

# WEST VIRGINIA CODE: §18B-17-2

## **§18B-17-2. Authorizing rules of Higher Education Policy Commission.**

(a) The legislative rule filed in the State Register on October 15, 2004, relating to the Higher Education Policy Commission (Underwood-Smith Teacher Scholarship Program rule), is authorized.

(b) The legislative rule filed in the State Register on October 15, 2004, relating to the Higher Education Policy Commission (West Virginia Engineering, Science, and Technology Scholarship Program rule), is authorized.

(c) The legislative rule filed in the State Register on October 15, 2004, relating to the Higher Education Policy Commission (Medical Education Fee and Medical Student Loan Program rule), is authorized.

(d) The legislative rule filed in the State Register on October 27, 2005, relating to the Higher Education Policy Commission (authorization of degree-granting institutions), is authorized.

(e) The legislative rule filed in the State Register on August 23, 2006, relating to the Higher Education Policy Commission (West Virginia Higher Education Grant Program), is authorized.

(f) The legislative rule filed in the State Register on January 4, 2008, relating to the Higher Education Policy Commission (Providing Real Opportunities for Maximizing In-state Student Excellence - PROMISE), is authorized.

(g) The legislative rule filed in the State Register on August 25, 2008, relating to the Higher Education Policy Commission (Research Trust Program), is authorized.

(h) The legislative rule filed in the State Register on January 8, 2009, relating to the Higher Education Policy Commission (Guidelines for Governing Boards in Employing and Evaluating Presidents), is authorized.

(i) The legislative rule filed in the State Register on September 10, 2008, relating to the Higher Education Policy Commission (Medical Student Loan Program), is authorized, with the following amendment:

On page two, subsection 5.1, following the words "financial aid office" by inserting a new subdivision 5.1.3 to read as follows: "United States citizenship or legal immigrant status while actively pursuing United States citizenship."

(j) The legislative rule filed in the State Register on December 1, 2008, relating to the Higher Education Policy Commission (West Virginia Higher Education Grant Program), is authorized.

(k) The legislative rule filed in the State Register on January 26, 2009, relating to the Higher Education Policy Commission (Accountability System), is authorized.

(l) The legislative rule filed in the State Register on May 20, 2009, relating to the Higher Education Policy Commission (Energy and Water Savings Revolving Loan Fund Program), is authorized.

(m) The legislative rule filed in the State Register on January 27, 2010, relating to the Higher Education Policy Commission (Providing Real Opportunities for Maximizing In-state Student Excellence - PROMISE), is authorized.

(n) The legislative rule filed in the State Register on December 8, 2010, relating to the Higher Education Policy Commission (authorization of degree-granting institutions), is authorized, with the following amendment:

On page 28, subsection 9.1.b, following the words "Good cause shall consist of" by inserting the words "any one or more of the following".

(o) The legislative rule filed in the State Register on December 12, 2011, relating to the Higher Education Policy Commission (Tuition and Fee Policy), is authorized.

(p) The legislative rule filed in the State Register on August 10, 2012, relating to the Higher Education Policy Commission (authorization of degree-granting institutions), is authorized.

(q) The legislative rule filed in the State Register on August 10, 2012, relating to the Higher Education Policy Commission (annual reauthorization of degree-granting institutions), is authorized.

(r) The legislative rule filed in the State Register on March 20, 2013, relating to the Higher Education Policy Commission (Human Resources Administration), is authorized.

(s) The legislative rule filed in the State Register on January 24, 2014, relating to the Higher Education Policy Commission (Capital Project Management), is authorized.

(t) The legislative rule filed in the State Register on April 4, 2014, relating to the Higher Education Policy Commission (Underwood-Smith Teacher Scholarship Program), is authorized.

(u) The legislative rule filed in the State Register on August 4, 2014, relating to the Higher Education Policy Commission (Nursing Scholarship Program), is authorized.

(v) The legislative rule filed in the State Register on October 28, 2015, relating to the Higher Education Policy Commission (Underwood-Smith Teacher Scholarship Program), is authorized.

(w) The legislative rule filed in the State Register on October 28, 2015, relating to the

Higher Education Policy Commission (Nursing Scholarship Program), is authorized.

(x) The legislative rule filed in the State Register on December 20, 2016, relating to the Higher Education Policy Commission (West Virginia Higher Education Grant Program), is authorized.

(y) The legislative rule filed in the State Register on December 20, 2016, relating to the Higher Education Policy Commission (Providing Real Opportunities for Maximizing In-state Student Excellence - PROMISE), is authorized.

(z) The legislative rule filed in the State Register on December 20, 2016, relating to the Higher Education Policy Commission (Research Trust Fund Program), is authorized.

(aa) The legislative rule filed in the State Register on December 20, 2016, relating to the Higher Education Policy Commission (annual reauthorization of degree-granting institutions), is authorized.

(bb) The legislative rule filed in the State Register on January 16, 2018, relating to the Higher Education Policy Commission (Tuition and Fee Policy), is authorized.

(cc) The legislative rule filed in the State Register on January 16, 2018, relating to the Higher Education Policy Commission (Human Resources Administration), is authorized.

(dd) The legislative rule filed in the State Register on January 22, 2018, relating to the Higher Education Policy Commission (Capital Project Management), is authorized, with the following amendments:

On page one, subsection 2.1, by striking out all of subdivision 2.1.d. and inserting in lieu thereof a new subdivision 2.1.d., to read as follows: "Efficient use of existing classroom and other space by institutions, while maintaining an appropriate deference to the value judgments of the institutional governing boards".;

On page seven, subsection 4.2, by striking out all of subdivision 4.2.d.5. and inserting in lieu thereof a new subdivision 4.2.d.5., to read as follows: "Funding will be prioritized for each institution in accordance with institutional plans confirmed by the Commission or approved by the Council.";

On page seven, subsection 4.2, by striking out all of subdivision 4.2.d.6. and inserting in lieu thereof a new subdivision 4.2.d.6., to read as follows: "Facility utilization rates will be an important factor in prioritizing capital projects across the systems.";

On page seven, subsection 4.2, by striking out all of subdivision 4.2.d.7. and inserting in lieu thereof a new subdivision 4.2.d.7., to read as follows: "Institutions with overall net asset values and capacity utilization rates that exceed or equal thresholds set annually by the Commission and Council are the presumptive priority for new facilities. If these projects do not replace an existing facility, they would be included in the Program Improvement

category."; and

On pages 10-11, section 5, by striking out all of subdivision 5.6. and inserting in lieu thereof a new subdivision 5.6., to read as follows: "A governing board may not implement a campus development plan or plan update that has not been confirmed by the Commission or approved by the Council, as appropriate. The purchase of any property for the construction of a facility that is not included in the campus development plan creates an update to the campus development plan that must be confirmed by the Commission or approved by the Council, as appropriate, prior to its purchase. In the case of institutions governed by the Council, this provision applies equally to property acquired by any means, whether by purchase or otherwise."

(ee) The legislative rule filed in the State Register on January 22, 2019, relating to the Higher Education Policy Commission (Acceptance of Advanced Placement Credit), is repealed.

(ff) The legislative rule filed in the State Register on January 22, 2019, relating to the Higher Education Policy Commission (Human Resources Administration), is repealed.

(gg) The legislative rule filed in the State Register on August 28, 2018, relating to the Higher Education Policy Commission (Guidelines for Governing Boards in Employing and Evaluating Presidents), is authorized.

(hh) The legislative rule filed in the State Register on August 7, 2018, relating to the Higher Education Policy Commission (Providing Real Opportunities for Maximizing In-state Student Excellence (PROMISE) Scholarship Program), is authorized, with the following amendments:

On page one, subsection 2.1, by striking out all of subdivision 2.1.a. and inserting in lieu thereof a new subdivision 2.1.a., to read as follows: "Must complete high school graduation requirements at a West Virginia public, private or home school unless he or she qualified as a military dependent under Section 5 of this rule, or has commuted to an out-of-state school pursuant to Section 6 of this rule; and";

On page one, subsection 2.1, by striking out all of subdivision 2.1.b. and inserting in lieu thereof a new subdivision 2.1.b., to read as follows: "Must complete at least one half of the credits required for high school graduation through attendance at a public, private or home school in this state, unless he or she qualified as a military dependent under Section 5 of this rule, or has commuted to an out-of-state school pursuant to Section 6 of this rule; and";

On page one, subdivision 2.1.c., by striking out the words "Section 5" and inserting in lieu thereof the words "Section 4";

On page one, subsection 2.1, by striking out all of subdivision 2.1.d. and inserting in lieu thereof a new subdivision 2.1.d., to read as follows: "Must have attained a cumulative grade point average of at least 3.0 on a 4.0 scale, based on county board grading policies, in both

core courses and overall coursework required for graduation by the State Board of Education, while enrolled in a public or private high school. If home-schooled pursuant to the exemption allowed by W.Va. Code §18-8-1 as documented by the county school board system, the applicant must have completed in both the 11th and 12th grades the required core and elective coursework necessary to prepare students for success in postsecondary education at the associate and baccalaureate levels by attaining a cumulative grade point average of at least 3.0 on a 4.0 grading scale in both core courses and overall coursework as determined by the Commission; and";

On page one, subsection 2.1, subdivision 2.1.f., preceding the words "have resided in West Virginia", by striking out the word "Must" and inserting in lieu thereof the words "The applicant and his or her parent or legal guardian must" ;

On page one, subdivision 2.1.f., by striking out the words "Section 5" and inserting in lieu thereof the words "Section 4";

On page one, subdivision 2.1.f., by striking out the words "Section 6" and inserting in lieu thereof the words "Section 5";

On page two, subsection 2.4., by striking out the words "Section 10.7 or 10.8" and inserting in lieu thereof the words "Section 9.7 or 9.8";

On page two, subsection 2.5, by striking out the words "Section 8" and inserting in lieu thereof the words "Section 7";

On page two, subsection 2.5, by striking out the words "Section 10" and inserting in lieu thereof the words "Section 9";

On page two, by striking out all of section 3 and renumbering the remaining sections accordingly;

On page three, subsection 4.4, by striking out the words "Section 14" and inserting in lieu thereof the words "Section 13";

On page five-six, subsection 10.6, by striking out the words "Section 10.3" and inserting in lieu thereof the words "Section 9.3";

On page six, subsection 10.6, by striking out the words "Section 10.2" and inserting in lieu thereof the words "Section 9.2";

On page six, subsection 10.9.c., by striking out the words "Section 5" and inserting in lieu thereof the words "Section 4"; and

On page eight, subsection 15.1.b, by striking out the words "Section 11.1" and inserting in lieu thereof the words "Section 10.1".

(ii) The legislative rule filed in the State Register on September 30, 2019, relating to the Higher Education Policy Commission (Higher Education Accountability System) is authorized.

(jj) The legislative rule filed in the State Register on November 5, 2019, relating to the Higher Education Policy Commission (Underwood-Smith Teaching Scholars Program and Teacher Education Loan Repayment Program) is authorized.

(kk) The legislative rule filed in the State Register on October 4, 2019, relating to the Higher Education Policy Commission (Accountability System) is repealed.

(ll) The legislative rule filed in the State Register on July 29, 2020, relating to the Higher Education Policy Commission (Mental Health Loan Repayment Program) is authorized, with the following amendments:

On page one, subdivision 3.1.b., after the words "family therapist," by inserting the words "psychiatric mental health nurse practitioner,";

On page two, subsection 6.1., by striking out the words "at least" and inserting in lieu thereof the words "up to"; and

On page three, subsection 9.1., after the words "family therapists" by inserting the words "psychiatric mental health nurse practitioners,".

(mm) The legislative rule filed in the State Register on March 11, 2021, relating to the Higher Education Policy Commission (Administrative Exemption) is authorized.

(nn) The legislative rule filed in the State Register on May 5, 2021, relating to the Higher Education Policy Commission (Research Trust Fund Program) is authorized.

(oo) The legislative rule filed in the State Register on May 5, 2021, relating to the Higher Education Policy Commission (Annual Reauthorization of Degree-Granting Institutions) is authorized.

(pp) The legislative rule filed in the State Register on July 29, 2022, relating to the Higher Education Policy Commission (Performance-Based Funding Formula) is authorized.

(qq) The legislative rule filed in the State Register on June 14, 2022, relating to the Higher Education Policy Commission (Capital Project Management) is authorized.

(rr) The legislative rule filed in the State Register on July 29, 2022, relating to the Higher Education Policy Commission (Tuition and Fee Policy) is authorized.

(ss) The legislative rule filed in the State Register on June 14, 2022, relating to the Higher Education Policy Commission (Higher Education Grant Program) is authorized.

(tt) The legislative rule filed in the State Register on July 29, 2022, relating to the Higher Education Policy Commission (Annual Reauthorization of Degree-Granting Institutions) is authorized.

(uu) The legislative rule filed in the State Register on June 14, 2022, relating to the Higher Education Policy Commission (Human Resources Administration) is authorized.

(vv) The legislative rule filed in the State Register on July 25, 2023, relating to the Higher Education Policy Commission (Guidelines for Employing and Evaluating Presidents) is authorized.

(ww) The legislative rule filed in the State Register on September 12, 2023, relating to the Higher Education Policy Commission (Higher Education Adult Part-Time Student (HEAPS) Grant Program).

(xx) The legislative rule filed in the State Register on July 26, 2023, relating to the Higher Education Policy Commission (West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program) is authorized.

(yy) The legislative rule filed in the State Register on July 28, 2023, relating to the Higher Education Policy Commission (Dual Enrollment Pilot Program) is authorized.

(zz) The legislative rule filed in the State Register on July 24, 2023, relating to the Higher Education Policy Commission (West Virginia Science, Technology, Engineering, and Math (STEM) Scholarship Program) is authorized.

(aaa) The legislative rule filed in the State Register on July 24, 2023, relating to the Higher Education Policy Commission (West Virginia Higher Education Grant Program) is authorized.

(bbb) The legislative rule filed in the State Register on July 24, 2023, relating to the Higher Education Policy Commission (Nursing Scholarship Program) is authorized.