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September 18, 2018

Ms. Ashley Summitt
Office of the Governor
State of West Virginia
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Ms. Summitt:

In accordance with Governor Jim Justice's Executive Order No. 3-18 Regulatory Review, I am pleased to provide you with a report for the rules promulgated by the West Virginia Higher Education Policy Commission (Commission).

Staff have completed a thorough review of the existing rules and have compiled the attached description of each of the Legislative, Procedural and Interpretative rules of the Commission. In a concerted effort to reduce the regulatory and reporting requirements of West Virginia's public colleges and universities, thirteen (13) rules have been repealed or recommended to be repealed since November 2016.

If you have questions regarding this report or require clarification of the information presented, please do not hesitate to contact me.

Sincerely,

Carolyn Long
Chancellor

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION
September 13, 2018

Effective Rules	Date of First Promulgation and Subsequent Modification Dates	Sunset Date	Rule to be Unchanged, Modified or Repealed	Reason for Recommendation	Stakeholders that may be impacted
Series 1: Performance Indicators – Legislative Rule – Final – Effective April 9, 2002 – Repealed – Effective November 18, 2016 Rule to set forth the performance indicators that are recommended for use in measuring the degree to which the strategic issues, identified in the higher education statewide plan are being met	REPEALED	REPEALED	REPEALED	REPEALED	REPEALED
Series 2: Higher Education Finance Policy – Legislative Rule – Final – Effective July 1, 2001 Establishes the principles to guide the development of financing and resource allocation policies and procedures to be utilized by the Higher Education Policy Commission.	July 1, 2001	N/A	To be modified.	Rule includes language regarding the allocation of state appropriations. To be modified when new funding formula is established in 2018/2019.	Public higher education institutions.
Series 3: Report Card – Legislative Rule – Final – Effective April 9, 2002 Establishes definitions, guidelines and procedures which will direct the development of the database and the comparable information to be included in the annually published Higher Education Report Card.	April 3, 1992 April 17, 1996 April 9, 2002	N/A	Unchanged.	Still relevant.	Public higher education institutions.
Series 4: Rules and Administrative Procedures Procedural Rule – Final – Effective September 28, 2018 Establishing process for adoption, amendment, or repeal of rules and posting and publication of rules and administrative procedures by state institutions of higher education.	October 31, 2001 July 31, 2006 April 19, 2013 September 28, 2018	N/A	Modified June 2018.	Revised to reflect change in Code. Commission approved August 24, 2018.	Public higher education institutions.
Series 5: Guidelines for Governing Boards in Employing and Evaluating Presidents – Legislative Rule – Final – Effective May 14, 2009 Establishing guidelines for governing boards to use in employing and evaluating presidents.	January 8, 1985 May 17, 1993 January 19, 2003 July 14, 2005 May 14, 2009	N/A	Modified June 2018.	Revised to reflect change in Code. Commission approved August 24, 2018. Pending LOCEA approval.	Public higher education institutions.
Series 6: Higher Education Adult Part-Time Student (HEAPS) Grant Program – Legislative Rule – Final – Effective April 6, 2004 Establishes guidelines and procedures which will direct the operation of the Higher Education Adult Part-time Student Grant Program, hereinafter referred to as HEAPS.	June 12, 2000 April 9, 2002 April 6, 2004	N/A	Unchanged.	Financial aid program that services part-time students and workforce. The Higher Education Student Financial Aid Advisory Board has not recommended any changes to the program.	Adult students.
Series 7: West Virginia Providing Real Opportunities in Maximizing In-State Student Excellence (PROMISE) Scholarship Program – Emergency Rule – Effective June 26, 2018 Establishes guidelines and procedures for establishing eligibility for the West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence Scholarship Program, hereinafter referred to as PROMISE.	April 9, 2002 March 23, 2008 April 21, 2010 August 5, 2017 June 26, 2018	August 5, 2022	Modified June 2018.	Passage of Senate Bill 319 during 2018 Legislative Session requires revisions to the Legislative Rule and promulgation of an Emergency Rule. Commission approved June 22, 2018. Legislative Rule pending LOCEA approval.	High school seniors, college students

Series 8: Personnel Administration – Procedural Rule – Final – Effective on November 22, 2001 - Repealed - Effective June 22, 2018 Establishes policy in a number of areas regarding personnel administration for the Higher Education Policy Commission employees.	REPEALED	REPEALED	REPEALED	REPEALED	REPEALED
Series 9: Academic Freedom, Professional Responsibility, Promotion and Tenure – Procedural Rule – Final – Effective September 20, 2007 Policy relates to academic freedom and responsibility, appointment, promotion, tenure, non-reappointment or dismissal of faculty, and grievance procedures for matters pertaining to faculty.	May 4, 1992 July 30, 1997 December 25, 2001 January 10, 2004 September 20, 2007	N/A	Unchanged.	Will eventually be replaced by each institutional BOG	Higher education faculty.
Series 10: Policy Regarding Program Review – Procedural Rule – Effective October 10, 2008 Rule delineates the responsibilities of the institutional governing boards and the Higher Education Policy Commission in the review of existing academic programs.	October 22, 1998 October 20, 1993 December 25, 2001 October 10, 2008	N/A	Unchanged.	Still relevant.	Public higher education institutions.
Series 11: Submission of Proposals for Academic Programs at Public Regional Institutions and the Monitoring and Discontinuance of Existing Programs – Procedural Rule – Final – Effective December 18, 2016 Delineates the responsibilities of the West Virginia Higher Education Policy Commission in the approval and discontinuance of academic programs and establishes processes for institutions in seeking Commission approval of new academic programs.	June 8, 1976 August 9, 1992 December 25, 2001 July 24, 2011 December 18, 2016 May 27, 2018	N/A	Unchanged.	Revised to conform to statutory language, May 27 2018.	Public higher education institutions.
Series 12: Capital Project Management – Legislative Rule – Final – Effective April 30, 2015 Establishes the policy for the strategic planning, financing, development, and maintenance of public higher education capital assets	March 8, 1991 February 16, 1998 December 25, 2001 April 30, 2015 June 4, 2018	July 2023	Unchanged.	Updated during 2018 Legislative Session.	Public higher education institutions.
Series 13: Change in Organization of Colleges and Schools – Procedural Rule- Final – Effective January 20, 2017 Establishes a process to change administrative organization within an institution.	January 12, 1971 August 7, 1992 April 19, 2002 January 20, 2017	N/A	Unchanged.	Still relevant.	Public higher education institutions.
Series 14: Holidays – Procedural Rule – Final – Effective April 19, 2002 Rule regarding holidays in the state system of higher education.	September 14, 1987 April 3, 1992 April 19, 2002	N/A	Unchanged.	Still relevant.	Public higher education institutions.
Series 15: Acceptance of Advanced Placement Credit – Legislative Rule – Final – Effective June 22, 2002 Establishes Higher Education Policy Commission policy and guidelines for institutional policies in matters of acceptance of advanced placement credit.	TO BE REPEALED	TO BE REPEALED	TO BE REPEALED	TO BE REPEALED, 2019 LEGISLATIVE SESSION	TO BE REPEALED, PENDING LOCEA APPROVAL

Series 16: College Level Examination Program – Procedural Rule – Final – Effective June 22, 2002 - Repealed - Effective June 22, 2018 Regulations serve as guidelines for the College-Level Examination Program (CLEP) of the College Entrance Examination Board in West Virginia state colleges and universities.	REPEALED	REPEALED	REPEALED	REPEALED	REPEALED
Series 17: Transferability of Credits and Grades at the Undergraduate Level – Procedural Rule – Effective December 24, 2015 Establishes guidelines for the transferability of credits and grades at the undergraduate level.	July 10, 1979 November 19, 1992 June 22, 2002 April 18, 2005 February 15, 2010 February 15, 2015 December 24, 2015	N/A	Unchanged.	Was revised to comply with WV Code changes in 2015.	Public higher education institutions.
Series 18: Assignment of Academic Credit and Financing Noncredit Instruction – Procedural Rule – Final – Effective June 22, 2002 Rule governs assignment of academic credit and financing noncredit instruction.	September 11, 1979 June 22, 2002	N/A	Unchanged.	Still relevant.	Public higher education institutions.
Series 19: Guidelines for College Courses for High School Students – Procedural Rule – Final – Effective February 29, 2016 Establishes guidelines for West Virginia public colleges and universities for the offering of college courses for high school students.	August 1, 2002 May 27, 2010 July 31, 2014 February 29, 2016	N/A	Unchanged.	Still relevant.	High school students and public higher education institutions.
Series 20: Initial Authorization of Degree-Granting Institutions – Legislative Rule – Final – Effective May 2, 2013 Establishes the policy regarding accreditation and approval of degree-granting institutions which offer degrees above the associate level.	September 18, 1988 August 10, 2002 March 31, 2006 March 29, 2011 May 2, 2013	N/A	Unchanged.	Modified in 2013.	Postsecondary institutions of higher education.
Series 21: Freshman Assessment and Placement Standards – Procedural Rule – Final – Effective September 23, 2016 Establishes freshman assessment and placement standards for institutions in assignment to initial credit-bearing courses in mathematics and English.	August 1, 2002 September 30, 2010 December 24, 2015 September 23, 2016	N/A	Unchanged.	Currently under review.	Public higher education institutions.
Series 22: Grade Point Average for Associate and Baccalaureate Degree Students – Procedural Rule – Final – Effective January 21, 2018 Rule regarding grade-point average required for associate and baccalaureate degrees.	February 8, 1972 March 10, 1986 August 1, 2002 January 21, 2018	N/A	Unchanged.	Currently under review although recent changes became effective January 21, 2018.	Public higher education institutions.
Series 23: Standards and Procedures for Undergraduate Admission – Procedural Rule – Final – Effective February 13, 2015 Establishes standards and procedures for public undergraduate institutional admissions policies at four-year colleges and universities.	August 9, 1992 February 28, 2000 August 10, 2002 April 2, 2005 June 1, 2007 March 8, 2013 February 15, 2015	N/A	Unchanged.	Currently under review.	Public higher education institutions.

Series 24: Preparation of Students for College – Procedural Rule – Final – Effective August 10, 2002 – Repealed – Effective November 18, 2016 Sets forth minimum levels of knowledge, skill and competency a student needs to possess to be prepared for college and establishes processes for communicating this information and procedures for assuring that teacher education programs prepare educators in getting K-12 students ready for college.	REPEALED	REPEALED	REPEALED	REPEALED	REPEALED
Series 25: Residency Classification for Admission and Fee Purposes – Procedural Rule – Final – Effective June 8, 2017 Rule regarding residency classification of students for admission and fee purposes.	May 1, 1974 July 2, 1990 August 1, 2002 May 21, 2015 January 20, 2017 June 9, 2017	N/A	Unchanged.	Recently modified in 2017.	Public higher education institutions.
Series 26: Underwood-Smith Teacher Scholarship Program – Legislative Rule – Final – Effective June 8, 2016 Establishes guidelines and procedures which will direct the operation of the Underwood-Smith Teacher Scholarship Program.	June 9, 1998 December 23, 2004 April 27, 2005 May 3, 2015 June 8, 2016	N/A	Unchanged.	Financial aid program that services students going into teaching and teachers to help them pay back student loans. The Student Aid Advisory Board has not recommended any changes to the program.	High school and college students.
Series 27: Financial Assistance to Athletes – Procedural Rule – Final – Effective August 1, 2002 - Repealed - Effective June 22, 2018 Policy regarding the awarding and retention of financial assistance to athletes.	REPEALED	REPEALED	REPEALED	REPEALED	REPEALED
Series 28: WV Engineering Science and Technology Scholarship Program – Legislative Rule – Final – Effective April 27, 2005 Clarifies and implements the West Virginia Engineering, Science and Technology Scholarship Program.	June 12, 2000 December 23, 2004 April 27, 2005	N/A	Unchanged.	Financial aid program that services students going into STEM. The Student Aid Advisory Board has not recommended any changes to the program.	High school and college students.
Series 29: Travel – Procedural Rule – Final – Effective August 1, 2002 Implements guidelines and procedures concerning management of in-state, out-of-state and international travel, and for reimbursement of expenses.	April 16, 1998 August 1, 2002	N/A	Unchanged.	Revisions are not necessary.	Public higher education institutions.
Series 30: Purchasing – Procedural Rule – Final – Effective September 23, 2016 Establishes rules and policies governing and controlling purchase, acquisition and inventory management of materials, supplies, equipment, services, and printing, and disposal of obsolete and surplus materials, supplies, and equipment by the West Virginia Higher Education Policy Commission.	October 30, 1995 August 1, 2002 January 21, 2005 September 23, 2016	N/A	Unchanged.	Recently updated following 2016 Legislative Session.	Public higher education institutions.
Series 31: Ethics – Procedural Rule – Final – Effective August 1, 2002 Establishes guidelines for institutional governing boards in adopting policies in accordance with the West Virginia Governmental Ethics Act.	August 9, 1992 August 1, 2002	N/A	Unchanged.	Still relevant.	Public higher education institutions.

Series 32: Tuition and Fee Policy – Legislative Rule – Final – Effective June 4, 2012 Establishes the policy for the assessment of tuition and fees at West Virginia undergraduate public institutions of higher education.	June 4, 2012 June 4, 2018	**N/A**	Modified July 2018.	Updated during 2018 Legislative Session.	Public higher education institutions.
Series 33: Anatomical Board – Interpretive Rule – Final – January 31, 2018 Establishes the government and operations of the West Virginia Higher Education Policy Commission Anatomical Board.	March 8, 1991 September 6, 2002 January 31, 2018	N/A	Modified January 2018.	Detail provided by the rule is essential to clarify the overall operations of the Anatomical Board.	West Virginia University School of Medicine, West Virginia School of Osteopathic Medicine, Marshall University Medical School, and cadaver donors
Series 34: Medical Student Loan Program – Legislative Rule – Final – Effective May 14, 2009 Promulgates policy and procedure regarding the Medical Student Loan Program.	September 6, 2002 April 27, 2005 May 14, 2009	N/A	Unchanged.	Financial aid program that services students in medical schools. The Higher Education Student Financial Aid Advisory Board has not recommended any changes to the program.	College students.
Series 35: Correspondence, Business, Occupational, and Trade Schools – Legislative Rule – Effective April 3, 1995 (transferred from previous boards) – Repealed – Effective November 18, 2016	REPEALED	REPEALED	REPEALED	REPEALED	REPEALED
Series 36: Sports Programs at Community and Technical Colleges – Procedural Rule – Final – Effective January 8, 1980 – Repealed – Effective November 18, 2016	REPEALED	REPEALED	REPEALED	REPEALED	REPEALED
Series 37: Increased Flexibility for Community and Technical Colleges – Procedural Rule – Final – Effective June 12, 2000 – Repealed – Effective November 18, 2016	REPEALED	REPEALED	REPEALED	REPEALED	REPEALED
Series 38: Employee Leave – Procedural Rule – Final – Effective November 19, 1992 Rule regarding annual leave, military leave, leave of absence without pay, sick leave, special emergency leave, catastrophic leave, parental leave, and witness and jury leave for employees of the Higher Education Policy Commission	June 20, 1987 November 19, 1992	N/A	To be modified.	Clarification needed for Sections 2.10, 3.1, and 6.4. Accrual rates in 3.2 (annual) and 5.1 (Sick) need converted to hours as the hourly accruals in OASIS/KRONOS provide less leave per month than Series 38 allows, for most employees for 10 of the 12 months a year. Nonclassified annual leave accrues correctly in OASIS.	Classified and nonclassified employees who are employed at .53 or above FTE. Faculty with twelve month appointments.
Series 39: Classified Employees – Procedural Rule – Final – Effective September 5, 1996 - Repealed - Effective June 22, 2018 Establishes procedures related to West Virginia Code 18B	REPEALED	REPEALED	REPEALED	REPEALED	REPEALED

Series 40: Equal Opportunity and Affirmative Action – Procedural Rule – Final – Effective November 6, 2013 Establishes equal opportunity and affirmative action policy for Higher Education Policy Commission.	June 8, 1976 April 3, 1992 November 7, 2013	N/A	To be modified.	May need updated language based on HB2542 and exempted schools. Also, rule establishes an EEO/AA Advisory Council that has not been active for years. Should remove the Council from rule or have one appointed.	Job Applicants; current classified, nonclassified and faculty employees; managers and supervisors of these employee
Series 41: Health Sciences Service Program – Procedural Rule – Final – Effective September 2, 2017 Rule promulgates policy and procedure regarding the establishment and operation of a Health Sciences Service Program.	January 19, 2003 February 13, 2015 September 2, 2017	N/A	Unchanged.	Detail provided in the rule establishes critical information such as applicant eligibility, service and repayment requirements.	Public and private higher education institutions offering training in the eligible health professions, students enrolled in the eligible health professions programs, and healthcare employers.
Series 42: WV Higher Education Grant Program – Legislative Rule – Final – Effective August 5, 2017 Establishes guidelines and procedures that will direct the operation of the West Virginia higher education grant program.	April 12, 2007 May 14, 2009 August 5, 2017	August 5, 2022	Unchanged.	Financial Aid program that services the neediest students. The Higher Education Student Financial Aid Advisory Board has not recommended any changes to the program.	High school and college students.
Series 43: Purchasing Efficiencies – Legislative Rule – Final – Effective April 6, 2004 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.	April 6, 2004	N/A	Unchanged.	Revisions not necessary.	Public higher education institutions.
Series 44: Policy Regarding Action to be Taken on Audit Reports – Procedural Rule – Final – Effective September 12, 1972 – Repealed – Effective November 18, 2016	REPEALED	REPEALED	REPEALED	REPEALED	REPEALED
Series 45: Community and Technical College Faculty Instructional Load Procedural Rule – Final – Effective April 5, 2004 – Repealed – Effective November 18, 2016	REPEALED	REPEALED	REPEALED	REPEALED	REPEALED
Series 46: Standards for Subject-Area Content in Secondary Level Teacher Preparation Programs – Procedural Rule – Final – Effective December 23, 2004 Establishes minimum standards for subject-area content in secondary-level teacher preparation programs.	December 23, 2004	N/A	Unchanged.	Currently under review.	Public higher education institutions.
Series 47: Commission Organization and Meeting – Procedural Rule – Final – Effective Date July 22, 2011 Establishes the organization of the West Virginia Higher Education Policy Commission and conduct of its meetings.	January 21, 2005 February 3, 2008 July 22, 2011	N/A	Unchanged.	Still relevant.	WV Higher Education Policy Commission.

Series 48: Research Trust Fund Program – Legislative Rule – Final – Effective August 5, 2017 Establishes guidelines, procedures and documentation standards for the distribution of funds, as legislatively provided, in the West Virginia Research Trust Fund.	August 28, 2008 May 18, 2009 August 5, 2017	August 5, 2022	Unchanged.	Still relevant, recently updated following 2017 Legislative Session.	Public higher education institutions.
Series 49: Accountability System – Legislative Rule – Final – Effective May 14, 2009 Sets forth an accountability system for West Virginia public higher education institutions under the West Virginia Higher Education Policy Commission's jurisdiction.	May 14, 2009	N/A	Unchanged.	Still relevant.	Public higher education institutions.
Series 50: Energy and Water Savings Revolving Loan Fund Program – Legislative Rule – Effective April 21, 2010 Establishes guidelines for the state institutions of higher education to follow in applying for an energy and water savings loan.	April 21, 2010	N/A	Unchanged.	Revisions not necessary.	Public higher education institutions.
Series 51: Bookstores and Textbooks – Procedural Rule – Final – Effective May 27, 2010 Establishing process and guidelines for institutions to adopt rules governing the selection, adoption, use and sale of textbooks and other course materials.	May 27, 2010	N/A	Unchanged.	Still relevant.	Public higher education institutions.
Series 52: Annual Reauthorization of Degree-Granting Institutions – Legislative Rule – Final – Effective August 5, 2017 Establishes the policy regarding annual reauthorization of degree-granting institutions which offer degrees above the associate level.	May 2, 2013 August 5, 2017	August 5, 2022	Unchanged.	Recently modified in 2017.	Postsecondary institutions of higher education.
Series 53: Human Resources Administration – Legislative Rule – Final – Effective May 2, 2013 Establishes policy in a number of areas regarding human resources administration for the employees of the West Virginia Higher Education Policy Commission and the public higher education institutions in West Virginia.	TO BE REPEALED	TO BE REPEALED	TO BE REPEALED	TO BE REPEALED, 2019 LEGISLATIVE SESSION	TO BE REPEALED, PENDING LOCEA APPROVAL
Series 54: Campus Safety – Procedural Rule – Final – Effective January 4, 2014 Establishes guidelines and procedures that will direct institutional planning and response to on-campus emergencies at public four-year higher education institutions in West Virginia.	January 4, 2014 September 7, 2018	N/A	Modified June 2018.	Rule revised to enforce compliance and require institutions to include a Continuation of Operations Plan (COOP) in the event of a major disruption of operations. Commission approved on June 22, 2018.	Public higher educations.
Proposed Series 55 – Human Resources Administration – Legislative Rule – Public comment period ends December 21, 2017 Establishes policy in a number of areas regarding human resources administration for the employees of the West Virginia Higher Education Policy Commission and the public higher education institutions in West Virginia.	4-Jun-18	2023	New rule.	New rule approved by 2018 Legislature. Replaces Series 8, 39 and 53.	Higher education personnel.
Series 56 – Military Student Withdrawal Policy – Procedural Rule – Final – Effective June 11, 2014 Delineates the responsibilities of West Virginia public higher education institutions relative to dealing with unexpected withdrawals from school by military member students.	June 11, 2014	N/A	Unchanged.	Still relevant.	Postsecondary institutions of higher education.

Series 58: Nursing Scholarship Program – Legislative Rule – Final – Effective June 8, 2016 Establishes guidelines and procedures which will direct the operation of the Nursing Scholarship Program.	May 3, 2015 June 8, 2016	N/A	Unchanged.	Detail provided in the rule establishes critical information such as applicant eligibility, service and repayment requirements.	Public and private higher education institutions offering nursing programs, nursing students, nursing employers, the WV RN Board, the WV LPN Board, and currently licensed LPNs and RNs.
Series 59: Awarding Undergraduate College Credit for Prior Learning – Procedural Rule – Final – Effective November 5, 2015 Establishes guidelines for West Virginia public colleges and universities for the awarding of college credit for prior college-level learning through prior learning assessment.	November 5, 2015 September 28, 2018	N/A	Modified June 2018.	Updated to include requirements from Series 15 and Series 16. Commission approved June 22, 2018.	High school students.
Series 60: West Virginia Reverse Transfer Program – Procedural Rule – Final – Effective August 6, 2015 Establishes the process by which a student may be awarded an associate degree which was begun at a West Virginia public institution offering an associate degree but was completed through a West Virginia public four-year college or university.	August 6, 2015	N/A	Unchanged.	Still relevant.	College students and public higher education institutions.
Series 62: Energy and Water Savings Performance Contracts, Monitoring Use and Reduction – Procedural Rule – Final – Effective September 7, 2018 Establishes guidelines and procedures that will establish a recommended standardized Energy Savings Performance Contract process (ESPCP) through which all West Virginia regional public colleges and universities reduce energy use and water consumption.	September 7, 2018	N/A	New rule.	New rule approved by the Commission on June 22, 2018.	Public higher education institutions.