

Legislative Oversight Commission on Education Accountability

September 8, 2025

- **West Virginia Higher Education Policy Commission, Title 133, Series 43, Legislative Rule, Purchasing Efficiencies – Repeal of Rule**

Joseph Jenkins, General Counsel

1
- **West Virginia Higher Education Policy Commission, Title 133, Series 48, Legislative Rule, Research Trust Fund Program – Repeal of Rule**

Joseph Jenkins, General Counsel

7
- **West Virginia Higher Education Policy Commission, Title 133, Series 63, Legislative Rule, Mental Health Loan Repayment Program**

Joseph Jenkins, General Counsel

21
- **West Virginia Higher Education Policy Commission, Title 133, Series 64, Legislative Rule, Administrative Exemption**

Joseph Jenkins, General Counsel

27
- **West Virginia Council for Community and Technical College Education, Title 135, Series 43, Legislative Rule, Purchasing Efficiencies – Repeal of Rule**

Joseph Jenkins, General Counsel

33
- **West Virginia Council for Community and Technical College Education, Title 135, Series 28, Legislative Rule, Skilled Trades Apprenticeship Nontraditional Degree (STAND)**

Joseph Jenkins, General Counsel

41
- **Vision 2025: Science & Technology Strategic Plan Annual Report**
(§18B-18B-2)

Janet Rorrer, Ed.D., Senior Director, Science, Technology and Research

49
- **2025 Veteran-Friendly Campus Act Report**
(§18B-4-9)

Rikki McCormick, Ed.D., Director of Veterans' Education and Training Program

57



**Report to the Legislative Oversight Commission
on Education Accountability**

**West Virginia Higher Education Policy Commission, Title 133, Series
43, Legislative Rule, Purchasing Efficiencies – Repeal of Rule**

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION
SERIES 43
PURCHASING EFFICIENCIES

§133-43-1. General.

— 1.1. Scope — This rule establishes the guidelines for the Commission and the institutions, individually or cooperatively, to maximize their use of bulk purchasing, reverse bidding, electronic market places and electronic remitting in the acquisition or procurement of materials, supplies, equipment and services.

— 1.2. Authority — W. Va. Code §§18B-5-9, 18B-17-6(b).

— 1.3. Filing Date: — April 6, 2004.

— 1.4. Effective Date: — April 6, 2004.

— 1.5. Repeal of Former Rules: — None.

§133-43-2. Definitions.

— 2.1. As used in this rule, all terms have the same meaning as provided in W. Va. Code §18B-1-2, and as follows:

— 2.1.1. “Bid” means an offer to perform a contract for service, work and labor, or the supplying of goods, materials, equipment or printing at a specified price in accordance with the specifications in a request for bids.

— 2.1.2. “Bidder” means one who makes a bid.

— 2.1.3. “Bulk purchasing” means the acquisition or procurement of materials, supplies, equipment, services and printing in quantity in order to benefit from the most favorable terms, prices and economies of scale.

— 2.1.4. “Buyer” means an individual designated by a chief procurement officer to perform designated purchasing and acquisition functions as authorized by the chief procurement officer.

— 2.1.5. “Chancellor” means the chief executive officer of the Commission employed pursuant to W. Va. Code §18B-1B-5.

— 2.1.6. “Chief procurement officer” means the individual designated by a president of a state institution of higher education to manage, oversee and direct the purchasing, acquisition and inventory management of materials, supplies, equipment, services, and printing, and disposal of obsolete and surplus materials, supplies, and equipment for that institution. For the Commission’s Office and West Virginia Network for Educational Telecomputing, the chief procurement officer is the person designated by the Chancellor.

— 2.1.7. “Commission Office” means the office that houses the Chancellor, Vice Chancellor for Administration and other Commission staff.

— 2.1.8. “Commodity” means an article which is useful or serviceable, particularly an article of merchandise movable in trade; a good, or service of any kind, including construction; an article of trade or commerce; things that are bought and sold.

— 2.1.9. “Competitive bidding” means bids that are submitted in response to an invitation, public notice or advertisement of an intended sale or purchase.

— 2.1.10. “Electronic marketplaces” means an environment in which participating buyers and sellers exchange information about prices and product offerings and the procurement and payment process is conducted primarily via the Internet and websites of both the buyers and sellers.

— 2.1.11. “Electronic remitting” means to send or transmit documents, information or money (as in the transfer of funds or for payment of goods and services) by means of

computer, telephone or electronic instrument from the originator to the recipient.

2.1.12. "Essential service" means something basic; a commodity that is necessary, indispensable, or unavoidable and is purchased in a routine, repetitive, and noncompetitive manner.

2.1.13. "F.O.B. destination" and "free on board destination" mean the seller or vendor must transport or pay for the transportation of the materials, supplies, equipment, services and printing, to the point of destination specified in the contract.

2.1.14. "Governing Boards" or "Boards" means the institutional boards of governors created pursuant to W. Va. Code §18B-2A-1(b).

2.1.15. "Institution(s)" means any public West Virginia university, college, community and technical college, individually or collectively, created pursuant to W. Va. Code §18B-1-2. For the purposes of this rule, the Commission's Office and West Virginia Network for Educational Telecomputing shall also be considered institutions.

2.1.16. "President" means the executive officer of an institution.

2.1.17. "Sole source" means only one vendor can supply the desired product or service.

2.1.18. "Single source" means that the desired product or service is available from only one supplier because of the uniqueness and characteristics of the product or service offered.

2.1.19. "Responsible bidder" and "responsible vendor" mean a person and/or vendor who have the capability in all respects to perform contract requirements, and the integrity and reliability that will assure good faith performance.

2.1.20. "Responsive bidder" and "responsive vendor" mean a person and/or vendor who have submitted a bid that conforms in all material respects to the invitation to bid.

2.1.21. "Reverse Bidding" means (1) an offer by an intended purchaser to a seller to pay a designated price for the specified material, supplies, equipment, services and printing; (2) the buyer uses the electronic marketplace to set a date and time for interested vendors to bid on certain commodities, an opening bid is made, and other vendors follow by bidding downward until no one chooses to sell to the buyer at a lower price.

2.1.22. "Sealed bid" means bid submitted under seal, and which is not to be opened until a specified time at which all bids are to be opened and compared.

2.1.23. "Vendor" means a seller of goods and services.

2.1.24. "West Virginia Higher Education Policy Commission" or "Commission" means the commission created pursuant to W. Va. Code §18B-1B-1.

2.1.25. "Vice Chancellor for Administration" means that person employed by the Chancellor in accordance with W. Va. Code §18B-4-2. The Vice Chancellor for Administration shall assume all powers and duties that were assigned to the Senior Administrator.

133-43-3. Applicability.

3.1. This rule applies to all institutions as defined in Section 2.

133-43-4. Purchase or Acquisition of Materials, Supplies, Equipment, Services, Construction and Printing.

4.1. As provided by this rule, the Commission and institutions may institute the following purchasing practices either individually or cooperatively for purchase or acquisition of materials, supplies, equipment, services and printing.

4.2. Bulk Purchasing:

4.2.1. The Commission shall establish a working committee consisting of Commission staff and institutional representatives to identify the materials, supplies, equipment, services and

printing that may reasonably be purchased in bulk to take advantage of economies of scale. In compiling this list and in assessing the economic advantage of purchasing a commodity or service in bulk, the committee shall consider the acquisition cost of the commodity or service, included but not limited to, delivery costs, handling and storage costs, timing of purchases and customer satisfaction. This committee shall also monitor and report to the Chancellor from time to time on any cost savings and efficiencies realized from bulk purchasing.

4.2.2. Bulk purchase contracts may be bid and entered into by either the Commission or an institution on behalf of all institutions. Once issued, the Commission and all institutions participating in the contract shall use it as the primary source of procurement of the commodities or services provided in the contract. The Chief Procurement Officer may authorize purchases off the contract if it is deemed to be in the best interests of the Commission or institution to do so. If an institution decides not to participate in a bulk purchase contract, the institution's Chief Procurement Officer shall state in writing the reason(s) for not participating and the cost savings resulting therefrom.

4.3. Reverse Bidding:

4.3.1. The Commission shall establish a working committee consisting of representatives from the Commission staff and institutions to implement reverse bidding for all public higher education institutions within the State. The working group shall review currently accepted reverse bidding practices within both corporate America and higher education to determine what is most appropriate to West Virginia higher education. Software and other enabling media shall also be investigated. Recommendations shall be made in a timely manner by the group which addresses commodities to be purchased through reverse bidding, software and enabling media, implementation procedures, and time lines to effect reverse bidding within higher education in the State.

4.4. Electronic Marketplaces:

4.4.1. Electronic marketplaces, also known as e-procurement, will allow the

Commission and the institutions to buy or sell goods and services in a digital environment. This procurement method takes advantage of combined purchasing power, improved processes and will allow better utilization of automated systems. It will also integrate higher education buyers directly into the market place, aide in sharing best business practices and assist buyers in gaining control and thus strengthen vendor relationships, gaining access to tracking mechanics which will provide the ability to tract and report hard dollar savings.

4.4.2. This method of purchasing is relatively new and it will require research and planned implementation before the Commission and the institutions can take full advantage of it as a common purchasing method. As a result, a committee of Commission and institution staff will be formed to develop this method as a viable alternative to other procurement methods, plan its implementation and identify the goods and services that may be most effectively acquired using this method. Once these tasks are accomplished, this method may be employed in the acquisition of goods and services.

4.5. Electronic Remitting:

4.5.1. The Commission and the institutions may utilize electronic remitting in the course of transacting business with vendors, other private entities, state agencies and governmental units. This includes but is not limited to:

a. Remitting payment for goods and services electronically to vendors.

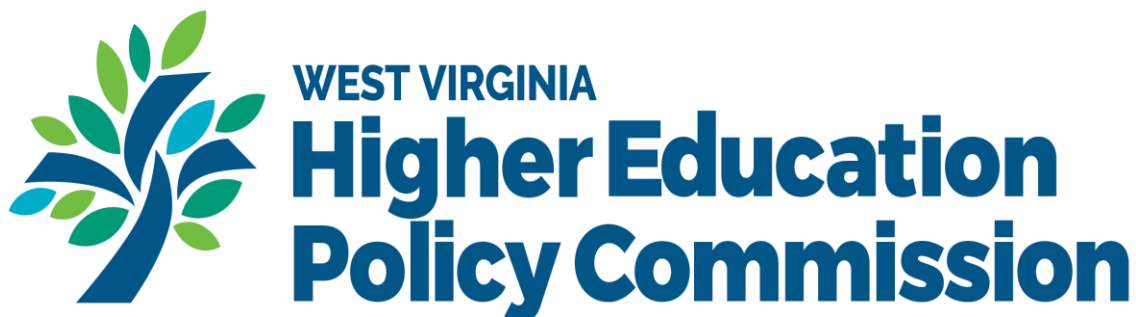
b. Electronically performing the processes and providing documents to the Attorney General, State Auditor, the Department of Administration and other governmental agencies which are required by W. Va. Code and normal business practices.

4.5.2. A committee composed of Commission staff and institutional representatives shall work with the State Auditor to implement, by December 31, 2003, an easy to use, cost effective and efficient program to electronically remit payment for goods, services, utilities, etc. to vendors and providers.

~~———— 4.5.3. In order to gain efficiencies and economy of operation the following processes required by W. Va. Code may be performed electronically using existing technology, software and procedures:~~

~~———— a. Encumbrance: Purchases exceeding the dollar amount identified in W. Va. Code §18B-5-4(a)(5), for purchases by sealed bids and competitive bidding, may be directly and electronically entered into the state's centralized accounting system by the staff of the Commission or the governing boards to satisfy the requirements of article two, chapter five a, and more specifically, sections twenty-six, twenty-seven and twenty-eight to determine whether the amount of the purchase is within the Commission's or governing board's quarterly allotment, is in accordance with the approved expenditure schedule, and otherwise conforms to the provisions of article two, chapter five a. The electronic entry shall be in lieu of any hard copy or paper submission. Purchases not exceeding the dollar amount in W. Va. Code §18B-5-4(a)(5) do not require encumbrance and shall be accounted for and liquidated in the state's centralized accounting system through the payment process.~~

~~———— b. Filing contracts with the State Auditor: The Commission and the institutions may file contracts with the State Auditor as required by W. Va. Code §18B-5-4(i) electronically or may make these contracts available to the State Auditor by any other acceptable means.~~



**Report to the Legislative Oversight Commission
on Education Accountability**

**West Virginia Higher Education Policy Commission, Title 133, Series
48, Legislative Rule, Research Trust Fund Program – Repeal of Rule**

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

~~SERIES 48~~
~~RESEARCH TRUST FUND PROGRAM~~

~~§133-48-1. General.~~

~~1.1. Scope. This rule establishes guidelines, procedures and documentation standards for the distribution of funds, as legislatively provided, in the West Virginia Research Trust Fund.~~

~~1.2. Authority. West Virginia Code §18B-18A-1 et seq.~~

~~1.3. Filing Date. April 8, 2022.~~

~~1.4. Effective Date. June 5, 2022.~~

~~1.5. Sunset Date. This rule shall terminate and have no further force or effect on June 5, 2027.~~

~~§133-48-2. Definitions.~~

~~2.1. Commission. West Virginia Higher Education Policy Commission.~~

~~2.2. Chancellor. Individual employed as Chancellor for Higher Education pursuant to W.Va. Code § 18B-1B-5.~~

~~2.3. Competitive Award. Any grant or fund transfer provided through a process that is initiated by an open request for proposals, includes a merit review, and results in a selected number of grants being provided to support proposed activities.~~

~~2.4. Designation. A specification made by either the donor or the institution that sets forth the exact use or specific endowment placement for a gift.~~

~~2.5. Directed Research Endowment or Research Endowment. An account established at or administered by a participating institution or its affiliated research corporation or foundation for purposes of funding qualified activities under this program.~~

~~2.6. Directed Research Endowment Plan or Research Plan. The strategies and procedures formally approved and adopted by a governing board of a participating institution outlining how the institution proposes to use directed research endowment proceeds to meet research goals and objectives.~~

~~2.7. Directed Research Endowment Proceeds or Endowment Proceeds. Investment earnings accruing to a participating institution's directed research endowment and available for expenditure by the participating institution or its affiliated research corporation.~~

~~2.8. Foundation. A corporation created, organized and located in West Virginia that meets the following conditions:~~

~~2.8.a. Is organized and operated for educational purposes in support of one or more state institutions of higher education and other affiliated organizations;~~

~~2.8.b. Is designated by the governing board of one or more state institutions of higher education to receive charitable contributions for educational purposes on behalf of the institution or institutions;~~

~~2.8.c. Does not have any part of its earnings inuring to the benefit of any private shareholder or individual;~~

~~2.8.d. Is not disqualified from tax exemption under 26 U.S.C. § 501(c)(3) for any reason; and,~~

~~2.8.e. Does not participate or intervene in, on behalf of or in opposition to any political campaigns for public office.~~

~~2.9. Fiscal Year. The state fiscal budget year which begins on July 1 and ends on June 30.~~

~~2.10. Participating Institution. Marshall University, West Virginia University, or West Virginia State University.~~

~~2.11. Qualified Private Donation or Qualified Donation. Any private donation, gift, or external bequest provided to a directed research endowment on or after March 8, 2008.~~

~~2.12. Qualified Private Donation Pledge or Qualified Pledge. Any pledge, commitment, or other agreement to give a private donation to a directed research endowment that is made pursuant to a written agreement between the donor and the appropriate institution or its affiliated research corporation or foundation on or after March 8, 2008.~~

~~2.13. Research Corporation. An organization created pursuant to the provisions of W.Va. Code § 18B-12-1 et seq.~~

~~2.14. State College. The West Virginia School of Osteopathic Medicine, Bluefield State College, Concord University, Fairmont State University, Glenville State College, Shepherd University, or West Liberty University for the purposes of this rule.~~

~~2.15. State Match or Match Funds. Any and all funds awarded from the trust fund in response to a private qualified donation.~~

~~2.16. STEM Fields. All science, technology, engineering and mathematics disciplines as defined by the Commission master plan.~~

~~2.17. Trust Fund. The special account designated as the West Virginia Research Trust Fund and administered by the Commission.~~

~~2.18. Vice Chancellor for Science and Research or Vice Chancellor. The Commission's chief scientific employee charged with overseeing the trust fund, compliance with these rules, record keeping, and authorization of disbursement of funds under the general direction of the Chancellor.~~

~~§133-48-3. Administration.~~

~~3.1. The Vice Chancellor administers the program under the general direction of the Chancellor and the Commission and in consultation with the Advisory Council.~~

~~§133-48-4. Eligibility Criteria.~~

~~4.1. During the first five years of the trust fund's existence (or five years after more funds are deposited) and in compliance with this rule, the Commission shall disburse up to sixty five (65) percent of moneys in this account to match qualified donations and pledges received by West Virginia University, thirty (30) percent of moneys to match qualified donations and pledges received by Marshall University and five (5) percent of moneys to match qualified donations and pledges received by West Virginia State University.~~

~~4.2. State colleges are eligible to receive awards through a competitive process established by the Commission. Only those funds derived from investment earnings accruing in the Research Trust Fund or those that remain unmatched by the participating institutions by July 1, 2015 are available to state colleges pursuant to section 12 of this rule.~~

~~4.3. Scientific disciplines. Only those scientific disciplines or combinations of interdisciplinary research activities in the list below are eligible for trust fund matches.~~

~~4.3.a. Energy and environmental sciences;~~

~~4.3.b. Nanotechnology and materials sciences;~~

~~4.3.c. Biological, biotechnical and biomedical sciences;~~

~~4.3.d. Transportation technology and logistics;~~

~~4.3.e. Biometrics, security, sensing, and related identification technologies; and~~

~~4.3.f. Gerontology.~~

~~4.4. Any external gift meeting the standards established by this rule and included in the institution's approved research plan is eligible for equal matching amounts from the trust fund.~~

~~§133-48-5. Institutional Research Plans.~~

~~5.1. Prior to disbursement of any trust fund moneys to a participating institution, the governing board of that participating institution shall submit to the Commission a directed research endowment plan. The plan shall provide the Commission with an explanation of the institution's comprehensive research objectives and plans to build competitive research infrastructure in the specified scientific disciplines as well as comprehensive measures for achieving this goal.~~

~~5.2. The Commission encourages the participating institutions to consider the value of clustering research programs around academic disciplines and encourages the creation of a critical mass of scholarly researchers who can address state and national needs.~~

~~5.3. The Commission encourages collaboration and cooperation among universities, centers, corporations and federal laboratories that increase opportunities for partnerships in discovery, learning and knowledge creation.~~

~~5.4. The Commission encourages institutions to plan for endowments that recognize interdisciplinary problem solving and teams of scientists across departmental, college and institutional lines.~~

~~5.5. The research plan will include, but is not limited to, the following:~~

~~5.5.a. An assessment of the participating institution's current research initiatives in STEM fields, including any initiatives falling within disciplines or areas of research specified by this rule;~~

~~5.5.b. An assessment of the potential outcomes of specific research lines proposed for enhancement by the institution;~~

~~5.5.c. A narrative describing the current or proposed collaborations, particularly with other institutional partners, that play or will play a significant collaborative role in achieving institutional objectives;~~

~~5.5.d. A narrative describing the centers, institutes or other academic units proposed, currently under development, or currently operating, that play or will play a significant role in achieving institutional research objectives;~~

~~5.5.e. An analysis of possible strategies to enhance current research initiatives;~~

~~5.5.f. An outline of the participating institution's proposed uses of endowment proceeds, including the anticipated costs associated with each proposed use and identification of any specific disciplinary hires;~~

~~5.5.g. A narrative describing major research equipment acquisitions currently under consideration that will contribute substantially to the plan;~~

~~5.5.h. A cost analysis for achieving research goals with a comparison to the expected endowment proceeds available to the institution;~~

~~5.5.i. An evaluation of how the research plan furthers the purposes of:~~

~~5.5.i.1. The trust fund's goals;~~

~~5.5.i.2. The state's strategic plan for science and technology; and~~

~~5.5.i.3. The research needs of the institution.~~

~~5.5.j. Identification of the proposed uses for which alternative funding sources may be sought to enhance the comprehensive research initiatives contemplated by the participating institution. Alternative funding sources exclude qualified donations, matching moneys from the trust fund, and the endowment proceeds generated from the trust fund; and~~

~~5.5.k. How the amount allocated for distribution to the participating institution will be directed within institutional goals.~~

~~5.6. The governing board of each participating institution shall submit its approved research plan to the Vice Chancellor prior to submitting its first request for a distribution of matching moneys from the trust fund.~~

~~5.7. The Vice Chancellor shall conduct a thorough review of the plan for compliance with the provisions of §18B-18A-1 *et seq.* and this rule.~~

~~5.8. The approved plan serves as the overarching document for guiding future endowment activities, research investments and reports.~~

~~§133-48-6. Expenditure Compliance Procedures.~~

~~6.1. Uses of Program Funds. When trust funds are transferred to institutions for deposit into specific endowments in approved scientific disciplines, the participating institutions may use up to one hundred (100) percent of the annual investment earnings from the endowments to pay the base salaries of newly endowed department chairs, new professorship positions, new research scientists and staff positions, including research technicians and support personnel, and to fund graduate or undergraduate student research fellowships, research infrastructure, and mission support as described below.~~

~~6.1.a. Chairs. New faculty positions, salary supplements to existing faculty positions, and associated expenses for those positions, including start up costs, salaries, benefits, travel, and other professional expenses as permitted by university policy.~~

~~6.1.b. Professorships. New faculty positions, salary supplements to existing faculty positions, and associated expenses for those positions, including start up costs, salaries, benefits, travel, and other professional expenses as permitted by university policy.~~

~~6.1.c. Research Scholars. Salaries, benefits, and other personnel related expenses associated with non tenured or recently tenured faculty who exhibit the potential to assume chair or professorship positions after tenure has been awarded and/or superior scholarly work has been achieved. Research scholars shall have clearly defined research agendas that relate specifically to the fields of study envisioned for the ultimate occupants of the chairs or professorships.~~

~~6.1.d. Research Scientists. Salaries, benefits and other personnel related expenses associated with non tenured scientists who exhibit high scientific achievement in the sanctioned areas of research.~~

~~6.1.e. Research Staff. Salaries, benefits, and other personnel related expenses associated with full time or part time staff assistants who are directly linked to the research activities of an endowed chair, professor, scholar or scientist as defined above.~~

~~6.1.f. Graduate Fellowships. Stipends for outstanding graduate students, which may include travel and other expenses as permitted by university policy.~~

~~6.1.g. Undergraduate Fellowships. Funds may be used to support scholarships for outstanding undergraduate students who are directly linked to activities of an endowed chair or professor. These may include travel and other expenses as permitted by university policy.~~

~~6.1.h. Research Infrastructure. Start up and operating expenses that are directly linked to the research activities of an endowed chair, professor, research scholar or research scientist, including equipment, materials and supplies, and other research related expenses as permitted by university policy.~~

~~6.1.i. Mission Support. Program funds may be used to support research and graduate missions at participating institutions. Consideration shall be given to expenditures for mission support activities such as: (1) expenditures that enhance the research capability of university libraries (i.e., scientific books, journals, research materials, media, and equipment); (2) start up costs, equipment, and supplies that support faculty, graduate student, or undergraduate student research activities; (3) funding for visiting scholars, lecture series, and faculty exchanges; and (4) expenditures for the dissemination of research findings (i.e., nationally prominent publications and presentations at conferences, symposia, seminars, or~~

workshops). However, priority shall be given to mission support expenditures that encourage the research-related activities of faculty and students. Expenditures for general personnel expenses that are not directly linked to an endowed chair, professor, research scholar, or research scientist do not qualify as mission support activities.

6.2. Any combination of these activities may be proposed for inclusion in the institutional research plan required under section 5 and are eligible for designated endowments as funds are secured.

~~§133-48-7. Criteria for Qualified Donations and Pledges.~~

7.1. Matching Requirements. The trust fund is conceived as a way to bring new money from external sources into the State's system of postsecondary education. In order to receive state funds, participating institutions shall provide dollar for dollar matching funds that satisfy the following requirements:

7.1.a. Donations and pledges shall be newly generated to be eligible for state match. Newly generated contributions are those pledged and received by the participating institution on or after March 8, 2008.

7.1.b. Donations and pledges shall be from external sources to be eligible for state match. External source contributions are those that originate outside the participating institution and its affiliated foundation or research corporation. Eligible sources of external funding include, but are not limited to, businesses, non-governmental foundations, corporations and alumni or other individuals. Funds received from federal, state and local government sources are not eligible for state match.

7.1.c. State appropriations and allocations (e.g., West Virginia Research Challenge Fund) and student derived revenues (e.g., tuition and fees revenue) are not eligible for state match.

7.1.d. An undirected qualified donation may be directed by the institution toward an endowment under this rule; however, current institutional foundation funds are not eligible for state match.

7.1.e. The minimum institutional request is \$50,000. A participating institution may combine smaller donations to meet the \$50,000 minimum.

7.1.f. All funds, both state and private, shall be permanently endowed. "Endowed" means that only the investment earnings, and not the principal, are eligible for expenditure.

7.1.g. Requests for state matching funds shall identify the donor funds received in cash and those that are pledges.

7.1.h. Pledges, or promises of future payment, are eligible for state match provided they are based on a written contract or agreement and include a payment schedule that does not exceed the reallocation date of July 1, 2015. Pledge payment schedules showing receipts to date and scheduled future payments shall be included in the audited financial statements of the institution, research corporation and/or the foundation and included in the annual report specified in section 14 of this rule.

7.1.i. Participating institutions shall notify the Vice Chancellor in writing immediately when a gift has been revoked, when a pledge payment is more than 12 months past due, or if there are unpaid pledges remaining six months before the reallocation date of July 1, 2015.

7.1.j. If pledged funds are not received by the due date, the participating institution shall replace the portion of private funds not received with another eligible cash gift. If pledged funds are not received

by the reallocation date, the unmatched portion of the state funds, plus an allowance for accrued interest, shall revert to the trust fund for reallocation. In such cases, the time frame for the replacement or return of state funds shall be determined by the Vice Chancellor in negotiation with institutional representatives, but may not be longer than six months.

~~§133-48-8. Distribution from the Trust Fund; Documentation Required.~~

~~8.1. A participating institution seeking a distribution of state matching funds from the trust fund first shall obtain qualified donations and/or qualified pledges meeting the conditions in section 7 in an amount equal to the amount of matching moneys requested for distribution and shall submit a request to the Commission setting forth the following:~~

~~8.1.a. The amount of qualified donations and/or qualified pledges used to request matching moneys from the trust fund and the total amount of any previous distributions of matching moneys from the trust fund;~~

~~8.1.b. The amount requested for distribution to the participating institution;~~

~~8.1.c. A designation of the applicable research endowment(s) into which the requested matching moneys are to be deposited, e.g., "The Joe and Sally Smith Endowed Chair in Chemistry;" and~~

~~8.1.d. An explanation of how the proposed use of the endowment proceeds furthers the purposes of the trust fund and addresses the research needs of the participating institution as identified in the research plan, including any additional strategic objectives or outcomes that have been established for the specific endowed research activity.~~

~~8.2. In conjunction with the written request, the institution shall submit documentation for the external qualified gifts and/or pledges including:~~

~~8.2.a. A cover letter that transmits the documentation, any particulars, and information required by this Section;~~

~~8.2.b. A pledge letter specifying the designation, amount and payment schedule signed by the donor for qualified pledges;~~

~~8.2.c. A deposit ticket or gift receipt and any designation identified by the donor for qualified donations;~~

~~8.2.d. A designation made in writing by the institution and submitted with the request if a qualified gift is undesignated by the donor;~~

~~8.2.e. An invoice for the amount requested from the trust fund, specifying the endowment into which the state match is to be deposited;~~

~~8.2.f. Designation of a technical manager or responsible institutional contact such as a dean, academic officer, or research director, who shall oversee the implementation or supervision of the activity, program or individual sponsored by the endowed funds. Complete contact information shall be provided; and~~

~~8.2.g. Designation of a financial manager or compliance officer who shall be responsible for all associated financial statements or reports relating to the endowed funds or expenditures of proceeds. Complete contact information shall be provided.~~

~~8.3. The participating institution shall cause the state matching funds to be transferred to its affiliated foundation.~~

~~8.3.a. State matching funds are to be invested in the same manner as institutional endowment funds relative to availability under section 11.1 of this rule.~~

~~§133-48-9. Commission Review.~~

~~9.1. The Vice Chancellor shall conduct a review of each request for distribution of matching money from the trust fund for compliance with the provisions of both §18B-18A-1 *et seq.* and this rule and may request additional information if necessary.~~

~~9.2. The Vice Chancellor shall use the institution's approved research plan to determine if requests for distributions from the trust fund are valid and shall consider any additional information or details that expand upon the specific area of research, including research plans, strategies, objectives and projected outcomes as provided under sections 8.1.d. or 9.1. of this rule.~~

~~9.3. If all criteria are met, the Vice Chancellor shall approve the match.~~

~~9.4. If all the criteria are not met, the Vice Chancellor shall issue a letter to the institution detailing the reason(s) the match could not be approved.~~

~~9.5. When the match is approved, the Vice Chancellor shall submit the invoice to the State Auditor for payment.~~

~~§133-48-10. Appeals.~~

~~10.1. A participating institution may appeal a decision related to administration of trust funds under the terms of this rule to the Vice Chancellor in writing within ten (10) days of receiving notification. The Vice Chancellor shall issue a written decision upholding or reversing the initial decision within twenty (20) days of receipt of the appeal. Decisions that may be appealed include, but are not limited to, disapproval of a request for distribution of matching money from the trust fund.~~

~~10.2. A participating institution may further appeal to the Chancellor in writing the decision of the Vice Chancellor within ten (10) days of receipt of notification of the decision. The Chancellor shall issue a written decision upholding or reversing the decision of the Vice Chancellor within twenty (20) days of receipt of the appeal.~~

~~10.3. Any appeal made shall set forth in detail the grounds for the appeal. The decision rendered at each level shall address in writing each of the grounds raised.~~

~~§133-48-11. Availability Limits and Reallocation of Trust Funds.~~

~~11.1. Availability. Participating institutions shall provide documentation for and request transfers of state matching funds up to the limits provided in these rules on or before July 1, 2015. All trust fund dollars provided by the West Virginia Legislature in the original corpus which are being matched by outstanding pledges shall remain available for withdrawal until that date.~~

~~11.2. Reallocation. If one of the participating institutions fails to have deposited into its research endowments the requisite amount of qualified donations and/or fails to have made subsequent requests for matching trust fund distributions by the end of this five year period, then any funds allocated to the participating institution that have not been distributed shall be reallocated for distribution to the other participating institutions.~~

~~11.2.a. To be eligible to receive a distribution of reallocated moneys, the other participating institutions shall have excess qualified donations deposited in its research endowment(s) in an amount equal to or greater than the amount requested for distribution from available reallocated moneys.~~

~~11.2.b. If the other participating institutions do not have excess qualified donations on deposit, the available moneys in the trust fund shall be reallocated for distribution by the Commission to state colleges in accordance with the provisions for those institutions established in section 12 of this rule.~~

~~11.3. Within 90 days after the reallocation date, the Vice Chancellor shall complete a final assessment of the status of the trust fund and determine if there are funds available for reallocation to the other participating institution and/or the state colleges.~~

~~§133-48-12. Procedures for State Colleges.~~

~~12.1. Until such time as the trust fund is fully distributed, interest earnings shall be deposited as accrued. The Commission shall use a portion of those moneys derived from investment earnings accruing to the trust fund, as well as moneys that are not matched and distributed to participating institutions prior to July 1, 2015, for distribution to state colleges.~~

~~12.2. As funds are realized, the Vice Chancellor shall issue competitive notices or requests for proposals to the state colleges. A merit review of the scientific potential of the proposed research activity shall be conducted by peer scientists under the general direction of the Vice Chancellor.~~

~~12.3. Solicitations for science, technology, engineering and/or mathematics (STEM) projects at state colleges shall:~~

~~12.3.a. Establish a level of funds currently available for distribution;~~

~~12.3.b. Identify the number of anticipated awards based on the availability of funds, establishing equal amounts available for each institution;~~

~~12.3.c. Identify specific research targets or thematic areas for proposals;~~

~~12.3.d. Provide specific application procedures and deadlines for application;~~

~~12.3.e. Specify matching requirements, including documentation of gift deposits;~~

~~12.3.f. Specify a reasonable deadline for obtaining qualified donations; and~~

~~12.3.g. Provide latitude for lesser amounts of support if only smaller qualified donations are obtained by the institution.~~

~~12.4. To qualify for a distribution of state matching moneys, a state college shall meet the following conditions:~~

~~12.4.a. Obtain qualified donations of private gifts in an amount equal to or greater than the amount of state match funds requested from the proceeds identified as available for distribution from the trust fund.~~

~~12.4.b. Deposit the qualified donations and any state match distributed from the trust fund when an award is provided into the accounts of the institution or its affiliated research corporation or foundation.~~

~~12.4.c. If an institution collects only a portion of the matching funds needed, then the unmatched portion of the award shall revert to the trust fund for reallocation during the next competition.~~

~~12.4.d. Qualified donations and state matching moneys may be expended only for a proposed research oriented initiative developed in response to requests for proposals and approved by the Commission.~~

~~12.5. Eligible research areas include all scientific disciplines or interdisciplinary STEM fields available at state colleges or in collaboration with the participating institutions.~~

~~12.6. All proposals shall be institutional infrastructure building in nature, not individual researcher projects. Each institution shall seek to create "areas of distinction" or "centers of excellence" or strengthen one or two areas of talent and expertise for capacity building in STEM fields that are unique strengths. However, partnerships, consortia and research alliances with other institutions with common or complementary interests are encouraged.~~

~~12.7. State colleges may elect, at their discretion, to place all or some portion of the qualified donation and/or state match into a designated endowment. Otherwise, all funds are available for immediate expenditure for STEM projects proposed as a result of the requests for proposals.~~

~~12.8. The Commission may provide periodic award cycles throughout the life of the trust fund at such times as sufficient interest or other funds are accrued and available for distribution.~~

~~§133-48-13. Coordination with Other Research Programs.~~

~~13.1. The Commission shall coordinate awards from the trust fund with other sponsored research programs managed by its Division of Science and Research. The comprehensive resources and awards made under the West Virginia Research Challenge Fund and Eminent Scholars Recruitment and Enhancement programs shall be monitored for continuity in achieving the objectives of the state's strategic plan for science and technology.~~

~~13.2. The Commission shall not award state funds to any endowment or state college program that materially duplicates support provided under a complementary state program.~~

~~13.3. The Commission encourages leveraging state funds to obtain qualified private donations and other broader external sources of funding to support the state college's approved research plan.~~

~~§133-48-14. Reporting Requirements.~~

~~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.~~

~~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.~~

~~14.3. By October 1, 2013, after the five year implementation of the trust fund program is complete, the participating institutions shall provide a comprehensive report to the Commission on the impact of the trust fund on research competitiveness, institutional growth and infrastructure development. Strategic goals realized and those yet to be realized shall be articulated clearly in the report. A full accounting of all trust funds, proceeds, outcomes, and designated endowments shall be included in the comprehensive report.~~

~~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.~~

~~14.5. Awards to state colleges shall contain a reporting requirement on the specific outcomes of the award and establish a timeframe for submission.~~

~~14.6. Institutions expending any proceeds from the trust fund, donations and gifts, or the research endowments contrary to the provisions of this rule, or Commission approval or direction shall be responsible for reimbursing the appropriate institutional or Commission account the amount of funds improperly expended, plus statutory interest.~~



**Report to the Legislative Oversight Commission
on Education Accountability**

**West Virginia Higher Education Policy Commission, Title 133, Series
63, Legislative Rule, Mental Health Loan Repayment Program**

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

**SERIES 63
MENTAL HEALTH LOAN REPAYMENT PROGRAM**

§133-63-1. General.

1.1. Scope. -- This rule establishes requirements for eligibility, award, maintenance, and termination of the financial incentives provided by the Mental Health Loan Repayment Program.

1.2. Authority. -- West Virginia Code §18B-1-6 and §18C-3-3(e) and (f).

1.3. Filing Date. -- ~~July 15, 2021.~~

1.4. Effective Date. -- ~~August 15, 2021.~~

1.5. This rule shall terminate and have no further force or effect ~~upon the expiration of five years from its effective date~~ on August 1, 2030.

§133-63-2. Purpose.

2.1. The purpose of this program is to provide an incentive for practicing mental health professionals to deliver therapy or counseling services in underserved areas of West Virginia.

2.2. Mental Health Loan Repayment Program funds shall be awarded to West Virginia residents who are currently practicing mental health professionals and who provide therapy or counseling services in an underserved area of West Virginia. A revolving fund will be established for funds for this program.

§133-63-3. Eligibility Criteria.

3.1. In order to be eligible for a Mental Health Loan Repayment Program award, each applicant must:

3.1.a. Certify that the applicant possesses ~~educational debt~~ federal student loans in an amount equal to or exceeding the proposed award amount; and

3.1.b. Be a graduate of an accredited program at an institution of higher education, having obtained a degree preparing them for licensure as a licensed doctoral clinical psychologist, master's level licensed psychologist, licensed independent clinical social worker, licensed certified social worker, licensed professional counselor, licensed marriage and family therapist, psychiatric mental health nurse practitioner, licensed graduate social worker, or other mental health disciplines identified by the ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration as experiencing a shortage of practitioners; and

3.1.c. Be employed in an underserved area in West Virginia, providing individual therapy or counseling and/or group therapy or counseling for a majority of ~~his, her or~~ their practice.

§133-63-4. Application Process.

4.1. The applicant must apply to the Mental Health Loan Repayment Program using an application form provided by the ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration

4.2. Applicants for participation in the Mental Health Loan Repayment Program shall submit their applications by the deadline established by the ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration. Applications must be complete and received by the deadline in order for the applicant to be considered for an award.

§133-63-5. Selection of Recipients.

5.1. Recipients will be selected from a pool of all qualified applicants.

5.2. Awards shall be determined by the ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration with the advice of an advisory panel. The advisory panel may be made up of the Division of Health Sciences Advisory Committee and such other members as may be added by the ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration from time to time.

5.3. In order to be selected to receive a Mental Health Loan Repayment Program award, an applicant must agree to provide mental health therapy or counseling services for at least one (1) year full-time or at least two (2) years part-time in an underserved area for every year that funding is awarded.

5.4. Applications will be processed without regard to race, color, religion, sex, national origin, ancestry, sex, age, disability, genetic information, ~~sexual orientation, gender identity, familial status or~~ and veteran or military status.

5.5. In making awards, the ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration may consider such factors as the applicant's expressed commitment to the provision of mental health services in underserved communities, and ~~his, her or~~ their work or community service experiences in underserved areas of the State.

5.6. The number of awards shall be determined by the availability of funds.

5.7. Nothing in this rule shall be construed as granting or guaranteeing any applicant any right to such an award.

§133-63-6. Award Provisions and Agreement.

6.1. The award amount shall be up to \$10,000 (depending on outstanding ~~debt~~ federal student loans) for one (1) year of full-time service or two (2) years of part-time service for eligible mental health professionals. ~~The award shall be renewable~~ Recipients can receive the award up to three (3) years times based on availability of funds and continued eligibility for the loan repayment program.

6.2. The award agreement shall contain the provision that the recipient will agree to practice full-time for at least one (1) year or part-time for at least two (2) years in an underserved area of West Virginia.

6.3. No award payments shall be disbursed before a properly completed and signed award agreement and documentation of ~~qualifying educational debt~~ outstanding federal student loans have been delivered by the recipient to the ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration or ~~his or her~~ their designee.

§133-63-7. Notification of Recipients and Fund Disbursement.

7.1. The ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration or ~~his or her~~ their designee shall notify recipients of their selection to receive an award.

7.2. The full amount of the award shall be disbursed to the ~~participant~~ federal student loan servicer

upon the receipt of verification of one (1) year of full-time employment or two (2) years of part-time employment in an approved site, beginning from the date of the award agreement. The ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration shall approve the disbursement of the funds.

§133-63-8. Fulfillment of Agreement.

8.1. To fulfill the award agreement, a participant must complete and document the service obligation by a deadline established by the Vice Chancellor for Administration or the award will be cancelled. ~~If applying for additional funding, the recipient must provide documentation demonstrating that the entire award has been allocated toward recipient's educational debt.~~

8.2. A recipient shall satisfy obligation as stated in the recipient's award agreement by practicing mental health therapy or counseling full- or part- time in an underserved area of West Virginia.

8.3. If at any time during the term of the agreement the recipient needs to change the practice site, the recipient may request approval from the ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration and may request that additional areas be considered as underserved if appropriate.

8.4. With advance approval of the ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration, the recipient may serve ~~his or her~~ their obligation concurrently with other service obligations.

§133-63-9. Definitions.

9.1. "Practicing mental health professionals" means licensed doctoral clinical psychologists, master's level licensed psychologists, licensed independent clinical social workers, licensed certified social workers, licensed professional counselors, licensed marriage and family therapists, psychiatric mental health nurse practitioners, or other disciplines which may be identified as practicing mental health professionals providing therapy or counseling services by the ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration.

9.2. "Underserved area" means any mental health professional shortage area located in the state as determined by the Bureau for Public Health, any hospital devoted solely to the provision of mental health services, or any additional mental health professional shortage area determined by the ~~Senior Director of Health Sciences~~ Vice Chancellor for Administration.

9.3. ~~"Educational debt" is defined as any government, commercial, or foundation loans for actual costs paid for tuition, reasonable education, and living expenses related to graduate or undergraduate education.~~ Federal student loans are loans in the applicant's name that were used for educational costs associated with obtaining a degree. Parent PLUS Loans are not eligible for loan repayment assistance.

9.4. "Part-time" for purposes of fulfillment of Section 5.3 is defined as working a minimum of twenty ~~or more~~ hours per week.



**Report to the Legislative Oversight Commission
on Education Accountability**

**West Virginia Higher Education Policy Commission, Title 133, Series
64, Legislative Rule, Administrative Exemption**

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

ADMINISTRATIVE EXEMPTION

SERIES 64

§133-64-1. General.

1.1. ~~Scope and Purpose.~~ – This legislative rule establishes the process by which the West Virginia Higher Education Policy Commission (Commission) will grant administrative exemption status to and remove administrative exemption status from the State’s baccalaureate institutions of higher education.

1.2. Authority. – West Virginia Code §18B-1-1f(c).

1.3. Filing Date. – ~~July 15, 2021.~~

1.4. Effective Date. – ~~August 15, 2021.~~

1.5. This rule shall terminate and have no further force or effect ~~upon the expiration of five years from its effective date on August 1, 2030.~~

§133-64-2. Definitions.

2.1. “Administratively exempted schools” means state colleges and universities;

2.1.a. ~~That~~ achieve and maintain three of the five ~~of the~~ following criteria:

2.1.a.1. Graduation rate: A three-year average graduation rate of not less than 45 percent;

2.1.~~b.~~a.2. Retention rate: A three-year average retention rate of not less than 60 percent;

2.1.~~e.~~a.3. Credit head count enrollment: A three-year credit head count enrollment increase, or a decrease of not more than five percent over the same period;

2.1.~~d.~~a.4. Days of cash reserved: A three-year average of not less than 50 days cash reserved;

2.1.~~e.~~a.5. Composite Financial Index: A Composite Financial Index of not less than one as reported in the college and university’s audited financial statements; or

2.1.~~f.~~b. Whose governing board requests a review by the ~~e~~Chancellor of any special circumstances and the Commission grants administratively exempted status based on those special circumstances as verified by the ~~e~~Chancellor after his or her review.

2.2. “Composite Financial Index” means the benchmarking tool used by the Higher Learning Commission as a financial indicator and developed specifically for the higher education industry and is a combination of several different ratios, each of which is comprised of data that, when analyzed further, can provide insight into an institution’s financial health and inform decision-making processes;

2.3. “Credit headcount enrollment” means the total number of unique students, but not counting dual-enrolled high school students, who enrolled in credit-bearing classes during the fall, spring, and summer terms in a given academic year at a specific institution.

2.4. “Days of cash reserved” means the audited end of fiscal year cash balance, multiplied by 365, and then divided by the audited total expenses less depreciation, and less other post-employment benefit and pension liability expenses.

2.5. “Graduation rates” means the proportion of first time in college students who obtain a bachelor’s degree within six years, as further defined by and reported to the Commission.

2.6. “Retention rates” means the proportion of first-time, fall term, full-time freshmen students who are in continuing enrollment in the fall term of the next succeeding year.

2.7. “State college and university” shall have the same meaning as provided in West Virginia Code §18B-1-2.

§133-64-3. Procedure for Requesting Status as an Administratively Exempt School.

3.1. Requesting Administratively Exempt Status. – Any State college or university may apply to the Commission for designation as an administratively exempt school by its governing board submitting a letter to the Chancellor requesting such status and setting forth which of the criteria established in West Virginia Code §18B-1-1f(b) and reiterated in subsection 2.1 above the college or university meets. Applications must be submitted to the Commission between January 1 and January 31 for the following academic year.

3.2. Reviewing Administratively Exempt School Status. – Upon receipt of a request for administrative exemption, the Commission shall verify that the requesting institution meets the statutory criteria using data submitted by the college or university to, and validated by, the Commission.

3.3. Institutions shall provide promptly upon request from the Commission or Chancellor any information to support the Commission’s review of the institution’s performance as an administratively exempt college or university.

§133-64-4. Procedure for Granting or Denying Status as an Administratively Exempt School.

4.1. Approval of Administratively Exempt School Status. – Upon verification that an institution meets three of the five requirements to be designated as an administratively exempt school, the Commission shall vote on the matter at its next regularly scheduled meeting ~~whether to grant or deny such request.~~

§133-64-5. Procedure for Reviewing Administratively Exempt Status Once Granted.

5.1. Review of Administrative Exempt School Status Institutions. – Commission staff will review annually all criteria, either statutory or special circumstances, for administratively exempt school status for the administratively exempt institutions.

5.2. If, during its annual review, Commission staff determines that an administratively exempt school has failed to meet one or more of the criteria by which it initially qualified for administrative exemption status, but that it also now meets one or more of the other criteria that would allow it to maintain its administrative exemption, Commission staff will notify the institution that it is being allowed to maintain its administrative exemption status under the newly met criteria.

5.3. Each year, as part of the statutorily mandated annual reauthorization process established in 133 C.S.R. 52, *Annual Reauthorization of Degree Granting Institutions*, the reauthorization review committee shall determine whether administratively exempted institutions are meeting at least three of the exemption criteria specified in Section 2 of this rule.

5.3.a. Those administratively exempted institutions meeting three or more of the criteria in the review process shall be reported in the annual reauthorization resolution to the Commission as qualified to maintain administratively exempt status.

5.3.b. Those administratively exempt institutions that fail to meet at least three of the exemption criteria shall be reported in the annual reauthorization resolution to the Commission as failing to meet the requirements to maintain the administratively exempt status. The institution shall be formally notified of this finding by the process set forth in Section 6 below.

§133-64-6. Revoking Administratively Exempt School Status Procedure.

6.1. ~~Revoking Administratively Exempt School Status.~~ – Upon the annual review, institutions that do not meet three of the five requirements for administratively exempt school status, ~~or whose special circumstances have changed,~~ the Chancellor will notify the President of the institution that they no longer meet the requirements for the designation and that the institution has one year to meet the requirements again.

~~6.1.a.2.~~ Upon the second consecutive annual review where institutions ~~that~~ do not meet three of the five requirements for exempt status, the Chancellor will notify the President that the institution no longer is eligible and that the ~~Commission will vote to revoke administratively exempt status in no less than 30 days~~ institution will have its administratively exempt status revoked after thirty (30) days from the date of the notice.

~~6.1.b.~~ ~~After 30 days have passed following the notification that an institution no longer meets three of the five requirements for exempt status, the Commission may vote to revoke the institution's administratively exempt status.~~

6.3. Upon the annual review, if it is determined that the special circumstances that the administratively exempted status is based on no longer exist, the Chancellor will notify the President that the institution no longer is eligible and that the institution will have its administratively exempt status revoked after thirty (30) days from the date of the notice.



**Report to the Legislative Oversight Commission
on Education Accountability**

**West Virginia Council for Community and Technical College
Education, Title 135, Legislative Rule, Series 43, Purchasing
Efficiencies – Repeal of Rule**

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

SERIES 43
PURCHASING EFFICIENCIES

SECTION 1 ~~GENERAL~~

- ~~1.1 Scope — This rule establishes the guidelines for the Commission and the institutions, individually or cooperatively, to maximize their use of bulk purchasing, reverse bidding, electronic market places and electronic remitting in the acquisition or procurement of materials, supplies, equipment and services.~~
- ~~1.2 Authority — West Virginia Code §18B-5-9, §18B-17-6(b).~~
- ~~1.3 Filing Date: — September 14, 2011 —~~
- ~~1.4 Effective Date: — September 14, 2011 —~~

SECTION 2 ~~DEFINITIONS~~

- ~~2.1 As used in this rule, all terms have the same meaning as provided in West Virginia Code §18B-1-2, and as follows:~~
- ~~2.1.1. "Bid" means an offer to perform a contract for service, work and labor, or the supplying of goods, materials, equipment or printing at a specified price in accordance with the specifications in a request for bids.~~
- ~~2.1.2. "Bidder" means one who makes a bid.~~
- ~~2.1.3. "Bulk purchasing" means the acquisition or procurement of materials, supplies, equipment, services and printing in quantity in order to benefit from the most favorable terms, prices and economies of scale.~~
- ~~2.1.4. "Buyer" means an individual designated by a chief procurement officer to perform designated purchasing and acquisition functions as authorized by the chief procurement officer.~~
- ~~2.1.5. "Chancellor" means the chief executive officer of the Commission employed pursuant to W. Va. Code §18B-1B-5.~~

- ~~2.1.6. "Chief procurement officer" means the individual designated by a president of a state institution of higher education to manage, oversee and direct the purchasing, acquisition and inventory management of materials, supplies, equipment, services, and printing, and disposal of obsolete and surplus materials, supplies, and equipment for that institution. For the Commission's Office and West Virginia Network for Educational Telecomputing, the chief procurement officer is the person designated by the Chancellor.~~
- ~~2.1.7. "Commission Office" means the office that houses the Chancellor, Vice Chancellor for Administration and other Commission staff.~~
- ~~2.1.8. "Commodity" means an article which is useful or serviceable, particularly an article of merchandise movable in trade; a good, or service of any kind, including construction; an article of trade or commerce; things that are bought and sold.~~
- ~~2.1.9. "Competitive bidding" means bids that are submitted in response to an invitation, public notice or advertisement of an intended sale or purchase.~~
- ~~2.1.10. "Electronic marketplaces" means an environment in which participating buyers and sellers exchange information about prices and product offerings and the procurement and payment process is conducted primarily via the Internet and websites of both the buyers and sellers.~~
- ~~2.1.11. "Electronic remitting" means to send or transmit documents, information or money (as in the transfer of funds or for payment of goods and services) by means of computer, telephone or electronic instrument from the originator to the recipient.~~
- ~~2.1.12. "Essential service" means something basic; a commodity that is necessary, indispensable, or unavoidable and is purchased in a routine, repetitive, and noncompetitive manner.~~
- ~~2.1.13. "F.O.B. destination" and "free on board destination" mean the seller or vendor must transport or pay for the transportation of the materials, supplies, equipment, services and printing, to the point of destination specified in the contract.~~
- ~~2.1.14. "Governing Boards" or "Boards" means the institutional boards of governors created pursuant to West Virginia Code §18B-2A-1(b).~~
- ~~2.1.15. "Institution(s)" means any public West Virginia university, college, community and technical college, individually or collectively, created~~

~~pursuant to West Virginia Code §18B-1-2. For the purposes of this rule, the Commission's Office and West Virginia Network for Educational Telecomputing shall also be considered institutions.~~

~~2.1.16. "President" means the executive officer of an institution.~~

~~2.1.17. "Sole source" means only one vendor can supply the desired product or service.~~

~~2.1.18. "Single source" means that the desired product or service is available from only one supplier because of the uniqueness and characteristics of the product or service offered.~~

~~2.1.19. "Responsible bidder" and "responsible vendor" mean a person and/or vendor who have the capability in all respects to perform contract requirements, and the integrity and reliability that will assure good faith performance.~~

~~2.1.20. "Responsive bidder" and "responsive vendor" mean a person and/or vendor who have submitted a bid that conforms in all material respects to the invitation to bid.~~

~~2.1.21. "Reverse Bidding" means (1) an offer by an intended purchaser to a seller to pay a designated price for the specified material, supplies, equipment, services and printing; (2) the buyer uses the electronic marketplace to set a date and time for interested vendors to bid on certain commodities, an opening bid is made, and other vendors follow by bidding downward until no one chooses to sell to the buyer at a lower price.~~

~~2.1.22. "Sealed bid" means bid submitted under seal, and which is not to be opened until a specified time at which all bids are to be opened and compared.~~

~~2.1.23. "Vendor" means a seller of goods and services.~~

~~2.1.24. "West Virginia Council for Community and Technical College Education" or "Council" means the Council created pursuant to West Virginia Code §18B-2B-1 et seq.~~

~~2.1.25. "Vice Chancellor for Administration" means that person employed by the Chancellor in accordance with West Virginia Code §18B-4-2. The Vice Chancellor for Administration shall assume all powers and duties that were assigned to the Senior Administrator.~~

SECTION 3 ————— APPLICABILITY

~~3.1 This rule applies to all institutions as defined in Section 2.~~

SECTION 4 ————— PURCHASE OR ACQUISITION OF MATERIALS, SUPPLIES, EQUIPMENT, SERVICES, CONSTRUCTION AND PRINTING

~~4.1 As provided by this rule, the Commission and institutions may institute the following purchasing practices either individually or cooperatively for purchase or acquisition of materials, supplies, equipment, services and printing.~~

~~4.2 Bulk Purchasing:~~

~~4.2.1. The Commission shall establish a working committee consisting of Commission staff and institutional representatives to identify the materials, supplies, equipment, services and printing that may reasonably be purchased in bulk to take advantage of economies of scale. In compiling this list and in assessing the economic advantage of purchasing a commodity or service in bulk, the committee shall consider the acquisition cost of the commodity or service, included but not limited to, delivery costs, handling and storage costs, timing of purchases and customer satisfaction. This committee shall also monitor and report to the Chancellor from time to time on any cost savings and efficiencies realized from bulk purchasing.~~

~~4.2.2. Bulk purchase contracts may be bid and entered into by either the Commission or an institution on behalf of all institutions. Once issued, the Commission and all institutions participating in the contract shall use it as the primary source of procurement of the commodities or services provided in the contract. The Chief Procurement Officer may authorize purchases off the contract if it is deemed to be in the best interests of the Commission or institution to do so. If an institution decides not to participate in a bulk purchase contract, the institution's Chief Procurement Officer shall state in writing the reason(s) for not participating and the cost savings resulting therefrom.~~

~~4.3 Reverse Bidding:~~

~~4.3.1. The Commission shall establish a working committee consisting of representatives from the Commission staff and institutions to implement reverse bidding for all public higher education institutions within the State. The working group shall review currently accepted reverse bidding practices within both corporate America and higher education to determine what is most appropriate to West Virginia higher education. Software and other enabling media shall also be investigated. Recommendations shall be made in a timely manner by~~

~~the group which addresses commodities to be purchased through reverse bidding, software and enabling media, implementation procedures, and time lines to effect reverse bidding within higher education in the State.~~

~~4.4 Electronic Marketplaces:~~

~~4.4.1. Electronic marketplaces, also know as e-procurement, will allow the Commission and the institutions to buy or sell goods and services in a digital environment. This procurement method takes advantage of combined purchasing power, improved processes and will allow better utilization of automated systems. It will also integrate higher education buyers directly into the market place, aide in sharing best business practices and assist buyers in gaining control and thus strengthen vendor relationships, gaining access to tracking mechanics which will provide the ability to tract and report hard dollar savings.~~

~~4.4.2. This method of purchasing is relatively new and it will require research and planned implementation before the Commission and the institutions can take full advantage of it as a common purchasing method. As a result, a committee of Commission and institution staff will be formed to develop this method as a viable alternative to other procurement methods, plan its implementation and identify the goods and services that may be most effectively acquired using this method. Once these tasks are accomplished, this method may be employed in the acquisition of goods and services.~~

~~4.5 Electronic Remitting:~~

~~4.5.1. The Commission and the institutions may utilize electronic remitting in the course of transacting business with vendors, other private entities, state agencies and governmental units. This includes but is not limited to:~~

- ~~(a) Remitting payment for goods and services electronically to vendors.~~
- ~~(b) Electronically performing the processes and providing documents to the Attorney General, State Auditor, the Department of Administration and other governmental agencies which are required by W. Va. Code and normal business practices.~~

~~4.5.2. A committee composed of Commission staff and institutional representatives shall work with the State Auditor to implement, by December 31, 2003, an easy to use, cost effective and efficient~~

~~program to electronically remit payment for goods, services, utilities, etc. to vendors and providers.~~

~~4.5.3. In order to gain efficiencies and economy of operation the following processes required by W. Va. Code may be performed electronically using existing technology, software and procedures:~~

- ~~(a) Encumbrance: Purchases exceeding the dollar amount identified in W. Va. Code §18B-5-4(a)(5), for purchases by sealed bids and competitive bidding, may be directly and electronically entered into the state's centralized accounting system by the staff of the Commission or the governing boards to satisfy the requirements of article two, chapter five-a, and more specifically, sections twenty-six, twenty-seven and twenty-eight to determine whether the amount of the purchase is within the Commission's or governing board's quarterly allotment, is in accordance with the approved expenditure schedule, and otherwise conforms to the provisions of article two, chapter five-a. The electronic entry shall be in lieu of any hard copy or paper submission. Purchases not exceeding the dollar amount in W. Va. Code §18B-5-4(a)(5) do not require encumbrance and shall be accounted for and liquidated in the state's centralized accounting system through the payment process.~~
- ~~(b) Filing contracts with the State Auditor: The Commission and the institutions may file contracts with the State Auditor as required by W. Va. Code §18B-5-4(i) electronically or may make these contracts available to the State Auditor by any other acceptable means.~~



**Report to the Legislative Oversight Commission
on Education Accountability**

**West Virginia Council for Community and Technical College
Education, Title 135, Legislative Rule, Series 28,
Skilled Trades Apprenticeship Nontraditional Degree (STAND)**

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

SERIES 28
SKILLED TRADES APPRENTICESHIP NONTRADITIONAL
DEGREE (STAND) PROGRAM

§135-28-1. General.

- 1.1. Scope. -- This rule establishes guidelines and procedures for administering the Skilled Trades Apprenticeship Nontraditional Degree (STAND) Program, created pursuant to W. Va. Code §18B-3D-7.
- 1.2. Authority. -- West Virginia Code §18B-1-6 and §18B-3D-7.
- 1.3. Filing Date. --
- 1.4. Effective Date. --
- 1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2031.
- 1.6. Repeal and Replace. -- This legislative rule repeals and replaces WV 135CSR28 “Standards for the Administration of the West Virginia Earn a Degree, Graduate Early (EDGE) Program” filed April 15, 2014 and effective May 15, 2014.

§135-28-2. Administration.

- 2.1. The Chancellor for Community and Technical College Education shall administer the STAND Program under the general direction of the Council.

§135-28-3. Institution Eligibility.

- 3.1. Only public community and technical colleges authorized by the Council and offering associate of applied science degrees are eligible to participate in the STAND Program.

§135-28-4. Student Eligibility.

- 4.1. To be eligible for participation in the STAND Program, an applicant must:
 - 4.1.1. Be a citizen or legal resident of the United States who meets the residency requirements for federal student aid;
 - 4.1.2. Have been a resident of West Virginia for at least one year immediately preceding the date of application;
 - 4.1.3. Be at least 18 years of age;
 - 4.1.4. Have earned a high school diploma or passed a state-approved high school equivalency exam;

4.1.5. Be currently enrolled in a registered apprenticeship program recognized by the United States Department of Labor's Office of Apprenticeship, or hold a Certificate of Completion of Apprenticeship issued by the U.S. Department of Labor;

4.1.6. Submit a completed STAND Program application and any additional documentation required by the Council or participating institution;

4.1.7. Be accepted for enrollment into a participating community and technical college and meet the institution's standards for admission and Satisfactory Academic Progress (SAP);

4.1.8. Prior to the beginning of the academic year or initial term of enrollment, complete any administrative forms or disclosures required by the Council, including a student agreement acknowledging program requirements and time limits.

4.2. Eligible students must be enrolled in one or more general education courses applicable to an associate of applied science degree program approved by the participating institution.

4.3. STAND Program participants must complete and pass all general education coursework:

4.3.1. Within six (6) years from the initial date of enrollment in the STAND Program; or

4.3.2. Within two (2) years following the completion of the apprenticeship program, whichever period is longer for apprentices;

4.3.3. For apprenticeship certificate holders, within six (6) years from the initial date of enrollment.

4.4. Prior to the conferral of an associate degree under the STAND Program, the participating institution must verify that the student-apprentice has completed a sufficient number of credit hours through coursework delivered directly by the conferring institution to satisfy institutional residency requirements established by the institution's regional accrediting body. Such credits may not be awarded through prior learning assessment or credit transfer.

4.5. Students must maintain compliance with all institutional and Council policies, including program participation requirements, course attendance, and academic performance standards.

4.6. Students may be simultaneously enrolled in both a participating community and technical college and a registered apprenticeship program. Institutions may award academic credit through a Prior Learning Assessment (PLA) process for eligible apprenticeship-related learning outcomes, even if the apprenticeship experience occurs concurrently with college enrollment. Such credit:

4.6.1. May be applied only to the technical or program-specific components of the associate degree plan;

4.6.2. May not be used to satisfy general education requirements for the degree;

4.6.3. Must be documented in accordance with institutional policy; and

4.6.4. Must meet accreditor requirements for transparency, academic rigor, and student learning assessment.

4.7. Each eligible student may receive STAND Program funding for general education coursework until whichever of the following occurs first or with fewer credit hours:

- 4.7.1. The student has completed twenty-one (21) credit hours of general education coursework funded through the STAND Program over the student's lifetime, regardless of the number of institutions attended or degree programs pursued; or

- 4.7.2. The student has met all general education requirements for an associate degree at the host institution.

§135-28-5. Tuition and Fees.

5.1. Tuition and eligible academic fees for courses completed as part of the STAND Program shall be paid directly by the Council to the participating institution, subject to available appropriations.

5.2. Participating institutions shall not charge student-apprentices or apprenticeship certificate holders enrolled in the STAND Program any additional tuition, mandatory institutional fees, or academic course fees for eligible coursework covered under the program.

5.3. The rate of tuition and fees charged to the Council for courses funded through the STAND Program must be the same as the rates charged to all other students enrolled in the same or similar courses at the institution.

5.4. Institutions may not establish special tuition or fee structures for STAND Program participants that differ from those published in the institution's approved schedule of tuition and fees, unless expressly approved in writing by the Chancellor.

5.5. Fees eligible for reimbursement under the STAND Program shall be limited to:

5.5.1. Tuition;

5.5.2. Course- or program-specific academic fees approved by the Council (e.g., lab or testing fees);
and

5.5.3. Other academic charges required of all students enrolled in the same course or program that are considered eligible for funding through the West Virginia Invests Grant program.

5.6. Fees that are not eligible for reimbursement include:

5.6.1. Tools, uniforms, textbooks, or other consumable supplies;

5.6.2. Parking, late registration, or student activity fees;

5.6.3. Any other fee deemed ineligible for funding through the West Virginia Invests Grant program;
and

5.6.4. Any costs associated with the apprenticeship component of the program, including on-the-job training expenses.

5.7. Participating institutions shall submit documentation of tuition and fee rates, course enrollments, and verification of student participation in the STAND Program in a format and timeline prescribed by the Chancellor.

§135-28-6. Awards and Payment.

6.1. Subject to available appropriations, the Council shall pay directly to eligible institutions the tuition and academic fees incurred by student-apprentices for eligible courses, the process for which shall be determined by the Chancellor.

6.2. The maximum award per term shall not exceed the actual cost of tuition and Council-approved academic fees for eligible courses.

6.3. Should a STAND recipient terminate enrollment for any reason during the academic year, the institution shall return to the Chancellor the unused portion of the grant in accordance with the refund policy associated with Federal Title IV funds. The institution is responsible for returning to the Council the unused portion of the grant.

6.4. Excess STAND funds shall not be refunded to the student.

§135-28-7. Program Delivery.

7.1. Institutions shall deliver courses in a manner and on a timeline designed to allow eligible students to complete at least 15 credit hours of general education coursework toward an associate of applied science degree.

7.2. Delivery formats may include in-person, hybrid, or online instruction, subject to institutional capacity and accreditation standards.

§135-28-8. Reporting.

8.1. Institutions must submit program data to the Chancellor in a format and frequency prescribed by the Chancellor.

8.2. Such data shall include:

8.2.1. The number of student-apprentices and apprenticeship certificate holders enrolled;

8.2.2. The number of associate degrees earned through the program;

8.2.3. Completion and progression metrics;

8.2.4. Feedback and concerns raised by students, apprenticeship sponsors, and institutions.

8.3. The Chancellor shall submit an annual report to the Legislative Oversight Commission on Education Accountability by December 1 of each year.

§135-28-9. Appeals.

9.1. An applicant may appeal in writing, the decline of an initial award or renewal award or any other decision within fifteen (15) days of receiving notification, to the Chancellor or his/her designee. The Chancellor, or his/her designee, shall issue a written decision upholding or reversing the initial decision.

9.2. Any applicant appeal of a decision concerning satisfactory academic progress shall be referred to the institution for resolution consistent with the institution procedures established for this purpose.

§135-28-10. Reconciliation and Audits.

10.1. Prior to the close of each fiscal year, the financial aid office at each participating institution shall reconcile all STAND Program records with the following:

10.1.1. The Council's records of STAND awards and disbursements; and

10.1.2. The institution's business office records documenting all STAND-related payments received from the Council.

10.2. All participating institutions shall be subject to periodic audits to ensure compliance with STAND Program requirements, applicable state and federal financial aid regulations, and Council policies.

10.3. The Council may require institutions to submit documentation or respond to audit findings within a specified timeframe. Failure to comply may result in the suspension of STAND Program participation or recovery of disbursed funds.



**Report to the Legislative Oversight Commission
on Education Accountability**

**Vision 2025: Science & Technology Strategic Plan
Annual Report
(§18B-18B-2)**

MEMORANDUM

TO: Legislative Oversight Commission on Education Accountability

FROM: Dr. Janet Rorrer, Senior Director Division of Science and Research

DATE: August 8, 2025

RE: Vision 2025: Science & Technology Strategic Plan Annual Report

West Virginia Code §18B-18B-2 requires the West Virginia Science and Research Council to report to the Legislative Oversight Commission on Education Accountability annually on progress in implementing the state science & technology strategic plan, as well as any updates to the plan. In 2021, a completely revised strategic plan, **Vision 2025: West Virginia Science and Technology Plan** (<https://wvresearch.org/wp-content/uploads/2021/09/Vision2025WestVirginiaScienceTechnologyPlan.pdf>), was created with input from more than 60 stakeholders from industry, higher education, and state government.

The strategic plan was developed with an eye toward attracting federal research funding and new high-tech industries to West Virginia. Through the plan, we have significantly increased the research infrastructure in the state and increased the number of students in the STEM pipeline.

The Science & Technology Plan has specific goals in five focus areas: **STEM Talent Pipeline, Research Enterprise, Innovation & Entrepreneurship, High-Tech Companies and Stakeholder Alignment**. The plan sets Vision, Goals, Actions and Metrics for each focus area. It also analyzes trends that affect technology and workforce in the state and includes a SWOT analysis for the four science and technology platforms.

In Fiscal Year (FY) 2025, progress on the plan continued. The National Science Foundation (NSF) EPSCoR Research Infrastructure Improvement Track-1 grant which is funded for \$20 million from 2023-2028 continues to improve research infrastructure and grow the STEM talent pipeline in the state. This grant, the “West Virginia Network for Functional Neuroscience and Transcriptomics” was a strategic fit with the first of the four science and technology platforms identified in the plan: **Life Sciences, Computer and Data Science, Advanced Manufacturing and Advanced Energy**.

The WV Science & Technology Plan (S&T Plan) began the revision process in January 2025 to include new science and technology platforms. The updated S&T Plan, named **Vision 2030**, was approved by the Science and Research Council on June 26, 2025, and will be formatted and shared soon. The NSF EPSCoR Track-1 RII program is being phased out and replaced by E-CORE and E-RISE funding opportunities from NSF EPSCoR. These programs require that state Science and Technology Plans are updated every five years to remain eligible for funding.

In Fiscal Year 2025, each of the Focus Areas showed significant progress:

Focus Area One: STEM Talent Pipeline

Vision: The vision is for West Virginia students to become interested in high-tech career pathways and actively pursue STEM degrees. Ultimately, companies will locate in West Virginia because of the availability of STEM talent in the state.

The goals are to increase two- and four-year STEM degree enrollment and degree conferral, and to increase research opportunities and internships for students with the support of federal grants and the state-funded Research Challenge Fund.

Actions include expanding K-12 STEM opportunities, partnering with organizations in the state to help prepare and retain STEM students, and partnering with companies and federal labs to increase the number of available internships.

FY 25 Results and Recommendations for Focus Area One:

The successful RII Track-1 EPSCoR grant awarded in May 2023, and extending through 2028, will have a significant impact on the STEM pipeline by creating a STEM internship portal for college students, implementing an extensive program in data science and neuroscience for K-12 students and teachers, and partnering with CodeWV <https://codewv.wvu.edu/> on K-12 computer science instruction.

Each of the four partner institutions in the Track-1 grant (WVU, Marshall University, Shepherd University and West Virginia State University) held a summer camp (Brain Camp) to interest students in neuroscience, data science, and computer science. Combined the camps reach approximately 70, K-12 students and involve approximately 20, K-12 teachers annually. A partnership between the STaR Division and the Division of Student Affairs led to co-sponsorship of an event for about 1000 students participating in the federal Department of Education's GEAR UP (Gaining Early Awareness and Readiness for Undergraduate Programs) program in 11 counties. This event included the Bug Chicks, Entomologists, Jessica Honaker and Kristie Reddick, who use bugs to help students foster empathy for themselves, others and the natural world through the science of insect communication and adaptability.

The NSF INCLUDES Eddie Bernice Johnson First2 Success Network award has been extended to an eighth year through August 2026 via High Rocks. The First2 program helps retain first-generation college students in STEM majors during the first two years of college. West Virginia University, Marshall University, Glenville State University, University of Charleston, Fairmont State University, Blue Ridge Community and Technical College, Shepherd University, and WVU Institute of Technology have been partner institutions in this program.

Focus Area Two: Research Enterprise

Vision: The vision for the research enterprise is that West Virginia will be recognized for its academic research in the four target platforms (Life Sciences, Computer and Data Science, Advanced Manufacturing and Advanced Energy), and that industry will seek technical expertise and collaborations with academic researchers.

Goals are to increase the number of STEM doctoral degrees conferred at West Virginia's universities, and to increase research expenditures in the four target platforms. Actions include increasing funding for the Research Challenge Fund, securing federal research capacity-building grants, increasing federal grants and contracts in the four target platforms, and identifying critical lab and facility needs and assessing funding mechanisms to fulfill those needs.

Funding from the state's Research Challenge Fund continues to support the growth of new research in the four platforms. In FY23, three new Research Challenge Grants began in the areas of 1) Data Driven Autonomous Experiments for Energy Sciences Principles of Machine Learning, 2) Metal-Embedded Carbon-based Catalytic Membranes for Co-production of Ammonia and Ethylene, and 3) Synergistic Conversion of Captured CO₂ and Green H₂ to Value-Added Products for a Decarbonized Economy. These projects will create research that is eligible for federal-agency funding and further the goals of the Science & Technology Plan. The three previous Research Challenge Grants (see attachment), ending in 2023, produced a total of \$89 million in follow-on funding.

FY 25 Results and Recommendations for Focus Area Two:

The Research Challenge Fund continues to fund STEM doctoral students at WVU and Marshall through the STEM Fellows program. This award was renewed in 2021 and will be in place from 2022 to 2026.

The NSF EPSCoR RII Track-1 grant in Neuroscience has significantly assisted research growth at the four partner higher education institutions in the state (Marshall University, Shepherd University, West Virginia University, and West Virginia State University). The project has already generated \$5.6 million in follow-on funding, 19 journal publications; 12 presentations; 2 Dissertations; 2 Conference proceedings. Additionally, the project has successfully increased research capacity through both human and physical infrastructure by hiring four new faculty members, 4 post-docs, and purchasing/installing state-of-the-art research equipment (i.e. MERSCOPE, STED).

The National Science Foundation (NSF) identified the critical need for support of STEM research grant proposal preparation process and post award administration for grants. The STaR office applied for and received a GRANTED award of \$100,000 which was used to hold regional meetings and a state-wide conference to identify barriers and solutions for higher education institutions in the state. NASA EPSCoR partnered in these activities. The grant has been extended through October 2025 to fully support four staff/faculty and partially support one staff member's attendance at the National Council of University Research Administrators (NUCRA) Annual Conference. These individuals represent Glenville State University, Shepherd University, WVU Institute of Technology, Marshall University, and West Virginia State University. They will gain valuable insight and knowledge that they will share with the WV GRANTED network for shared benefit across our state.

Focus Area Three: Innovation and Entrepreneurship

Vision: The vision for Focus Area Three is for successful startups in West Virginia to attract more Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) funding and venture capital to increase operations.

Goals include increasing industry-university research and development activity, including patents and invention disclosures, and SBIR/STTR awards. Actions include piloting an R&D voucher program, supporting the FAST program (Federal and State Technology Partnership Program to help West Virginia companies apply for SBIR/STTR funding and providing the SBIR/STTR match) and increasing the Entrepreneurship and Innovation Investment Fund. This Department of Economic Development-managed Fund supports entrepreneurship, creation of business startups, improvements in workforce participation, and attracting individuals to relocate to West Virginia.

MEMORANDUM

August 8, 2025

Page 4

In calendar year 2024, the portion of academic R&D expenditures funded by companies (referred to as industry-sponsored academic R&D) increased to \$6.5 million from \$5.5 million in 2023. Industry-sponsored R&D represents 2.1% of total academic R&D expenditures. West Virginia's share of industry-sponsored R&D (2.1% in 2024) is higher than the EPSCoR median (1.6%).

Table 1. Industry-Sponsored R&D Expenditures (\$M)

	2019	2020	2021	2022	2023	2024
Industry-Sponsored Academic R&D Expenditures						
West Virginia	\$6.3	\$6.6	\$4.7	\$5.3	\$5.5	\$6.5
EPSCoR median	\$6.1	\$7.0	\$6.8	\$5.8	\$6.9	\$6.9*
Total Academic R&D Expenditures						
West Virginia	\$213.0	\$217.8	\$231.3	\$248.0	\$286.6	\$304.3
EPSCoR median	\$292.1	\$297.4	\$319.4	\$368.9	\$419.9	\$419.9*
Percentage of Total Academic R&D Expenditures						
West Virginia	2.9%	3.0%	2.0%	2.2%	1.9%	2.1%
EPSCoR	2.1%	2.4%	2.1%	1.6%	1.6%	1.6%*

Note: *2023 data is the most recent data available for all EPSCoR states and territories. West Virginia 2024 data are preliminary.

Source: National Center for Science and Engineering Statistics (2025). Higher Education R&D Survey, multiple years.

In calendar year 2024, West Virginia R&D-intensive small businesses were awarded 15 Phase 1 awards totaling \$3 million, up from 11 SBIR/STTR awards totaling \$2.1 million in 2023. West Virginia small businesses were awarded two Phase 2 awards totaling \$1.8 million, down from 4 awards totaling \$6.3 million in 2023. Because there is significant year-to-year variability in applications and awards, it is better to analyze three-year rolling averages for long-term trends. From 2018-2020 to 2022-2024, SBIR/STTR awards, Phase 1 awards increased from an average 8 awards to 10 awards, but Phase 2 awards declined from an average 5 awards to 3 awards.

Table 2. West Virginia SBIR/STTR Awards by Phase, by Count and Value

	2018	2019	2020	2021	2022	2023	2024
Phase 1							
Count of awards	6	7	10	6	5	11	15
Award value		\$1.0	\$1.3	\$1.1	\$1.0	\$2.1	\$3.0
Phase 2							
Count of awards	6	4	5	2	4	4	2
Award value		\$4.0	\$6.4	\$1.8	\$6.4	\$6.3	\$1.8

Source: Small Business Administration (2025). SBIR/STTR Database, multiple years.

The number of companies participating could be increased by adding more state matching funding in the EEIF and the creation of an R&D Voucher program, which are recommendations made in Vision 2025 that have not been implemented.

Focus Area Four: High-Tech Companies

Vision: The vision is to make West Virginia home to high-tech companies and industries and to grow business R&D and innovation activities.

Goals include attracting R&D-oriented federal operations; ensuring that infrastructure, facilities, and specialized equipment are available to high-tech companies; and working with the West Virginia Department of Economic Development (DED) on recruitment of high-tech companies. Actions include supporting programs to move federal anchors to the state, leveraging R&D vouchers, and collaborating for high-tech company recruitment.

FY 25 Results and Recommendations for Focus Area Four:

“In September 2024, The U.S. Commerce Department and the National Oceanic and Atmospheric Administration announced \$100 million in funding awarded to General Dynamics Information Technology for NOAA’s newest high-performance computer system. The system, called Rhea, will be installed in a new modular facility as part of the NOAA Environmental Security Computing Center, located at the I-79 Technology Park in Fairmont. Rhea will advance research on weather, climate, ocean and ecosystem prediction. The system features graphics processing units that will accelerate NOAA’s use of AI/ML in a range of areas, including monitoring marine life species, weather forecasting and modeling of specific environmental phenomena such as atmospheric rivers, fire weather, and hurricane intensification using Earth observations” (Sourced from: https://www.wvnews.com/news/wvnews/noaa-commerce-department-announce-100m-for-new-high-performance-computer-system-in-fairmont-west-virginia/article_248446e4-6a3f-11ef-99d6-f336dc0c616d.html)

Continue collaborations with WV Division of Economic Development on initiatives such as *Opportunity Move*.

Focus Area Five: Stakeholders

Vision: The vision is industry-academic-government stakeholders agree on the importance of science and technology in the state economy and collaborate on plan goals and actions.

Goals include establishing strong communications between stakeholders and working together to overcome challenges. Actions include conducting meetings for industry, academia, legislators, and executive branch stakeholders that identify two to three collaborative projects each year and reporting on the outcomes of the plan.

FY 25 Results and Recommendations for Focus Area Five:

One way stakeholders have collaborated is on NSF Engines proposals that require public-private partnership on high-priority critical and emerging technology areas. From the 300+ concept paper stage to the 71 invited full proposals, West Virginia was chosen for an NSF Engines Development award in March 2024. NSF announced in July 2025, that West Virginia and its partners, the University of Pittsburgh, Carnegie Mellon University, and the United State Research Impact Alliance were selected as one of 29 semifinalists nationwide. (Source: <https://enews.wvu.edu/articles/2025/07/15/wvu-part-of-regional-consortium-selected-as-nsf-semifinalist-for-transformative-energy-initiative>)

In-person site visits occurred in FY25. The team is awaiting a pending decision on the site visit stage before the final award decisions are made in late 2025/early 2026. The award has a potential value of \$160M over 10 years.

NSF Engines: Resilient Energy Technology and Infrastructure Consortium-West Virginia and Western Pennsylvania

Award ID: 2315455 (NSF Engines Development Award)

Lead Institution: West Virginia University Research Corporation

(WV) PI: Olesh, Erienne

Primary Key Technology Area: Advanced Energy and Industrial Efficiency Technologies

There are plans to convene stakeholders, from the Executive Committee that developed the **Vision 2030 Science and Technology Plan**, approximately three times per year, to improve communication, coordination, and collaboration related to the progress on statewide science and technology initiatives.

There are multi-institutional collaborations underway by three different institutions with the intention to submit proposals to the new NSF E-RISE program. Plans are also underway at one institution for an NSF E-CORE planning grant that would lead to a multi-institutional E-CORE proposal.

Conclusion

The Science & Research Council appreciates that great strides have been made as the result of the **Vision 2025** Plan. The **Vision 2030** Plan was developed from January to June 2025 and was approved by the West Virginia Science and Research Council on June 26, 2025. The **Vision 2030** Plan will be used to guide proposals for new NSF and other federal funding opportunities.

**Report to the Legislative Oversight Commission on Education
Accountability**

**2025 Veteran-Friendly Campus Act Report
(§18B-4-9)**

August 25, 2025

**West Virginia
Higher Education
Policy Commission**

Michael J. Farrell, Esq.
Chair

Sarah Armstrong Tucker, Ph.D.
Chancellor

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**West Virginia
Council for Community
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The Honorable Randy Smith
President
West Virginia State Senate
Room 229M, Building 1
State Capitol Complex
Charleston, West Virginia 25305

The Honorable Roger Hanshaw
Speaker of the House
West Virginia House of Delegates
Room 228M, Building 1
State Capitol Complex
Charleston, West Virginia 25305

Dear Mr. President and Mr. Speaker:

In accordance with West Virginia Code §18B-4-9, I am pleased to provide the following report regarding services and facilities for student veterans enrolled in West Virginia's public colleges and universities. We appreciate the Legislature's ongoing support of efforts to improve veterans' success in higher education.

The Office of Veterans Education and Training (OVET) of the West Virginia Higher Education Policy Commission (Commission) has continued to support legislative intent to provide "veteran-friendly" services to student veterans throughout the State. OVET works closely with its counterparts at the U.S. Department of Veterans Affairs (VA) to ensure that educational programs offered in the State of West Virginia are compliant with State and Federal laws and regulations and available to students using VA education benefits.

A survey was conducted to determine compliance with the various sections of the Code. Nineteen participated in the survey; West Virginia University officials also responded on behalf of Potomac State College of WVU and WVU Institute of Technology. The following table includes the applicable sections of the Code and corresponding findings based on the survey results. The Commission and OVET are committed to working with the institutions to achieve compliance with all areas of the Code.

W. VA. CODE §18B-4-9	ACTIVITIES/RESULTS
(1) Establishing veteran-friendly community and technical college degree programs, which recognize and award academic credit toward degrees for various types of technical and vocational military training and experience;	18 institutions report compliance. Due to the unique mission of the West Virginia School of Osteopathic Medicine, it is unable to accept credit in this area toward the completion of its program. Our four-year institutions noted that although not a community and technical college, prior credit is granted for military training and experience.
(2) Developing policies for each State institution of higher education to grant academic credit for Armed Forces experiences;	18 institutions report compliance. Due to the unique mission of the West Virginia School of Osteopathic Medicine, it is unable to accept credit in this area toward the completion of its program.
(3) Developing programs to encourage student veterans to share their specialized experience and knowledge gained through military service by making presentations in class, public school programs, and local community organizations;	Nearly all (18 of 19) institutions have developed programs of encouraging and allowing student veterans to share their experiences. Where programs are not available, it is common practice to encourage veterans to use their experiences to share with other students when possible.
(4) Establishing and sponsoring an organization for student veterans on campus and encouraging other veteran-friendly organizations;	Nearly all institutions (17 of 19) have active student veteran organizations. Others encourage participation with local VA organizations and campus activities but do not have an active organization at this time due to online courses being the enrollment format of veteran students and/or the current (small) number of veteran students.
(5) Appointing and training specific faculty within each degree program or major as liaisons and contacts for student veterans;	Over two-thirds of all institutions (14 of 19) report compliance. Some institutions described trained faculty or staff available for some but not every program or major. A few

	institutions cite staff limitations due to large amounts of turnover, however, the School Certifying Official (SCO) remains a point-of-contact on campus.
(6) Providing information about programs that grant credit for prior learning to student veterans and potential student veterans;	18 institutions report compliance. Due to the unique mission of the West Virginia School of Osteopathic Medicine, it is unable to accept credit in this area toward the completion of its program.
(7) Coordinating existing disability services on campus with veteran disability services available from the United States Department of Veterans Affairs, other Federal and State agencies, and private resources;	19 of 19 institutions report compliance.
(8) Designating individuals to provide financial and psychological counseling services on each campus who are trained to effectively respond to the needs of veterans and to provide services or referrals to services to fulfill these needs for student veterans, and to the extent practicable, providing those services and programs in one location;	18 of 19 institutions provide both services, and one institution offers referral services to psychological counseling services.
(9) Developing training materials on responding to student veteran needs to be available for continued professional development of counselors to student veterans;	A majority (17 of 19) of institutions report compliance.
(10) Facilitating regular statewide meetings for all personnel at State institutions of higher education who regularly provide specific services to student veterans to discuss and develop best practices, exchange ideas and experiences, and hear presentations by individuals with generally accepted expertise in areas	All institutions report compliance in some form. Some do not facilitate or convene statewide meetings but participate in sponsored veteran trainings and best practices. The SAA holds a statewide meeting for all SCOs each November, and this year had a second statewide meeting (May) to address the many changes coming

of the various needs of student veterans;	from the Department of Veterans Affairs.
(11) Gathering data on the status of student veterans, including their graduation rates, comparing that rate with the graduation rate of other students in the institution, and reporting those results to appropriate State and Federal agencies, including the West Virginia Legislature;	All institutions report compliance. All institutions are identifying student veterans in reports that are requested.
(12) Establishing a program to create a collaborative relationship between student veterans and alumni of the institution, and with prospective employers to facilitate and provide employment as well as social opportunities to graduating student veterans;	Most (16 of 19) institutions have accomplished this initiative. Colleges are working with alumni associations to foster such relationships.
(13) Developing and facilitating communications between State institutions of higher education and various veteran organizations in the State to advance veteran causes that benefit student veterans;	17 of 19 institutions report compliance.
(14) Coordinating among all relevant departments within each State institution of higher education including but not limited to admissions, the registrar, the bursar, the veterans advocate, and financial aid to ensure that relevant deadlines or time-lines are met for certifying veterans' enrollment as early as practicable to ensure that assistance is received from the U.S. Department of Veterans Affairs (DVA) in a timely fashion.	All 19 institutions report compliance.
(15) Each State institution of higher education shall appoint or designate and train a person, preferably a	Nearly all (18 out of 19) institutions report compliance. Last year, all institutions reported compliance. OVET believes this is most likely due

veteran, to serve as a veterans advocate on its campus.	to recent turnover in the School Certifying Official.
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Please feel free to contact our office if we can provide additional information regarding this report.

Sincerely,



Sarah Armstrong Tucker, Ph.D.
Chancellor

cc: The Honorable Amy Grady
Chair, Senate Education Committee

The Honorable Joe Ellington
Chair, House Education Committee