3.a. The classified employee shall submit a completed "Classification Appeals Form" to the organization's Human Resources office within ten (10) working days from the date of receipt of the notice of the organization's classification decision.
 - 7.3.b. The organization's human resources staff shall render a decision on the appeal within five (5) working days whether the original decision shall be upheld.
 - 7.3.c. The classified employee shall have five (5) working days from the date of receipt of the notice upholding the original decision of the organization to appeal the action to the Vice Chancellor for Human Resources for submission to the JCC.
- 7.4. Upon receipt of the classified employee's appeal of the organization's decision, the Vice Chancellor for Human Resources shall forward the appeal to the JCC.
 - 7.4.a. The JCC shall review the Classification Appeals Form, the original PIQ, and all supporting documentation, submitted by a classified employee to the Human Resources Office.

- 7.4.b. The JCC may review comparable positions within the organizations, as defined in Section 3.27 of this rule.
- 7.4.c. The JCC shall notify the classified employee, and the organization's Human Resources Office, of its decision in writing, within twenty (20) working days from the date of receipt of the appeal to the Vice Chancellor for Human Resources. The notification shall specify the effective date should there be any change in status.
- 7.5. An appeal shall not be considered if based on any of the following reasons:
 - 7.5.a. Seniority. An appeal shall not be considered if it is based on the employee's length of service with the organization or with the state of West Virginia.
 - 7.5.b. Qualifications of the individual incumbent. An appeal shall not be considered if it is based upon the individual classified employee's qualifications. A classification determination is based upon the requirements in the PIQ necessary to perform the duties and responsibilities of the position.
 - 7.5.c. Anticipated future job responsibilities. An appeal shall not be considered if it is based upon responsibilities that may be included in the job assignment in the future.
 - 7.5.d. Job Performance. An appeal shall not be considered if it is based upon the performance of the incumbent or certain personality traits (e.g., loyalty, dedication, commitment to organization, hardworking, etc.). A classification determination is based upon the level and complexity of the duties and responsibilities outlined in the PIQ, not the characteristics of the individual holding the position.
 - 7.5.e. Salary within a salary range. An appeal shall not be considered if it is based upon the fact that an employee's salary is close to the maximum of a salary range or the relative position of the salary within the assigned salary range.
 - 7.5.f. Increase in the volume of work. An appeal shall not be considered if it is based on the volume of work rather than the level of responsibilities and complexity of the work.

§133-53-8. Compensation Planning and Review Committee.

- 8.1. The Commission shall hereby establish and maintain a Compensation Planning and Review Committee (CPRC). The Vice Chancellor for Human Resources shall serve as the Chair of the CPRC.
- 8.2. The composition of the CPRC shall consist of the Vice Chancellor for Human Resources, the Vice Chancellor for Finance, four members representing the statewide Advisory Council of Classified Employees, two from institutions under the jurisdiction of the Council and two from institutions under the jurisdiction of the Commission; two members representing the Advisory Council of Faculty; one from institutions under the jurisdiction of the Council and one from institutions under the jurisdiction of the Commission; and two human resources administrators from institutions under the jurisdiction of the Council, and two human resources administrators from institutions under the jurisdiction of the Commission; and a president from each of the two systems.
- 8.3. The method for nominating CPRC members shall be representative of all the higher education organizations and affected constituent groups, including specifically providing for membership selections to be made from nominations from the Advisory Council of Classified Employees, the Advisory Council of Faculty, the human resources representatives, and the Council of Presidents group. The Presidents shall nominate a president from their respective systems. The Chancellors, jointly, shall appoint members from nominations made by these affected constituent groups and require approval of the Commission and Council before beginning service.
- 8.4. An organization may have no more than two members serving on the CPRC at any time and the combined membership representing various groups or divisions within or affiliated with an organization in total may not constitute a majority of the membership.
- 8.5. The CPRC members shall develop operational procedures which shall include, but not be limited to, the keeping of minutes which shall be recorded, posted and maintained at the direction of the Vice Chancellor for Human Resources.
- 8.6. The CPRC shall manage all aspects of compensation planning and review that the Commission delegates to it, within the provisions of state law.
- 8.7. CPRC members shall serve staggered terms. One third of the initial appointments shall be for two years, one third for three years and one third for four years. Thereafter, the term is four years. A member may not serve more than four years consecutively.
- 8.8. The CPRC shall meet at least quarterly and at other times at the call of the Chair. A majority of the voting members serving on the CPRC at a given

time constitutes a quorum for the purpose of conducting business, provided that at least one member from each constituent group is present.

- 8.9. The CPRC has powers and duties which include, but are not limited to, the following:
 - 8.9.a. Making annual recommendations for revisions in the system compensation plan, based on existing economic, budgetary and fiscal conditions or on market study data;
 - 8.9.b. Overseeing the five-year external market salary study;
 - 8.9.c. Overseeing the annual internal market review;
 - 8.9.d. Meeting at least annually with the JCC to discuss benchmark jobs to be included in salary surveys, market “hot jobs” that may require a temporary salary adjustment, results of job family reviews, and assessment of current job titles within the classification system for market matches and other issues as the Vice Chancellor for Human Resources, in consultation with the Chancellors, determines to be appropriate;
 - 8.9.e. Recommending to the Chancellors a process for their approval to recommend and calculate temporary salary adjustments and any time limits or reviews of these adjustments; and
 - 8.9.f. Performing other duties as assigned by the Commission or as necessary or expedient to maintain an effective classification and compensation system.

§133-53-9. Compensation: Classified Market Salary Structure and Minimum Salary Schedule.

- 9.1. The Commission and Council shall develop and maintain a market salary structure and minimum salary schedule and ensure that all organizations under its jurisdiction adhere to state and federal laws and duly promulgated and adopted organization rules.
- 9.2. The Commission and Council shall jointly contract with a qualified external vendor to conduct a market salary study for each category of employees at least once within each five-year period. Based on the study results, the Commission and Council, in consultation with the CPRC, and taking into consideration the recommendations of the external vendor, may take any combination of the following actions in regard to the classified market salary structure:

- 9.2.a. Adjust the number of pay grades;
 - 9.2.b. Adjust the point values necessary for a job to be assigned to a particular pay grade;
 - 9.2.c. Adjust the midpoint differentials between pay grades to better reflect market conditions; or
 - 9.2.d. Adjust the range spread for any pay grade.
- 9.3. The Commission, in consultation with the Council, may perform an annual review of market salary data to determine how salaries have changed in the external market. Based on supporting data derived from that review, the Commission and Council, with input from the CPRC, shall adjust the market salary structure. In the absence of a market salary study conducted by a qualified external vendor, the Commission and Council may not adjust the midpoint differentials between pay grades unless required to do so by a change in minimum wage or other laws or regulations and may not adjust the range spread for any pay grade.
- 9.4. The market salary structure serves as the basis for the following activities:
- 9.4.a. Evaluating compensation of classified employees in relation to appropriate external markets. The external market compensation for a job shall be deemed to be the median compensation of substantially comparable positions in the relevant recruitment market; and
 - 9.4.b. Developing the minimum salary schedule to be adopted by the Commission and Council. No organization may compensate a classified employee at a salary rate of less than the minimum salary rate values provided for in the minimum salary schedule.
- 9.5. The market salary structure shall include the following criteria:
- 9.5.a. The number of pay grades and steps to be included in the structure;
 - 9.5.b. A midpoint value for each pay grade which represents the average salary of jobs in that pay grade. The Commission and Council may choose a midpoint step value at its discretion, based on its compensation philosophy, which need not be based exclusively on market salary data; and
 - 9.5.c. The minimum and maximum step values based on an established range spread, as well as values for other steps in the salary structure.

- 9.6. The Commission and Council may annually approve a minimum salary schedule that sets forth a compensation level for each step and pay grade below which no organization employee may be paid.
- 9.7. The minimum salary floor for each pay grade and step on the minimum salary schedule shall be at an appropriate percentage of the most recent annual market salary data, to be determined by the Commission and Council. The Commission and Council also shall consider the minimum wage and other laws that ensure that employees earn a living wage and shall maintain a salary structure which ensures that the average salary of each class of employees meets relative market equity among employee classes. The Commission and Council may take into consideration other factors they consider appropriate.
- 9.8. The external market, for purposes of evaluating relative market equity, for a classified, nonclassified or faculty position, shall be deemed to be the median compensation of substantially comparable positions in the relevant recruitment market, as provided for in the approved institutional salary rule.
- 9.9. The salary of a classified employee working fewer than thirty-seven and one-half hours per week shall be prorated. The organization's salary rule may provide for differential pay for certain classified employees who work different shifts, weekends or holidays.
- 9.10. Merit increases may be granted if they are in accordance with state code and with duly promulgated rules of the Commission.

§133-53-10. Salary Benchmarking.

- 10.1. The Commission will utilize an experienced compensation consultant to perform the functions related to salary benchmarking.
- 10.2. Job descriptions representative of all categories of employees will be reviewed to ensure that the duties and responsibilities are understood so that appropriate matches can be made to benchmark positions. The following guidelines will be used for benchmark selection:
 - 10.2.a. Representation of all job families and levels throughout the system.
 - 10.2.b. Highly populated jobs.
 - 10.2.c. Jobs found in most of the system institutions.
 - 10.2.d. Jobs with recruitment or retention problems.
 - 10.2.e. Geographic differentials as necessary will be used to ensure that the

data are reflective of the labor market and economic conditions.

§133-53-11. Full Funding: Temporary Higher Education Classified Employee Annual Salary Schedule.

- 11.1. Once the Commission has certified that an organization under its jurisdiction has achieved full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule, the organization's governing board has the authority to pay classified employees in excess of the salary on the Temporary Higher Education Classified Employee Annual Salary Schedule for their pay grade and years of experience, as long as the governing board has a salary rule in place ensuring that salary increases above the salary schedule are distributed equitably and in a manner consistent with the uniform classification and compensation system.
- 11.2. An organization has achieved full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule when it provides, in total, one hundred percent of the funds needed to meet the salary funding target as calculated in October 2010. When an organization is fully funded, the Chancellor shall provide official certification that the organization has attained full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule.
- 11.3. Until an organization is fully funded or making appropriate progress as defined in this rule, the following restrictions apply:
 - 11.3.a. Classified salary increases distributed within the organization shall be provided in accordance with the uniform classification and compensation system established by §18B-9A-1 et seq.
 - 11.3.b. An organization may not provide discretionary salary increases including performance or merit based increases to the president or chief executive or any group or class of employees, other than classified employees.
- 11.4. An organization is considered to be making appropriate progress when it has funded at least twenty-five percent of the amount needed to reach full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule by July 1, 2012; has funded at least fifty percent of the calculated amount by July 1, 2013; has funded at least seventy-five percent of the calculated amount by July 1, 2014 and has funded one hundred percent of the calculated amount by July 1, 2015.
- 11.5. Until such time that a new salary schedule is implemented, the current Temporary Higher Education Classified Employee Annual Salary Schedule, consisting of a minimum annual salary for each pay grade in

accordance with experience in West Virginia higher education or West Virginia state government, shall be in place. An employee is considered equitably compensated if his or her salary is at the minimum salary on the Temporary Higher Education Classified Employee Annual Salary Schedule that is required for his or her pay grade and years of experience on the July 1, 2001 salary schedule.

§133-53-12. Classification System Methodology Audit.

- 12.1. By July 1, 2014 and at least once within each five year period thereafter, the Commission and Council shall review the effectiveness of the system for classifying jobs and submit an in-depth report to the Legislative Oversight Commission on Education Accountability. The report shall include, but is not limited to, findings, recommendations and supporting documentation regarding the following job classification issues:
 - 12.1.a. The effectiveness of the point factor methodology and a determination of whether it should be maintained; and
 - 12.1.b. The status of the job evaluation plan, including the factors used to classify jobs or their relative values, and a determination of whether the plan should be adjusted.

§133-53-13. Nonclassified Employees.

- 13.1. By July 1, 2013, the percentage of personnel placed in the category of nonclassified may not exceed twenty-five percent of the total number of classified and nonclassified employees of that organization.
- 13.2. Except as otherwise provided for in this rule, by July 1, 2015, the percentage of personnel placed in the category of nonclassified may not exceed twenty percent of the total number of classified and nonclassified employees of that organization.
- 13.3. Organizations may request an extension to July 1, 2016, to comply with the requirement that the percentage of personnel placed in the category of nonclassified may not exceed twenty percent of the total number of classified and nonclassified employees of that organization. If an extension is granted, it may not exceed twenty-five percent and it must be approved in advance of implementing such extension, by both the institution's governing board and the Commission.
- 13.4. In establishing return rights of a nonclassified employee to classified status, the return rights must be evidenced in writing, provided to the employee and placed into the employee's personnel file, and must articulate the job title and pay grade. If the institution's compensation system establishes discretion as to placement on the salary schedule, then an indication of that

placement must be specified.

- 13.5. In establishing return rights of a nonclassified employee to faculty status, the return rights must be evidenced in writing, provided to the employee and placed into the employee's personnel file, and must articulate faculty track, tenure status if any, faculty rank if any, faculty job title, faculty compensation rate, and if non-tenured, whether the faculty status would be for a term, defined in the document, or for the remainder of the academic or fiscal year following separation from nonclassified status.
- 13.6. Classified employees who were involuntarily transferred to non-classified positions have the right to return to classified positions based on West Virginia Code provisions.
- 13.7. When an organization counts, as faculty or classified staff, those administrators who retain the right to return to faculty or classified positions, these designations apply only to the calculation of the organization's compliance with the statutory maximum ratio of nonclassified employees and are to be treated and counted as nonclassified employees for all other purposes. An organization shall report to the Commission all nonclassified employees who retain return rights to either a classified or faculty position in the category of "nonclassified" in all data submissions or analysis other than the determination of the ratio of nonclassified employees, including but not limited to the analysis of relative market equity.
- 13.8. The current annual salary of a nonclassified employee may not be reduced if his or her position is redefined as a classified position solely to meet the requirements of West Virginia Code §18B-7-11. If such a nonclassified employee is reclassified, his or her salary does not constitute evidence of inequitable compensation in comparison to other employees in the same pay grade.

§133-53-14. Employee Performance Evaluations.

- 14.1. After a classified employee's probationary period, during which 3-month and 6-month probationary performance evaluations are required, each employee shall receive a written evaluation of his or her job related performance on an annual basis. A copy of the evaluation document shall be placed into the employee's personnel file and must include confirmation, through a physical or an electronic signature of the employee, signifying that the employee has participated in the evaluation process.
- 14.2. Organizations shall conduct regular performance evaluations of non-classified employees and faculty as well as classified employees.

- 14.3. Each organization shall develop a consistent, objective performance evaluation system and evaluation instrument(s).
- 14.4. Organizations shall train supervisors in the best practices of conducting employee performance evaluations.
- 14.5. Supervisors who fail to conduct evaluations of those employees who report to them, according to their organization's policies, may be subject to disciplinary action.

§133-53-15. Training and Development.

- 15.1. The Vice Chancellor for Human Resources shall carry out the following duties related to training and development:
 - 15.1.a. Analyzing and determining training needs of organization employees and formulating and developing plans, procedures and programs to meet specific training needs and problems. Successful completion of these tasks requires the Vice Chancellor for Human Resources to work closely with and communicate regularly with the training and development coordinators employed by each organization.
 - 15.1.b. Developing, constructing, maintaining and revising training manuals and training aids or supervising development of these materials by outside suppliers.
 - 15.1.c. Planning, conducting, and coordinating management inventories, appraisals, placement, counseling and training.
 - 15.1.d. Coordinating participation by all employees in training programs developed internally or provided by outside contractors.
 - 15.1.e. Administering and analyzing an annual training and development needs survey. The survey may coincide with the completion of the annual performance review process.
 - 15.1.f. Developing model supervisor training programs in order to provide guidance in best practices related to supervision of subordinates and compliance with federal and state employment laws and rules of the Commission.
 - 15.1.g. Developing training and professional development programs for personnel who administer human resources functions at each organization in response to performance reviews of those personnel, which are conducted at least once every three years.

- 15.2. The Commission shall assist organization human resources professionals in applying Fair, Accountable, Credible, Transparent, and Systematic (FACTS) principles to all human resources functions and shall provide model training programs to organizations upon request for assistance.
- 15.3. Funds allocated or made available for employee continuing education and development may be used to compensate and pay expenses for faculty or staff pursuing additional academic study or training to better equip themselves for their duties.
- 15.4. Subject to legislative appropriation therefore, the Commission shall provide additional, regular training and professional development for human resources employees and any appointees to committees appointed by this rule. The training and development shall be:
 - 15.4.a. Mandatory with appropriate consideration given to limiting travel demands on employees; and
 - 15.4.b. In addition to and may not supplant the training and professional development regularly provided to any class of employees by each organization.
- 15.5. An account of the total amount, type of training or professional development provided, the number of employees who participated and the overall cost of the training and professional development provided to employees shall be provided to the Commission by the organizations as part of the annual personnel reports at a time designated by the Commission.

§133-53-16. Organizational Rules.

- 16.1. Each institution shall amend any of its policies/rules to comply with the Commission's rule or rules no later than six months after the effective date of any change in statute or Commission rule or rules, unless a different compliance date is specified within the statute or rule containing the requirements or mandate.
- 16.2. An institution may not adopt a rule, as mandated by this subsection, until it has consulted with the appropriate employee classes affected by the institution's rule or rule's provisions. At a minimum, consultations with the institutional Classified Employees Council (staff council) and/or the institutional Faculty Senate (faculty senate), as appropriate, shall take place.

- 16.3. If an institution fails to adopt a rule or rules as mandated by this subsection, the Commission may prohibit it from exercising any flexibility or implementing any discretionary provision relating to human resources contained in statute or in a Commission rule until the organization's rule requirements have been met.
- 16.4. An institution may exercise additional flexibility or areas of operational discretion identified in statute or in Commission rule or rules when it meets the following requirements:
 - 16.4.a. Receives certification from the Commission that the institution has achieved full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule or is making appropriate progress toward achieving full funding.
 - 16.4.b. Promulgates a comprehensive salary rule or rules as required by statute.
 - 16.4.c. Receives approval for the salary rule from the Chancellor.
 - 16.4.d. Adopts the rule by vote of the institution's governing board.
- 16.5. The Chancellor or his or her designee has the authority and the duty to review each institution's salary rule or rules and to recommend changes to the rule or rules to bring them into compliance with state and federal law, Commission rule or rules or legislative and Commission intent. The Chancellor may reject or disapprove any rule or rules, in whole or in part, if he or she determines that it is not in compliance with any law or rule/rules or if it is inconsistent with Legislative and Commission intent or does not sufficiently address and include measures that foster meaningful accountability of the institution to this rule, its own rules and state and federal law.

§133-53-17. Organizational Accountability.

- 17.1. The Commission shall conduct a systematic human resources review of each organization by an external vendor possessing experience and expertise in conducting these reviews every five years, subject to Legislative appropriation. The first review shall be completed no later than June 30, 2013.
- 17.2. The review shall focus on highlighting strengths and identifying and correcting any deficiencies in complying with state and federal law and in adhering to personnel rule or rules of the Commission.

- 17.3. The Commission shall provide organizations with reasonable notice prior to conducting a human resources review and shall identify the subjects to be examined in the review.
- 17.4. A major deficiency means an organization has failed to comply with federal or state law or with personnel rules of the Commission. The following guidelines exist for correcting deficiencies should any be found:
 - 17.4.a. When a major deficiency is identified, the Commission shall notify the governing board of the institution in writing within forty working days, giving particulars of the deficiency and outlining steps the governing board is required to take to correct the deficiency.
 - 17.4.b. The governing board shall correct the major deficiency within four months and shall notify the Commission when the deficiency has been corrected; however, extensions of this time frame may be requested and granted by the Commission.
- 17.5. If the governing board fails to correct the major deficiency or fails to notify the Commission that the deficiency has been corrected within a period of four months from the time the governing board receives notification, the Commission shall apply sanctions as specified:
 - 17.5.a. A formal reprimand shall be placed in the personnel file of each key administrator who shares responsibility and has operational authority in the area of the identified deficiency. The maximum period of time this reprimand shall remain in the personnel file shall be one year.
 - 17.5.b. Other sanctions may include, but are not limited to, suspending new hiring by the organization and prohibiting compensation increases for key administrators who have authority over the areas of major deficiency until the identified deficiencies are corrected.
- 17.6. To the extent that major deficiencies are identified relative to the Commission central office the sanctions described above shall be applicable.
- 17.7. The Vice Chancellor for Human Resources shall report annually to the Commission on each institution under its jurisdiction on its adherence to this rule, the institution's own rules and both state and federal law regarding personnel and accountability.

TITLE 135

LEGISLATIVE RULE

WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

SERIES 15

ACCEPTANCE OF ADVANCED PLACEMENT CREDIT

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes policy and guidelines for institutional policies in matters of acceptance of advanced placement credit at community and technical colleges.
- 1.2 Authority - West Virginia Code 18B-2B-6
- 1.3 Filing Date – November 14, 2005
- 1.4 Effective Date – December 14, 2005

SECTION 2. STATEMENT OF PRINCIPLE

- 2.1 The Council for Community and Technical College Education believes that it is important to encourage students at all educational levels to aspire to higher intellectual achievements and that the Advanced Placement Program of the College Board is an instrument that allows high school students to master college subject matter and to document their intellectual achievements through successful completion of advanced placement examinations.
- 2.2 The Council encourages high school students to participate in this program in which successful completion of examinations will result in the acceptance of credit by all West Virginia state colleges and universities.

SECTION 3. GUIDELINES FOR ACCEPTANCE OF ADVANCED PLACEMENT CREDIT

- 3.1 West Virginia community and technical colleges shall accept advanced placement credits according to the following guidelines:
 - 3.1.1 High school students completing advanced placement examinations of the College Board with a minimum score of 3 will receive credit at any state community and technical college, as indicated in the list of advanced placement exams offered by the College Board. The Central Office of the Council for Community and Technical College Education maintains a list of all College Board advanced placement exams and the minimum number of credits that each institution shall grant. Credit is to be awarded solely on the basis of satisfactory performance of a score of 3 or higher on the advanced placement examinations.

- 3.1.2 When the examination is in the area of the student's major, the institution will award credit toward the major or the core curriculum.
- 3.1.3 An academic department within the institution may, upon approval of the institutional faculty, require a higher score than 3 on an advanced placement test if the credit is to be used toward meeting a course requirement for a major in the department.
- 3.1.4 Credits awarded by regionally accredited institutions of higher education for successful completion of advanced placement exams are transferable to West Virginia state community and technical colleges in accordance with the advanced placement policy of the receiving institution.

SECTION 4. INSTITUTIONAL GUIDELINES

- 4.1 Each institution shall develop guidelines for acceptance of advanced placement credits that are consistent with the provisions of this rule and publish the guidelines in the college bulletin and/or other appropriate institutional publications.

SECTION 5. INSTITUTIONAL POLICY

- 5.1 Each institution shall file its policy on award of advanced placement credit with the Chancellor's office

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

SERIES 53
HUMAN RESOURCES ADMINISTRATION

§135-53-1. General.

- 1.1. Scope. This rule establishes policy in a number of areas regarding human resources administration for the employees of the West Virginia Council for Community and Technical College Education (Council) and the public higher education institutions in West Virginia. It also provides guidelines for governing boards relative to decisions pertaining to public higher education employees.

The primary responsibility for implementation rests with the West Virginia Higher Education Policy Commission, in consultation with the Council, who shall provide leadership and assistance to the human resources professionals within each organization to bring about the changes successfully.

- 1.2. Authority. West Virginia Code §18B-1B-5, §18B-4-2a, §18B-7, §18B-8, §18B-9 and §18B-9A.
- 1.3. Filing Date. May 16, 2013
- 1.4. Effective Date. June 16, 2013
- 1.5. Repeals and replaces Title 135 Series 8, Sections 3, 10, 11, 18, and 19.

§135-53-2. Purpose.

- 2.1. The intent of this rule is to establish a statewide, integrated human resources structure capable of, but not limited to, meeting the following objectives.
 - 2.1.a. Providing benefits to the citizens of the State of West Virginia by supporting the public policy agenda as articulated by state policymakers;
 - 2.1.b. Addressing fiscal responsibility by making the best use of scarce resources and promoting fairness, accountability, credibility, transparency and a systematic (FACTS) approach to progress in personnel decision-making;

- 2.1.c. Building upon human resources best practices to prevent, reduce, or, wherever possible, eliminate arbitrary and capricious decisions affecting employees of higher education organizations;
- 2.1.d. Creating a stable, self-regulating human resources system capable of evolving to meet changing needs;
- 2.1.e. Providing for institutional flexibility with meaningful accountability;
- 2.1.f. Adhering to federal and state laws, promulgated and adopted rules;
- 2.1.g. Implementing, as appropriate, human resources best practices throughout the state higher education system;
- 2.1.h. Developing and implementing a classification and compensation system that is fair, transparent, understandable, easy to administer, self regulating, and adaptable to meet future goals and priorities;
- 2.1.i. Providing for careful consideration of the recommendations and supporting documentation contained in the Final Report of the Select Committee on Higher Education Personnel;
- 2.1.j. Encouraging organizations to pursue a human resources strategy which provides monetary and non-monetary returns to employees in exchange for their time, talents, and efforts to meet articulated goals, objectives and priorities of the State, the Council and the organization;
- 2.1.k. Maximizing the recruitment, motivation and retention of highly qualified employees, ensuring satisfaction and engagement of employees with their jobs, ensuring job performance and achieving desired results; and
- 2.1.l. Providing for recommendations from the Compensation Planning and Review Committee and the Job Classification Committee to be considered by the Council and to be included in the legislative reporting process.

§135-53-3. Definitions.

- 3.1. Base Salary. The amount or a rate of compensation for a specified position of employment or activity excluding annual experience increment and any other payments or allowances for work or activity unrelated to that specified position of employment.

- 3.2. Benchmark Job. A job that is commonly found and defined and is used to make pay comparisons, either within the organization or to comparable jobs outside the organization.
- 3.3. Benefits. Programs that an employer uses to supplement the cash compensation of employees, including but not limited to, health and welfare plans, retirement plans, pay for time not worked, and other employee perquisites.
- 3.4. Career Ladder. A structured sequence of related, upwardly progressing positions.
- 3.5. Chancellor. Chancellor refers to the chief executive officer of the West Virginia Council for Community and Technical College Education or the West Virginia Higher Education Policy Commission, as appropriate.
- 3.6. Classification System. An organized structure in which classified jobs, job descriptions, job titles, and job analyses are utilized to determine a hierarchy of jobs, career ladders and pay grade assignments.
- 3.7. Classified Employee. Any regular employee of an organization who holds a full-time or part-time position and is assigned a particular job and job title within the classification system established by this rule or by other duly promulgated and adopted rules of the Council.
- 3.8. Compensation. Earnings provided by an employer to an employee for services rendered.
- 3.9. Compensation Philosophy. The guiding principles that ensure that a compensation program supports an organization's culture.
- 3.10. Compensation Strategy. The principles that guide the design, implementation and administration of a compensation program at an organization for the purpose of supporting the organization's mission, vision, goals and objectives.
- 3.11. Employee Classification or Employee Class. There are three employee classes: classified, nonclassified and faculty.
- 3.12. External Market Compensation: The external market, for purposes of evaluating relative market equity, for a classified, nonclassified or faculty position, shall be deemed to be the median compensation of substantially comparable positions in the relevant recruitment market as provided for in the approved institutional salary rule.
- 3.13. Factor. A key position trait used to evaluate a classified position

according to a point factor system. The items are Knowledge; Experience; Complexity and Problem Solving; Freedom of Action; Breadth of Responsibility; Scope and Effect; Intrasystems Contacts; External Contacts; Direct Supervision Exercised; Indirect Supervision Exercised; Physical Coordination; and Working Conditions and Physical Demands.

- 3.14. Full Funding. When an organization provides, in total, one hundred percent of the funds needed to meet the salary funding target reflected in the Temporary Higher Education Classified Employee Annual Salary Schedule, as calculated in October, 2010.
- 3.15. Generic Job Description. A summary of the essential functions of a job, including the general nature of the work performed, a characteristic listing of duties and responsibilities, and the specifications necessary to perform the work.
- 3.16. Hot Jobs. Jobs which are subject to market volatility and in high demand, usually for a temporary length of time, for which there is a low supply of available workers with the required education, skills and abilities.
- 3.17. Institutions. The following entities individually or collectively—Blue Ridge Community and Technical College; Bridgemont Community and Technical College; Eastern West Virginia Community and Technical College; Kanawha Valley Community and Technical College; Mountwest Community and Technical College; New River Community and Technical College; Pierpont Community and Technical College; Southern West Virginia Community and Technical College; West Virginia Northern Community College and West Virginia University at Parkersburg.
- 3.18. Job. The total collection of tasks, duties, and responsibilities assigned to one or more individuals whose work is of the same nature and level.
- 3.19. Job Evaluation. A formal process used to evaluate classified jobs, establish proper pay grades, and slot jobs in pay grades.
- 3.20. Job Family. A series of job titles in an occupational area or group.
- 3.21. Job Title. The label that uniquely identifies and generally describes a job. The same descriptive job title shall be given to a group of jobs, regardless of location in the organization, which are substantially the same in duties and responsibilities, and which require substantially the same knowledge, skills and abilities performed under similar working conditions.
- 3.22. Major Deficiency. When an organization has failed to comply with federal or state law or with personnel rules of the Council as identified by the human resources review.

- 3.23. **Meaningful Accountability.** Measures that ensure adherence to rules and policies and provides for consequences for non-compliance.
- 3.24. **Merit Increases.** A discretionary salary increase given to an employee to reward demonstrated achievements in the performance of the duties and responsibilities of a position, as evaluated by criteria established by the organization.
- 3.25. **Nonclassified Employee.** An employee of an organization who holds a position that is not assigned a particular job and job title within the classification system established by this rule, or, by other duly promulgated and adopted rules of the Council and who meets one or more of the following criteria:
 - 3.2.5.a. Employee holds a direct policy-making position at the department or organization level; or
 - 3.2.5.b. Employee reports directly to the president or chief executive officer of the organization.
- 3.26. **Nonclassified Job Description.** A summary of the most important features of a job, including the general nature and level of the work performed.
- 3.27. **Organizations.** The following entities individually or collectively—Bluefield State College; Concord University; Fairmont State University; Glenville State College; Marshall University; Shepherd University; West Liberty University; West Virginia School of Osteopathic Medicine; West Virginia State University; West Virginia University, including Potomac State College and West Virginia University Institute of Technology; Blue Ridge Community and Technical College; Bridgemont Community and Technical College; Eastern West Virginia Community and Technical College; Kanawha Valley Community and Technical College; Mountwest Community and Technical College; New River Community and Technical College; Pierpont Community and Technical College; Southern West Virginia Community and Technical College; West Virginia Northern Community College; West Virginia University at Parkersburg; the Office of the Higher Education Policy Commission; the Office of the Council for Community and Technical College Education; and the West Virginia Network for Educational Telecomputing.
- 3.28. **Pay Grade.** The level to which a job is assigned within a classification structure.
- 3.29. **Peer Group.** The job occupation group as recommended by the external vendor conducting the employee market salary study used to compare

where each employee category falls in relation to its relevant recruitment market.

- 3.30. Point Factor Methodology. A method used to evaluate job factors in order to determine the pay grade to which a classified position is assigned.
- 3.31. Position. A set of duties and responsibilities requiring employment of a single employee at a particular organization.
- 3.32. Position Information Questionnaire (PIQ). A tool used in the creation and evaluation of a classified position including the factors of Knowledge; Experience; Complexity and Problem Solving; Freedom of Action; Scope and Effect; Breadth of Responsibility; Intrasystems Contacts; External Contacts; Direct Supervision Exercised; Indirect Supervision Exercised; Physical Coordination; and Working Conditions and Physical Demands.
- 3.33. President. A chief executive officer of an institution of higher education in West Virginia who reports to the institution's governing board.
- 3.34. Promotion. Movement from a classified position requiring a certain level of skill, effort, and authority into a vacant or newly created classified position assigned to a different job title and a higher pay grade that requires a greater degree of skill, effort, and authority.
- 3.35. Relative Market Equity. The relative market status of each employee classification at an organization falls within five (5) percent of all other employee classifications within the organization for the preceding three-year period. A comparison of the relative market status of the three distinct employee classes wherein the range from the class furthest from its market is within five (5) percent of the class closest to its market.
- 3.36. Relative Market Status. The calculated relationship between the average salary of each employee classification and its peer group.
- 3.37. Return Rights. The right of a nonclassified employee to return to either classified status or faculty status when provided for in the employee's contract or when an employee is involuntarily transferred to a nonclassified position; provided, however, that the return right either shall be provided for in West Virginia Code, or be in writing, a copy of which is to be provided to the employee and placed in the personnel file. For return to classified status, this writing must set forth the classified job title and pay grade. For return to faculty status, this writing must set forth the appropriate faculty track, and rank.
- 3.38. Salary Benchmarking. The process of market pricing a benchmark job.

- 3.39. Salary Schedule. A schedule consisting of a series of pay grades enacted by the Legislature or the Council.
- 3.40. Step. A standard progression in pay rate established within a pay grade.

§135-53-4. Classification and Compensation System Goals and Objectives.

- 4.1. The Council, in consultation with the Commission, shall implement, control, supervise, and manage a complete, uniform system of personnel classification and compensation for classified employee positions. The chief purposes of the system are to accomplish the following goals and objectives:
 - 4.1.a. Attract well qualified and diverse applicants.
 - 4.1.b. Retain and motivate employees to accomplish objectives, goals, and priorities in state law, rules of the Council, state-wide master plans for higher education, and institutional compacts.
 - 4.1.c. Retain and reward classified employees who make valuable contributions to state and organization goals, objectives and priorities.
 - 4.1.d. Compensate employees within an organization fairly in relation to one another.
 - 4.1.e. Compensate employees across the higher education system who are performing similar work at similar wage rates.
 - 4.1.f. Compensate employees at levels that are competitive with appropriate external markets and are fiscally responsible.
 - 4.1.g. Ensure that regular market salary analyses are performed to determine how organization compensation for all classes of employees compares to compensation in relevant external markets.
 - 4.1.h. Maintain a uniform system for classifying jobs and positions of an organization's classified employees.
 - 4.1.i. Move classified employees through the compensation system based on performance and other objective, measureable factors including education, years of experience in higher education and experience above position requirements.
 - 4.1.j. Assign each current employee to an initial step for his or her pay grade that is closest to and exceeds his or her current salary regardless of previous education, experience or performance. The

salary of a current employee may not be reduced by a job reclassification, a modification of the market salary schedule, or other conditions that the Council and the Commission consider appropriate and reasonable.

- 4.2. The Council, in consultation with the Job Classification Committee (JCC), shall have in place a generic job description for every classified job title.
- 4.3. The Council, in consultation with the JCC, shall develop a Position Information Questionnaire (PIQ) to be used by all organizations to gather data necessary for classification of positions.
 - 4.3.a. Each organization must ensure that a PIQ shall exist for every classified position. A PIQ shall be updated at least every three years for accuracy by the employee and supervisor and submitted to human resources. Submission of an updated PIQ does not constitute a request for a classification review. A formal request must be made pursuant to section six of this rule.
 - 4.3.b. Neither the employee nor the supervisor shall place duties in the employee's PIQ that the employee is not performing, but may be expected to perform in the future.
- 4.4. Salary adjustments shall be made in accordance with the procedures for upgrades and downgrades specified in Council rule or rules. During the course of its reviews, should the JCC discover the systematic misapplication of the program by an organization, it shall notify the Chancellors, who will take the appropriate action warranted.
- 4.5. Whenever the Chancellors, in consultation with the Vice Chancellor for Human Resources and the JCC determine that employees have been misclassified at the organizational level, they shall order that these classifications and salaries be immediately adjusted to the proper level.
- 4.6. Absent fraud on the behalf of the employee, any overpayment to the employee because of an erroneous classification decision by an organization shall not be collected from the employee. However, any erroneous overpayment to such an employee, once corrected, shall not be deemed as evidence in claims by other employees that the classification and compensation program is not equitable or uniform.
- 4.7. Provide that recommendations from the Compensation Planning and Review Committee (CPRC) and the JCC be considered by the Council and the Commission and be included in the legislative reporting process.

- 4.8. The Council and Commission may allow the CPRC to collapse the three lowest pay grades into a single pay grade and provide for employees to be paid at rates appropriate to the highest of the three lowest pay grades.
- 4.9. Pursuant to State law, the Council may not delegate to the JCC or the CPRC the following:
 - 4.9.a. Approval of a classification and compensation rule;
 - 4.9.b. Approval of the job evaluation plan;
 - 4.9.c. Approval of the annual market salary schedule; and
 - 4.9.d. Approval of the annual minimum salary schedule.

§135-53-5. Job Classification Committee.

- 5.1. The Council hereby establishes a Job Classification Committee (JCC). This committee shall replace the Job Evaluation Committee (JEC) upon the effective date of this rule. The Vice Chancellor for Human Resources shall serve as the Chair of the Job Classification Committee.
- 5.2. The JCC shall be comprised of four classified employees and six Human Resources specialists, ensuring representation from the Council institutions and the Commission institutions.
- 5.3. The Chancellor shall solicit nominations for JCC members from the Advisory Council of Classified Employees (ACCE) and the Chief Human Resources Officers (CHROs).
- 5.4. JCC members shall be appointed by the Chancellor of the West Virginia Higher Education Policy Commission, with concurrence of the Chancellor of the West Virginia Council for Community and Technical College Education, subject to approval by the Commission and Council.
- 5.5. An organization may have no more than two members serving on the Committee at any time and the combined membership representing various groups or divisions within or affiliated with an organization in total may not constitute a majority of the membership.
- 5.6. Committee members shall serve staggered terms. One third of the initial appointments shall be for two years, one third for three years and one third for four years. Thereafter, the term is four years. A member may not serve more than four years consecutively.

- 5.7. The Council shall use a point factor methodology to classify jobs. The Council, in consultation with the Commission, may adjust the job evaluation plan, including the factors used to classify jobs and their relative values, if necessary.
- 5.8. Powers and duties of the Job Classification Committee include, but are not limited to, the following:
 - 5.8.a. Providing a system of audit for all job descriptions to make sure that the responsibilities of positions are accurately reflected;
 - 5.8.b. Modifying and deleting jobs and assigning job titles;
 - 5.8.c. Reviewing and revising job titles to make them consistent among organizations, including adopting consistent title abbreviations;
 - 5.8.d. Establishing job worth hierarchies and data lines for each job title;
 - 5.8.e. Classifying jobs, establishing proper pay grades, and placing jobs in pay grades consistent with the job evaluation plan;
 - 5.8.f. Determining when new job titles are needed and creating new job titles within the system;
 - 5.8.g. Recommending base pay enhancements for jobs for which the application of point factor methodology produces significantly lower salaries than external market pricing. The JCC may exercise this authority only if it reevaluates each job annually to make a determination whether the enhancement should be continued;
 - 5.8.h. Recommending a procedure for performing job family reviews for the joint approval of the Council and Commission;
 - 5.8.i. Determining appropriate career ladders within the classification system and establishing criteria for career progression;
 - 5.8.j. Hearing job classification appeals prior to commencement of the formal grievance process pursuant to Council rule or rules; and
 - 5.8.k. Developing operational procedures which shall include, but not be limited to, the keeping of minutes which shall be recorded, posted and maintained at the direction of the Vice Chancellor for Human Resources.
- 5.9. The JCC shall meet monthly if there is business to conduct and also may meet more frequently at the call of the chair, given adequate lead time. A

majority of the voting members serving on the Committee at a given time constitutes a quorum for the purpose of conducting business providing that both classified staff and human resources representatives are present.

- 5.10. When evaluating jobs, the JCC shall use the following procedure:
 - 5.10.a. Each JCC member shall classify each job individually, independently of other members;
 - 5.10.b. The chair shall compile and share the individual evaluations with the whole JCC; and
 - 5.10.c. After discussing the issues and resolving differences, the JCC shall make a determination of the appropriate classification for each job. The Vice Chancellor for Human Resources shall communicate, in writing, the JCC's decision to the CHROs and members of the JCC within ten working days.

§135-53-6. Classification Review Request of Existing Position.

- 6.1. An incumbent classified employee or the employee's supervisor may request a PIQ review when significant changes occur in the principal duties and responsibilities of a classified position. To initiate the review, the employee and supervisor must revise the PIQ and submit it to Human Resources along with a formal request for a review. The request must include the date and the reason for such request.
 - 6.1.a. The responsibility for assigning tasks and duties to a position belongs to the supervisor.
 - 6.1.b. Requests for position reviews also may be initiated by an employee with Human Resources after discussion with the immediate supervisor.
 - 6.1.c. PIQ reviews also may be initiated by the institution's Chief Human Resources Officer or his/her designee after discussion with the immediate supervisor.
- 6.2. Within forty-five (45) working days from the date of the formal request for review of a PIQ, the institution's Chief Human Resources Officer or his/her designee shall report to the requestor in writing the result of the classification review.
- 6.3. An organization that fails to complete a review within the specified time shall provide the employee back pay from the date the request for review

was received if the review, when completed, produces a reclassification of the position into a job in a higher pay grade.

§135-53-7. Classification Appeals Process.

- 7.1. The objective of classifying a position is to determine job content and its relative worth. A job's title and description are based upon the duties and responsibilities of the position, not the characteristics of the individual holding the position.
- 7.2. In the event that a classified employee disagrees with a classification decision made at the organizational level, he/she may appeal that decision in writing to the Vice Chancellor for Human Resources for review by the JCC. Filing a classification appeal, however, shall not abridge the rights of a classified employee to file a formal grievance, using the statutory grievance process as set forth in West Virginia Code §6C-2-1 *et seq.*; provided, however, upon the simultaneous filing of a statutory grievance and a classification appeal to the Vice Chancellor for Human Resources by a classified employee, a request may be made, in writing, by the classified employee to hold the grievance in abeyance until the review by the JCC is completed and a classification decision is rendered by the JCC.
- 7.3. Time limits.
 - 7.3.a. The classified employee shall submit a completed "Classification Appeals Form" to the organization's Human Resources office within ten (10) working days from the date of receipt of the notice of the organization's classification decision.
 - 7.3.b. The organization's human resources staff shall render a decision on the appeal within five (5) working days whether the original decision shall be upheld.
 - 7.3.c. The classified employee shall have five (5) working days from the date of receipt of the notice upholding the original decision of the organization to appeal the action to the Vice Chancellor for Human Resources for submission to the JCC.
- 7.4. Upon receipt of the classified employee's appeal of the organization's decision, the Vice Chancellor for Human Resources shall forward the appeal to the JCC.
 - 7.4.a. The JCC shall review the Classification Appeals Form, the original PIQ, and all supporting documentation, submitted by a classified employee to the Human Resources Office.

- 7.4.b. The JCC may review comparable positions within the organizations, as defined in Section 3.27 of this rule.
- 7.4.c. The JCC shall notify the classified employee, and the organization's Human Resources Office, of its decision in writing, within twenty (20) working days from the date of receipt of the appeal to the Vice Chancellor for Human Resources. The notification shall specify the effective date should there be any change in status.
- 7.5. An appeal shall not be considered if based on any of the following reasons:
 - 7.5.a. Seniority. An appeal shall not be considered if it is based on the employee's length of service with the organization or with the state of West Virginia.
 - 7.5.b. Qualifications of the individual incumbent. An appeal shall not be considered if it is based upon the individual classified employee's qualifications. A classification determination is based upon the requirements in the PIQ necessary to perform the duties and responsibilities of the position.
 - 7.5.c. Anticipated future job responsibilities. An appeal shall not be considered if it is based upon responsibilities that may be included in the job assignment in the future.
 - 7.5.d. Job Performance. An appeal shall not be considered if it is based upon the performance of the incumbent or certain personality traits (e.g., loyalty, dedication, commitment to organization, hardworking, etc.). A classification determination is based upon the level and complexity of the duties and responsibilities outlined in the PIQ, not the characteristics of the individual holding the position.
 - 7.5.e. Salary within a salary range. An appeal shall not be considered if it is based upon the fact that an employee's salary is close to the maximum of a salary range or the relative position of the salary within the assigned salary range.
 - 7.5.f. Increase in the volume of work. An appeal shall not be considered if it is based on the volume of work rather than the level of responsibilities and complexity of the work.

§135-53-8. Compensation Planning and Review Committee.

- 8.1. The Council and Commission shall hereby establish and maintain a Compensation Planning and Review Committee (CPRC). The Vice Chancellor for Human Resources shall serve as the Chair of the CPRC.
- 8.2. The composition of the CPRC shall consist of the Vice Chancellor for Human Resources, the Vice Chancellor for Finance, four members representing the statewide Advisory Council of Classified Employees, two from institutions under the jurisdiction of the Council and two from institutions under the jurisdiction of the Commission; two members representing the Advisory Council of Faculty; one from institutions under the jurisdiction of the Council and one from institutions under the jurisdiction of the Commission; and two human resources administrators from institutions under the jurisdiction of the Council, and two human resources administrators from institutions under the jurisdiction of the Commission; and a president from each of the two systems.
- 8.3. The method for nominating CPRC members shall be representative of all the higher education organizations and affected constituent groups, including specifically providing for membership selections to be made from nominations from the Advisory Council of Classified Employees, the Advisory Council of Faculty, the human resources representatives, and the Council of Presidents group. The Presidents shall nominate a president from their respective systems. The Chancellors, jointly, shall appoint members from nominations made by these affected constituent groups and require approval of the Council and Commission before beginning service.
- 8.4. An organization may have no more than two members serving on the CPRC at any time and the combined membership representing various groups or divisions within or affiliated with an organization in total may not constitute a majority of the membership.
- 8.5. The CPRC members shall develop operational procedures which shall include, but not be limited to, the keeping of minutes which shall be recorded, posted and maintained at the direction of the Vice Chancellor for Human Resources.
- 8.6. The CPRC shall manage all aspects of compensation planning and review that the Council delegates to it, within the provisions of state law.
- 8.7. CPRC members shall serve staggered terms. One third of the initial appointments shall be for two years, one third for three years and one third for four years. Thereafter, the term is four years. A member may not serve more than four years consecutively.

- 8.8. The CPRC shall meet at least quarterly and at other times at the call of the Chair. A majority of the voting members serving on the CPRC at a given time constitutes a quorum for the purpose of conducting business, provided that at least one member from each constituent group is present.
- 8.9. The CPRC has powers and duties which include, but are not limited to, the following:
 - 8.9.a. Making annual recommendations for revisions in the system compensation plan, based on existing economic, budgetary and fiscal conditions or on market study data;
 - 8.9.b. Overseeing the five-year external market salary study;
 - 8.9.c. Overseeing the annual internal market review;
 - 8.9.d. Meeting at least annually with the JCC to discuss benchmark jobs to be included in salary surveys, market “hot jobs” that may require a temporary salary adjustment, results of job family reviews, and assessment of current job titles within the classification system for market matches and other issues as the Vice Chancellor for Human Resources, in consultation with the Chancellors, determines to be appropriate;
 - 8.9.e. Recommending to the Chancellors a process for their approval to recommend and calculate temporary salary adjustments and any time limits or reviews of these adjustments; and
 - 8.9.f. Performing other duties as assigned by the Council or Commission or as necessary or expedient to maintain an effective classification and compensation system.

§135-53-9. Compensation: Classified Market Salary Structure and Minimum Salary Schedule.

- 9.1. The Council and Commission shall develop and maintain a market salary structure and minimum salary schedule and ensure that all organizations under its jurisdiction adhere to state and federal laws and duly promulgated and adopted organization rules.
- 9.2. The Council and Commission shall jointly contract with a qualified external vendor to conduct a market salary study for each category of employees at least once within each five-year period. Based on the study results, the Council and Commission, in consultation with the CPRC, and taking into consideration the recommendations of the external vendor,

may take any combination of the following actions in regard to the classified market salary structure:

- 9.2.a. Adjust the number of pay grades;
 - 9.2.b. Adjust the point values necessary for a job to be assigned to a particular pay grade;
 - 9.2.c. Adjust the midpoint differentials between pay grades to better reflect market conditions; or
 - 9.2.d. Adjust the range spread for any pay grade.
- 9.3. The Commission, in consultation with the Council, may perform an annual review of market salary data to determine how salaries have changed in the external market. Based on supporting data derived from that review, the Council and Commission, with input from the CPRC, shall adjust the market salary structure. In the absence of a market salary study conducted by a qualified external vendor, the Council and Commission may not adjust the midpoint differentials between pay grades unless required to do so by a change in minimum wage or other laws or regulations and may not adjust the range spread for any pay grade.
- 9.4. The market salary structure serves as the basis for the following activities:
- 9.4.a. Evaluating compensation of classified employees in relation to appropriate external markets. The external market compensation for a job shall be deemed to be the median compensation of substantially comparable positions in the relevant recruitment market; and
 - 9.4.b. Developing the minimum salary schedule to be adopted by the Council and Commission. No organization may compensate a classified employee at a salary rate of less than the minimum salary rate values provided for in the minimum salary schedule.
- 9.5. The market salary structure shall include the following criteria:
- 9.5.a. The number of pay grades and steps to be included in the structure;
 - 9.5.b. A midpoint value for each pay grade which represents the average salary of jobs in that pay grade. The Council and Commission may choose a midpoint step value at its discretion, based on its compensation philosophy, which need not be based exclusively on market salary data; and

- 9.5.c. The minimum and maximum step values based on an established range spread, as well as values for other steps in the salary structure.
- 9.6. The Council and Commission may annually approve a minimum salary schedule that sets forth a compensation level for each step and pay grade below which no organization employee may be paid.
- 9.7. The minimum salary floor for each pay grade and step on the minimum salary schedule shall be at an appropriate percentage of the most recent annual market salary data, to be determined by the Council and Commission. The Council and Commission also shall consider the minimum wage and other laws that ensure that employees earn a living wage and shall maintain a salary structure which ensures that the average salary of each class of employees meets relative market equity among employee classes. The Council and Commission may take into consideration other factors they consider appropriate.
- 9.8. The external market, for purposes of evaluating relative market equity, for a classified, nonclassified or faculty position, shall be deemed to be the median compensation of substantially comparable positions in the relevant recruitment market, as provided for in the approved institutional salary rule.
- 9.9. The salary of a classified employee working fewer than thirty-seven and one-half hours per week shall be prorated. The organization's salary rule may provide for differential pay for certain classified employees who work different shifts, weekends or holidays.
- 9.10. Merit increases may be granted if they are in accordance with state code and with duly promulgated rules of the Council.

§135-53-10. Salary Benchmarking.

- 10.1. The Council and Commission will utilize an experienced compensation consultant to perform the functions related to salary benchmarking.
- 10.2. Job descriptions representative of all categories of employees will be reviewed to ensure that the duties and responsibilities are understood so that appropriate matches can be made to benchmark positions. The following guidelines will be used for benchmark selection:
 - 10.2.a. Representation of all job families and levels throughout the system.
 - 10.2.b. Highly populated jobs.

10.2.c. Jobs found in most of the system institutions.

10.2.d. Jobs with recruitment or retention problems.

10.2.e. Geographic differentials as necessary will be used to ensure that the data are reflective of the labor market and economic conditions.

§135-53-11. Full Funding: Temporary Higher Education Classified Employee Annual Salary Schedule.

- 11.1. Once the Council has certified that an organization under its jurisdiction has achieved full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule, the organization's governing board has the authority to pay classified employees in excess of the salary on the Temporary Higher Education Classified Employee Annual Salary Schedule for their pay grade and years of experience, as long as the governing board has a salary rule in place ensuring that salary increases above the salary schedule are distributed equitably and in a manner consistent with the uniform classification and compensation system.
- 11.2. An organization has achieved full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule when it provides, in total, one hundred percent of the funds needed to meet the salary funding target as calculated in October 2010. When an organization is fully funded, the Chancellor shall provide official certification that the organization has attained full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule.
- 11.3. Until an organization is fully funded or making appropriate progress as defined in this rule, the following restrictions apply:
 - 11.3.a. Classified salary increases distributed within the organization shall be provided in accordance with the uniform classification and compensation system established by §18B-9-1 et seq.
 - 11.3.b. An organization may not provide discretionary salary increases including performance or merit based increases to the president or chief executive or any group or class of employees, other than classified employees.
- 11.4. An organization is considered to be making appropriate progress when it has funded at least twenty-five percent of the amount needed to reach full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule by July 1, 2013; has funded at least fifty percent of the calculated amount by July 1, 2014; has funded at least seventy-five

percent of the calculated amount by July 1, 2015 and has funded one hundred percent of the calculated amount by July 1, 2016.

- 11.5. Until such time that a new salary schedule is implemented, the current Temporary Higher Education Classified Employee Annual Salary Schedule, consisting of a minimum annual salary for each pay grade in accordance with experience in West Virginia higher education or West Virginia state government, shall be in place. An employee is considered equitably compensated if his or her salary is at the minimum salary on the Temporary Higher Education Classified Employee Annual Salary Schedule that is required for his or her pay grade and years of experience on the July 1, 2001 salary schedule.

§135-53-12. Classification System Methodology Audit.

- 12.1. By July 1, 2014 and at least once within each five year period thereafter, the Council and Commission shall review the effectiveness of the system for classifying jobs and submit an in-depth report to the Legislative Oversight Commission on Education Accountability. The report shall include, but is not limited to, findings, recommendations and supporting documentation regarding the following job classification issues:
 - 12.1.a. The effectiveness of the point factor methodology and a determination of whether it should be maintained; and
 - 12.1.b. The status of the job evaluation plan, including the factors used to classify jobs or their relative values, and a determination of whether the plan should be adjusted.

§135-53-13. Nonclassified Employees.

- 13.1. By July 1, 2013, the percentage of personnel placed in the category of nonclassified may not exceed twenty-five percent of the total number of classified and nonclassified employees of that organization.
- 13.2. Except as otherwise provided for in this rule, by July 1, 2015, the percentage of personnel placed in the category of nonclassified may not exceed twenty percent of the total number of classified and nonclassified employees of that organization.
- 13.3. Organizations may request an extension to July 1, 2016, to comply with the requirement that the percentage of personnel placed in the category of nonclassified may not exceed twenty percent of the total number of classified and nonclassified employees of that organization. If an extension is granted, it may not exceed twenty-five percent and it must be

approved in advance of implementing such extension, by both the institution's governing board and the Council.

- 13.4. In establishing return rights of a nonclassified employee to classified status, the return rights must be evidenced in writing, provided to the employee and placed into the employee's personnel file, and must articulate the job title and pay grade. If the institution's compensation system establishes discretion as to placement on the salary schedule, then an indication of that placement must be specified.
- 13.5. In establishing return rights of a nonclassified employee to faculty status, the return rights must be evidenced in writing, provided to the employee and placed into the employee's personnel file, and must articulate faculty track, tenure status if any, faculty rank if any, faculty job title, faculty compensation rate, and if non-tenured, whether the faculty status would be for a term, defined in the document, or for the remainder of the academic or fiscal year following separation from nonclassified status.
- 13.6. Classified employees who were involuntarily transferred to non-classified positions have the right to return to classified positions based on West Virginia Code provisions.
- 13.7. When an organization counts, as faculty or classified staff, those administrators who retain the right to return to faculty or classified positions, these designations apply only to the calculation of the organization's compliance with the statutory maximum ratio of nonclassified employees and are to be treated and counted as nonclassified employees for all other purposes. An organization shall report to the Council all nonclassified employees who retain return rights to either a classified or faculty position in the category of "nonclassified" in all data submissions or analysis other than the determination of the ratio of nonclassified employees, including but not limited to the analysis of relative market equity.
- 13.8. The current annual salary of a nonclassified employee may not be reduced if his or her position is redefined as a classified position solely to meet the requirements of West Virginia Code §18B-7-11. If such a nonclassified employee is reclassified, his or her salary does not constitute evidence of inequitable compensation in comparison to other employees in the same pay grade.

§135-53-14. Employee Performance Evaluations.

- 14.1. After a classified employee's probationary period, during which 3-month and 6-month probationary performance evaluations are required, each employee shall receive a written evaluation of his or her job related

performance on an annual basis. A copy of the evaluation document shall be placed into the employee's personnel file and must include confirmation, through a physical or an electronic signature of the employee, signifying that the employee has participated in the evaluation process.

- 14.2. Organizations shall conduct regular performance evaluations of non-classified employees and faculty as well as classified employees.
- 14.3. Each organization shall develop a consistent, objective performance evaluation system and evaluation instrument(s).
- 14.4. Organizations shall train supervisors in the best practices of conducting employee performance evaluations.
- 14.5. Supervisors who fail to conduct evaluations of those employees who report to them, according to their organization's policies, may be subject to disciplinary action.

§135-53-15. Training and Development.

- 15.1. The Vice Chancellor for Human Resources shall carry out the following duties related to training and development:
 - 15.1.a. Analyzing and determining training needs of organization employees and formulating and developing plans, procedures and programs to meet specific training needs and problems. Successful completion of these tasks requires the Vice Chancellor for Human Resources to work closely with and communicate regularly with the training and development coordinators employed by each organization.
 - 15.1.b. Developing, constructing, maintaining and revising training manuals and training aids or supervising development of these materials by outside suppliers.
 - 15.1.c. Planning, conducting, and coordinating management inventories, appraisals, placement, counseling and training.
 - 15.1.d. Coordinating participation by all employees in training programs developed internally or provided by outside contractors.
 - 15.1.e. Administering and analyzing an annual training and development needs survey. The survey may coincide with the completion of the annual performance review process.

- 15.1.f. Developing model supervisor training programs in order to provide guidance in best practices related to supervision of subordinates and compliance with federal and state employment laws and rules of the Council.
- 15.1.g. Developing training and professional development programs for personnel who administer human resources functions at each organization in response to performance reviews of those personnel, which are conducted at least once every three years.
- 15.2. The Council shall assist organization human resources professionals in applying Fair, Accountable, Credible, Transparent, and Systematic (FACTS) principles to all human resources functions and shall provide model training programs to organizations upon request for assistance.
- 15.3. Funds allocated or made available for employee continuing education and development may be used to compensate and pay expenses for faculty or staff pursuing additional academic study or training to better equip themselves for their duties.
- 15.4. Subject to legislative appropriation therefore, the Council shall provide additional, regular training and professional development for human resources employees and any appointees to committees appointed by this rule. The training and development shall be:
 - 15.4.a. Mandatory with appropriate consideration given to limiting travel demands on employees; and
 - 15.4.b. In addition to and may not supplant the training and professional development regularly provided to any class of employees by each organization.
- 15.5. An account of the total amount, type of training or professional development provided, the number of employees who participated and the overall cost of the training and professional development provided to employees shall be provided to the Council by the organizations as part of the annual personnel reports at a time designated by the Council.

§135-53-16. Organizational Rules.

- 16.1. Each institution shall amend any of its policies/rules to comply with the Council's rule or rules no later than six months after the effective date of any change in statute or Council rule or rules, unless a different compliance date is specified within the statute or rule containing the requirements or mandate.

- 16.2. An institution may not adopt a rule, as mandated by this subsection, until it has consulted with the appropriate employee classes affected by the institution's rule or rule's provisions. At a minimum, consultations with the institutional Classified Employees Council (staff council) and/or the institutional Faculty Senate (faculty senate), as appropriate, shall take place.
- 16.3. If an institution fails to adopt a rule or rules as mandated by this subsection, the Council may prohibit it from exercising any flexibility or implementing any discretionary provision relating to human resources contained in statute or in a Council rule until the organization's rule requirements have been met.
- 16.4. An institution may exercise additional flexibility or areas of operational discretion identified in statute or in Council rule or rules when it meets the following requirements:
 - 16.4.a. Receives certification from the Council that the institution has achieved full funding of the Temporary Higher Education Classified Employee Annual Salary Schedule or is making appropriate progress toward achieving full funding.
 - 16.4.b. Promulgates a comprehensive salary rule or rules as required by statute.
 - 16.4.c. Receives approval for the salary rule from the Chancellor.
 - 16.4.d. Adopts the rule by vote of the institution's governing board.
- 16.5. The Chancellor or his or her designee has the authority and the duty to review each institution's salary rule or rules and to recommend changes to the rule or rules to bring them into compliance with state and federal law, Council rule or rules or legislative and Council intent. The Chancellor may reject or disapprove any rule or rules, in whole or in part, if he or she determines that it is not in compliance with any law or rule/rules or if it is inconsistent with Legislative and Council intent or does not sufficiently address and include measures that foster meaningful accountability of the institution to this rule, its own rules and state and federal law.

§135-53-17. Organizational Accountability.

- 17.1. The Council shall conduct a systematic human resources review of each organization by an external vendor possessing experience and expertise in conducting these reviews every five years, subject to Legislative appropriation. The first review shall be completed no later than June 30, 2013.

- 17.2. The review shall focus on highlighting strengths and identifying and correcting any deficiencies in complying with state and federal law and in adhering to personnel rule or rules of the Council.
- 17.3. The Council shall provide organizations with reasonable notice prior to conducting a human resources review and shall identify the subjects to be examined in the review.
- 17.4. A major deficiency means an organization has failed to comply with federal or state law or with personnel rules of the Council. The following guidelines exist for correcting deficiencies should any be found:
 - 17.4.a. When a major deficiency is identified, the Council shall notify the governing board of the institution in writing within forty working days, giving particulars of the deficiency and outlining steps the governing board is required to take to correct the deficiency.
 - 17.4.b. The governing board shall correct the major deficiency within four months and shall notify the Council when the deficiency has been corrected; however, extensions of this time frame may be requested and granted by the Council.
- 17.5. If the governing board fails to correct the major deficiency or fails to notify the Council that the deficiency has been corrected within a period of four months from the time the governing board receives notification, the Council shall apply sanctions as specified:
 - 17.5.a. A formal reprimand shall be placed in the personnel file of each key administrator who shares responsibility and has operational authority in the area of the identified deficiency. The maximum period of time this reprimand shall remain in the personnel file shall be one year.
 - 17.5.b. Other sanctions may include, but are not limited to, suspending new hiring by the organization and prohibiting compensation increases for key administrators who have authority over the areas of major deficiency until the identified deficiencies are corrected.
- 17.6. To the extent that major deficiencies are identified relative to the Council central office the sanctions described above shall be applicable.
- 17.7. The Vice Chancellor for Human Resources shall report annually to the Council on each institution under its jurisdiction on its adherence to this rule, the institution's own rules and both state and federal law regarding personnel and accountability.



West Virginia Higher Education Policy Commission

Report to the Legislative Oversight Commission on Education Accountability

Approval of Emergency and Legislative Rules

West Virginia Higher Education Policy Commission, Title 133
Series 5, Legislative Rule, Guidelines for Governing Boards in Employing and Evaluating
Presidents

West Virginia Higher Education Policy Commission, Title 133
Series 7, Emergency Rule, West Virginia Providing Real Opportunities for Maximizing In-
State Student Excellence (PROMISE) Scholarship Program

West Virginia Higher Education Policy Commission, Title 133
Series 7, Legislative Rule, West Virginia Providing Real Opportunities for Maximizing In-
State Student Excellence (PROMISE) Scholarship Program

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 5
GUIDELINES FOR GOVERNING BOARDS IN EMPLOYING AND EVALUATING
PRESIDENTS

§133-5-1. General.

1.1. Scope - Rule establishing guidelines for governing boards of non-exempted schools to use in employing and evaluating presidents.

1.2. Authority - West Virginia Code §§18B-1B-4, 18B-1B-6.

1.3. Filing Date – ~~April 14, 2009~~

1.4. Effective Date – ~~May 14, 2009~~

1.5. Sunset Provision. – This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

§133-5-2. State Colleges and Universities.

2.1. The provisions of this rule apply to the employment of presidents of Bluefield State College, Concord University, Fairmont State University, Glenville State College, ~~Marshall University~~, Shepherd University, West Liberty ~~State College~~ University, ~~West Virginia School of Osteopathic Medicine~~, and West Virginia State University and West Virginia University.

2.2. Upon the occurrence of a vacancy in the position of President at one of the institutions set out in Section 2.1, the governing board of the institution shall undertake a search for a new President. The governing board is responsible for the search, both procedurally and financially. The governing board shall adopt a procedure, consistent with this rule, governing the search. The search procedure adopted by the governing board shall be approved by the West Virginia Higher Education Policy Commission (“Commission”) prior to being implemented. The procedure shall require, at the least:

2.2.4a. Input as to the best characteristics and qualities of the President should be solicited by the governing board of its constituencies and utilized in selecting and evaluating the candidates.

2.2.2b. If a search committee is appointed, it shall include representation of faculty, students, and staff, and other constituencies of the institution. The number and constituency of the membership of the committee shall be at the discretion of the governing board.

2.2.3c. A position announcement shall be prepared detailing the characteristics and qualities sought in a new President and distributed to appropriate newspapers and other media sources, heads of higher education associations and organizations, and other appropriate individuals for the purpose

of advertising the position.

2.2.4d. Interviews with the finalists, as determined by the governing board, shall be conducted on campus and, during the campus visits, students, classified employees, non-classified employees, faculty, campus administrators, community leaders, alumni, and other individuals shall be invited to meet with the candidates, and their comments shall be solicited and evaluated by the governing board.

2.2.5e. Background checks may be conducted on each candidate prior to interviewing with the search committee or governing board. Background checks should be conducted on finalists prior to any campus visit made at the invitation of the search committee or governing board and shall be conducted prior to any final selection by the search committee or the governing board. On-site visits to the candidates' current and past places of employment may be conducted and are recommended for the final candidates. Standard industry practices shall be utilized in conducting background checks and, at a minimum, shall include confirmation of degrees and past employment-and criminal and credit checks.

2.3. Candidates may be considered through their own application or by nomination.

2.4. Members of the governing board, or any search committee appointed, may not provide information about the names or backgrounds of any candidates, without their consent, to anyone who is not a member of the governing board or search committee, or authorized agents or staff as designated in the search procedures approved by the Commission. When candidates are invited to a preliminary interview with the search committee, they shall be notified of the conditions under which confidentiality may be waived as to background checks and that in the event that they are invited for a campus interview, their names and backgrounds shall be publicly released at the time they accept an invitation for a formal campus visit.

2.5. At the request of an institution, the Commission may provide the governing board with staff assistance to manage the search process, or the governing board may enter into a contract with a consultant or executive search firm to identify potential candidates in addition to those who have applied or been nominated or to assist in the search.

2.6. The Chancellor shall serve as an ex officio, non-voting member on all search committees or bodies serving in that capacity during the search process. The Commission reserves the right to conduct independent interviews of one or more finalists. Prior to exercising such option, it shall give sufficient notice to the governing board so that any such interviews will occur sufficiently close to the final decision of the governing board. All presidential appointments ~~shall~~ must be ~~approved~~ confirmed by the Commission.

2.7. Terms of compensation and contracts discussed with or offered to candidates shall be consistent with the sections of this rule regarding presidential compensation and contracts.

2.8. Interim Presidents appointed by a governing board shall be ~~approved~~ confirmed by the Commission.

§133-5-3. Presidential Contracts.

3.1. Governing boards under the jurisdiction of the Commission shall receive the approval of the Commission of the total compensation package from all sources for a President when the President is initially hired and for any subsequent changes in the total compensation package.

3.2. A President is considered as will and pleasure employee of his/her governing board unless that status is specifically altered by the President's letter of appointment or contract. Presidential contracts exceeding a term of one fiscal year shall conform to the following:

3.2.4a. An initial offer of employment as President, or guarantee of employment in that or another position, may not exceed two years. After the initial contract, the governing board may offer contracts of up to five years. A President assigned to an alternative position during a guaranteed term of employment shall perform substantive duties on behalf of the institution in order to collect his or her salary.

3.2.2b. All contracts with a term greater than one fiscal year shall be conditioned upon availability of funding.

3.2.3c. A governing board may agree to reasonable notice of the intent not to renew a contract. It is recommended that such notice not exceed one year but may be increased up to two years after five years of service by the President.

3.2.4d. All contracts with a commitment of continued employment must provide that the President may be discharged for "cause" and that such a discharge nullifies any commitment to continued employment. "Cause" includes, but is not limited to, official misconduct, incompetence, neglect of duty, gross immorality, malfeasance, misfeasance, insubordination, and acts of commission or omission in violation of the governing board's directives or policies.

3.3.5e. Provisions in contracts existing on the effective date of this rule that are inconsistent with this rule may remain in effect at the discretion of the governing board unless the provisions are in violation of the statute.

§133-5-4. Compensation.

4.1. The total compensation of a President, from all sources, shall receive prior approval of the Commission. Forms of compensation which require prior approval include: annual salary derived from whatever funding source, deferred compensation, and housing or vehicle allowances. The governing board may require approval of other compensation such as non-state funded discretionary funds, compensation from other employment or for service on a corporate board of directors, and payment of dues or assessments for membership in non-professional related clubs or associations. Any such compensation received shall be reported to the Chancellor. If approval of deferred compensation is being sought, the institution shall submit an actuarial report to the Commission detailing the present cash value of the deferred compensation and conditions for eligibility or receipt of the deferred compensation.

4.2. The total salary from all funding sources for a President should be based on a comparison of the presidential salaries at the institution's peer institutions, ~~as defined by the Commission. Other or other~~ national data sources which may be utilized by the governing board, as appropriate, to establish salary

ranges.

4.3. A percentage presidential salary increase in excess of the average percentage salary increase for all personnel at that institution within the last calendar year may be approved only if a detailed rationale of its governing board justifying the increase is submitted to the Commission.

4.4. Housing allowances granted a President not provided housing by the institution may not be considered as part of the presidential salary for the purposes of Section 4.2 above.

4.5. Annually, the Chancellor shall make available to the governing boards and Commission the most recent College and University Professional Association for Human Resources (CUPA-HR) or other comparable salary data applicable to their institutions.

4.6. The Commission must receive notice, but need not approve or confirm an increase in the compensation of a President that is exactly in the ratio of compensation increases allocated to all institutional employees if approved by the governing board.

§133-5-5. Presidential Evaluation.

5.1. Each governing board shall conduct a formal and structured written performance evaluation of the institution's President every third year of the President's employment. The President's performance shall be evaluated in relation to the duties and responsibilities assigned the President by the governing board, the success of the institution in meeting each requirement of its institutional compact, and any other criteria previously established by the governing board.

5.2. The governing board shall appoint a committee of its own members, a visiting team, or any combination thereof, and utilize institutional personnel-including faculty and staff as well as students, and persons who are knowledgeable of higher education matters ~~who are not otherwise directly employed by a governing board~~ to assist in its evaluation of the President.

5.3. The governing board committee, visiting team, or other body chosen by the governing board, shall visit the campus to receive the views of the President, governing board members, administrators, faculty, classified employees, non-classified employees, students, alumni, and community leaders. A schedule of interviews, meetings, and open forums that will assure a careful assessment of leadership and condition of the campus shall be arranged.

5.4. The governing board shall use the report of its committee, visiting team, or other body chosen by the governing board to assist in its own written evaluation of the President. The governing board's evaluation shall be reported to the President of the institution, the Chancellor, and the Chair of the Commission.

5.5. The Chancellor shall provide the governing boards, upon request, with evaluative tools, guidelines, and procedures recommended for the assessment and evaluation of college and university presidents and provide any assistance requested by a governing board in performing the evaluations set out in this rule.

5.6. The governing board shall conduct a written evaluation at the end of the initial contract period. In addition to the formal and structured evaluation every three years and at the end of the initial contract period, each President shall receive a written yearly evaluation in a manner and form decided by the governing board.

5.7. The Commission shall not approve any request for an increase in compensation of a President prior to receiving an evaluation of that President for the year immediately preceding the requested increase.

**TITLE 133
EMERGENCY RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 7
WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR MAXIMIZING IN-STATE
STUDENT EXCELLENCE (PROMISE) SCHOLARSHIP PROGRAM**

§133-7-1. General.

1.1. Scope. -- This rule establishes guidelines and procedures for establishing eligibility for the West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence Scholarship Program, hereinafter referred to as PROMISE.

1.2. Authority. -- West Virginia Code §18B-1-6 and §18C-7-6.

1.3. Filing Date. -- ~~July 5, 2017.~~

1.4. Effective Date. -- ~~August 5, 2017.~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

§133-7-2. Eligibility of High School Graduates for Initial Award.

2.1. To be eligible for an initial PROMISE Scholarship, a high school applicant must be eligible for the award at the time of application and at the time the award is received by meeting all academic criteria in place at the time of application and award; and

2.1.a. Must complete high school graduation requirements at a West Virginia public or private high school unless he or she qualified as a military dependent under Section 6 of this rule, or has commuted to an out-of-state school pursuant to Section 7 of this rule; and

2.1.b. Must complete at least one half of the credits required for high school graduation through attendance at a public or private high school in this state, unless he or she qualified as a military dependent under Section 6 of this rule, or has commuted to an out-of-state school pursuant to Section 7 of this rule; and

2.1.c. Must apply for the scholarship within two years of graduation from high school unless the applicant entered the United States armed services pursuant to Section 5 of this rule; and

2.1.d. Must, while enrolled in high school, have attained a cumulative grade point average of at least 3.0 on a 4.0 scale, based on county board grading policies, in both core courses and overall coursework required for graduation by the State Board of Education; and

2.1.e. Must meet standardized test score criteria on an ACT or SAT national test as established by the West Virginia Higher Education Policy Commission (Commission); and

2.1.f. Must have resided in West Virginia continuously for a minimum of twelve consecutive months immediately preceding the final date of application for a PROMISE Scholarship, unless a member of the Armed Services pursuant to Section 5 of this rule or a military dependent pursuant to Section 6 of this rule, and be a United States citizen, a U.S. permanent resident, or an eligible non-citizen who meets

the residency requirements for Federal Student Aid; and

2.1.g. Must submit both the Free Application for Federal Student Aid and any application form required by the Commission by the deadline established by the Commission; however:

2.1.g.1. Any student who misses the deadline for application may apply by a later date established by the Commission for a spring semester award. This option is contingent upon the availability of funding for late awards.

2.2. The grade point average required in Section 2.1.d. will be determined by the appropriate school official at the end of the sixth high school semester. However, the final calculation of the grade point average and eligibility for the award may be determined as late as after the eighth semester.

2.3. Weighted grades may be used in the computation of a student's core and overall grade point average based on county board grading policies.

2.4. A student who applied for and was deemed eligible for a PROMISE award must enroll for the first regularly scheduled enrollment period after being selected unless granted a deferment under the leave of absence provisions of Section 10.7 or 10.8.

2.5. A student who was deemed eligible for a PROMISE award but elects not to enroll at an eligible institution set forth in Section 8 of this rule may regain eligibility providing the student discontinues enrollment at the ineligible institution no later than one academic year after high school graduation and re-enrolls at an eligible institution. Any such student must meet the eligibility standards for a PROMISE award renewal set out in Section 10 of this rule.

§133-7-3. Eligibility for the Home-Schooled.

3.1. A person who has been home-schooled pursuant to the exemption allowed by W.Va. Code § 18-8-1 for both the 11th and 12th grades as documented by registration with the county school board system is eligible for a PROMISE award, but only if he or she has ~~passed a state approved high school equivalency examination with a minimum score~~ completed the required core and elective coursework necessary to prepare students for success in postsecondary education at the associate and baccalaureate levels by attaining a cumulative grade point average of at least 3.0 on a 4.0 grading scale in both core courses and overall coursework as determined by the Commission. The Commission may inquire into the substance or content of the program to assess the content thereof for the purpose of determining whether a student meets the requirement of Section 3.1.

3.2. A home-schooled student must apply for a PROMISE award within two years of ~~the earlier of passing a state approved high school equivalent examination or~~ the date the student's high school class would normally have graduated and meet all other criteria established by the Commission, including required scores on national standardized tests.

3.3. The parents or legal guardian and the applicant must meet the residency requirements set out in Section 2.1.f. of this rule.

§133-7-4. Eligibility for Graduates of Alternative Educational Programs.

4.1. A person who successfully completed an alternative educational program, such as the Mountaineer Challenge Academy, approved by the Director of State Financial Aid Programs, is eligible for a PROMISE award, but only if he or she has passed a state approved high school equivalency examination with a minimum score determined by the Commission.

4.2. A graduate of such programs must apply for a PROMISE award within two years of the earlier of passing a state approved high school equivalent examination or the date the student's high school class would normally have graduated and meet all other criteria at the time of application established by the Commission, including required scores on national standardized tests.

4.3. The parents or legal guardian and the applicant must meet the residency requirements set out in Section 2.1.f. of this rule.

4.4. A student passing a state approved high school equivalent examination under other exceptional circumstances may appeal for scholarship consideration under the provisions of Section 14 of this rule.

§133-7-5. Eligibility of Members of Armed Services.

5.1. A person who entered full-time, active duty with the United States armed services within two years of his or her high school graduation and is discharged with a status other than dishonorable is eligible to apply or claim a PROMISE award within seven years of the time he or she has initially entered military service. However, this eligibility ends one year after discharge from such military service.

5.2. The applicant must meet all other criteria established by the Commission for eligible high school graduates at the time of the application, including high school grade point average and required scores on national standardized tests.

5.3. The applicant must meet the residency requirements set out in Section 2.1.f. of this rule, or have entered military service from this state, and not have established domicile in another state, at any time during that military service.

5.4. A student attending a United States military academy is only eligible for a PROMISE award if he or she leaves the military academy and meets the requirements of Section 2.5 of this rule.

§133-7-6. Eligibility of Military Dependents.

6.1. The credit hour requirements in Section 2.1.b. and the residency requirements of Section 2.1.f. of this rule shall be waived if:

6.1.a. The applicant both resided in a state other than West Virginia and attended high school in another state or in a United States territory, United States possession or foreign country; and

6.1.b. Resided with his or her parent or legal guardian; and

6.1.c. The applicant's parent or legal guardian served in the United States armed forces while the student attended high school in such state, territory, possession or country; and

6.1.d. The parent or legal guardian was stationed for military purposes in such state, territory, possession or country; and

6.1.e. The parent or legal guardian maintained legal residence in West Virginia while stationed in such state, territory, possession or country.

§133-7-7. Eligibility of Commuting Students.

7.1. The credit hour requirements in Section 2.1.b. of this rule shall be waived if:

7.1.a. The applicant resided in West Virginia while attending high school in another state; and

7.1.b. Resided with his or her parent or legal guardian; and

7.1.c. The parent or legal guardian and the applicant must have met the residency requirements set out in Section 2.1.f. of this rule; and

7.1.d. The student commuted from this state on a daily basis; and

7.1.e. The student was a dependent of the parent or legal guardian with whom the student resided; and

7.1.e.1. A dependent student is one who is required to provide parental information on the Free Application for Federal Student Aid because the student does not meet the criteria to be classified an independent student contained in the Higher Education Act of 1965 as amended and implementing regulations.

7.1.f. The student has not established domicile in another state; and

7.1.g. The school to which the student commuted was fully accredited to a degree acceptable to West Virginia's State Superintendent of Schools; and

7.1.h. The school's curriculum requirements for graduation are equivalent, or sufficiently similar to, those required for high school graduation in this state.

§133-7-8. Eligible Institutions.

8.1. Only those institutions specified in W. Va. Code §18C-7-3, or any other regionally accredited, not-for-profit institution in this state approved by the Commission, are eligible to participate in the PROMISE Scholarship Program.

§133-7-9. Awards.

9.1. "Tuition and mandatory fees" means the quarter, semester or term charges imposed by a state institution of higher education upon all students as a required condition of enrollment.

9.1.a. For purposes of this rule, West Virginia University's undergraduate health sciences students shall be treated as paying the same amount of tuition and mandatory fees as all other West Virginia University undergraduate students.

9.1.b. West Virginia University, Potomac State College of West Virginia University and West Virginia University Institute of Technology are considered separate institutions for purposes of determining tuition rates.

9.2. Students awarded a PROMISE Scholarship shall receive an award equal to the lesser of \$4,750 or the actual tuition and mandatory fee charges for resident students at the institution.

9.3. Awards may be made for summer school. To be eligible for a summer award, a student must be academically eligible for scholarship continuation at the end of the spring semester preceding the summer that assistance is requested. Any summer award under this provision is dependent upon the availability of funds as determined by the Commission.

9.3.a. Priority for summer awards will be based on class rank with the highest priority given to students closest to graduation.

9.3.b. Students, other than those graduating at the end of the summer term of enrollment, must be enrolled for at least 12 credit hours unless granted a waiver of the full-time requirement by the Commission. ~~Students graduating at the end of the summer term of enrollment are only required to enroll for a minimum of 6 credit hours.~~

9.3.c. A summer award counts as a semester of utilization toward the maximum number of available semesters.

9.4. Only full-time, first-year students may receive initial awards. Students already enrolled at a higher education institution are not eligible to apply for a PROMISE award except as outlined in Section 2.1.g.1.

9.5. If the Commission determines that adequate funds are available it may make PROMISE awards greater than \$4,750, but not in excess of actual resident tuition and mandatory fees.

§133-7-10. Eligibility for Renewal of Awards.

10.1. For a student to retain or have the PROMISE award renewed each year the student must be continuously enrolled as a full-time undergraduate student; except during the last ~~two semesters~~ academic year of scholarship eligibility the student may be less than full-time; and

10.2. Maintain at least a 2.75 grade point average on a 4.0 scale the first year and a 3.0 cumulative grade point average in subsequent years; and

10.3. Complete and earn a minimum of 30 credit hours in each ~~12-month period~~ academic year for a student who receives a two-semester award in an academic year. If a student receives a single-semester award, the student must complete and earn a minimum of 15 credit hours in the academic year.

10.3.a. College-Level Examination Program (CLEP) credits may be used to meet the minimum credit hours requirement.

10.3.b. Credit for a course taken again during the same award year, including the summer, to improve a grade, or for any other purpose, may only be counted once in meeting the credit hour requirement.

10.3.c. The ~~12-month period~~ academic year for calculating renewal begins with the fall semester and ends with the summer semester.

10.4. A student seeking an associate degree is eligible to receive a PROMISE award for no more than a total of four semesters of a two-year degree program.

10.4.a. The student must meet the renewal requirements to receive a PROMISE award for a baccalaureate program.

10.5. A student seeking a baccalaureate degree is eligible to receive a PROMISE award for no more than eight semesters of a four-year degree program.

10.6. If a student enrolls in summer school to attain the minimum credit hours required by Section

10.3 or achieve the grade point average required by Section 10.2, he or she shall not receive a PROMISE award for that summer school enrollment. The summer school enrollment must be completed before the commencement of the regular semester of the PROMISE eligible institution the student is attending. Summer school credits may be obtained from an out-of-state institution with approval of the home institution.

10.6.a. All college credit hours and corresponding grades must be counted in determining PROMISE Scholarship eligibility regardless of whether or not the college accepts these credits. Any college credit hours earned prior to the first semester of fall or spring enrollment may not be counted toward the credit hour requirement in determining eligibility for award renewal.

10.7. PROMISE Scholarship students are expected to maintain continuous enrollment in addition to the other renewal requirements set forth in this section. However, this requirement may be waived by an institution of higher education for a medical or family bereavement absence consistent with program policies. The institution may also grant a leave of absence for students entering or being called to military active duty, or enrolling in a study abroad program, internship, or co-op program.

10.8. Other requests for leaves of absence must be submitted in writing by the student to the Director of State Financial Aid Programs. Student leave of absence requests submitted to the director may include, but are not limited to, programs directly related to the student's educational program, study abroad, extreme financial hardships of the student or the student's immediate family, service or volunteerism or other extraordinary circumstances beyond the student's control when continued attendance would create a substantial hardship for the student.

10.9. A student granted a leave of absence under the provisions of Section 10.7 or 10.8 who resumes his or her education at an eligible institution, assuming he or she meets all other eligibility requirements at the time the leave of absence was granted, shall retain eligibility for a PROMISE Scholarship until the first of the following events:

10.9.a. The student received four semesters of PROMISE Scholarship assistance while enrolled in an associate degree program or graduated from the associate degree program; or

10.9.b. The student received eight semesters of PROMISE Scholarship assistance while enrolled in an associate and/or baccalaureate program or graduated from the baccalaureate degree program; or

10.9.c. The sum of the number of academic years from the date of the student's selection as a PROMISE Scholarship recipient equals six years except for the military service provisions of Section 5.

§133-7-11. Duty of PROMISE Recipient Graduates.

11.1. By accepting a PROMISE award, the recipient agrees to provide the information the Commission may request regarding the recipient's address after graduation, employment after graduation, whether and where the recipient is enrolled in post-graduate programs, and such other relevant information as the Commission may deem necessary to assess the effectiveness of the PROMISE Scholarship Program.

§133-7-12. Community Service for Applicants.

12.1. Applicants for PROMISE awards are strongly urged to perform at least 20 hours of unpaid community service while in high school and college. The community service may include, but is not limited to, participation with non-profit, governmental, institutional or community-based organizations designed to improve the quality of life for community residents, meet the needs of community residents,

or foster civic responsibility.

§133-7-13. Coordination with Other Financial Aid.

13.1. PROMISE Scholarship awards shall be coordinated with other financial aid/grant programs in the following manner:

13.1.a. PROMISE awards must be utilized in a manner that maximizes federal scholarship/grant funding (e.g. Pell Grant) and should not be administered in a manner that would result in the loss of federal grant/scholarship funds to a student or to the State of West Virginia.

13.1.b. PROMISE Scholarship awards must be used for tuition and fees.

13.1.c. Institutions are strongly encouraged to allow maximum flexibility in the use of institution based financial aid awards so that they can be used in conjunction with the PROMISE award.

13.2. The amount of a PROMISE award in combination with aid from all other sources shall not exceed the cost of the attendance at the institution the recipient is attending. This restriction does not apply to members of the West Virginia National Guard.

13.3. For those students eligible for federal grant assistance, such as Federal Pell Grants, the federal assistance should be considered the first source of all scholarship/grant funding to the extent permissible under federal law. For students awarded both a PROMISE Scholarship and a need-based grant through the West Virginia Higher Education Grant Program, the PROMISE Scholarship awards shall be considered the first source for these two scholarship/grant programs. West Virginia Higher Education Grants may be combined with PROMISE awards as provided for annually by program policies.

13.4. Should the PROMISE Scholarship award plus the amount of other financial awards exceed the cost of attendance, the institution's financial aid administrator, in consultation with the recipient, will determine what aid is to be reduced. This adjustment should be to the best advantage of the recipient.

13.5. If a PROMISE recipient terminates enrollment for any reason during the academic year, the unused portion of the scholarship shall be returned to the Commission by the institution in accordance with the Commission's rule for issuing refunds pursuant to the provisions of West Virginia Code §18C-5-1 et seq. If the recipient also received federal financial aid, the institution must abide by the refund policy associated with Title IV funds. The institution is responsible for returning the unused portion of the scholarship even if the student does not request a refund from the institution.

§133-7-14. Appeals.

14.1. An applicant for an initial PROMISE Scholarship award may appeal the denial of eligibility for the award with the Director of State Financial Aid Programs.

14.2. Any appeal must be filed within fifteen (15) days of the applicant receiving notice that he or she is not eligible for an initial award. The appeal must detail in writing, and with specificity, including the grounds supporting the appeal and a finding of eligibility. The director may require additional evidence or materials from the applicant or other parties.

14.3. If the appeal is denied by the director, the reasons for the denial shall be communicated in writing to the applicant with an explanation of the reason for the denial.

14.4. An applicant may appeal the director's decision to a review committee appointed by the

Commission.

14.5. Any appeal to the review committee must be filed within fifteen (15) days of notification to the applicant that his or her initial appeal was denied. The appeal must be in writing and detail, with specificity, the grounds supporting the appeal. The review committee may require additional evidence or materials be submitted. If the review committee denies the appeal, the reasons for the denial shall be communicated in writing to the applicant with an explanation of the reason for the denial. The decision of the review committee is final.

14.6. A student granted an initial PROMISE Scholarship may appeal a non-renewal of the award with the person designated at the institution of higher education where the student is enrolled. The appeal process at the institution shall be governed by an established procedure designated by the institution.

14.7. If the appeal of the non-renewal is denied by the institution, the student may appeal that decision to the Director of State Financial Aid Programs. The appeal must be filed within fifteen (15) days of notification to the student of denial of the institutional appeal and shall be heard in the same manner as appeals of denials of initial awards.

14.8. If a student with a PROMISE Scholarship is not eligible for renewal of the award because of failure to maintain academic progress, he or she may not utilize the procedure set out herein to challenge any grade assigned them. Challenges to grades must be brought under established institutional procedures for grade appeals. The process set out above may only be utilized to challenge the application of the eligibility requirements to the grade or grades assigned. If a student is successful on a grade or other appeal and the changing of the grade makes him or her eligible once again for renewal, he or she may petition the Commission for a renewal of the award retroactively.

§133-7-15. Reports.

15.1. The Commission shall report findings about recipients of the scholarships each year to the Legislative Oversight Commission on Education Accountability. Such reports will include the following:

15.1.a. Information on the recipients' demographics including race, income and other variables gathered by the Commission.

15.1.b. Information on students who graduate from college in West Virginia having utilized the PROMISE Scholarship as indicated in Section 11.1 of this rule.

§133-7-16. Accounting, Reporting, and Auditing Requirements.

16.1. Before the end of each fiscal year, each institution's financial aid office must reconcile its PROMISE Scholarship records with:

16.1.a. The Commission's records of PROMISE Scholarship awards and disbursements; and

16.1.b. The institution's business office records of PROMISE Scholarship disbursements.

16.2. All participating institutions may be subject to financial aid audits.

**TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 7
WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR MAXIMIZING IN-STATE
STUDENT EXCELLENCE (PROMISE) SCHOLARSHIP PROGRAM**

§133-7-1. General.

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1.3. Filing Date. -- ~~July 5, 2017.~~

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§133-7-2. Eligibility of High School Graduates for Initial Award.

2.1. To be eligible for an initial PROMISE Scholarship, a high school applicant must be eligible for the award at the time of application and at the time the award is received by meeting all academic criteria in place at the time of application and award; and

2.1.a. Must complete high school graduation requirements at a West Virginia public or private high school unless he or she qualified as a military dependent under Section 6 of this rule, or has commuted to an out-of-state school pursuant to Section 7 of this rule; and

2.1.b. Must complete at least one half of the credits required for high school graduation through attendance at a public or private high school in this state, unless he or she qualified as a military dependent under Section 6 of this rule, or has commuted to an out-of-state school pursuant to Section 7 of this rule; and

2.1.c. Must apply for the scholarship within two years of graduation from high school unless the applicant entered the United States armed services pursuant to Section 5 of this rule; and

2.1.d. Must, while enrolled in high school, have attained a cumulative grade point average of at least 3.0 on a 4.0 scale, based on county board grading policies, in both core courses and overall coursework required for graduation by the State Board of Education; and

2.1.e. Must meet standardized test score criteria on an ACT or SAT national test as established by the West Virginia Higher Education Policy Commission (Commission); and

2.1.f. Must have resided in West Virginia continuously for a minimum of twelve consecutive months immediately preceding the final date of application for a PROMISE Scholarship, unless a member of the Armed Services pursuant to Section 5 of this rule or a military dependent pursuant to Section 6 of this rule, and be a United States citizen, a U.S. permanent resident, or an eligible non-citizen who meets

the residency requirements for Federal Student Aid; and

2.1.g. Must submit both the Free Application for Federal Student Aid and any application form required by the Commission by the deadline established by the Commission; however:

2.1.g.1. Any student who misses the deadline for application may apply by a later date established by the Commission for a spring semester award. This option is contingent upon the availability of funding for late awards.

2.2. The grade point average required in Section 2.1.d. will be determined by the appropriate school official at the end of the sixth high school semester. However, the final calculation of the grade point average and eligibility for the award may be determined as late as after the eighth semester.

2.3. Weighted grades may be used in the computation of a student's core and overall grade point average based on county board grading policies.

2.4. A student who applied for and was deemed eligible for a PROMISE award must enroll for the first regularly scheduled enrollment period after being selected unless granted a deferment under the leave of absence provisions of Section 10.7 or 10.8.

2.5. A student who was deemed eligible for a PROMISE award but elects not to enroll at an eligible institution set forth in Section 8 of this rule may regain eligibility providing the student discontinues enrollment at the ineligible institution no later than one academic year after high school graduation and re-enrolls at an eligible institution. Any such student must meet the eligibility standards for a PROMISE award renewal set out in Section 10 of this rule.

§133-7-3. Eligibility for the Home-Schooled.

3.1. A person who has been home-schooled pursuant to the exemption allowed by W.Va. Code § 18-8-1 for both the 11th and 12th grades as documented by registration with the county school board system is eligible for a PROMISE award, but only if he or she has ~~passed a state approved high school equivalency examination with a minimum score~~ completed the required core and elective coursework necessary to prepare students for success in postsecondary education at the associate and baccalaureate levels by attaining a cumulative grade point average of at least 3.0 on a 4.0 grading scale in both core courses and overall coursework as determined by the Commission. The Commission may inquire into the substance or content of the program to assess the content thereof for the purpose of determining whether a student meets the requirement of Section 3.1.

3.2. A home-schooled student must apply for a PROMISE award within two years of ~~the earlier of passing a state approved high school equivalent examination or~~ the date the student's high school class would normally have graduated and meet all other criteria established by the Commission, including required scores on national standardized tests.

3.3. The parents or legal guardian and the applicant must meet the residency requirements set out in Section 2.1.f. of this rule.

§133-7-4. Eligibility for Graduates of Alternative Educational Programs.

4.1. A person who successfully completed an alternative educational program, such as the Mountaineer Challenge Academy, approved by the Director of State Financial Aid Programs, is eligible for a PROMISE award, but only if he or she has passed a state approved high school equivalency examination with a minimum score determined by the Commission.

4.2. A graduate of such programs must apply for a PROMISE award within two years of the earlier of passing a state approved high school equivalent examination or the date the student's high school class would normally have graduated and meet all other criteria at the time of application established by the Commission, including required scores on national standardized tests.

4.3. The parents or legal guardian and the applicant must meet the residency requirements set out in Section 2.1.f. of this rule.

4.4. A student passing a state approved high school equivalent examination under other exceptional circumstances may appeal for scholarship consideration under the provisions of Section 14 of this rule.

§133-7-5. Eligibility of Members of Armed Services.

5.1. A person who entered full-time, active duty with the United States armed services within two years of his or her high school graduation and is discharged with a status other than dishonorable is eligible to apply or claim a PROMISE award within seven years of the time he or she has initially entered military service. However, this eligibility ends one year after discharge from such military service.

5.2. The applicant must meet all other criteria established by the Commission for eligible high school graduates at the time of the application, including high school grade point average and required scores on national standardized tests.

5.3. The applicant must meet the residency requirements set out in Section 2.1.f. of this rule, or have entered military service from this state, and not have established domicile in another state, at any time during that military service.

5.4. A student attending a United States military academy is only eligible for a PROMISE award if he or she leaves the military academy and meets the requirements of Section 2.5 of this rule.

§133-7-6. Eligibility of Military Dependents.

6.1. The credit hour requirements in Section 2.1.b. and the residency requirements of Section 2.1.f. of this rule shall be waived if:

6.1.a. The applicant both resided in a state other than West Virginia and attended high school in another state or in a United States territory, United States possession or foreign country; and

6.1.b. Resided with his or her parent or legal guardian; and

6.1.c. The applicant's parent or legal guardian served in the United States armed forces while the student attended high school in such state, territory, possession or country; and

6.1.d. The parent or legal guardian was stationed for military purposes in such state, territory, possession or country; and

6.1.e. The parent or legal guardian maintained legal residence in West Virginia while stationed in such state, territory, possession or country.

§133-7-7. Eligibility of Commuting Students.

7.1. The credit hour requirements in Section 2.1.b. of this rule shall be waived if:

7.1.a. The applicant resided in West Virginia while attending high school in another state; and

7.1.b. Resided with his or her parent or legal guardian; and

7.1.c. The parent or legal guardian and the applicant must have met the residency requirements set out in Section 2.1.f. of this rule; and

7.1.d. The student commuted from this state on a daily basis; and

7.1.e. The student was a dependent of the parent or legal guardian with whom the student resided; and

7.1.e.1. A dependent student is one who is required to provide parental information on the Free Application for Federal Student Aid because the student does not meet the criteria to be classified an independent student contained in the Higher Education Act of 1965 as amended and implementing regulations.

7.1.f. The student has not established domicile in another state; and

7.1.g. The school to which the student commuted was fully accredited to a degree acceptable to West Virginia's State Superintendent of Schools; and

7.1.h. The school's curriculum requirements for graduation are equivalent, or sufficiently similar to, those required for high school graduation in this state.

§133-7-8. Eligible Institutions.

8.1. Only those institutions specified in W. Va. Code §18C-7-3, or any other regionally accredited, not-for-profit institution in this state approved by the Commission, are eligible to participate in the PROMISE Scholarship Program.

§133-7-9. Awards.

9.1. "Tuition and mandatory fees" means the quarter, semester or term charges imposed by a state institution of higher education upon all students as a required condition of enrollment.

9.1.a. For purposes of this rule, West Virginia University's undergraduate health sciences students shall be treated as paying the same amount of tuition and mandatory fees as all other West Virginia University undergraduate students.

9.1.b. West Virginia University, Potomac State College of West Virginia University and West Virginia University Institute of Technology are considered separate institutions for purposes of determining tuition rates.

9.2. Students awarded a PROMISE Scholarship shall receive an award equal to the lesser of \$4,750 or the actual tuition and mandatory fee charges for resident students at the institution.

9.3. Awards may be made for summer school. To be eligible for a summer award, a student must be academically eligible for scholarship continuation at the end of the spring semester preceding the summer that assistance is requested. Any summer award under this provision is dependent upon the availability of funds as determined by the Commission.

9.3.a. Priority for summer awards will be based on class rank with the highest priority given to students closest to graduation.

9.3.b. Students, other than those graduating at the end of the summer term of enrollment, must be enrolled for at least 12 credit hours unless granted a waiver of the full-time requirement by the Commission. ~~Students graduating at the end of the summer term of enrollment are only required to enroll for a minimum of 6 credit hours.~~

9.3.c. A summer award counts as a semester of utilization toward the maximum number of available semesters.

9.4. Only full-time, first-year students may receive initial awards. Students already enrolled at a higher education institution are not eligible to apply for a PROMISE award except as outlined in Section 2.1.g.1.

9.5. If the Commission determines that adequate funds are available it may make PROMISE awards greater than \$4,750, but not in excess of actual resident tuition and mandatory fees.

§133-7-10. Eligibility for Renewal of Awards.

10.1. For a student to retain or have the PROMISE award renewed each year the student must be continuously enrolled as a full-time undergraduate student; except during the last ~~two semesters~~ academic year of scholarship eligibility the student may be less than full-time; and

10.2. Maintain at least a 2.75 grade point average on a 4.0 scale the first year and a 3.0 cumulative grade point average in subsequent years; and

10.3. Complete and earn a minimum of 30 credit hours in each ~~12-month period~~ academic year for a student who receives a two-semester award in an academic year. If a student receives a single-semester award, the student must complete and earn a minimum of 15 credit hours in the academic year.

10.3.a. College-Level Examination Program (CLEP) credits may be used to meet the minimum credit hours requirement.

10.3.b. Credit for a course taken again during the same award year, including the summer, to improve a grade, or for any other purpose, may only be counted once in meeting the credit hour requirement.

10.3.c. The ~~12-month period~~ academic year for calculating renewal begins with the fall semester and ends with the summer semester.

10.4. A student seeking an associate degree is eligible to receive a PROMISE award for no more than a total of four semesters of a two-year degree program.

10.4.a. The student must meet the renewal requirements to receive a PROMISE award for a baccalaureate program.

10.5. A student seeking a baccalaureate degree is eligible to receive a PROMISE award for no more than eight semesters of a four-year degree program.

10.6. If a student enrolls in summer school to attain the minimum credit hours required by Section

10.3 or achieve the grade point average required by Section 10.2, he or she shall not receive a PROMISE award for that summer school enrollment. The summer school enrollment must be completed before the commencement of the regular semester of the PROMISE eligible institution the student is attending. Summer school credits may be obtained from an out-of-state institution with approval of the home institution.

10.6.a. All college credit hours and corresponding grades must be counted in determining PROMISE Scholarship eligibility regardless of whether or not the college accepts these credits. Any college credit hours earned prior to the first semester of fall or spring enrollment may not be counted toward the credit hour requirement in determining eligibility for award renewal.

10.7. PROMISE Scholarship students are expected to maintain continuous enrollment in addition to the other renewal requirements set forth in this section. However, this requirement may be waived by an institution of higher education for a medical or family bereavement absence consistent with program policies. The institution may also grant a leave of absence for students entering or being called to military active duty, or enrolling in a study abroad program, internship, or co-op program.

10.8. Other requests for leaves of absence must be submitted in writing by the student to the Director of State Financial Aid Programs. Student leave of absence requests submitted to the director may include, but are not limited to, programs directly related to the student's educational program, study abroad, extreme financial hardships of the student or the student's immediate family, service or volunteerism or other extraordinary circumstances beyond the student's control when continued attendance would create a substantial hardship for the student.

10.9. A student granted a leave of absence under the provisions of Section 10.7 or 10.8 who resumes his or her education at an eligible institution, assuming he or she meets all other eligibility requirements at the time the leave of absence was granted, shall retain eligibility for a PROMISE Scholarship until the first of the following events:

10.9.a. The student received four semesters of PROMISE Scholarship assistance while enrolled in an associate degree program or graduated from the associate degree program; or

10.9.b. The student received eight semesters of PROMISE Scholarship assistance while enrolled in an associate and/or baccalaureate program or graduated from the baccalaureate degree program; or

10.9.c. The sum of the number of academic years from the date of the student's selection as a PROMISE Scholarship recipient equals six years except for the military service provisions of Section 5.

§133-7-11. Duty of PROMISE Recipient Graduates.

11.1. By accepting a PROMISE award, the recipient agrees to provide the information the Commission may request regarding the recipient's address after graduation, employment after graduation, whether and where the recipient is enrolled in post-graduate programs, and such other relevant information as the Commission may deem necessary to assess the effectiveness of the PROMISE Scholarship Program.

§133-7-12. Community Service for Applicants.

12.1. Applicants for PROMISE awards are strongly urged to perform at least 20 hours of unpaid community service while in high school and college. The community service may include, but is not limited to, participation with non-profit, governmental, institutional or community-based organizations designed to improve the quality of life for community residents, meet the needs of community residents,

or foster civic responsibility.

§133-7-13. Coordination with Other Financial Aid.

13.1. PROMISE Scholarship awards shall be coordinated with other financial aid/grant programs in the following manner:

13.1.a. PROMISE awards must be utilized in a manner that maximizes federal scholarship/grant funding (e.g. Pell Grant) and should not be administered in a manner that would result in the loss of federal grant/scholarship funds to a student or to the State of West Virginia.

13.1.b. PROMISE Scholarship awards must be used for tuition and fees.

13.1.c. Institutions are strongly encouraged to allow maximum flexibility in the use of institution based financial aid awards so that they can be used in conjunction with the PROMISE award.

13.2. The amount of a PROMISE award in combination with aid from all other sources shall not exceed the cost of the attendance at the institution the recipient is attending. This restriction does not apply to members of the West Virginia National Guard.

13.3. For those students eligible for federal grant assistance, such as Federal Pell Grants, the federal assistance should be considered the first source of all scholarship/grant funding to the extent permissible under federal law. For students awarded both a PROMISE Scholarship and a need-based grant through the West Virginia Higher Education Grant Program, the PROMISE Scholarship awards shall be considered the first source for these two scholarship/grant programs. West Virginia Higher Education Grants may be combined with PROMISE awards as provided for annually by program policies.

13.4. Should the PROMISE Scholarship award plus the amount of other financial awards exceed the cost of attendance, the institution's financial aid administrator, in consultation with the recipient, will determine what aid is to be reduced. This adjustment should be to the best advantage of the recipient.

13.5. If a PROMISE recipient terminates enrollment for any reason during the academic year, the unused portion of the scholarship shall be returned to the Commission by the institution in accordance with the Commission's rule for issuing refunds pursuant to the provisions of West Virginia Code §18C-5-1 et seq. If the recipient also received federal financial aid, the institution must abide by the refund policy associated with Title IV funds. The institution is responsible for returning the unused portion of the scholarship even if the student does not request a refund from the institution.

§133-7-14. Appeals.

14.1. An applicant for an initial PROMISE Scholarship award may appeal the denial of eligibility for the award with the Director of State Financial Aid Programs.

14.2. Any appeal must be filed within fifteen (15) days of the applicant receiving notice that he or she is not eligible for an initial award. The appeal must detail in writing, and with specificity, including the grounds supporting the appeal and a finding of eligibility. The director may require additional evidence or materials from the applicant or other parties.

14.3. If the appeal is denied by the director, the reasons for the denial shall be communicated in writing to the applicant with an explanation of the reason for the denial.

14.4. An applicant may appeal the director's decision to a review committee appointed by the

Commission.

14.5. Any appeal to the review committee must be filed within fifteen (15) days of notification to the applicant that his or her initial appeal was denied. The appeal must be in writing and detail, with specificity, the grounds supporting the appeal. The review committee may require additional evidence or materials be submitted. If the review committee denies the appeal, the reasons for the denial shall be communicated in writing to the applicant with an explanation of the reason for the denial. The decision of the review committee is final.

14.6. A student granted an initial PROMISE Scholarship may appeal a non-renewal of the award with the person designated at the institution of higher education where the student is enrolled. The appeal process at the institution shall be governed by an established procedure designated by the institution.

14.7. If the appeal of the non-renewal is denied by the institution, the student may appeal that decision to the Director of State Financial Aid Programs. The appeal must be filed within fifteen (15) days of notification to the student of denial of the institutional appeal and shall be heard in the same manner as appeals of denials of initial awards.

14.8. If a student with a PROMISE Scholarship is not eligible for renewal of the award because of failure to maintain academic progress, he or she may not utilize the procedure set out herein to challenge any grade assigned them. Challenges to grades must be brought under established institutional procedures for grade appeals. The process set out above may only be utilized to challenge the application of the eligibility requirements to the grade or grades assigned. If a student is successful on a grade or other appeal and the changing of the grade makes him or her eligible once again for renewal, he or she may petition the Commission for a renewal of the award retroactively.

§133-7-15. Reports.

15.1. The Commission shall report findings about recipients of the scholarships each year to the Legislative Oversight Commission on Education Accountability. Such reports will include the following:

15.1.a. Information on the recipients' demographics including race, income and other variables gathered by the Commission.

15.1.b. Information on students who graduate from college in West Virginia having utilized the PROMISE Scholarship as indicated in Section 11.1 of this rule.

§133-7-16. Accounting, Reporting, and Auditing Requirements.

16.1. Before the end of each fiscal year, each institution's financial aid office must reconcile its PROMISE Scholarship records with:

16.1.a. The Commission's records of PROMISE Scholarship awards and disbursements; and

16.1.b. The institution's business office records of PROMISE Scholarship disbursements.

16.2. All participating institutions may be subject to financial aid audits.

TITLE 135
LEGISLATIVE RULE
WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION
SERIES 20
INITIAL AUTHORIZATION OF DEGREE-GRANTING INSTITUTIONS

§135-20-1. General.

1.1. Scope. -- This rule establishes the policy regarding accreditation and approval of degree-granting institutions which offer degrees not above the associate level.

1.2. Authority. -- West Virginia Code §18B-4-7

1.3. Filing Date. -- ~~May 16, 2013~~

1.4. Effective Date. -- ~~June 16, 2013~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect on _____.

§135-20-2. Purpose.

2.1. The West Virginia Council for Community and Technical College Education is responsible for the authorization of any institution, association or organization external to or within the State which offers credit-bearing courses or degree programs not above the associate level and which desires to offer such programs or courses of higher learning in the State of West Virginia. Authorization is required for all postsecondary providers that offer degrees at the associate level, and entities that use the term “academy,” “college,” “institution,” “university” or similar title, hereafter referred to as institution.

2.2. Prior to offering any course or degree program not above the associate level in the State, the entity shall apply to the Council for authorization to operate in the State. The provisions of this rule shall also apply to any course or programs not above the associate level delivered in the State by an out-of-state institution via distance education-based instruction if the institution will have a physical presence in the State. An out-of-state institution that solely delivers a course or program in the state via distance online instruction with no physical presence in the State, as defined in section 3, is exempt from the provisions of this rule.

2.3. This rule is designed to protect consumers and to ensure consumers are offered quality education by postsecondary education providers within the State of West Virginia.

§135-20-3. Definitions.

3.1. “Academic credit” means the certification of a student’s successful completion of a unit of a course of study leading to a formal award granted by an institution approved to offer a collegiate degree such as an associate, baccalaureate, masters or doctorate degree.

3.2. “Accreditation” means a status attained by the institution through voluntarily meeting standards set by a nongovernmental entity recognized by the U.S. Secretary of Education.

3.3. "Authorization" means the status attained by the institution that allows the institution to offer programs and courses within the State of West Virginia. This status is granted by the WV Council for Community and Technical College Education when the institution demonstrates compliance with the requirements for such status.

3.4. "Commission" means the West Virginia Higher Education Policy Commission.

3.5. "Council" means the West Virginia Council for Community and Technical College Education.

3.6. "Course" means a formally organized, structured series of instructional activities open to the general public for which a fee is charged, and for which credit toward a degree either is awarded or may reasonably be understood to be applicable to a degree with the intent of imparting information or understanding at a level appropriate to a postsecondary audience. Instruction may be in face-to-face meetings or delivered electronically or by other means.

3.7. "Degree" means any earned award conferred by a higher educational institution which represents satisfactory completion of the requirements of a program, or course of study, or any instruction beyond or apart from the secondary level of greater duration than eleven months of full-time study.

3.8. "Degree program" means a curriculum or course of study of greater duration than eleven months of full-time study in a discipline or field that leads to a degree.

3.9. "Distance education" means the delivery of any course or degree programs by synchronous or asynchronous technology. Asynchronous or synchronous technology via distance delivery includes all forms of internet, electronic, digital, online, video, and any other technology driven delivery system.

3.10. "Institution" means any person, firm, corporation, association, agency, institute, trust or other entity of any nature whatsoever offering education beyond the secondary level which:

3.10.a. offers courses or programs of study or instruction which lead to or which may reasonably be understood to be applicable toward an associate degree; or

3.10.b. operates a facility as a college or university or other entity which offers degrees or other indicia of a level of educational attainment beyond the secondary school level; or

3.10.c. uses the term "college" or "university," or words of like meaning, in its name or in any manner in connection with its academic affairs or business.

3.11. "Physical Presence" means an actual presence in the state, online or on-site, for the purpose of conducting activity related to: a postsecondary educational institution; educational service; dissemination of educational credentials; enrollment, solicitation or advertising. Physical presence as further outlined for purposes of authorization shall include but not be limited to:

3.11.a. An instructional site within the state.

3.11.b. Dissemination of an educational credential from a location within the state.

3.11.c. An agent, whether compensated or not, who is utilized for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising, recruiting, or any other activity on behalf of the sponsoring institution.

3.11.d. Advertising, promotional material or public solicitation in any form that targets West Virginia residents through distribution or advertising in the state.

3.11.e. Instructional delivery that receives assistance from any other organization within the state in that delivery.

3.11.f. Clinical experiences, internships, or other similar curricular requirement. Activities exempt from this definition include: online instructors residing in West Virginia but having no direct, in-person contact with students and individuals participating in college fairs coordinated by the Commission and local school districts.

3.12. "Preliminary status" means six-month period of time that an institution is granted by the Council to satisfactorily complete preliminary information as required by the regional or other appropriate, acceptable, accrediting association. During this time period, the institution shall not accept students, offer instruction, award credits toward a degree, or award a degree until granted further authorization by the Council.

3.13. "Probationary status" means that an institution has been authorized by the Council to enroll students, offer instruction, graduate students and award degrees under the condition that the institution is continuously seeking and making satisfactory progress toward acquiring full accreditation and full state authorization.

3.14. "Reauthorization" is the process by which an institution annually renews its status as an institution authorized to offer programs and courses for West Virginia residents. This status is granted by the WV Council for Community and Technical College Education when the institution demonstrates compliance with the requirements for such status.

3.15. "Religious, theological, or faith-based institution" means a postsecondary institution that offers no degree programs other than those specifically related to the institution's doctrine. Institutions that offer general degree programs cannot be exempted by this rule as religious, theological, or faith-based.

3.16. "Unearned Tuition" means the portion of tuition paid for which the institution has not fulfilled its contractual agreement.

§135-20-4. Exemptions.

4.1. Institutions that clearly qualify as exemptions under this rule and after Council staff review shall be considered exempt from authorization. Institutional exemption is subject to annual review and/or revocation any time the activity deviates from the original determination factors for exemption. The following institutions shall be exempt from the provisions of this rule:

~~4.1.a. Any existing institutions of higher education approved to operate in West Virginia prior to the effective date of this rule. Should any such institution, as the result of a change of ownership, or operational status from a non-profit to a for-profit institution, be required to modify its accreditation status from the Higher Learning Commission of the North Central Association, such institution must secure approval for the change(s) from the Council.~~

~~4.1.b. Correspondence, business, occupational and trade schools which~~

~~4.1.b.1. offer nothing higher than a specialized associate degree,~~

~~4.1.b.2. are regulated under West Virginia Code provisions(18B-2B-9) on correspondence, business, occupational and trade schools.~~

4.1.ea. Out-of-state institutions:

4.1.e a.1. offering courses through brokering or other collaborative arrangements with a West Virginia public institution of higher education and which support programmatic offerings of the state institution;

4.1.ea.2. offering a short course or seminar in which the instruction for the segment takes no more than twenty classroom hours, and is not for college credit, or

4.1.ea.3. offering courses or programs on a military installation solely for military personnel or civilians employed on such installation.

4.1.db. Non-Degree granting institutions whose programs are designed primarily for job entry or upgrading of skills and are described in clock (contact) hours. These programs typically prepare individuals for employment and do not require courses beyond those specific to the job or its field with program length sufficient to effect outcomes.

4.2. Each institution of higher education which claims to be exempt under the provisions of this section must file with the Council such information as may be required by the Council to determine whether the institution is exempt. The written request for an exemption must be received by the Council at least thirty (30) days prior to the proposed initiation date of a course of instruction. The Council shall notify the institution in writing indicating whether or not the institution is exempt.

§135-20-5. Institutional Titles.

5.1. An institution shall use within the state a title appropriate to the program and degree it offers in the state.

5.2. No person, firm, association, institution, trust corporation or other entity shall use in any manner within West Virginia the term "college" or "university" or any abbreviation thereof, or any words or terms tending to designate it as, or create the impression that it is an institution of higher education, unless it shall have obtained the appropriate authorization as provided in this rule.

5.3. This section shall not apply to any institution which used the term "college" or "university" prior to the effective date of this rule.

5.4. This section shall not apply to individual proprietorships, associations, co- partnerships or corporations which use the words "college" or "university" in their training programs solely for their employees or customers, which do not offer degree programs, and whose name includes the word "college" or "university" in a context from which it clearly appears that such entity is not an educational institution.

§135-20-6. Authorization to Operate.

6.1. No institution may advertise, solicit, recruit, enroll, or operate a postsecondary education institution until it is authorized for operation in the State of West Virginia by the Council.

6.2. An institution locating in West Virginia must register with the Secretary of State's office prior to making any application to the Council for authorization.

6.3. All institutions and religious, theological, or faith-based colleges offering any degree above the associate level, as specified in section 7.4 of this rule, shall register with the Council, shall meet the authorization criteria, and shall be granted authorization prior to offering any program of instruction, credit, or degree; opening a place of business; soliciting students or enrollees; or offering educational support services.

6.4. All institutions, ~~with the exception of correspondence, business, occupational, and trade schools as defined in Series 35, Correspondence, Business, Occupational and Trade Schools, of the Council for Community and Technical College Education,~~ offering degrees ~~not above~~ at the associate level shall register with the Council, shall meet the authorization criteria, and shall be granted authorization prior to offering any program of instruction, credit, or degree; opening a place of business; soliciting students or enrollees; or offering educational support services.

6.5. All institutions offering degrees above the associate level shall register with the Commission, shall meet the authorization criteria, and shall be granted authorization prior to offering any program of instruction, credit, or degree; opening a place of business; soliciting students or enrollees; or offering educational support services. Granting of authorization of such institution is the responsibility of the Higher Education Policy Commission.

6.6. Authorization of institutions offering associate degrees is the responsibility of the West Virginia Council for Community and Technical College Education.

6.7. Institutions and religious, theological or faith-based colleges shall be authorized under the provision of this rule. ~~Institutions, such as correspondence, business, occupational, and trade schools, exempted under the provisions of section 4 of this rule shall be governed by the provisions of Title 135, Series 35, Correspondence, Business, Occupational and Trade Schools, administered by the Council.~~

6.8. Institutions which are formed, chartered, or established outside West Virginia and have been fully accredited by a regional accrediting association or by another accrediting body recognized by the U.S. Department of Education and which seek to offer courses and/or academic degree programs within West Virginia shall be authorized by the Commission to offer programs and courses within West Virginia under provisions of section 7.3 of this rule.

6.9. Newly established institutions located in West Virginia and those seeking accreditation by a regional accrediting association and/or by another accrediting body recognized by the U.S. Department of Education, may not offer courses or degree programs without Commission authorization to locate, relocate or establish a branch campus in West Virginia. The institution must seek Commission authorization to offer courses and/or academic programs within West Virginia per the provisions of section 7.2 of this rule.

6.10. Institutions wishing to exceed or change their approved programmatic mission must receive approval from the Council to offer each program that exceeds the level of academic degrees that the institution is authorized to grant. Documentation must be submitted that specifies the scope of the proposed change, including long-range plans for new degree programs and programs that exceed the level of academic degrees currently authorized for the institution. Requests to exceed an institution's programmatic mission shall be evaluated based on the following criteria: objectives of proposed program; relationship of program to statewide mission and plan; demonstration of need; effect of new program on existing programs at other institutions; resource availability; qualified faculty and administrators; library holdings and support; facilities and equipment; and, evidence of strength to offer the proposed program.

6.11. An out-of-state institution that seeks to offer online courses and programs in West Virginia and determined to have physical presence in West Virginia is subject to the provisions of section 8 of this rule.

6.12. Before an institution of higher education can be authorized by the Council to operate within the State of West Virginia, a surety bond must be provided by the institution. The obligation of the bond will be that the institution, its officers, agents and employees will faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the institution and persons enrolling as students. The bond shall be issued by a company authorized to do business in the state. The bond shall be to the Council in such form as approved by the Council and is to be used only for payment of a refund of tuition and other instructional fees due a student or potential student. The amount of the bond shall be \$100,000 and shall be renewed annually. The Council, if it deems appropriate, may reduce the amount of the bond if an institution has less unearned tuition than \$100,000, but in no event shall be less than \$20,000.

6.13. If instruction is to be delivered at a physical location within the State of West Virginia, the applicant institutions must secure, from appropriate local agencies, documentation that fire and sanitation codes are met by the proposed instructional facilities. If such inspections are unavailable, the institution must present a copy of a recent letter from the local inspection agency indicating that such inspections are unavailable. Additionally, instructional delivery sites must be compliant with Americans with Disabilities Act guidelines.

6.14. Institutions seeking West Virginia authorization may withdraw from the authorization process at any time upon written notification to the Vice Chancellor for Academic Affairs of the Council for Community and Technical College Education.

§135-20-7. Procedures for Granting of Authorization.

7.1. Process for securing authorization

An institution which is interested in gaining authorization to operate within the State of West Virginia must follow the prescribed procedures outlined in this rule to be considered for the requested authorization. No institution shall operate until it meets the essential conditions established by the Council and defined in this rule. Institutional accreditation must be documented or its potential for accreditation established and accepted by the Council. Institutions authorized to operate pending full accreditation shall pursue full accreditation continuously and shall make reasonable and timely progress toward accreditation in order to retain authorization.

When a change in ownership occurs with an institution, the Council shall reassess the institution's authorization status within six (6) months of the notification of the change in ownership.

7.2. Newly established institutions in West Virginia and those seeking accreditation Newly established institutions in West Virginia and those seeking accreditation by a regional accrediting association and/or by another accrediting body must seek Council authorization to offer courses and/or academic programs within West Virginia. Following is a description of the steps in the authorization process:

7.2.a. It is the responsibility of the applying institution to contact the Secretary of State's office to determine if registration is required within the state.

7.2.b. A preliminary conference shall be held between the Chief Executive Officer or designee of the institution seeking authorization to operate a degree-granting institution in the State of West Virginia and the Vice Chancellor for Academic Affairs to the Council for Community and Technical College

Education or designee. The agenda shall include a discussion of criteria to be met by the institution and procedures used in applying for requested authorization.

7.2.c. Following the preliminary conference, the institution shall submit a self- study report including all requested documents and materials related to authorization, including those which address the essential conditions in section 8 of this rule as may be requested. An initial application fee of \$6,000 must accompany the submission of documentation for those institutions seeking authorization. The Council may adjust all fees charged as deemed necessary.

7.2.d. Upon receipt of the completed self-study report and all documentation, the Council staff shall organize a compliance review committee to visit the site(s) of the institution seeking state authorization. At the discretion of the Council staff, the compliance visit may take place at the Council office or other appropriate locations. The principal task of the committee will be to verify that the institution complies with the Council's standards for preliminary authorization and to report its findings to the Council. The compliance review committee shall be composed of:

7.2.d.1. Persons who are qualified by academic training or professional experience to verify the institution's compliance with Council standards for approval.

7.2.d.2. Members of the Council staff. The Vice Chancellor for Academic Affairs or designee shall serve as chair of the committee.

7.2.d.3. The visit will be scheduled at a time which is mutually convenient to the institution and the Council. The institution shall pay the reasonable expenses associated with the compliance review visit.

7.2.e. Following the site visit and review of submitted documentation, the compliance review committee will prepare an analysis of the findings and develop a recommendation for the Council regarding the institutional application. Only those institutions whose proposed offerings meet state standards of quality will be recommended for authorization. The report will contain:

7.2.e.1. a report by the compliance review committee; and

7.2.e.2. a recommendation by the compliance review committee for action by the Council regarding granting preliminary authorization as provided for in section 7.2.h of this rule.

7.2.f. A draft of a staff report prepared in accordance with this section will be provided to the institution for correction of factual errors and comment. The institution may provide the Council a response to the report within ten (10) working days of receipt of the report. The institutional comments will be included with the compliance review committee report presented to the Council.

7.2.g. An out-of-state institution seeking to establish a campus in West Virginia that holds appropriate accreditation as determined by the Council and that meets the essential conditions as provided in section 9 of this rule may be granted full authorization by the Council.

7.2.h. Upon receipt and review of the compliance review committee recommendation, the Council will consider the institution for Preliminary State Authorization effective for a period of time up to six (6) months. Within that period of time the institution shall satisfactorily complete preliminary information as required by the regional and/or other appropriate accrediting association, and shall not accept students, offer instruction, award credits toward a degree, or award a degree until granted further authorization by the Council.

7.2.i. If the institution does not hold accreditation, the Council staff shall request submission of information verifying its accreditation status and/or evidence of "reasonable and timely progress" toward accreditation. Reasonable and timely progress toward accreditation is understood to be a status with the regional accrediting association or an acceptable alternative accrediting association recognized by the U.S. Department of Education (recognition shall be documented) that indicates that the institution has been determined to hold the potential for accreditation and is actively pursuing accreditation within the timetable established by the regional accrediting association (unless an alternative timetable has been presented to and accepted by the Council).

7.2.j. Once the institution has been accepted for consideration for candidacy by the regional accrediting organization and/or other appropriate accrediting association and has submitted evidence to this fact to the Council, the institution shall be placed on Probationary Authorization status. The institution shall remain on Probationary status no longer than six (6) years.

7.2.k. If at the discretion of the Council, satisfactory evidence is not received within six (6) months of the granting date of Preliminary Authorization status, that authorization may be suspended or revoked.

7.2.l. An institution holding Probationary status shall undertake the accreditation process immediately and shall comply with the accreditation requirements and procedures to achieve full institutional accreditation.

7.2.m. Failure to pursue accreditation continuously, as provided in this rule, shall result in loss of state authorization.

7.2.n. Each institution with Probationary State Authorization status shall submit an annual report in a format determined by Council staff. A nonrefundable fee of \$500 shall accompany the submission of the annual report while the institution is maintaining Probationary State Authorization status. The Council may adjust all fees charged as deemed necessary. The annual report should include the following:

7.2.n.1. any changes or additions to information previously submitted as part of the basis for Preliminary State Authorization;

7.2.n.2. copy of current catalog with major changes cited;

7.2.n.3. the latest financial statement from the most recent institutional fiscal year;

7.2.n.4. an enrollment report from the most recent academic year;

7.2.n.5. a list of all institutional personnel including staff, instructors and agents;

7.2.n.6. summary data on student state and federal financial aid;

7.2.n.7. data on student retention;

7.2.n.8. program completion data, as applicable;

7.2.n.9. status of progress toward receiving full accreditation status from accrediting agency;

and

7.2.n.10. such other information or clarification deemed necessary by Council staff for determination of authorization recommendation.

~~A nonrefundable fee of \$500 shall accompany the submission of the annual report while the institution is maintaining Probationary State Authorization status. The Council may adjust all fees charged as deemed necessary.~~

7.2.o. Following the on-site accreditation visit and action by the Higher Learning Commission of the North Central Association of Colleges and Schools and/or other appropriate accrediting association, the institution shall immediately notify the Council which will then assign the institution an authorization status from among the following:

7.2.o.1. Fully authorized, as a result of the decision by the accrediting association to accredit the institution, and having demonstrated compliance with the Essential Conditions.

7.2.o.2. Continuation of Probationary State Authorization. An institution that holds candidacy for accreditation shall submit annual reports to the Council documenting its progress toward the achievement of accreditation consistent with policy of appropriate accreditation associations. Continuation of this status shall not extend beyond six (6) years.

7.2.o.3. Not authorized as a result of denial of accreditation by the accrediting association.

7.2.o.4. Continuation of Probationary State Authorization status pending an appeal of denial of accreditation by the Higher Learning Commission of the North Central Association. Continuation on these grounds shall only be granted upon showing good cause to the Council. An institution's final authorization status will be based upon the action taken by the accrediting association.

7.3. Accredited, out-of-state institutions seeking to locate in West Virginia

Any higher education institution having its principal place of operation outside West Virginia which holds regional or other appropriate accreditation and which desires to offer courses and/or degree programs at a physical location within West Virginia must be authorized by the Council.

Following is a description of the steps in the authorization process:

7.3.a. It is the responsibility of the applying institution to contact the Secretary of State's office to determine if registration is required within the state.

7.3.b. The institution must submit an application for approval to the Council for each course or degree program to be offered at the site. The application should include written unconditional assurance that:

7.3.b.1. Each course or program of study proposed to be offered in West Virginia has been approved by the governing board of the institution, and if applicable, by the appropriate state agency in the state where the main campus of the institution is located.

7.3.b.2. The institution has been approved as necessary by the appropriate agency, if any, in the state where the main campus of the institution is located.

7.3.b.3. The institution offers degree programs at the level for which credit is proposed to be awarded in those programs in West Virginia.

7.3.b.4. The out-of-state institution is authorized by its appropriate accrediting body to offers degree programs outside the state where the main campus is located.

7.3.b.5. Any credit earned in West Virginia can be transferred to the institution's principal location outside West Virginia as part of an existing degree program offered by the institution.

7.3.b.6. The institution offers the same program at the same level at its principal location outside West Virginia that it seeks to offer at a physical location in West Virginia.

7.3.b.7. The institution presents data that projects market demand and availability of openings in the job market to be served by the new program for which the institution is seeking authorization to offer in West Virginia.

7.3.c. In making its determination, the Council will consider whether the proposed degree programs or courses duplicate existing offerings of other institutions of higher education at the locations for which approval is requested.

7.3.d. Authorization for degree programs may be for a period of up to four years at a specified location with an application for renewal of the authorization required to be filed with the Council at least ninety days prior to the expiration of the authorization.

Authorization for courses may be granted for a period of one year at a specified location with an application for renewal of the authorization required to be filed annually with the Council at least ninety (90) days prior to the expiration of the authorization.

7.3.e. Accredited, out-of-state institutions authorized to deliver programs and/or courses for a specified period of time are not subject to the annual reauthorization provision of section 14 of this rule.

7.3.f. The Council may waive any or all of the reporting requirements for institutions that are delineated in section 9 of this rule.

7.3.g. Any out-of-state or private accredited institution that is granted authorization shall receive written notification of acceptable status and will be assessed an initial authorization fee not to exceed \$500.

7.4. Religious, theological or faith-based institutions

To qualify as a religious, theological, or faith-based college, an institution must qualify both as an institution as defined in section 3 of this rule and as a religious institution based on meeting each of the following criteria:

7.4.a. Be a non-profit institution owned, controlled, and operated and maintained by a bona fide church or religious denomination, lawfully operating as a non-profit religious corporation.

7.4.b. Limit the educational program to the principles of that church or denomination, and the diploma or degree is limited to evidence of completion of that education.

7.4.c. Only grant degrees or diplomas in areas of study that contain on their face, in the written description of the title of the degree or diploma being conferred, a reference to the theological or religious aspect of the degree's subject area.

7.4.d. Not market, offer, or grant degrees or diplomas which are represented as being linked to a church or denomination, but which, in reality, are degrees in secular areas of study.

7.4.e. Have obtained exemption from property taxation under state law and shall have submitted a copy of the certificate of this exemption to the Council.

7.4.f. Additional evidence may be provided by an institution seeking to substantiate that the institution is a religious institution including:

7.4.f.1. Evidence that the institution holds at least pre-accreditation status with a nationally recognized accrediting association.

7.4.f.2. A statement of institutional mission clearly establishing the mission of the institution as solely religious, and curricula and degree, diploma, or certification programs that clearly support that mission singularly.

7.4.f.3. Other appropriate, substantial, evidence of qualification for state authorization as a religious, theological, or faith-based college.

7.4.g. An institution shall not be eligible for authorization as a religious, theological, or faith-based college if it offers degrees appropriate only for academic institutions, such as, but not limited to, Associate of Arts, Associate of Science, or other degrees typically offered by academic institutions, regardless of curriculum of course content, unless the degree title includes the religious field of study (e.g., "Associate of Arts in Religious Studies"). Institutions authorized as religious, theological, or faith-based colleges also shall not offer degrees associated with specific professional fields or endeavors not clearly and directly related to religious studies or occupations.

7.4.h. An authorized religious, theological, or faith-based college, its educational programs, its degrees and diplomas, and its honorary degrees, have no state approval or recognition status whatsoever. An institution operating under this authorization shall not state or imply by any means whatsoever that there exists any endorsement by the state or by any agency or agent of the state of the education, documents awarded by the institution, or the institution itself, other than the institution's authorization to operate.

7.4.i. An institution authorized as a religious, theological, or faith-based college is not subject to the annual reauthorization provisions of this rule.

§135-20-8. Authorization Procedures for Out-of-State Institutions with Physical Presence in West Virginia.

8.1. An out-of-state institution with physical presence in West Virginia, as defined in section 3, but no physical location within the state, must abide by the following procedures for initial authorization:

8.1.a. Submit appropriate documentation to discern if physical presence is triggered as defined in section 3 of this rule.

8.1.b. Submit documentation of appropriate accreditation.

8.1.c. If Council staff determines that the institution's activities constitute physical presence, the institution shall submit an initial application fee of \$500.

8.1.d. The Council staff may, at its discretion, adjust or waive the application fee.

8.2. The Council staff, at its discretion, may request additional information from the institution to ascertain whether it meets the essential conditions provided in section 9 of this rule in the determination of the conferral of initial authorization.

8.3. Once initial authorization is conferred by the Council, authorization for West Virginia physical presence may be for a period of up to four years with an application for renewal of the authorization required to be filed with the Council at least ninety days prior to the expiration of the authorization.

8.4. Any accredited institution seeking to retain authorized physical presence in West Virginia, will be assessed a reauthorization fee not to exceed \$500.

8.5. Institutions authorized under this section are not subject to the reauthorization provisions of section 14 of this rule.

§135-20-9. Criteria for Authorization Essential Conditions.

9.1. Essential Conditions. An institution seeking authorization to operate in West Virginia must meet the following essential conditions and accreditation standards established by the Council. To apply for Preliminary State Authorization the institution must provide to the Council full documentation that demonstrates fulfillment of the essential conditions including evidence of a critical and compelling regional or statewide need or demand for the specific academic degree programs(s) in the state.

9.1.a. Familiarity with accreditation and state authorization policies and procedures

The institution shall provide evidence that it is familiar with and understands accreditation procedures of the Higher Learning Commission of the North Central Association and/ or other appropriate body and state authorization policies and procedures. The statement should indicate perceived strengths and weaknesses with respect to accreditation criteria and assess the capabilities of the institution in achieving accreditation status. It shall state the name of the accrediting association(s) from which accreditation will be sought. If the institution has secured full accreditation status, a copy of the final accreditation report shall be submitted to the Council.

9.1.b. Statement of mission

A statement of mission shall have been developed, formally adopted by the institution's governing body and made public, which defines the basic character of the institution, including a brief description of the educational programs to be offered and their purposes, the students for which the programs are intended, the geographical area served by the institution (or the particular constituency it serves), and a description of how the institution will fit within the broader higher education community. The mission shall be appropriate to an institution of higher education and the institution must plan to award degrees.

9.1.c. Institutional organization, administration, and delivery sites

9.1.c.1. A governing board that possesses and exercises necessary legal power to establish and review basic policies that govern the institution shall have been formally established. The board shall include among its members some who represent the public interest and are sufficiently autonomous from the administration and ownership to assure the integrity of the institution. The Council shall be provided a list of the members of the board with a brief resume of each.

9.1.c.2. An executive officer shall be designated by the governing board to provide administrative leadership for the institution. This officer's name, title, current vita, and the address of the administrative office, shall be provided to the Council.

9.1.c.3. If faculty members are employed at the time the application is filed with the Council, the faculty members' names their academic credentials (degrees, previous experience, etc.), and teaching fields shall be identified. If no faculty members have been employed, the institution shall describe the qualifications of the faculty that is to be recruited and the procedures that will be used to find and contract with faculty members.

9.1.c.4. The method of program delivery and/or physical location of course delivery shall be defined. If a program is designed for online delivery, it shall meet best practice guidelines for distance education delivery as outlined by the regional accrediting agency. If the program is designed for traditional classroom delivery, the proposed physical location shall be identified.

9.1.c.5. To assure that instructional delivery sites meet applicable state standards for health and safety, institutions must secure a certificate of occupancy and recent fire inspection report from the State Fire Marshal's office for each instructional delivery site. These requirements are not applicable if delivery is in a public building that already has regular health, safety, and fire inspections upon receipt of last approved inspection. If the nature of the building is changed, additional inspections will be required.

9.1.c.6. Instructional delivery sites must be compliant with Americans with Disabilities Act guidelines.

9.1.d. Degrees and academic programs

9.1.d.1. A degree shall be awarded upon successful completion of an educational program. The institution shall provide a list of the degrees it proposes to award.

9.1.d.2. The planned educational programs shall be compatible with the proposed institutional mission. The relationship shall be described in documents provided to the Council.

9.1.d.3. The academic program proposed for offering shall be appropriately named and be based on fields of study recognized as appropriate for a postsecondary institution. Evidence shall be provided to the Council that the fields of study upon which the academic programs are to be based are, in fact, so recognized. Such recognition, for example, could be demonstrated by the existence of professional literature in the field; the offering of similar programs in already-accredited institutions, generally; and by the existence of professional organizations related to the field.

9.1.d.4. The content and length of the proposed academic program shall follow practices common to institutions of higher education. The commonly accepted minimum program length is 60 semester credits for associate's degrees.

Academic credit shall be awarded upon completion of each unit of the course of study, leading to a formal award granted by the institution.

Documentation shall be provided to the Council that lists requirements for each degree program including representative course syllabi specifying goals and requirements, course content, methods of evaluation, and bibliography.

The student-teacher ratio shall be reasonable at all times in keeping with generally accepted teaching modes for the subject matter. The institution must employ at least one full-time faculty for each degree program.

9.1.d.5. Any proposed associate degree program shall include a coherent general education component that is consistent with the institution's mission and appropriate to its educational programs. The undergraduate general education component shall be documented. General education is defined as follows:

General Education is "general" in several clearly identifiable ways: it is not directly related to a student's formal technical, vocational or professional preparation; it is a part of every student's course of study, regardless of his or her area of emphasis; and it is intended to impart common knowledge, intellectual concepts, and attitudes that every educated person should possess.

The minimum requirement for general education for all undergraduate programs delivered through the traditional distributed curricula is 15 semester credits for technical associate's degrees and 24 for transfer associate's degrees. If the general education component is delivered through integrated, embedded, interdisciplinary, or other accepted models, institutions must demonstrate that the program meets minimum requirements equivalent to the distributed model.

9.1.d.6. Student access to all necessary learning resources and support services shall be provided. Necessary resources and support services vary by type of program, but all require some use of library resources. Laboratories may be required for some programs. Support services such as academic advising, financial aid counseling, and support for special, targeted, constituencies may be needed. The institution shall describe the learning resources and support services that it will provide and state how they will be provided to students on a regular, dependable basis.

9.1.d.7. Distance learning instruction, when offered, should be considered part of the total program and be judged by criteria as used for sessions and courses offered by the institution in the regular academic year. Documentation shall be provided to the Council that shows that academic standards for all programs or courses offered electronically are the same as those for other courses delivered at the institution. Additionally, any programs that are offered primarily through asynchronous or synchronous technology shall meet the standards of good practice for distance education delivery as outlined by the regional accrediting agency.

9.1.e. Admission policies

Admission policies shall be consistent with the institution's mission and appropriate to the educational program. The Council shall be provided with a copy of the institution's admission policies, policies regarding tuition and fees assessment, and refund policies. The policies shall define the minimum requirements for eligibility for admission to the institution and for acceptance at the specific degree level or into all specific degree programs. These policies and related publications shall provide a true and accurate representation of the institution and its programs when recruiting students.

9.1.e.1. Degree program admission policies must require at least a high school diploma or equivalency for associate degree programs.

9.1.e.2. These policies and related publications shall provide a true and accurate representation of the institution and its programs when recruiting students.

9.1.f. Financial resources

The institution shall have financial resources adequate to support start-up activities and sources of funds sufficient to ensure that the institution can sustain itself once students have been admitted. An institution shall continuously ascertain its financial requirements, determine its sources of revenue, plan for current and future needs, and budget its resources accordingly. The Council shall be provided with:

9.1.f.1. A current financial statement compiled or audited by an independent certified public accountant. If the financial statement is unaudited or internally generated, a copy of the most recent income tax return must also be submitted;

9.1.f.2. A budget listing all sources of income and all Educational and General (E&G) expenditures and specifying the dollar amounts and percentages for each component of the budget for the preceding three fiscal years (including the current year). A projection of expenditures and revenues for the upcoming year should be included.

9.1.f.3. The institution shall demonstrate that it has the financial resources and planning sufficient to realize its mission over an extended period of time. It shall demonstrate that it has adequate financial resources to meet the following: facility maintenance and overhead; staff and faculty payroll; books, supplies, and/or equipment utilized by students; and general operating costs including printing and advertising.

9.1.g. Faculty credentials

9.1.g.1. The institution shall ensure that each full-time, part-time or adjunct instructional faculty member holds appropriate academic credentials in the program area or discipline in which the faculty member teaches. Each instructional faculty member shall either: (1) possess one or more degrees in an appropriate discipline; or (2) as an alternative to formal academic credentials, demonstrate competence by virtue of prior experience or academic training, or both, which are related to the field in which the instruction will be offered.

9.1.g.2. The institution shall ensure that each full-time, part-time or adjunct instructional faculty member holds academic credentials appropriate to the degree level of the programs or programs in which the faculty member teaches.

9.1.g.2.A. All instructional faculty teaching in a terminal occupational/technical program leading to the Associate of Applied Science degree shall:

If teaching general education courses, hold a baccalaureate degree plus at least 18 graduate credit hours in the discipline taught.

If teaching occupational/technical courses, hold either an associate degree or qualify for a faculty appointment by virtue of scholarly or professional achievements.

9.1.g.2.B. All instructional faculty teaching in a college transfer program at the associate level shall hold a baccalaureate degree plus at least 18 graduate credit hours in the discipline being taught.

9.1.g.3. An institution must employ faculty members whose highest earned degree presented as the credential qualifying the faculty member to teach at the institution is from an institution accredited by an accrediting body recognized by the U.S. Department of Education. Exceptions may be made only with the prior consent of the Council.

9.1.h. Evaluation and assessment

The institution must have a clearly defined process by which the curriculum is established, reviewed, and evaluated. The institution must provide for appropriate and regular evaluation of the institution and its program and course effectiveness including assessment of student learning, retention, graduation rates and student, graduate, faculty and employer satisfaction. The results must be used to ensure and improve quality of instruction.

9.1.i. Tuition policies

9.1.i.1. A tuition policy shall be developed that provides:

9.1.i.1.A. The total tuition for any specific program shall be the same for all persons enrolled at the same time;

9.1.i.1.B. Tuition charges for programs shall be justifiable, effective on specific dates and applicable to all who enroll thereafter;

9.1.i.1.C. All extra charges and costs shall be revealed to the prospective student before he or she is enrolled;

9.1.i.1.D. The true and accurate costs of courses and program completion must be published and made readily available to all prospective and current students.

9.1.i.2. Institutions that the U.S. Department of Education has approved for eligibility for federal student financial aid must comply with the federal regulations governing institutional refunds. An institution must develop criteria for refunds of tuition and fees and make them available to all students.

9.1.i.3. For institutions not participating in federal Title IV financial aid, criteria for refunds of tuition and fees must be developed and made available to all students and prospective students.

9.1.j. Financial Aid

A policy shall have been developed that provides prospective students and applicants with basic opportunities for student financial aid. This information shall include but not be limited to: (1) types of federal, state, local, private and institutional aid offered to students at the institution; (2) description of the financial aid application process and the method for determining student eligibility for aid; (3) methods and schedules used to determine and disburse financial aid to students; and (4) statement of the rights and responsibilities of financial aid recipients. A copy of the policy must be attached to Council submission materials. Information related to student responsibility for repayment of loans and other financial aid must be readily available to students. Consequences relevant to non-payment and delinquent or default repayment of loans must be published and readily available to students.

9.1.k. Library resources

The institution shall maintain or ensure via current and formal written agreements with other libraries or from other resources that students have adequate access to a library with a collection, staff, services, equipment and facilities that are adequate and appropriate for the purpose and enrollment of the institution. The institution shall provide clear and concise methods for on-campus and/or remote access of library electronic media resources and there shall be communication to students in a manner to minimize barriers to usage.

9.1.1. Institutional and student records

9.1.1.1. The institution shall maintain accurate records on all enrolled students. These records minimally shall include:

9.1.1.1.A. Each student's application for admission and admissions records containing information regarding the educational qualifications of each regular student admitted which are relevant to the institution's admission standards. Each student record must reflect the requirements and justification for admission of the student to the institution. Admission records must be maintained for five years.

9.1.1.1.B. Transcript of the student's academic work at the institution shall be retained permanently in either hard copy forms or in a database with backup.

9.1.1.1.C. A record of student academic progress at the institution including programs of study, dates of enrollment, courses taken and completed, grades and indication of the student's status (graduated probation, etc.).

9.1.1.2. Financial records of the institution must be maintained and open for inspection by properly authorized officials of the Council pursuant to compliance with confidentiality laws.

9.1.1.3. Institutions administering financial aid programs must maintain a ledger and a record of financial aid administered which includes a chronological record of debits and credits which is understandable to the enrollee.

9.1.1.4. The institution must have policies concerning retention and disposal of records and information-release policies which respect the rights of individual privacy, the confidentiality of records and the best interests of the student and institution.

9.1.1.5. The institution shall have a written plan for the preservation of students' transcripts by another institution or agency, as well as for access to the transcripts, in the event of institutional closure.

9.1.m. Catalog and official publications

9.1.m.1. Official publications of the institution shall reflect the institution's integrity, commitment, and reputation and convey its sense of mission, character, goals and objectives to the public. All information released by the institution must be true and accurate.

9.1.m.2. Official catalogs must describe the institutional mission, requirements for satisfactory completion of degree programs, student policies, information on enrollment, tuition and fees, faculty credentials, academic calendar, student grievance procedure, transferability of credit, and other information specifically applicable to students.

9.1.n. Student grievances

An institution shall publish and make available to all students the institution's grievance policies and procedures regarding the receipt, investigation and resolution of student complaints. These policies must include:

9.1.n.1. An appropriate time frame for investigating and resolving the complaint;

9.1.n.2. Safeguards that those persons charged with resolving the complaint are capable of making a fair and impartial judgment;

9.1.n.3. Procedures to ensure that a student will not be subject to unfair actions as a result of an initiation of a complaint proceeding; and

9.1.n.4. The maintenance of records, disposition and other pertinent information concerning institutional complaints for at least five (5) years.

9.1.o. Other criteria deemed to be pertinent

~~9.2. The Council, at its discretion, may waive all or part of the reporting requirements in section 8.3 14 of this rule for regionally accredited institutions seeking authorization to offer credit courses or academic degree programs.~~

§135-20-10. Termination of State Authorization.

10.1. Termination of state authorization for those institutions not subject to annual reauthorization.

10.1.a. An institution shall provide the Council with a copy of any notice of warning, suspension, revocation or other adverse action received from any national or regional accrediting agency within five (5) days of receipt of such notice.

10.1.b. The Council may for good cause, suspend, withdraw or revoke the authorization of an institution to generate or solicit students within the state, place an institution on probation, order refunds to students, or forfeit the institution's surety bonds, or take any other appropriate action. Good cause shall consist of any one or more of the following:

10.1.b.1. The institution is no longer making reasonable and timely progress toward accreditation while assigned Preliminary or Probationary State Authorization;

10.1.b.2. Loss of accreditation by a nationally or regionally recognized accrediting agency;

10.1.b.3. Cancellation of the institution's bond by the bonding company and failure to secure a replacement in accordance with this rule;

10.1.b.4. Providing false, misleading, or incomplete information to the Council;

10.1.b.5. Presenting information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect to students or prospective students;

10.1.b.6. Refusal to allow reasonable inspection or to supply reasonable information after a written request by the Council has been received;

10.1.b.7. A final determination that the institution has engaged in conduct prohibited by this rule, and any specified corrective action has not been taken within the required time;

10.1.b.8. Closure of the institution without adequately providing for the completion of students' classes or course work, without refunding students' unearned tuition or otherwise discharged the institution's contractual obligations to the students;

10.1.b.9. Conviction of the owner of an institution for a felony or crime involving administration of the institution or involving Federal Student Assistance programs.

10.1.b.10. Repeated and/or consistent violations of the guidelines found in this rule, particularly in areas such as advertising, fair consumer practices, or operational standards.

10.1.b.11. Exclusion from eligibility to participate in the West Virginia Higher Education Grant Program due to one of the following reasons:

10.1.b.11.A. The institution does not have a signed participation agreement in place; or

10.1.b.11.B. The institution has been deemed ineligible to participate in federal student financial aid programs by the United States Department of Education; or

10.1.b.11.C. The Council has determined, based upon audits and/or administrative site visits by Council staff, that the institution has seriously mismanaged higher education grant or other state financial aid funds or lacks adequate institutional controls to manage such funds properly.

10.1.b.12. Failure to submit an acceptable annual report, an incomplete or unsatisfactory annual report, as determined by Council staff and as referenced in section 14 of this rule.

10.1.c. An institution authorized as a religious, theological or faith-based college that fails to continue to meet the criteria for a religious institution shall have its authorization terminated. The institution shall be so notified in writing. A phase-out period of not more than one additional academic term shall be permitted. An appeal to the Council may be filed within ten (10) working days. In the absence of a timely appeal the termination shall be final.

10.2. Institutions that are not authorized but offer degrees and/or degree credits in West Virginia shall be notified by certified mail that they shall cease immediately to offer degrees and/or degree credits. The Council shall initiate appropriate legal action if institutions fail to comply.

10.3. The provisions of section 8 of this rule are only applicable to accredited, out-of-state institutions offering only online instruction in West Virginia and accredited, out-of-state institutions authorized to deliver program and/or courses for a specified period of time.

§135-20-11. Notification: Appeals.

11.1. Once the Council has received and verified the accuracy of information constituting any of the grounds identified in section 10 or denial of preliminary authorization, the Council shall notify the institution and its owner in writing of its intent to recommend denial, suspension, withdrawal, revocation, or other adverse action and the grounds for such recommendation.

11.1.a. The owner of the institution may, within ten (10) work days of receipt of such notice, request a hearing upon the recommended action. Such hearing, if requested, shall be commenced within twenty (20) work days of such request at the Chancellor's office or at such other location convenient to the parties and witnesses as may be designated by the Chancellor.

11.1.b. The hearing shall be conducted by the Chancellor of the Council or his/her designee, pursuant to the procedures set forth in Chapter 29A, Article 5 of the Code of West Virginia.

11.1.c. The Chancellor or his/her designee may continue the hearing at the request of the institution for good cause shown. Continuance shall not be granted as a matter of right.

11.1.d. If the owner or a representative of the institution does not request a hearing within the requisite time period, the recommendation of the Chancellor or his/her designee shall be deemed unchallenged by the institution and reported to the Council for final action.

11.2. At the hearing, the grounds for denial, suspension, withdrawal, or revocation of authorization to operate the institution or other adverse action must be established by clear and convincing evidence.

11.3. Irrelevant, immaterial, or unduly repetitious evidence may be excluded from the hearing. Formal rules of evidence as applied in civil cases in the circuit courts of this state shall not be applied. When necessary to ascertain facts not reasonably susceptible of proof under those formal rules of evidence not admissible there under may be admitted, except where precluded by statute. If it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

11.4. The rules of privilege recognized by the law of this state shall be followed.

11.5. Objections to evidentiary offers shall be noted in the record. Any party to the hearing may vouch the record as to any excluded testimony or other evidence.

11.6. Any party to a hearing may appear with witnesses to testify on his or her behalf; may be heard in person, by counsel or both; may present such other evidence in support of his or her position as deemed appropriate by the Chancellor or his/her designee; and, may cross-examine witnesses called by the Council in support of the charges.

11.7. The hearing shall be open to the general public.

11.8. A record of the hearing, including the complaint(s), if applicable, the notice of hearing, all pleadings, motions, rulings, stipulations, exhibits, documentary evidence, evidentiary depositions and the stenographic report of the hearing, shall be made and a transcript thereof maintained in the Council's files. All recorded materials shall be transcribed. The Council shall have the responsibility to make arrangements for the transcription and provision of the reported testimony and evidence to the parties. Upon request, a copy of the transcript shall be furnished to any party at his or her expense.

11.9. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

11.10. The Council may call witnesses to testify in support of charges and may present such other evidence to support its position; and, may cross-examine witnesses called by the charged party in support of its position.

11.11. All parties shall have the right to offer opening and closing arguments.

11.12. Hearings may be continued or adjourned to a later date or different place by the Chancellor or his/her designee by appropriate notice to all parties.

11.13. All motions related to a case set for hearing, except motions for continuance and those made during the hearing, shall be in writing and shall be received in the office of the Chancellor at least ten (10) days before the hearing. Pre-hearing motions shall be heard at a pre-hearing conference or at the hearing prior to the commencement of testimony.

11.14. Any party may submit proposed findings of fact and conclusions of law at a time and manner designated by the Chancellor or his/her designee.

11.15. At any time prior to the hearing or thereafter, the Chancellor or his/her designee may hold conferences for the following purposes:

11.15.a. To dispose of procedural requests, pre-hearing motions or similar matters;

11.15.b. To simplify or settle issues by consent of the parties; or,

11.15.c. To provide for the informal disposition of cases by stipulation or agreement.

11.16. The Chancellor or his/her designee may cause such conferences to be held on its own motion or by the request of a party.

11.17. Evidentiary depositions may be taken and read or otherwise included into evidence as in civil actions in the circuit courts of this state.

11.18. Subpoenas to compel the attendance of witnesses and subpoenas duces tecum to compel the production of documents may be issued by the Chancellor pursuant to West Virginia Code section 29A-5-1(b).

11.19. Written requests by a party for the issuance of subpoenas duces tecum as provided in Section 11.20 of this rule must be received by the Council no later than ten (10) days before a scheduled hearing. Any party requesting the issuance of subpoenas duces tecum shall see that they are properly served in accordance with West Virginia Code section 29A-5-1(b).

11.20. Any final order entered by the Council following a hearing conducted pursuant to these rules shall be made pursuant to the provisions of West Virginia Code section 29A-5-3. Such orders shall be entered within sixty (60) days following the submission of all documents and materials necessary for the proper disposition of the case, including transcripts, and shall contain findings of fact and conclusions of law unless good cause exists to extend such time or by agreement of the parties.

11.21. Findings of fact and conclusions of law shall be recommended to the Council by the Chancellor or his/her designee and must be approved by a majority of the Council by vote at a regular meeting, before a final order is entered. A copy of the final order approved by a majority of the Council shall be served upon the institution and/or his or her attorney of record, if any, within ten (10) days after entry by the Council by personal service or by registered or certified mail.

11.22. The final order may deny preliminary authorization; may suspend, withdraw or revoke the authorization of the institution, place an institution on probation; order refunds to students; order forfeiture of the institution's surety bond and disbursement of the funds forfeited disbursed to students injured by the institution's violation of this rule or its enabling statute; or order any other action deemed appropriate by the Council, up to and including payment of loans, interest and other charges in connection with institution loans, caused a student by the institution's violation of this rule.

11.23. All proceedings pursuant to this rule shall be conducted pursuant to and comply with applicable statute, including, but not limited to, West Virginia Code section 29A-5-1, et seq.

11.24. Any relief a student believes he or she was not rightfully awarded by the Council pursuant to this rule may be pursued in any other appropriate forum.

§135-20-12. Notification and Deposit of Records Upon Discontinuance of a Program or Institution.

12.1. If an authorized institution, branch campus, or extension program of an authorized institution discontinues operation in this state, its chief executive officer shall notify the Council of the date of discontinuance and the name and address of the agency where records will be maintained.

12.2. Records shall be permanently maintained and copies may be obtained by authorized parties. Such records shall include but not be limited to information pertaining to the admission of each student and former student and the educational record of each student and former student. Financial aid records of each student and former student shall be retained consistent with state and federal regulations.

12.3. When an institution decides to cease postsecondary education operations, it must assist students to find alternative means to complete their studies with a minimum of disruption, and inform the Council of the following:

12.3.a. the planned date of termination of postsecondary education operations;

12.3.b. the planned date for the transfer of student records;

12.3.c. confirmation of the name and address of the organization to receive and hold the student records; and

12.3.d. the official at the organization receiving the student records who is designated to provide official copies of records or transcripts upon request.

§135-20-13. Advertisements, Announcements and Other Promotional Materials.

13.1. An institution seeking authorization shall adhere to the following principles:

13.1.a. "Advertising" includes any form of public notice however distributed. Within this definition would be virtually all publications and promotional items and efforts that could normally be expected to be seen by significant numbers of prospective students or their sponsors. Examples include catalogs, bulletins, brochures and other institution publications, signs, mailing pieces, radio, television, newspaper, electronic or social media, or any other form of public notice designed to aid in the institution's recruiting and promotional activities.

13.1.b. An institution shall use its name as shown in its letter of approval from the Council, together with a complete address, for all advertising and promotional purposes within the state.

13.1.c. All advertisements, announcements and promotional material of any kind which are distributed in West Virginia shall be free from statements that are untrue, deceptive or misleading with respect to the institution, its personnel, its services or the content, accreditation status and transferability of its courses or degree, diploma or certificate programs.

13.1.d. Reference in advertising to accreditation shall name the agency and shall be limited to accreditation currently held by the institution through nationally recognized accrediting agencies as defined and listed by the United States Department of Education.

13.1.e. No advertisement, announcement or any other material produced by or on behalf of an institution of higher education shall in any way indicate that the institution is supervised, recommended, endorsed or accredited by the Council; neither shall it include the name of the Council except to assert that the Council has authorized the institution to operate in the state.

§133-20-14. Annual Reauthorization.

14.1. The Council shall monitor institutional academic quality, an institution's financial viability, and compliance with the provisions of this rule and West Virginia laws with respect to consumer protection and other matters of state oversight. A reauthorization application must be submitted to the West Virginia Council for Community and Technical College Education by November 1 according to the guidelines outlined in Series 52, Annual Reauthorization of Degree-Granting Institutions.

**TITLE 135
LEGISLATIVE RULE**

WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

SERIES 27

**WORKFORCE DEVELOPMENT: LEARN AND EARN, ~~INITIATIVE~~ TECHNICAL PROGRAM
DEVELOPMENT, AND WEST VIRGINIA ADVANCE RAPID RESPONSE GRANTS**

§135-27-1. General.

1.1. Scope. -- The West Virginia Council for Community and Technical College Education (Council) consistent with provisions of West Virginia Code §18B-3D-2, §18B-3D-6, §18b-1-6 and §18b-2b-6, adopts the procedures and guidelines for the administration of the Workforce Development ~~Initiative~~ Program (Learn and Earn), Technical Program Development, and West Virginia Advance Rapid Response grant programs.

1.2. Authority. -- West Virginia Code §18B-3D-2, §18B-1-1, §18B-2b-6

1.3. Filing Date. -- ~~June 21, 2012~~

1.4. Effective Date. -- ~~June 21, 2012~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect on _____.

§135-27-2. Goals.

2.1. Closely align West Virginia community and technical colleges with the economic development efforts of the state.

2.2. Provide funding to community and technical colleges for program delivery to advance the economic development goals of the state.

2.3. Provide an opportunity to build the capacity of community and technical colleges to sustain workforce development efforts and make a major impact on the economic development efforts of the state.

2.4. Provide West Virginia workers with world-class transferable and portable skills across industries.

2.5. Provide West Virginia employers a highly skilled workforce, thus providing an arena for recruiting and retaining business.

2.6. Increase the per capita income of West Virginia workers by increasing their workforce skill levels.

§135-27-~~23~~. Purpose.

~~23.1~~ The purpose of this rule is to set forth provisions for the administration of grant funding, criteria for applications, determination and distribution of funds, and performance evaluation for the Learn and Earn, Technical Program Development, and West Virginia Advance Rapid Response workforce development grant programs that ~~Workforce Development Initiative Program, including the Learn and Earn Program, that was created by the West Virginia Legislature with a mission to develop a strategy to~~ strengthen the quality of the state's workforce by linking the existing postsecondary education capacity to the needs of business, industry and other employers by utilizing available funding to provide explicit incentives for partnerships between employers and community and technical colleges to develop comprehensive workforce development services.

§135-27-4. West Virginia Advance Rapid Response Program Description

4.1. The program will focus on workforce delivery programs that develop high-performance work organizations and provide workers with world-class transferable skills enabling them to master technology and foster innovation.

4.2. The program will provide the development of specific occupational/technical competencies and workforce skills in critical thinking, problem solving, ability to work in teams, communication, math, science and other critical competencies required for West Virginia workers and companies to be competitive in a global economy.

4.3. The emphasis of the program is skill-based training that can be certified through national, state or local assessments resulting in a credential and meeting the economic development goals of the state as determined by the West Virginia Development Office.

4.4. The program is intended to provide services to West Virginia companies, but may provide education or training at out-of-state locations with the approval of the Chancellor.

4.5. The West Virginia Advance program will focus on providing services to employers that have a positive economic outcome on West Virginia. The program will support projects for:

4.5.a. Existing West Virginia companies that are expanding and creating new jobs;

4.5.b. Existing West Virginia companies that are requiring employees to obtain new job skills in order to retain their positions and keep or make the company more competitive;

4.5.c. Existing West Virginia companies that are upgrading present employees to access high-skill, high-wage occupations within the company;

4.5.d. Companies or industry sectors or clusters that are targeted by the West Virginia Development Office as critical to West Virginia's economic development;

4.5.e. New companies locating in West Virginia that require a skilled workforce for start-up;

4.5.f. West Virginia Development Office projects, targeted industries or local economic development initiatives;

4.5.g. Pre-employment training or preparation to enter a program leading to a high-demand occupation;

4.5.h. Workers displaced by company closings or reductions in the workforce.

4.5.i. Entrepreneurship development programs that have a positive economic impact on a region or community, particularly rural areas, and produce individual employment opportunities.

§135-27-5. Technical Program Development Description

5.1. The program will provide funding for Certificate of Applied Science or Associate degree programs that meet documented needs of employers and/or compliment the economic development needs of the state or region.

5.2. The program must target high-demand occupations resulting in participant placement with an average wage range of \$12.00 per hour or more.

5.3. The program is intended to provide participants with the general education and technical skill competencies for high-skill, high-wage occupations.

5.4. The program is intended to increase the capacity of community and technical colleges to better serve the needs of employers and individuals through the development of new technical programming.

§135-27-46. Learn and Earn Program.

~~46.1. Under the following provisions,~~ e Eligible community and technical colleges may partner with employers to provide cooperative education opportunities for students. At a that meet at a minimum the following programs must:

~~46.1.a. Funding is limited to cooperative education programs for those career technical programs in which dDocumentation can be provided to~~ and validate the program is a high-demand occupation for the state.

46.1.b. The cooperative education program must be a paid work experience that pays the student no less than \$10.00 per hour.

46.1.c. The experience must provide the student with a supervised work experience in the student's expected career field or program of study and reinforce learning that has occurred in the academic program.

46.1.d. The experience must have clearly stated measurable learning goals and objectives reflecting on what the student's expected learner outcomes will be throughout the experience.

46.1.e. The experience must be part of the academic program and carry college credit as determined by program faculty. The Chancellor may waive this requirement for training in high-demand occupation areas.

46.1.f. The experience must have an assessment component that documents the student has adequately mastered the expected learner outcomes.

46.1.g. The experience must be for a defined period of time and may be on a part- or full-time work basis.

~~46.1.h. Participation in at least one training session provided by the Council on developing and implementing cooperative education programs.~~

§135-27-37. Grant Eligibility.

37.1. Under the provisions of this rule, higher education institutions ~~so~~ designated by West Virginia Code '18B-1-2, as a community and technical college, are eligible to apply for grant funding.

37.2. To be eligible for a grant under this program, a community and technical college must:

~~37.2.a. Develop programs that meet documented employer needs; Complete in its entirety, including all supporting documentation, the proposal for grant funding on forms provided by the Council and submit electronically on or before any specified application date;~~

7.2.b. Develop programs that meet documented employer needs

~~37.2.b.c.~~ Involve and collaborate with employers in the development of programs;

~~37.2.e.d~~ Develop customized training programs skill sets, Certificates of Applied Science, or Associate of Applied Science degrees that provide for the changing needs of employers and are offered at flexible times and locations to accommodate employer scheduling;

~~37.2.d.e. Develop partnerships with other public and private providers; For programs that carry academic credit, establish programs of study agreements with public school systems for the seamless progression of students from the secondary level through community and technical college Certificate of Applied Science and Associate of Applied Science degree programs;~~

~~37.2.e. Establish cooperative arrangements with public school systems for the seamless progression of students from the secondary level through the community and technical college level, particularly in the area of career technical education;~~

~~37.2.f.~~ Assist with the ongoing assessment of workforce development needs of the community and technical college consortia district;

~~37.2.g.~~ Actively participate in a community and technical college consortia planning district and facilitate the involvement of consortia members in the development of applications for funding through this program;

~~37.2.h. Include in its institutional compact a plan to achieve measurable improvements in the quality of the workforce in the community and technical college consortia planning district; Agree to share curricula developed with funding through these programs with other public West Virginia community and technical colleges.~~

~~37.2.i.~~ Establish a special revolving fund under the jurisdiction of the community and technical college dedicated solely to workforce development initiatives;

~~37.2.j. Agree to put curricula developed with funding through this program into an electronic format for inclusion on a state level database for sharing with other community and technical colleges; establish a separate account with an identifiable account number for each grant award;~~

~~37.2.k. Develop a specific plan outlining how the community and technical college will collaborate with local postsecondary institutions to maximize the use of existing facilities, personnel and equipment; and~~

~~37.2.l.~~ Agree to adhere to all terms, conditions and deliverables as specified in the application for proposals and this rule.

§135-27-~~58~~. Grant Review.

~~58.1. The Chancellor of the West Virginia Council for Community and Technical College Education (Chancellor) shall provide grant applications to all eligible institutions, with stated deadline dates for submission.~~

~~58.2. For the Technical Program Development program, The Chancellor shall appoint an Advisory Committee consistent with the provisions of West Virginia Code to review applications proposals and make recommendations to the Council for funding. For the Learn and Earn program, the Chancellor shall appoint an Advisory Committee consistent with the provisions of West Virginia Code to review applications and make recommendations to the Chancellor for funding. West Virginia Advance Rapid Response proposals may be reviewed by a committee comprised of Council staff for the purpose of providing a recommendation to the Chancellor for immediate implementation without committee review.~~

~~58.3. At the call of the Chancellor's, discretion, the Advisory Committees may meet as often as necessary to review grant proposals.~~

~~58.4. In evaluating grant proposals, the Advisory Committees shall give priority to proposals involving businesses with fewer than fifty employees, and grants will not be awarded that provide unfair advantage to employers new to the state that will be in direct competition with established local businesses.~~

~~8.5. The West Virginia Council for Community and Technical College Education, may delegate authority for all grant approval to the Chancellor.~~

§135-27-~~69~~. Application Content.

~~69.1. Each proposal for a Learn and Earn, Technical Program Development and/or West Virginia Advance Rapid Response Initiative Program grant shall, at a minimum:~~

~~69.1.a. Identify the goals and objectives of the program, the specific business sector training needs, and the job market demand to be addressed for the program/training;~~

~~69.1.b. Identify the number of participants to be served during the grant period, anticipated placement rate, and wage benefit of completers;~~

~~69.1.c. Identify private and public sector partners including those with public school career-technical education which minimizes duplication of programming and maximizes the use of existing facilities;~~

~~69.1.d. Provide a letter of support for the proposal from the local Workforce Investment Development Board and/or Regional Economic Development Authority;~~

69.1.e. Provide a detailed work plan, a budget and an evaluation plan to gauge the progress of the program;

69.1.f. Provide letters of commitment from private or public sector partners confirming actual funding amount provided for the match requirements where applicable; and

69.1.g. Provide a plan for sustaining the program after grant funding is exhausted.

69.2. In addition to the provisions of 69.1., those community and technical colleges applying for grant funding to support a Learn and Earn project shall:

69.2.a. Complete the Learn and Earn section of the application describing in detail the cooperative education work experience reflecting the provisions contained in Section 46.1 of this Rule.

69.2.b. Provide a written agreement between the college and the participating employer describing a formalized work plan for the work experience component.

~~§135-27-7. Financial Match Requirements.~~

~~7.1. Each proposal must provide a commitment letter from private or public sector partners for a match of one dollar, cash and in-kind, for each dollar of state grant funding awarded.~~

~~7.2. An in-kind match shall not constitute more than fifty percent (50%) of the required match.~~

~~7.3. For the Learn and Earn Program, the paid work experience must have, at a minimum, a cash dollar for dollar match from the participating employer. No in-kind match can be used to meet the dollar match requirement for the Learn and Earn Program.~~

~~7.4. With the exception of the Learn and Earn Program, if previously used equipment is committed, the current market value of the equipment must be used in determining an in-kind match amount.~~

~~7.5. In cases where it can be documented that it is a hardship for a private sector partner to provide a dollar to dollar match, the required match may be reduced to one dollar for each three dollars of state funding awarded. Such cases meriting a reduction in the match requirement may include but are not limited to:~~

~~7.5.a. Private sector employers whose operations are located in rural areas of West Virginia;~~

~~7.5.b. Employers with fewer than fifty employees;~~

~~7.5.c. New start-up businesses operating five years or less in the state; and~~

~~7.5.d. Employers developing new or expanding operations in the state resulting in a minimum investment of two million dollars;~~

~~7.6. With the exception of the Learn and Earn Program, new equipment may be committed to meet cash match requirements based on the actual documented purchase price of the equipment.~~

~~7.7. If the grant award is solely for the purpose of modernizing equipment, the match requirement is one dollar for each two dollars in state funding awarded.~~

~~7.8. Match requirements may be provided by public sector partners utilizing state or federal dollars if funding for the Workforce Development Initiative Program for the current fiscal year exceeds six hundred and fifty thousand dollars, and in which case one half of the funded amount exceeding six hundred and fifty thousand dollars may be granted utilizing a public sector match.~~

§135-27-~~810~~. Accountability and Reporting Requirements.

~~810.1.~~ A community and technical college receiving a grant under the provisions of ~~this~~ these programs shall submit to the Chancellor all requested programmatic accountability data and budgetary reports including but not limited to:

~~810.1.a.~~ Annual financial ~~and final~~ reports detailing program expenditures;

~~8.10.b.~~ Annual reports on activities conducted and dates completed; and

~~810.1.c.~~ A final report on goals achieved, number of participants served, number of completers, number of completers placed in employment or obtaining a wage increase, cost of training per participant, and other information deemed necessary by the Council.

~~810.2.~~ Equipment purchased or upgraded with grant funds under this program may not be sold, disposed of, or used for purposes other than those specified in the grant proposal without approval of the Council.

§135-27-~~911~~. Grant Extension and Renewal.

~~911.1.~~ Generally, grants will be awarded on a one-year~~time~~ basis. Technical Program Development and Advance grants ~~but funding for the Learn and Earn program~~ may be for multiple years reflecting the duration of the career-technical program or training being provided. Learn and Earn applications must be submitted annually.

~~911.2.~~ The Chancellor may authorize the expenditure of carry-forward funds upon written request by the institution.

~~911.3.~~ Subject to meeting stated goals, timeframes, with the recommendation of the Advisory Committee (for Learn and Earn projects), and the provisions of Council Series 2, the system's rule on finance, cash match requirements, and with the recommendation of the Advisory Committee, the Council Chancellor may renew a grant up to five years following the initial grant award.

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

SERIES 32
TUITION AND FEES

§135-32-1. General.

1.1. Scope. -- This rule governs approval of tuition and fee increases by the West Virginia Council for Community and Technical College Education (Council) for West Virginia public community and technical colleges as required by West Virginia code.

1.2. Authority. -- West Virginia Code §18B-1D-3(a)(2)(B), §18B-10-1

1.3. Filing Date. -- ~~June 21, 2012~~

1.4. Effective Date. -- ~~June 21, 2012~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

§135-32-2. Purpose.

2.1. The purpose of this rule is to establish guidelines for the Council to approve tuition and fee increases as required by State code. The Council recognizes that each college must have adequate funds to fulfill the institution's mission of delivering comprehensive community and technical college education and that two primary sources of funds are available: state general revenue allocations and tuition and fees collected from students. The Council recognizes the impact that tuition increases have on students and their ability to pay for and attend college. Consistent with this purpose, this rule addresses:

2.1.a. The process by which the Council will approve required in-state resident tuition and fee increases above ~~five~~ten percent (~~5~~10%) and above seven percent (7%) over any three-year rolling period.

2.1.b. The process by which Council staff will review special fees to determine if these fees should be included in required tuition and fees and thus subject to Council approval.

2.1.c. The process by which the Council will review out-of-state nonresident tuition and fee rates to determine if these rates meet the "full cost of instruction" as required by W. Va. Code.

§135-32-3. Definitions.

3.1. Auxiliary Fees. -- Charges levied to all students to support auxiliary enterprises or optional charges levied only on students using the auxiliary service. Auxiliary fees include sales and service revenue from entities that exist predominantly to furnish goods or services to students, faculty or staff such as residence halls, faculty and staff housing, food services, intercollegiate athletics, student unions, bookstores, parking and other service centers.

3.2. Capital Fees. -- Charges levied on all students to support debt service, capital projects and facilities maintenance and renewal.

3.3. Deferred payment plans. -- Payment plans approved by each Board of Governors to allow for payment of tuition and fees at less than full payment prior to the start of classes.

3.4. Educational and General Fees. -- Charges levied on all students to support educational and general program services or optional fees levied for education and general services collected only from students using the service or from students for whom the services are made available. Educational and general expenditures include instruction, research, academic support, student services, institutional support, operation and maintenance of the physical plant, scholarships, and fellowships. Educational and general expenditures do not include expenditures for auxiliary enterprises or independent operations.

3.5. Full Cost of Instruction. -- The direct, functional expenditures from each institution's audit for both instruction and student services expenditures.

3.6. Full-time equivalent students. -- A calculation completed on an annual basis by Council staff using end of term enrollment data and is also referred to as annualized full-time equivalent students (AFTES). The calculation is as follows: end of term course hours for each semester (summer, fall and spring) divided by fifteen to get end of term FTES; sum the FTES for all three semesters; and divide by two to get AFTES.

3.7. Higher Education Price Index (HEPI). -- A measurement for inflation designed specifically to track the main cost drivers in higher education and to measure the change in the price of the goods and services purchased by colleges and universities as measured by the Commonfund Institute.

3.8. Median Family Income. -- Household income that is reported to the U.S. Census Bureau from various surveys and is the statistical center of all reported households income for a region.

3.9. Net college costs. -- The total cost to the student for tuition, room and board minus the amount of any financial aid a student may receive.

3.10. Peer Institution. -- A higher education institution located in another state that is similar to a West Virginia community and technical college and is one of twenty colleges selected to be a peer institution.

3.11. Program Fees. -- Charges levied to all students who take classes in a specific degree program to offset some of the higher, direct, instructional costs of these programs and minimize required tuition charged to all students.

3.12. Reduced nonresident tuition and fees. -- A special tuition and fees rate charged to a specific group of nonresident students typically in counties that border the West Virginia institution.

3.13. Required Tuition and Fees. -- Charges levied to all students and include educational and general fees, auxiliary fees, and capital fees. Increases in these fees above five percent must be approved by the Council.

3.14. Special Fees. -- Operational or user fees charged to offset the specific costs for providing a service. These fees include, but are not limited to, parking, late payments, drug testing, instrument fees, and other services provided to students.

§135-32-4. Goals.

4.1. Objectives. -- The Council, in partnership with the governing boards of the ten community and technical colleges comprising the community and technical college system of West Virginia, shall enhance education opportunities for the widest range of state citizens by:

4.1.a. Establishing tuition and fee levels for in-state students that do not inhibit access to public education nor cause students to incur excessive debt; W. Va. Code §18B-1D-3(a)(2)(B); and

4.1.b. Establishing tuition and fee rates for out-of-state students at levels which, at a minimum, cover the full cost of instruction unless doing so is inconsistent with a clearly delineated public policy goal established by the Legislature ... or the Council. W. Va. Code § 18B-1D-3(a)(2)(B).

4.2. Findings. -- The Council finds:

4.2.a. Students attending community and technical colleges in West Virginia pay a significantly higher proportion of their family income for tuition and fees than do students in most other states.

4.2.b. The average tuition and fee rate for community and technical colleges in West Virginia exceeds the national average for public community and technical colleges.

4.2.c. Providing opportunities for adult students to enroll in community and technical college programs is a priority, and tuition and fee rates must remain affordable for this targeted population.

4.2.d. A delicate balance exists between the need for tuition increases to address increasing institutional operating costs and the impact on accessibility and affordability for students.

4.2.e. The Council for Community and Technical College Education declares that it is supportive of institutional tuition plans that lead to increase degrees and/or certificates attainment in the State of West Virginia.

§135-32-5. Tuition and Fee Increases.

5.1. Approval of In-State or Resident Tuition and Required Fee Increases.

5.1.a. In establishing guidelines, the Council shall communicate to institutions the benchmarks and guidelines for consideration of any tuition and fee increase above five-ten percent and above seven percent (7%) over any three-year rolling period. The cumulative increase is calculated by averaging the proposed increased with the increase for the immediate two previous years. Tuition and fee increases for online courses are not subject to approval by the Council. The benchmarks and guidelines may include, but are not limited to such items as:

5.1.a.1. The HEPI, or other appropriate inflationary benchmarks, which any new state allocations to the institution's base budget for the next fiscal year did not offset;

5.1.a.2. Continued achievement of benchmarks in the approved institutional compact;

5.1.a.3. Comparison of the most recent year change in the average West Virginia student's net tuition with change in the West Virginia's median household income to determine whether a community and technical college education is costing families more or less over time and thus impacting the ability of families to pay for college;

- 5.1.a.4. Institutional distance from peer equity levels;
- 5.1.a.5. Institutional and state funding per full-time equivalent student;
- 5.1.a.6. Most recent three-year history of tuition and fee increases;
- 5.1.a.7. Institutional implementation of new, high cost programs as defined by the Council;
- 5.1.a.8. Total sources of student generated revenue, including special and program fees; and,
- 5.1.a.9. Other factors as requested or deemed relevant by the Council, or in response to any new statutory language.

5.1.b. A governing board may approve tuition and required fee increases for resident students each fiscal year up to ~~five~~ten percent (~~5~~10%) and not above seven percent (7%) over any three-year rolling period without Council approval.

5.1.b.1. For the purposes of this rule, the ~~five percent~~ tuition and fee increases that require only local governing board approval shall be based on required tuition and fee rates charged to all in-state, resident students.

5.1.b.2. A special fee must be approved by the Council if it is a new fee (or an increase in an existing fee) that is charged to fifty percent or more of the students and if the inclusion causes resident tuition and fee increases to exceed ~~five~~ten percent and above seven percent (7%) over any three-year rolling period. Determination of the fifty percent (or more) of the students is calculated by using most current, unduplicated, fall headcount and comparing these amounts to the institutional reported projected student population to be charged. These fees must be included in both reports to Council discussed in sections 5.1.c. and 5.1d.

5.1.b.3. Program fees must be approved by each governing board and do not require Council's approval. However, these fees must be included in both reports to Council discussed in sections 5.1.c. and 5.1d.

5.1.c. In responding to the guidelines and benchmarks provided by the Council, each institution shall provide the Council with an annual report by August 31st that specifies the following information from the most recent academic year:

5.1.c.1. Tuition and fee rates for resident, nonresident, and reduced nonresident required tuition and fees, program fees, and special fees;

5.1.c.2 The total number of students charged resident, nonresident, and reduced nonresident required tuition and fees, program fees, and special fees; and

5.1.c.3. The total revenue generated from resident, nonresident, and reduced nonresident required tuition and fees, program fees, and special fees.

5.1.d. Each institution must provide to the Council by April 1st, any Board approved or proposed new tuition and fees for the next academic year. This report will specify:

5.1.d.1. Current and proposed tuition and fee rates for resident, nonresident, and reduced nonresident required tuition and fees, program fees, and special fees;

5.1.d.2. The estimated number of students who will be charged any new or proposed changes to existing special fees; and

5.1.d.3. The projected revenue increases to be generated from any proposed tuition and fee increases for resident, nonresident, and reduced nonresident required tuition and fees, program fees, and special fees; and

5.1.d.4. The justification for tuition and fee increases that exceed a total of 510 % and above seven percent (7%) over any three-year rolling period.

5.2. Review of nonresident tuition and fees.

5.2.a. A governing board shall propose tuition and required fee rates for out of state or nonresident students at levels that, at a minimum, cover the full cost of instruction unless doing so is inconsistent with a clearly delineated public policy goal established by the Legislature or the Council.

5.2.b. The Council will require each institution to report annually on the number of nonresident students. At no time should the admission of nonresident students to any institution or specific program of study within the institution unreasonably impede the ability of resident students to attend the institution or participate in the programs of the institution.

5.2.c. Full cost of instruction is based on the functional schedule from the most recent financial statements. A calculation will be made for each institution taking the total instruction and student services expenses divided by the institution's full time equivalent students. The System average shall be determined by totaling the instruction and student services expenses for all institutions divided by the full time equivalent students for the entire system. Both calculations shall be provided to the institutions annually by January 31st. Each institution will report all nonresident tuition and fee rates. Nonresident tuition and fees will be reviewed by Council staff to determine if current proposed nonresident total tuition and fees fall below the *lower of* the most recent reported System average or the applicable institutional full cost of instruction.

5.2.d. Institutional governing boards may choose to set nonresident tuition based on the lower of the respective institution's full cost of instruction or the system average full cost of instruction.

5.2.e. In order to provide additional educational opportunities to West Virginia residents, West Virginia community and technical colleges may enter into reciprocity agreements with nearby out-of-state higher education institutions whereby institutions make available programs and courses that are not available at the reciprocating institution.

5.2.e.1. Governing boards may enter into reciprocal regional and interstate agreements, including agreements with the Southern Regional Education Board, that allow nonresident students to be charged resident tuition and fee rates, when the agreements are mutually beneficial to the students of the participating states.

5.2.e.2. Reciprocity agreements shall be approved by the Council. Request for approval shall include an estimate of the total number of participating students from West Virginia and other states over the life of the agreement.

5.2.e.3. Tuition and required fees for nonresident students subject to reciprocity agreements shall be charged by community and technical colleges in a manner that is consistent with the Council approved reciprocity agreement.

5.3. Review of reduced, nonresident tuition and fees.

5.3.a. A governing board may propose a reduced, nonresident tuition and required fee rates for out of state or nonresident students at levels that, at a minimum, covers the full cost of instruction as defined in 5.2.c. unless doing so is inconsistent with a clearly delineated public policy goal established by the Legislature or the Council.

5.3.b. There must be clear, specific criteria provided by each Governing Board to govern what students will be charged this reduced, nonresident tuition rate .i.e. geographic location such as out of state surrounding counties bordering the West Virginia institution.

5.3.c. Each institution must report any proposed or changes to the reduced, nonresident tuition rates to the Council along with the submission of resident and nonresident tuition and fee rates as outlined in section 5.1.d.

§135-32-6. Refunds.

6.1. Each Board of Governors must establish a refund policy for students who officially withdraw during a semester that at minimum establishes refunds that complies with the following schedule:

6.1.a. A student who begins a term and withdraws after completing up to one (1) week or ten percent (10%) of the term is entitled to a refund of ninety percent (90%) of the charges;

6.1.b. A student who withdraws after completing more than ten percent (10%) through twenty-five percent (25%) of the term is entitled to a refund of seventy-five percent (75%) of the charges;

6.1.c. A student who withdraws after completing more than twenty-five percent (25%) through fifty percent (50%) of the term is entitled to a refund of fifty percent (50%) of the charges;

6.1.d. A student who withdraws after completing more than fifty percent (50%) of the term is not entitled to a refund; or

6.2. Each Board of Governors may establish a refund policy for students who officially withdraw during a semester that establishes refunds based upon the same calculations that the United States Department of Education prescribes for the return of Title IV student financial aid funds.

§135-32-7. Deferred Payment Plans.

7.1. Each Board of Governors ~~may establish a policy that provides deferred payment plan for students allowing them to pay their tuition and fees in installments. The deferred payment plan(s) must provide for full payment prior to the end of the academic term. This policy must address:~~ shall permit fee payments to be made in installments over the course of an academic term.

~~7.1.a. The interest rates, if any, that will be charged during the plan.~~

~~7.1.b. The types of installment plans available either institutionally or through a third party provider.~~



West Virginia
Higher Education
Policy Commission



WEST VIRGINIA
COMMUNITY & TECHNICAL
COLLEGE SYSTEM

**Report to the Legislative Oversight Commission
on Education Accountability**

2018 West Virginia Financial Aid Comprehensive Report
§18C-5-7(g), §18C-7-5, §18C-7-5 (B)

REPORT ATTACHED AS SEPARATE DOCUMENT



West Virginia
Higher Education
Policy Commission



WEST VIRGINIA
COMMUNITY & TECHNICAL
COLLEGE SYSTEM

**Report to the Legislative Oversight Commission
on Education Accountability**

2018 Academic Readiness Report
§18B-1-1e



West Virginia Higher Education Policy Commission
West Virginia Community and Technical College System

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MEMORANDUM

TO: Legislative Oversight Commission on Education Accountability

FROM: Carolyn Long
Sarah A. Tucker

DATE: November 29, 2018

RE: 2018 Academic Readiness Report

Each year, the West Virginia Higher Education Policy Commission (Commission) and the West Virginia Council for Community and Technical College Education (Council) are required by West Virginia Code §18B-1-1e to update the Legislature on how prepared West Virginia's high school students are for college. The 2018 Academic Readiness Report is attached.

As required, the report provides the number of graduates from our public high schools who were accepted to a West Virginia public college or university program in the last calendar year, but were below the minimum expected levels of college academic preparedness, as defined by the institutions. This information is organized by area of academic deficiency, college or university and the county and high school from which the students graduated.

The Commission and the Council are committed to working with the West Virginia Department of Education to jointly address our high school students' preparedness for postsecondary education. While we are making tremendous progress in addressing student developmental education once they reach our colleges and universities, we must double our efforts to work together with K-12 to identify areas for improvement before they graduate.

This report focuses on student preparation and college success indicators relative to the critical transition period from high school to college. The data reported are for students who graduated from West Virginia high schools and went on to attend two-year and four-year public institutions in the state during the fall semester after high school graduation.

This report shows data for the 2017 cohort of West Virginia freshmen on the state level as well as at each postsecondary institution. The following sets of data are used to define academic preparedness:

- Student ACT scores
- First semester performance at a postsecondary institution

- Enrollment in developmental education

While students have a choice to complete the ACT or SAT for postsecondary admission, 91 percent of 2017 high school graduates who continued their education at a public postsecondary institution completed the ACT.

Developmental education is specialized coursework for students who cannot meet college entry standards in mathematics, reading or English. Most of our schools use ACT scores or Accuplacer scores to determine whether a student needs to be placed in a developmental education course.

Developmental education provides additional instruction in the form of standalone developmental coursework, boot camps or co-requisite courses (courses for which students earn college-level credit) to help bring students up to speed in college-level coursework.

While West Virginia overall ACT scores are down in 2017, fewer students were enrolled in developmental education courses at our public higher education institutions. However, many challenges to college academic preparedness remain.

Our report includes comparisons to the same datasets for 2016 and 2015. Key findings include:

- The average ACT scores of 2017 West Virginia high school graduates was 21.5, which is very slightly down from the 2016 average of 21.6.
- 38.5 percent of West Virginia high school graduates scored at or above the ACT Math Benchmark. That was a decline from the 40.2 percent in 2016.
- 74 percent of high school achieved the ACT English Benchmark, which was a slight decline from the 2016 value of 76.3 percent.
- 43.3 percent of high school graduates who enrolled in a two-year or a four-year institution scored at or above the ACT Science Benchmark, down from 44.3 percent in 2016.
- In 2017, 27.8 percent of high school graduates performed at or above the benchmark across all ACT subsections, down from 29.4 percent in 2016.
- 23 high schools had a higher number of students enrolling in public postsecondary education and higher average ACT scores in 2017, in comparison to 2016. Nine high schools enrolled 10 or more additional students in 2017 in comparison to last year.
- Seven counties recorded higher enrollment at public postsecondary institutions and higher average ACT scores.
- Calhoun, Gilmer, and Tucker counties had the highest one-year average ACT score increases between 2016 and 2017.
- High school GPA is still a strong indicator of college success. Students with high school GPA of 2.99 or lower achieved lower first semester college GPA in comparison to those who had high school GPA of 3.0 or above. The same pattern was observed for students

attending both two-year public postsecondary institutions as well as students enrolling at four-year public institutions.

- 26.3 percent of 2017 West Virginia high school graduates enrolled in some form of developmental education in math, English, or reading. This was a decrease from 30.8 percent in 2016.
- There was a slight increase in enrollment in developmental English (from 14.9 percent to 15.4 percent) and a decrease in enrollment in developmental mathematics (from 26.0 percent to 20.3 percent).
- Calhoun, Grant, and Mineral counties saw the largest decrease in the proportion of students enrolling in developmental education from 2016 to 2017.

2017 Average West Virginia Freshmen ACT Composite Scores by Sector and Institution

	Cohort Size	Average ACT Composite Score
WV Public Two-Year Institutions	1,116	18.1
Blue Ridge Community and Technical College	85	18.8
BridgeValley Community and Technical College	163	18.5
Eastern WV Community and Technical College	16	18.1
Mountwest Community and Technical College	129	17.3
New River Community and Technical College	107	17.3
Pierpont Community and Technical College	176	18.2
Southern WV Community and Technical College	193	18.1
WV Northern Community College	85	18.1
WVU at Parkersburg	162	18.7
WV Public Four-Year Institutions	5,985	22.2
Bluefield State College	144	19.0
Concord University	279	20.7
Fairmont State University	601	20.9
Glenville State College	205	19.0
Marshall University	1,332	22.3
Potomac State College of WVU	269	20.0
Shepherd University	310	21.4
West Liberty University	314	20.4
West Virginia State University	229	19.7
West Virginia University	2,060	24.2
West Virginia University Institute of Technology	242	21.0
Grand Total	7,101	21.5

Note: Data provided is only representative of students who had a reported ACT Composite score.

2017 Average First-time Freshmen Math ACT Scores and the Percent of Students Scoring At or Above the ACT Benchmark by Sector and Institution

	Cohort Size	Average ACT Math Score	Percent At or Above ACT Benchmark (22)
WV Public Two-Year Institutions	1,117	17.4	11.0%
Blue Ridge Community and Technical College	85	18.0	15.2%
BridgeValley Community and Technical College	163	17.6	14.7%
Eastern WV Community and Technical College	16	17.0	6.2%
Mountwest Community and Technical College	129	16.9	7.7%
New River Community and Technical College	107	17.2	9.3%
Pierpont Community and Technical College	176	17.4	10.7%
Southern WV Community and Technical College	193	17.2	9.8%
WV Northern Community College	86	17.3	11.6%
WVU at Parkersburg	162	17.5	10.4%
WV Public Four-Year Institutions	5,985	20.9	43.7%
Bluefield State College	144	18.7	20.8%
Concord University	279	19.6	32.2%
Fairmont State University	601	19.5	31.1%
Glenville State College	205	18.1	16.5%
Marshall University	1,332	21.0	43.4%
Potomac State College of WVU	269	19.6	31.2%
Shepherd University	310	20.1	36.4%
West Liberty University	314	19.0	25.7%
West Virginia State University	229	18.6	20.5%
West Virginia University	2,060	22.8	61.8%
West Virginia University Institute of Technology	242	20.2	39.6%
Grand Total	7,102	20.4	38.5%

Note: Data provided is only representative of students who had a reported ACT Math score

2017 Average First-time Freshmen English ACT Scores and the Percent of Students Scoring At or Above the ACT Benchmark by Sector and Institution

	Cohort Size	Average ACT English Score	Percent At or Above ACT Benchmark (18)
WV Public Two-Year Institutions	1,117	17.4	45.8%
Blue Ridge Community and Technical College	85	18.3	51.7%
BridgeValley Community and Technical College	163	17.8	49.0%
Eastern WV Community and Technical College	16	17.3	37.5%
Mountwest Community and Technical College	129	16.3	33.3%
New River Community and Technical College	107	16.4	37.3%
Pierpont Community and Technical College	176	17.5	43.1%
Southern WV Community and Technical College	193	17.5	48.7%
WV Northern Community College	86	17.5	44.1%
WVU at Parkersburg	162	18.2	56.1%
WV Public Four-Year Institutions	5,985	21.9	79.3%
Bluefield State College	144	18.4	53.4%
Concord University	279	20.7	74.9%
Fairmont State University	601	20.4	71.0%
Glenville State College	205	18.5	54.1%
Marshall University	1,332	22.5	85.1%
Potomac State College of WVU	269	19.0	60.5%
Shepherd University	310	21.4	79.6%
West Liberty University	314	20.1	69.4%
West Virginia State University	229	19.0	58.0%
West Virginia University	2,060	24.0	90.1%
West Virginia University Institute of Technology	242	20.1	71.0%
Grand Total	7,102	21.2	74.0%

Note: Data provided is only representative of students who had a reported ACT English score.

2017 Average First-time Freshmen Science ACT Scores and the Percent of Students Scoring At or Above the ACT Benchmark by Sector and Institution

	Cohort Size	Average ACT Science Score	Percent At or Above ACT Benchmark (23)
WV Public Two-Year Institutions	1,116	18.7	13.9%
Blue Ridge Community and Technical College	85	19.3	21.1%
BridgeValley Community and Technical College	163	19.0	18.4%
Eastern WV Community and Technical College	16	18.6	12.5%
Mountwest Community and Technical College	129	18.4	10.8%
New River Community and Technical College	107	17.8	5.6%
Pierpont Community and Technical College	176	18.7	14.7%
Southern WV Community and Technical College	192	18.5	10.9%
WV Northern Community College	86	18.8	19.7%
WVU at Parkersburg	162	19.2	13.5%
WV Public Four-Year Institutions	5,985	22.4	48.8%
Bluefield State College	144	19.7	20.1%
Concord University	279	21.2	34.4%
Fairmont State University	601	21.2	36.2%
Glenville State College	205	19.9	22.9%
Marshall University	1,332	22.8	52.7%
Potomac State College of WVU	269	20.6	30.4%
Shepherd University	310	21.8	44.8%
West Liberty University	314	20.7	31.5%
West Virginia State University	229	19.8	20.5%
West Virginia University	2,060	24.2	66.4%
West Virginia University Institute of Technology	242	21.5	39.6%
Grand Total	7,101	21.8	43.3%

Note: Data provided is only representative of students who had a reported ACT Science score.

2017 Average First-time Freshmen Reading ACT Scores and the Percent of Students Scoring At or Above the ACT Benchmark by Sector and Institution

	Cohort Size	Average ACT Reading Score	Percent At or Above ACT Benchmark (22)
WV Public Two-Year Institutions	1,116	18.8	26.7%
Blue Ridge Community and Technical College	85	19.5	34.1%
BridgeValley Community and Technical College	163	19.8	34.9%
Eastern WV Community and Technical College	16	19.1	12.5%
Mountwest Community and Technical College	129	18.2	25.5%
New River Community and Technical College	107	18.0	18.6%
Pierpont Community and Technical College	176	18.5	23.8%
Southern WV Community and Technical College	192	18.6	25.0%
WV Northern Community College	86	18.5	16.2%
WVU at Parkersburg	162	19.3	32.7%
WV Public Four-Year Institutions	5,985	23.4	63.9%
Bluefield State College	144	20.4	38.1%
Concord University	279	22.3	56.9%
Fairmont State University	601	21.8	52.2%
Glenville State College	205	20.4	36.5%
Marshall University	1,332	24.2	69.2%
Potomac State College of WVU	269	20.3	42.3%
Shepherd University	310	22.9	61.6%
West Liberty University	314	21.3	47.4%
West Virginia State University	229	20.6	39.7%
West Virginia University	2,060	25.4	78.9%
West Virginia University Institute of Technology	242	21.8	53.7%
Grand Total	7,101	22.7	58.0%

Note: Data provided is only representative of students who had a reported ACT Reading score.

Average First-time Freshmen Composite ACT Scores by County and High School between 2015 and 2017

		2017		2016		2015	
		Cohort Size	Average ACT Composite Score	Cohort Size	Average ACT Composite Score	Cohort Size	Average ACT Composite Score
Barbour	Philip Barbour High School	38	22.0	42	22.4	39	20.4
	Total	38	22.0	42	22.4	39	20.4
Berkeley	Hedgesville High School	84	21.4	96	20.9	103	21.7
	Martinsburg Senior High School	98	20.5	93	21.5	97	21.2
	Musselman High School	124	21.9	115	21.7	119	20.3
	Spring Mills High School	102	21.8	83	21.3	61	21.0
	Total	408	21.4	387	21.4	380	21.0
Boone	Scott High School	64	21.0	54	21.2	72	21.2
	Sherman High School	22	19.7	31	20.6	29	18.9
	Van Junior Senior High School	12	20.0	*	18.7	11	19.6
	Total	98	20.6	*	20.9	112	20.5
Braxton	Braxton County High School	44	21.1	63	21.3	35	21.9
	Total	44	21.1	63	21.3	35	21.9
Brooke	Brooke High School	94	21.3	90	21.5	76	21.9
	Total	94	21.3	90	21.5	76	21.9
Cabell	Cabell Midland High School	211	22.4	222	22.4	213	22.4
	Huntington High School	138	20.4	112	21.5	132	22.2
	Total	349	21.6	334	22.1	345	22.3
Calhoun	Calhoun County Middle High School	13	22.6	16	19.1	18	20.2
	Total	13	22.6	16	19.1	18	20.2
Clay	Clay County High School	39	22.3	50	20.9	31	20.4
	Total	39	22.3	50	20.9	31	20.4
Doddridge	Doddridge County High School	31	21.5	18	21.5	15	21.0
	Total	31	21.5	18	21.5	15	21.0
Fayette	Fayetteville High School	45	21.1	26	19.8	32	20.8
	Meadow Bridge High School	*	17.3	16	21.3	16	20.4
	Midland Trail High School	23	18.2	20	19.6	25	19.4
	Oak Hill High School	58	19.5	73	20.5	67	21.4
	Valley High School	31	21.4	29	19.1	24	20.0
	Total	163	20.1	164	20.1	164	20.7
Gilmer	Gilmer County High School	24	21.2	26	19.7	28	22.2
	Total	24	21.2	26	19.7	28	22.2
Grant	Petersburg High School	48	21.7	44	20.7	46	21.2
	Union Educational Complex	*	20.0	*	18.7	*	18
	Total	50	21.6	*	20.6	*	21
Greenbrier	Greenbrier East High School	102	21.1	102	21.4	83	21.7

Average First-time Freshmen Composite ACT Scores by County and High School between 2015 and 2017

		2017		2016		2015	
		Cohort Size	Average ACT Composite Score	Cohort Size	Average ACT Composite Score	Cohort Size	Average ACT Composite Score
	Greenbrier West High School	30	18.6	34	18.9	34	19.6
	Total	132	20.5	136	20.8	117	21.1
Hampshire	Hampshire High School	57	21.3	58	20.8	60	19.5
	West Virginia School for Deaf	*	18.5	-	-	-	-
	Total	*	21.2	58	20.8	60	19.5
Hancock	Oak Glen High School	37	21.4	32	22.9	32	21.7
	Weir High School	55	21.7	50	21.3	53	21.8
	Total	92	21.6	82	21.9	85	21.8
Hardy	East Hardy County High School	26	21.1	18	20.3	21	22.1
	Moorefield High School	38	21.2	24	20.5	43	20.9
	Total	64	21.2	42	20.4	64	21.3
Harrison	Bridgeport High School	108	23.7	114	23.2	91	23.0
	Liberty High School	39	20.9	41	21.0	36	20.9
	Lincoln High School	51	22.0	48	20.9	57	20.5
	Robert C. Byrd High School	62	20.1	70	20.9	80	21.2
	South Harrison High School	35	20.6	28	21.6	26	20.2
	Total	295	21.9	301	21.8	290	21.5
Jackson	Ravenswood High School	37	21.6	38	21.3	41	21.9
	Ripley High School	69	21.7	69	21.9	80	22.0
	Total	106	21.7	107	21.7	121	21.9
Jefferson	Jefferson High School	105	20.9	96	22.3	76	22.9
	Washington High School	95	22.3	101	22.5	83	21.9
	Total	200	21.6	197	22.4	159	22.4
Kanawha	Capital High School	92	21.8	106	21.9	101	21.3
	George Washington High School	136	24.1	125	22.7	139	22.9
	Herbert Hoover High School	63	21.2	59	21.7	60	21.7
	Nitro High School	63	22.0	88	22.9	96	22.8
	Riverside High School	72	19.6	89	19.8	81	20.9
	Sissonville High School	44	21.3	58	21.3	51	22.2
	South Charleston High School	89	20.8	83	21.3	71	21.7
	St Albans High School	96	22.2	96	22.0	103	22.0
	Total	655	21.9	704	21.8	702	22.0
Lewis	Lewis County High School	40	21.0	58	21.7	58	21.6
	Total	40	21.0	58	21.7	58	21.6
Lincoln	Lincoln County High School	66	21.4	61	20.2	62	20.5
	Total	66	21.4	61	20.2	62	20.5

Average First-time Freshmen Composite ACT Scores by County and High School between 2015 and 2017

		2017		2016		2015	
		Cohort Size	Average ACT Composite Score	Cohort Size	Average ACT Composite Score	Cohort Size	Average ACT Composite Score
Logan	Chapmanville Regional High School	62	20.5	67	19.2	58	20.4
	Logan High School	60	20.0	64	19.2	69	20.3
	Man High School	40	19.7	35	19.9	30	19.9
	Total	162	20.1	166	19.4	157	20.3
Marion	East Fairmont High School	77	21.7	84	21.5	70	20.8
	Fairmont Senior High School	79	21.3	85	21.8	79	20.9
	North Marion High School	81	20.8	62	20.6	72	21.8
	Total	237	21.3	231	21.4	221	21.2
Marshall	Cameron High School	24	21.7	29	20.4	22	21.7
	John Marshall High School	84	20.0	99	21.6	99	21.2
	Total	108	20.4	128	21.3	121	21.3
Mason	Hannan High School	13	21.0	10	19.3	14	22.3
	Point Pleasant High School	66	21.5	65	21.7	71	21.7
	Wahama High School	26	20.4	30	19.9	24	21.5
	Total	105	21.2	105	21.0	109	21.8
McDowell	Mount View High School	32	17.9	29	18.8	23	18.9
	River View High School	34	19.1	30	20.5	32	20.0
	Total	66	18.5	59	19.6	55	19.5
Mercer	Bluefield High School	62	20.7	65	21.2	59	20.5
	Montcalm High School	25	18.8	16	20.3	14	18.3
	Pikeview High School	67	21.7	51	21.0	63	21.0
	Princeton Senior High School	78	20.9	102	21.3	107	21.4
	Total	232	20.9	234	21.1	243	20.9
Mineral	Frankfort High School	63	23.1	58	21.8	63	22.3
	Keyser High School	64	21.2	64	19.9	68	21.0
	Total	127	22.1	122	20.8	131	21.6
Mingo	Mingo Central Comprehensive High School	52	19.3	59	20.6	41	20.6
	Tug Valley High School	23	20.3	25	20.3	34	20.1
	Total	75	19.6	84	20.5	75	20.4
Monongalia	Clay Battelle High School	20	23.7	15	23.3	28	20.3
	Morgantown High School	225	23.9	169	23.6	179	23.4
	University High School	133	23.2	139	23.3	144	23.2
	Total	378	23.6	323	23.4	351	23.0
Monroe	James Monroe High School	42	21.3	34	21.5	36	20.2
	Total	42	21.3	34	21.5	36	20.2

Average First-time Freshmen Composite ACT Scores by County and High School between 2015 and 2017

		2017		2016		2015	
		Cohort Size	Average ACT Composite Score	Cohort Size	Average ACT Composite Score	Cohort Size	Average ACT Composite Score
Morgan	Berkeley Springs High School	25	21.4	48	21.4	51	21.5
	Paw Paw High School	*	19.7	*	19.4	*	19.5
	Total	*	21.1	*	21.2	*	21.4
Nicholas	Nicholas County High School	61	21.5	82	22.1	66	21.7
	Richwood High School	43	21.8	33	21.2	48	21.4
	Total	104	21.6	115	21.9	114	21.6
Ohio	Wheeling Park High School	160	22.3	154	22.1	143	22.4
	Total	160	22.3	154	22.1	143	22.4
Pendleton	Pendleton County High School	32	19.3	23	21.5	18	24.0
	Total	32	19.3	23	21.5	18	24.0
Pleasants	Saint Mary's High School	26	20.7	27	21.2	30	21.9
	Total	26	20.7	27	21.2	30	21.9
Pocahontas	Pocahontas County High School	26	20.0	29	20.8	20	19.5
	Total	26	20.0	29	20.8	20	19.5
Preston	Preston High School	90	22.7	109	21.9	92	21.8
	Total	90	22.7	109	21.9	92	21.8
Putnam	Buffalo Putnam High School	40	20.9	24	20.8	33	20.4
	Hurricane High School	166	22.7	152	23.4	122	23.4
	Poca High School	54	21.2	44	20.6	39	21.3
	Winfield High School	109	22.2	129	22.5	113	23.1
	Total	369	22.1	349	22.6	307	22.7
Raleigh	Independence High School	48	20.8	55	20.1	55	20.7
	Liberty High School	30	20.6	62	21.3	50	21.7
	Shady Spring High School	79	21.8	87	22.8	82	23.5
	Woodrow Wilson High School	116	20.8	125	21.3	100	21.7
	Total	273	21.1	329	21.5	287	22.0
Randolph	Elkins High School	51	23.1	56	21.4	65	22.0
	Harman High School	*	16.0	-	-	*	20.0
	Pickens High School	*	19.0	*	18.0	*	22.0
	Tygarts Valley Middle High School	14	20.4	16	21.8	13	22.4
	Total	*	22.4	*	21.4	*	22.0
Ritchie	Ritchie County High School	28	20.6	45	22.2	32	22.5
	Total	28	20.6	45	22.2	32	22.5
Roane	Roane County High School	48	21.0	55	23.2	44	21.4
	Total	48	21.0	55	23.2	44	21.4
Summers	Summers County High School	25	19.7	20	21.7	31	21.8

Average First-time Freshmen Composite ACT Scores by County and High School between 2015 and 2017

		2017		2016		2015	
		Cohort Size	Average ACT Composite Score	Cohort Size	Average ACT Composite Score	Cohort Size	Average ACT Composite Score
	Total	25	19.7	20	21.7	31	21.8
Taylor	Grafton High School	66	22.5	49	21.8	45	22.6
	Total	66	22.5	49	21.8	45	22.6
Tucker	Tucker County High School	20	21.3	28	19.8	25	21.6
	Total	20	21.3	28	19.8	25	21.6
Tyler	Tyler Consolidated High School	42	22.2	49	21.2	38	21.2
	Total	42	22.2	49	21.2	38	21.2
Upshur	Buckhannon Upshur High School	59	21.4	50	21.2	39	21.8
	Total	59	21.4	50	21.2	39	21.8
Wayne	Spring Valley High School	142	21.4	123	21.4	106	22.5
	Tolsia High School	34	19.6	23	20.9	16	21.5
	Wayne County High School	61	19.7	58	19.8	49	20.4
	Total	237	20.7	204	20.9	171	21.8
Webster	Webster County High School	27	19.5	39	20.9	32	19.2
	Total	27	19.5	39	20.9	32	19.2
Wetzel	Hundred High School	10	19.6	*	*	11	21.2
	Magnolia High School	45	21.8	62	21.9	32	20.9
	Paden City High School	12	19.0	19	18.1	23	20.4
	Valley High School	10	18.8	23	21.0	22	19.3
	Total	77	20.7	*	21.1	88	20.4
Wirt	Wirt County High School	24	20.8	26	21.4	24	21.3
	Total	24	20.8	26	21.4	24	21.3
Wood	Parkersburg High School	122	22.5	151	22.0	137	22.6
	Parkersburg South High School	133	22.2	151	21.5	132	21.2
	Williamstown High School	49	22.3	49	21.2	42	21.5
	Total	304	22.4	351	21.6	311	21.9
Wyoming	Westside High School	60	19.7	55	20.3	51	21.7
	Wyoming County East High School	52	20.4	34	22.0	37	21.7
	Total	112	20.0	89	20.9	88	21.7
Summary	Public High Schools	6,839	21.5	6,946	21.5	6,624	21.6
	Private High Schools	262	22.6	265	23.2	251	22.7
	State Total	7,101	21.5	7,211	21.6	6,875	21.7

**In an effort to protect student privacy and balance reporting needs, data have been suppressed in two situations. Private high schools were excluded from county totals and reported in aggregate in the summary total. Many private high schools have low student counts that require most data to be censored. Further, low cell sizes for public high schools have been suppressed in conjunction with county totals when necessary.*

2017 West Virginia Freshmen Fall GPA by High School GPA and Postsecondary Sector and Institution

	Students Finishing High School with a GPA of 2.99 or Below		Students Finishing High School with a GPA of 3.0 or Above	
	Cohort Size	Average Fall GPA	Cohort Size	Average Fall GPA
WV Public Two-Year Institutions	705	1.69	809	2.72
Blue Ridge Community and Technical College	91	1.54	70	2.61
BridgeValley Community and Technical College	112	1.71	103	2.70
Eastern WV Community and Technical College	*	2.07	18	2.81
Mountwest Community and Technical College	103	1.72	83	2.95
New River Community and Technical College	81	2.14	44	2.26
Pierpont Community and Technical College	98	1.51	115	3.00
Southern WV Community and Technical College	115	1.63	147	2.65
WV Northern Community College	30	1.79	84	2.75
WVU at Parkersburg	67	1.55	145	2.60
WV Public Four-Year Institutions	1,040	1.67	5,203	2.93
Bluefield State College	38	2.08	106	3.02
Concord University	47	1.49	235	2.66
Fairmont State University	119	1.75	489	2.92
Glenville State College	71	1.77	133	2.78
Marshall University	205	1.89	1,142	3.01
Potomac State College of WVU	136	1.23	204	2.60
Shepherd University	63	1.55	311	2.93
West Liberty University	62	2.00	259	3.02
West Virginia State University	84	1.72	153	3.15
West Virginia University	177	1.57	1,966	2.97
West Virginia University Institute of Technology	38	1.35	205	2.53
Grand Total	1,745	1.68	6,012	2.90

2017 West Virginia Freshmen Enrolled in Developmental Education by Subject*

	Total Students Enrolled in Fall	Students Enrolled in Dev. Ed. English	Students Enrolled in Dev. Ed. Reading	Students Enrolled in Dev. Ed. Math	Students Enrolled in Dev. Ed.
WV Public Two-Year Institutions	1,544	43.7%	0.7%	51.6%	63.6%
Blue Ridge Community and Technical College	176	34.6%	6.2%	60.2%	66.4%
BridgeValley Community and Technical College	221	46.6%	0.0%	42.0%	61.9%
Eastern WV Community and Technical College	26	61.5%	0.0%	53.8%	69.2%
Mountwest Community and Technical College	189	34.3%	0.0%	51.3%	66.1%
New River Community and Technical College	128	44.5%	0.0%	49.2%	67.1%
Pierpont Community and Technical College	213	8.9%	0.0%	13.1%	17.3%
Southern WV Community and Technical College	264	54.1%	0.0%	59.0%	72.7%
WV Northern Community College	115	31.3%	0.0%	47.8%	58.2%
WVU at Parkersburg	212	83.0%	0.0%	87.7%	96.2%
WV Public Four-Year Institutions	6,253	8.4%	0.0%	12.6%	17.1%
Bluefield State College	145	40.0%	0.0%	31.7%	51.7%
Concord University	282	16.3%	0.0%	34.0%	40.4%
Fairmont State University	608	0.1%	0.0%	24.1%	24.1%
Glenville State College	211	43.1%	0.0%	80.5%	84.3%
Marshall University	1,347	12.6%	0.0%	20.9%	26.9%
Potomac State College of WVU	340	0.8%	0.0%	2.3%	2.9%
Shepherd University	376	0.0%	0.0%	0.7%	0.7%
West Liberty University	321	21.4%	0.0%	7.4%	26.1%
West Virginia State University	237	30.8%	0.0%	0.0%	30.8%
West Virginia University	2,143	0.6%	0.0%	0.5%	0.9%
West Virginia University Institute of Technology	243	0.4%	0.0%	1.2%	1.2%
Grand Total	7,797	15.4%	0.1%	20.3%	26.3%

* Developmental Education includes stand-alone developmental coursework, boot camps or other forms of developmental instruction as well as co-requisite coursework. It does not include college level courses taught over two semesters, specifically designed for underprepared students. Enrollment in developmental education is captured as of fall and spring semester of the student first year. Students taking developmental education at an institution other than their cohort institution are included.

West Virginia Freshmen Enrolled in Developmental Education by Subject for 2016 and 2017 High School Graduating Class

	Students Enrolled in Dev. Ed. English		Students Enrolled in Dev. Ed. Reading		Students Enrolled in Dev. Ed. Math		Students Enrolled in Dev. Ed.	
	2017	2016	2017	2016	2017	2016	2017	2016
WV Public Two-Year Institutions	43.7%	30.8%	0.7%	1.7%	51.6%	46.7%	63.6%	55.6%
Blue Ridge Community and Technical College	34.6%	29.1%	6.2%	0.0%	60.2%	51.8%	66.4%	56.2%
BridgeValley Community and Technical College	46.6%	40.7%	0.0%	0.0%	42.0%	61.6%	61.9%	75.2%
Eastern WV Community and Technical College	61.5%	48.1%	0.0%	0.0%	53.8%	48.1%	69.2%	62.9%
Mountwest Community and Technical College	34.3%	27.6%	0.0%	17.6%	51.3%	51.5%	66.1%	65.4%
New River Community and Technical College	44.5%	38.9%	0.0%	0.0%	49.2%	50.6%	67.1%	63.6%
Pierpont Community and Technical College	8.9%	0.0%	0.0%	0.0%	13.1%	0.0%	17.3%	0.0%
Southern WV Community and Technical College	54.1%	47.3%	0.0%	0.0%	59.0%	54.5%	72.7%	69.3%
WV Northern Community College	31.3%	28.6%	0.0%	0.0%	47.8%	56.0%	58.2%	60.9%
WVU at Parkersburg	83.0%	28.2%	0.0%	0.0%	87.7%	48.1%	96.2%	54.3%
WV Public Four-Year Institutions	8.4%	10.7%	0.0%	0.4%	12.6%	20.6%	17.1%	24.3%
Bluefield State College	40.0%	40.0%	0.0%	18.5%	31.7%	28.8%	51.7%	52.5%
Concord University	16.3%	15.1%	0.0%	0.0%	34.0%	29.4%	40.4%	37.3%
Fairmont State University	0.1%	0.1%	0.0%	0.0%	24.1%	28.3%	24.1%	28.3%
Glenville State College	43.1%	36.1%	0.0%	0.0%	80.5%	68.6%	84.3%	74.7%
Marshall University	12.6%	14.2%	0.0%	0.0%	20.9%	31.2%	26.9%	35.0%
Potomac State College of WVU	0.8%	37.8%	0.0%	0.0%	2.3%	46.0%	2.9%	58.5%
Shepherd University	0.0%	0.0%	0.0%	0.0%	0.7%	0.3%	0.7%	0.3%
West Liberty University	21.4%	12.9%	0.0%	0.0%	7.4%	11.8%	26.1%	22.5%
West Virginia State University	30.8%	29.9%	0.0%	0.4%	0.0%	38.5%	30.8%	47.9%
West Virginia University	0.6%	0.1%	0.0%	0.0%	0.5%	0.2%	0.9%	0.4%
West Virginia University Institute of Technology	0.4%	18.9%	0.0%	0.0%	1.2%	41.7%	1.2%	44.7%
Grand Total	15.4%	14.9%	0.1%	0.6%	20.3%	26.0%	26.3%	30.8%

2017 Average Fall GPA of West Virginia Freshmen by Developmental Education Enrollment Status

	Enrolled in Dev. Ed.*		Not Enrolled in Dev. Ed.	
	Cohort Size**	Average Fall GPA	Cohort Size*	Average Fall GPA
WV Public Two-Year Institutions	959	2.18	555	2.34
Blue Ridge Community and Technical College	107	2.01	54	2.00
BridgeValley Community and Technical College	131	2.03	84	2.41
Eastern WV Community and Technical College	18	2.53	8	2.71
Mountwest Community and Technical College	123	2.49	63	1.83
New River Community and Technical College	83	1.95	42	2.65
Pierpont Community and Technical College	37	2.05	176	2.37
Southern WV Community and Technical College	190	2.10	72	2.48
WV Northern Community College	66	2.43	48	2.60
WVU at Parkersburg	204	2.26	8	2.45
WV Public Four-Year Institutions	1,063	2.40	5,180	2.79
Bluefield State College	74	2.78	70	2.76
Concord University	114	2.12	168	2.69
Fairmont State University	147	2.69	461	2.69
Glenville State College	171	2.37	33	2.75
Marshall University	363	2.44	984	2.98
Potomac State College of WVU	10	2.12	330	2.05
Shepherd University	3	1.48	371	2.71
West Liberty University	84	2.49	237	2.95
West Virginia State University	73	2.18	164	2.85
West Virginia University	21	1.06	2,122	2.88
West Virginia University Institute of Technology	3	0.83	240	2.37
Grand Total	2,022	2.30	5,735	2.74

* Students could be enrolled in a supplemental instruction course in an institution other than their cohort institution.

** Cohort size excludes students with fall semester GPA of 0.00 but have earned credits.

First-time Freshmen Percentage of Students Enrolled in Developmental Education by County and High School for 2016 and 2017 Graduating Class

		Total Students Enrolled in Fall		Students Enrolled in Dev. Ed. English		Students Enrolled in Dev. Ed. Math		Students Enrolled in Dev. Ed.	
		2017	2016	2017	2016	2017	2016	2017	2016
Barbour	Philip Barbour High School	40	42	12.5%	7.1%	20.0%	11.9%	20.0%	14.2%
	Total	40	42	12.5%	7.1%	20.0%	11.9%	20.0%	14.2%
Berkeley	Hedgesville High School	121	119	14.0%	9.2%	21.4%	20.1%	23.1%	21.0%
	Martinsburg Senior High School	131	120	9.1%	10.0%	19.0%	26.6%	19.8%	30.0%
	Musselman High School	146	137	12.3%	10.9%	18.4%	19.7%	21.9%	20.4%
	Spring Mills High School	137	111	6.5%	13.5%	13.8%	19.8%	15.3%	25.2%
	Total	535	487	10.4%	10.8%	18.1%	21.5%	20.0%	24.0%
Boone	Scott High School	70	58	22.8%	27.5%	27.1%	32.7%	34.2%	37.9%
	Sherman High School	22	34	27.2%	17.6%	27.2%	35.2%	31.8%	38.2%
	Van Junior Senior High School	12	10	33.3%	50.0%	25.0%	50.0%	33.3%	70.0%
	Total	104	102	25.0%	26.4%	26.9%	35.2%	33.6%	41.1%
Braxton	Braxton County High School	44	64	20.4%	9.3%	45.4%	35.9%	52.2%	35.9%
	Total	44	64	20.4%	9.3%	45.4%	35.9%	52.2%	35.9%
Brooke	Brooke High School	98	100	16.3%	12.0%	11.2%	31.0%	26.5%	37.0%
	Total	98	100	16.3%	12.0%	11.2%	31.0%	26.5%	37.0%
Cabell	Cabell Midland High School	231	236	13.8%	15.6%	22.5%	28.8%	28.1%	36.4%
	Huntington High School	148	125	23.6%	16.8%	31.0%	35.2%	43.2%	42.4%
	Total	379	361	17.6%	16.0%	25.8%	31.0%	34.0%	38.5%
Calhoun	Calhoun County Middle High School	13	20	7.6%	35.0%	7.6%	45.0%	15.3%	60.0%
	Total	13	20	7.6%	35.0%	7.6%	45.0%	15.3%	60.0%
Clay	Clay County High School	42	54	21.4%	18.5%	16.6%	31.4%	26.1%	38.8%
	Total	42	54	21.4%	18.5%	16.6%	31.4%	26.1%	38.8%
Doddridge	Doddridge County High School	31	18	12.9%	5.5%	22.5%	22.2%	25.8%	27.7%
	Total	31	18	12.9%	5.5%	22.5%	22.2%	25.8%	27.7%
Fayette	Fayetteville High School	45	27	17.7%	25.9%	24.4%	37.0%	28.8%	44.4%
	Meadow Bridge High School	9	16	33.3%	18.7%	44.4%	31.2%	44.4%	37.5%
	Midland Trail High School	24	26	12.5%	15.3%	33.3%	46.1%	37.5%	50.0%
	Oak Hill High School	59	73	16.9%	26.0%	13.5%	41.0%	20.3%	53.4%
	Valley High School	32	31	18.7%	35.4%	25.0%	67.7%	31.2%	70.9%
	Total	169	173	17.7%	25.4%	23.0%	45.0%	28.4%	53.1%
Gilmer	Gilmer County High School	25	27	16.0%	22.2%	60.0%	55.5%	60.0%	59.2%
	Total	25	27	16.0%	22.2%	60.0%	55.5%	60.0%	59.2%
Grant	Petersburg High School	54	46	5.5%	32.6%	7.4%	32.6%	7.4%	43.4%
	Union Educational Complex	*	*	-	-	-	-	-	-
	Total	*	*	5.3%	34.0%	7.1%	34.0%	7.1%	48.0%

First-time Freshmen Percentage of Students Enrolled in Developmental Education by County and High School for 2016 and 2017 Graduating Class

		Total Students Enrolled in Fall		Students Enrolled in Dev. Ed. English		Students Enrolled in Dev. Ed. Math		Students Enrolled in Dev. Ed.	
		2017	2016	2017	2016	2017	2016	2017	2016
Greenbrier	Greenbrier East High School	106	112	5.6%	16.0%	22.6%	26.7%	22.6%	32.1%
	Greenbrier West High School	32	36	18.7%	13.8%	25.0%	25.0%	31.2%	27.7%
	Total	138	148	8.6%	15.5%	23.1%	26.3%	24.6%	31.0%
Hampshire	Hampshire High School	66	67	4.5%	26.8%	6.0%	34.3%	6.0%	38.8%
	West Virginia Schools for Deaf	*	*	-	-	-	-	-	-
	West Virginia Schools for Blind	*	-	-	-	-	-	-	-
	Total	*	*	5.7%	26.8%	5.7%	34.3%	7.2%	38.8%
Hancock	Oak Glen High School	39	36	15.3%	2.7%	10.2%	13.8%	20.5%	13.8%
	Weir High School	59	57	16.9%	12.2%	11.8%	15.7%	20.3%	15.7%
	Total	98	93	16.3%	8.6%	11.2%	15.0%	20.4%	15.0%
Hardy	East Hardy County High School	27	23	11.1%	21.7%	14.8%	30.4%	18.5%	34.7%
	Moorefield High School	43	28	13.9%	21.4%	13.9%	32.1%	20.9%	35.7%
	Total	70	51	12.8%	21.5%	14.2%	31.3%	20.0%	35.2%
Harrison	Bridgeport High School	109	117	0.9%	1.7%	6.4%	5.1%	6.4%	6.8%
	Liberty High School	39	43	5.1%	4.6%	23.0%	6.9%	23.0%	6.9%
	Lincoln High School	52	48	3.8%	4.1%	13.4%	29.1%	13.4%	29.1%
	Robert C. Byrd High School	64	71	1.5%	1.4%	20.3%	28.1%	20.3%	28.1%
	South Harrison High School	35	30	2.8%	0.0%	11.4%	3.3%	14.2%	3.3%
	Total	299	309	2.3%	2.2%	13.3%	14.2%	13.7%	14.8%
Jackson	Ravenswood High School	40	46	30.0%	13.0%	50.0%	30.4%	55.0%	32.6%
	Ripley High School	75	77	30.6%	11.6%	34.6%	29.8%	41.3%	32.4%
	Total	115	123	30.4%	12.1%	40.0%	30.0%	46.0%	32.5%
Jefferson	Jefferson High School	166	145	4.8%	9.6%	13.8%	11.7%	15.6%	15.1%
	Washington High School	122	122	4.0%	5.7%	11.4%	8.1%	11.4%	8.1%
	Total	288	267	4.5%	7.8%	12.8%	10.1%	13.8%	11.9%
Kanawha	Capital High School	109	116	16.5%	13.7%	14.6%	28.4%	25.6%	32.7%
	George Washington High School	146	135	5.4%	14.0%	2.7%	16.2%	8.2%	23.7%
	Herbert Hoover High School	65	65	23.0%	16.9%	27.6%	33.8%	44.6%	41.5%
	Nitro High School	69	92	14.4%	14.1%	10.1%	17.3%	18.8%	29.3%
	Riverside High School	85	99	27.0%	23.2%	24.7%	45.4%	36.4%	50.5%
	Sissonville High School	46	61	21.7%	21.3%	23.9%	36.0%	34.7%	39.3%
	South Charleston High School	98	87	25.5%	21.8%	16.3%	42.5%	35.7%	47.1%
	St Albans High School	104	104	23.0%	21.1%	14.4%	18.2%	26.9%	28.8%
	Total	722	759	18.4%	17.9%	14.9%	28.4%	26.5%	35.4%
Lewis	Lewis County High School	41	63	7.3%	7.9%	17.0%	23.8%	17.0%	25.3%
	Total	41	63	7.3%	7.9%	17.0%	23.8%	17.0%	25.3%

First-time Freshmen Percentage of Students Enrolled in Developmental Education by County and High School for 2016 and 2017 Graduating Class

		Total Students Enrolled in Fall		Students Enrolled in Dev. Ed. English		Students Enrolled in Dev. Ed. Math		Students Enrolled in Dev. Ed.	
		2017	2016	2017	2016	2017	2016	2017	2016
Lincoln	Lincoln County High School	79	75	34.1%	29.3%	37.9%	42.6%	51.8%	52.0%
	Total	79	75	34.1%	29.3%	37.9%	42.6%	51.8%	52.0%
Logan	Chapmanville Regional High School	76	75	36.8%	38.6%	38.1%	44.0%	48.6%	56.0%
	Logan High School	66	75	30.3%	34.6%	43.9%	50.6%	53.0%	61.3%
	Man High School	46	44	41.3%	45.4%	47.8%	47.7%	56.5%	68.1%
	Total	188	194	35.6%	38.6%	42.5%	47.4%	52.1%	60.8%
Marion	East Fairmont High School	85	90	2.3%	4.4%	7.0%	14.4%	8.2%	14.4%
	Fairmont Senior High School	83	92	3.6%	2.1%	20.4%	9.7%	22.8%	10.8%
	North Marion High School	86	64	4.6%	3.1%	24.4%	14.0%	25.5%	15.6%
	Total	254	246	3.5%	3.2%	17.3%	12.6%	18.8%	13.4%
Marshall	Cameron High School	25	33	8.0%	9.0%	16.0%	36.3%	20.0%	39.3%
	John Marshall High School	94	107	21.2%	14.0%	10.6%	15.8%	28.7%	21.4%
	Total	119	140	18.4%	12.8%	11.7%	20.7%	26.8%	25.7%
Mason	Hannan High School	15	13	6.6%	23.0%	26.6%	38.4%	26.6%	46.1%
	Point Pleasant High School	68	68	13.2%	17.6%	17.6%	23.5%	22.0%	27.9%
	Wahama High School	27	31	14.8%	35.4%	25.9%	61.2%	29.6%	67.7%
	Total	110	112	12.7%	23.2%	20.9%	35.7%	24.5%	41.0%
McDowell	Mount View High School	33	31	45.4%	51.6%	51.5%	54.8%	72.7%	70.9%
	River View High School	35	31	34.2%	22.5%	42.8%	45.1%	60.0%	48.3%
	Total	68	62	39.7%	37.0%	47.0%	50.0%	66.1%	59.6%
Mercer	Bluefield High School	62	71	20.9%	21.1%	20.9%	15.4%	37.0%	29.5%
	Montcalm High School	25	17	40.0%	23.5%	48.0%	41.1%	56.0%	47.0%
	Pikeview High School	71	56	18.3%	26.7%	18.3%	30.3%	28.1%	41.0%
	Princeton Senior High School	81	108	25.9%	21.2%	29.6%	20.3%	40.7%	31.4%
	Total	239	252	23.8%	22.6%	25.9%	22.6%	37.6%	34.1%
Mineral	Frankfort High School	70	66	1.4%	15.1%	2.8%	27.2%	2.8%	33.3%
	Keyser High School	84	78	1.1%	34.6%	5.9%	47.4%	5.9%	58.9%
	Total	154	144	1.2%	25.6%	4.5%	38.1%	4.5%	47.2%
Mingo	Mingo Central Comprehensive High School	67	68	41.7%	29.4%	46.2%	36.7%	58.2%	51.4%
	Tug Valley High School	29	32	48.2%	28.1%	41.3%	34.3%	58.6%	50.0%
	Total	96	100	43.7%	29.0%	44.7%	36.0%	58.3%	51.0%
Monongalia	Clay Battelle High School	20	16	5.0%	0.0%	10.0%	6.2%	15.0%	6.2%
	Morgantown High School	248	192	2.8%	0.5%	2.0%	3.6%	4.0%	3.6%
	University High School	138	139	0.7%	0.7%	3.6%	4.3%	3.6%	5.0%

First-time Freshmen Percentage of Students Enrolled in Developmental Education by County and High School for 2016 and 2017 Graduating Class

		Total Students Enrolled in Fall		Students Enrolled in Dev. Ed. English		Students Enrolled in Dev. Ed. Math		Students Enrolled in Dev. Ed.	
		2017	2016	2017	2016	2017	2016	2017	2016
	Total	406	347	2.2%	0.5%	2.9%	4.0%	4.4%	4.3%
Monroe	James Monroe High School	47	37	8.5%	13.5%	21.2%	35.1%	25.5%	37.8%
	Total	47	37	8.5%	13.5%	21.2%	35.1%	25.5%	37.8%
Morgan	Berkeley Springs High School	36	59	8.3%	10.1%	16.6%	18.6%	16.6%	22.0%
	Paw Paw High School	*	*	-	-	-	-	-	-
	Total	*	*	6.9%	9.0%	16.2%	21.2%	16.2%	24.2%
Nicholas	Nicholas County High School	64	83	10.9%	12.0%	7.8%	30.1%	14.0%	31.3%
	Richwood High School	44	34	15.9%	11.7%	40.9%	32.3%	40.9%	35.2%
	Total	108	117	12.9%	11.9%	21.2%	30.7%	25.0%	32.4%
Ohio	Wheeling Park High School	174	173	13.7%	14.4%	10.9%	15.0%	20.1%	23.1%
	Total	174	173	13.7%	14.4%	10.9%	15.0%	20.1%	23.1%
Pendleton	Pendleton County High School	36	28	19.4%	17.8%	19.4%	25.0%	22.2%	28.5%
	Total	36	28	19.4%	17.8%	19.4%	25.0%	22.2%	28.5%
Pleasants	St Marys High School	29	28	41.3%	7.1%	58.6%	17.8%	62.0%	17.8%
	Total	29	28	41.3%	7.1%	58.6%	17.8%	62.0%	17.8%
Pocahontas	Pocahontas County High School	27	30	22.2%	23.3%	37.0%	33.3%	40.7%	36.6%
	Total	27	30	22.2%	23.3%	37.0%	33.3%	40.7%	36.6%
Preston	Preston High School	93	112	0.0%	5.3%	7.5%	14.2%	7.5%	16.0%
	Total	93	112	0.0%	5.3%	7.5%	14.2%	7.5%	16.0%
Putnam	Buffalo Putnam High School	41	24	12.1%	12.5%	14.6%	41.6%	21.9%	41.6%
	Hurricane High School	167	157	13.7%	14.0%	5.3%	17.8%	16.1%	23.5%
	Poca High School	56	47	23.2%	19.1%	8.9%	42.5%	28.5%	44.6%
	Winfield High School	111	131	11.7%	8.3%	14.4%	20.6%	20.7%	22.1%
	Total	375	359	14.4%	12.5%	9.6%	23.6%	20.0%	27.0%
Raleigh	Independence High School	49	57	18.3%	38.5%	22.4%	38.5%	28.5%	50.8%
	Liberty High School	31	62	12.9%	17.7%	12.9%	33.8%	19.3%	40.3%
	Shady Spring High School	79	89	6.3%	10.1%	12.6%	23.5%	17.7%	29.2%
	Woodrow Wilson High School	117	126	12.8%	21.4%	16.2%	26.9%	21.3%	35.7%
	Total	276	334	11.9%	20.6%	15.9%	29.3%	21.3%	37.4%
Randolph	Elkins High School	51	56	1.9%	3.5%	5.8%	12.5%	5.8%	14.2%
	Harman High School	*		*		*		*	
	Pickens High School	*	*	*	*	*	*	*	*
	Tygarts Valley Middle High School	14	16	14.2%	12.5%	21.4%	18.7%	21.4%	25.0%
	Total	*	*	5.9%	5.4%	11.9%	15.0%	11.9%	17.8%
Ritchie	Ritchie County High School	28	47	35.7%	10.6%	50.0%	25.5%	50.0%	31.9%

First-time Freshmen Percentage of Students Enrolled in Developmental Education by County and High School for 2016 and 2017 Graduating Class

		Total Students Enrolled in Fall		Students Enrolled in Dev. Ed. English		Students Enrolled in Dev. Ed. Math		Students Enrolled in Dev. Ed.	
		2017	2016	2017	2016	2017	2016	2017	2016
	Total	28	47	35.7%	10.6%	50.0%	25.5%	50.0%	31.9%
Roane	Roane County High School	48	55	29.1%	10.9%	35.4%	18.1%	45.8%	23.6%
	Total	48	55	29.1%	10.9%	35.4%	18.1%	45.8%	23.6%
Summers	Summers County High School	27	21	22.2%	23.8%	25.9%	33.3%	40.7%	38.0%
	Total	27	21	22.2%	23.8%	25.9%	33.3%	40.7%	38.0%
Taylor	Grafton High School	69	52	1.4%	0.0%	13.0%	15.3%	13.0%	15.3%
	Total	69	52	1.4%	0.0%	13.0%	15.3%	13.0%	15.3%
Tucker	Tucker County High School	24	29	12.5%	13.7%	25.0%	24.1%	25.0%	31.0%
	Total	24	29	12.5%	13.7%	25.0%	24.1%	25.0%	31.0%
Tyler	Tyler Consolidated High School	43	50	13.9%	6.0%	16.2%	34.0%	18.6%	36.0%
	Total	43	50	13.9%	6.0%	16.2%	34.0%	18.6%	36.0%
Upshur	Buckhannon Upshur High School	62	56	9.6%	10.7%	24.1%	26.7%	29.0%	26.7%
	Total	62	56	9.6%	10.7%	24.1%	26.7%	29.0%	26.7%
Wayne	Spring Valley High School	148	130	20.9%	21.5%	30.4%	42.3%	37.8%	46.9%
	Tolsia High School	40	27	20.0%	25.9%	42.5%	51.8%	45.0%	59.2%
	Wayne County High School	71	63	29.5%	22.2%	53.5%	52.3%	64.7%	53.9%
	Total	259	220	23.1%	22.2%	38.6%	46.3%	46.3%	50.4%
Webster	Webster County High School	28	40	28.5%	12.5%	39.2%	40.0%	46.4%	40.0%
	Total	28	40	28.5%	12.5%	39.2%	40.0%	46.4%	40.0%
Wetzel	Hundred High School	10	10	0.0%	10.0%	40.0%	20.0%	40.0%	30.0%
	Magnolia High School	47	66	25.5%	10.6%	21.2%	28.7%	31.9%	28.7%
	Paden City High School	14	20	28.5%	30.0%	35.7%	40.0%	57.1%	55.0%
	Valley High School	10	25	10.0%	8.0%	40.0%	36.0%	40.0%	36.0%
	Total	81	121	20.9%	13.2%	28.3%	31.4%	38.2%	34.7%
Wirt	Wirt County High School	25	28	36.0%	10.7%	48.0%	39.2%	52.0%	42.8%
	Total	25	28	36.0%	10.7%	48.0%	39.2%	52.0%	42.8%
Wood	Parkersburg High School	134	163	29.1%	13.4%	33.5%	28.2%	37.3%	29.4%
	Parkersburg South High School	146	168	40.4%	17.2%	41.7%	29.1%	47.9%	33.3%
	Williamstown High School	51	53	25.4%	20.7%	25.4%	39.6%	31.3%	43.3%
	Total	331	384	33.5%	16.1%	35.9%	30.2%	41.0%	33.0%
Wyoming	Westside High School	62	61	27.4%	29.5%	43.5%	44.2%	51.6%	47.5%
	Wyoming County East High School	58	45	22.4%	15.5%	36.2%	40.0%	39.6%	44.4%
	Total	120	106	25.0%	23.5%	40.0%	42.4%	45.8%	46.2%
Summary	State Totals	7,797	7,898	15.4%	14.9%	20.3%	26.0%	26.3%	30.8%

First-time Freshmen Percentage of Students Enrolled in Developmental Education by County and High School for 2016 and 2017 Graduating Class

		Total Students Enrolled in Fall		Students Enrolled in Dev. Ed. English		Students Enrolled in Dev. Ed. Math		Students Enrolled in Dev. Ed.	
		2017	2016	2017	2016	2017	2016	2017	2016
	Public High Schools	7,509	7,619	15.7%	15.2%	20.6%	26.6%	26.7%	31.5%
	Private High Schools	288	279	7.9%	5.3%	12.5%	11.1%	16.3%	12.9%

*In an effort to protect student privacy and balance reporting needs, data have been suppressed in two situations.

Private high schools were excluded from county totals and reported in aggregate in the summary total. Many private high schools have low student counts that require most data to be censored. Further, low cell sizes for public high schools have been suppressed in conjunction with county totals when necessary.



West Virginia Higher Education Policy Commission

Report to the Legislative Oversight Commission on Education Accountability

West Virginia Center for Nursing Strategic Plan Statutory Report §30-7B-7

Michael J. Farrell, Esq.
Chair



Carolyn Long
Interim Chancellor

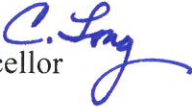
West Virginia Higher Education Policy Commission

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TO: Legislative Oversight Commission on Education Accountability
Legislative Oversight Commission on Health and Human Resources
Accountability

FROM: Carolyn Long 
Interim Chancellor

DATE: December 1, 2018

RE: West Virginia Center for Nursing Strategic Plan Statutory Report

West Virginia Code §30-7B-7 requires the West Virginia Center for Nursing (Center for Nursing) to report by December 1, 2014, and biennially thereafter, to the Legislative Oversight Commission on Health and Human Resources Accountability and the Legislative Oversight Commission on Education Accountability on its progress in developing a statewide strategic plan to address the nursing shortage in West Virginia and on any other issues the board considers relevant to the practice of nursing in this state. The statute also states that the board of the Center for Nursing shall provide drafts of any legislation needed to implement recommendations of the strategic plan.

Introduction:

The Center for Nursing leads strategies to support the education, recruitment and retention of nurses in West Virginia. It was created by the West Virginia Legislature in May 2005 at the recommendation of the Nursing Shortage Study Commission, a group that was established by the West Virginia Legislature in 2001. The Nursing Shortage Study Commission found that an organization was needed to identify solutions to key issues affecting nurses. In 2014, the legislation governing the Center for Nursing was amended to establish a closer working relationship between the Center for Nursing and the West Virginia Higher Education Policy Commission (Commission). The operations of the Center for Nursing are funded solely by a \$10 fee paid during the yearly license renewal process completed by every licensed practical and registered nurse in West Virginia.

The Center for Nursing operates a scholarship program for licensed practical, registered, masters and doctoral nursing students pursuing their degrees. In order to qualify for a scholarship, nursing students must be West Virginia residents attending an accredited West Virginia nursing program

and agree to fulfill a service obligation to work in West Virginia for each year they receive an award.

In addition to supporting the Nursing Scholarship Program, the Center for Nursing focuses on nursing workforce planning and development to help alleviate an ongoing shortage of nurses.

Below is an update on progress over the last two years in meeting the strategic priorities of the Center.

Strategic Priorities:

1. Establish a statewide strategic plan to address the nursing shortage in West Virginia.

- The Strategic Plan for the Center for Nursing was developed by the Board of Directors and other stakeholders on October 17, 2014. It is reviewed annually and updated to respond to changing needs.
- In conjunction with the West Virginia Community and Technical College System, the Center for Nursing held a Nursing Workforce Roundtable on March 17, 2017 to examine and share current nursing workforce data and establish a framework for future interventions. The Roundtable was attended by nurse educators, employers, nurse leaders, and policymakers from across the state.
- A follow up Nursing Workforce Summit was held on September 15, 2017 in partnership with other West Virginia nursing organizations: Future for Nursing WV, West Virginia Association of Deans and Directors of Nursing Programs, West Virginia Board of Examiners for Registered Professional Nurses (the RN Board), West Virginia State Board of Examiners for Licensed Practical Nurses (the LPN Board), West Virginia Nurses Association, West Virginia Organization of Nurse Executives, and Workforce West Virginia. A national nursing workforce expert discussed West Virginia data and lead discussion on best practices to recruit and retain nurses. As a result of the Summit, work groups were formed to focus on identified contributing factors to ongoing nursing shortages. Center staff and board members participate in these workgroups.

2. Collect, evaluate and disseminate data regarding nurse availability and shortage areas.

- The Center for Nursing collects and analyzes nursing workforce supply and demand data. A Shared Data Committee was assembled in 2016 to identify critical data needs and to avoid duplication in acquiring data and developing nursing workforce data reports. Members of the committee include: Future for Nursing WV, West Virginia Association of Deans and Directors of Nursing Programs, West Virginia Board of Examiners for Registered Professional Nurses (the RN Board), West Virginia State Board of Examiners for Licensed Practical Nurses (the LPN Board), West Virginia Nurses Association, West Virginia Organization of Nurse Executives, and Workforce West Virginia.

- Through the work of the committee, data needs have been identified, collected, analyzed and presented at the Nursing Workforce Roundtable on March 17, 2017 and the Nursing Workforce Summit on September 15, 2017.
 - The Center for Nursing's most recent West Virginia Nursing Workforce Data, can be found on the Center for Nursing's web site www.wvcenterfornursing.org. Reports include WV RN and LPN Data Snapshots, Faculty Survey, State and National Employment trends, and wage and salary data.
- 3. Establish and maintain a website to disseminate information about the Center and its mission, and educational opportunities and financial aid available in West Virginia.**
- The Center for Nursing's website (www.wvcenterfornursing.org) houses information on nurse recruitment and retention programs, workforce data, clinical scheduling, and the Nursing Scholarship Program.
 - Current Center for Nursing Board of Directors' agendas, minutes and work documents are posted to the site along with guidelines for Nurse Residency and Junior Nurse Academy Programs.
- 4. Evaluate capacity for expansion of nursing programs, including the availability of faculty, clinical laboratories, computers and software, library holdings and supplies.**
- One of the identified barriers to increasing nursing graduates was lack of clinical rotation opportunities. In 2016, a redesigned clinical scheduling program was developed in conjunction with WVNET. The interactive program administered by the Center for Nursing allows nursing instructors to schedule clinical rotations for students in area hospitals and clinics to better utilize available clinical sites, avoid scheduling overlaps and over utilization of limited clinical sites, and increase use of underutilized clinical sites. Hospitals and clinics also can access the site to manage and update available rotation sites.
 - The program currently is being used in the Kanawha Valley. Several other regions in the state have requested demonstrations and are interested in implementing it.
- 5. Consult with and advise the Commission regarding the Commission's administration of the Nursing Scholarship Program designed to benefit nurses who practice in hospitals and other health care institutions or teach in state nursing programs as provided in West Virginia Code §18C-3-4.**
- The application process for the Nursing Scholarship Program is now completely online. Its operations conform to the Commission's guidelines for scholarship programs including the use of a vendor to track fulfillment of the scholarship's service obligations. These modifications have improved reporting capabilities, tracking of service obligations, recovery of scholarship funds when the service obligation to work in West Virginia is not fulfilled, and has increased the number of student applications to the program.

- The Center for Nursing has been awarding more than \$2 million in scholarships since its inception in 2006. In 2014, the Nursing Scholarship Program was restructured to better align with financial aid best practices, and since that time, the program has dramatically increased the number of applicants and awards made. For the academic year 2018-2019, the Nursing Scholarship Program awarded \$469,250.00 in scholarships to 375 nursing students. By comparison, in 2014-2015 when the restructuring began, \$164,821 in scholarships was provided to 60 nursing students.

Academic Year 2017 – 2018 Scholarship Award Breakdown

Program	Students	Award Totals
LPN	93	\$93,000.00
ASN	54	\$103,500.00
BSN	70	\$190,500.00
MSN	4	\$35,000.00
Doctoral	2	\$20,000.00
Totals	223	\$442,000.00

Academic Year 2018 – 2019 Scholarship Award Breakdown

Program	Students	Award Totals
LPN	115	\$92,000.00
ASN	113	\$141,250.00
BSN	128	\$160,000.00
MSN	14	\$56,000.00
Doctoral	5	\$20,000.00
Totals	375	\$469,250.00

6. Maintain an active Board of Directors of WV Center for Nursing consistent with §30-7B-4.

- After several years without a fully constituted board of directors due to lack of appointments, a full board was appointed by Governor Tomblin in February 2016. The

board meets every other month.

- The Board has several active committees including the Executive, Recruitment and Retention, Data Management, and Nominating Committees.

For More Information

If you have any questions regarding the West Virginia Center for Nursing, please contact Lissa Gonzalez, Administrator, 304-558-0838 or lissa.gonzalez@wvhepc.edu. You may also visit the website at www.wvcenterfornursing.org.



West Virginia Higher Education Policy Commission

Report to the Legislative Oversight Commission on Education Accountability

Report on Research Trust Fund §18B-18A-12

2018 Report on the Research Trust Fund (RTF)

Background

Outlined in Series 48, Research Trust Fund Program, the Commission receives annual reports from institutions and is required to submit a combined annual report on the Research Trust Fund to the Governor and the Legislative Oversight Commission on Education Accountability (LOCEA) by January 1 of each year.

In compliance with this statutory requirement, the LOCEA is provided the annual report for 2017-2018 activities within the Research Trust Fund for review, and approval. The 2018 report is the tenth in a series of annual reports provided by staff since the program's inception in 2008.

RTF Activities through August 2018

The Commission completed its initial implementation plan during the fall of 2008 which resulted in Title 133 Legislative Rules Series 48, subsequently approved by the legislature during the 2009 regular session. The rule establishes guidelines, procedures and documentation standards for the distribution of funds in the West Virginia Research Trust Fund. The rule designates the Vice Chancellor for Science and Research as the administrator of the program, under the general direction of the Chancellor and the Commission. The final rules are available at https://www.wvhpc.org/resources/rulesandpolicies_files/Series%2048%20%284-16-09%29.pdf.

Commission staff created an electronic "Match Request System" (MRS) in 2008 that allowed secure transactions for RTF requests made by the universities. All requests, documentation and invoicing are permanently recorded in files that allow sorting, analysis and up-to-date balance information. The MRS was cross referenced with university records annually to ensure accuracy in drawdown reporting for previous reports.

Required "Research Plans" specified by the legislation and approved by institutional Boards of Governors' were received from both West Virginia University and Marshall University. Both institutional plans are on file at the Commission and are found to be generally compliant with legislative requirements.

The RTF financial account was established in late June 2008 by the State Auditor and made accessible to Commission staff for distribution. All transactions from this fund were completed in 2013.

Interest funds generated by the RTF account have been separately tracked for distribution to State Colleges as defined by the Legislature. On May 15, 2009, the Commission released the first competitive request for proposals for RTF interest funds collected on the account specifically for state colleges and the WV School of Osteopathic Medicine in accordance with provisions of §18B-18A-10 of the code. A second request for proposals was issued on March 9, 2010 a third on June 2, 2011, a fourth on May 30, 2012 and a fifth on September 21, 2012. Proposals for up to \$100,000 each were received from eligible institutions and subsequently reviewed by external peers for program merit. Two awards were issued in 2009, two in 2010 and one in 2011 as a result. No applications were received in response to the May 2012 request for proposals. A request for proposals was issued on September 7, 2012 – one institution was awarded. A final award was made on May 6, 2013

The institutions who received awards from the RTF for State Colleges and Universities were Shepherd University, Fairmont State University, West Liberty University, West Virginia State University and West Virginia University Institute of Technology.

The Research Trust Fund has been fully matched and no additional funds are available for distribution.

Marshall University and West Virginia University reports for 2018 are attached.



Marshall University
Research Endowment Plan Annual Report
2017-2018

Submitted to the Division of Science and Research at the
West Virginia Higher Education Policy Commission

I. Summary

The West Virginia Research Trust Fund program has created sixteen endowments at Marshall University to fund allowed research-related activity. Over fifteen million dollars of private donations and the fifteen million dollars of state match have been invested in the Marshall University Foundation and Marshall University Research Corporation, respectively. These endowments span research areas from Engineering to Clinical and Translational Research and specify uses from direct research support to student research stipends. In FY 2013, the full \$15MM in gifts and pledges was raised, along with an excess of over \$800,000.

As of June 30, 2018, the Marshall University Bucks for Brains Endowments totaled \$34.5MM, with \$1.89 MM of endowment proceeds expended over the life of the program. FY 18 expenditures totaled \$672,000. Earnings to date have amounted to \$7.72MM.

II. Review of the Marshall University Research Endowment Plan

Marshall's original Research Endowment Plan approved by the University's Board of Governors in 2008, directed donations to:

- Endowment of the Marshall Institute for Interdisciplinary Research (MIIR), continuing with the plan laid out in Marshall's application to the Eminent Scholars Recruitment and Enhancement (ESRE) initiative; and
- Advancement of Intelligent Transportation Systems research at the Rahall Transportation Institute (RTI).

In November 2010, the Marshall University Board of Governors approved a Research Trust Fund Addendum (Appendix One) that broadened the recognition of Biomedicine/ Biotechnology as a focus for donor activity across the University, and further included aspects of Engineering, Environmental Science and the Physical Sciences.

III- Endowed Research Area Highlights

A brief update on highlighted activities of the endowments is included below. A comprehensive summary of the endowments is included in previous versions of this report. The current corpus balances and earnings-to-date are provided in Table One, at the end of this section.

FY 2018 activities associated with cellular sodium-potassium pump (Na/K ATPase) signaling and oxidative stress in addressing a variety of disease states have continued in the School of Medicine. Important discoveries have been made in the area of aging and muscular development.

In a preliminary rat animal study, Dahl salt-sensitive (SS) rats and relatively salt-resistant SS-13BN (on the background of SS rats) rats were given SnMP or CoPP, respectively, and then fed with high salt (4% NaCl) diet. The hypothesis is that induction of HO-1 in SS rats will reduce basal oxidative stress rendering the rats relatively salt resistant, and inhibition of HO-1 activity in SS-13BN rats will increase oxidative stress rendering the rats relatively salt sensitive. In the last year, our preliminary data showed that induction of HO-1 is able to lower blood pressure (BP), and significantly reduce a high salt diet mediated BP increase.

The Maier Institute has developed a multi-disciplinary team of researchers including faculty members in the fields of geriatrics, clinical informatics, translational science, internal medicine, psychiatry, and pharmacy.

The Maier Institute will continue to work towards the goals of its externally funded grant program Rational Benzodiazepine Avoidance and Deprescribing.

B-Current Fund Balances

The current fund balances for the Marshall University Research Trust Fund Endowments are shown in Table One, below, along with earnings since inception. Expenditures in FY 2018 amounted to \$560,000.

Table One- Fund Balances for Marshall University's Research Trust Fund Endowments at the End of FY18 (Reflecting MURC and MUF holdings as of June 2018)

#	Fund	Corpus	Total Earnings Since Inception
1	MIIR	6,614,731	1,975,462
2	RTI	350,000	122,911
3	Maier Dementia Research	2,000,150	574,577
4	Fletcher Engineering	1,693,855	443,270
56	Pew River Research	530,200	156,610
7	Brickstreet Safety Research	441,600	138,491
8	Chemistry SURF	242,395	63,126
9	Zacharias OB/GYN	796,714	227,902
10	Translational Sports Medicine Research	10,126,650	2,440,522
11	Eiselstein Scholarship	111,100	19,962
12	Tarter Scholarship	44,970	8,937
13	Beckelhimer Scholarship	105,000	21,424
14	Hanshaw Geriatric Research	1,000,000	197,499
15	Rezulin Endocrinology Research	1,782,021	402,627
16	Brickstreet Wellness Research	5,000,000	927,613
	Total	30,839,386	7,720,934

Appendix One- Marshall University's Research Trust Fund Addendum

The University's directed research endowment plan has concentrated initially in two domains of interdisciplinary research, which are strengths at Marshall: research clusters in biomedicine/biotechnology/ bionanotechnology and transportation technology/logistics. Marshall's Research Trust Fund activities are to be expanded to include the following areas:

I. Engineering

Engineering is a foundational discipline essential to the development and implementation of research in the approved areas in the Research Trust Fund legislation¹. Marshall has recently achieved ABET accreditation of its engineering program, and has experienced dramatic facilities growth with the construction and occupation of The Arthur Weisberg Family Engineering Laboratories facility and is planning for the future addition of an Advanced Engineering and Technology Center Complex. Development of robust undergraduate and graduate programs and the associated integral research opportunities are essential to developing and enhancing the capabilities and profile of the school.

Match from the Research Trust Fund was used to enhance private donations for endowed professorships and other research-related positions and initiatives in all aspects of Engineering as they relate to the allowed subject areas of the Research Trust Fund Program and the associated uses allowed in the legislation.

Two examples of gifts that have been received in support of engineering endowments are included, and a third solicitation is discussed:

A. Applied Research- Safety Engineering Program

Risk management is a highly specialized field that involves applying the principles of safety engineering and industrial hygiene and integrating them with economic and financial analysis. Marshall University will expand its Research Trust Fund Plan in this area important to transportation and logistics and energy to support an endowment in risk management research. The proposed endowment will support the development of research expertise in

¹

4.3.1. Energy and environmental sciences;

4.3.2. Nanotechnology and materials sciences;

4.3.3. Biological, biotechnical and biomedical sciences;

4.3.4. Transportation technology and logistics;

4.3.5. Biometrics, security, sensing, and related identification technologies; and

4.3.6. Gerontology.

the school of engineering in the area of risk management, a highly interdisciplinary pursuit at the interface of management, engineering and applied mathematics.

The proposed applied research employs advanced risk management concepts and research to identify, trend, estimate and reduce workplace hazards in industry based in WV. The area will be supported by a \$100,000 endowment received from BrickStreet and the corresponding state match.

Risk management is of particular interest to the energy industry in our state because of the safety and economic risks associated with the extraction process. In energy, risk management research is essential to find new ways to:

- deal with its high element of monetary risk due to the uncertainty of the economic and regulatory outlook
- reduce the physical risk associated with extraction and development activities, and improve the safety of individual employee

In transportation and logistics research, risk management has become central to understanding many critical elements such as:

- the robustness and resilience of our transportation systems to interruptions due to system load, natural phenomena, and man-made disruptions
- the risks associated with transport of hazardous materials and the potential benefits of mitigation of those risks
- the robustness of logistics networks
- the risks associated with logistics and supply chain outsourcing

These benefits are of particular relevance to the state given current events, and are particular interests of the donor.

B. Mechanical Engineering

Mechanical engineering applies the principles of physics and materials science for analysis, design, manufacturing, and maintenance of mechanical systems. Mechanical engineers use the core principles of mechanics, kinematics, thermodynamics, materials science, and structural analysis along with tools like computer-aided engineering and product lifecycle management to design and analyze items as diverse as manufacturing plants, industrial equipment and machinery, heating and cooling systems, motorized vehicles, aircraft, watercraft, robotics, medical devices and more.

The field has continually evolved to incorporate advancements in technology, and mechanical engineers today are pursuing developments in such fields as composites, mechatronics, and nanotechnology. Mechanical engineering overlaps with aerospace engineering, civil engineering, electrical engineering, and petroleum engineering to varying amounts.

A gift from the Fletcher family will endow a founding Chair of Mechanical Engineering. Mechanical Engineering is an important discipline in Bioengineering and energy sectors. This endowment is essential to developing a Department of Mechanical Engineering, by attracting a senior-level professor to Marshall, with his/her associated research programs.

Another area that is endorsed by the Board of Governors for planning and an active source of solicitation is:

C. Bioengineering

In the translation of biomedical and biotechnology advances, bioengineering is a lynchpin in bridging the transition from academe to commercialization. Marshall University is planning to develop a Bioengineering Department contemporaneously with the construction of the Applied Technology and Engineering Complex. The development of the Department would follow a trajectory very similar to that of Mechanical Engineering, with the attraction of a founding research scientist/bioengineer.

“Biological engineering, biotechnological engineering or bioengineering (including biological systems engineering) is the application of engineering principles to address challenges in the life sciences, which include the fields of biology, ecology, and medicine. Biological engineering is a science based discipline founded upon the biological sciences in the same way that chemical engineering, electrical engineering, and mechanical engineering are based upon chemistry, electricity and magnetism, and statics, respectively”².

“Biological Engineering can be differentiated from its roots of pure biology or classical engineering in the following way. Biological studies often follow a reductionist approach in viewing a system on its smallest possible scale, which naturally leads toward the development of tools such as functional genomics. Engineering approaches using classical design perspectives are constructionist, involving the building and research of new devices, approaches, and technologies from component concepts. Biological engineering utilizes both of these methods in concert relying on reductionist approaches to define the fundamental units, which are then commingled to generate something new”.³ “Although engineered biological systems have been used to manipulate information, construct materials, process chemicals, produce energy, provide food, and help maintain or enhance human health and our environment, our ability to quickly and reliably engineer biological systems that behave as expected remains less well developed than our mastery over mechanical and electrical systems”.⁴

² Cuello J.C., “Engineering to biology and biology to engineering, The bi-directional connection between engineering and biology in biological engineering design”, *Int. J. Eng. Ed.*, **21**,1-7 (2005).

³ Riley MR, “Introducing Journal of Biological Engineering”, *Journal of Biological Engineering* **1**, 1 (2007).

⁴ Endy D, “Foundations for Engineering Biology”, *Nature*, **438**, 449-4 (2005).

Given Marshall's research strengths in the biological and biomedical sciences and the emphasis of initiatives, like the Marshall Institute for Interdisciplinary Research (MIIR), on translating key research findings into commercialization, the discipline of bioengineering sits at a nexus of opportunity for the University. It will be a critical element in fully developing the potential of Marshall's applied research enterprise and its translation to economic development.

II. Mathematics and the Physical Sciences

Mathematics and the Physical Sciences are basic sciences that have relevance to all aspects of the allowed areas of the Research Trust Fund legislation. Research Trust Fund match was sought to enhance private donations supporting endowed professorships and other research-related positions and initiatives focusing on research in the allowed areas in these disciplines.

The first application was for an endowed rotating professorship to promote an undergraduate summer research experience in Chemistry.

This match for the undergraduate research endowment under the Research Trust Fund was used because undergraduate summer research in Chemistry is relevant to so many of the legislatively enabled areas:

- Chemistry is one of the fundamental underpinnings of nanoscience because of the molecular nature of the discipline
- The Department of Chemistry at Marshall University has core groups in biochemistry/biotechnology and materials science
- Faculty members also work on energy research and molecular energetics.

WV Research Trust Fund

Annual Report

from

West Virginia University⁵

August 15, 2018

⁵ Address questions and requests for additional information regarding WVU's Strategic Research Plan and the Research Trust Fund initiative to Provost Joyce McConnell, West Virginia University (joyce.mcconnell@mail.wvu.edu) or Vice President for Research, Dr. Fred King, West Virginia University (fred.king@mail.wvu.edu).

Introduction

This tenth annual report describes the history of the Research Trust Fund, responds directly to the reporting requirements outlined in Series 48 (§ 133-48-14), and lays out the proposed spending plan for the earned interest and carry over funds from each endowment for FY 2019.

History of the Research Trust Fund (2008-2009)

In March 2008, the West Virginia Legislature enacted Senate Bill 287, commonly referred to as the Research Trust Fund, as an effort to build a critical mass in selected areas of research and thus lay the groundwork for future economic development. The initial Bill provided a five-year window for the deposit of qualified donations into research endowments. Senate Bill 239 (Passed March 12, 2011) amended §18B-18A-9 of the Code of West Virginia to provide a seven year window. Senate Bill 287 committed \$35 million to West Virginia University as a basis for a 1:1 match with private dollars to create endowments that would provide a sustainable source of funds for research and development. West Virginia University's approved Strategic Research Plan identified four areas for investment:

- Energy and environmental sciences;
- Nanotechnology and material science;
- Biological, biotechnological, and biomedical sciences; and
- Biometrics, security, sensing and related identification technologies.

A brief description of each research area is available at http://research.wvu.edu/home/research_trust_of_west_virginia_university. These areas were selected because they complemented the expertise of WVU's faculty, were critical issues of importance to the public, and were at the core of WVU's land-grant mission.

An Addendum to WVU's Strategic Research Plan for the Research Trust Fund was approved by the WVU Board of Governors in December 2010 and incorporated therein. Three modifications were made:

1. Adding forensic sciences as an area of emphasis under the biometrics, security, sensing, and related identification technologies, providing the opportunity for private investment into this area of research.
2. Adding a Library endowment to support the acquisition of materials in the four research areas, clarifying the importance that library resources provide to a vibrant research agenda.
3. Removing the language "no research area may receive more than \$17.5 million in private donations within the first two years," allowing WVU to maximize private investment regardless of focus area.

Achieving the Goal: \$70 million in Private and State Endowments

During the first four years after the inception of the Research Trust Fund, West Virginia University received gifts and pledges totaling \$35 million, the total amount allocated to the University through the Research Trust Fund initiative. Each endowment was qualified by the West Virginia University Board of Governors and thus eligible for state matching funds. **Thus the University's goal was achieved.**

The seven-year pledge period has officially concluded. The 85 endowments in Appendix A represent the final portfolio established under the Research Trust Fund initiative. These endowments include five generic types of gifts: 12 chairs and professorships, 12 undergraduate scholarships, 14 graduate fellowships, 2 graduate or undergraduate fellowships, 43 broad-based research support funds, and 2 library endowments.

Compliance with Legislative Rule for Research Trust Fund

Three specific reporting requirements are identified in Series 48 (§ 133-48-14), the Research Trust Fund Program.

1. *14.1. By August 15, 2009, and annually thereafter, each participating institution shall provide an annual report to the Commission that includes a full accounting of the trust funds, endowment proceeds, and adherence to the objectives established by the research plan.*
2. *14.2. Each participating institution shall detail in its annual report to the Commission the total amount of qualified donations received, the investment earnings realized and any anticipated expenditures of the research endowment proceeds in its annual operating budget.*

The data in APPENIDX A summarize much of the information requested by the Legislative Rule.

Through June 30, 2018 the following results have been achieved:

- **FY18 Market Value for all the Private RTF Endowments**
The market value of Directed Research Endowments established with private gifts invested in the Research Trust Fund Program of the WVU Foundation Endowment for fiscal year ending June 30, 2018 is \$43,492,179.
- **FY19 Spend Available for the Private RTF Endowments**
The available proceeds from Directed Research Endowments established with private gifts invested in the Research Trust Fund Program of the WVU Foundation Endowment for FY19 are \$1,787,830.

- **FY18 Market Value for all the State RTF Endowments**
The market value of Directed Research Endowments established with trust distributions (state funds) to the Research Trust Fund Program of the WVU Foundation Endowment for fiscal year ending June 30, 2018 is \$39,838,451.
- **FY19 Spend Available for the State RTF Endowments**
The available proceeds from Directed Research Endowments established with trust distributions to the Research Trust Fund Program of the WVU Foundation Endowment for FY19 is \$2,462,204.
- **NOTE:** During the period from March 08, 2008 to June 30, 2012, the WVU Foundation received 19 distributions from the Research Trust Fund totaling \$35,000,000; these dollars provided the matching funds for 1210 qualified gifts (donations and pledges) to Directed Research Endowments established under the Research Trust Fund.

3. *14.4. Each participating institution's research corporation and/or foundation shall provide the Commission with an audited financial statement annually. These statements shall be treated as confidential.*

A copy of the audited financial statements for years ending June 30, 2017 and 2016 for the WVU Foundation has been forwarded, under separate cover, to the Policy Commission through Director Jan Taylor. Because of timing of submission of this report relative to the receipt of the audited financial statement, the audited financial statement of the WVU Foundation, Inc. will always be a year in arrears.

Impact of the Research Trust Fund

Vice President for Research Fred King remarked previously that: “The Research Trust Fund is not only an investment in our University, it is an investment in the future of our state. We know that research and innovation are the key economic drivers as we move forward in the 21st Century and compete in a global economy. The ideas generated and the students educated through the endowments establish under the Research Trust Fund initiative provide a basis for West Virginia’s future prosperity. We are thankful to the donors and the West Virginia legislature for their confidence in our ability to deliver the innovation and education essential to the state’s economic future.”

To place Vice President King’s remarks in a more specific context, WVU learned on February 1, 2016, that it was classified as an R1 or highest research activity, university by the Carnegie Classification of Institutions of Higher Learning, a ranking is shared by only 114 other universities in the United States. This ranking authenticates the quality of WVU’s research on the global stage. In FY 2018, WVU faculty secured \$140 million in externally sponsored grants and contracts.

President Gordon Gee continues to make the critical point that WVU must help West Virginia reshape its economy for a brighter future. Three critical pillars undergird the reshaping of the state: education, healthcare, and broad-based prosperity. The institution's research investments, the research funds generated by our faculty, and the support provided by the Research Trust fund set the foundation on which these pillars rest.

WVU is committed to using its RTF resources to help shape the state's future and improve the quality of life for all West Virginians. A few examples follow that illustrate the impact of West Virginia University's research on the State of West Virginia's health and prosperity:

The University was recently selected for the initial clinical trial of an innovative treatment for Alzheimer's disease. The director of the University's Rockefeller Neuroscience Institute, Dr. Ali Rezai, established a collaboration with INSIGHTEC, a medical technology company based in Israel, to begin a clinical trial of focused ultrasound to treat Alzheimer's disease. In a Phase II clinical trial, Dr. Rezai's team will evaluate the safety and benefits of focused ultrasound to disrupt the blood-brain barrier to treat regions of the brain impacted by Alzheimer's. The ability of focused ultrasound to reduce cognitive decline arising from this devastating disease will also be explored. In announcing this collaborative effort, Dr. Rezai, who also holds the John D. Rockefeller IV Chair of Neuroscience note that "Today's news is a major step forward for the WVU Rockefeller Neuroscience Institute, the State of West Virginia, and the nation in the struggle to combat Alzheimer's - one of the most dreaded neurological diseases."

The West Virginia University Energy Institute, led by Professor Brian Anderson, partnered with the US Department of Energy and Rockwell Automation, as well as other private partners, to undertake a \$3.4M project to explore the feasibility of technology to separate and extract rare earth elements from acid mine drainage and sludge. These rare earth elements are essential to modern technologies ranging from consumer goods to defense systems. They are in limited supply in the United States and command a high price in the global market. In his remarks at the commissioning of WVU's Rare Earth Extraction Facility, President Gee pointed out that "research on rare-earth extraction is one way that our University is fulfilling its most important mission—which is the land grant mission—to advance the prosperity of the people of this state."

On November 9, 2017, West Virginia University and the State of West Virginia gained international attention as the China Energy Investment Corporation, Ltd., announced that it would invest \$83.7 billion in the state. The agreement arose from a long-standing research partnership between WVU and China's largest energy supplier, the Shenhua Group. Much of the funding would focus on the development of an Appalachia Storage and Trading Hub for liquid hydrocarbons derived from shale gas. This is a project on which WVU is working closely with the WV Department of Commerce. As Brian Anderson stated at the time, "This is a game changer for the State of West Virginia". President Gee noted that "This investment by China Energy is the culmination of years of relationship building, both by West Virginia University and the state. It is also an excellent example of the possibilities that we have been discussing within the West

Virginia Forward initiative with our partners at the state Department of Commerce and Marshall University.”

It should be pointed out, that much of this is also interwoven within the statewide West Virginia Forward effort that Marshall University, West Virginia University, and the Department of Commerce are engaged in to diversify and grow the economy of the State of West Virginia. Such diversification and growth is dependent on the continued development of a strong ecosystem for research and innovation to convert ideas and talent into products and jobs.

Business Plan

In addition to the legislatively mandated reporting requirements, the Higher Education Policy Commission requires a business plan for each research area. APPENDIX A reflects the anticipated use of the money available to spend in FY19.

In FY18, \$8,755,080 of Research Trust Fund dollars, both that from private accounts and matching state accounts, was spent on research – for scholarships, fellowships, prominent scholars, and in support of ongoing research initiatives.

For FY19, \$13,724,061 will be available. This number includes the proceeds from each private endowment and its equivalent state matching endowment plus any unspent money from the preceding year. Of this amount, \$4,250,034 will come from interest earned on both the private endowments and that from the matching state endowments established from the Research Trust Fund; \$9,474,027 will come from unspent funds from the previous year. The significant amount of interest dollars reflects the positive impact of the stock market and the fact that all endowments are fully funded. All funds for each endowment are distributed according to the intent of the respective endowment.

WVU looks forward to the significant and sustained impact that programs supported by the Research Trust Fund will have on addressing some of the state’s and the nation’s most important issues in education, energy, health care and security.

WVU Research Trust Fund

Annual Report thru Fiscal Year 2018

Fund ID	Fund Description	Budget Division	Unit	Budget through FY18 Spend	Expenses through CLS-2018	Balance through FY18	FY19 Spend	Balance Forward
R085	Frederick P. Jr. & Joan C. Stamp Cancer Research	Cancer Center(CAN)	Cancer Center (CAN)	\$ 102,487.06	\$ 87,142.18	\$ 15,344.88	\$ 17,528.34	\$ 32,873.22
R095	Norma Mae Huggins Cancer Research Endowment	Cancer Center(CAN)	Cancer Center (CAN)	\$ 261,621.97	\$ 243,996.82	\$ 17,625.15	\$ 79,492.32	\$ 97,117.47
R100	Walter H. Moran Jr. General Surgery Resident Research	Medicine(MED)	Medicine (MED)	\$ 135,755.59	\$ 498.50	\$ 135,257.09	\$ 19,512.90	\$ 154,769.99
R103	Schoepp Neuroscience Research Student Support	Medicine(MED)	Medicine (MED)	\$ 30,800.15	\$ 19,310.73	\$ 11,489.42	\$ 6,247.01	\$ 17,736.43
R106	Verizon WV for Biometrics	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 164,544.23	\$ 166,490.79	\$ (1,946.56)	\$ 29,534.79	\$ 27,588.23
R107	Raymond Brooks Vanscoy Cancer Research Endowment	Cancer Center(CAN)	Cancer Center (CAN)	\$ 69,630.85	\$ 54,251.24	\$ 15,379.61	\$ 18,677.19	\$ 34,056.80
R108	Allen S. Pack Endowment for Mining Engineering	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 27,547.92	\$ -	\$ 27,547.92	\$ 5,945.27	\$ 33,493.19
R109	L. Zane Shuck Laboratory Endowment in Nanobiotechnology	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 62,582.26	\$ 38,688.81	\$ 23,893.45	\$ 11,774.61	\$ 35,668.06
R110	Alpha Natural Resources Endowment for Energy Research	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 134,400.07	\$ 52,479.27	\$ 81,920.80	\$ 35,011.11	\$ 116,931.91
R113	Alan Susman Cortico-Basal Ganglionic Degeneration Research	Medicine(MED)	Medicine (MED)	\$ 66,918.04	\$ -	\$ 66,918.04	\$ 12,257.91	\$ 79,175.95
R114	Blaine S. West Endowment for Civil and Environmental Engineering	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 75,253.62	\$ 48,313.36	\$ 26,940.26	\$ 12,343.36	\$ 39,283.62
R115	William J. Maier, Jr. Chair of Research	Health Sciences - Charleston Division(MCC)	Health Sciences - Charleston Division (MCC)	\$ 487,148.66	\$ 39,189.92	\$ 447,958.74	\$ 116,396.16	\$ 564,354.90
R116	Branson-Maddrell Endowed Professorship in Orthodontics	Dentistry(DEN)	Dentistry (DEN)	\$ 226,406.49	\$ 137,426.88	\$ 88,979.61	\$ 52,614.42	\$ 141,594.03

WVU Research Trust Fund

Annual Report thru Fiscal Year 2018

Fund ID	Fund Description	Budget Division	Unit	Budget through FY18 Spend	Expenses through CLS-2018	Balance through FY18	FY19 Spend	Balance Forward
R117	George B. Bennett Dean's Research Opportunity Endowment	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 612,859.12	\$ 400,329.18	\$ 212,529.94	\$ 118,743.74	\$ 331,273.68
R118	E. Elizabeth Morgan Cancer Research	Cancer Center(CAN)	Cancer Center (CAN)	\$ 16,119.49	\$ 11,408.28	\$ 4,711.21	\$ 3,129.08	\$ 7,840.29
R119	Badzek Family Endowment for Nursing Research	Nursing(NSG)	Nursing (NSG)	\$ 13,202.70	\$ 10,000.00	\$ 3,202.70	\$ 2,998.27	\$ 6,200.97
R120	Ruth and Robert Kuhn Nursing Faculty Research	Nursing(NSG)	Nursing (NSG)	\$ 14,800.34	\$ 2,348.08	\$ 12,452.26	\$ 2,939.66	\$ 15,391.92
R121	Hall - de Graaf Endowment for Women in Science & Engineering	Arts & Sciences(A&S)	Arts & Sciences (A&S)	\$ 14,545.98	\$ 4,739.44	\$ 9,806.54	\$ 2,912.23	\$ 12,718.77
R122	Fithian Family Foundation #2/Behavioral Medicine-Psychiatry	Medicine(MED)	Medicine (MED)	\$ 50,479.75	\$ 49,256.60	\$ 1,223.15	\$ 11,636.76	\$ 12,859.91
R123	WVUH Evidence Based Practice Research Professorship/Nursing	Nursing(NSG)	Nursing (NSG)	\$ 188,629.61	\$ 36,533.17	\$ 152,096.44	\$ 40,985.52	\$ 193,081.96
R124	Grace C. Clements Speech Pathology and Audiology Research	Human Resources & Education(HRE)	Human Resources & Education (HRE)	\$ 25,498.06	\$ 16,437.85	\$ 9,060.21	\$ 5,538.51	\$ 14,598.72
R125	Virginia Oil and Gas Research Endowment for PNGE	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 31,235.81	\$ 20,416.81	\$ 10,819.00	\$ 6,904.59	\$ 17,723.59
R126	Michael Baker Corporation Endowment/CEE	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 35,698.01	\$ 19,267.78	\$ 16,430.23	\$ 8,797.11	\$ 25,227.34
R127	Darrell & Diane Williams Research for PNGE	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 26,213.63	\$ 14,513.11	\$ 11,700.52	\$ 5,732.41	\$ 17,432.93
R128	Preservati Cancer Research	Cancer Center(CAN)	Cancer Center (CAN)	\$ 73,277.60	\$ 47,632.37	\$ 25,645.23	\$ 17,080.54	\$ 42,725.77
R129	Martha Gaines & Russell Wehrle Pediatric Research Endowment	Qualifying - Biological, Biotech & Biomedical	Health Sciences - Charleston Division (MCC)	\$ 24,066.13	\$ 8,300.82	\$ 15,765.31	\$ 5,817.66	\$ 21,582.97

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R130	E. Jane Martin Research Doctoral Fund	Nursing(NSG)	Nursing (NSG)	\$ 12,936.85	\$ 1,000.00	\$ 11,936.85	\$ 2,946.42	\$ 14,883.27
R131	John T. & June R. Chambers Chair of Oncology Research	Cancer Center(CAN)	Cancer Center (CAN)	\$ 347,866.13	\$ 242,498.45	\$ 105,367.68	\$ 85,803.93	\$ 191,171.61
R132	Christopher Cline Chair in Orthopedic Surgery	Medicine(MED)	Medicine (MED)	\$ 1,018,516.74	\$ 677,971.33	\$ 340,545.41	\$ 233,836.22	\$ 574,381.63
R133	Mabel C. Phares Leukemia Research Endowment	Cancer Center(CAN)	Cancer Center (CAN)	\$ 242,274.89	\$ 190,019.77	\$ 52,255.12	\$ 40,651.33	\$ 92,906.45
R134	Gary and Lisa Christopher Graduate Fellowship	Qualifying - Interdisciplinary	Engineering & Mineral Resources (EMR)	\$ 49,637.72	\$ 27,339.70	\$ 22,298.02	\$ 14,268.69	\$ 36,566.71
R135	WV United Health System Evidence-Based Nursing Practice Res.	Nursing(NSG)	Nursing (NSG)	\$ 19,888.84	\$ 15,102.16	\$ 4,786.68	\$ 4,908.00	\$ 9,694.68
R136	Mike Ross Family Pediatric Diabetes Research Endowment	Qualifying - Biological, Biotech & Biomedical	Medicine (MED)	\$ 197,963.69	\$ 10,434.24	\$ 187,529.45	\$ 47,145.86	\$ 234,675.31
R137	Van Wyk Cancer Research Endowment	Cancer Center(CAN)	Cancer Center (CAN)	\$ 11,389.18	\$ 8,234.21	\$ 3,154.97	\$ 2,914.76	\$ 6,069.73
R138	Robert T. Bruhn Physics Research Endowment	Arts & Sciences(A&S)	Arts & Sciences (A&S)	\$ 29,355.40	\$ -	\$ 29,355.40	\$ 6,093.51	\$ 35,448.91
R139	Women in Science and Engineering Giving Circle Endowment	Qualifying - Interdisciplinary	Arts & Sciences (A&S)	\$ 12,696.43	\$ 3,364.67	\$ 9,331.76	\$ 2,934.86	\$ 12,266.62
R140	Jarrett Family Research Endowment for Dentistry	Dentistry (DEN)	Dentistry (DEN)	\$ 50,893.01	\$ 16,042.29	\$ 34,850.72	\$ 11,628.97	\$ 46,479.69
R141	Donald R. & Linda E. Holcomb Research Endowment Dentistry	Qualifying - Biological, Biotech & Biomedical	Dentistry (DEN)	\$ 40,658.61	\$ -	\$ 40,658.61	\$ 11,458.77	\$ 52,117.38
R142	Arch Coal Inc. Endowment for Mine Health & Safety Research	Engineering & Mineral Resources (EMR)	Engineering & Mineral Resources (EMR)	\$ 118,912.07	\$ 37,553.35	\$ 81,358.72	\$ 31,003.45	\$ 112,362.17

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R143	Shaw Pathology Research	Qualifying - Biological, Biotech & Biomedical	Medicine (MED)	\$ 26,310.31	\$ 2,430.00	\$ 23,880.31	\$ 5,901.62	\$ 29,781.93
R144	Dr. Mohindar S. Seehra Research Award	Arts & Sciences (A&S)	Arts & Sciences (A&S)	\$ 15,392.97	\$ 1,264.00	\$ 14,128.97	\$ 2,927.72	\$ 17,056.69
R145	Oleg D. & Valentina P. Jefimenko Library Resources #2	Library (LIB)	Library (LIB)	\$ 96,392.32	\$ 96,392.30	\$ 0.02	\$ 15,906.99	\$ 15,907.01
R146	Frank and Susan Klatskin Cerminara Endowment	Qualifying - Interdisciplinary	Engineering & Mineral Resources (EMR)	\$ 19,639.29	\$ 10,533.40	\$ 9,105.89	\$ 5,849.18	\$ 14,955.07
R147	Nesselroad Family Glaucoma Research	Qualifying - Biological, Biotech & Biomedical	Medicine (MED)	\$ 31,058.81	\$ 10,442.38	\$ 20,616.43	\$ 8,195.76	\$ 28,812.19
R148	Salvatore and Josephine Cilento Research Enhancement	Qualifying - Interdisciplinary	Engineering & Mineral Resources (EMR)	\$ 14,493.76	\$ 11,212.00	\$ 3,281.76	\$ 4,461.26	\$ 7,743.02
R149	Statler Research Endowment	Engineering & Mineral Resources (EMR)	Engineering & Mineral Resources (EMR)	\$ 4,128,043.61	\$ 1,164,519.79	\$ 2,963,523.82	\$ 1,153,700.17	\$ 4,117,223.99
R150	WVU School of Medicine Research Endowment	Qualifying - Biological, Biotech & Biomedical	Medicine (MED)	\$ 182,185.99	\$ -	\$ 182,185.99	\$ 43,167.98	\$ 225,353.97
V813	Quad/Graphics Chair in Internal Medicine, Eastern Division	Health Science East(HSE)	Health Science East (HSE)	\$ 575,411.21	\$ 130,630.77	\$ 444,780.44	\$ 115,566.29	\$ 560,346.73
V815	James H. Walker Chair of Pediatric Cardiology	Medicine(MED)	Medicine (MED)	\$ 237,492.99	\$ 172,606.72	\$ 64,886.27	\$ 39,414.36	\$ 104,300.63
V824	James A. Kent Endowment for Biomedical Engineering	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 105,247.07	\$ 95,328.94	\$ 9,918.13	\$ 20,634.35	\$ 30,552.48
V828	Osborn Professorship in Hematological Malignancies Research	Cancer Center(CAN)	Cancer Center (CAN)	\$ 413,482.62	\$ 322,432.03	\$ 91,050.59	\$ 74,708.84	\$ 165,759.43
V829	BrickStreet Neurology Fellowship	Medicine(MED)	Medicine (MED)	\$ 57,001.80	\$ -	\$ 57,001.80	\$ 11,703.83	\$ 68,705.63

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V830	Robert E. Murray Chairmanship Mining Engineering Department	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 609,193.62	\$ 405,228.90	\$ 203,964.72	\$ 117,600.19	\$ 321,564.91
V833	Rita Radcliff-Deppe & Brian Deppe Fellowship Award	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 22,663.33	\$ 3,179.97	\$ 19,483.36	\$ 4,920.67	\$ 24,404.03
V835	Energy Materials Science & Engineering Facilities Support	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 760.00	\$ -	\$ 760.00	\$ -	\$ 760.00
V841	Oleg D. and Valentina P. Jefimenko Library Resources	Library(LIB)	Library (LIB)	\$ 116,044.44	\$ 116,044.43	\$ 0.01	\$ 23,464.03	\$ 23,464.04
V842	Oleg D. and Valentina P. Jefimenko Physics Fellowship	Arts & Sciences(A&S)	Arts & Sciences (A&S)	\$ 27,269.37	\$ 6,986.95	\$ 20,282.42	\$ 4,396.64	\$ 24,679.06
V844	Bowlby Wood Science Graduate Research Fellowship	Agriculture & Forestry(AGR)	Agriculture & Forestry (AGR)	\$ 253,574.79	\$ 200,082.18	\$ 53,492.61	\$ 62,243.42	\$ 115,736.03
V850	James P. Boland, M.D. Department of Surgery Endowed Research	Qualifying - Biological, Biotech & Biomedical	Health Sciences - Charleston Division (MCC)	\$ 150,695.71	\$ -	\$ 150,695.71	\$ 32,716.65	\$ 183,412.36
V854	WVU Ruby Scholars Graduate Research Fellowships	Academic Affairs(AAR)	Academic Affairs (AAR)	\$ 2,972,832.79	\$ 1,496,634.61	\$ 1,476,198.18	\$ 607,423.23	\$ 2,083,621.41
V858	Robert E. Pyle Chemical Engineering Graduate Fellowship	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 30,036.64	\$ 23,711.65	\$ 6,324.99	\$ 5,917.73	\$ 12,242.72
V859	James & Ruby Romano Civil & Environmental Engineering End.	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 210,028.15	\$ 155,867.19	\$ 54,160.96	\$ 41,251.48	\$ 95,412.44
V880	Robert & Stephany Ruffolo Pharmacy Graduate Fellowship	Pharmacy(PHR)	Pharmacy (PHR)	\$ 18,777.23	\$ 8,000.00	\$ 10,777.23	\$ 5,761.12	\$ 16,538.35
V882	James and Betty Hall Fellowship	Qualifying - Interdisciplinary	Engineering & Mineral Resources (EMR)	\$ 41,315.64	\$ 17,883.38	\$ 23,432.26	\$ 11,674.29	\$ 35,106.55
V886	Stuart M. & Joyce N. Robbins Distinguished Prof/Epidemiology	Qualifying - Biological, Biotech & Biomedical	Health Sciences Center (HSC)	\$ 436,328.64	\$ 149,278.14	\$ 287,050.50	\$ 115,619.13	\$ 402,669.63

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V887	Academy of Chemical Engineers Graduate Fellowship	Engineering & Mineral Resources(EMR)	Engineering & Mineral Resources (EMR)	\$ 67,285.28	\$ 22,637.38	\$ 44,647.90	\$ 18,477.40	\$ 63,125.30
V892	J.F. Brick Chair in Neurology	Qualifying - Biological, Biotech & Biomedical	Medicine (MED)	\$ 763,396.44	\$ 557,826.36	\$ 205,570.08	\$ 174,436.10	\$ 380,006.18
V894	Jack and Marietta Mullenger Fellowship	Qualifying - Biological, Biotech & Biomedical	Engineering & Mineral Resources (EMR)	\$ 11,321.24	\$ 3,179.97	\$ 8,141.27	\$ 3,076.47	\$ 11,217.74
V900	Research Trust Fund Jefimenko Professorship in Physics	Qualifying - Interdisciplinary	Arts & Sciences (A&S)	\$ 120,725.89	\$ 91,591.30	\$ 29,134.59	\$ 35,632.10	\$ 64,766.69
W762	Cyber Physical System Center	WVU Institute of Technology	WVU Institute of Technology	\$ 19,999.78	\$ 22,174.32	\$ (2,174.54)	\$ -	\$ (2,174.54)
			Sub-Totals	\$ 16,899,114.43	\$ 8,056,631.22	\$ 8,842,483.21	\$ 3,912,895.24	\$ 12,755,378.45
Financial Aid Accounts								
Z232	Wells Fargo Energy Group Scholarship	Financial Aid(FAD)	Engineering & Mineral Resources (EMR)	\$ 50,299.85	\$ 14,500.00	\$ 35,799.85	\$ 10,487.38	\$ 46,287.23
Z238	Benjamin James Galford Research Scholarship	Financial Aid(FAD)	Arts & Sciences (A&S)	\$ 45,113.06	\$ 38,318.00	\$ 6,795.06	\$ 11,564.01	\$ 18,359.07
Z245	Carl Del Signore Foundation Graduate Fellowship	Financial Aid(FAD)	Academic Affairs (AAR)	\$ 27,643.29	\$ 12,500.00	\$ 15,143.29	\$ 5,794.52	\$ 20,937.81
Z247	George M. & Mary Freda Vance Medical Scholarship-Fellowship	Financial Aid(FAD)	Cancer Center (CAN)	\$ 262,751.81	\$ 228,450.61	\$ 34,301.20	\$ 44,111.30	\$ 78,412.50
Z277	William S. Clapper Mechanical & Aerospace Engineering Scholarship	Financial Aid(FAD)	Engineering & Mineral Resources (EMR)	\$ 31,014.98	\$ 28,738.00	\$ 2,276.98	\$ 5,942.84	\$ 8,219.82
Z279	Everette C. Dubbe Research Scholarship	Financial Aid(FAD)	Engineering & Mineral Resources (EMR)	\$ 54,606.12	\$ 44,800.00	\$ 9,806.12	\$ 11,676.38	\$ 21,482.50

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Z282	Oleg D. and Valentina P. Jefimenko Physics Scholarship	Qualifying - Interdisciplinary	Financial Aid (FAD)	\$ 19,537.21	\$ 17,000.00	\$ 2,537.21	\$ 3,282.10	\$ 5,819.31
Z326	James Bergen and Randy Monteith Anderson Scholarship in MAE	Financial Aid(FAD)	Engineering & Mineral Resources (EMR)	\$ 12,482.54	\$ 10,075.00	\$ 2,407.54	\$ 2,889.42	\$ 5,296.96
Z329	Morton Scholarship	Financial Aid(FAD)	Engineering & Mineral Resources (EMR)	\$ 52,899.54	\$ 39,500.00	\$ 13,399.54	\$ 13,210.29	\$ 26,609.83
Z333	David VanDorn Sutton Scholarship	Financial Aid(FAD)	Financial Aid (FAD)	\$ 196,894.56	\$ -	\$ 196,894.56	\$ 46,198.10	\$ 243,092.66
Z337	William "Bill" Closser Memorial Electrical Engineering Sch.	Qualifying - Interdisciplinary	Financial Aid (FAD)	\$ -	\$ -	\$ -	\$ -	\$ -
Z339	Morrissey-Ropp Scholarship	Financial Aid(FAD)	Arts & Sciences (A&S)	\$ 34,647.74	\$ 35,851.00	\$ (1,203.26)	\$ 8,569.51	\$ 7,366.25
Z341	Martha Hopkins Hashinger Scholarship	Financial Aid(FAD)	Engineering & Mineral Resources (EMR)	\$ 13,443.34	\$ 10,980.00	\$ 2,463.34	\$ 3,181.70	\$ 5,645.04
Z364	Research Trust Fund Taylor Endowment	Qualifying - Interdisciplinary	Engineering & Mineral Resources (EMR)	\$ 10,693.31	\$ 1,050.00	\$ 9,643.31	\$ 3,604.62	\$ 13,247.93
Z365	Mitchell-Morey Family Endowed Scholarship	Qualifying - Interdisciplinary	Financial Aid (FAD)	\$ 9,162.45	\$ -	\$ 9,162.45	\$ 3,373.49	\$ 12,535.94
Z368	Statler Research Scholars Program	Qualifying - Interdisciplinary	Financial Aid (FAD)	\$ 282,897.52	\$ 206,686.00	\$ 76,211.52	\$ 113,972.98	\$ 190,184.50
Z372	William E. & Bonnieigail Kucan Coleman Research Scholarship	To Be Determined	Financial Aid (FAD)	\$ 6,193.27	\$ 10,000.00	\$ (3,806.73)	\$ 1,144.53	\$ (2,662.20)
Z375	Bettie D. Gallaher Research Fellowship	Qualifying - Interdisciplinary	Financial Aid (FAD)	\$ 219,712.02	\$ -	\$ 219,712.02	\$ 48,135.66	\$ 267,847.68
Sub-Totals				\$ 1,329,992.61	\$ 698,448.61	\$ 631,544.00	\$ 337,138.83	\$ 968,682.83

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Combined Totals				\$ 18,229,107.04	\$ 8,755,079.83	\$ 9,474,027.21	\$ 4,250,034.07	\$ 13,724,061.28