WEST VIRGINIA CODE CHAPTER 18B ARTICLE 17

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§18B-17-1. Legislative authorization; effective date of rules; technical deficiencies waived.

(a) Under the provisions of article three-a, chapter twenty-nine-a of the Code of West Virginia, the Legislature expressly authorizes the promulgation of the rules described in this article, subject only to the limitations set forth with respect to each rule in the section or sections of this chapter authorizing its promulgation. The Legislature further declares that all rules now or hereafter authorized in this article are within the legislative intent of the statute which the rule is intended to implement, extend, apply or interpret.

(b) The effective date of the legislative rules authorized in this article is governed by the provisions of section fourteen, article three-a, chapter twenty-nine-a of this code unless the governing board promulgating the rules establishes an effective date which is earlier than that provided by that section, in which case the effective date established by the governing board shall control, unless the Legislature, in the bill authorizing the rules, establishes an effective date for the rules, in which case the effective date established by the Legislature controls.

(c) The Legislature further declares each legislative rule now or hereafter authorized under this article to have been validly promulgated, notwithstanding any failure to comply with any requirement of article three-a, chapter twenty-nine-a of this code relating to the promulgation of rules at any stage of the promulgation process prior to authorization by the Legislature in this article.

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

(a) The legislative rule filed in the State Register on September 10, 2008, relating to the Higher Education Policy Commission (Medical Student Loan Program, 133 CSR 34), 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".

(b) 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, 133 CSR 50), is authorized.

(c) The legislative rule filed in the State Register on August 10, 2012, relating to the Higher Education Policy Commission (initial authorization of degree-granting institutions, 133 CSR 20), is authorized.

(d) The legislative rule filed in the State Register on January 22, 2019, relating to the Higher Education Policy Commission (Acceptance of Advanced Placement Credit, 133 CSR 15), is repealed.

(e) The legislative rule filed in the State Register on January 22, 2019, relating to the Higher Education Policy Commission (Human Resources Administration, 133 CSR 53), is repealed.

(f) The legislative rule filed in the State Register on October 4, 2019, relating to the Higher Education Policy Commission (Accountability System, 133 CSR 49) is repealed.

(g) The legislative rule filed in the State Register on July 29, 2022, relating to the Higher Education Policy Commission (Performance-Based Funding Formula, 133 CSR 02) is authorized.

(h) The legislative rule filed in the State Register on June 14, 2022, relating to the Higher Education Policy Commission (Capital Project Management, 133 CSR 12) is authorized.

(i) The legislative rule filed in the State Register on July 29, 2022, relating to the Higher Education Policy Commission (Tuition and Fee Policy, 133 CSR 32) is authorized.

(j) 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, 133 CSR 52) is authorized.

(k) The legislative rule filed in the State Register on June 14, 2022, relating to the Higher Education Policy Commission (Human Resources Administration, 133 CSR 55) is authorized.

(l) The legislative rule filed in the State Register on July 25, 2023, relating to the Higher

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Education Policy Commission (Guidelines for Employing and Evaluating Presidents, 133 CSR 05) is authorized.

(m) 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, 133 CSR 06) is authorized.

(n) 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, 133 CSR 07) is authorized.

(o) The legislative rule filed in the State Register on July 28, 2023, relating to the Higher Education Policy Commission (Dual Enrollment Pilot Program, 133 CSR 19) is authorized.

(p) 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, 133 CSR 28) is authorized.

(q) 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, 133 CSR 42) is authorized.

(r) The legislative rule filed in the State Register on July 24, 2023, relating to the Higher Education Policy Commission (Nursing Scholarship Program, 133 CSR 58) is authorized.

(s) The legislative rule filed in the State Register on July 19, 2024, relating to the Higher Education Policy Commission (Accountability System, 133 CSR 03) is authorized.

(t) The legislative rule filed in the State Register on July 19, 2024, relating to the Higher Education Policy Commission (Underwood-Smith Teaching Scholars and Teacher Education Loan Repayment Program, 133 CSR 26) is authorized.

(u) The legislative rule filed in the State Register on July 31, 2025, relating to the Higher Education Policy Commission (Purchasing Efficiencies, 133 CSR 43) is repealed.

(v) The legislative rule filed in the State Register on July 31, 2025, relating to the Higher Education Policy Commission (Research Trust Fund Program, 133 CSR 48) is repealed.

(w) The legislative rule filed in the State Register on July 31, 2025, relating to the Higher Education Policy Commission (Mental Health Loan Repayment Program, 133 CSR 63) is authorized.

(x) The modified legislative rule filed in the State Register on December 10, 2025, relating to the Higher Education Policy Commission (Administrative Exemption, 133 CSR 64) is authorized.

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§18B-17-3. Authorizing rules of the Council for Community and Technical College Education.

(a) The legislative rule filed in the State Register on September 26, 2018, relating to the West Virginia Council for Community and Technical College Education (Acceptance of Advanced Placement Credit, 135 CSR 15), is repealed.

(b) The legislative rule filed in the State Register on April 27, 2021 (Business, Occupational, and Trade Schools, 135 CSR 35) is authorized.

(c) The legislative rule filed in the State Register on November 10, 2021 (West Virginia Invests Grant Program, 135 CSR 08) is authorized.

(d) The legislative rule filed in the State Register on July 22, 2022 (Performance-Based Funding Formula, 135 CSR 02) is authorized.

(e) The legislative rule filed in the State Register on June 13, 2022 (Capital Project Management, 135 CSR 12) is authorized.

(f) The legislative rule filed in the State Register on July 21, 2022 (Workforce Development Initiative Grant Programs, 135 CSR 27) is authorized.

(g) The legislative rule filed in the State Register on July 21, 2022 (Annual Reauthorization of Degree-Granting Institutions, 135 CSR 52) is authorized, with the following amendment:

On page 13 by adding a new subsection designated 12.23 to read as follows: Nothing in this rule in any way affects or limits the due process protections or other protections afforded to proprietary schools under either W. Va. Code § 18B-2B-9 or 135 C.S.R. 35, Business, Occupational, and Trade Schools.

(h) The legislative rule filed in the State Register on June 13, 2022 (Human Resources Administration, 135 CSR 55) is authorized.

(i) The legislative rule filed in the State Register on July 26, 2023, relating to the Council for Community and Technical College Education (Higher Education Accountability System, 135 CSR 06) is authorized.

(j) The legislative rule filed in the State Register on September 14, 2023, relating to the Council for Community and Technical College Education (Dual Enrollment Pilot Program, 135 CSR 19) is authorized.

(k) The legislative rule filed in the State Register on July 26, 2023, relating to the Council for Community and Technical College Education (Initial Authorization of Degree-Granting Institutions, 135 CSR 20) is authorized.

(l) The legislative rule filed in the State Register on July 26, 2023, relating to the Council for

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Community and Technical College Education (Tuition and Fees, 135 CSR 32) is authorized.

(m) The legislative rule filed in the State Register on July 26, 2023, relating to the Council for Community and Technical College Education (Accountability System, 135 CSR 49) is repealed.

(n) The legislative rule filed in the State Register on July 25, 2024, relating to the Council for Community and Technical College Education (Employing and Evaluating Presidents, 135 CSR 05) is authorized.

(o) The legislative rule filed in the State Register on July 18, 2025, relating to the Council for Community and Technical College Education (Purchasing Efficiencies, 135 CSR 43) is repealed.

(p) The modified legislative rule filed in the State Register on September 9, 2025, relating to the Council for Community and Technical College Education (Skilled Trades Apprenticeship Nontraditional Degree (STAND) Program, 135 CSR 28) is authorized.

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§18B-17-4. Higher education policy commission.

[Repealed].

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§18B-17-5. Authorizing West Virginia providing real opportunities for maximizing in-state student excellence scholarship program (PROMISE).

[Repealed].

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§18B-17-6. Authorizing rules of Higher Education Policy Commission.

[Repealed].

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