

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

October 2, 2026 | 9:00 a.m. | Virtual Meeting

By Phone: 1-309-205-3325 and enter meeting ID 817 7248 8514

[Click Here to Join the Meeting](#)

AGENDA

- I. Call to Order
- II. Approval of Minutes.....Page 2
- III. Chairman’s Report
- IV. Chancellor’s Report
- V. Update on Underwood-Smith Teaching Scholars Program.....Page 10
- VI. Approval of Appointment to the West Virginia Regional Technology Park Board of Directors.....Page 25
- VII. Approval of the College of Saint Joseph the Worker to Offer Courses (Internships) in West Virginia.....Page 26
- VIII. Request of Salem University for Reinstatement of Eligibility for State Financial Aid Programs
- IX. Approval of Proposed Series 6, Emergency Rule, Higher Education Future Workforce Grant Program.....Page 28
- X. Approval of Proposed Series 42, Emergency Rule, West Virginia Higher Education Grant Program.....Page 34
- XI. Possible Executive Session Under the Authority of W. Va. Code § 6-9A-4 for Internal Deliberative Discussion Regarding Bluefield State University
- XII. Additional Board Action and Comment
- XIII. Adjournment

DRAFT MINUTES

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

June 12, 2026

I. Call to Order

Chairman Michael Farrell convened a meeting of the West Virginia Higher Education Policy Commission (Commission) on June 12, 2026, at 9:00 a.m., in the David K. Hendrickson Conference Center, Building 2000 of the West Virginia Regional Technology Park, 2001 Union Carbide Drive, South Charleston, West Virginia, and by Zoom videoconference and conference call. The following Commission members participated: James Denova; Michael J. Farrell; Diana Lewis Jackson; Andrew A. Payne; E. Gail Pitchford, Michelle Blatt, Ex-Officio, and Steve Roberts, Ex-Officio. Other participants included university representatives, Chancellor Sarah Armstrong Tucker, and Commission staff.

Chairman Farrell secured a quorum and welcomed all participants to the meeting.

II. Approval of Minutes

Commissioner Payne moved to approve the minutes of the April 1, 2026, Commission meeting. Commissioner Roberts seconded the motion. Motion passed.

III. Chairman's Report

Chairman Farrell recognized Dr. Chris Treadway's contributions to the work of the Commission, especially in regard to the higher education funding formula, as Dr. Treadway moves into a new role as president of BridgeValley Community and Technical College.

A. Election of Officers

Commissioner Denova reported the recommendation of the Nominating Committee of the following slate of officers:

- Chair: Michael Farrell
- Vice Chair: Andrew Payne
- Secretary: E. Gail Pitchford

There being no other nominations, Chairman Farrell entertained a motion to approve the slate of officers for the upcoming year.

Commissioner Roberts moved to approve the nominated candidates to serve as officers of the Higher Education Policy Commission from July 1, 2026, to

June 30, 2027. Commissioner Jackson seconded the motion. Motion passed.

B. 2027 Meeting Dates

Commissioner Payne moved to approve February 26, June 11, September 17, and December 10 as the 2027 meeting dates. Commissioner Roberts seconded the motion. Motion passed.

IV. Chancellor's Report

Chancellor Tucker provided an update on Commission-sponsored events and student accomplishments, including the GEARUP Career Academy which brought in over 60 West Virginia businesses and 1,000 high school students. Chancellor Tucker thanked House Education Chairman Statler for sharing his time with attendees of the Student Leadership Conference. She also introduced the incoming president of Shepherd University, Dr. Cameron Wesson, who was in attendance.

Chancellor Tucker closed by recognizing the incredible work of Dr. Chris Treadway in his eleven years of dedicated service to the Commission and Council for Community and Technical College Education.

V. Approval of Appointment to the Higher Education Student Financial Aid Advisory Board

Mr. Brian Weingart, Senior Director of Financial Aid, presented the agenda item.

Commissioner Roberts moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the appointment of Tammy Brown to the Higher Education Student Financial Aid Advisory Board.

Commissioner Payne seconded the motion. Motion passed.

VI. Approval of Lancaster Bible College to Continue Offering Courses in West Virginia

Dr. Chris Rasmussen, Vice Chancellor for Academic Affairs, presented the agenda item.

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves Lancaster Bible College to continue to offer college courses to students at Lodestar Mountain Inn in Pendleton County through June 30, 2027

Commissioner Roberts seconded the motion. Motion passed.

VII. Approval of Master of Science in Engineering Technology

Dr. Rasmussen presented the agenda item.

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves Bluefield State University to offer the Master of Science in Engineering Technology program beginning with the Fall 2026 academic term. This approval expires two years from the date of Commission approval if the program is not fully implemented at that time.

Commissioner Roberts seconded the motion. Motion passed.

VIII. Possible Executive Session Under the Authority of W. Va. Code § 6-9A-4 to Discuss Licensure of Wheeling University

A. Approval of Provisional Reauthorization of Wheeling University

Dr. Rasmussen presented the agenda item. Chairman Farrell invited Mr. David Hendrickson, chairman of the Wheeling University Board of Trustees, to address the Commission and answer questions.

No executive session was requested.

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves provisional reauthorization of Wheeling University.

Commissioner Roberts seconded the motion. Motion passed.

IX. Approval of Institution Capital Assessments for Fiscal Year 2027

Ms. Misty Price, Vice Chancellor for Finance and Facilities, presented the agenda item.

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the institution capital assessments for Fiscal Year 2027 as shown in Table 2.

Commissioner Pitchford seconded the motion. Motion passed.

X. Review of Tuition and Fees

Ms. Price presented the information item.

XI. Review of Fiscal Year 2027 Institutional Operating and Capital Budgets and Approval of Institutional Capital Budgets

Ms. Price presented the agenda item.

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2027 institutional capital budgets.

Commissioner Roberts seconded the motion. Motion passed.

XII. Approval of Fiscal Year 2027 Higher Education Policy Commission Division Operating Budgets and Higher Education System Initiatives

Ms. Price presented the agenda item.

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2027 division operating budgets and Higher Education System Initiatives.

Commissioner Roberts seconded the motion. Motion passed.

XIII. Approval of Fiscal Year 2027 WVNET Budget

Mr. Steven White, Executive Director of WVNET, presented the agenda item.

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2027 West Virginia Network for Educational Telecomputing budget.

Commissioner Roberts seconded the motion. Motion passed.

XIV. Approval of Revisions to Commission Rules

Mr. Joe Jenkins, General Counsel, presented each of the rule revisions.

A. Series 6, Legislative Rule, Higher Education Adult Part-Time Student (HEAPS) Grant Program

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves revisions to Series 6, Legislative Rule, Higher Education Adult Part-Time Student Grant Program, to be filed with the Secretary of State for a 30-day public comment period, and if no substantive comments are received, forward the rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action.

Commissioner Roberts seconded the motion. Motion passed

B. Series 42, Legislative Rule, West Virginia Higher Education Grant Program

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves revisions to Series 42, Legislative Rule, West Virginia Higher Education Grant Program, to be filed with the Secretary of State for a 30-day public comment period and if no substantive comments are received, forward the rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action.

Commissioner Roberts seconded the motion. Motion passed

C. Series 7, Legislative Rule, West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence (Promise) Scholarship Program

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves revisions to Series 7, Legislative Rule, Promise Scholarship Program, to be filed with the Secretary of State for a 30-day public comment period, and if no substantive comments are received, forward the rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action.

Commissioner Roberts seconded the motion. Motion passed

D. Series 34, Legislative Rule, Medical Student Loan Program

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission

approves revisions to Series 34, Legislative Rule, Medical Student Loan Program, to be filed with the Secretary of State for a 30-day public comment period, and if no substantive comments are received, forward the rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action.

Commissioner Roberts seconded the motion. Motion passed

E. Series 41, Procedural Rule, Health Sciences Service Program

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves revisions to Series 41, Procedural Rule, Health Sciences Service Program, to be filed with the Secretary of State for a 30-day public comment period, and if no substantive comments are received, forward the rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action.

Commissioner Roberts seconded the motion. Motion passed

F. Series 63, Legislative Rule, Mental Health Loan Repayment Program

Commissioner Payne moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves revisions to Series 63, Legislative Rule, Mental Health Loan Repayment Program, to be filed with the Secretary of State for a 30-day public comment period, and if no substantive comments are received, forward the rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action.

Commissioner Roberts seconded the motion. Motion passed

XV. Possible Executive Session under the Authority of West Virginia Code §6-9A-4 to Discuss Personnel Matters

A. Annual Chancellor's Evaluation

B. Approval of Chancellor's Contract

Executive session was not requested. Mr. Matt Turner, Executive Vice Chancellor for Administration, presented the agenda items for consideration.

Commissioner Payne moved approval of the following resolution:

Resolved, that the West Virginia Higher Education Policy Commission approves Dr. Sarah Armstrong Tucker's contract as proposed.

Commissioner Roberts seconded the motion. Motion passed.

XVI. Possible Executive Session under the Authority of West Virginia Code §6-9A-4(9) & (12) to Discuss Matters Involving Commercial Competition and Matters Rendered Confidential by Statute Regarding the West Virginia Regional Technology Park Corporation

Chairman Farrell entertained a motion to enter executive session.

Commissioner Pitchford moved that the Higher Education Policy Commission enter executive session to discuss matters rendered confidential by statute regarding the West Virginia Regional Technology Park. Commissioner Payne seconded the motion. Motion passed and Commissioners moved into a private meeting space.

When Commissioners returned to the regular meeting space, Chairman Farrell entertained a motion to rise from executive session.

Commissioner Pitchford moved that the Higher Education Policy Commission rise from executive session and resume the business meeting. Commissioner Roberts seconded the motion. Motion passed.

Chairman Farrell stated that no action was taken during executive session.

XVII. Approval of Appointments to the West Virginia Regional Technology Park Board of Directors

Chancellor Tucker presented names for consideration for appointment to the board of directors for the West Virginia Regional Technology Park.

Commissioner Roberts moved approval of the following resolution:

Resolved, That the West Virginia Higher Education Policy Commission approves the appointments of

- Bill Crane
- Kevin DiGregorio
- Michael J. Farrell
- Sarah Armstrong Tucker

to the West Virginia Regional Technology Park Board of Directors, to terms beginning July 1, 2026 through June 30, 2029.

Commissioner Pitchford seconded the motion. Motion passed.

XVIII. Additional Board Action and Comment

XIX. Adjournment

There being no further business, Commissioner Pitchford moved to adjourn the meeting. Commissioner Denova seconded the motion. Motion passed.

Michael J. Farrell, Chairman

E. Gail Pitchford, Secretary

**West Virginia Higher Education Policy Commission
Meeting of October 2, 2026**

ITEM: Update on Underwood-Smith Teaching Scholars Program

INSTITUTION: All

RECOMMENDED RESOLUTION: Information item

STAFF MEMBER: Sarah Armstrong Tucker

BACKGROUND:

Chancellor Tucker will provide an update about the success of the Underwood-Smith Teaching Scholarship Program. A similar presentation was shared with the Joint Standing Committee on Education during the September Legislative Interim Meetings.

The Underwood-Smith Teaching Scholars Program is a competitive scholarship for current high school seniors and recent high school graduates with a passion for teaching and a history of high academic achievement, community service, and active involvement in extracurricular activities while in high school. Recipients receive up to \$10,000 per year for approved educational expenses for up to four years. In exchange, Underwood-Smith Teaching Scholars must agree to teach full time under contract with a county board of education in a public education program in West Virginia in an area of critical need (math, science, elementary education or special education) for a period of five years after graduating from college.



UNDERWOOD-SMITH



Teaching

SCHOLARS



Underwood-Smith's Impact

- It's the most competitive state scholarship program.
- Program provides up to \$40,000 to West Virginia's top aspiring teachers.
- Students move through four rounds of a selection process.
- Since 2020, 25 students are selected each year.
- Students commit to teaching in WV, in an in-demand field, for five years.
- First cohort graduated from college in 2024.
- 42 Underwood-Smith Teaching Scholars are now teaching in West Virginia classrooms, inspiring the next generation of students.



Strong Pipeline of Future West Virginia Educators

2024

111 Eligible applicants not awarded

94 Enrolled at WV public institutions

2025

167 Eligible applicants not awarded

118 Enrolled at WV public institutions

- *Of those who are not at a public institution, many have matriculated to a private or out-of-state school.*

212 students enrolled at West Virginia public institutions across the two years — and the majority chose Education.



From Scholar to Teacher

57 Underwood-Smith Scholars have graduated.

42 are now teaching in West Virginia classrooms.

74% of graduates are now teaching in West Virginia.

8 graduates have also earned master's degrees in education.



42 graduates are now in WV classrooms

22 WV counties

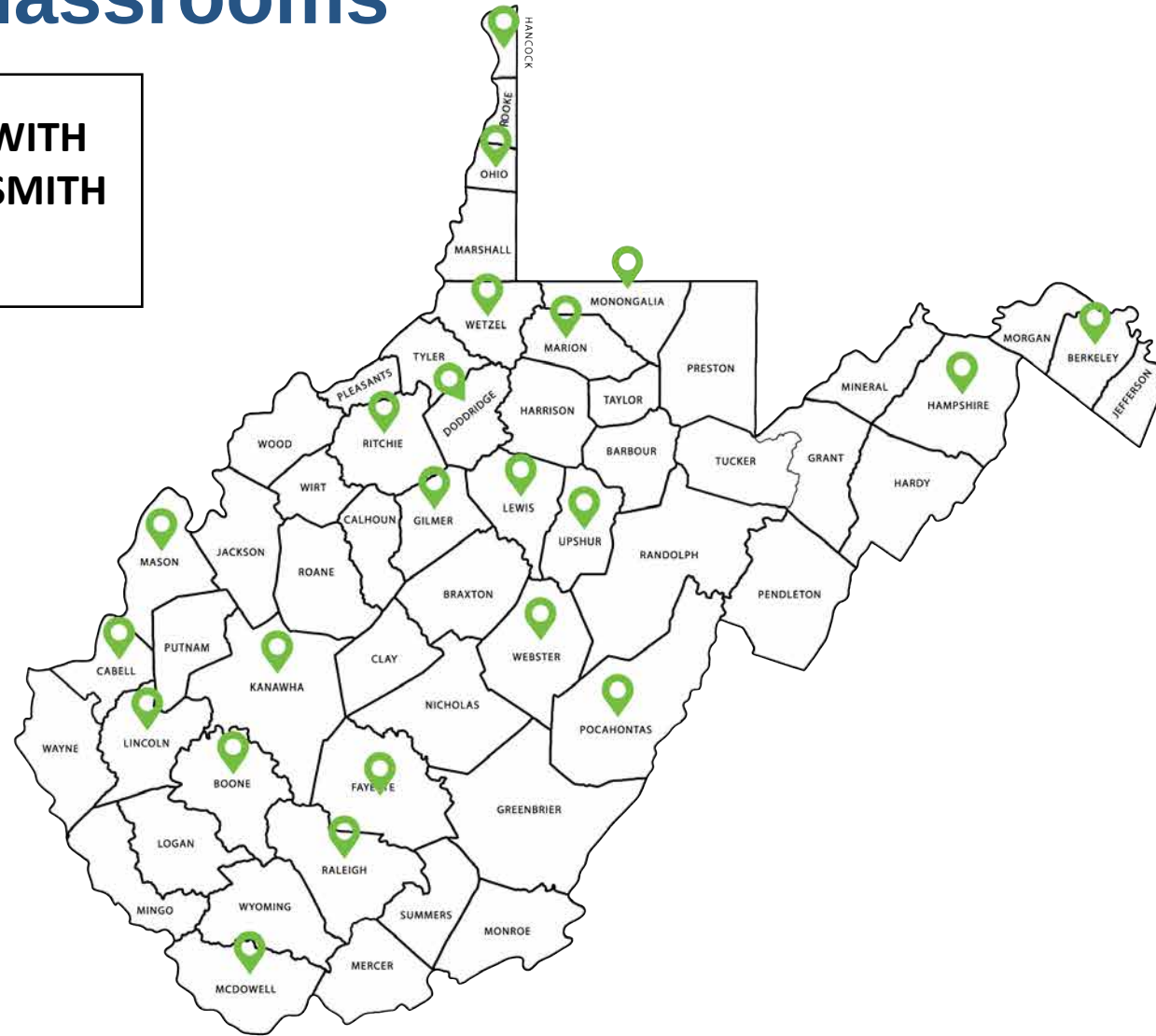
currently have Underwood-Smith Teaching Scholars as teachers.



**WV COUNTIES WITH
UNDERWOOD-SMITH
TEACHERS**

- 📍 Berkeley
- 📍 Boone
- 📍 Cabell
- 📍 Doddridge
- 📍 Fayette
- 📍 Gilmer
- 📍 Hampshire
- 📍 Hancock
- 📍 Kanawha
- 📍 Lewis
- 📍 Lincoln
- 📍 Marion
- 📍 Mason
- 📍 McDowell
- 📍 Monongalia

- 📍 Ohio
- 📍 Pocahontas
- 📍 Raleigh
- 📍 Ritchie
- 📍 Webster
- 📍 Wetzel
- 📍 Upshur



Lauren Marquart – From Scholar to WV Teacher

*2021 Underwood-Smith Teaching Scholar recipient
Graduated from Wheeling Park High School*

Underwood-Smith Teaching Scholars Program provided Lauren:

- Financial Assistance.
- Confidence in her decision to become a teacher.
- The opportunity to graduate with zero student debt.
- Valuable classroom experience.
- Connections and mentorship within the education field.
- The freedom to focus on becoming the best educator she could be.



Lauren Marquart – From Scholar to WV teacher

2021 Underwood-Smith Teaching Scholar recipient

“ It reminded me that teaching is an important profession and motivated me to work even harder to become the kind of educator my students deserve. ”



Lauren Marquart – From Scholar to WV Teacher

2021 Underwood-Smith Teaching Scholar recipient

Today, Lauren is a second-grade teacher at Suncrest Elementary School in Morgantown.

The investment made in her as a college student is now an investment in West Virginia students.

She is building relationships with students and families, creating a classroom where children feel supported, and helping young West Virginians recognize their own potential.



Meet Sam Dudgeon – Underwood Smith Scholar

Graduated from Mount View High School in McDowell County

At age 9, Sam and his family moved from Ohio to McDowell County.

He dreamed of returning that investment in his community by becoming a ***history and math teacher in McDowell County schools*** — helping fill critical teaching needs while giving back to the community he calls home.

Watch Sam share why he wants to become a teacher.



Meet Sam Dudgeon – Underwood Smith Scholar

Graduated Mount View High School in McDowell County

Today, thanks to the Underwood-Smith Scholarship Program, Sam is living his dream.

He is currently a teacher at River View High School in McDowell County.



Meet Bailey Olinger– Underwood Smith Scholar

Graduated from University High School in Morgantown

Bailey's passion for helping students with special needs is deeply personal. Her older brother was diagnosed with autism before she was born, and she grew up witnessing both his challenges and his successes.

Now Bailey wants to help other students like her brother reach their full potential. She cares too much not to help.

Watch Bailey share why she wants to become a teacher.



Meet Bailey Olinger– Underwood Smith Scholar

University High School in Morgantown

“ **It’s really big because I’m actually putting myself through college. It’s going to help me so much to have this scholarship.** ”

Bailey said while appearing on MetroNews’ “Talkline”



Meet Bailey Olinger– Underwood Smith Scholar

University High School in Morgantown

“ **The 5-year commitment didn’t affect me because I plan to stay here in West Virginia. I do love it here and I want to see improvement.** ”

Bailey said while appearing on MetroNews’ “Talkline”



“ **Education is not the
filling of a pail, but
the lighting of a fire.** ”

- W.B. Yeats

**West Virginia Higher Education Policy Commission
Meeting of October 2, 2026**

ITEM: Approval of Appointment to the West Virginia Regional Technology Park Board of Directors

INSTITUTION: West Virginia Regional Technology Park

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the appointment of Matt Hartsog to the West Virginia Regional Technology Park Board of Directors to a term ending June 30, 2028.

STAFF MEMBER: Sarah Armstrong Tucker

BACKGROUND:

Appointments to the West Virginia Regional Technology Park Board of Directors are to be made by the Commission when terms have expired or vacancies exist on the Board.

It is recommended that Matt Hartsog be appointed to fulfill the terms of membership beginning immediately and ending June 30, 2028.

West Virginia Higher Education Policy Commission
Meeting of October 2, 2026

ITEM: Approval of the College of St. Joseph the Worker, an Ohio-based institution, to offer courses (internships) in West Virginia

INSTITUTION: The College of St. Joseph the Worker

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the College of St. Joseph the Worker to offer college courses (internships) to students in West Virginia beginning immediately and continuing through August 31, 2027.

STAFF MEMBER: Chris Rasmussen

BACKGROUND:

Title 133 Legislative Rule Series 20, Initial Authorization of Degree-Granting Institutions, Section 7.3, addresses accredited, out-of-state institutions seeking to locate in West Virginia:

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

The College of St. Joseph the Worker, established in 2024 in Steubenville, Ohio, offers bachelor's degree programs that combine liberal arts education with skilled trades training in HVAC, plumbing, electrical, and carpentry. The College is authorized by the Ohio Department of Higher Education and is currently in the process of seeking accreditation from the Higher Learning Commission.

As part of its academic model, sophomore, junior, and senior students complete required apprenticeship experiences with partner employers. The College is seeking approval for students to complete a portion of these apprenticeship experiences at worksites in West Virginia, primarily in Weirton. The College estimates that approximately 15 of its 58 apprentices would complete approximately 20 hours per week in West Virginia, primarily through residential construction projects, while approximately half of the remaining apprentices may participate periodically in West Virginia-based HVAC, plumbing, and electrical work. All classroom instruction would continue to be provided in Ohio.

The West Virginia-based experiences would be associated with a sequence of nine three-credit Trades Internship courses, totaling 27 credit hours. The courses progress from INT 201: Trades Internship Level 1 through INT 403: Trades Internship Level 9 and provide academic credit for qualifying internship or job experiences in a student's trade area. Each course builds sequentially on the prior internship level, allowing students to develop and document trade-related skills through work-based learning experiences.

**West Virginia Higher Education Policy Commission
Meeting of October 2, 2026**

ITEM: Approval of Proposed Series 6, Emergency Rule, Higher Education Future Workforce Grant Program

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the proposed Series 6, Higher Education Future Workforce Grant Program, to be filed as an Emergency Rule with the Secretary of State.

STAFF MEMBER: Joseph Jenkins

BACKGROUND:

At its June 12, 2026, meeting, the Commission approved revisions to the *Legislative* rule – Series 6, Higher Education Future Workforce Grant Program – in response to the passage of the financial aid revamp bill, House Bill 5212, during the 2026 Legislative Session. The bill also required the revisions to be filed as an emergency rule. Accordingly, this resolution is to meet that statutory requirement by approving the filing of the emergency rule that is identical to the previously approved legislative rule.

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

**SERIES 6
HIGHER EDUCATION ~~ADULT PART-TIME STUDENT (HEAPS)~~ FUTURE WORKFORCE
GRANT PROGRAM**

§133-6-1. General.

1.1. Scope. -- This rule establishes guidelines and procedures which will direct the operation of the Higher Education ~~Adult Part-time Student~~ Future Workforce Grant Program, hereinafter referred to as HEAPS Future Workforce Grant.

1.2. Authority. -- W. Va. Code §18C-5-7(e).

1.3. Filing Date. -- ~~February 29, 2024.~~

1.4. Effective Date. -- ~~March 29, 2024.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force of effect on August 1, 2032.

§133-6-2. Definitions.

2.1. Unless the context in which used clearly requires a different meaning, the definitions contained in W. Va. Code §§ 18B-1-2 and 18C-5-7 apply to this rule in addition to the definitions set forth below:

2.2. “Free Application for Federal Student Aid” or “FAFSA” means the form provided by the U.S. Department of Education and completed by current and prospective college students to determine their eligibility for student financial aid.

~~2.3. “HEAPS Part Time program” means the grant awarded to students who demonstrate financial need and who desire to continue their education at the postsecondary level on a part-time basis.~~

~~2.43.~~ “HEAPS Future Workforce program Grant” means the grant awarded to:

~~2.43.1.~~ Students who demonstrate financial need and who are enrolled in short-term training programs of 12 months or less in a postsecondary certificate, industry-recognized credential, or other skill development programs in a demand occupation in the State; and

~~2.43.2.~~ Community and technical colleges for noncredit and customized training programs.

~~2.5. “Part time,” for the HEAPS Part-time Grant, means enrollment for not fewer than three nor more than 11 semester or term hours or the equivalent as determined by the Vice Chancellor. For the HEAPS Workforce Grant, “part-time” means enrollment on such basis as is established for the program in which the student is enrolled.~~

~~2.64.~~ “Student Aid Index” (formerly known as Expected Family Contribution) means the number calculated by the U.S. Department of Education for Title IV federal student aid that helps determine how much financial aid a student could receive for the upcoming academic year.

2.75. “Title IV” means Title IV of the federal Higher Education Act of 1965, which covers the administration of the federal student financial aid programs.

2.86. “Vice Chancellor for Administration” or “Vice Chancellor” means the person whose duties and authorities related to the administration of financial aid programs is established by W. Va. Code § 18B-4-2 or his or her designee.

§133-6-3. Funding.

~~3.1. For the HEAPS Part time Grant, up to 65 percent of each year’s appropriation shall be allocated to eligible institutions as defined in W. Va. Code § 18C-5-7(b)(4) based on prior year part time enrollment at said institutions. The Vice Chancellor shall distribute the pro rated share of funds directly to the individual institution.~~

~~3.1.1. The Vice Chancellor for Administration may redistribute to eligible institutions uncommitted funds within an award year.~~

~~3.1.2. Any funds not expended by the institution at the end of each fiscal year shall be returned to the Vice Chancellor for Administration for distribution in subsequent years.~~

3.21. ~~For the HEAPS Workforce Grant, t~~The Vice Chancellor shall reserve not less than twenty five percent of may use a portion of each year’s appropriation for distribution to students enrolled in postsecondary certificate, industry-recognized credential, and other skill development programs of study.

~~3.2.1. Eligible institutions offering eligible programs or courses that would like to participate in the HEAPS Future Workforce Grant must apply to the Vice Chancellor for Administration.~~

~~3.2.2. If the Vice Chancellor determines that it is not feasible to award twenty five percent of the appropriation to the HEAPS Workforce Grant, then he or she may allocate less than twenty five percent of funds to the HEAPS Workforce Grants after giving written notice to the Legislative Oversight Commission on Education Accountability.~~

3.32. The Vice Chancellor ~~shall reserve ten percent~~ may use a portion of each year’s appropriation for distribution to State community and technical colleges for the delivery of non-credit and customized training programs to assist in meeting training and skills upgrade needs of employers and further the economic development goals of the State.

3.32.1. Eligible programs for funding reimbursement are those that provide non-credit skill upgrade programs that complement West Virginia Development Office or West Virginia Department of Commerce initiatives for targeted industries or targeted employers, promote job creation or retention, or assist in developing skills for new economy jobs or high performance workplaces. The West Virginia Council for Community and Technical College Education, with input from the West Virginia Development Office or West Virginia Department of Commerce, will annually set programmatic funding priorities. Funding will flow to community and technical colleges for the delivery of programs based on a methodology approved by the West Virginia Council for Community and Technical College Education and will not be utilized for those activities for which funds are available from other sources.

3.43. Up to four percent of the amount appropriated each year may be used by the Higher Education Policy Commission for administration expenses and ~~HEAPS Future Workforce Grant~~ information dissemination.

§133-6-4. Administration.

4.1. Each participating institution shall determine whether a ~~HEAPS Part-time~~ Future Workforce Grant applicant meets the eligibility criteria set forth in this rule and distribute grant funds to students in accordance herewith.

4.2. The Vice Chancellor for Administration shall determine an appropriate process for distribution of funds allocated under Section 3-2- of this rule for the ~~HEAPS~~ Future Workforce Grant. This may include allocations to educational entities or awards to students.

§133-6-5. Eligibility Criteria.

5.1. To assist an eligible institution in determining whether an applicant meets the eligibility criteria established in W. Va. Code § 18C-5-7(c), applicants must submit a completed FAFSA to the institution. *Provided,* That persons applying for ~~HEAPS~~ Future Workforce Grant funds to enroll in a postsecondary certificate, industry recognized credential, or other skill development program in a demand occupation may be required to submit an application form in addition to the FAFSA as approved by the Vice Chancellor for Administration.

5.2. Determination of financial need:

5.2.1. Financial need is defined as cost of education as determined by the institution less Student Aid Index (SAI).

5.2.2. Institutional financial aid officers may determine, using professional judgment under Title IV, whether the applicant has any personal hardship that should be taken into consideration in determining the applicant's eligibility.

5.3. Determination of satisfactory progress:

5.3.1. "Satisfactory progress" for a first-time award means being accepted for enrollment by the institution the applicant plans to attend.

~~5.3.2. For the HEAPS Part time Grant, "satisfactory progress" for a student already enrolled in an institution means a recipient must maintain a cumulative grade point average of at least 2.0 on a 4.0 scale or its equivalent for the courses taken after a receipt of the Grant and meet the academic progress requirements of the institution he or she is attending.~~

~~5.3.3. For the HEAPS Workforce Grant, "satisfactory~~ Satisfactory progress" for a student already enrolled in an institution means continuous advancement toward completion of the program on the normal schedule established for that program.

5.4. Renewal:

~~5.4.1. For the HEAPS Part-time Grant, t~~The institution may renew the grant until the student completes the program of study, but may not exceed an additional ~~nine~~ three years beyond the first year of the award. Students may not receive funding for the same program more than once.

~~5.4.2. For the HEAPS Workforce Grant, the institution may renew the grant up to four years so long as the renewed grant is for the student to complete a different program than the program for which the grant was originally awarded.~~

§133-6-6. Additional Programs and Courses.

6.1. In addition to the eligible programs and courses described in W. Va. Code § 18C-5-7, the ~~Council for Community and Technical College Education~~ Vice Chancellor may approve additional courses or programs for grant funding based on industry need.

6.2. ~~For the HEAPS Workforce Grant, the~~ The Council Vice Chancellor shall identify “demand occupations”, as that term is defined in W. Va. Code § 18C-5-7, and prepare and update annually a list of occupations ~~if they~~ that determines meet the requirements of this definition.

6.3. The ~~Council~~ Vice Chancellor shall also approve “skill development programs,” as defined in W. Va. Code § 18C-5-7.

§133-6-7. Amount of Grant.

~~7.1. The HEAPS Part time Grant award for a student enrolled in an approved institution of higher education as defined in W. Va. Code § 18C-5-2 shall be based upon the actual cost of tuition and fees.~~

~~7.2. For students enrolled in any other eligible institution, program, or course, the HEAPS Part time award shall be no greater than the average amount charged for comparable training at institutions designated in Section 7.1.~~

~~7.3.1.~~ The maximum amount of the HEAPS Future Workforce Grant shall be set by the Higher Education Policy Commission and based upon available funding and the workforce demands of the State.

~~7.4. For the HEAPS Part time Grant, total aid may not exceed the recipient’s total cost of education as defined by the institution being attended.~~

~~7.5.2.~~ ~~For the HEAPS Workforce Grant, the~~ Total aid may not exceed the direct cost of the student’s academic program.

§133-6-8. Agreement to Participate and Reports.

8.1. In order for an institution to participate in the HEAPS Future Workforce Grant Programs, the president or the president’s designee and the financial aid officer of the institution shall sign an agreement to participate. ~~This agreement will outline duties of the institutions, including, but not limited to:~~

~~8.1.1. Developing policies and procedures for the operation of the HEAPS Future Workforce Grant Programs, covering at a minimum:~~

~~8.1.1.a. Methods to determine if students meet the eligibility criteria for an HEAPS award;~~

~~8.1.1.b. Guidelines for distribution of grant funds when such funds are insufficient to make distributions to all eligible applicants;~~

~~8.1.1.c. Delivering awards to eligible students;~~

~~8.1.1.d. Reporting the number of students who participated in the HEAPS Part time program and who participated in the HEAPS Workforce Grant program (for determining fund distribution for the coming year). The institutions shall report this information on a form and within a deadline prescribed by the Vice Chancellor for Administration;~~

~~8.1.2.1.e. Reporting~~ An institution shall report annually the number of ~~HEAPS Part time and HEAPS~~

Future Workforce awards made, the total amount of dollars awarded, and such other information as is requested by the Vice Chancellor for Administration. The institutions shall report this information on a form and within a deadline prescribed by the Vice Chancellor for Administration.

8.23. The Vice Chancellor for Administration shall prepare an annual report on the status of the ~~HEAPS~~ Future Workforce Grant Program and present it to the Legislative Oversight Commission on Education Accountability no later than December 1 of each year.

§133-6-9. Audits; Grant Withdrawal and Penalty; Unexpended Funds.

9.1. Participating institutions are subject to such audits and program reviews as may be required by the Vice Chancellor for Administration.

9.2. The Vice Chancellor reserves the right to withdraw a grant from an institution or deny future grant applications upon determination of the institution's unsatisfactory compliance with either this rule or the specifications of the grant application.

9.3. An institution shall reimburse to the Vice Chancellor the total sum of a grant not properly used or accounted for pursuant to this rule.

9.4. An institution shall return any unexpended funds remaining at the end of the academic year to the Vice Chancellor.

**West Virginia Higher Education Policy Commission
Meeting of October 2, 2026**

ITEM: Approval of Proposed Series 42, Emergency Rule, West Virginia Higher Education Grant Program

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves the proposed Series 42, West Virginia Higher Education Grant Program, to be filed as an Emergency Rule with the Secretary of State.

STAFF MEMBER: Joseph Jenkins

BACKGROUND:

At its June 12, 2026, meeting, the Commission approved revisions to the *Legislative* rule – Series 42, West Virginia Higher Education Grant Program – in response to the passage of the financial aid revamp bill, House Bill 5212, during the 2026 Legislative Session. The bill also required the revisions to be filed as an emergency rule. Accordingly, this resolution is to meet that statutory requirement by approving the filing of the emergency rule that is identical to the previously approved legislative rule.

TITLE 133
EMERGENCY RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 42
WEST VIRGINIA HIGHER EDUCATION GRANT PROGRAM

§133-42-1. General.

1.1. Scope: This rule establishes guidelines and procedures that will direct the operation of the West Virginia Higher Education Grant Program, hereinafter referred to as the Higher Education Grant Program or Grant Program.

1.2. Authority. -- West Virginia Code § 18C-5-1(d).

1.3. Filing Date. – ~~February 29, 2024~~.

1.4. Effective Date. – ~~March 29, 2024~~.

1.5. Sunset Provision. – This rule shall terminate and have no further force or effect on August 1, ~~2029~~ 2032.

§133-42-2. [Reserved].

§133-42-3. Definitions.

3.1. Academic Year. A period of time in which a full-time student is expected to complete the equivalent of at least two semesters or other approved academic term.

3.2. Commission. The West Virginia Higher Education Policy Commission as defined in W. Va. Code § 18B-1-2.

3.3. Cost of Attendance. The estimated total amount it will cost a student to attend college during an academic year, including tuition and fees; housing and food for the period of enrollment; books and supplies for education; travel costs directly related to attendance; childcare expenses; costs related to a disability; and other costs determined by the educational institution to be educationally related.

3.4. Council. The West Virginia Council for Community and Technical College Education as defined by W. Va. Code § 18B-2-1.

3.5. Dependent Student. A student who is required to provide parental information on the free application for federal student aid because the student does not meet the criteria established by the U.S. Department of Education to be classified an independent.

3.6. Student Aid Index (SAI). The amount that a family is expected to contribute toward a student's education costs under the federal need analysis. For an independent student, SAI is the same as student contribution. For a dependent student, SAI is the same as the total of student and parent contributions.

3.7. Financial Aid Package. The total amount of financial aid a student receives during an academic

year.

3.8. Financial Need. The demonstrated need of an applicant for financial assistance to meet the actual costs of attending the eligible institution of choice. It is the calculated difference between a student's cost of attendance and his or her SAI.

3.9. Fiscal Year. The State fiscal year begins on July 1 and ends on June 30.

3.10. Free Application for Federal Student Aid (FAFSA). An application that students must complete in order to apply for most forms of financial aid, including the West Virginia Higher Education Grant. The filing of a FAFSA by an individual who indicates West Virginia as his or her state of legal residence will be treated as an application for the West Virginia Higher Education Grant.

3.11. Full-time Student. A student enrolled in a minimum of 12 undergraduate credit hours per semester or other comparable period at an institution with a non-traditional calendar.

3.12. Grant. Financial aid awarded to students that does not have to be paid back. For purposes of this rule, scholarships are included within the definition.

3.13. Higher Education Grant Program or Grant Program. Financial aid program established in W. Va. Code § 18C-5-1, et seq. that provides grants to West Virginia residents based on financial need.

3.14. Independent Student. A student who is not required to provide parental information on the free application for federal student aid (FAFSA) because the student meets the criteria contained in the Higher Education Act of 1965 to be classified an independent student.

3.15. Participating Institution. An institution that is eligible to participate in the West Virginia Higher Education Grant Program and for which a participation agreement is in place.

3.16. Participation Agreement. A contract entered into between a participating institution and the Vice Chancellor for Administration that specifies the rights and responsibilities of the institution and the Vice Chancellor as they relate to participation in the Grant Program.

3.17. Part-time Student. A student enrolled in a minimum of 1, nor more than 11, undergraduate credit hours per semester or other comparable period at an institution with a non-traditional calendar.

~~3.47~~18. Title IV. The section of the Higher Education Act of 1965, as amended, that pertains to federal student financial aid programs.

~~3.48~~19. Undergraduate Student. A student who has not yet met the requirements for a bachelor's degree and who is deemed an undergraduate student by the institution.

~~3.48~~19.1. A student who is enrolled in a program that results in the awarding of a bachelor's and master's degree simultaneously and continues to meet the eligibility guidelines for the federal Pell Grant program is considered an undergraduate student if he or she is in his or her first four years of full-time postsecondary education and has not previously received a bachelor's degree.

~~3.48~~19.2. A student who is enrolled in a doctor of pharmacy program is considered an undergraduate student if he or she has not previously received a bachelor's degree and is deemed an undergraduate student by the institution.

3.4920. Vice Chancellor for Administration or Vice Chancellor. Commission employee statutorily charged with overseeing the West Virginia Higher Education Grant Program or his or her designee.

§133-42-4. Administration.

4.1. The Higher Education Student Financial Aid Advisory Board shall provide financial aid expertise and policy guidance to the Vice Chancellor for Administration.

4.2. The Vice Chancellor for Administration may use no more than three percent (3%) of the amount appropriated each year for the higher education grant program for financial aid administration, award processing, and information dissemination.

§133-42-5. Institution Eligibility.

5.1. Institutions of higher education eligible to participate in the Higher Education Grant Program are defined in W. Va. Code § 18C-5-2; *Provided*, That institutions that are no longer operational or authorized to confer degrees in West Virginia are not “approved institutions of higher education” as defined therein. Out-of-state institutions that have entered into reciprocal agreements with the Vice Chancellor pursuant to W. Va. Code § 18C-5-6 also are eligible to participate in the Grant Program.

5.2. An institution otherwise eligible to participate in the Higher Education Grant Program is excluded from participating by the Vice Chancellor for Administration if:

5.2.1. The institution does not have a signed participation agreement in place; or

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

5.2.3. The Vice Chancellor determines, based upon audits and/or administrative site visits that the institution has mismanaged Higher Education Grant or other state financial aid funds or lacks adequate institutional controls to manage such funds properly.

5.3. Any institution deemed ineligible to participate in the Higher Education Grant Program may appeal the decision in writing within 15 days of receiving notification to the Vice Chancellor for Administration. The Vice Chancellor for Administration, whose decision is final, shall issue a written decision upholding or reversing the initial decision within 20 days of receipt of the appeal.

§133-42-6. Student Eligibility.

6.1. In addition to the criteria established in W. Va. Code § 18C-5-5, to be eligible for a higher education grant award, an applicant must:

6.1.1. Have earned a high school diploma or passed a high school equivalency exam; and

6.1.2. Plan to enroll or be enrolled at a participating Title IV-eligible institution as a full-time or part-time undergraduate student in a degree or certificate-producing program; and

6.1.3. Demonstrate academic promise (for new awards) or achievement (for renewal awards); and

6.1.4. Demonstrate financial need.

6.2. A new Higher Education Grant applicant may satisfy the academic promise requirement in one of the following ways:

6.2.1. An applicant who has ~~earned~~ attempted college credit after high school graduation or since passing the high school equivalency exam demonstrates academic promise if he or she has earned a cumulative college grade point average (GPA) of 2.0 or higher on a 4.0 scale as determined by the participating institution. The applicant must meet the institution's satisfactory academic progress standards.

6.2.2. An applicant who graduated from high school or passed the high school equivalency exam more than five years before enrollment or who has completed active military service and has not ~~earned~~ attempted college credits after high school graduation or the high school equivalent before the date of enrollment demonstrates academic promise if he or she meets the admission requirements of the participating institution.

6.2.3. An applicant who has earned the high school equivalent within the last five years prior to enrollment and has not earned college credits after passing the high school equivalent exam demonstrates academic promise if his or her score meets the minimum score recommended by the Higher Education Student Financial Aid Advisory Board.

6.2.4. An applicant who does not fall within the categories described in Subsections 6.2.1., 6.2.2., or ~~6.32.3.~~ demonstrates academic promise if he or she meets the admission requirements for a degree or certificate program of the participating institution and has a cumulative high school GPA of 2.0 or higher on a 4.0 scale.

6.3. A renewal higher education grant applicant satisfies the academic achievement requirement if the student has maintained a minimum overall grade point average of 2.0 on a 4.0 scale, is meeting institution's academic progress requirement, and

~~6.3.1. If the student received a two semester award, the student must have earned at least the minimum number of credit hours within the academic year as recommended by the Higher Education Student Financial Aid Advisory Board for renewal; or~~

~~6.3.2. If the student received a single semester award, the student must have earned at least the minimum number of credit hours within the academic year as recommended by the Higher Education Student Financial Aid Advisory Board.~~

~~6.3.3. Institutions are responsible for determining whether renewal students have satisfied academic achievement requirements.~~

6.4. An applicant demonstrates financial need if:

6.4.1. He or she has a completed FAFSA on file with the United States Department of Education by a date to be determined by the Vice Chancellor for Administration; and

6.4.2. His or her cost of attendance is greater than the total of his or her SAI, as calculated from the FAFSA, and other financial aid; and

6.4.3. His or her SAI does not exceed an amount set by the Vice Chancellor; and

6.4.4. He or she has completed verification if selected by the U. S. Department of Education's

Central Processing System (CPS) or the institution.

6.5. A student is not eligible to receive a Higher Education Grant award if he or she:

6.5.1. Previously has earned a bachelor's degree; or

6.5.2. Previously has received eight full-time equivalent semesters of Higher Education Grant awards; or

6.5.3. Is not deemed to be an undergraduate student by the institution; or

6.5.4. Owes the institution or the Commission for a Higher Education Grant or other state financial aid overpayment unless the student has a written reimbursement plan in place.

6.6. "Residency" for purposes of W. Va. Code § 18C-5-5 and this rule, is determined as follows:

6.6.1. For dependent students, the legal residence of the parent(s) named on the FAFSA is prima facie evidence of the student's legal residence.

6.6.2. Students may provide documentation to the Vice Chancellor evidencing the required residence in the State of West Virginia.

§133-42-7. Awards.

7.1. Maximum Award.

7.1.1. No higher education grant award may exceed the amount of tuition and required fees at the institution.

7.1.2. For a student attending an institution covered by a reciprocity agreement provided by W. Va. Code § 18C-5-6, no Higher Education Grant award may exceed the maximum grant award provided for in the reciprocity agreement.

7.2. Award Cycles.

7.2.1. The initial award cycle shall occur ~~in April~~ no later than May preceding the beginning of each academic year.

7.2.2. Additional awards may be made throughout the year as funds become available.

7.2.3. Any award made after November 1 shall be only for the second semester.

7.3. Award Selection. -- The Vice Chancellor shall establish criteria to be used in award selection each year based on the amount of funding available for awards. In determining recipients and amounts of awards, the Vice Chancellor for Administration may consider applicants' relative levels of financial need, application filing dates, relative differences in tuition rates across institutions, and/or State policy priorities.

7.4. Award Use. -- A student may use a Higher Education Grant award to cover any part of his or her cost of attendance at an eligible higher education institution.

7.5 The Commission may award the Higher Education Grant for summer school. To be eligible for a

summer award, an applicant shall be academically eligible for Higher Education Grant continuation at the end of the spring semester preceding the summer term for which the applicant is applying and meet the student eligibility requirements in Section 6 of this rule. Any summer award under this section is dependent upon the availability of funds as determined by the Commission.

7.5.1. Priority for summer awards shall be based on class rank, with the highest priority given to recipients closest to graduation and those with the highest financial need.

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

§133-42-8. Coordination of Higher Education Grant Program and Other Aid Programs.

8.1. All students seeking assistance through the Higher Education Grant program must apply for assistance through the federal Pell Grant program.

8.2. In no instance may a combination of the Higher Education Grant and any other grants, including tuition and fee waivers, exceed demonstrated financial need as determined by the institution.

8.3. Funding Priorities.

8.3.1. To the extent permissible under federal law, students shall use grant resources available through federal student financial aid programs before a Higher Education Grant award.

8.3.2. Students shall use grant resources available through other State student financial aid programs before a Higher Education Grant award.

8.4. Students may not receive funding from both the Higher Education Grant Program and ~~any component of the Higher Education Adult Part-time Student (HEAPS)~~ Future Workforce Grant Program, established in W. Va. Code § 18C-5-7, at the same time.

§133-42-9. Post-Award Changes.

9.1. If a Higher Education Grant recipient transfers from one participating institution to another participating institution, the grant is transferable upon the approval of the Vice Chancellor for Administration or his or her designee.

9.2. If a Higher Education Grant recipient's SAI increases after an award has been made, the award shall be withdrawn if the new SAI exceeds the maximum SAI set by the Vice Chancellor in any given year.

9.3. If a Higher Education Grant recipient terminates enrollment during the fall semester, the Vice Chancellor shall hold in reserve for the student the scheduled spring award unless notified otherwise by the institution.

9.4. If a Higher Education Grant recipient terminates enrollment for any reason during the academic year, the institution shall return to the Vice Chancellor the unused portion of the grant in accordance with the refund policy associated with Title IV funds. The institution is responsible for returning the unused portion of the grant even if the student does not request a refund from the institution.

§133-42-10. Payments.

10.1. The Vice Chancellor shall remit payment of Higher Education Grant awards directly to the institution.

10.2. An institution may not receive a payment unless the institution has completed the previous year's reconciliation process and returned to the Vice Chancellor any prior year balance payable to the Commission.

§133-42-11. ~~Waivers~~ [Reserved].

~~11.1. A recipient may request a waiver of academic progression if the recipient withdrew from all courses during the semester as a result of:~~

~~11.1.1. Serious illness or major injury involving the student or an immediate family member; or~~

~~11.1.2. Death of an immediate family member; or~~

~~11.1.3. Other comparable extenuating circumstance.~~

~~11.2. All waiver requests must be submitted to the Vice Chancellor for approval.~~

§133-42-12. Appeals.

12.1. An applicant or institution may appeal in writing to the Vice Chancellor the denial of an application for an initial award or renewal award within 15 days of receiving notification of the decision. The Vice Chancellor shall issue a written decision upholding or reversing the initial decision within 15 days of receipt of the appeal. The Vice Chancellor's decision is final.

12.2. The Vice Chancellor shall refer to the institution any applicant appeal of a decision concerning satisfactory academic progress ~~that relates to credit hour completion~~ for resolution consistent with the institution's procedures established for this purpose.

12.3. All appeals shall set forth in detail the grounds for the appeal. The decisions issued by the Vice Chancellor or the institution, as appropriate, shall address in writing each ground raised.

§133-42-13. Accounting, Reporting, and Auditing Requirements.

13.1. Before the end of each fiscal year, each institution's financial aid office must reconcile its Higher Education Grant records with:

13.1.1. The Commission's records of Higher Education Grant awards and disbursements; and

13.1.2. The institution's business office records of any grant disbursements by the Commission or the Council.

13.2. All participating institutions may be required to provide reports, which may include student level data, to the Commission from time to time, including the United States Department of Education's Fiscal Operations Report and Application to Participate (FISAP) and ~~the West Virginia Higher Education Policy Commission's Annual Student Financial Aid Report~~ annual independent single audit.

13.3. All participating institutions are subject to financial aid audits.

§133-42-14. Reciprocal Agreements.

14.1. The Vice Chancellor for Administration may enter into reciprocal agreements with state grant and grant program agencies in other states that provide financial assistance to their residents attending institutions of higher education located in West Virginia.

14.2. The Vice Chancellor for Administration may permit West Virginia residents to use the Higher Education Grant to attend institutions of higher education in other states that have entered into reciprocal agreements.

14.3. Residents of West Virginia requesting financial assistance to attend institutions of higher education in other states pursuant to a reciprocity agreement provided by W. Va. Code § 18C-5-6 shall meet all of the eligibility standards set forth in Section 6 of this rule.