



# MEETING AGENDA

December 3, 2010

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David Hendrickson, Esq., Chair

Bruce Berry, MD, Vice Chair

Kathy Eddy, Secretary

Jenny Allen

Bob Brown, Ex-Officio

John Estep

Kay Goodwin, Ex-Officio

John Leon, MD

Steven Paine, Ex-Officio

David Tyson, Esq.

Brian Noland, Chancellor

**WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**December 3, 2010**

**West Liberty University  
West Liberty, West Virginia**

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**SCHEDULE OF EVENTS**

**9:00 A.M.**            **Commission Meeting**  
R. Emmett Boyle Conference Center

**11:45 A.M.**           **Lunch**  
R. Emmett Boyle Conference Center



**Directions to West Liberty University  
Higher Education Policy Commission Meeting  
December 3, 2010**

West Liberty University is located at 101 Faculty Drive in West Liberty, West Virginia.

By car, take the Oglebay Park/West Liberty exit (exit 2A) from I-77 and take WV 88 9.9 miles to West Liberty.



West Virginia  
Higher Education  
Policy Commission

**WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**DECEMBER 3, 2010**

**West Liberty University  
West Liberty, West Virginia**

**9:00 AM**

AMENDED

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes – Tab 1**

**III. Introductions**

**IV. Chairman’s Report**

**V. Chancellor’s Report**

**VI. Annual Reports from Constituent Groups**

A. Advisory Council of Faculty – **Tab 2**

B. Advisory Council of Classified Employees – **Tab 3**

C. Advisory Council of Students – **Tab 4**

**VII. Access**

A. Fall 2010 Enrollment Report – **Tab 5**

B. Update on College Access Challenge Grant Funds – **Tab 6**

C. 2010 Financial Aid Comprehensive Report – **Tab 7**

D. Net Price Calculator – **Tab 8**

**VIII. Cost and Affordability**

- A. Legislative Auditor Departmental Review of Higher Education Policy Commission – **Tab 9**
- B. Approval of 2010 Series Higher Education Policy Commission Revenue Bonds – **Tab 10**
- C. Approval of Fiscal Year 2012 Capital Projects – **Tab 11**

**IX. Learning and Accountability**

- A. Chancellor’s Diversity Initiative – **Tab 12**
- B. Approval of Master of Education in Multicultural Instructional Leadership –**Tab 13**
- C. Approval of Authorization of National College to Operate in Parkersburg, West Virginia – **Tab 14**
- D. Approval of Series 20, Authorization of Degree-Granting Institutions – **Tab 15**
- E. Approval of West Virginia School of Osteopathic Medicine Revised Mission Statement – **Tab 16**
- F. Report on Institutional Program Review – **Tab 17**

**X. Innovation**

- A. Division of Science and Research Annual Report -- **Tab 18**
- B. Research Trust Fund Annual Report -- **Tab 19**
- C. West Virginia Education, Research and Technology Park – **Tab 20**

**XI. Additional Board Action and Comment**

- A. Approval of West Virginia School of Osteopathic Medicine Presidential Search Process

**XII. Possible Executive Session under the Authority of WV Code §6-9A-4 and §6-9A-9 to Discuss Personnel and Property Issues**

- A. Approval of Presidential Contract and Compensation Package

**XIII. Adjournment**

## MINUTES

### HIGHER EDUCATION POLICY COMMISSION

July 23, 2010

#### 1. Call to Order

Chairman David Hendrickson convened a meeting of the Higher Education Policy Commission at 9:30 AM at Stonewall Resort in Roanoke, West Virginia and by conference call. The following Commission members were present: Bruce Berry, Kathy Eddy, John Estep, Kay Goodwin, David Hendrickson, John Leon, and David Tyson. Absent: Bob Brown and Steven Paine. Also in attendance were institutional presidents, higher education staff, and others.

#### 2. Election of Officers

Secretary Goodwin reported that the Nominating Committee recommends David Hendrickson to serve as Chairman, Dr. Bruce Berry, as Vice Chairman, and Kathy Eddy, as Secretary.

Secretary Goodwin moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the slate of officers as recommended by the Nominating Committee.

Mr. Tyson seconded the motion. Motion passed.

#### 3. Approval of Minutes

Dr. Berry moved approval of the minutes of the meetings held on April 14, 2010, April 23, 2010, and May 12, 2010, as provided in the agenda materials. Mr. Estep seconded the motion. Motion passed.

#### 4. Chairman's Report

Chairman Hendrickson provided an overview of the annual Board of Governors Summit to be held in conjunction with the Commission meeting. Chairman Hendrickson noted that board members from all of the state's four-year public colleges and universities are invited to participate in sessions focused on shared governance and strategic finance issues.

Chairman Hendrickson also indicated his desire to proceed with the creation of the Council of Board Chairs to increase communication and collaboration among the state's four-year public colleges and universities. Chairman Hendrickson directed staff to arrange an initial conference call to discuss the Council's purpose.

## **5. Chancellor's Report**

Dr. Brian Noland, Chancellor, requested that the Commission and guests observe a moment of silence in memory of Dennis Robinson, an employee of West Virginia Network for Telecomputing (WVNET), who passed away in a motorcycle accident. On behalf of the Commission and the state's higher education institutions, Chancellor Noland expressed his condolences to the Robinson family and WVNET staff.

Chancellor Noland provided a detailed report regarding current Commission and statewide initiatives including the West Virginia Education, Research and Technology Park, West Virginia Campus Compact, the Beckley Higher Education Center, and Complete to Compete, Governor Manchin's initiative as Chair of the National Governors Association.

Chancellor Noland noted that Commission staff has been working with officials from The Dow Chemical Company, members of the Transition Steering Committee, and consultants from the Battelle Memorial Institute regarding the on-going operation and future direction of the West Virginia Education, Research and Technology Park. Dr. Noland noted that the State of West Virginia is scheduled to take full ownership of the Park by the close of the calendar year.

In closing, Chancellor Noland showed a video from GEAR UP U!, West Virginia GEAR UP's first summer academy for the program's cohort students. Seventy-nine students attended the four-day academy at Concord University, which featured rigorous academic classes, leadership development sessions, and career-exploration activities. Chancellor Noland thanked Dr. Gregory Aloia, President of Concord University, and the entire campus community for hosting the event.

## **6. Access**

### **A. Report on Adult Learner Task Force and Implementation of RBA Today**

Dr. Bruce Flack, Director of Academic Affairs, introduced Dr. Suzanne Shipley, President of Shepherd University, who provided a progress report on the work of the Adult Learner Task Force and implementation of RBA Today including the creation of twenty courses in compressed timeframes as well as the use of marketing through social media and direct mail. President Shipley indicated her willingness to provide additional updates in the Fall and Spring once preliminary enrollment numbers are available.

Commissioner Tyson inquired about the proposed distribution date for the direct mail campaign. President Shipley responded that institutional staff were polled regarding their preference and the response was for a mailing date in the Fall to promote enrollment for the Spring semester.

Chancellor Noland provided an overview of an application to The Lumina Foundation to support this on-going initiative. Chancellor Noland indicated that the Commission should receive formal notification regarding the application in the coming weeks.

Chairman Hendrickson thanked Dr. Flack and President Shipley for their leadership on this initiative and noted that West Virginia is a national leader in terms of outreach to adult learners.

## **7. Learning and Accountability**

### **A. Approval of Revision to Series 21, Freshman Assessment and Placement Standards**

Dr. Flack provided an overview of the proposed revisions to Series 21, the Commission's rule for freshman assessment and placement standards. Dr. Flack stated that the proposed revisions are the result of several institutions expressing interest in using alternatives to non-credit developmental education courses. Dr. Flack noted that one such approach is the stretch course, a credit-bearing course that extends (stretches) over one or two semesters, to give more time to those students who may need additional experience in college-level mathematics or writing. The amended rule, which will be filed with the Secretary of State for an official thirty-day public comment period, will provide institutions the flexibility to utilize such alternatives with approval of the Chancellor.

Dr. Berry moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves Series 21, Freshman Assessment and Placement Standards, as revised, for submission to the Secretary of State for a thirty-day public comment period and that if no substantive comments are received that the Commission extends final approval.

Mr. Estep seconded the motion. Motion passed.

### **B. Report on Master's Degree Programs**

Dr. Flack reported on accomplishments and developments in the offering of graduate programs at Concord University, Fairmont State University, Shepherd University, West Liberty University, and West Virginia State University. Dr. Flack reported that the first master's level programs were approved by the Commission for initial offering in the 2003-04 academic year. Dr. Flack stated that the number of graduate programs across the institutions has increased from five to seventeen over the seven-year period and, with the exception of West Liberty University, each of the institutions has completed the seventh year of graduate program offerings. Dr. Flack noted that West

Liberty University implemented its first graduate program in the 2008-09 academic year.

Chairman Hendrickson inquired about the frequency of this report. Dr. Flack responded that master's degree programs are formally reviewed every five years. Dr. Flack noted that Commission staff conducts low productivity reviews every two years.

**C. Approval of Bachelor of Organizational Leadership and Administration at West Liberty University**

Dr. Flack presented a proposal from West Liberty University to implement a Bachelor of Organizational Leadership and Administration. Dr. Flack noted that program costs will be supported by tuition and fee revenues and the institution will not seek additional funding. Dr. Flack also noted that the program will be subject to a post-audit review conducted by the Commission during the 2013-14 academic year.

Chancellor Noland commended Mr. Robin Capehart, President of West Liberty University, for the quality of the program proposal and planning goals. Chancellor Noland noted that the program will be housed off-campus at the new Highlands Center with a revised timeframe for completion targeted at adult learners.

Vice Chairman Berry inquired about the number of required credit hours for bachelor's degrees across the system. Chancellor Noland noted that the 128 credit hours was standard; however, some institutions have examined lowering the required credits to 120 hours. Vice Chairman Berry requested that Chancellor Noland and Commission staff examine the functionality and implementation of lowering the number of required credits.

Mr. Tyson moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the Bachelor of Organizational Leadership and Administration to be implemented at West Liberty University, effective August 2010.

Dr. Berry seconded the motion. Motion passed.

**D. Approval of Reauthorization of Lindsey Wilson College to Offer Baccalaureate and Master's Degree Programs at Southern West Virginia Community and Technical College**

Dr. Flack provided an overview of a request from Southern West Virginia Community and Technical College to renew an agreement, originally signed

in June 2006, with Lindsey Wilson College for an additional four years, extending through June 30, 2014.

Dr. Flack noted that Lindsey Wilson College was approved to offer two degree programs at Southern West Virginia Community and Technical College including a Bachelor of Arts in Human Services and a Master of Education in Counseling and Human Development with a specialization in Mental Health Counseling. Dr. Flack stated that the reauthorization of Lindsey Wilson College to operate in West Virginia is limited to those programs and in accordance with provisions of the Commission's Series 20, Authorization of Degree Granting Institutions.

Mr. Tyson moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the request of Lindsey Wilson College to continue to offer a Bachelor of Arts in Human Services and a Master of Education in Counseling and Human Development at Southern West Virginia Community and Technical College extending through June 30, 2014.

Mr. Estep seconded the motion. Motion passed.

#### **E. Approval of West Virginia and Maryland Tuition Reciprocity Agreement**

Dr. Mark Stotler, Assistant Director of Academic Affairs, provided an overview of a request from West Virginia University to renew an agreement, originally signed in 1979, with the State of Maryland for an additional three years, extending through June 30, 2013.

Dr. Stotler stated that, according to the agreement, Garrett College, located in Maryland, will accept up to 125 full-time equivalent (FTE) students per fiscal year from various West Virginia counties for enrollment in a select number of certificate and associate degree programs offered at the institution. Dr. Stotler noted that, in exchange, West Virginia University will enroll Garrett College graduates at the main campus in Morgantown and at Potomac State College of West Virginia University in Keyser in degree programs not offered at Frostburg State University, also located in Maryland.

Dr. Berry moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the tuition reciprocity agreement between West Virginia and Maryland involving West Virginia University and Garrett College until June 30, 2013.

Mr. Estep seconded the motion. Motion passed

## **8. Cost and Affordability**

### **A. Report on Efficiencies Task Force**

Dr. Kevin Walthers, Vice Chancellor for Administration, introduced Dr. Steve Kopp, President of Marshall University, who provided a progress report on the work of the Efficiencies Task Force. President Kopp also commended the Commission on the release of the recent economic impact study regarding higher education. Dr. Kopp noted that the study illustrates the important role that higher education plays in the state's overall economy and its return on investment.

Commissioner Eddy noted that institutional finance staff are working diligently to find efficiencies at every level. She also noted that the Task Force is not looking for a one size fits all answer and has acknowledged the unique nature of each campus. President Kopp concurred with Commissioner Eddy's comments and noted that the Task Force is examining efficiencies at all levels and plans to make formal recommendations in the coming months.

### **B. Approval of Appointment to the Higher Education Student Financial Aid Advisory Board**

Mr. Jack Toney, Director of State Financial Aid Programs, reported that Senate Bill 373, which was passed during the 2009 regular legislative session, reconstituted the Higher Education Student Financial Aid Advisory Board. Mr. Toney stated that the original appointments to this Advisory Board were made last year. Mr. Toney also stated that the recommendation to fill an expired term is being made consistent with the qualifications provided for in the statute and after consultation with the West Virginia Association of Student Financial Aid Administrators.

Dr. Berry moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the appointment of Ms. Sandra Oerly-Bennett to the Higher Education Student Financial Aid Advisory Board.

Mr. Estep seconded the motion. Motion passed.

### **C. Approval of 403(b) Tax Deferred Retirement Savings Plan and 457(b) Deferred Compensation Plan Documents**

Mr. Richard Donovan, Chief Financial Officer, provided an overview of the major types of tax deferred retirement plans offered to the state's higher education employees. Mr. Donovan noted that the Commission approved the 401(a) and 457(b) plan documents in 2005; however, at that time, the Internal Revenue Service (IRS) had not issued model 403(b) plan document

language. Mr. Donovan stated that, since the 2005 approval, the Internal Revenue Code was amended, model plan documents language was adopted by the IRS and Plan Sponsors were required to bring their 403(b) plans into compliance by December 31, 2009. As a result, Mr. Donovan led the effort of Commission staff in working with Bowles Rice McDavid Graff & Love, LLP and a committee of higher education legal, finance, and human resources professionals to develop a 403(b) plan document, which complied with current IRS regulations.

Mr. Donovan reported that the plan was approved at the November 20, 2009 Commission meeting. As part of the approval, the Commission requested staff to propose options, which would allow employees to direct tax deferred contributions through payroll deductions to many of the investment vehicles offered by the non-approved vendors. Mr. Donovan noted that, given that the new IRS rules place a burden on the Commission to verify compliance at the individual investor level, the complexity of offering several vendors outweighed the associated benefit. Mr. Donovan reported, with the approval of the proposed plan, the Commission will be able to comply with the new rules and employees may continue to invest with other providers, through the use of brokers, but the investments must be made after taxes.

Ms. Eddy moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the revised 403(b) Tax Deferred Retirement Savings Plan and 457(b) Deferred Compensation Plan Documents to provide for a brokerage window option for investment of employee contributions.

Mr. Tyson seconded the motion. Motion passed.

Prior to the vote, Vice Chairman Berry abstained.

Commissioner Eddy thanked Commission staff for their thorough work in providing a means for state higher education employees to continue investing in long-standing retirement accounts, while complying with federal tax regulations.

#### **D. Approval of Capital Projects Funding**

Mr. Donovan provided a detailed overview regarding the history and the current availability of funding for capital projects. Mr. Donovan noted that the only change to the provided agenda materials is that the Turley Center at Fairmont State University will be dedicated to the operation of student services instead of Pierpont Community and Technical College as previously identified.

Chancellor Noland thanked Mr. Donovan and institutional presidents for their support of the long and detailed process of identifying projects to be funded and securing support for such funds. Chancellor Noland also thanked Governor Manchin and Senator Plymale for their leadership in securing a bond issue to finance nearly \$100 million in capital projects across the state's higher education system. Chancellor Noland noted that the sale of this bond will mark the second time in state history that state funds have been utilized to construct higher education facilities.

Mr. Tyson moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the proposed list of projects in Table 1 consistent with the staff recommendation.

Dr. Berry seconded the motion. Motion passed.

#### **E. Approval of Fiscal Year 2011 Higher Education Policy Commission Division Operating Budgets and Higher Education Resource Assessment Projects**

Mr. Donovan provided an overview of the available funding from state appropriations and the Higher Education Resource Assessment (HERA) charged to all in-state and out-of-state students for operation of the Commission and statewide projects and initiatives. Mr. Donovan noted that, given declining state revenues and the five percent appropriation reductions to the Commission's base budget, division directors met with Dr. Kevin Walthers, Vice Chancellor for Administration, and finance staff to discuss operating budgets and efficiencies for Fiscal Year (FY) 2011.

Mr. Terry Hess, Assistant Director of Finance and Facilities, provided an overview of the proposed expenditures for general operating and HERA project expenses for FY 2011, in accordance with the staff recommendations. Mr. Hess reported that the proposed division budgets for FY 2011 include approximately \$7.8 million with personal services, employee benefits, and Other Post Employment Benefits (OPEB) totaling \$5.3 million, or 68 percent, of the Commission's operating budget. Mr. Hess further reported that other fixed operating costs such as building rent, telecommunications, and on-going contractual services total \$1.8 million, or 23 percent, leaving nine percent, or \$728,000, in discretionary operating costs for office expenses, travel, hospitality, and other miscellaneous expenses.

Dr. Berry moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2011 division operating budgets and Higher

Education Resource Assessment projects.

Mr. Estep seconded the motion. Motion passed.

#### **F. Approval of Fiscal Year 2011 West Virginia Network for Educational Telecomputing Budget**

Ms. Roberta Haddix, Assistant Director of Administration, presented the proposed budget for West Virginia Network for Educational Telecomputing (WVNET). Ms. Haddix provided background on expenditures and revenues, noting that WVNET operating revenues are generated from the following sources: state appropriation, contracts, services, interest income, and an allocated portion of HERA funding. Ms. Haddix indicated the FY 2011 state appropriation decreased when compared to last year's state appropriation, which was cut in mid-year. Ms. Haddix stated that the budget includes an operation budget and pass-through budget.

Dr. Berry moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2011 West Virginia Network for Educational Telecomputing budget as presented.

Ms. Eddy seconded the motion. Motion passed.

#### **G. Approval of Acceptance of National Science Foundation Awards**

Dr. Paul Hill, Vice Chancellor for Science and Research, presented an overview of two new grants including a five-year, \$20 million award from the National Science Foundation, the largest award of its kind in state history. Dr. Hill stated that the award will be utilized to significantly boost academic research and upgrade infrastructure at Marshall University, West Virginia State University, West Virginia University, and other institutions. Dr. Hill noted that the proposal, "Bionanotechnology for Enhanced Public Security and Environmental Safety," initiates extensive activities in science education, workforce development, broadening diversity, and outreach and communications.

Dr. Hill also provided an overview of a two-year, \$1.2 million award from the National Science Foundation through the American Recovery and Reinvestment Act of 2009 to enhance cyberinfrastructure across the state's higher education system. Dr. Hill stated that both intra- and inter-campus connectivity, research and education activities will be supported at Marshall University and West Virginia University in collaboration with all of the state's public higher education institutions and the K-12 community.

Chairman Hendrickson commended Dr. Hill and his staff for their work to increase the amount of federal and state funding for institutional and statewide research projects and technology infrastructure upgrades.

Mr. Tyson moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves acceptance of awards to West Virginia Experimental Program to Stimulate Competitive Research (EPSCoR) from the National Science Foundation.

Mr. Estep seconded the motion. Motion passed.

#### **H. Approval of Fiscal Year 2011 Division of Science and Research Spending Plan**

Dr. Hill presented the proposed spending plan for the Research Challenge Fund, the National Science Foundation's Experimental Program to Stimulate Competitive Research (EPSCoR), and the Research Trust Fund. Dr. Hill also stated that the programs are guided by a statewide Science and Research Council, which approved the spending plan.

Vice Chairman Berry expressed his concern about the remaining principal balance and future matching requests for the Research Trust Fund. Dr. Hill responded that the funds are to be drawn down by 2013; however, the statute allows for redistribution of the funding, after that date, if matching funds are available. Vice Chairman Berry inquired if funding could be made available to the state's remaining four-year public colleges and universities if not utilized by Marshall University and West Virginia University. Dr. Hill responded that it is possible to expand the availability of funding to those institutions since the funding resides with the Commission.

Mr. Tyson moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2011 Division of Science and Research Spending Plan.

Mr. Estep seconded the motion. Motion passed.

#### **I. Presentation of Proposed Funding Formula**

Dr. Walthers provided a detailed presentation regarding the background and individual funding components contained within the proposed funding formula. Dr. Walthers stated that the funding formula is intended to provide a recommendation for the allocation of state appropriations. Dr. Walthers noted

that the formula will be implemented over time and only utilizing a small percentage of the budget in the beginning years with the goal of incentivizing institutions with monetary reward for increased enrollment, retention, and graduation rates. Dr. Walthers asked the Commission for its support in distributing the model to the institutions for comment and feedback and further development.

**9. Possible Executive Session**

Dr. Berry moved to go into Executive Session under the authority of WV Code §6-9A-4 to discuss personnel issues. The motion was seconded by Mr. Estep. Motion passed.

Dr. Berry moved to rise from Executive Session. Mr. Estep seconded the motion. Motion passed.

**A. Approval of Presidential Contracts and Compensation Packages**

Chairman Hendrickson reported that the Commission discussed the presidential contracts and compensation packages during Executive Session, but no action was taken.

**10. Additional Board Action and Comment**

There was no additional board action or comment.

**11. Adjournment**

There being no further business, the meeting was adjourned.

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David K. Hendrickson

Chairman

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Kathy Eddy

Secretary

## MINUTES

### HIGHER EDUCATION POLICY COMMISSION

August 23, 2010

#### 1. Call to Order

Chairman David Hendrickson convened a meeting of the Higher Education Policy Commission at 1:00 PM in the 9<sup>th</sup> Floor Conference Room at 1018 Kanawha Boulevard East, Charleston, West Virginia and by conference call. The following Commission members were present: Jenny Allen, Bruce Berry, Bob Brown, Kathy Eddy, John Estep, Kay Goodwin, David Hendrickson, John Leon, and David Tyson. Absent: Steve Paine.

#### 2. Oath of Office

Ms. Jenny Allen, a new member of the Commission, was sworn in and welcomed by Chairman Hendrickson.

#### 3. Update on West Virginia Education, Research and Technology Park

Dr. Paul Hill, Vice Chancellor for Science and Research, provided a brief overview of the ongoing progress of the West Virginia Education, Research and Technology Park. Dr. Hill reported that the West Virginia Community and Technical College System approved the architectural design for the Advanced Technology Center for the Advantage Valley Region which will be located at the park. He further explained that representatives of Battelle have hosted several meetings to gather input to develop the master plan for the West Virginia Education, Research and Technology Park.

Dr. Hill reported that state education agencies and organizations are invited to apply for federal stimulus funding through the Government Services Fund which will provide funding from the American Reinvestment and Recovery Act to assist with building renovations and associated costs for education and research facilities. Dr. Hill stated that approximately \$12.25 million may be available to help offset such costs for the West Virginia Education, Research and Technology Park. Commission members expressed their support of an application for funding from the Government Services Fund and encouraged Dr. Hill to move forward with applying for this assistance.

#### 4. Approval of Fiscal Year 2012 Appropriation Request

Dr. Kevin Walthers, Vice Chancellor for Administration, provided an overview of the process for submitting the annual appropriation request to the West Virginia State Budget Office. He reported that for Fiscal Year (FY) 2012, Commission staff recommends additional funding be requested in areas that are essential in meeting the mission of the Commission. The FY 2010 appropriation request will focus on the following areas, financial aid, capital improvements, institutional performance funding, West Virginia Perinatal Partnership, and the Tuition Contract Program.

Secretary Goodwin asked if the Commission collects data on the number of students receiving loans to help offset the increasing costs of tuition. Dr. Brian Noland, Chancellor, reported that this information is available for students attending public institutions of higher education and addressed the need to increase funding for state-level need-based financial aid programs.

Discussion followed on the State's Six-Year Financial Plan a request from Vice Chairman Berry for an explanation regarding funding for the PROMISE Scholarship Program.

Ms. Eddy moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the Fiscal Year 2012 appropriation request to be submitted to the West Virginia State Budget Office.

Secretary Goodwin seconded the motion. Motion passed.

## **5. Approval of Financing Plan at Concord University**

Mr. Richard Donovan, Chief Financial Officer, presented a request from Concord University to secure financing through the United States Department of Agriculture to fund various institutional capital improvement projects. Dr. Charles Becker, Interim Vice President for Business and Finance, answered questions regarding the financing plans for the projects.

Dr. Berry moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the financing plan of Concord University for renovation of the J. Frank Marsh Library, The University Child Care Center, and Towers Residence Hall.

Mr. Tyson seconded the motion. Motion passed.

## **6. Possible Executive Session**

Dr. Berry moved to go into Executive Session under the authority of WV Code §6-9A-4 to discuss personnel issues. The motion was seconded by Ms. Eddy. Motion passed.

Dr. Berry moved to rise from Executive Session. Ms. Eddy seconded the motion. Motion passed.

### **A. Approval of Presidential Contracts and Compensation Packages**

Chairman Hendrickson reported that the Commission considered presidential contracts and compensation for Bluefield State College, Concord University,

Fairmont State University, Shepherd University, and West Liberty University.

Dr. Berry moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the presidential compensation contract change proposed by the Board of Governors of Bluefield State College, Concord University, Fairmont State University, Shepherd University, and West Liberty University.

Commissioner Brown acknowledged the exemplary performance of the presidents but expressed reservation in approving additional compensation for these individuals when other institutional faculty and staff are not receiving salary increases in view of the difficult financial and economic status of the State.

Ms. Eddy seconded the motion.

A roll call of votes was taken and the results were as follows:

In favor: Bruce Berry, Kathy Eddy, Kay Goodwin, John Leon, and David Tyson

Opposed: Bob Brown and John Estep

Motion passed.

Chancellor Noland was directed to work with the institutional governing boards to effectuate the change of the presidential contracts.

**7. Additional Board Action and Comment**

There was no additional board action or comment.

**8. Adjournment**

There being no further business, the meeting was adjourned.

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David K. Hendrickson

Chairman

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Kathy Eddy

Secretary

## MINUTES

### HIGHER EDUCATION POLICY COMMISSION

October 5, 2010

#### 1. Call to Order

Chairman David Hendrickson convened a meeting of the Higher Education Policy Commission at 1:00 PM in the 9<sup>th</sup> Floor Conference Room at 1018 Kanawha Boulevard East, Charleston, West Virginia and by conference call. The following Commission members were present: Jenny Allen, Bruce Berry, Bob Brown, Kathy Eddy, John Estep, Kay Goodwin, David Hendrickson, and David Tyson. Absent: John Leon and Steve Paine.

#### 2. Report on Master Planning and Development of the West Virginia Education, Research and Technology Park

Dr. Paul Hill, Vice Chancellor for Science and Research, introduced Mr. Mitch Horowitz, Vice President and Managing Director of Battelle Technology Partnership Practice, to provide a report on progress related to master planning and development of the West Virginia Education, Research and Technology Park, formerly the South Charleston Technology Park owned by The Dow Chemical Company. Dr. Hill noted that Battelle is the firm that was selected through a competitive process to provide master planning and development assistance to the Commission regarding the future direction of the WVERTP.

Mr. Horowitz thanked the Commission for the opportunity to provide an overview of Battelle's work with various groups including the Transition Steering Committee as well as representatives from business and industry and government.

Chairman Hendrickson inquired about outreach efforts to the Union Carbide retired community regarding the future direction of the Park. Dr. Hill responded that the Commission distributed informational brochures at a recent gathering of retirees. Chairman Hendrickson encouraged Dr. Hill and Mr. Horowitz to find a way to engage this group.

Commissioner Brown inquired about potential environmental issues at the Park. Chancellor Noland responded that environmental issues were examined at multiple levels and in multiple phases prior to acceptance of the donation. Chancellor Noland also noted that the donation agreement provides for a variety of protection against any future discoveries or environmental issues.

Commissioner Eddy thanked Mr. Horowitz for his presentation and commented on her excitement regarding the future of the Park. Chairman Hendrickson concurred with Commissioner Eddy's comments.

**3. Approval of Funding for the West Virginia Education, Research and Technology Park**

Mr. Richard Donovan, Chief Financial Officer, provided background information pertaining to the American Recovery and Reinvestment Act State Fiscal Stabilization Fund Grant provided through the Governor's Office for modernization and transitional operation of the West Virginia Education, Research and Technology Park. Mr. Donovan stated that the Grant Contract was signed by representatives of the Governor's Office and the Commission on September 21, 2010; however, before the Commission can draw down the grant funds, the specific resolution must be adopted by the Commission and forwarded to the Governor's Office to be incorporated into the Grant Contract.

Dr. Berry moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission shall hereby be legally authorized to enter into an agreement with the Governor's Office for grants authorized by the American Recovery and Reinvestment Act State Fiscal Stabilization Fund.

Secretary Goodwin seconded the motion. Motion passed.

**4. Approval of Revision to Series 20, Authorization of Degree Granting Institutions**

Dr. Bruce Flack, Director of Academic Affairs, provided an overview of the proposed revisions to Series 20, the Commission's rule for the authorization of degree granting institutions. Dr. Flack stated that the proposed revisions are the result of an increase in the number of requests from out-of-state, proprietary institutions to operate in West Virginia and the need to re-examine the process and criteria for reviewing and approving such requests. The proposed revisions, which are the result of an extensive staff review of policies in other states, will clarify the authority of the Commission and assign greater responsibility to the Commission for monitoring the quality of postsecondary education within the state. Dr. Flack noted that the rule will be filed with the Secretary of State for an official thirty-day public comment period before being finalized and forwarded to the Legislative Oversight Commission on Education Accountability for further action.

Chancellor Noland thanked Dr. Flack and his staff for their quality work on revising this rule consistent with the Commission's request to provide greater protection to the state's current and future students.

Ms. Eddy moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves revisions to Series 20, Authorization of Degree Granting Institutions, for filing with the Secretary of State for a thirty-day public comment period.

*Further Resolved*, That staff is instructed to forward the legislative rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action at the conclusion of the comment period if no comments are received.

Dr. Berry seconded the motion. Motion passed.

**5. Approval of Refunding of the West Virginia Higher Education Interim Governing Board University Facilities Revenue Bonds Series 2001A for Marshall University**

Mr. Donovan provided an overview of a request from Marshall University to refinance bonds from 2001 for an aggregate principal amount not to exceed \$45,000,000 and fully paid in May 2031, which is the same pay-off date as the original bond. Mr. Donovan reported that the institution's board of governors is currently considering two different financing proposals, both of which result in a significant savings to the institution.

Chairman Hendrickson inquired about a pending request from the Commission for the institution to provide additional information regarding the submission of the institutional annual report as required by the Research Trust Fund. Chairman Hendrickson expressed his disappointment that the institution submitted a brief report and a lack a response requesting follow-up. Dr. Stephen Kopp, President of Marshall University, noted that the institution is preparing a response and will provide the requested material to the Commission in the coming weeks.

Ms. Eddy moved approval of the following resolution:

*Resolved*, That the West Virginia Higher Education Policy Commission approves the resolution drafted by bond counsel authorizing the issuance by the Board of Governors of Marshall University of up to \$45,000,000 in aggregate principal amount of the Board's University Refunding Revenue Bonds Series 2010.

Dr. Berry seconded the motion. Motion passed.

**6. Approval of Option for Construction of Allied Health and Technology Building at the Erma Byrd Public Higher Education Center**

Mr. Donovan provided an overview regarding a \$3.96 million Health Resources and Services Administration (HRSA) grant that the Commission received to construct an Allied Health and Technology Building at the Erma Byrd Public Higher Education Center site. Mr. Donovan stated that Commission staff and representatives from Bluefield State College, Concord University, New River Community and Technical College, and Southern West Virginia Community and Technical College have been working with a programming consultant to identify the allied health and technology programs to be housed in this facility and the space needed to teach these programs, along with faculty offices and ancillary space needs.

Mr. Donovan reported on the three options regarding the placement and construction of the proposed facility at the Higher Education Center site. Mr. Donovan stated the staff recommendation was to proceed with the most cost-effective option that included the most amount of square footage.

Chancellor Noland indicated that Father Acker, who oversees the day to day operations of the Higher Education Center, provided various objections on behalf of the Higher Education Foundation regarding the Commission's consideration of this item. Secretary Goodwin stated that it was important for the Commission to approve the placement and size of the building as the agency that is fiscally responsible for the grant.

Secretary Goodwin moved approval of the following resolution:

*Resolved*, that the West Virginia Higher Education Policy Commission selects Option 3 for design and construction of the Allied Health and Technology Building at the Erma Byrd Public Higher Education Center site.

Dr. Berry seconded the motion. Motion passed.

## 7. **Adjournment**

Prior to adjourning the meeting, Chancellor Noland expressed his appreciation to Ashley Schumaker, his Executive Assistant, for her dedicated service to the Chancellor's Office and the Commission over the course of the past few years. Chancellor Noland wished Ms. Schumaker well during her upcoming maternity leave and looks forward to her return after the New Year.

There being no further business, the meeting was adjourned.

\_\_\_\_\_

David K. Hendrickson

Chairman

\_\_\_\_\_

Kathy Eddy

Secretary



## ADVISORY COUNCIL OF FACULTY

### 2009-2010 REPORT CARD

The Advisory Council of Faculty (ACF) was established by the West Virginia Legislature as an advisory body to

- The WV Legislature
- The Higher Education Policy Commission (HEPC) and the Council for Community and Technical College Education (CCTCE)
- Local Board of Governors
- Faculty Constituents

Faculty issues and concerns are discussed among the members of the ACF, with institutional Senates and Assemblies, and with faculty constituents. All major issues are approved by Faculty Senates and Assemblies (visit [www.wvacf.org](http://www.wvacf.org) for more). The following is a brief overview or “report card” on ACF activities during the academic year 2009-2010.

**July 17 – 18, 2009:** ACF held the annual retreat at West Virginia University Erickson Alumni Center in Morgantown, WV. Chair Roy Nutter distributed the 2009 Report Card and led discussions on the following ACF issues of concern: Great Teachers Seminar (Mark Goldstein), Faculty Study (Sylvia Shurbutt), sick leave policies for faculty at ten out-of-state institutions (ad hoc committee—Steve Bourne, Dave Brown, Sylvia Shurbutt), Adult Learning Task Force (Sylvia Shurbutt). A special report was made by Russ Dean on the Driver’s Training for WV employees. Elected officers for 2009-2010 were Betty Dennison, Chair (MCTC); Eloise Elliott (who had to resign shortly thereafter) replaced by Erik Root, Vice Chair (West Liberty University); Leslie Lovett, Secretary (Pierpont CTC); Mike Ditchen (Bridgemont CTC); Sylvia Shurbutt, Legislative Advisory Coordinator (Shepherd University); Jim Hoey, Listserve (Potomac State).

**September 17, 2009:** Reports were made by Chancellor Nolan and Chancellor Skidmore. A frank and candid discussion was held between the ACF and the Chancellors. The Chancellors suggested caution with regard to faculty raises due to the current, challenging economic climate. Dr. Flack was also

present to offer his assistance for the new academic year and discuss the “New RBA Today” program. A report on cyber awareness was made by Jim Richards from the WV Information Security Office. Subcommittee reports on sick leave, dependent tuition waivers, and faculty development funding were given. ACF Legislative Coordinator Sylvia Shurbutt led the revision work for the ACF brochure.

**October 2009 through September 2010:** Sylvia Shurbutt represented the ACF on the Adult Learning Taskforce, chaired by Dr. Suzanne Shipley, President of Shepherd University. The Taskforce explored ways to enhance the RBA degree, creating the revitalized RBA Today, with common system courses, a common website, a superb marketing plan, and increased involvement of adult learners in higher education.

**October 23, 2009:** The ACF met on the campus of Pierpont CTC/Fairmont State University in Fairmont, WV. Reports were made by Dr. Flack announcing a new format for the ACF presentation to the HEPC and an upcoming Financial Summit to be held in November in Morgantown at WVU. Chuck Bailey reported that Marshall University’s Senate had voted for a two year moratorium on PEIA increases. Other matters discussed were grievance procedures, ACF correspondence on the Praxis issue, sick leave, and faculty development funding. Fairmont/Pierpont were wonderful hosts.

**November 19, 2009:** The ACF met on the campus of WVU in the Erickson Alumni Center. Many members attended the HEPC Financial Summit earlier in the day. Sylvia Shurbutt distributed the 2010 Legislative Brochures. Bruce Walker (HEPC attorney) was on hand to explain that the decision to provide legal counsel to employees or students is essentially an institutional decision. HEPC Counsel cannot be involved in anything that would go against an institution. Much discussion centered around institutional autonomy, or lack thereof. HEPC Chairman Hendrickson met with the ACF and was very receptive to comments made by members. WVU was a wonderful host.

**November 20, 2009:** ACF members were present at the HEPC meeting in Morgantown at WVU and participated in a discussion with the HEPC. This table discussion was a new format for the annual ACF presentation to the HEPC.

**December 4, 2009:** The ACF met at the HEPC Central office. A full agenda including the following was covered: Dr. Flack presented a letter from Chancellor Nolan addressing salary increases during these challenging economic times. He shared a number of strategies that other states are trying, such as shorter matriculation time, terminating low productivity programs, creating more liberal transfer policies, etc. HEPC Chairman Hendrickson’s charge from the last ACF meeting was to generate ideas on college retention and completion. ACF members were present at the CCTCE meeting in Charleston.

**December 7, 2009:** Chair Dennison made a presentation on behalf of the ACF to LOCEA at the State Capitol.

**January 21, 2010:** The ACF meeting was held at HEPC headquarters in Charleston. Sylvia Shurbutt reported on the Adult Learning Taskforce updates and the upcoming Higher Education Day at the Legislature. Dr. Flack discussed Series 19, institutional compact updates, and three new program

approvals. Chair Dennison reported on the LOCEA presentation made recently. ACF member were also present at the CCTCE meeting at the Marriott in Charleston.

**January 22, 2010:** ACF members attended the HEPC meeting at the Clay Center in Charleston.

**February 19, 2010:** ACF members met at the WV State Capitol for WV Higher Education Day. Senator Unger and Delegate Poling met with the ACF. ACF members also attended the Senate floor session and were introduced on the floor of the WV State Capitol.

**March 18, 2010:** ACF met in the HEPC Conference Room. Chancellor Nolan addressed the group on the recent legislative session. He explained that the Governor would not be signing SB480 due to “technical issues.” The Chancellor also explained the recent acquisition of the Dow property in Charleston.

**April 12-13:** ACF participated in the “SREB College Completion” Conference held in Charleston which was hosted by Governor Manchin.

**April 23, 2010:** The ACF met on the campus of WVU Institute of Technology in Institute, WV. Dr. Flack and Chair Dennison shared information from the “SREB College Completion Conference” held in Charleston, April 12-13. College graduation rates need to improve. Southern governors will be meeting in West Virginia this summer to vote on policy to support and improve college completion rates. HEPC and CCTCE reports were also made. The summer retreat will be held on May 20-21 at Cacapon State Park in Berkeley Springs, WV. WV Tech was most gracious as our host for the day.

**May 20-21, 2010:** ACF retreat was held at Cacapon State Park to determine Higher Education ACF agenda for 2010-2011. On day one, Chancellor Skidmore addressed the ACF and expressed his concerns regarding FY 2012. He also explained the possibility of a one-time salary enhancement for higher education employees. The Chancellor emphasized the need for consistent financing to fund higher education in West Virginia. On day two, Chancellor Nolan addressed the group. He explained that with new tracking mechanisms we should be able to track our students better. He emphasized a need to consider efficiency in program completion while also maintaining quality. He also mentioned a possible salary enhancement for schools that could afford them. Chancellor Nolan offered suggestions concerning the 2010-11 ACF Issues (see ACF Issues for 2011 and ACF brochure – attached). ACF officers were elected for 2010 -11: Betty Dennison- Chair; Eric Root-Vice Chair; Leslie Lovett (who resigned in Sept. and was replaced by Paul Peck) – Secretary; Mike Ditchen- Web Master; Sylvia Shurbutt – Legislative Advisory Coordinator.

**June 21 -24, 2010:** Under the leadership of ACF member Mark Goldstein from WV Northern CC, the annual Great Teachers Seminar was held at Great Bend State Park. The HEPC and CCTCE have supported this worthwhile faculty development for many years, while the ACF recruits and supports faculty who apply and participate.

Presentations were made during the year to the HEPC, CTC Council, LOCEA, as well as respective institutions and their boards throughout the state. ACF attended all HEPC and CTC scheduled meetings throughout the academic year.

Many thanks to all the ACF members, Chancellor Nolan, Chancellor Skidmore, Dr. Bruce Flack, and the board office. Any group is only as strong as the weakest member, and this group has proven that we are strong, indeed!

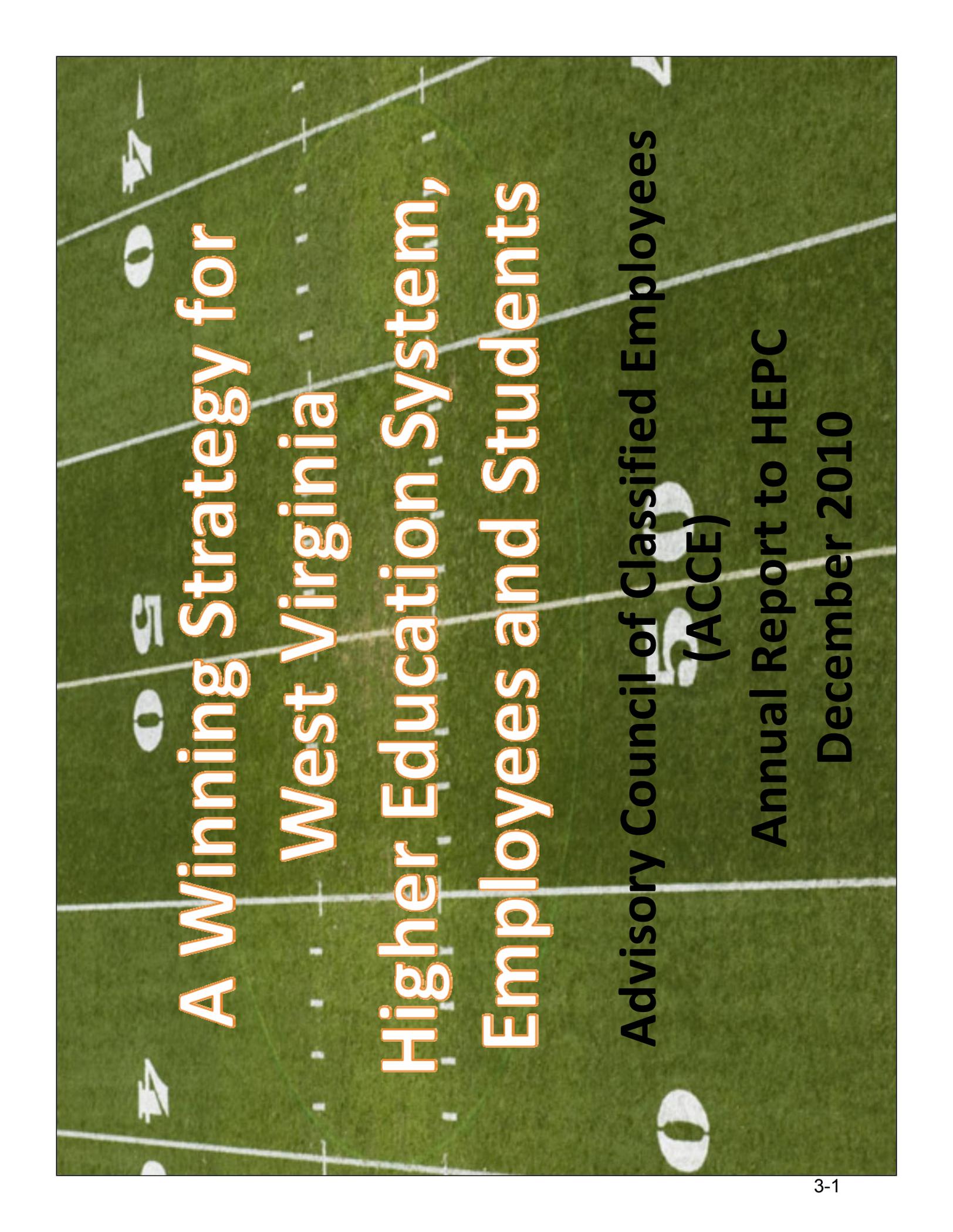
## ***West Virginia Advisory Council of Faculty Issues for 2011*** ***“Achieving the Future”***

### **Preamble:**

In order to support and encourage faculty involvement in cutting educational costs for students and developing specific efficiency measures that improve retention, graduation rates, and faster degree completion for four-year programs, and enhance the academic quality of our programs, including streamlining and re-visioning general studies and other curricula, the ACF supports and endorses the following issues for 2011:

- 1) Provide a systematic funding mechanism for capital projects, sustainable deferred maintenance, and Higher Education initiatives mandated by the Legislature.
- 2) Increase the percentage of Tenured Faculty in order to maintain academic integrity, to recruit high-quality faculty, to encourage a strong faculty voice in governance issues, and to provide consistency and oversight of programs (see *2006 Faculty Personnel Study*).
- 3) Provide relief from rising PEIA premiums.
- 4) Support Higher Education personnel legislation and initiatives that include
  - a) revising the classification and compensation system advocated by classified employees;
  - b) HEPC/CTCC tuition and fee approval above 3% rise;
  - c) standardizing HEPC academic program approvals across the system;
  - d) providing other WV Higher Education institutions with the same flexibility as Marshall and WVU in areas, such as purchasing, etc.
- 5) Allow faculty representation on the HEPC and CTC Council.
- 6) Allow Higher Education Employees the right to serve in the Legislature.

*"An education isn't how much you have committed to memory, or even how much you know. It's being able to differentiate between what you do know and what you don't."* [Anatole France](#) (1844 - 1924)



# **A Winning Strategy for West Virginia Higher Education System, Employees and Students**

**Advisory Council of Classified Employees  
(ACCE)**

**Annual Report to HEPC  
December 2010**

# Scouting Report

## Senate Bill 603

The legislature mandated that the HEPC, in consultation with the Council, the governing boards, the State Advisory Council of Faculty, and the State Advisory Council of Classified Employees, conduct a study of eight major tasks

# Game Plan

**F - fairness**

**A - accountability**

**C - credibility**

**T - transparency**

**S - systematic**



In the last legislative session

Senate Bill 480 was a **TOUCHDOWN**...however we didn't get any points on the board

# Executing the **Game Plan**

Creates a positive work environment where faculty and staff thrive

- Avoid flags/penalties
- Avoid turnovers



# FOR SUCCESSFUL SCORING DRIVES

- Teamwork using the same play book
- Pick up short yardage
- Complete passes
- Convert first downs
- Experienced Coaching



**SCORE!**

Student success

Student success system

Fair & Equitable productivity

Increased productivity

Improved WV economy



# State Advisory Council of Students



- General Education Courses
- Financial Aid
- Online Courses
- Retention
- Higher Education Health Care

# General Education Courses



- Don't always transfer
- Students don't graduate on time
- Students decide to not continue their education

# Financial Aid



- FAFSA acceptance problems
- Retention after refunds are issued
- Book vouchers (not all schools do this)
- Professors assigning expensive books they do not plan to utilize efficiently
  - Books should not be almost as much as tuition - Its especially hard for a student who is going to a community college for the lower tuition prices due to other obligations
  - Try renting books as opposed to buying them straight out.

# Online Courses



- ❑ Strong move in this direction
- ❑ Class room of tomorrow
- ❑ Where is the assurance of academic integrity?

# Retention



- ❑ Retention rates are low
- ❑ Students can help
- ❑ Students are not being utilized

# Higher Education Health Care



- Insurance?
  - Many schools do not offer
  - Those who do don't offer effective programs
- Clinics?
  - Ineffective
  - Not convenient
- Students are largely unaware of programs offered by those institutions that do offer them

# Council Members (2010-2011)

- Adam Walls, Shepherd University
- Alicia Nieman, Fairmont State University / Pierpont Community & Technical College
- Carrie Toeman, Blue Ridge Community & Technical College
- David Srylo, West Liberty University
- Derick Wolfe, WVU at Parkersburg
- Erica Meade, Bluefield State College
- Eva March, New River Community & Technical College
- Henry Marlon, Glenville State College
- Jacob Curnutte, WVU Institute of Technology
- Jaschar Shakuri-Rad, WV School of Osteopathic Medicine
- Joshua Lawson, Concord University (Chair)
- Joshua Strachan, Potomac State College of WVU
- Keith Coleman, Southern WV Community & Technical College
- Kristopher Casdorff, West Virginia State University
- Megan Thomas, Bridgemont Community & Technical College
- Michelle Turner, Eastern WV Community & Technical College
- Patrick Murphy, Marshall University
- Ron Cheng, West Virginia University
- Sigourney Tabor, WV Northern Community College

# Contact Information



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- Phone: 304-320-1730

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Fall 2010 Enrollment Report

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** Information Item

**STAFF MEMBER:** Rob Anderson

**BACKGROUND:**

Mr. Rob Anderson, Senior Director of Policy and Planning, will present a report examining enrollment trends within West Virginia from an institutional and system perspective. Figures will be compared to those of other Southern Regional Education Board (SREB) states as well as nationally in an effort to fully understand the context in which West Virginia postsecondary education is currently positioned as the state moves forward.

**Table 1**  
**History of Fall Term Headcount Enrollment in Public Institutions**

| Institution                       | Four Year Institutions |               |               |               |               |               |               |               |               |               | % Change      |               |             |              |               |
|-----------------------------------|------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-------------|--------------|---------------|
|                                   | 1999                   | 2000          | 2001          | 2002          | 2003          | 2004          | 2005          | 2006          | 2007          | 2008          | 2009          | 2010          | 2009-10     | 2006-10      | 2001-10       |
| Bluefield State College           | 2,339                  | 2,648         | 2,768         | 717           | 1,718         | 1,840         | 1,710         | 1,788         | 1,804         | 1,868         | 1,989         | 2,063         | 3.7%        | 15.4%        | -25.5%        |
| Concord University                | 2,877                  | 3,050         | 3,055         | 2,660         | 2,987         | 2,946         | 2,958         | 2,928         | 2,735         | 2,812         | 2,882         | 2,822         | -2.1%       | -3.6%        | -7.6%         |
| Fairmont State University         | 6,630                  | 6,496         | 6,724         | 3,699         | 3,938         | 4,163         | 4,710         | 4,602         | 4,331         | 4,546         | 4,572         | 4,709         | 3.0%        | 2.3%         | -30.0%        |
| Glenville State College           | 2,260                  | 2,198         | 2,144         | 2,218         | 1,377         | 1,319         | 1,392         | 1,381         | 1,441         | 1,443         | 1,721         | 1,828         | 6.2%        | 32.4%        | -14.7%        |
| Marshall University               | 15,633                 | 15,640        | 16,036        | 13,792        | 13,693        | 13,602        | 13,805        | 13,810        | 13,659        | 13,282        | 13,434        | 13,717        | 2.1%        | -0.7%        | -14.5%        |
| Potomac State College of WVU      | 1,167                  | 1,111         | 1,254         | 1,308         | 1,330         | 1,304         | 1,279         | 1,485         | 1,608         | 1,582         | 1,810         | 1,836         | 1.4%        | 23.6%        | 46.4%         |
| Shepherd University               | 4,597                  | 4,703         | 4,391         | 3,254         | 3,327         | 3,682         | 3,901         | 4,091         | 4,119         | 4,185         | 4,256         | 4,234         | -0.5%       | 3.5%         | -3.6%         |
| West Liberty State College        | 2,579                  | 2,606         | 2,654         | 2,571         | 2,502         | 2,338         | 2,246         | 2,272         | 2,404         | 2,500         | 2,642         | 2,733         | 3.4%        | 20.3%        | 3.0%          |
| WV School of Osteopathic Medicine | 274                    | 280           | 291           | 307           | 337           | 363           | 397           | 503           | 598           | 691           | 778           | 806           | 3.6%        | 60.2%        | 177.0%        |
| West Virginia State University    | 4,794                  | 4,823         | 4,836         | 3,122         | 3,130         | 3,344         | 3,491         | 3,502         | 3,218         | 3,003         | 4,003         | 3,190         | -20.3%      | -8.9%        | -34.0%        |
| West Virginia University          | 22,315                 | 21,987        | 22,774        | 23,492        | 24,260        | 25,255        | 26,051        | 27,115        | 28,113        | 28,840        | 28,898        | 29,306        | 1.4%        | 8.1%         | 28.7%         |
| WVU Institute of Technology       | 2,593                  | 2,326         | 2,374         | 1,824         | 1,783         | 1,685         | 1,535         | 1,466         | 1,445         | 1,224         | 1,244         | 1,209         | -2.8%       | -17.5%       | -49.1%        |
| <b>Total 4 Yr</b>                 | <b>68,058</b>          | <b>67,868</b> | <b>69,301</b> | <b>58,964</b> | <b>60,382</b> | <b>61,841</b> | <b>63,475</b> | <b>64,943</b> | <b>65,475</b> | <b>65,976</b> | <b>68,229</b> | <b>68,453</b> | <b>0.3%</b> | <b>5.4%</b>  | <b>-1.2%</b>  |
| <b>Two-Year Institutions</b>      |                        |               |               |               |               |               |               |               |               |               |               |               |             |              |               |
| Blue Ridge CTC                    |                        |               |               | 1,422         | 1,504         | 1,524         | 1,711         | 1,953         | 2,192         | 2,466         | 3,248         | 3,813         | 17.4%       | 95.2%        |               |
| Bridgmont CTC                     |                        |               |               | 639           | 684           | 658           | 671           | 677           | 758           | 702           | 921           | 930           | 1.0%        | 37.4%        |               |
| Eastern WV CTC                    |                        |               | 140           | 353           | 394           | 694           | 882           | 766           | 540           | 546           | 636           | 645           | 1.4%        | -15.8%       | 360.7%        |
| Kanawha Valley CTC                |                        |               |               | 1,384         | 1,557         | 1,614         | 1,590         | 1,717         | 1,634         | 1,737         | 2,227         | 1,995         | -10.4%      | 16.2%        |               |
| Mountwest CTC                     |                        |               |               | 2,305         | 2,343         | 2,402         | 2,510         | 2,515         | 2,363         | 2,449         | 2,999         | 3,067         | 2.3%        | 21.9%        |               |
| New River CTC                     |                        |               |               | 2,109         | 1,793         | 1,666         | 1,767         | 1,677         | 2,234         | 2,338         | 2,766         | 3,014         | 9.0%        | 79.7%        |               |
| Pierpont CTC                      |                        |               |               | 3,080         | 3,285         | 3,294         | 2,999         | 2,815         | 2,735         | 2,646         | 2,730         | 2,946         | 7.9%        | 4.7%         |               |
| Southern WV CTC                   | 2,464                  | 2,425         | 2,520         | 2,499         | 2,574         | 2,593         | 2,495         | 2,297         | 2,264         | 2,269         | 2,575         | 2,475         | -3.9%       | 7.7%         | -1.8%         |
| WV Northern CTC                   | 2,749                  | 2,486         | 3,014         | 2,851         | 2,878         | 2,837         | 2,841         | 2,844         | 3,128         | 2,921         | 3,150         | 3,363         | 6.8%        | 18.2%        | 11.6%         |
| WVU at Parkersburg                | 3,480                  | 3,271         | 3,340         | 3,370         | 3,443         | 3,722         | 3,772         | 3,884         | 3,743         | 3,753         | 4,231         | 4,444         | 5.0%        | 14.4%        | 33.1%         |
| <b>Total 2 Yr</b>                 | <b>8,693</b>           | <b>8,182</b>  | <b>9,014</b>  | <b>20,012</b> | <b>20,455</b> | <b>21,004</b> | <b>21,238</b> | <b>21,145</b> | <b>21,591</b> | <b>21,827</b> | <b>25,483</b> | <b>26,692</b> | <b>4.7%</b> | <b>26.2%</b> | <b>196.1%</b> |
| <b>Grand Total</b>                | <b>76,751</b>          | <b>76,050</b> | <b>78,315</b> | <b>78,976</b> | <b>80,837</b> | <b>82,845</b> | <b>84,713</b> | <b>86,088</b> | <b>87,066</b> | <b>87,803</b> | <b>93,712</b> | <b>95,145</b> | <b>1.5%</b> | <b>10.5%</b> | <b>21.5%</b>  |

**Table 2**  
**History of Fall Term Full-Time Equivalent Enrollment in Public Institutions**

| Institution                    | 1999          | 2000          | 2001          | 2002          | 2003          | 2004          | 2005          | 2006          | 2007          | 2008          | 2009          | 2010          | % Change    |              |               |  |
|--------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-------------|--------------|---------------|--|
|                                |               |               |               |               |               |               |               |               |               |               |               |               | 2009-10     | 2006-10      | 2001-10       |  |
| <b>Four Year Institutions</b>  |               |               |               |               |               |               |               |               |               |               |               |               |             |              |               |  |
| Bluefield State College        | 1,818         | 2,015         | 2,103         | 607           | 1,454         | 1,563         | 1,486         | 1,530         | 1,561         | 1,632         | 1,730         | 1,729         | -0.1%       | 13.0%        | -17.8%        |  |
| Concord University             | 2,597         | 2,790         | 2,816         | 2,643         | 2,749         | 2,757         | 2,770         | 2,846         | 2,558         | 2,705         | 2,753         | 2,706         | -1.7%       | 2.3%         | -3.9%         |  |
| Fairmont State University      | 5,317         | 5,234         | 5,346         | 3,430         | 3,548         | 3,770         | 4,220         | 4,045         | 3,647         | 3,956         | 4,031         | 4,121         | 2.2%        | 1.9%         | -22.9%        |  |
| Glenville State College        | 1,898         | 1,847         | 1,805         | 1,823         | 1,264         | 1,207         | 1,277         | 1,216         | 1,207         | 1,262         | 1,356         | 1,468         | 8.3%        | 20.7%        | -18.7%        |  |
| Marshall University            | 11,622        | 11,749        | 11,899        | 10,914        | 10,973        | 10,836        | 10,922        | 10,803        | 10,778        | 10,599        | 10,843        | 11,422        | 5.3%        | 5.7%         | -4.0%         |  |
| Potomac State College of WVU   | 877           | 825           | 942           | 997           | 1,031         | 1,017         | 1,013         | 1,154         | 1,266         | 1,242         | 1,468         | 1,524         | 3.8%        | 32.1%        | 61.8%         |  |
| Shepherd University            | 3,377         | 3,372         | 3,417         | 2,957         | 3,022         | 3,183         | 3,330         | 3,467         | 3,512         | 3,569         | 3,721         | 3,748         | 0.7%        | 8.1%         | 9.7%          |  |
| West Liberty State College     | 2,569         | 2,601         | 2,632         | 2,549         | 2,604         | 2,379         | 2,251         | 2,246         | 2,293         | 2,408         | 2,546         | 2,636         | 3.5%        | 17.4%        | 0.2%          |  |
| WV School of Osteopathic       | 274           | 280           | 291           | 307           | 337           | 363           | 397           | 503           | 598           | 691           | 778           | 806           | 3.6%        | 60.2%        | 177.0%        |  |
| West Virginia State University | 3,446         | 3,460         | 3,557         | 2,581         | 2,439         | 2,649         | 2,694         | 2,727         | 2,569         | 2,337         | 2,739         | 2,459         | -10.2%      | -9.8%        | -30.9%        |  |
| WVU Institute of Technology    | 20,231        | 20,193        | 20,783        | 21,588        | 22,648        | 23,652        | 24,601        | 25,678        | 26,287        | 26,997        | 27,212        | 27,704        | 1.8%        | 7.9%         | 33.3%         |  |
|                                | 2,044         | 1,961         | 1,965         | 1,455         | 1,391         | 1,363         | 1,227         | 1,297         | 1,208         | 1,044         | 1,104         | 1,056         | -4.3%       | -18.6%       | -46.3%        |  |
| <b>Total 4 Yr*</b>             | <b>56,071</b> | <b>56,326</b> | <b>57,555</b> | <b>51,850</b> | <b>53,461</b> | <b>54,739</b> | <b>56,188</b> | <b>57,312</b> | <b>57,485</b> | <b>58,443</b> | <b>60,282</b> | <b>61,377</b> | <b>1.8%</b> | <b>7.1%</b>  | <b>6.6%</b>   |  |
| <b>Two-Year Institutions</b>   |               |               |               |               |               |               |               |               |               |               |               |               |             |              |               |  |
| Blue Ridge CTC                 |               |               |               | 629           | 700           | 680           | 711           | 1,024         | 1,006         | 1,130         | 1,502         | 1,705         | 13.5%       | 66.5%        |               |  |
| Bridgmont CTC                  |               |               |               | 572           | 605           | 574           | 542           | 593           | 615           | 558           | 583           | 612           | 5.0%        | 3.2%         |               |  |
| Eastern WV CTC                 |               |               | 46            | 164           | 162           | 248           | 306           | 272           | 206           | 242           | 312           | 358           | 14.7%       | 31.6%        | 678.3%        |  |
| Kanawha Valley CTC             |               |               |               | 1,008         | 1,084         | 1,147         | 1,155         | 1,224         | 1,205         | 1,285         | 1,133         | 1,323         | 16.8%       | 8.1%         |               |  |
| Mountwest CTC                  |               |               |               | 1,413         | 1,525         | 1,591         | 1,516         | 1,565         | 1,485         | 1,557         | 1,879         | 1,825         | -2.9%       | 16.6%        |               |  |
| New River CTC                  |               |               |               | 1,619         | 1,258         | 1,163         | 1,195         | 1,092         | 1,376         | 1,483         | 1,897         | 2,054         | 8.3%        | 88.1%        |               |  |
| Pierpont CTC                   |               |               |               | 2,049         | 2,233         | 2,294         | 2,068         | 1,965         | 1,798         | 1,804         | 1,953         | 2,120         | 8.6%        | 7.9%         |               |  |
| Southern WV CTC                | 1,668         | 1,613         | 1,640         | 1,730         | 1,801         | 1,791         | 1,708         | 1,588         | 1,616         | 1,620         | 1,746         | 1,757         | 0.6%        | 10.6%        | 7.1%          |  |
| WV Northern CTC                | 1,473         | 1,368         | 1,496         | 1,618         | 1,706         | 1,867         | 1,837         | 1,855         | 1,856         | 1,792         | 2,028         | 2,196         | 8.3%        | 18.4%        | 46.8%         |  |
| WVU at Parkersburg             | 2,266         | 2,086         | 2,140         | 2,311         | 2,458         | 2,563         | 2,622         | 2,655         | 2,606         | 2,617         | 3,053         | 3,232         | 5.9%        | 21.7%        | 51.0%         |  |
| <b>Total 2 Yr</b>              | <b>5,407</b>  | <b>5,068</b>  | <b>5,322</b>  | <b>13,115</b> | <b>13,532</b> | <b>13,918</b> | <b>13,659</b> | <b>13,831</b> | <b>13,768</b> | <b>14,089</b> | <b>16,085</b> | <b>17,182</b> | <b>6.8%</b> | <b>24.2%</b> | <b>222.8%</b> |  |
| <b>Grand Total</b>             | <b>61,478</b> | <b>61,394</b> | <b>62,877</b> | <b>64,965</b> | <b>66,993</b> | <b>68,657</b> | <b>69,847</b> | <b>71,143</b> | <b>71,253</b> | <b>72,531</b> | <b>76,367</b> | <b>78,559</b> | <b>2.9%</b> | <b>10.4%</b> | <b>24.9%</b>  |  |

**Table 3**  
**History of Fall Term Full-Time UG Headcount Enrollment in Public Institutions**

| Institution                    | 1998                   | 1999          | 2000          | 2001          | 2002          | 2003          | 2004          | 2005          | 2006          | 2007          | 2008          | 2009          | 2010          | 2009-10     | 2006-10      | 2001-10       |
|--------------------------------|------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-------------|--------------|---------------|
|                                | Four Year Institutions |               |               |               |               |               |               |               |               |               |               |               |               |             | % Change     |               |
| Bluefield State College        | 2,405                  | 2,339         | 2,648         | 2,768         | 717           | 1,718         | 1,840         | 1,710         | 1,788         | 1,804         | 1,868         | 1,989         | 2,063         | 3.7%        | 15.4%        | -25.5%        |
| Concord University             | 2,662                  | 2,877         | 3,050         | 3,055         | 2,660         | 2,930         | 2,847         | 2,828         | 2,805         | 2,631         | 2,719         | 2,650         | 2,677         | 1.0%        | -4.6%        | -12.4%        |
| Fairmont State University      | 6,700                  | 6,630         | 6,496         | 6,724         | 3,699         | 3,841         | 4,030         | 4,484         | 4,252         | 3,976         | 4,114         | 4,223         | 4,362         | 3.3%        | 2.6%         | -35.1%        |
| Glenville State College        | 2,235                  | 2,260         | 2,198         | 2,144         | 2,218         | 1,377         | 1,319         | 1,392         | 1,381         | 1,441         | 1,443         | 1,721         | 1,828         | 6.2%        | 32.4%        | -14.7%        |
| Marshall University            | 11,706                 | 11,688        | 11,621        | 11,862        | 9,827         | 9,863         | 9,839         | 9,849         | 9,750         | 9,608         | 9,320         | 9,641         | 9,991         | 3.6%        | 2.5%         | -15.8%        |
| Potomac State College of WVU   | 1,121                  | 1,167         | 1,111         | 1,254         | 1,308         | 1,330         | 1,304         | 1,279         | 1,485         | 1,608         | 1,582         | 1,810         | 1,836         | 1.4%        | 23.6%        | 46.4%         |
| Shepherd University            | 4,055                  | 4,597         | 4,703         | 4,391         | 3,254         | 3,300         | 3,617         | 3,809         | 3,970         | 3,965         | 4,044         | 4,102         | 4,080         | -0.5%       | 2.8%         | -7.1%         |
| West Liberty State College     | 2,475                  | 2,579         | 2,606         | 2,633         | 2,549         | 2,483         | 2,338         | 2,241         | 2,265         | 2,401         | 2,484         | 2,595         | 2,683         | 3.4%        | 18.5%        | 1.9%          |
| West Virginia State University | 4,817                  | 4,794         | 4,823         | 4,836         | 3,117         | 3,109         | 3,318         | 3,455         | 3,465         | 3,175         | 2,961         | 3,953         | 3,145         | -20.4%      | -9.2%        | -35.0%        |
| West Virginia University       | 15,175                 | 15,417        | 15,463        | 16,121        | 16,692        | 17,517        | 18,653        | 19,510        | 20,590        | 21,145        | 21,930        | 21,720        | 22,303        | 2.7%        | 8.3%         | 38.3%         |
| WVU Institute of Technology    | 2,496                  | 2,587         | 2,311         | 2,353         | 1,791         | 1,758         | 1,655         | 1,519         | 1,459         | 1,443         | 1,224         | 1,244         | 1,209         | -2.8%       | -17.1%       | -48.6%        |
| <b>Total 4 Yr</b>              | <b>55,847</b>          | <b>56,935</b> | <b>57,030</b> | <b>58,141</b> | <b>47,832</b> | <b>49,226</b> | <b>50,760</b> | <b>52,076</b> | <b>53,210</b> | <b>53,197</b> | <b>53,689</b> | <b>55,648</b> | <b>56,177</b> | <b>1.0%</b> | <b>5.6%</b>  | <b>-3.4%</b>  |
| <b>Two-Year Institutions</b>   |                        |               |               |               |               |               |               |               |               |               |               |               |               |             |              |               |
| Blue Ridge CTC                 |                        |               |               |               | 1,422         | 1,504         | 1,524         | 1,711         | 1,953         | 2,192         | 2,466         | 3,248         | 3,813         | 17.4%       | 95.2%        |               |
| Bridgmont CTC                  |                        |               |               |               | 639           | 684           | 658           | 671           | 677           | 758           | 702           | 921           | 930           | 1.0%        | 37.4%        |               |
| Eastern WV CTC                 |                        |               |               | 140           | 353           | 394           | 694           | 882           | 766           | 540           | 546           | 636           | 645           | 1.4%        | -15.8%       | 360.7%        |
| Kanawha Valley CTC             |                        |               |               |               | 1,384         | 1,557         | 1,614         | 1,590         | 1,717         | 1,634         | 1,737         | 2,227         | 1,995         | -10.4%      | 16.2%        |               |
| Mountwest CTC                  |                        |               |               |               | 2,305         | 2,343         | 2,402         | 2,510         | 2,515         | 2,363         | 2,449         | 2,999         | 3,067         | 2.3%        | 21.9%        |               |
| New River CTC                  |                        |               |               |               | 2,109         | 1,793         | 1,666         | 1,767         | 1,677         | 2,234         | 2,338         | 2,766         | 3,014         | 9.0%        | 79.7%        |               |
| Pierpont CTC                   |                        |               |               |               | 3,080         | 3,285         | 3,294         | 2,999         | 2,815         | 2,735         | 2,646         | 2,730         | 2,946         | 7.9%        | 4.7%         |               |
| Southern WV CTC                | 2,785                  | 2,464         | 2,425         | 2,520         | 2,499         | 2,574         | 2,593         | 2,495         | 2,297         | 2,264         | 2,269         | 2,575         | 2,475         | -3.9%       | 7.7%         |               |
| WV Northern CTC                | 2,670                  | 2,749         | 2,486         | 3,014         | 2,851         | 2,878         | 2,837         | 2,841         | 2,844         | 3,128         | 2,921         | 3,150         | 3,363         | 6.8%        | 18.2%        | 11.6%         |
| WVU at Parkersburg             | 3,368                  | 3,480         | 3,271         | 3,340         | 3,370         | 3,443         | 3,722         | 3,772         | 3,884         | 3,743         | 3,753         | 4,231         | 4,444         | 5.0%        | 14.4%        | 33.1%         |
| <b>Total 2 Yr</b>              | <b>8,823</b>           | <b>8,693</b>  | <b>8,182</b>  | <b>9,014</b>  | <b>20,012</b> | <b>20,455</b> | <b>21,004</b> | <b>21,238</b> | <b>21,145</b> | <b>21,591</b> | <b>21,827</b> | <b>25,483</b> | <b>26,692</b> | <b>4.7%</b> | <b>26.2%</b> | <b>196.1%</b> |
| <b>Grand Total</b>             | <b>64,670</b>          | <b>65,628</b> | <b>65,212</b> | <b>67,155</b> | <b>67,844</b> | <b>69,681</b> | <b>71,764</b> | <b>73,314</b> | <b>74,355</b> | <b>74,788</b> | <b>75,516</b> | <b>81,131</b> | <b>82,869</b> | <b>2.1%</b> | <b>11.5%</b> | <b>23.4%</b>  |

**Table 4**  
**History of Fall Term Graduate and Professional Headcount Enrollment in Public Institutions**

| Institution                    | 2000-2010     |               |               |               |               |               |               |               |               |               | % Change      |               |               |              |             |              |
|--------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--------------|-------------|--------------|
|                                | 1998          | 1999          | 2000          | 2001          | 2002          | 2003          | 2004          | 2005          | 2006          | 2007          | 2008          | 2009          | 2010          | 2009-10      | 2006-10     | 2001-10      |
| Concord University             |               |               |               |               |               | 57            | 99            | 130           | 123           | 104           | 93            | 232           | 145           | -37.5%       | 17.9%       | N/A          |
| Fairmont State University      |               |               |               |               |               | 97            | 133           | 226           | 350           | 355           | 432           | 349           | 347           | -0.6%        | -0.9%       | N/A          |
| Marshall University            | 4,302         | 3,945         | 4,019         | 4,174         | 3,965         | 3,830         | 3,763         | 3,956         | 4,060         | 4,051         | 3,962         | 3,793         | 3,726         | -1.8%        | -8.2%       | -10.7%       |
| Shepherd University            |               |               |               |               |               | 27            | 65            | 92            | 121           | 154           | 141           | 154           | 154           | 0.0%         | 27.3%       | N/A          |
| West Liberty State College     |               |               |               | 21            | 22            | 19            |               | 5             | 7             | 3             | 16            | 47            | 50            | 6.4%         | 614.3%      | 138.1%       |
| WV School Osteopathic Medicine | 260           | 274           | 280           | 291           | 307           | 337           | 363           | 397           | 503           | 598           | 691           | 778           | 806           | 3.6%         | 60.2%       | 177.0%       |
| West Virginia State University |               |               |               |               | 5             | 21            | 26            | 36            | 37            | 43            | 42            | 50            | 45            | -10.0%       | 21.6%       | N/A          |
| West Virginia University       | 7,063         | 6,898         | 6,524         | 6,653         | 6,800         | 6,743         | 6,602         | 6,541         | 6,525         | 6,968         | 6,910         | 7,178         | 7,003         | -2.4%        | 7.3%        | 5.3%         |
| WVU Institute of Technology    | 12            | 6             | 15            | 21            | 33            | 25            | 30            | 16            | 7             | 2             | N/A           | .             | .             | N/A          | N/A         | N/A          |
| <b>Total</b>                   | <b>11,637</b> | <b>11,123</b> | <b>10,838</b> | <b>11,160</b> | <b>11,132</b> | <b>11,156</b> | <b>11,081</b> | <b>11,399</b> | <b>11,733</b> | <b>12,278</b> | <b>12,287</b> | <b>12,581</b> | <b>12,276</b> | <b>-2.4%</b> | <b>4.6%</b> | <b>10.0%</b> |

**Table 5**  
**History of Fall Term Part-Time Headcount Enrollment in Public Institutions**

| Institution                    | 1999          | 2000          | 2001          | 2002          | 2003          | 2004          | 2005          | 2006          | 2007          | 2008          | 2009          | 2010          | % Change      |              |               |  |
|--------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--------------|---------------|--|
|                                |               |               |               |               |               |               |               |               |               |               |               |               | 2009-10       | 2006-10      | 2001-10       |  |
| <b>Four Year Institutions</b>  |               |               |               |               |               |               |               |               |               |               |               |               |               |              |               |  |
| Bluefield State College        | 757           | 925           | 969           | 195           | 388           | 384           | 315           | 385           | 354           | 366           | 394           | 478           | 21.3%         | 24.2%        | -50.7%        |  |
| Concord University             | 552           | 545           | 580           | 265           | 542           | 511           | 496           | 599           | 493           | 410           | 518           | 423           | -18.3%        | -29.4%       | -27.1%        |  |
| Fairmont State University      | 2,130         | 1,976         | 2,124         | 557           | 716           | 692           | 811           | 892           | 960           | 871           | 802           | 805           | 0.4%          | -9.8%        | -62.1%        |  |
| Glennville State College       | 563           | 514           | 494           | 543           | 169           | 177           | 199           | 286           | 363           | 319           | 565           | 551           | -2.5%         | 92.7%        | 11.5%         |  |
| Marshall University            | 5,424         | 5,303         | 5,554         | 4,003         | 3,842         | 3,870         | 4,039         | 4,164         | 4,039         | 3,821         | 3,622         | 3,331         | -8.0%         | -20.0%       | -40.0%        |  |
| Potomac State College of WVU   | 466           | 468           | 504           | 502           | 489           | 446           | 420           | 485           | 499           | 486           | 466           | 421           | -9.7%         | -13.2%       | -16.5%        |  |
| Shepherd University            | 1,794         | 1,890         | 1,461         | 625           | 608           | 851           | 929           | 987           | 959           | 986           | 905           | 820           | -9.4%         | -16.9%       | -43.9%        |  |
| West Liberty State College     | 287           | 257           | 279           | 294           | 201           | 230           | 231           | 269           | 338           | 343           | 367           | 375           | 2.2%          | 39.4%        | 34.4%         |  |
| West Virginia State University | 1856          | 1906          | 1736          | 730           | 914           | 944           | 1054          | 1054          | 904           | 922           | 1,956         | 1,071         | -45.2%        | 1.6%         | -38.3%        |  |
| West Virginia University       | 4,179         | 3,704         | 3,815         | 3,729         | 3,408         | 3,380         | 3,283         | 3,338         | 3,918         | 3,860         | 3,999         | 3,780         | -5.5%         | 13.2%        | -0.9%         |  |
| WVU Institute of Technology    | 889           | 652           | 689           | 605           | 614           | 538           | 508           | 467           | 407           | 329           | 244           | 254           | 4.1%          | -45.6%       | -63.1%        |  |
| <b>Total 4 Yr</b>              | <b>18,897</b> | <b>18,140</b> | <b>18,205</b> | <b>12,048</b> | <b>11,891</b> | <b>12,023</b> | <b>12,285</b> | <b>12,926</b> | <b>13,234</b> | <b>12,713</b> | <b>13,838</b> | <b>12,309</b> | <b>-11.0%</b> | <b>-4.8%</b> | <b>-32.4%</b> |  |
| <b>Two-Year Institutions</b>   |               |               |               |               |               |               |               |               |               |               |               |               |               |              |               |  |
| Blue Ridge CTC                 |               |               |               | 1,055         | 1,090         | 1,087         | 1,284         | 1,310         | 1,575         | 1,746         | 2,328         | 2,756         | 18.4%         | 110.4%       |               |  |
| Bridgmont CTC                  |               |               |               | 124           | 148           | 149           | 241           | 179           | 229           | 229           | 482           | 437           | -9.3%         | 144.1%       |               |  |
| Eastern WV CTC                 |               |               | 131           | 276           | 335           | 621           | 816           | 697           | 477           | 446           | 454           | 401           | -11.7%        | -42.5%       | 206.1%        |  |
| Kanawha Valley CTC             |               |               |               | 492           | 606           | 614           | 569           | 653           | 602           | 636           | 1,608         | 907           | -43.6%        | 38.9%        |               |  |
| Mountwest CTC                  |               |               |               | 1,060         | 1,035         | 1,037         | 1,274         | 1,234         | 1,084         | 1,093         | 1,364         | 1,471         | 7.8%          | 19.2%        |               |  |
| New River CTC                  |               |               |               | 688           | 740           | 667           | 753           | 800           | 1,160         | 1,163         | 1,091         | 1,113         | 2.0%          | 39.1%        |               |  |
| Pierpont CTC                   |               |               |               | 1,470         | 1,440         | 1,359         | 1,278         | 1,127         | 1,230         | 1,071         | 965           | 1,007         | 4.4%          | -10.6%       |               |  |
| Southern WV CTC                | 1,069         | 1,138         | 1,245         | 1,068         | 1,084         | 1,153         | 1,135         | 999           | 919           | 913           | 1,151         | 974           | -15.4%        | -2.5%        | -19.3%        |  |
| WV Northern CTC                | 1,739         | 1,551         | 1,985         | 1,686         | 1,639         | 1,363         | 1,422         | 1,396         | 1,723         | 1,555         | 1,560         | 1,601         | 2.6%          | 14.7%        | -10.3%        |  |
| WVU at Parkersburg             | 1,623         | 1,622         | 1,672         | 1,480         | 1,329         | 1,574         | 1,572         | 1,668         | 1,524         | 1,523         | 1,478         | 1,499         | 1.4%          | -10.1%       | -10.3%        |  |
| <b>Total 2 Yr</b>              | <b>4,431</b>  | <b>4,311</b>  | <b>5,033</b>  | <b>9,399</b>  | <b>9,446</b>  | <b>9,624</b>  | <b>10,344</b> | <b>10,063</b> | <b>10,523</b> | <b>10,375</b> | <b>12,481</b> | <b>12,166</b> | <b>-2.5%</b>  | <b>20.9%</b> | <b>141.7%</b> |  |
| <b>Grand Total</b>             | <b>23,328</b> | <b>22,451</b> | <b>23,238</b> | <b>21,447</b> | <b>21,337</b> | <b>21,647</b> | <b>22,629</b> | <b>22,989</b> | <b>23,757</b> | <b>23,088</b> | <b>26,319</b> | <b>24,475</b> | <b>-7.0%</b>  | <b>6.5%</b>  | <b>5.3%</b>   |  |

Table 6

History of Fall Term First-Time Freshmen Headcount Enrollment in Public Institutions

| Institution                    | 1999          | 2000          | 2001          | 2002          | 2003          | 2004          | 2005          | 2006          | 2007          | 2008          | 2009          | 2010          | % Change    |              |               |  |
|--------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|-------------|--------------|---------------|--|
|                                |               |               |               |               |               |               |               |               |               |               |               |               | 2009-10     | 2006-10      | 2001-10       |  |
| <b>Four Year Institutions</b>  |               |               |               |               |               |               |               |               |               |               |               |               |             |              |               |  |
| Bluefield State College        | 425           | 556           | 492           | 33            | 297           | 282           | 251           | 261           | 307           | 283           | 314           | 301           | -4.1%       | 15.3%        | -38.8%        |  |
| Concord University             | 632           | 715           | 664           | 599           | 620           | 578           | 653           | 603           | 627           | 719           | 611           | 575           | -5.9%       | -4.6%        | -13.4%        |  |
| Fairmont State University      | 1,122         | 1,156         | 1,212         | 681           | 637           | 615           | 672           | 649           | 618           | 771           | 820           | 776           | -5.4%       | 19.6%        | -36.0%        |  |
| Glennville State College       | 551           | 465           | 538           | 518           | 315           | 292           | 304           | 268           | 291           | 303           | 331           | 416           | 25.7%       | 55.2%        | -22.7%        |  |
| Marshall University            | 2,230         | 2,172         | 2,208         | 1,890         | 1,934         | 1,803         | 1,724         | 1,549         | 1,686         | 1,690         | 1,885         | 1,961         | 4.0%        | 26.6%        | -11.2%        |  |
| Potomac State College of WVU   | 361           | 328           | 432           | 410           | 442           | 434           | 465           | 541           | 616           | 639           | 723           | 710           | -1.8%       | 31.2%        | 64.4%         |  |
| Shepherd University            | 714           | 715           | 714           | 647           | 650           | 688           | 675           | 699           | 706           | 707           | 801           | 769           | -4.0%       | 10.0%        | 7.7%          |  |
| West Liberty State College     | 503           | 525           | 531           | 487           | 463           | 462           | 402           | 473           | 475           | 507           | 578           | 534           | -7.6%       | 12.9%        | 0.6%          |  |
| West Virginia State University | 715           | 699           | 719           | 431           | 428           | 398           | 381           | 415           | 391           | 372           | 455           | 358           | -21.3%      | -13.7%       | -50.2%        |  |
| West Virginia University       | 3567          | 3540          | 3661          | 3978          | 4415          | 4359          | 4574          | 4828          | 4731          | 5135          | 4589          | 5034          | 9.7%        | 4.3%         | 37.5%         |  |
| WVU Institute of Technology    | 440           | 431           | 457           | 274           | 261           | 254           | 182           | 212           | 253           | 232           | 291           | 260           | -10.7%      | 22.6%        | -43.1%        |  |
| <b>Total 4 Yr</b>              | <b>11,260</b> | <b>11,302</b> | <b>11,628</b> | <b>9,948</b>  | <b>10,462</b> | <b>10,165</b> | <b>10,283</b> | <b>10,498</b> | <b>10,701</b> | <b>11,358</b> | <b>11,398</b> | <b>11,694</b> | <b>2.6%</b> | <b>11.4%</b> | <b>0.6%</b>   |  |
| <b>Two-Year Institutions</b>   |               |               |               |               |               |               |               |               |               |               |               |               |             |              |               |  |
| Blue Ridge CTC                 |               |               |               | 127           | 195           | 155           | 205           | 276           | 304           | 327           | 399           | 390           | -2.3%       | 41.3%        |               |  |
| Bridgemont CTC                 |               |               |               | 147           | 165           | 122           | 164           | 192           | 203           | 172           | 198           | 167           | -15.7%      | -13.0%       |               |  |
| Eastern WV CTC                 |               |               | 31            | 83            | 50            | 64            | 77            | 70            | 52            | 84            | 102           | 109           | 6.9%        | 55.7%        | 251.6%        |  |
| Kanawha Valley CTC             |               |               |               | 347           | 404           | 332           | 323           | 348           | 336           | 356           | 356           | 211           | -40.7%      | -39.4%       |               |  |
| Mountwest CTC                  |               |               |               | 386           | 466           | 450           | 438           | 464           | 461           | 455           | 528           | 623           | 18.0%       | 34.3%        |               |  |
| New River CTC                  |               |               |               | 570           | 367           | 306           | 341           | 351           | 386           | 438           | 572           | 527           | -7.9%       | 50.1%        |               |  |
| Pierpont CTC                   |               |               |               | 572           | 539           | 643           | 543           | 634           | 556           | 526           | 573           | 693           | 20.9%       | 9.3%         |               |  |
| Southern WV CTC                | 1070          | 596           | 660           | 604           | 628           | 545           | 517           | 540           | 551           | 547           | 544           | 612           | 12.5%       | 13.3%        | -7.3%         |  |
| WV Northern CTC                | 409           | 323           | 341           | 378           | 381           | 430           | 415           | 420           | 435           | 409           | 541           | 575           | 6.3%        | 36.9%        | 68.6%         |  |
| WVU at Parkersburg             | 573           | 575           | 639           | 592           | 641           | 628           | 700           | 663           | 637           | 614           | 791           | 806           | 1.9%        | 21.6%        | 26.1%         |  |
| <b>Total 2 Yr</b>              | <b>2,052</b>  | <b>1,494</b>  | <b>1,671</b>  | <b>3,806</b>  | <b>3,836</b>  | <b>3,675</b>  | <b>3,723</b>  | <b>3,958</b>  | <b>3,921</b>  | <b>3,928</b>  | <b>4,604</b>  | <b>4,713</b>  | <b>2.4%</b> | <b>19.1%</b> | <b>182.0%</b> |  |
| <b>Grand Total</b>             | <b>13,312</b> | <b>12,796</b> | <b>13,299</b> | <b>13,754</b> | <b>14,298</b> | <b>13,840</b> | <b>14,006</b> | <b>14,456</b> | <b>14,622</b> | <b>15,286</b> | <b>16,002</b> | <b>16,407</b> | <b>2.5%</b> | <b>13.5%</b> | <b>23.4%</b>  |  |

**Table 7  
History of Fall Term Female Headcount Enrollment in Public Institutions**

| Institution                       | Four Year Institutions |               |               |               |               |               |               |               |               |               |               | % Change      |              |              |               |
|-----------------------------------|------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--------------|--------------|---------------|
|                                   | 1999                   | 2000          | 2001          | 2002          | 2003          | 2004          | 2005          | 2006          | 2007          | 2008          | 2009          | 2010          | 2009-10      | 2006-10      | 2001-10       |
| Bluefield State College           | 1,389                  | 1,585         | 1,713         | 440           | 1,051         | 1,095         | 1,021         | 1,049         | 1,067         | 1,117         | 1,205         | 1,301         | 8.0%         | 24.0%        | -24.1%        |
| Concord University                | 1,666                  | 1,738         | 1,742         | 1,467         | 1,737         | 1,727         | 1,742         | 1,707         | 1,616         | 1,639         | 1,705         | 1,606         | -5.8%        | -5.9%        | -7.8%         |
| Fairmont State University         | 3,707                  | 3,632         | 3,709         | 2,089         | 2,215         | 2,302         | 2,650         | 2,588         | 2,423         | 2,562         | 2,576         | 2,674         | 3.8%         | 3.3%         | -27.9%        |
| Glenville State College           | 1,312                  | 1,290         | 1,264         | 1,302         | 739           | 701           | 663           | 662           | 699           | 630           | 743           | 818           | 10.1%        | 23.6%        | -35.3%        |
| Marshall University               | 8,608                  | 8,694         | 8,903         | 8,068         | 8,108         | 8,135         | 8,283         | 8,275         | 8,151         | 7,942         | 7,977         | 8,092         | 1.4%         | -2.2%        | -9.1%         |
| Potomac State College of WVU      | 573                    | 585           | 620           | 663           | 695           | 691           | 692           | 812           | 864           | 832           | 952           | 945           | -0.7%        | 16.4%        | 52.4%         |
| Shepherd University               | 2,684                  | 2,751         | 2,620         | 1,912         | 1,972         | 2,124         | 2,236         | 2,341         | 2,374         | 2,391         | 2,427         | 2,440         | 0.5%         | 4.2%         | -6.9%         |
| West Liberty State College        | 1,398                  | 1,421         | 1,473         | 1,424         | 1,376         | 1,275         | 1,289         | 1,323         | 1,367         | 1,412         | 1,498         | 1,578         | 5.3%         | 19.3%        | 7.1%          |
| WV School of Osteopathic Medicine | 113                    | 114           | 138           | 146           | 164           | 180           | 186           | 241           | 295           | 331           | 369           | 371           | 0.5%         | 53.9%        | 168.8%        |
| West Virginia State University    | 2,782                  | 2,839         | 2,841         | 1,822         | 1,877         | 1,981         | 2,041         | 2,061         | 1,847         | 1,697         | 2,400         | 1,847         | -23.0%       | -10.4%       | -35.0%        |
| West Virginia University          | 11,128                 | 10,884        | 11,317        | 11,598        | 11,941        | 12,310        | 12,716        | 13,037        | 13,710        | 13,768        | 13,919        | 14,049        | 0.9%         | 7.8%         | 24.1%         |
| WVU Institute of Technology       | 1,017                  | 823           | 890           | 733           | 699           | 660           | 648           | 626           | 579           | 461           | 472           | 451           | -4.4%        | -28.0%       | -49.3%        |
| <b>Total 4 Yr</b>                 | <b>36,377</b>          | <b>36,356</b> | <b>37,230</b> | <b>31,664</b> | <b>32,574</b> | <b>33,181</b> | <b>34,167</b> | <b>34,722</b> | <b>34,992</b> | <b>34,762</b> | <b>36,243</b> | <b>36,172</b> | <b>-0.2%</b> | <b>4.2%</b>  | <b>-2.8%</b>  |
| <b>Two-Year Institutions</b>      |                        |               |               |               |               |               |               |               |               |               |               |               |              |              |               |
| Blue Ridge CTC                    |                        |               | 818           | 907           | 864           | 1,035         | 1,157         | 1,349         | 1,349         | 1,521         | 2,041         | 2,466         | 20.8%        | 113.1%       |               |
| Bridgmont CTC                     |                        |               | 246           | 275           | 296           | 320           | 314           | 340           | 340           | 316           | 346           | 428           | 23.7%        | 36.3%        |               |
| Eastern WV CTC                    |                        |               | 270           | 290           | 511           | 591           | 549           | 549           | 392           | 424           | 468           | 449           | -4.1%        | -18.2%       | 304.5%        |
| Kanawha Valley CTC                |                        |               | 111           | 866           | 936           | 1,034         | 1,120         | 1,097         | 1,097         | 1,191         | 1,380         | 1,284         | -7.0%        | 14.6%        |               |
| Mountwest CTC                     |                        |               | 856           | 934           | 934           | 990           | 968           | 973           | 994           | 1,115         | 1,222         | 1,184         | -3.1%        | 21.7%        |               |
| New River CTC                     |                        |               | 1,274         | 1,172         | 1,121         | 1,183         | 1,173         | 1,173         | 1,501         | 1,567         | 1,911         | 2,028         | 6.1%         | 72.9%        |               |
| Pierpont CTC                      |                        |               | 1,717         | 1,911         | 1,903         | 1,677         | 1,646         | 1,637         | 1,637         | 1,574         | 1,651         | 1,767         | 7.0%         | 7.4%         |               |
| Southern WV CTC                   | 1,627                  | 1,655         | 1,674         | 1,702         | 1,734         | 1,783         | 1,720         | 1,652         | 1,575         | 1,563         | 1,717         | 1,628         | -5.2%        | -1.5%        | -2.7%         |
| WV Northern CTC                   | 1,822                  | 1,639         | 1,661         | 1,874         | 1,863         | 1,918         | 1,970         | 1,940         | 1,999         | 1,987         | 2,125         | 2,276         | 7.1%         | 17.3%        | 37.0%         |
| WVU at Parkersburg                | 2,150                  | 1,962         | 2,041         | 2,111         | 2,221         | 2,333         | 2,397         | 2,400         | 2,345         | 2,308         | 2,472         | 2,547         | 3.0%         | 6.1%         | 24.8%         |
| <b>Total 2 Yr</b>                 | <b>5,599</b>           | <b>5,256</b>  | <b>5,487</b>  | <b>11,734</b> | <b>12,243</b> | <b>12,694</b> | <b>12,895</b> | <b>12,924</b> | <b>13,229</b> | <b>13,556</b> | <b>15,333</b> | <b>16,057</b> | <b>4.7%</b>  | <b>24.2%</b> | <b>192.6%</b> |
| <b>Grand Total</b>                | <b>41,976</b>          | <b>41,612</b> | <b>42,717</b> | <b>43,398</b> | <b>44,817</b> | <b>45,875</b> | <b>47,062</b> | <b>47,646</b> | <b>48,221</b> | <b>48,338</b> | <b>51,576</b> | <b>52,229</b> | <b>1.3%</b>  | <b>9.6%</b>  | <b>22.3%</b>  |

**Table 8**  
**History of Fall Term African-American Headcount Enrollment in Public Institutions**

| Institution                       | Four Year Institutions |              |              |              |              |              |              |              |              |              | % Change     |              |              |              |               |
|-----------------------------------|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
|                                   | 1999                   | 2000         | 2001         | 2002         | 2003         | 2004         | 2005         | 2006         | 2007         | 2008         | 2009         | 2010         | 2009-10      | 2006-10      | 2001-10       |
| Bluefield State College           | 209                    | 262          | 265          | 54           | 155          | 207          | 197          | 215          | 212          | 214          | 258          | 231          | -10.5%       | 7.4%         | -12.8%        |
| Concord University                | 161                    | 154          | 144          | 143          | 138          | 129          | 144          | 161          | 152          | 152          | 144          | 160          | 11.1%        | -0.6%        | 11.1%         |
| Fairmont State University         | 206                    | 183          | 260          | 113          | 135          | 110          | 115          | 118          | 131          | 152          | 212          | 237          | 11.8%        | 100.8%       | -8.8%         |
| Glenville State College           | 61                     | 56           | 65           | 84           | 78           | 72           | 81           | 93           | 181          | 253          | 249          | 274          | 10.0%        | 194.6%       | 321.5%        |
| Marshall University               | 575                    | 553          | 577          | 503          | 514          | 565          | 608          | 605          | 598          | 593          | 664          | 687          | 3.5%         | 13.6%        | 19.1%         |
| Potomac State College of WVU      | 80                     | 49           | 86           | 100          | 115          | 91           | 92           | 107          | 127          | 141          | 199          | 229          | 4.6%         | 114.0%       | 166.3%        |
| Shepherd University               | 213                    | 214          | 190          | 162          | 151          | 173          | 184          | 197          | 217          | 222          | 199          | 255          | 28.1%        | 29.4%        | 34.2%         |
| West Liberty State College        | 58                     | 57           | 68           | 68           | 78           | 75           | 64           | 87           | 93           | 90           | 89           | 110          | 23.6%        | 26.4%        | 61.8%         |
| WV School of Osteopathic Medicine | 3                      | 2            | 1            |              |              | 2            | 2            | 5            | 7            | 8            | 11           | 11           | 0.0%         | 120.0%       | 1000.0%       |
| West Virginia State University    | 643                    | 687          | 728          | 537          | 504          | 508          | 523          | 582          | 596          | 481          | 642          | 490          | -23.7%       | -15.8%       | -32.7%        |
| West Virginia University          | 761                    | 787          | 840          | 874          | 862          | 858          | 889          | 891          | 901          | 926          | 1,117        | 1,294        | 15.8%        | 45.2%        | 54.0%         |
| WVU Institute of Technology       | 138                    | 139          | 156          | 135          | 155          | 153          | 118          | 155          | 160          | 121          | 125          | 104          | -16.8%       | -32.9%       | -33.3%        |
| <b>Total 4 Yr</b>                 | <b>3,108</b>           | <b>3,143</b> | <b>3,380</b> | <b>2,773</b> | <b>2,885</b> | <b>2,943</b> | <b>3,017</b> | <b>3,216</b> | <b>3,375</b> | <b>3,353</b> | <b>3,929</b> | <b>4,082</b> | <b>3.9%</b>  | <b>26.9%</b> | <b>20.8%</b>  |
| <b>Two-Year Institutions</b>      |                        |              |              |              |              |              |              |              |              |              |              |              |              |              |               |
| Blue Ridge CTC                    |                        |              |              | 66           | 71           | 85           | 129          | 152          | 199          | 226          | 253          | 396          | 56.5%        | 160.5%       |               |
| Bridgmont CTC                     |                        |              |              | 42           | 55           | 61           | 45           | 55           | 69           | 61           | 66           | 69           | 4.5%         | 25.5%        |               |
| Eastern WV CTC                    |                        |              | 5            | 4            | 7            | 11           | 14           | 7            | 10           | 12           | 8            | 10           | 25.0%        | 42.9%        | 100.0%        |
| Kanawha Valley CTC                |                        |              |              | 209          | 257          | 297          | 252          | 265          | 281          | 282          | 361          | 296          | -18.0%       | 11.7%        |               |
| Mountwest CTC                     |                        |              |              | 126          | 138          | 147          | 148          | 168          | 193          | 163          | 210          | 253          | 20.5%        | 50.6%        |               |
| New River CTC                     |                        |              |              | 221          | 144          | 129          | 137          | 116          | 165          | 151          | 219          | 233          | 6.4%         | 100.9%       |               |
| Pierpont CTC                      |                        |              |              | 161          | 163          | 166          | 181          | 198          | 137          | 146          | 208          | 266          | 27.9%        | 34.3%        |               |
| Southern WV CTC                   | 39                     | 36           | 61           | 36           | 43           | 38           | 36           | 32           | 36           | 30           | 38           | 30           | -21.1%       | -6.3%        | -50.8%        |
| WV Northern CTC                   | 68                     | 65           | 91           | 69           | 80           | 75           | 91           | 105          | 104          | 92           | 103          | 136          | 32.0%        | 29.5%        | 49.5%         |
| WVU at Parkersburg                | 22                     | 22           | 26           | 27           | 17           | 22           | 28           | 29           | 31           | 39           | 52           | 83           | 59.6%        | 186.2%       | 219.2%        |
| <b>Total 2 Yr</b>                 | <b>129</b>             | <b>123</b>   | <b>183</b>   | <b>961</b>   | <b>975</b>   | <b>1,031</b> | <b>1,061</b> | <b>1,127</b> | <b>1,225</b> | <b>1,202</b> | <b>1,518</b> | <b>1,772</b> | <b>16.7%</b> | <b>57.2%</b> | <b>868.3%</b> |
| <b>Grand Total</b>                | <b>3,237</b>           | <b>3,266</b> | <b>3,563</b> | <b>3,734</b> | <b>3,860</b> | <b>3,974</b> | <b>4,078</b> | <b>4,343</b> | <b>4,600</b> | <b>4,555</b> | <b>5,447</b> | <b>5,854</b> | <b>7.5%</b>  | <b>34.8%</b> | <b>64.3%</b>  |

| Institution                    | History of Fall Term Adult (Age 25 or Older) Undergraduate Enrollment in Public Institutions |               |               |               |               |               |               |               |               |               |               | % Change      |              |              |               |
|--------------------------------|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--------------|--------------|---------------|
|                                | 1999   | 2000          | 2001          | 2002          | 2003          | 2004          | 2005          | 2006          | 2007          | 2008          | 2009          | 2010          | 2009-10      | 2006-10      | 2001-10       |
|                                | <b>Four Year Institutions</b>  |               |               |               |               |               |               |               |               |               |               |               |              |              |               |
| Bluefield State College        | 913  | 1,086         | 1,214         | 414           | 807           | 863           | 756           | 798           | 768           | 754           | 820           | 872           | 6.3%         | 9.3%         | -28.2%        |
| Concord University             | 484  | 471           | 448           | 431           | 484           | 486           | 516           | 512           | 423           | 431           | 429           | 471           | 9.8%         | -8.0%        | 5.1%          |
| Fairmont State University      | 1,894  | 1,826         | 1,924         | 874           | 971           | 1,060         | 1,203         | 1,163         | 1,103         | 1,113         | 1,208         | 1,342         | 11.1%        | 15.4%        | -30.2%        |
| Glenville State College        | 648  | 597           | 579           | 612           | 285           | 248           | 296           | 267           | 306           | 355           | 546           | 602           | 10.3%        | 125.5%       | 4.0%          |
| Marshall University            | 2,958  | 2,750         | 2,888         | 1,695         | 1,673         | 1,750         | 1,831         | 2,005         | 2,068         | 1,948         | 2,040         | 2,152         | 5.5%         | 7.3%         | -25.5%        |
| Potomac State College of WVU   | 162  | 151           | 153           | 176           | 163           | 190           | 163           | 211           | 242           | 195           | 261           | 269           | 3.1%         | 27.5%        | 75.8%         |
| Shepherd University            | 1,836  | 1,899         | 1,487         | 779           | 759           | 983           | 1,045         | 1,083         | 1,054         | 1,084         | 1,093         | 1,070         | -2.1%        | -1.2%        | -28.0%        |
| West Liberty State College     | 463  | 439           | 437           | 409           | 406           | 378           | 347           | 339           | 329           | 287           | 308           | 347           | 12.7%        | 2.4%         | -20.6%        |
| West Virginia State University | 1,842  | 1,864         | 1,775         | 1,153         | 1,136         | 1,241         | 1,274         | 1,281         | 1,188         | 1,029         | 1,488         | 1,118         | -24.9%       | -12.7%       | -37.0%        |
| West Virginia University       | 1,329  | 1,212         | 1,224         | 1,237         | 1,215         | 1,349         | 1,378         | 1,408         | 1,532         | 1,536         | 1,512         | 1,683         | 11.3%        | 19.5%        | 37.5%         |
| WVU Institute of Technology    | 704  | 695           | 682           | 507           | 558           | 441           | 426           | 407           | 419           | 315           | 277           | 285           | 2.9%         | -30.0%       | -58.2%        |
| <b>Total 4 Yr</b>              | <b>13,233</b>  | <b>12,990</b> | <b>12,811</b> | <b>8,287</b>  | <b>8,457</b>  | <b>8,989</b>  | <b>9,235</b>  | <b>9,474</b>  | <b>9,432</b>  | <b>9,047</b>  | <b>9,982</b>  | <b>10,211</b> | <b>2.3%</b>  | <b>7.8%</b>  | <b>-20.3%</b> |
|                                | <b>Two-Year Institutions</b>   |               |               |               |               |               |               |               |               |               |               |               |              |              |               |
| Blue Ridge CTC                 |  |               |               | 894           | 912           | 985           | 1,224         | 1,242         | 1,356         | 1,531         | 2,134         | 2,586         | 21.2%        | 108.2%       |               |
| Bridgmont CTC                  |  |               |               | 206           | 234           | 233           | 281           | 245           | 244           | 234           | 379           | 400           | 5.5%         | 63.3%        |               |
| Eastern WV CTC                 |  |               | 85            | 167           | 205           | 201           | 265           | 238           | 252           | 212           | 280           | 291           | 3.9%         | 22.3%        | 242.4%        |
| Kanawha Valley CTC             |  |               |               | 648           | 782           | 806           | 763           | 873           | 860           | 887           | 1,012         | 1,074         | 6.1%         | 23.0%        |               |
| Mountwest CTC                  |  |               |               | 1,274         | 1,259         | 1,317         | 1,456         | 1,453         | 1,207         | 1,181         | 1,749         | 1,756         | 0.4%         | 20.9%        |               |
| New River CTC                  |  |               |               | 948           | 868           | 761           | 792           | 788           | 922           | 930           | 1,271         | 1,460         | 14.9%        | 85.3%        |               |
| Pierpont CTC                   |  |               |               | 1,081         | 1,090         | 1,150         | 1,006         | 932           | 807           | 895           | 901           | 1,008         | 11.9%        | 8.2%         |               |
| Southern WV CTC                | 870  | 826           | 889           | 895           | 926           | 937           | 873           | 831           | 747           | 705           | 763           | 756           | -0.9%        | -9.0%        | -15.0%        |
| WV Northern CTC                | 1,453  | 1,249         | 1,733         | 1,430         | 1,425         | 1,337         | 1,342         | 1,312         | 1,489         | 1,337         | 1,488         | 1,654         | 11.2%        | 26.1%        | -4.6%         |
| WVU at Parkersburg             | 1,401  | 1,326         | 1,334         | 1,360         | 1,510         | 1,520         | 1,591         | 1,639         | 1,548         | 1,551         | 1,883         | 2,091         | 11.0%        | 27.6%        | 56.7%         |
| <b>Total 2 Yr</b>              | <b>3,724</b>   | <b>3,401</b>  | <b>4,041</b>  | <b>8,903</b>  | <b>9,211</b>  | <b>9,247</b>  | <b>9,593</b>  | <b>9,553</b>  | <b>9,432</b>  | <b>9,463</b>  | <b>11,860</b> | <b>13,076</b> | <b>10.3%</b> | <b>36.9%</b> | <b>223.6%</b> |
| <b>Grand Total</b>             | <b>16,957</b>  | <b>16,391</b> | <b>16,852</b> | <b>17,190</b> | <b>17,668</b> | <b>18,236</b> | <b>18,828</b> | <b>19,027</b> | <b>18,864</b> | <b>18,510</b> | <b>21,842</b> | <b>23,287</b> | <b>6.6%</b>  | <b>22.4%</b> | <b>38.2%</b>  |

| Institution                    | Out-of-State as a Percentage of Undergraduate Enrollment<br>in Public Institutions |            |            |            |            |            |            |            |            |            |            |            |            |
|--------------------------------|--|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
|                                | 1998   | 1999       | 2000       | 2001       | 2002       | 2003       | 2004       | 2005       | 2006       | 2007       | 2008       | 2009       | 2010       |
|                                | <b>Four Year Institutions</b>  |            |            |            |            |            |            |            |            |            |            |            |            |
| Bluefield State College        | 6%   | 5%         | 6%         | 4%         | 9%         | 7%         | 5%         | 6%         | 7%         | 10%        | 12%        | 12%        | 12%        |
| Concord University             | 16%  | 15%        | 15%        | 14%        | 17%        | 15%        | 14%        | 15%        | 16%        | 17%        | 18%        | 19%        | 19%        |
| Fairmont State University      | 6%   | 6%         | 6%         | 6%         | 7%         | 7%         | 7%         | 7%         | 6%         | 6%         | 8%         | 8%         | 8%         |
| Glenville State College        | 8%   | 7%         | 7%         | 6%         | 8%         | 11%        | 9%         | 10%        | 9%         | 11%        | 12%        | 10%        | 10%        |
| Marshall University            | 17%  | 17%        | 17%        | 17%        | 18%        | 18%        | 18%        | 19%        | 20%        | 21%        | 22%        | 23%        | 23%        |
| Potomac State College of WVU   | 17%  | 17%        | 14%        | 17%        | 20%        | 22%        | 21%        | 19%        | 22%        | 28%        | 26%        | 24%        | 25%        |
| Shepherd University            | 36%  | 37%        | 39%        | 30%        | 38%        | 38%        | 40%        | 41%        | 44%        | 45%        | 45%        | 43%        | 40%        |
| West Liberty State College     | 28%  | 28%        | 29%        | 29%        | 28%        | 27%        | 28%        | 28%        | 30%        | 31%        | 32%        | 30%        | 31%        |
| West Virginia State University | 6%   | 6%         | 7%         | 8%         | 10%        | 9%         | 9%         | 9%         | 10%        | 11%        | 10%        | 10%        | 10%        |
| West Virginia University       | 39%  | 39%        | 40%        | 41%        | 41%        | 42%        | 43%        | 44%        | 45%        | 46%        | 47%        | 47%        | 48%        |
| WVU Institute of Technology    | 8%   | 8%         | 10%        | 9%         | 11%        | 10%        | 11%        | 8%         | 9%         | 11%        | 12%        | 14%        | 12%        |
| <b>Total 4 Yr</b>              | <b>21%</b>   | <b>22%</b> | <b>22%</b> | <b>22%</b> | <b>26%</b> | <b>26%</b> | <b>27%</b> | <b>27%</b> | <b>29%</b> | <b>30%</b> | <b>32%</b> | <b>31%</b> | <b>32%</b> |
|                                | <b>Two-Year Institutions</b>   |            |            |            |            |            |            |            |            |            |            |            |            |
| Blue Ridge CTC                 |  |            |            |            | 26%        | 24%        | 10%        | 12%        | 8%         | 6%         | 7%         | 7%         | 7%         |
| Bridgmont CTC                  |  |            |            |            | 3%         | 5%         | 4%         | 4%         | 6%         | 6%         | 4%         | 3%         | 2%         |
| Eastern WV CTC                 |  |            |            |            | 0%         | 0%         | 3%         | 3%         | 1%         | 0%         | 1%         | 0%         | 0%         |
| Kanawha Valley CTC             |  |            |            |            | 7%         | 8%         | 10%        | 9%         | 7%         | 6%         | 7%         | 7%         | 5%         |
| Mountwest CTC                  |  |            |            |            | 14%        | 16%        | 18%        | 19%        | 20%        | 14%        | 15%        | 16%        | 23%        |
| New River CTC                  |  |            |            |            | 3%         | 1%         | 1%         | 0%         | 0%         | 0%         | 0%         | 0%         | 0%         |
| Pierpont CTC                   |  |            |            |            | 5%         | 5%         | 5%         | 6%         | 7%         | 5%         | 5%         | 6%         | 6%         |
| Southern WV CTC                | 12%  | 11%        | 10%        | 11%        | 9%         | 8%         | 8%         | 9%         | 9%         | 9%         | 8%         | 8%         | 8%         |
| WV Northern CTC                | 17%  | 17%        | 16%        | 20%        | 18%        | 17%        | 18%        | 17%        | 16%        | 21%        | 19%        | 20%        | 21%        |
| WVU at Parkersburg             | 3%   | 2%         | 3%         | 2%         | 2%         | 3%         | 3%         | 3%         | 3%         | 3%         | 3%         | 4%         | 5%         |
| <b>Total 2 Yr</b>              | <b>10%</b>   | <b>10%</b> | <b>9%</b>  | <b>11%</b> | <b>9%</b>  | <b>9%</b>  | <b>9%</b>  | <b>9%</b>  | <b>8%</b>  | <b>8%</b>  | <b>8%</b>  | <b>8%</b>  | <b>9%</b>  |
| <b>Grand Total</b>             | <b>20%</b>   | <b>20%</b> | <b>20%</b> | <b>20%</b> | <b>21%</b> | <b>21%</b> | <b>21%</b> | <b>22%</b> | <b>23%</b> | <b>24%</b> | <b>24%</b> | <b>24%</b> | <b>24%</b> |

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Update on College Access Challenge Grant Funds

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** Information Item

**STAFF MEMBER:** Rob Anderson and Adam Green

**BACKGROUND:**

In 2008, the Commission received approximately \$1 million in federal funds via the College Access Challenge Grant to develop a comprehensive online portal designed to help students and families across the state plan, apply, and pay for education and training beyond high school. The result is [www.cfwv.com](http://www.cfwv.com), an interactive web site that streamlines the college readiness process by consolidating previously decentralized resources and allowing students of all ages to create personalized college and career-planning portfolios.

The development of this web portal has fueled statewide collaboration and allowed the Commission to leverage other funds and partnerships in order to bolster West Virginia's existing college access initiatives.

In 2010, the Commission applied for and received a second round of College Access Challenge Grant funding, which will provide \$1.5 million per year for five years, contingent on the successful completion of an annual renewal process. These funds will be used to continue development and maintenance of the college access portal. Funding will also assist with the development and implementation of a multi-faceted marketing and outreach effort aimed at fueling adoption of [www.cfwv.com](http://www.cfwv.com) and increasing college-going and student success rates in the state.

Brief summaries of completed, pending, and future activities funded by College Access Challenge Grant are provided on Attachment 1.

## **2008 / 2009 College Access Challenge Grant Activities**

The initial two-year College Access Challenge Grant (CACG) awarded to the Commission in 2008 was used primarily to fund development of the state's college access web portal, [www.cfww.com](http://www.cfww.com). Approximately \$100,000 remained after the initial development of the portal was complete. This balance was employed to encourage students and families to utilize the website; remaining funds contributed to the development of a statewide radio advertising campaign targeting adult learners and to the creation of outreach materials utilized at the Commission's public information display at the 2010 West Virginia State Fair.

## **2010 College Access Challenge Grant Activities**

More than one third of the CACG funds awarded in 2010 will be used to fund the maintenance of the [www.cfww.com](http://www.cfww.com) portal. The remainder has been directed toward the expansion and promotion of the portal, which includes funding for:

- Training a minimum of two counselors from every West Virginia county to utilize [cfww.com](http://cfww.com) during the 2010-11 academic year;
- Providing statewide outreach activities designed to inform students and families of the resources available through [cfww.com](http://cfww.com) and the State of West Virginia;
- Contributing to the Commission's statewide college access marketing campaign, which utilizes traditional and grassroots marketing tactics to disseminate information about colleges and careers and advance a college-going culture;
- Expanding the resources available on [cfww.com](http://cfww.com), including the addition of a "Learning Styles Inventory" tool and eight additional online applications for community and technical colleges in the state;
- Developing additional informational and outreach tools, including "Admissions 101" and "College 101," two step-by-step guides designed to help families navigate the college planning and application processes, and "The Road to College," a video documentary that will be provided to classrooms statewide, which details postsecondary education options available in West Virginia;
- Developing "College Access and Readiness Mentor Kits," which will contain diverse curricula and activities designed to help community-based organizations incorporate college- and career-planning within their usual outreach initiatives;
- Aligning the LINKS curriculum developed by the state's K-12 counseling system to the resources and tools available on [www.cfww.com](http://www.cfww.com); and
- Contributing to the promotion of the state's College Goal Sunday initiative, a one-day event held at 18 locations statewide to inform students and families of financial aid resources and assist students in completing the Free Application for Federal Student Aid (FAFSA).

## Progress to Date

**Counselor and Educator Training:** Since the site launched in October of 2009, nearly 500 educators, counselors and community volunteers have received in-depth training on the use and application of the [www.cfwv.com](http://www.cfwv.com) portal; more than 150 have completed training this academic year. As of November 12, 2010, more than 100 counselors from 34 counties have received training and additional training workshops will continue through the spring and summer of 2011.

**K-12 Alignment:** Staff members from the Commission and the West Virginia Department of Education are working to align the LINKS college- and career-readiness curriculum developed by the state's counseling system to the resources on [www.cfwv.com](http://www.cfwv.com). Addition of the "Learning Styles Inventory" tool added this year has aided this process; as such a tool is utilized on [www.careercruising.com](http://www.careercruising.com), the online portal for which the original LINKS curriculum was designed.

**Additional Online College Applications:** CACG monies funded the development of online applications systems for eight community and technical colleges in West Virginia. Seven of these applications are still in the beta phase and are being tested by staff members at the institutions. Mountwest Community and Technical College staff members have completed testing and launched their institution's new application on [cfwv.com](http://cfwv.com).

**Additional Outreach Materials and Tools:** CACG funds were used to develop and produce "Admissions 101," a step-by-step guide to understanding and navigating the college application process. These brochures were distributed statewide and were also included in toolkits for 37 schools participating in a pilot "College Application Week" program, a collaborative initiative developed by the Commission's West Virginia GEAR UP program and Fairmont State University's GEAR UP program.

"College 101" brochures are planned for distribution in the spring. "College 101" will focus on helping high school seniors and their families prepare for the transition from high school to college.

A one-hour documentary, "The Road to College," that will detail students' options for postsecondary education and the process of planning, applying and paying for college is underway. The documentary, which is being produced by West Virginia Public Broadcasting, will feature prominently the resources available on [www.cfwv.com](http://www.cfwv.com) and will be distributed to schools statewide.

**College Access Marketing and Outreach Initiatives:** During the fall of 2010, staff members from the Commission hosted outreach and informational displays at every college fair on the statewide College Fair Tour, reaching students and sometimes parents at more than 130 schools. CACG funds were used to pay for travel expenses and outreach materials utilized at these events. Additionally, staff participated in an

outreach event at the 2010 West Virginia State Fair. More than 600 individuals received information during the fair and signed up to receive email and other updates regarding financial aid, cfwv.com and other college-readiness initiatives.

CACG funds will also contribute to the development of marketing and outreach kits designed to promote College Goal Sunday 2011. College Goal Sunday is a one-day event that provides students and families with an opportunity to receive free, one-on-one, professional help in completing the Free Application for Federal Student Aid. College Goal Sunday workshops will be held at 18 different locations statewide February 13, 2011. “College Access and Readiness” mentor kits are under development; these kits will be distributed to community outreach coordinators and counselors through programs such as 4-H and the YMCA. The kits will be completed in spring of 2011.

**Utilization and Adoption:** Since the site’s launch in early October 2009, more than 38,000 individuals have created accounts on www.cfwv.com, and more than 13,000 applications have been submitted through the cfwv.com web portal. Chart 1 shows account activity by month. Chart 2 features accounts created disaggregated by target audience. Charts 3 through 5 provide a year-to-year comparison of utilization of various features of the site.

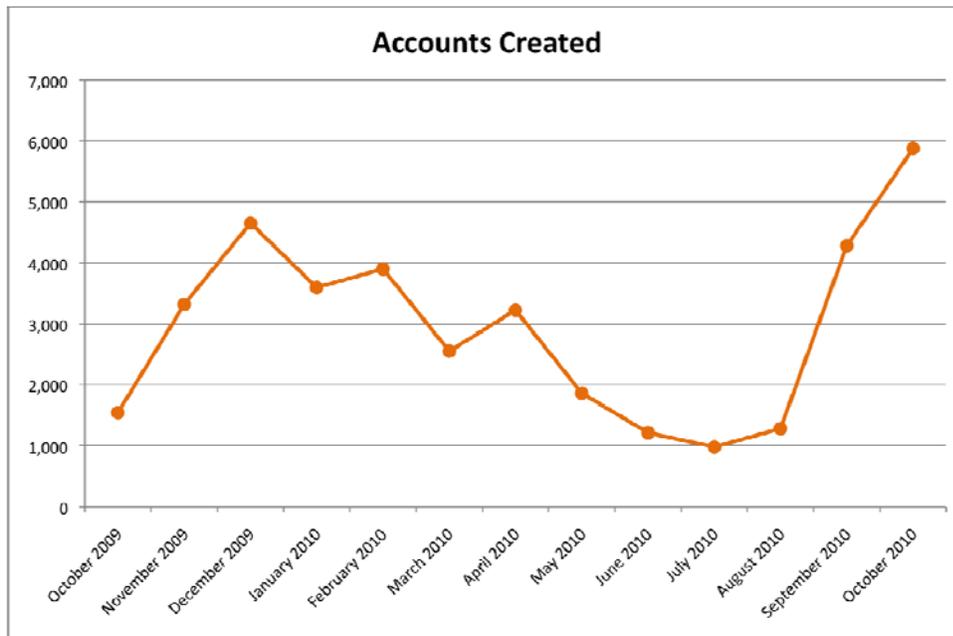


Chart 1: Accounts created per month, October 2009 through October 2010.

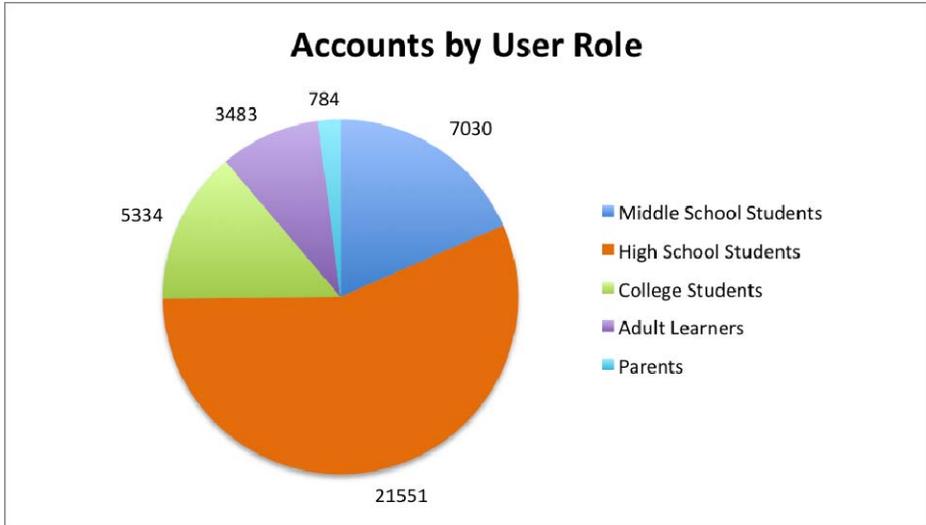


Chart 2: Accounts by user role.

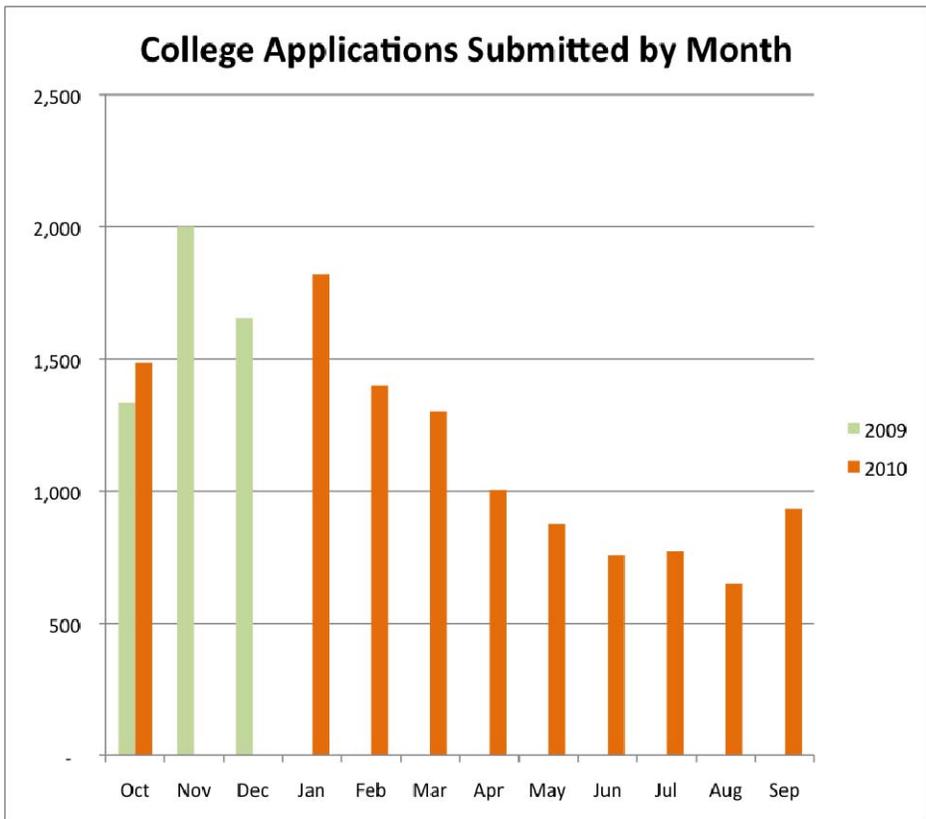


Chart 3: College applications submitted by month, October 2009 through October 2010.

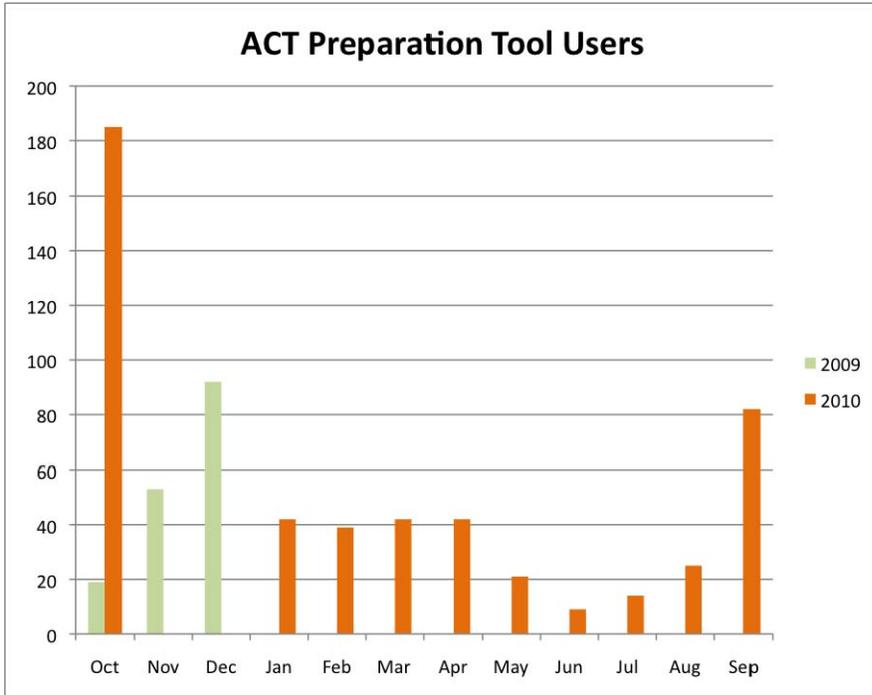


Chart 4: ACT Test Preparation users by month, October 2009 through October 2010.

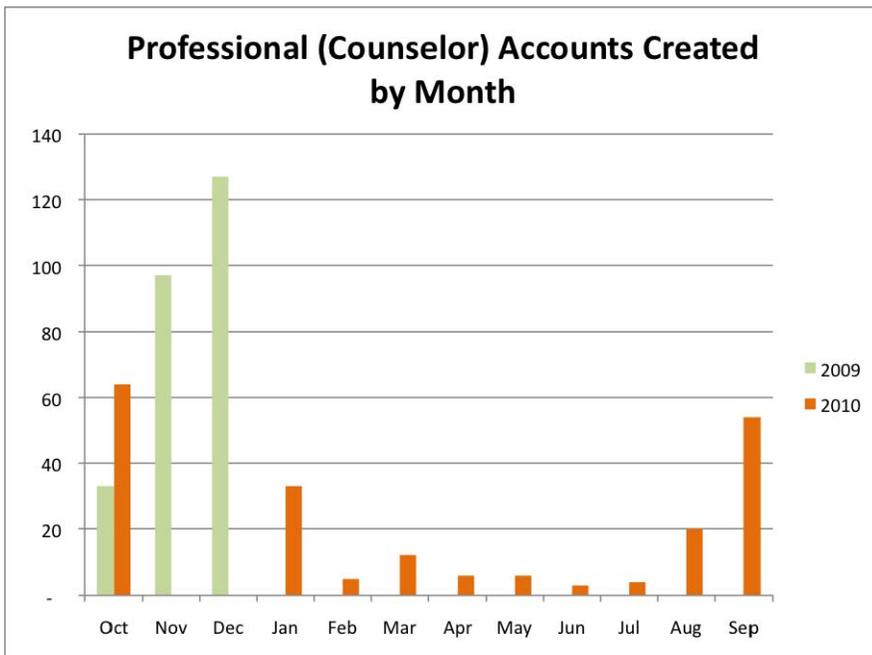


Chart 5: Professional (Counselor) accounts by month, October 2009 through October 2010.

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** 2010 Financial Aid Comprehensive Report

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** Information Item

**STAFF MEMBER:** Angela Bell

**BACKGROUND:**

The second annual Financial Aid Comprehensive Report provides (a) information about the national status of financial aid, (b) descriptions of and changes to West Virginia aid programs, (c) longitudinal data about recipients of financial aid in the state and outcomes of these recipients, and (d) policy recommendations. It should be noted that the data presented are for the 2008-09 academic year; as data for the 2009-10 academic year are currently being submitted by the institutions and are not available at the time of publication.

**Changes in West Virginia**

Several important policy developments transpired across the financial aid landscape in 2009-10. The new establishment of CFVWV.com creates a one-stop shop for students to learn about, prepare for, and apply to college. The portal, which was funded through the receipt of a federal College Access Grant, went live on October 4, 2009. To date, 32,129 accounts have since been created on CFVWV by middle school, high school, and prospective and current college students.

As directed by the Commission, the PROMISE Scholarship award moved to a floor amount of \$4,750 per year (or a higher amount as funding permits) for students who began college post January 1, 2010. This policy change secured the long-term financial viability of the program; eliminated the need to increase academic criteria for the award in order to reduce costs; and made student financial planning for college more predictable. Other changes to PROMISE include the introduction of summer awards and requiring recipients to take four years of math in high school commensurate with high school graduation requirements and public college admission criteria. Changes were also implemented for the Higher Education Grant Program, which included the elimination of the separate state application and the March 1 priority deadline. The Higher Education Financial Aid Advisory Board recommended, in order to serve as many students as possible, that the maximum award be reduced from \$3,300 to \$2,100 for the 2010-11 academic year. Finally, Commission staff continued the precedent established in 2009-10, holding in reserve ten percent of the state allocation to the Grant Program to assist adult students.

## **Data Highlights**

### ***PROMISE Scholarship Program***

- Almost half of PROMISE recipients attend West Virginia University and over 85 percent attend a public four-year institution.
- Among two-year public institutions, first-year PROMISE students make up the largest proportion of 2008-09 first-year, in-state enrollment at Southern West Virginia Community and Technical College at 2.6 percent. Among four-year public institutions, West Virginia University has the largest proportion at 42.4 percent.
- The proportion of scholars with family income over \$90,000 increased from 2004-05 to 2008-09 while the proportion of scholars with incomes below this amount or who were also receiving the need-based Higher Education Grant has declined.
- In terms of outcomes, retention of the scholarship has increased; the percentage of PROMISE scholars earning their associate's or bachelor's degree within four years has increased; and the rate of transfer to four-year institutions of PROMISE scholars at two-year institutions has increased. PROMISE scholars' graduation and transfer rates have been consistently higher than those for the general student body as is expected given their higher academic credentials.

### ***Higher Education Grant Program***

- The average award increased from \$2,009 in 2004-05 to \$2,619 in 2007-08 before declining to \$2,187 in 2008-09 as a result of changes to the structure of the award.
- Grant Program recipients make up the largest proportion of in-state enrollment at Bridgemont Community and Technical College (20.1%) among two-year public institutions and Fairmont State University (32.1%) among four-year public institutions.
- The percentage of first-year students offered the award that were eligible and enrolled was between 77 and 79 percent in 2008-09 in West Virginia public institutions, West Virginia independent non-profit institutions, and Pennsylvania institutions, but was only 62 percent at West Virginia independent for-profit institutions.
- Retention of the grant by first-time freshmen into subsequent fall semesters has increased.
- The percentage of grant recipients earning their bachelor's degree within five or six years increased but were slightly lower than the general student body.
- The percentage of grant recipients earning their associate's degree within three or four years, as well as rates of transfer from two-year institutions to four-year institutions, have increased and were higher than those of the overall student body.

### ***Higher Education Adult Part-Time Student Grant Program***

- The average award has increased from \$801 in 2004-05 to \$903 in 2008-09.
- About one-third of recipients attend four-year public institutions; a little over one half attend public two-year institutions; 9 percent attend independent, non-profit institutions; and 5 percent attend public vocational/technical centers.
- Almost three-fourths of recipients have incomes of \$30,000 or less.
- The HEAPS Workforce Development Component has also experienced an increase over time in number of students served and total dollars awarded though there has been a decline in the average size of awards.
- Sixty-three percent of recipients attend public two-year institutions; 24 percent attend public vocational-technical school; 9 percent attend independent for-profit institutions; and 2 percent attend an independent, non-profit organization.

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Net Price Calculator

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** Information Item

**STAFF MEMBER:** Kevin Walthers

**BACKGROUND:**

The Federal Higher Education Opportunity Act requires that institutions provide transparent information to students and parents regarding college costs. The Act requires institutions to provide a net price calculator “to help current and prospective students, families, and other consumers estimate the individual net price of an institution of higher education for a student. The calculator shall be developed in a manner that enables current and prospective students, families, and consumers to determine an estimate of a current or prospective student’s individual net price at a particular institution.” (P.L. 110-315, sec. 132 (h) (1)).

In an attempt to assist institutions in their efforts to comply with new federal guidelines, Commission staff has begun to explore the possibility of utilizing a system-wide effort to meet maximum outcomes and minimize production costs at the campus level. Staff is developing an RFP for such services and anticipates that a deliverable will be in place for the fall 2011 semester.

Staff from the financial aid division of West Virginia University will provide a demonstration and overview of the net price calculator that West Virginia University implemented this Fall.

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Legislative Auditor Departmental Review of the  
Higher Education Policy Commission

**INSTITUTION:** Higher Education Policy Commission

**RECOMMENDED RESOLUTION:** Information Item

**STAFF MEMBER:** Brian Noland

**BACKGROUND:**

The Performance Evaluation and Research Division of the Legislative Auditor's Office has completed the report for the third issue of the Departmental Review of the Higher Education Policy Commission. The report was submitted to the Joint Committee on Government Operations and the Joint Committee on Government Organizations and addresses actions related to postsecondary affordability.

The report describes the conditions that have diminished affordability for students attending public colleges and universities. Because the median household income of West Virginia residents is well below the national average, West Virginians must pay a much higher percent of their income for higher education than residents of other states. The report notes that many financial aid sources only pay for four years of education; consequently, funding falls short for the significant number of students who take more time to graduate. As a result, the level of student borrowing has increased with changes in tuition prices.

The report recommends that the Commission establish a definition of affordability and develop specific affordability measures and benchmarks. It also recommends that the Commission and institutions develop cost management plans for each institution. In addition, the Commission should establish a tuition and fee policy. Finally, the Commission should examine its financial aid policies as they relate to the credit hours needed for degree completion.



November 2010  
PE 10-12-479

## DEPARTMENTAL REVIEW

# HIGHER EDUCATION POLICY COMMISSION & COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

## AUDIT OVERVIEW

An Affordable Higher Education for State Residents Will Require Actions by the Higher Education Policy Commission, the Council for Community and Technical Education, and the Institutions to Halt the Long-term Trend Away From Affordability



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## EXECUTIVE SUMMARY

### **Issue 1: An Affordable Higher Education for State Residents Will Require Actions by the Higher Education Policy Commission, the Council for Community and Technical College Education, and the Institutions to Halt the Long-term Trend Away From Affordability.**

The Legislature in 2000 established affordability as a target for higher education. The Legislature, the governing systems of the Higher Education Policy Commission (HEPC) and the Council for Community and Technical College Education (CCTCE) and the institutions all have an important role to play in creating affordability for West Virginia students. However, evidence suggests that between 2000 and 2008, higher education has become less affordable for state residents and that an increasing cost burden has been placed on students through rising tuitions and fees. Contributors to the lack of affordability are:

- required capital fees that add to the cost to attend college,
- rising costs at individual institutions, and
- State appropriations that have stagnated between 2000 and 2009 for baccalaureate institutions.

Recognizing this trend, the Legislature in 2008 re-emphasized achieving education access and affordability by 2020. The Legislature has identified capital fees as a significant factor in increasing costs to students, and has passed legislation to relieve students of this burden. The Legislature has also capped the amount that tuitions and required fees can rise annually and over a four-year period.

Underlying the trend away from affordability is the lack of a benchmark for affordability. The State does not know when college costs too much to be affordable for state residents because there is no definition of higher education affordability and there are no established affordability benchmarks or goals. The HEPC provides extensive amounts of data on tuition and fees, college costs, loan debt and low-income students in its annual Higher Education Report Card. However, the HEPC has not established affordability standards or benchmarks for higher education. One affordability standard could be the percentage of the net cost of education that the State considers affordable for the student to share. Presently, after receiving financial aid undergraduate students at four-

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*Evidence suggests that between 2000 and 2008, higher education has become less affordable for state residents and that an increasing cost burden has been placed on students through rising tuitions and fees. Underlying the trend away from affordability is the lack of a benchmark for affordability.*

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year colleges in West Virginia pay 49 percent of the direct cost to educate them and community college students pay 36 percent of the cost.

In order to monitor progress toward affordability, the Legislature needs to define affordability and the HEPC, CCTCE and the institutions need to establish specific benchmarks and measures to assess affordability for state residents. In addition, the HEPC and the CCTCE need to emphasize institutional cost management and cost efficiencies, identifying cost efficiencies and reporting to the Legislature on a regular basis.

## Recommendations

- 1. The Higher Education Policy Commission and the Council for Community and Technical College Education should establish a definition of affordability, perhaps based on the portion of the educational cost that the State considers affordable for students to share.*
- 2. The Higher Education Policy Commission and the Council for Community and Technical College Education should develop specific affordability measures that comprise an affordable percentage increase in tuition and fees; annual and projected target goals to increase the number of low-income students attending college; and annual and projected target goals to decrease the percentage of students borrowing to start college and continue college.*
- 3. The Higher Education Policy Commission, the Council for Community and Technical College Education and the educational institutions should identify ways to operate more cost effectively through the required development of cost-management plans for each institution.*
- 4. The Higher Education Policy Commission should establish a tuition and fee policy as required by the 2010 legislative session. Such a policy should incorporate and reinforce the requirement of institutions to control costs.*
- 5. The Higher Education Policy Commission should examine financial aid policies in order to determine whether the extension of financial aid to students completing their eighth semester with 98 credits or more who meet other prescribed requirements might allow for degree completion prior to six years.*

# OBJECTIVE, SCOPE & METHODOLOGY

## Objective

Pursuant to the West Virginia Performance Review act, specifically §4-10-8(b)2, the Legislative Auditor has conducted a Department Review of the Higher Education Policy Commission (HEPC) and the Council for Community and Technical College Education (CCTCE). The first two issues of this review were reported in January 2010 and dealt with the governance responsibility and authority of the two boards and the number of institutions of higher education that exist. The purpose of this report is to examine the cost of higher education for state residents and whether this cost meets the legislative intent of an affordable education for state residents. In order to examine the cost of higher education, the Legislative Auditor examined the annual cost to attend college; the decline in financial aid as it relates to annual cost; the borrowing and loan repayment behavior of West Virginia students; the rise in tuition and fees over a 3 and 10-year period; the imposition of legislative tuition and fee caps; the state appropriations to higher education over the past 10 years and their impact on tuition and fees; the lack of emphasis on cost management for the institutions and the personnel expenditures at the institutions. The report makes recommendations to define and to strengthen the emphasis on affordability.

## Scope

The scope of this report covers AY 2000 to AY 2010-11 concerning tuition and fee increases. The legislative history of the higher education system also covers the CY 2000 through CY 2010. Budget information covers FY 2000 through FY 2009. Financial aid information covers AY 2002 through AY 2009-10. Student borrowing information obtained from the Southern Regional Information Board (SREB) analysis from the National Center for Higher Education Management Systems (NCHEMS) statistics covers AY 2001-02 through AY 2006-07. Student loan default information from the U.S. Department of Education is from 2009. U.S. Census information is from 2008.

## Methodology

The Legislative Auditor utilized numerous sources during this Departmental Review. Statutory criteria were obtained from various West Virginia code sections pertaining to higher education. The HEPC and CCTCE master plans were reviewed for affordability policy. Four-year institutions' compacts were also reviewed for affordability and cost management efficiencies. The minutes of the HEPC Efficiencies Task Force were reviewed. The Legislative Auditor developed the annual cost of college creating an average of all state institutions using the AY 2009-10 College Navigator total expenses (including the books

and supply costs). Financial resource information was taken from 2008 U.S. Census Bureau figures. The percentage of West Virginia household income to pay for college was taken from National Center for Higher Education Management Systems. Statistics from NCHEMS also provided the basis for calculations of unmet student need. Interviews and correspondence with higher education officials provided numerical information and clarified questions on student financial aid and changes to various programs; the application of the legislative caps on tuition and fees and the current status of the tuition and fee policy. U.S. Department of Education information on student loan default rates was also provided by the Financial Aid Division of HEPC. Rising tuition rates and the percentage of change were calculated by the Legislative Auditor from tuition and fee information published by the HEPC. The Budget Division of the Legislative Auditor's Office provided information on the total state appropriations to higher education from FY 2000 through FY 2011. The Budget Division also provided total revenue and expenditure information for fiscal years 2007, 2008 and 2009 for all four-year institutions and community colleges. The appropriations to the institutions and the shift in dependency on tuitions and fees came from information published by the Southern Regional Education Board. Enrollment information is from the HEPC. Every aspect of this review complied with the Generally Accepted Governmental Auditing Standards (GAGAS) as set forth by Comptroller General of the United States.

## ISSUE 1

### **An Affordable Higher Education for State Residents Will Require Actions by the Higher Education Policy Commission, the Council for Community and Technical College Education, and the Institutions to Halt the Long-term Trend Away From Affordability.**

#### **Issue Summary**

The Legislature in 2000 established affordability as a target for higher education. However, evidence suggests that between 2000 and 2008, higher education has become less affordable for state residents and that an increasing cost burden has been placed on students through rising tuitions and fees.

The long-term trend *away* from affordability can be seen by the following:

- The total cost to attend a four-year college in West Virginia has risen by an average of nearly 38 percent between 2004 and 2009.
- In-state undergraduate tuitions and fees have risen by 101 percent for four-year colleges and 38 percent for community colleges, between 2000 and 2009.
- State financial aid is discontinued after four years although only 15 percent of entering freshmen graduate in four years.
- State financial aid is not keeping pace with tuitions and fees. The PROMISE merit scholarship no longer covers tuition and fees at eight out of 11 four-year colleges, and the Higher Education Grant (once 75 percent of tuition and fees at all colleges) is now set on a sliding scale where the maximum award is less than 75 percent of tuition and fees at all four-year colleges.
- Only about one-fifth of low-income students in the state attend college.
- A rising percentage of state students borrow to start college. The percentage of first-time borrowers rose by nearly 9 percent for four-year students and 6 percent for community college students between AY 2002-03 and AY 2007-08.
- West Virginia student-loan default rates are 2.6 percent higher than the national average for public colleges.

Contributors to the lack of affordability are:

- Required capital fees that add to the cost to attend college;

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*In-state undergraduate tuitions and fees have risen by 101 percent for four-year colleges and 37 percent for community colleges, between 2000 and 2009.*

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- Rising costs at individual institutions; and
- State appropriations that have stagnated between 2000 and 2009 for baccalaureate institutions.

Recognizing this trend, the Legislature in 2008 re-emphasized achieving education access and affordability by 2020. In order to realize this vision, the Legislature established nine broad objectives as highest priorities. The first objective, to reduce the obligation of students and parents to bear the cost of higher education building projects and maintenance, addresses affordability. The Higher Education Policy Commission (HEPC) and the Council for Community and Technical College Education (CCTCE) have undertaken actions to respond to the 2008 objectives and priorities of the Legislature.

The Legislative Auditor finds that the State does not know when college costs too much to be affordable for state residents because there is no definition of higher education affordability and no established affordability benchmarks or goals. In order to monitor progress toward affordability the HEPC needs to define affordability and the HEPC, CCTCE and the institutions need to establish specific benchmarks and measures to assess affordability for state residents. In addition, the HEPC and the CCTCE need to emphasize institutional cost management and cost efficiencies, identifying cost efficiencies and reporting to the Legislature on a regular basis.

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*The State does not know when college costs too much to be affordable for state residents because there is no definition of higher education affordability.*

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## **The Legislature's Emphasis on Affordability in West Virginia Code**

Education is a necessary and vital component of life for the citizens of West Virginia that should also be affordable. For the past 10 years, this concept has been incorporated in state code. In 2000, the concept was first raised in West Virginia Code 18B-1-1a:

*The Legislature finds that post-secondary education is vital to the future of West Virginia. For the state to realize its considerable potential in the twenty-first century, it must have a system for the delivery of post-secondary education which is competitive in the changing national and global environment, is affordable within the fiscal restraints of the state and for the state's residents to participate... .*

West Virginia Code was revised in 2008 to reemphasize this concept. Also in 2008, the areas of education access and affordability as areas of special concern to the Legislature were added, and tuition and fee levels were included as important in West Virginia Code §18B-1D-3 (a):

*(i) By establishing tuition and fee levels for in-state students that do not inhibit access to public education nor cause students to incur excessive debt.*

Legislation passed in 2008 established 9 higher education objectives to be addressed as highest priorities during the 12 years between 2008 and 2020. These objectives include increasing academic rigor; increasing the number of students who graduate; recruiting adults; providing incentives to encourage science, technology, engineering and mathematics courses; developing stable funding for expensive, high-demand, or workforce development programs; developing uniform delivery of community and technical college programs in all regions; developing research capacity and increasing the percentage of literate adults. However, the first objective addresses affordability and is stated in West Virginia Code §18B-1D-3 (b):

*(1) ... Develop a state-level facilities plan and funding mechanism to reduce the obligation of students and parents to bear the cost of higher education capital projects and facilities maintenance.*

House Bill 4026 passed in 2010 established a mechanism to develop a system-wide capital development plan by 2011 and required all higher education institutions to prioritize capital projects. It also charged the HEPC and the CCTCE to carefully consider all requests from institutions to incur additional debt and to participate to a greater extent in managing capital projects at the smaller institutions. The bill also states the intent of the Legislature that dedicated funding sources are designated periodically to finance construction and renovation of educational and general facilities at state institutions, and that ongoing state funding be dedicated to supplement capital fees for maintenance at community and technical colleges. The HEPC, CCTCE and the institutions are charged with ensuring that sufficient capital revenues are available for maintenance of new facilities and major renovations, and that these are maintained adequately.

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*House Bill 4026 passed in 2010 established a mechanism to develop a system-wide capital development plan by 2011 and required all higher education institutions to prioritize capital projects.*

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However, public post-secondary education is increasingly less affordable for state residents. The education partnership necessary to attain affordability includes the institutions, the Legislature, the Higher Education Policy Commission and the Council for Community and Technical College Education. If this goal is to be attained by 2020, the education partnership must move toward actions that curb rising costs

and create an affordable public education.

## Affordability in Higher Education Policy

The Higher Education Policy Commission and the Council for Community and Technical College Education incorporate affordability as an underlying goal for public institutions. In the HEPC master plan for baccalaureate institutions, “*Charting the Future: A Master Plan for West Virginia Higher Education*,” a legislative goal of higher education is referenced as “*containing costs and maintaining affordability of higher education*.” **However, the 2006 master plan notes that “...higher education institutions have become increasingly dependent on tuition revenues, and tuitions have increased...” as a consequence of a decline in state budget allocations since 2000.** The master plan addresses solutions to the rising cost of delivering higher education by noting that “...*keeping the cost to students and families down will require institutional innovation to secure alternative funding sources and to control delivery costs*.” In addition, the HEPC recommends structural changes within the education and legislative systems to align finance policy, K-12 and college curricula and to educate prospective students about financial aid and the net costs of college. While the HEPC has accomplished some of the changes recommended in the 2006 master plan, it is still working on others.

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*One barrier to affordability at the four-year institutions lies in the Higher Education Policy Commission’s failure during the previous decade to establish a tuition and fee policy for the baccalaureate institutions.*

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The community college master plan, “*Target: 2010, A Compact For the Future of West Virginia*,” states as the first of five goals “*Provide access to affordable comprehensive community and technical college education in all regions of West Virginia*.” The strategy proposed to achieve affordability is to reduce the ratio of community college tuition/baccalaureate tuition from 72 percent in 2004 to 60 percent in 2010. For AY 2009-10, the community colleges met this goal with community college tuition being 55 percent of baccalaureate tuition <sup>1</sup> **Still, tying the community college tuition rate to a percentage of the baccalaureate tuition rate means that as the four-year college tuition rises, the community college tuition will also rise. This strategy does not ensure affordability for community college students.**

One barrier to affordability at the four-year institutions lies in the Higher Education Policy Commission’s failure during the previous decade to establish a tuition and fee policy for the baccalaureate institutions. **According to the HEPC chancellor, the baccalaureate institutions have**

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<sup>1</sup> Based on the AY 2009-10 average tuition rates in Tables 5 and 6 in this report.

**been reluctant to agree on a tuition and fee policy.** While this inaction prompted the Legislature to set November 1, 2010 as the date when this rule is to be promulgated, a tuition and fee policy had not been created as of this date. The Legislative Auditor concludes that a tuition and fee policy rule is necessary for the baccalaureate system of colleges and universities, and should have been established earlier in the decade. Such a policy rule should incorporate and reinforce the requirement of institutions to control costs.

### **Tuitions and Fees Constitute a Fraction of the Cost to Attend College**

College affordability is the ability of the student and his or her family to pay for college. Contributing to affordability are: 1) institutional price (tuition, fees, room and board); 2) the State's efforts to respond to students' financial need; and 3) the students' personal or family income. The Legislative Auditor estimates the annual cost of college at a public post-secondary institution in West Virginia is between \$13,075 (community college) and \$15,710 (four-year institution). In addition to tuition and fees, the cost for room and board, books, supplies and other education-related expenses must be paid for by the student. While the HEPC and the CCTCE approve or deny annual tuition and fee increases at most colleges, tuition and fees are a small portion of the cost associated with attending a postsecondary program.<sup>2</sup> The HEPC and the CCTCE do not approve the cost of room and board. Therefore these two governing authorities cannot exert control over all of the elements contributing to the institutional price to attend college.

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*The annual cost of college at a public post-secondary institution in West Virginia is between \$13,075 (community college) and \$15,711 (four-year institution).*

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- **Four-year college costs for a student living on campus.** The tuition and fees at public baccalaureate institutions in West Virginia for AY 2009-10 average \$4,796. The Legislative Auditor calculated that the average total cost of attendance for a student living on campus is \$15,710. The tuition and fees at most baccalaureate institutions are slightly under one-third of the total cost of attendance.
- **Two-year community college costs for a student living off campus.** The tuition and fees at public community and technical colleges in West Virginia for AY 2009-10 average \$2,730. The Legislative Auditor calculated

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<sup>2</sup> Marshall University and West Virginia University tuition and fees are exempted from the approval of the Higher Education Policy Commission.

that the average total cost of attendance for a student living off campus is \$13,075. The tuition and fees are about one-fifth of the total cost of attendance.

- **Costs for community college students living with family.** The average total cost of attendance for community college students living with family is \$7,068. Tuition and fees are about 38 percent of the total cost of attendance.

## West Virginia Students Have Fewer Financial Resources

West Virginia students have fewer financial resources than students in most other states. In 2008, the median household income in West Virginia was \$37,989 according to an estimate by the United States Census Bureau. Thus, half of all West Virginia households had this amount or less to support the higher education of students in their families. West Virginia's 2008 median household income is \$14,040 below the 2008 national median household income of \$52,029. The lack of resources combined with cost may cause low-income students not to attend college.<sup>3</sup> Seventy-nine (79) percent of West Virginia low-income students do not attend college compared to 76 percent that do not attend nationally.<sup>4</sup> In addition, fewer low-income West Virginia students attended college in 2007 than in 1998. In 1998, 23.1 percent of low-income students attended college in West Virginia. However in 2007, which is the most recent year for which these data are available, 20.6 percent of low-income students attended college. In addition, in 2007 the percentage of low-income students that attended college in West Virginia was lower than the percentage of low-income students attending college in 12 of the 16 Southern Regional Education Board (SREB) states.<sup>5</sup>

The lack of financial resources combined with rising costs exerts a heavy burden on students and their families. The National Center for Higher Education Management Systems (NCHEMS) calculates that the poorest West Virginia families enrolling a student in a four-year college

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*In 2007 the percentage of low-income students that attended college in West Virginia was lower than the percentage of low-income students attending college in 12 of the 16 Southern Regional Education Board (SREB) states.*

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<sup>3</sup>The low-income student measure is derived from dividing the number of students in a state who are attending college with a Pell grant by the number of 4<sup>th</sup> to 9<sup>th</sup> graders approved for free or reduced school lunches nine years before.

<sup>4</sup>Higher Education Policy Commission and Community and Technical College System Report Card 2009. The college-going rate for West Virginia is from 2007-08 while the college-going rate nationally is from 2006.

<sup>5</sup>The 16 states in the SREB are: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia.

for the school term of 2008 found the net price (tuition, room and board less federal, state and institutional aid) of attending college was about 35 percent of the household income. The poorest West Virginia families enrolling a student in a community college for the school term of 2008 found the net price (tuition, room and board less federal, state and institutional aid) of attending college was about 55 percent of the household income. The NCHEMS estimate for families at the median income is that families sending a student to a four-year college will spend about 28 percent of their income on higher education. Families at the median income level sending a student to community college will spend about 27 percent of their income. While these are estimates for 2008, tuitions and fees have risen by 14 percent for baccalaureate colleges and 9 percent for community colleges since these calculations were made.

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*The poorest West Virginia families enrolling a student in a community college for the school term of 2008 found the net price (tuition, room and board less federal, state and institutional aid) of attending college was about 55 percent of the household income.*

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Given the cost to attend college when living expenses, books and other expenses are considered, how do West Virginia students pay for college? The two primary sources of assistance outside the family are the federal Pell grant and state financial aid. Pell grants and state financial aid do not require repayment and students do not incur debt. However, Pell grants have declined in their ability to provide significant assistance in covering college costs (see Table 1).

| <b>Table 1</b>  |  |
|---|--|
| <b>Decline in Maximum Pell Grant Coverage Of Average Annual Cost of Attendance At a Public University</b> |  |
| AY 1978-79  | AY 2008-09   |
| Maximum Pell Grant covers 65 % of average annual costs.   | Maximum Pell Grant covers 28% of average annual costs. |
| <i>Source: SREB Fact Book 2009.</i>   |  |

### **West Virginia’s Financial Aid Is Declining in Value**

State financial aid awarded to West Virginia students each year assists only with the costs of tuition and fees for eight semesters (or fouryears) of post-secondary education. **This limits financial aid since only 15 percent of students entering public four-year colleges in West Virginia graduate in four years.** College officials now report graduation rates in six-year intervals. Appendix B lists tables which contain four-

year and six-year graduation rates for the baccalaureate institutions within the state, and Appendix C lists factors that seem to be increasing the time that it takes for a student to graduate.

In addition to being limited to a four-year time period, state financial aid programs are not keeping pace with rising tuition and fees. Tuitions and fees were raised at all four-year colleges each year throughout the period between 2000 and 2009. Although AY 2010-11 tuitions and fees are remaining at AY 2009-10 rates for all colleges except Marshall and West Virginia universities, this benefits only in-state undergraduate students for the current academic year.<sup>6</sup> The forecast by financial aid officials is a possible maximum increase of 15.5 percent for baccalaureate colleges in the next academic year 2011-12, and 7 percent annual increases thereafter.

West Virginia full-time students entering college in 2010 receive less help from some of the state financial aid programs than they did in 2008. The PROMISE scholarship, once able to cover full tuition and fees at public institutions, was unable to continue covering full tuition and fees and in spring of 2009 established a “floor” of \$4,750 per year. This floor amount can rise if more funds become available in the future. The Underwood-Smith and the Engineering, Science and Technology scholarship award maximums of \$5,000 and \$3,000 respectively, have not changed since AY 2006-07. The Higher Education Grant once valued at 75 percent of the tuition and fees of the institution attended by the recipient, now is set at a maximum amount of \$2,100 for AY 2010-11. This award is based on the financial need of the student. This award can amount to a lesser or greater percentage of tuition depending on the tuition charged by the institution. However, as a set amount it will have less benefit as tuition and fees rise.

Since 2003, over 20,000 students each year have received state financial aid. The need-based Higher Education Grant is the largest program administered by the HEPC. Table 2 shows the number of students receiving financial aid awards for each of the five scholarship programs.

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*Although AY 2010-11 tuitions and fees are remaining at AY 2009-10 rates for all colleges except Marshall and West Virginia universities, this benefits only in-state undergraduate students for the current academic year.*

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<sup>6</sup>Marshall University tuition and fees increased by .94 percent for AY 2010-11, and West Virginia University tuition and fees increased by 1.92 percent from AY 2009-10 for resident undergraduates.

| <b>Program</b>  | <b>2002-03</b> | <b>2003-04</b> | <b>2004-05</b> | <b>2005-06</b> | <b>2006-07</b> | <b>2007-08</b> | <b>2008-09</b> | <b>2009-10</b> |
|-----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| HEG             | 10,577         | 10,248         | 10,141         | 10,030         | 11,028         | 11,407         | 16,270         | 16,391         |
| ESTSP           | 232            | 206            | 183            | 198            | 197            | 193            | 225            | 292            |
| Underwood-Smith | 54             | 46             | 51             | 58             | 58             | 47             | 50             | 58             |
| HEAPS           | 2,738          | 3,507          | 3,432          | 4,093          | 4,639          | 4,298          | 5,508*         | 3,890          |
| PROMISE         | 3,552          | 6,599          | 8,692          | 10,123         | 9,699          | 9,387          | 9,190          | 9,206          |
| <b>Total</b>    | <b>17,153</b>  | <b>20,606</b>  | <b>22,499</b>  | <b>24,502</b>  | <b>25,621</b>  | <b>25,332</b>  | <b>31,243</b>  | <b>29,837</b>  |

*Source: Higher Education Policy Commission data provided to the Legislative Auditor.  
\* In 2008-09 carry-over funds were expended for HEAPS that were not available in the same amount in 2009-10.*

See Appendix E for an overview of the five state financial aid programs administered by the Financial Aid Programs Division of the Higher Education Policy Commission for all undergraduate in-state students enrolling in baccalaureate institutions and community colleges.

### **West Virginia Students Have to Borrow More to Start and Continue College**

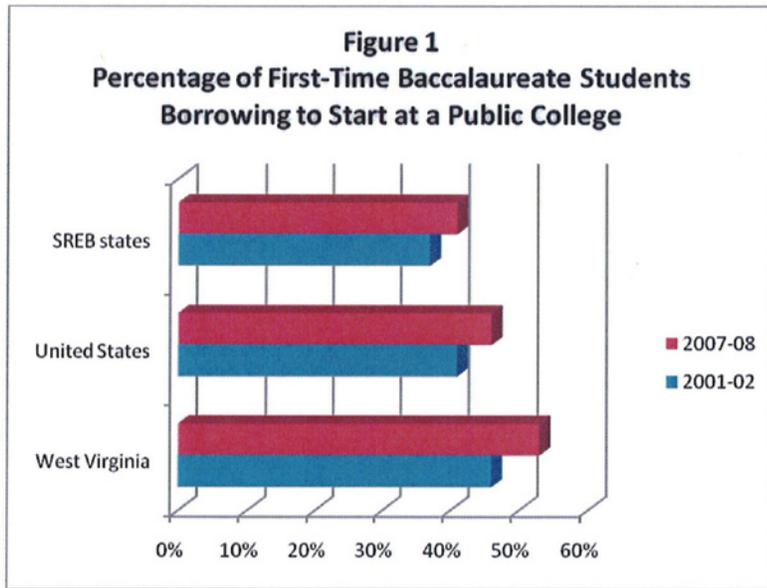
College students nationally and in West Virginia are now assuming large amounts of debt in student loans in order to attend college. These student loans must be repaid, whether or not a student graduates from college. This indebtedness can have a significant impact on the student's future financial stability. It is an area of special concern of the Legislature noted in West Virginia Code §18B-1D-3 that tuition and fees for in-state students not inhibit access to public education nor cause students to incur excessive debt. **However, almost 53 percent of students entering four-year colleges and 46 percent of students entering community colleges borrow to start college in West Virginia. The average amount borrowed by West Virginia students entering the baccalaureate system to start college is \$4,228. Students entering the community college system borrow \$3,874.<sup>7</sup>** The percentage of entering students borrowing to start college in both college systems in West Virginia is higher than the percentage of students borrowing to start college nationally (see Figure 1).

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*Student loans must be repaid, whether or not a student graduates from college. This indebtedness can have a significant impact on the student's future financial stability.*

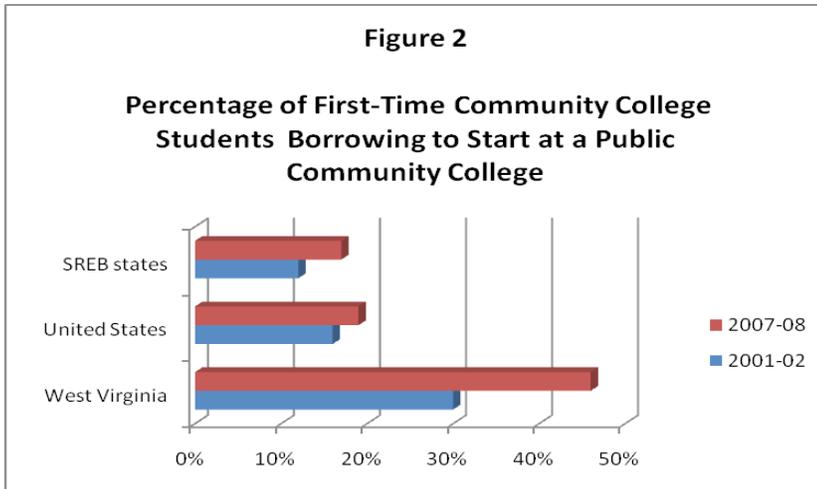
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<sup>7</sup>This information is from the SREB Fact Book 2009, Tables 58 and 59, issued June 2010 and refers to AY 2007-08, the most recent year available.



Source: SREB 2009 analysis of National Center for Education Statistics student financial aid surveys.

West Virginia also has the highest percentage of beginning students borrowing in community colleges (see Figure 2).



Source: SREB 2009 analysis of National Center for Education Statistics student financial aid surveys.

West Virginia college students continue borrowing throughout their college years. By the time college students graduate from a four-year college in West Virginia, at least 68 percent have borrowed. **The percentage of baccalaureate students in West Virginia who borrow during college is 10 percent higher than the national average**

**and 15 percent higher than students in other SREB states.**<sup>8</sup> The Higher Education Policy Commission’s Director of Policy and Planning states that the percentage of students borrowing is under-reported by the SREB because the SREB only reports on institutions who participate in a national survey and not all West Virginia institutions participate. In addition, the SREB figures do not include certain types of loans and do not track transfer students. Therefore, the HEPC reports that the average loan debt of West Virginia graduates in 2008 was \$24,297.

Student borrowers in West Virginia, whether they have received a degree or dropped out of college, have difficulty repaying student loans. **The most recent West Virginia default rates average 7.5 percent for public four-year institutions and 15.3 percent for community and technical colleges compared to the most recent national student loan default rate of 7 percent.**<sup>9</sup> In West Virginia, two institutions have default rates over 10 percent. They are:

- Bluefield State College and
- West Virginia State University.

Concord University and Glenville State College have student loan default rates above 9 percent. Fairmont State University is above 7 percent while Marshall and West Virginia University are both above 5 percent. Shepherd University is slightly above 4 percent.

Community colleges have generally higher rates. The available information for West Virginia shows that Northern has a default rate of 21.3 percent; Southern and Eastern have default rates of 17.9 percent while New River has a default rate of 17.5 percent. These default rates are calculated on loans that came due between October 2007 and October 2008 and were defaulted on before September 30, 2009.

Student borrowing is driven by unmet need. Unmet need is the cost of attending college after the student has received financial aid and the student’s family has paid the expected family contribution.<sup>10</sup> Tables 3 and 4 below, based on AY 2007-08, show the unmet need of West Virginia baccalaureate and community college students.<sup>11</sup>

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*The average loan debt of West Virginia graduates in 2008 was \$24,297.*

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<sup>8</sup>SREB Fact Book 2009, Table 61.

<sup>9</sup> Student loan default rate information from U.S. Department of Education provided to the Legislative Auditor by the Director of State Financial Aid Programs.

<sup>10</sup>Expected family contribution is a term used in the financial aid process. It is an estimate of the parent’s/and or student’s ability to contribute to college expenses.

<sup>11</sup>The AY 2007-08 is the most recent year with all information available.

Since unmet need varies from student to student, it is only an estimate based on averages. The Legislative Auditor concludes that rising need to borrow and the higher amounts are indicative of a less affordable college education.

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*After subtracting financial aid from the total cost of attendance, the average four-year student still faced a shortfall of \$8,765.*

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### **Baccalaureate Students**

The average total cost to attend a public baccalaureate college in West Virginia in AY 2007-08 was \$14,197, while the average student attending in that year received a total of \$5,432 in federal and state financial aid. After subtracting financial aid from the total cost of attendance, the average four-year student still faced a shortfall of \$8,765. To help pay for one year of college, the average student borrowed \$4,221 in student loans in AY 2007-08 (see Table 3).

| <b>Institution</b>          | <b>Total Cost<br/>AY 2007-08</b> | <b>Average<br/>State and<br/>Federal<br/>Financial<br/>Aid</b> | <b>Average<br/>Unmet<br/>Need After<br/>Financial Aid</b> | <b>Average<br/>Student<br/>Loan</b> | <b>Average<br/>Amount<br/>Still<br/>Needed<br/>After Aid<br/>and Loans</b> |
|-----------------------------|----------------------------------|--|---|-------------------------------------|--|
| Bluefield State College     | \$14,242                         | \$4,282  | \$9,960   | \$1,729                             | \$8,231  |
| Concord University          | \$13,994                         | \$5,882  | \$8,112   | \$3,211                             | \$4,901  |
| Fairmont State University   | \$14,776                         | \$4,166  | \$10,610  | \$4,318                             | \$6,292  |
| Glenville State College     | \$15,080                         | \$8,057  | \$7,023   | \$4,321                             | \$2,702  |
| Marshall University         | \$14,718                         | \$5,618  | \$9,100   | \$5,696                             | \$3,404  |
| Potomac State College       | \$11,930                         | \$3,535  | \$8,395   | \$3,800                             | \$4,595  |
| Shepherd University         | \$14,878                         | \$4,776  | \$10,102  | \$5,013                             | \$5,089  |
| West Liberty University     | \$13,906                         | \$8,432  | \$5,474   | \$4,029                             | \$1,445  |
| WV State University         | \$13,441                         | \$4,710  | \$8,731   | \$6,010                             | \$2,721  |
| WVU-Morgantown              | \$14,608                         | \$5,228  | \$9,380   | \$4,010                             | \$5,370  |
| WVU Institute of Technology | \$14,598                         | \$5,065  | \$9,533   | \$4,291                             | \$5,242  |
| <b>State Average</b>        | <b>\$14,197</b>                  | <b>\$5,432</b>   | <b>\$8,765</b>  | <b>\$4,221</b>                      | <b>\$4,545</b>   |

*Source: National Center for Education Statistics; Calculations by Performance Evaluation and Research Division of the Legislative Auditor's Office.*

After subtracting financial aid and assuming a student loan, the average student and his or her family still needed an additional \$4,545 in AY 2007-08 to meet the total costs of attending college. Some students may have to work part-time to help pay for college. Working part-time may be a factor in students needing more time to finish college.

**Community College Students**

Community college students in West Virginia face similar costs but their average state and federal financial aid is about 41 percent less than the amount received on average by baccalaureate college students, and the average amount they need after taking out a student loan is slightly higher than the average baccalaureate student. Table 4 shows the average amounts of student financial aid, and loans.

| <b>Table 4<br/>AY 2007-08<br/>Community College Student Unmet Need</b> |                                  |  |   |  |  |
|--|----------------------------------|--|---|--|--|
| <b>Institution</b>   | <b>Total Cost<br/>AY 2007-08</b> | <b>Average<br/>State and<br/>Federal<br/>Financial<br/>Aid</b> | <b>Average Unmet<br/>Need After<br/>Financial Aid</b> | <b>Average<br/>Loans Taken<br/>By Students</b> | <b>Average<br/>Amount<br/>Still Needed<br/>After Aid<br/>and Loans</b> |
| Blue Ridge   | \$14,504                         | \$3,056  | \$11,448  | \$2,085  | \$9,363  |
| Bridgemont   | \$14,766                         | \$4,212  | \$10,554  | \$4,802  | \$5,752  |
| Eastern WV   | \$11,651                         | Not Available  | Not Available   | Not Available                                  | Not Available  |
| Mountwest  | \$13,256                         | \$4,158  | \$9,098   | \$5,078  | \$4,020  |
| New River  | \$13,088                         | \$2,938  | \$10,150  | \$1,646  | \$8,504  |
| Pierpont   | \$13,374                         | \$3,321  | \$10,053  | \$4,513  | \$5,540  |
| Southern WV  | \$6,676                          | \$2,554  | \$4,122   | \$2,195  | \$1,927  |
| WV Northern  | \$10,547                         | \$3,277  | \$7,270   | \$3,945  | \$3,325  |
| Kanawha Valley   | \$12,429                         | \$2,799  | \$9,630   | \$5,093  | \$4,537  |
| WVU Parkersburg  | \$11,225                         | \$2,385  | \$8,840   | \$4,356  | \$4,484  |
| <b>State Average*</b>  | <b>\$12,207</b>                  | <b>\$3,189</b>   | <b>\$9,018</b>  | <b>\$3,746</b>                                 | <b>\$5,272</b>   |

*Source: National Center for Education Statistics; Calculations by Performance Evaluation and Research Division of the Legislative Auditor's Office.*

*\*State average does not include Eastern WV Community and Technical College.*

Although in-state community college students received an average financial aid package of \$3,189 in AY 2007-08, West Virginia students and their families faced an average cost of \$9,018 after financial aid. After subtracting the average loan amount of \$3,746, the average student still needed \$5,272 to cover the cost of attending community college in AY 2007-08. This amount will have increased because the average tuition and fees at community colleges increased by nine percent between AY 2007-08 and AY 2009-10.

### **Baccalaureate In-State Tuition and Fees Have Risen Substantially in the Past Three Years**

The Legislative Auditor examined the in-state undergraduate tuition and fees charged at West Virginia baccalaureate institutions over the past three years. Tuition and fees have risen over the past decade, and increased by an average of 14 percent over the past three years. The lowest increase in tuition over this three-year period was seven percent at Fairmont State University. The highest increase was 20 percent at Marshall University (see Table 5).

| <b>Table 5</b><br><b>West Virginia Baccalaureate Institutions</b><br><b>Three-Year State Resident Tuition and Fee Increase Per Student</b><br><b>AY 2007-08 Through AY 2009-10</b>           |                  |                  |                  |                                       |                                      |
|--|------------------|------------------|------------------|---------------------------------------|--------------------------------------|
| <b>Institution</b>   | <b>2007-2008</b> | <b>2008-2009</b> | <b>2009-2010</b> | <b>Monetary Increase From 2007-08</b> | <b>Percent Increase From 2007-08</b> |
| Fairmont University  | \$4,614          | \$4,804          | \$4,952          | \$338                                 | 7%                                   |
| Potomac State College  | \$2,596          | \$2,726          | \$2,886          | \$290                                 | 11%                                  |
| WVU Institute of Technology  | \$4,598          | \$4,964          | \$5,164          | \$566                                 | 12%                                  |
| WVU-Morgantown   | \$4,722          | \$5,100          | \$5,304          | \$582                                 | 12%                                  |
| WV State University  | \$4,156          | \$4,466          | \$4,644          | \$488                                 | 12%                                  |
| Concord University   | \$4,414          | \$4,578          | \$4,974          | \$560                                 | 13%                                  |
| Shepherd University  | \$4,564          | \$4,898          | \$5,234          | \$670                                 | 15%                                  |
| Bluefield State College  | \$3,984          | \$4,272          | \$4,596          | \$612                                 | 15%                                  |
| West Liberty University  | \$4,172          | \$4,464          | \$4,880          | \$708                                 | 17%                                  |
| Glenville State College  | \$4,174          | \$4,486          | \$4,888          | \$714                                 | 17%                                  |
| Marshall University  | \$4,360          | \$4,898          | \$5,236          | \$876                                 | 20%                                  |
| <b>Average Tuition &amp; Fees</b>  | <b>\$4,214</b>   | <b>\$4,514</b>   | <b>\$4,796</b>   | <b>\$582</b>                          | <b>14%</b>                           |
| <i>Source: Higher Education Policy Commission; State average and percentage increase calculated by the Performance Evaluation and Research Division of the Legislative Auditor's Office.</i> |                  |                  |                  |                                       |                                      |

### Community College In-State Tuitions and Fees Have Also Risen

The Legislative Auditor also examined the in-state tuition and fees at the community and technical colleges. Over the past three years, the cost of tuition at West Virginia’s community colleges increased an average of nine percent. The highest increase was 23 percent at West Virginia Northern Community and Technical College. However, the tuition declined slightly at Mountwest Community and Technical College (see Table 6).

**Table 6**  
**Community and Technical Colleges**  
**Three-Year State Resident Tuition and Fee Change Per Student**  
**AY 2007-08 Through AY 2009-10**

| Institution                | 2007-2008      | 2008-2009      | 2009-2010      | Change in Dollars | Percentage Change |
|----------------------------|----------------|----------------|----------------|-------------------|-------------------|
| Mountwest                  | \$2,898        | \$2,856        | \$2,856        | -\$42             | -1%               |
| Blue Ridge                 | \$2,944        | \$3,060        | \$3,072        | \$128             | 4%                |
| New River                  | \$2,748        | \$2,748        | \$2,878        | \$130             | 5%                |
| Bridgemont                 | \$3,266        | \$3,410        | \$3,504        | \$238             | 7%                |
| Pierpont                   | \$3,212        | \$3,312        | \$3,432        | \$220             | 7%                |
| Kanawha Valley             | \$2,766        | \$2,898        | \$2,956        | \$190             | 7%                |
| W V Northern               | \$1,916        | \$2,198        | \$2,358        | \$442             | 23%               |
| WVU Parkersburg            | \$1,825        | \$1,912        | \$2,076        | \$251             | 14%               |
| Eastern W V                | \$1,776        | \$1,920        | \$2,064        | \$288             | 16%               |
| Southern WV                | \$1,776        | \$1,920        | \$2,102        | \$326             | 18%               |
| <b>Average Per Student</b> | <b>\$2,513</b> | <b>\$2,623</b> | <b>\$2,730</b> | <b>\$217</b>      | <b>9%</b>         |

*Source: Council for Community and Technical College Education; State average and percentage increase calculated by the Performance Evaluation and Research Division of the Legislative Auditor's Office.*

## Caps on Tuition and Fee Increases Have Been Required Since 2004

Tuition and fee increases for most of the public higher education institutions require the approval of the Higher Education Policy Commission and the Council for Community and Technical College Education. These approvals are subject to legislative limitations on tuition and general fee increases. In 2004, the Legislature established a 9.5 percent annual tuition cap on baccalaureate institutions and a 4.75 percent cap for two-year institutions. In 2006, the Legislature created a 7.5 percent tuition cap for in-state undergraduate tuition and fees charged by four-year colleges. This cap can rise *up to* 9.5 percent as long as in-state undergraduate tuition and fee raises *average* 7.5 percent in a four-year fiscal period, beginning with fiscal year 2008. Therefore, a college can raise in-state undergraduate tuition and fees by more than 7.5 percent in one or two of the fiscal years, so long as the total percentage rise within the four fiscal years averages 7.5 percent per year. **This allows in-state undergraduate tuitions and fees at four-year colleges to rise up to 30 percent over a four-year period.** In addition, the cap can be removed for any institution if the State's financial appropriation for the institution's operating budget declines below the appropriation for the preceding fiscal year. A legislative cap that applied to the community colleges has been modified. An existing 4.75 percent annual tuition cap was modified in

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*A college can raise in-state undergraduate tuition and fees by more than 7.5 percent in one or two of the fiscal years, so long as the total percentage rise within the four fiscal years averages 7.5 percent per year.*

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2008 to apply *only* to community colleges whose tuition and required fees exceed the state average.

Legislative caps cover fees charged for all students but program fees and other special fees that do not apply to all students are not restricted. The HEPC reviewed these special fees and concluded that the average annual special fee is about \$205 per student. The Commission chairman recently noted in a board meeting that special fees may be used by some institutions to increase operating funds and asked that each institution examine its fee structure to determine if some special fees can be reduced or eliminated.

Legislative caps on tuition and fee raises further demonstrate the legislative concern that post-secondary education remains affordable for in-state residents. However, when the maximum allowed by legislative caps is approved by the HEPC and the CCTCE, a substantial raise in tuitions and fees can occur over time. The cap of a 7.5 percent average for four-year colleges, applied for the first time in 2007, would allow for a significant raise of 75 percent over a 10-year period. However, this is lower than the tuition and fee rise of over 121 percent enacted by some baccalaureate colleges between 2000 and 2010, prior to the establishment of caps to tuition and fee raises (see Table 7).

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*An existing 4.75 percent annual tuition cap was modified in 2008 to apply only to community colleges whose tuition and required fees exceed the state average.*

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**Table 7**  
**Public Higher Education Institutions**  
**10-Year Rise in State Resident Tuition and Fees**

| <b>Baccalaureate Institutions</b> | <b>1999-2000</b> | <b>2005-2006</b> | <b>2009-2010</b> | <b>10 Yr Increase</b> | <b>10 Yr Change</b> |
|-----------------------------------|------------------|------------------|------------------|-----------------------|---------------------|
| Potomac State College             | \$2,124          | \$2,328          | \$2,886          | \$762                 | 36%                 |
| WVU-Morgantown                    | \$2,748          | \$4,164          | \$5,304          | \$2,556               | 93%                 |
| WV State University               | \$2,386          | \$3,548          | \$4,644          | \$2,258               | 95%                 |
| Concord University                | \$2,538          | \$3,912          | \$4,974          | \$2,436               | 96%                 |
| WVU Institute of Technology       | \$2,600          | \$4,078          | \$5,164          | \$2,564               | 99%                 |
| West Liberty University           | \$2,320          | \$3,686          | \$4,880          | \$2,560               | 110%                |
| Bluefield State College           | \$2,178          | \$3,410          | \$4,596          | \$2,418               | 111%                |
| Marshall University               | \$2,440          | \$3,932          | \$5,236          | \$2,796               | 115%                |
| Shepherd University               | \$2,430          | \$4,046          | \$5,234          | \$2,804               | 115%                |
| Glenville State College           | \$2,208          | \$3,628          | \$4,888          | \$2,680               | 121%                |
| Fairmont State University         | \$2,244          | \$4,030          | \$4,952          | \$2,708               | 121%                |
| <b>State Average</b>              | <b>\$2,383</b>   | <b>\$3,706</b>   | <b>\$4,796</b>   | <b>\$2,413</b>        | <b>101%</b>         |
|                                   |                  |                  |                  |                       |                     |
| <b>Community Colleges</b>         | <b>1999-2000</b> | <b>2005-2006</b> | <b>2009-2010</b> | <b>10 Yr Increase</b> | <b>10 Yr Change</b> |
| Eastern                           | 0                | \$1,634          | \$2,064          | N/A                   | N/A                 |
| Mountwest                         | \$2,440          | \$2,814          | \$2,856          | \$416                 | 17%                 |
| Kanawha Valley                    | \$2,386          | \$2,642          | \$2,956          | \$570                 | 24%                 |
| Blue Ridge                        | \$2,430          | \$2,944          | \$3,072          | \$642                 | 26%                 |
| New River                         | \$2,178          | \$2,624          | \$2,878          | \$700                 | 32%                 |
| Bridgemont                        | \$2,600          | \$3,118          | \$3,504          | \$904                 | 35%                 |
| WV Northern                       | \$1,582          | \$1,752          | \$2,358          | \$776                 | 49%                 |
| WVU Parkersburg                   | \$1,392          | \$1,668          | \$2,076          | \$684                 | 49%                 |
| Pierpont                          | \$2,244          | \$3,090          | \$3,432          | \$1,188               | 53%                 |
| Southern                          | \$1,340          | \$1,634          | \$2,102          | \$762                 | 57%                 |
| <b>State Average</b>              | <b>\$2,066</b>   | <b>\$2,392</b>   | <b>\$2,730</b>   | <b>\$738</b>          | <b>38%</b>          |

*Source: Higher Education Policy Commission, Council for Community and Technical College Education. The Legislative Auditor calculated the amounts of increase and the 10 year change for the community colleges. All percentages are rounded up.*

## **Affordability Standards and Benchmarks Need to Be Established**

It is the opinion of the Legislative Auditor that these increases have created tuitions and fees that do not adhere to the concept of affordability. However, there is no definition of affordability or a state affordability benchmark that can be used to substantiate this conclusion. The Higher Education Policy Commission established a rule for performance indicators in April 2002. Within the rule there are only two performance indicators for affordability: 1) to track institutional compliance with a tuition and fee policy (which does not presently exist), and 2) that the

*“Net cost to students will measure the cost of education for students and parents after federal, state and institutional aid has been subtracted.”* This information is not presented in the 2009 Higher Education Report Card. If such information were presented, an affordability standard such as the amount that the State considers affordable for the student to share (25, 50 or 75 percent) is necessary for this to be a measure of affordability. For example, undergraduate students at four-year colleges in West Virginia are now paying 49 percent of the direct cost to educate them and community college students are paying 36 percent of the cost after they have received financial aid.<sup>12</sup>

The Higher Education Policy Commission provides extensive amounts of data on tuition and fees, college costs, loan debt and low-income students in its annual Higher Education Report Card. However, the HEPC has not established affordability standards or benchmarks for higher education. Affordability standards can be used to measure how well the state is progressing toward achieving affordability. Such benchmarks need to be developed in the affordability areas that the HEPC currently tracks. Both the HEPC and the CCTCE should establish an affordability benchmark cap for annual tuition and fee raises that may be different than the maximum allowable raises and can function as an affordability standard.

### **Tuitions and Fees May Be Rising Because of Stagnant Legislative Appropriations**

West Virginia public colleges and universities receive state financial support, with between 57 and 81 percent directed specifically to the institutions in the State’s budget bill. In addition, the institutions generate income through tuition and fees, alumni donations, money from sports and cultural events, and they receive revenue from sources such as federal grants. Traditionally the State’s financial appropriation provided the largest portion of funding for public colleges and universities in West Virginia. Since 2002 the State’s overall total financial appropriation to higher education has increased by 3.22 percent while the Higher Education Price Index for the same period shows an inflation rate of 27.2 percent. In FY 2002, the State appropriated \$422,344,036 to higher education. By FY 2010, this amount increased to \$436,409,666. However, during the past decade the portion of the State’s direct financial support to institutions has stagnated for four-year colleges while community and

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*Undergraduate students at four-year colleges in West Virginia are now paying 49 percent of the direct cost to educate them and community college students are paying 36 percent of the cost after they have received financial aid.*

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*During the past decade the portion of the State’s direct financial support to institutions has stagnated for four-year colleges while community and technical colleges have received more direct support.*

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<sup>12</sup> According to the Delta Project on Postsecondary Education Costs.

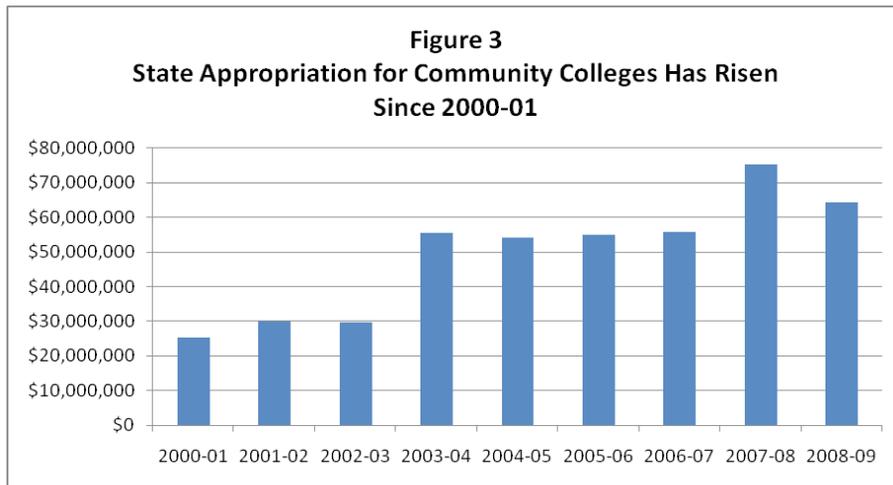
technical colleges have received more direct support. Both community colleges and baccalaureate institutions have been required to find more revenue from other sources in order to operate at existing cost levels. Consequently, there have been significant increases in the tuition and fees in order to cover the cost of delivering educational programs at the various public colleges and universities.

The baccalaureate and the community college systems have been treated differently in terms of the amount of state appropriations to institutions over the past 10 years. Between 2000 and 2010, the State created the community college system as independent from the baccalaureate institutions and increased the level of financial support to community colleges through annual appropriations. During this same period, the four-year institutions experienced a decline in their portion of the State’s financial support in relation to the cost to operate the colleges and universities.

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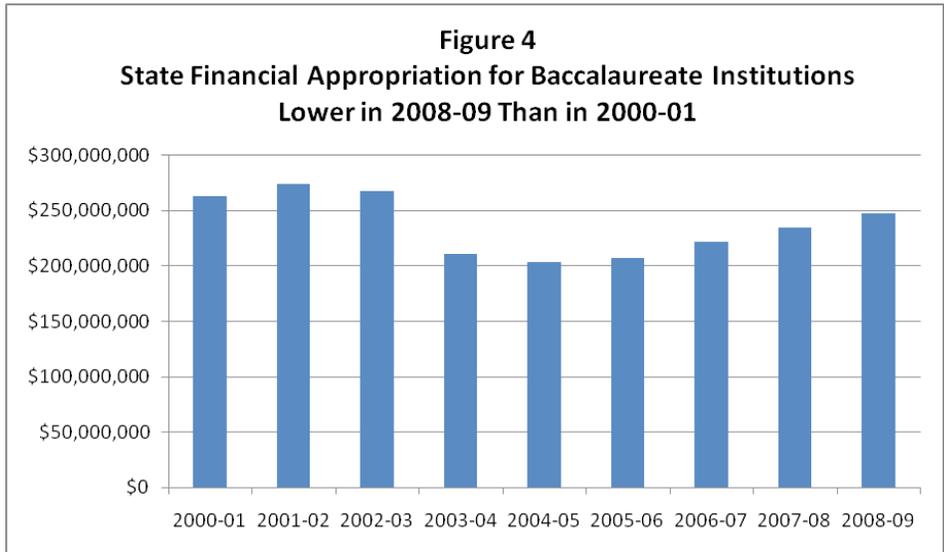
*Both community colleges and baccalaureate institutions have been required to find more revenue from other sources in order to operate at existing cost levels.*

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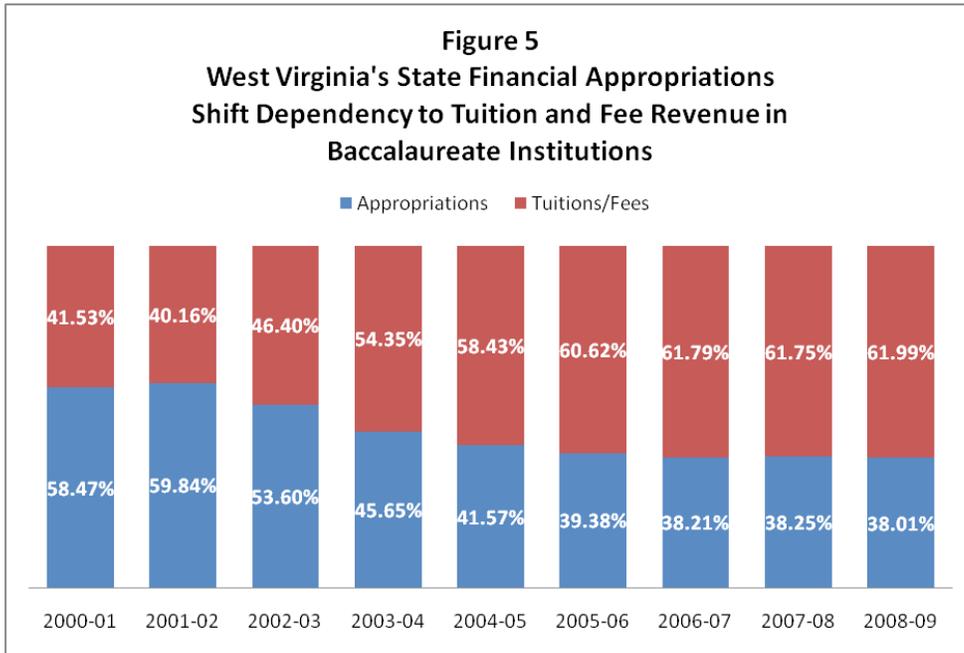
Source: SREB State Data Exchange 2009.

The state appropriation directed to baccalaureate institutions in 2009 was lower than it was nine years ago (see Figure 4).



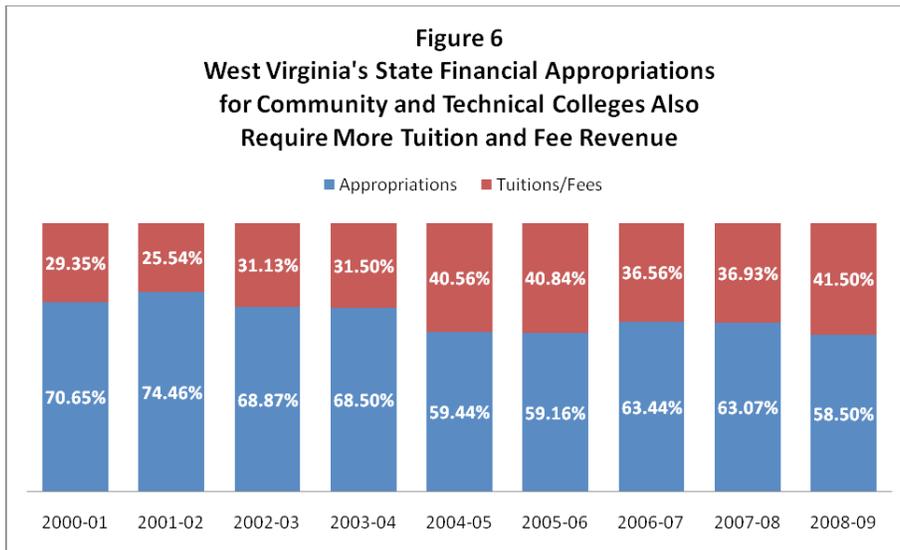
Source: SREB State Data Exchange 2009.

Since 2000, higher education funding across the nation has shifted *from state appropriations* providing the larger portion of the cost to operate higher education institutions *to tuition and fees* providing the larger proportion of revenue to operate public colleges and universities. In West Virginia for AY 2000-01, state appropriations for the baccalaureate colleges accounted for 58 percent of higher education revenue while tuitions accounted for 42 percent of higher education revenue. By AY 2008-09 these numbers more than reversed and tuitions and fees accounted for 62 percent of total higher education revenue for baccalaureate institutions while state appropriations accounted for 38 percent (see Figure 5). The effect is that the higher tuition and fees are paid by the student.



Source: SREB Data Exchange 2009.

State appropriations to institutions have also covered a smaller portion of the operating costs for the community and technical college system, but the change has not been so severe. Tuition and fee revenue has hovered between 25 and 42 percent since AY 2000-01, while the state support through appropriations from general and special revenue funds has declined in proportion to operating expenses from 70 percent to about 58 percent (see Figure 6).



Source: SREB Data Exchange 2009.

State appropriations to the public higher education institutions may continue to decline if state revenues decline. For FY 2011, West Virginia colleges and universities received a state appropriation that represented a 3.2 percent decrease from the preceding year. Federal stimulus funds are being used to fill this deficit. However, next year’s state appropriation will not be assisted by federal stimulus money.

### Cost Management for Higher Education Is Not Emphasized

West Virginia institutions of higher education have experienced rising costs to operate during the past decade, while the overall state appropriation to higher education has remained relatively flat. Because higher education is labor-intensive, personnel costs are a significant portion of the costs at state institutions. Other cost drivers vary among institutions but include the types of degree programs, changing technology and the need for upgrades, student support and remediation, decaying infrastructure and deferred maintenance in addition to costly regulatory and compliance requirements, and the increase in the cost of living. Personnel accounted for between 43 and 62.9 percent of the expenses at baccalaureate institutions in 2009. Community colleges spent between 28.3 percent and 71.4 percent on personnel in 2009. See Appendix F for the percentages spent on higher education personnel in 2009 by each institution. Between 2006 and 2009, the number of personnel employed in all capacities (full and part-time faculty, full and part-time classified

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*Personnel accounted for between 50 and 62.9 percent of the expenses at baccalaureate institutions in 2009. Community colleges spent between 28.3 percent and 71.4 percent on personnel in 2009.*

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and non-classified positions) rose by 952 (640 for four-year institutions and 312 for community and technical colleges). Faculty positions during this time period increased by 506; classified positions by 76; and non-classified positions by 370. In an effort to determine if the student enrollment contributed to the increased cost of personnel, the Legislative Auditor reviewed the enrollment at higher education institutions. The total number of employees in both systems in 2009 was 14,222. During this period, the undergraduate full-time student enrollment across West Virginia public institutions increased by 4,642 students (from 69,239 in 2006 to 73,881 in 2009). However, several institutions experienced a decline in student enrollment between 2005 and 2009. The following baccalaureate institutions declined in enrollment:

- WVU Institute of Technology declined by 7.2 percent;
- Fairmont State University declined by 6.6 percent;
- Concord University declined by 2.3 percent; and
- Marshall University declined by 1.9 percent.

The following community colleges declined in enrollment:

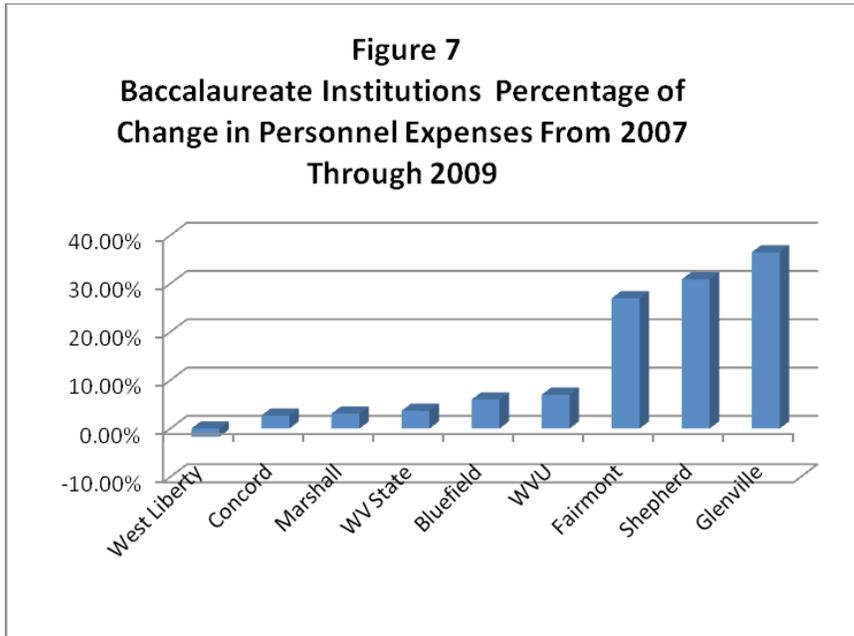
- Pierpont declined by 4.2 percent;
- Kanawha Valley declined by 3.5 percent.

The Legislative Auditor calculated the percentage increase in personnel costs between fiscal years 2007 and 2009. Only one baccalaureate institution, West Liberty, showed a slight decrease in personnel costs (see Figure 7).

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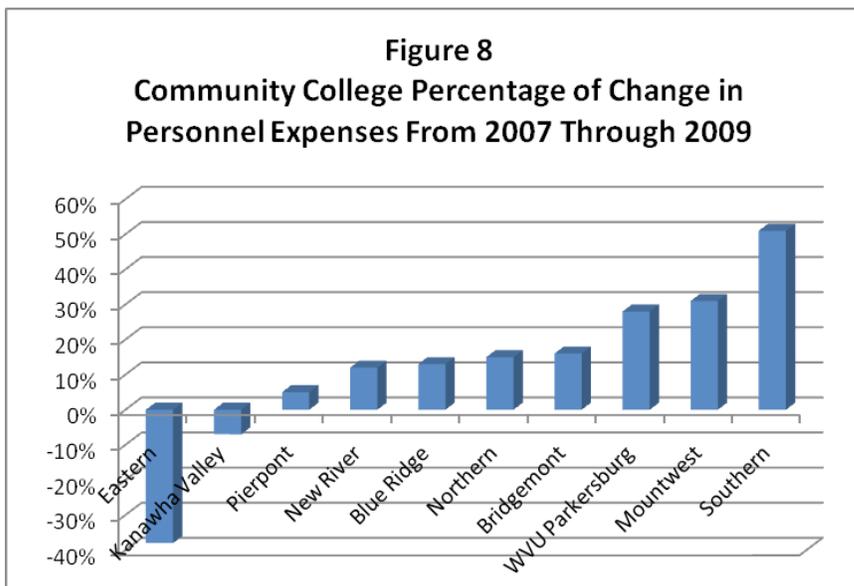
*Between 2006 and 2009, the number of personnel employed in all capacities rose by 952 while the undergraduate full-time student enrollment across West Virginia public institutions increased by 4,642 students.*

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Source: Budget Division of the Legislative Auditor

Two community colleges showed decreases in personnel costs over the three year period (see Figure 8.)



Source: Budget Division of the Legislative Auditor

Given the rising costs for students to attend college, it is not surprising that the Governor called upon all of the public colleges and universities to freeze tuition and fees for AY 2010-11. The Governor also asked these institutions to eliminate redundancies and find more efficient ways to operate. While there is an ongoing effort by the Efficiencies Task Force directed by the Higher Education Policy Commission to make recommendations on institutional efficiencies, the Efficiencies Task Force has not issued a report since it began meeting in July 2009. It stopped keeping meeting minutes after September 2009. The Vice-Chancellor for Administration notes “*The meetings have taken a more informal path.*” The Task Force’s first report is scheduled for December, 2010.

In addition, the Higher Education Policy Commission does not require cost management planning by the baccalaureate institutions. Instead, institutions can choose to develop cost management plans as part of their annual report to the Higher Education Policy Commission in the institution’s Compact. This report does require planning for 14 core elements and then allows the institutions to choose planning areas from elective elements. Cost and affordability is an elective element with two areas of choice; the institution’s plan to increase external funding, or an institutional efficiencies section with a five-year cost management plan. **None of the baccalaureate institutions have chosen to report on institutional efficiencies and to develop a five-year plan for cost management.** The Council for Community and Technical College Education also does not require a cost management plan from the community colleges.

It is the opinion of the Legislative Auditor that both the Higher Education Policy Commission and the Council for Community and Technical College Education should require cost management planning based on a detailed examination of spending. The Legislature, the Higher Education Policy Commission, the Council for Community and Technical College Education and the institutions should study operating costs to identify ways to streamline operations, share services, resources and facilities to operate more cost-effectively.

## Conclusion

An affordable post-secondary education is a state concern and a state responsibility. Affordability should create access to a post-secondary education for all of the state’s citizens. A public college education is not affordable for all state residents when almost 80 percent of low-income students in West Virginia do not attend college. Of those residents who

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*The Higher Education Policy Commission does not require cost management planning by the baccalaureate institutions. The Council for Community and Technical College Education also does not require a cost management plan from the community colleges.*

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attend college, many must borrow to start or to remain through graduation. The average baccalaureate tuition and fees have increased by \$582 over the past three years while the community colleges have sustained an average \$217 increase. Special fees not capped legislatively can rise by any percentage amount at any institution on a yearly basis. In addition, state financial aid for full-time students is not available beyond four years and does not increase when tuition and fees are raised. Most students take longer than four years to graduate.

The Legislature, the governing systems of the HEPC and the CCTCE and the institutions all have an important role to play in creating affordability for West Virginia students. The Legislature has identified capital fees as a significant factor in increasing costs to students, and has passed legislation to relieve students of this burden. The Legislature has also capped the amount that tuitions and required fees can raise annually and over a four-year period. The Higher Education Policy Commission and the Council for Community and Technical College Education need to emphasize cost management and cost efficiencies in the most robust manner possible, identifying cost efficiencies and reporting to the Legislature on a regular basis. The institutions should be required to develop cost management plans as part of the Compact process. Institutional adherence to such cost-management measures should be incorporated in performance funding incentive payments.

The State and the institutional governing systems have not defined affordability. The Higher Education Policy Commission has not created any benchmarks or measures of affordability. The Council for Community and Technical College Education has one measure that ties community college affordability to the tuitions and fees charged by four-year institutions. **Without a definition of affordability, and benchmarks that set target goals for affordability, the State and the governing systems of HEPC and CCTCE do not know when the cost to attend college is no longer affordable for West Virginia students.** Once established, the affordability measure should be utilized during all aspects of the higher education governance process including the approval of tuition and fee increases, the approval of institutional Compacts and the awarding of performance-based incentive funding to institutions.

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*The Higher Education Policy Commission and the Council for Community and Technical College Education need to emphasize cost management and cost efficiencies in the most robust manner possible, identifying cost efficiencies and reporting to the Legislature on a regular basis.*

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## Recommendations

1. *The Higher Education Policy Commission and the Council for Community and Technical College Education should establish a definition of affordability, perhaps based on the portion of the educational cost that the State considers affordable for students to share.*
2. *The Higher Education Policy Commission and the Council for Community and Technical College Education should develop specific affordability measures that comprise an affordable percentage increase in tuition and fees; annual and projected target goals to increase the number of low-income students attending college; and annual and projected target goals to decrease the percentage of students borrowing to start college and continue college.*
3. *The Higher Education Policy Commission, the Council for Community and Technical College Education and the educational institutions should identify ways to operate more cost effectively through the required development of cost-management plans for each institution.*
4. *The Higher Education Policy Commission should establish a tuition and fee policy as required by the 2010 legislative session. Such a policy should incorporate and reinforce the requirement of institutions to control costs.*
5. *The Higher Education Policy Commission should examine financial aid policies in order to determine whether the extension of financial aid to students completing their eighth semester with 98 credits or more who meet other prescribed requirements might allow for degree completion prior to six years.*

## Appendix A: Transmittal Letters

### WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0610  
(304) 347-4890  
(304) 347-4939 FAX



John Sylvia  
Director

October 28, 2010

Dr. Brian E. Noland, Chancellor  
Higher Education Policy Commission  
1018 Kanawha Boulevard, East  
Charleston, WV 25301-2827

Dear Chancellor Noland:

This is to transmit a draft copy of the third issue of the Departmental Review of the Higher Education Policy Commission. This report is scheduled to be presented during the November 2010 interim meetings of the Joint Committee on Government Operations and the Joint Committee on Government Organizations. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us by November 1, 2010. We need your written response by noon on November 5, 2010, in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Wednesday, November 10, 2010 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

Handwritten signature of John Sylvia in blue ink.  
John Sylvia

---

*Joint Committee on Government and Finance*

---

**WEST VIRGINIA LEGISLATURE**  
*Performance Evaluation and Research Division*

Building 1, Room W-314  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0610  
(304) 347-4890  
(304) 347-4939 FAX



John Sylvia  
Director

October 28, 2010

James Skidmore, Chancellor  
West Virginia Council for Community and Technical Education  
1018 Kanawha Boulevard, East  
Charleston, WV 25301-2827

Dear Chancellor Skidmore:

This is to transmit a draft copy of the third issue of the Departmental Review of the Higher Education Policy Commission. This report is scheduled to be presented during the November 2010 interim meetings of the Joint Committee on Government Operations and the Joint Committee on Government Organizations. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us by November 1, 2010. We need your written response by noon on November 5, 2010, in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Wednesday, November 10, 2010 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "John Sylvia".

John Sylvia

*Joint Committee on Government and Finance*

## Appendix B: Baccalaureate College Graduation Rates

| Institution     | Cohorts      |              |              |              |              |              |              |
|-----------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
|                 | 1997-03      | 1998-04      | 1999-05      | 2000-06      | 2001-07      | 2002-08      | 2003-09      |
| Bluefield       | 40.74        | 26.47        | 34.48        | 35.00        | 12.82        | 24.14        | 22.22        |
| Concord         | 39.66        | 40.00        | 35.42        | 37.75        | 40.00        | 36.64        | 34.98        |
| Fairmont        | 45.74        | 39.89        | 40.00        | 40.31        | 38.22        | 41.12        | 40.00        |
| Glenville       | 30.98        | 36.04        | 37.45        | 32.74        | 29.55        | 31.94        | 37.90        |
| Marshall        | 40.27        | 40.36        | 44.01        | 48.17        | 42.28        | 46.03        | 46.65        |
| Shepherd        | 44.80        | 43.30        | 42.65        | 45.42        | 38.21        | 40.36        | 46.90        |
| West Liberty    | 44.47        | 41.49        | 44.81        | 44.27        | 44.99        | 42.61        | 35.86        |
| WV State        | 25.68        | 30.87        | 26.36        | 22.70        | 23.68        | 28.08        | 20.74        |
| WVU             | 57.99        | 56.29        | 55.86        | 56.27        | 55.58        | 57.65        | 59.11        |
| WVU Tech        | 37.21        | 37.65        | 34.11        | 34.25        | 40.25        | 42.56        | 32.64        |
| WVU Parkersburg | 25.56        | 19.86        | 23.85        | 26.67        | 25.49        | 19.05        | 23.39        |
| <b>Overall</b>  | <b>47.04</b> | <b>45.88</b> | <b>46.73</b> | <b>47.71</b> | <b>45.69</b> | <b>47.91</b> | <b>48.57</b> |

*Source: Higher Education Policy Commission presentation to LOCEA.*

| Institution                                      | 1999-03       | 2000-04       | 2001-05       | 2002-06       | 2003-07       |
|--|---------------|---------------|---------------|---------------|---------------|
| Bluefield State College                          | 25%           | 18.4%         | 24.2%         | 16.3%         | 7.9%          |
| Concord University                               | 23.5%         | 13.6%         | 15%           | 12.5%         | 30.8%         |
| Fairmont State University                        | 21.3%         | 16.8%         | 14.4%         | 14.8%         | 11.3%         |
| Glenville State College                          | 9.8%          | 12.2%         | 12%           | 10%           | 14.3%*        |
| Marshall University                              | 13.1%         | 13.6%         | 16.5%         | 17.3%         | 16.4%         |
| Shepherd University                              | 19.9%         | 17.8%         | 16.1%         | 18.1%         | 13.5%         |
| West Liberty State College                       | 15.9%         | 19.8%         | 19.6%         | 18%           | 19.5%         |
| West Virginia State University                   | 8%            | 7.5%          | 7.8%          | 4.9%          | 4.2%          |
| West Virginia University                         | 25.8%         | 24.5%         | 25.4%         | 25.8%         | 26.1%         |
| West Virginia University at Parkersburg          | 2.7%*         | 2.3%*         | 3.4%*         | 0.8%*         | 3.2%          |
| West Virginia University Institute of Technology | 10.2%*        | 15.1%         | 18.8%         | 18.1%         | 21.9%         |
| <b>Average Graduation Rate</b>                   | <b>15.93%</b> | <b>14.69%</b> | <b>15.75%</b> | <b>14.24%</b> | <b>15.37%</b> |

*Source: The Education Trust. Average graduation rate calculated by PERD Staff.  
\*Calculated by PERD staff from information supplied by the Higher Education Policy Commission.*



## Appendix C: Possible Factors Influencing Time to Graduate

The Legislative Auditor has identified several factors that seem to be increasing time to graduation. These factors are in level of importance and perceived effect on graduation rates:

- ***Financial aid for most baccalaureate students ends after four years.*** Most financial aid for full-time undergraduate students in West Virginia does not continue beyond four years or eight semesters. The Underwood-Smith Scholarship is an exception and is available for upper-level undergraduates and graduate students up to six years. Part-time students can receive financial aid through Higher Education Adult Part-time Student grant (HEAPS) for up to nine years if they maintain part-time enrollment. For a full-time student who has not graduated in four years and is not planning on becoming a teacher, State financial aid is not available. Several other states have scholarships that continue past eight semesters. The scholarships are merit-based and the states are Florida, Georgia, Tennessee and Missouri. These states allow extended financial aid by either allowing the scholarship to be renewed up to five years or by making credit hours attempted the basis for renewal instead of semesters enrolled. In addition most forms of State financial aid do not cover summer school. Starting this year, some PROMISE eligible students will be able to use PROMISE funds to attend summer school, but the award will count as a semester of utilization.
- ***Earned credits at one institution may not transfer to another institution.*** Although the Legislative Auditor is unable to determine the effect that credits not transferring has upon West Virginia students, it has been shown to be a problem nationally. A student may transfer up to 32 credit hours of undergraduate coursework between West Virginia baccalaureate institutions while eight states in the Southern Regional Education Board (SREB) guarantee at least 60 credit hours transfer from institution to institution. Credit hour transfers in West Virginia are only for general studies requirements and there is no system-wide transfer agreement concerning courses in specific degree programs. To combat transfer issues, some states within the SREB have implemented statewide common course numbering systems. All states within the SREB have created a transfer guide to provide guidance to transfer students but West Virginia does not have a transfer guide online. Although 10 SREB States guarantee that students who earn an associate's degree at a two-year college will be considered juniors at four-year colleges, West Virginia does not have this requirement.
- ***Entering freshmen may be required to take remedial courses in English or Mathematics to bring their skills up to a college level.*** Each year for the past 10 years, West Virginia public institutions have required over 2,000 first-time freshmen enrolling in college to complete at least one remedial course. The four-year graduation rate for students who were required to take remedial courses was under 10 percent for all cohorts reviewed in this audit. Please see Appendix B for a table showing four-year graduation rates.
- ***Working while attending college has been shown to have a negative effect on degree completion.*** The United States Department of Education has found that working more than 15 to 20 hours per week has a negative effect on degree completion. A study by the American Council on Education found that 23 percent of full-time students work 35 or more hours a week while enrolled in college. The Higher Education Policy Commission does not collect information about student work activities.

- ***Failure to earn credit in one course can set a student back a semester.*** If a student does not receive credit for a course for any reason (due to a failing grade, withdrawing from a course, etc.) it can be difficult to graduate in four years.
- ***Carrying a “full time” course load of 12 hours will not earn students enough credits to graduate in four years.*** A student enrolled in 12 hours of credit courses is considered a “full time” student. However, earning 12 credit hours for each semester for four years yields only 96 credit hours and a student needs 128 credit hours to graduate from most degree programs. Earning 12 credit hours in one semester will reduce the chances of graduating in four years, unless the student takes a heavier course load for at least three semesters. Please see Appendix D for a table that demonstrates how adverse situations can affect time to graduation.
- ***Scheduling conflicts relating to required courses may occur.*** Another factor adversely affecting graduation rates can be a conflict in scheduling. Occasionally, two courses required for a either a specific degree, or general education will be offered at the same time or some courses will only be offered every few semesters. The Higher Education Policy Commission does not collect data on course conflicts or hard-to-get courses. The HEPC Director of Academic Affairs believes that the institutions are “*cognizant of the need to schedule courses with sufficient frequency to allow degree completion in a timely fashion.*” HEPC staff indicated that they are not aware of any institutions that collect information on course conflicts.

Information needs to be collected on possible factors influencing the length of time to degree completion including degrees which require more than the standard 128 credit hours, and degrees delayed due to credit hours that do not transfer.

Appendix D: Credits Needed Per Semester for Graduation Within Four Years

| <b>Credits Needed Per Semester for Graduation Within Four Years</b> |                                     |   |   |                             |                              |   |  |
|---|-------------------------------------|---|---|-----------------------------|------------------------------|---|--|
| <b>Semester</b>   | <b>Credits Earned Each Semester</b> |   |   |                             |                              |   |  |
|   | <b>Credits Needed to Graduate</b>   | <b>Two Remedial Courses, 3 Hours Each</b> | <b>Did Not Earn Credit in One Course*</b> | <b>One 12 Hour Semester</b> | <b>Two 12 Hour Semesters</b> | <b>Remediation in Two Courses, One 12 Hour Semester, and Failure to Earn Credit</b> | <b>Remediation in Two Courses, Two 12 Hour Semesters, Failure to Earn Credit</b> |
| 1   | 15                                  | 9   | 15  | 12                          | 12                           | 9   | 9  |
| 2   | 15                                  | 15  | 15  | 15                          | 12                           | 12*   | 12   |
| 3   | 15                                  | 15  | 15  | 15                          | 15                           | 12  | 12   |
| 4   | 15                                  | 15  | 15  | 15                          | 15                           | 15  | 12*  |
| 5   | 15                                  | 15  | 12*                                       | 15                          | 15                           | 15  | 15   |
| 6   | 17                                  | 17  | 17  | 17                          | 17                           | 17  | 17   |
| 7   | 18                                  | 18  | 18  | 18                          | 18                           | 18  | 18   |
| 8   | 18                                  | 18  | 18  | 18                          | 18                           | 18  | 18   |
| <b>Total Earned</b>   | <b>128</b>                          | <b>122</b>                                | <b>125</b>                                | <b>125</b>                  | <b>122</b>                   | <b>116</b>  | <b>113</b>   |
| <b>Credits Needed</b>   | <b>0</b>                            | <b>6</b>                                  | <b>3</b>                                  | <b>3</b>                    | <b>6</b>                     | <b>12</b>   | <b>15</b>  |

- **Providing Real Opportunities for Maximizing In-State Student Excellence Scholarship**



## Appendix E: Financial Aid Programs

**(PROMISE).** This scholarship, initiated in 2002 is merit-based. It previously covered full tuition and fees each year (available for four years) at any public institution of higher education in the state and was worth a comparable amount at private institutions. The award amount was recently capped at \$4,750 for new recipients but this change will not affect students already receiving the scholarship. Recipients must maintain a 3.0 grade point average (GPA) after successful completion of their first semester.

- **Higher Education Grant Program (HEG).** This scholarship is need-based. It provides a maximum amount of \$2,100 for AY 2010-11 to an eligible student based upon financial need. The student must maintain a 2.0 GPA.
- **Higher Education Adult Part-time Student Grant (HEAPS).** This is a need-based scholarship for part-time students with a GPA requirement of 2.0. The amount of the award varies and is based upon the number of credit hours taken. Renewal is allowed for up to nine years, as long as the part-time student remains enrolled.
- **Underwood-Smith Teacher Scholarship Program (Underwood-Smith).** This scholarship is merit-based and is designed to encourage undergraduate and graduate students to pursue degrees in teaching. It provides up to \$5,000 per year. The undergraduate recipient must maintain a 3.25 cumulative GPA, and graduate students must have a 3.5 GPA. Recipients must work in the state as a teacher for two years for each year of scholarship money received, or repay the scholarship plus interest.<sup>13</sup> This scholarship is presently limited to juniors, seniors and graduate students.
- **West Virginia Engineering, Science and Technology Scholarship Program (ESTSP).** This scholarship is merit-based and requires enrollment in a science, engineering or technology degree program. Recipients receive up to \$3,000 per year, available for four years. Recipients must maintain a cumulative GPA of 3.0. Recipients must work in the state in their field, or provide community service in their field for each year of scholarship money received, or repay the scholarship with interest.

The HEPC also administers the federally funded Robert C. Byrd Honors Scholarship Program. The program provides \$1,500 per year to students who earn the scholarship. Twelve scholarships are awarded each year for each of West Virginia's three Congressional Districts. For the 2008-09 academic year 144 students received the scholarship. This recipient pool averaged a 37 ACT composite score, a 1460 SAT combined score, and a 3.98 cumulative grade point average.

---

<sup>13</sup>Students teaching in certain underserved programs or areas of the State may be eligible to have this requirement waived.



Appendix F: Percent of Budget Spent on Personnel in FY 2009

| <b>Percent of Budget Spent on Personnel in FY 2009</b> |        |                           |        |
|--|--------|---------------------------|--------|
| <b>Baccalaureate Institutions</b>                      |        | <b>Community Colleges</b> |        |
| Marshall University                                    | 62.92% | WVU Parkersburg           | 71.40% |
| West Virginia University                               | 60.79% | Southern WV CTC           | 69.91% |
| Bluefield State College                                | 58.72% | WV Northern CTC           | 69.09% |
| WV State University                                    | 55.43% | Blue Ridge CTC            | 64.78% |
| Shepherd University                                    | 54.06% | New River CTC             | 51.50% |
| Glenville State College                                | 51.95% | Mountwest CTC             | 47.01% |
| Fairmont State University                              | 51.55% | Bridgemont CTC            | 44.51% |
| West Liberty University                                | 50.17% | Kanawha Valley CTC        | 40.82% |
| Concord University                                     | 43.09% | Pierpont CTC              | 37.12% |
|  |        | Eastern WV CTC            | 28.31% |
| <i>Source: Legislative Budget Office</i>               |        |                           |        |



## Appendix G: Agency Response

David K. Hendrickson  
Chair

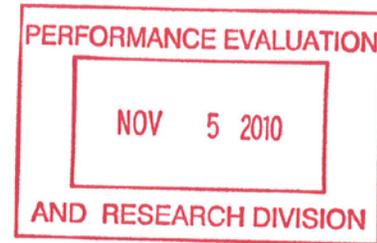


Brian Noland  
Chancellor

West Virginia Higher Education Policy Commission  
1018 Kanawha Boulevard East, Suite 700  
Charleston, WV 25301  
(304) 558-0699  
www.hepc.wvnet.edu

November 4, 2010

Ms. Gail Higgins  
Senior Research Analyst  
West Virginia Legislature  
Performance Evaluation and Research Division  
Capitol Building 1, Room W-314  
Charleston, WV 25305-0610



Dear Ms. Higgins:

I would like to thank you and your staff for providing us the opportunity to review the draft copy of the third issue of the Departmental Review of the Higher Education Policy Commission. I applaud your staff for the recognition of the manner in which required capital fees and stagnant state appropriations have impacted tuition and fees. The report recognizes the tension between these two revenue streams, duly noting the impact on student affordability.

As noted on page four of the draft report, the Commission has yet to formally adopt a tuition and fee rule. However, we are working actively to meet our legislative mandate through the work of the Efficiencies Task Force. The rule will be ready for the Commission's consideration in the near future.

Through separate correspondence, Commission staff will provide you with the information that aims to clarify some data anomalies noted during our discussion.

Thank you again for the opportunity to review the draft report and for meeting with us on November 1, 2010.

Sincerely,

A handwritten signature in blue ink that reads "B. Noland".

Brian Noland  
Chancellor

cc: John Sylvia

West Virginia Council for Community and Technical Education  
opted not to submit a response.



WEST VIRGINIA LEGISLATIVE AUDITOR

**PERFORMANCE EVALUATION & RESEARCH DIVISION**

Building 1, Room W-314, State Capitol Complex, Charleston, West Virginia 25305

telephone: 1-304-347-4890 | [www.legis.state.wv.us/Joint/PERD/perd.cfm](http://www.legis.state.wv.us/Joint/PERD/perd.cfm) | fax: 1-304-347-4939

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Approval of 2010 Series Higher Education Policy Commission Revenue Bonds

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves the Fifth Consolidated Supplemental Resolution authorizing the issuance of up to \$90 million in State of West Virginia Higher Education Policy Commission Revenue Bonds (Higher Education Facilities) 2010 Series.

**STAFF MEMBER:** Richard Donovan

**BACKGROUND:**

During the 2010 Legislative Session, the Legislature provided an additional \$5 million appropriation in Excess Lottery Revenue for debt service and passed a resolution authorizing the Commission to issue revenue bonds to fund capital projects at the four-year institutions. The proceeds from this bond issue, combined with the \$97.2 million in bond proceeds received from the EAST Bonds, which were sold in August 2010, will fund most of the projects in the project list certified by the Governor and approved by the Commission on July 23, 2010.

This bond transaction is being structured to maximize proceeds by issuing a combination of traditional tax exempt bonds, Build America Bonds and taxable bonds. The HEPC Bonds are being issued under the same General Resolution used to issue the 2004(b) Series HEPC Bonds which, in addition to pledging Lottery Revenue as the primary pledge for debt service, also pledges Required Educational and General Capital Fees as a secondary pledge.

The Fifth Consolidated Supplemental Resolution authorizing the issuance of up to \$90 million in revenue bonds follows on the next page.

**FIFTH CONSOLIDATED  
SUPPLEMENTAL RESOLUTION**

**OF THE**

**STATE OF WEST VIRGINIA  
HIGHER EDUCATION POLICY COMMISSION**

**Authorizing**

**STATE OF WEST VIRGINIA  
HIGHER EDUCATION POLICY COMMISSION  
Revenue Bonds  
(Higher Education Facilities)  
2010 Series**

Adopted: \_\_\_\_\_, 2010

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**STATE OF WEST VIRGINIA  
HIGHER EDUCATION POLICY COMMISSION  
Revenue Bonds  
(Higher Education Facilities)  
2010 Series**

**RESOLUTION**

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Exhibit A – List of 2010 Projects

**STATE OF WEST VIRGINIA  
HIGHER EDUCATION POLICY COMMISSION  
Revenue Bonds  
(Higher Education Facilities)  
2010 Series**

**RESOLUTION OF THE  
HIGHER EDUCATION POLICY COMMISSION**

**RESOLUTION AUTHORIZING THE ISSUANCE OF  
NOT TO EXCEED \$90,000,000 AGGREGATE  
PRINCIPAL AMOUNT OF THE COMMISSION'S  
REVENUE BONDS (HIGHER EDUCATION  
FACILITIES), 2010 SERIES; AND SUPPLEMENTING  
THE GENERAL RESOLUTION OF THE COMMISSION  
ADOPTED SEPTEMBER 9, 1992.**

**WHEREAS**, the University of West Virginia Board of Trustees (the "Board of Trustees") on September 9, 1992, adopted a General Resolution (the "University General Resolution") pursuant to which it is authorized to issue one or more series of its revenue bonds (the "University Bonds");

**WHEREAS**, the Board of Directors of the State College System (the "Board of Directors") on September 9, 1992, adopted a General Resolution (the "College General Resolution" and collectively with the University General Resolution, the "General Resolution") pursuant to which it is authorized to issue one or more series of its revenue bonds (the "College Bonds" and collectively with the University Bonds, the "Bonds");

**WHEREAS**, the Higher Education Policy Commission (the "Commission"), an agency of the State of West Virginia (the "State"), is the successor to the Board of Trustees and the Board of Directors and is empowered and authorized to issue bonds pursuant to the Act and to fund the capital improvements at certain institutions of higher education;

**WHEREAS**, all capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the General Resolution;

**WHEREAS**, the General Resolution establishes the basic provisions regarding the structure of and security for all Bonds to be issued thereunder, and further provides that each Series of Bonds to be issued from time to time is to be individually authorized by a Supplemental Resolution setting forth the principal amount of such Series of Bonds, the terms and provisions of such Series of Bonds, provisions required by any Credit Provider for such Series of Bonds and any other provisions which may be specific to such Series of Bonds;

**WHEREAS**, pursuant to the First Supplemental Resolution (the “University First Supplemental Resolution”) adopted by the Board of Trustees on September 9, 1992, the Board of Trustees issued its first Series of Bonds under the General Resolution, being its \$101,505,000 aggregate principal amount State University System Revenue Refunding Bonds, Series 1992, dated November 1, 1992 (the “1992 Bonds”);

**WHEREAS**, pursuant to the Second Supplemental Resolution (the “University Second Supplemental Resolution”) adopted by the Board of Trustees on January 15, 1993, the Board of Trustees made a minor amendment to the University First Supplemental Resolution, ratifying a change of the date of the Prior Bonds from September 1, 1992 to November 1, 1992;

**WHEREAS**, pursuant to the Third Supplemental Resolution (the “University Third Supplemental Resolution”) adopted by the Board of Trustees on February 23, 1996, the Board of Trustees issued its Revenue Refunding Bonds, Series 1996 (Marshall University Library/Information Center) (the “1996 Bonds”);

**WHEREAS**, pursuant to the Fourth Supplemental Resolution (the “University Fourth Supplemental Resolution”) adopted by the Board of Trustees on October 31, 1997, the Board of Trustees issued its Revenue Refunding Bonds (University Improvement Projects) 1997 Series A (the “1997 Bonds”);

**WHEREAS**, pursuant to the Fifth Supplemental Resolution (the “University Fifth Supplemental Resolution”) adopted by the Board of Trustees on April 3, 1998, the Board of Trustees issued its University System Revenue Bonds (West Virginia University Projects), 1998 Series A, dated April 1, 1998 (the “1998 Bonds”);

**WHEREAS**, pursuant to the Sixth Supplemental Resolution (the “University Sixth Supplemental Resolution”) adopted by the Board of Trustees on May 22, 2000, the Board of Trustees issued its University System Revenue Bonds (West Virginia University Projects) 2000 Series A (the “2000 Series A Bonds”);

**WHEREAS**, pursuant to the Seventh Supplemental Resolution (the “University Seventh Supplemental Resolution”) adopted by the Board of Trustees on May 22, 2000, the Board of Trustees issued its University System Revenue Bonds (Marshall University Medical Center) 2000 Series B (the “2000 Series B Bonds”);

**WHEREAS**, pursuant to the Eighth Supplemental Resolution (the “University Eighth Supplemental Resolution”) adopted by the Commission on March 17, 2003, the Commission authorized the issuance of its Revenue Refunding Bonds (University Facilities) in an amount not to exceed \$105,000,000 (the “2003 Bonds”);

**WHEREAS**, pursuant to the Ninth Supplemental Resolution (the “University Ninth Supplemental Resolution”) adopted by the Commission on April 24, 2003, the Commission made certain amendments to the General Resolution, and in Section 1.02 thereof prospective amendments which would go into effect only upon adoption of a resolution by the Commission putting such amendments in effect (the “Prospective Amendment to the University

General Resolution”);

**WHEREAS**, pursuant to the Tenth Supplemental Resolution (the “University Tenth Supplemental Resolution”) adopted by the Commission on June 5, 2003, the Commission made certain amendments to the General Resolution;

**WHEREAS**, pursuant to the Eleventh Supplemental Resolution (the “University Eleventh Supplemental Resolution”) adopted by the Commission on April 2, 2004, the Commission authorized the issuance of its Revenue Refunding Bonds in an amount not to exceed \$18,000,000 (the “2004 Proposed Bonds”);

**WHEREAS**, pursuant to the Twelfth Supplemental Resolution (the “University Twelfth Supplemental Resolution”) adopted by the Commission on June 4, 2004, the Commission authorized the issuance of its Revenue Bonds (University Facilities), 2004 Series A in an amount not to exceed \$90,000,000 (the “2004 University Bonds”);

**WHEREAS**, pursuant to the First Supplemental Resolution (the “College First Supplemental Resolution”) adopted by the Board of Directors on September 9, 1992, the Board of Directors issued its first Series of Bonds under the General Resolution, being its \$46,825,000 aggregate principal amount State College System Revenue Refunding Bonds, Series 1992, dated November 1, 1992 (the “1992 Bonds”);

**WHEREAS**, pursuant to the Second Supplemental Resolution (the “College Second Supplemental Resolution”) adopted by the Board of Directors on January 15, 1993, the Board of Directors made a minor amendment to the College First Supplemental Resolution, ratifying a change of the date of the 1992 Bonds from September 1, 1992 to November 1, 1992;

**WHEREAS**, pursuant to the Third Supplemental Resolution (the “College Third Supplemental Resolution”) adopted by the Board of Directors on October 21, 1997, the Board of Directors issued its second Series of Bonds under the General Resolution, being its \$9,920,000 aggregate principal amount State College System Revenue Bonds (College Improvement Projects) 1997 Series A, dated November 20, 1997 (the “1997 Bonds” and with the 1992 Bonds, the “Then Outstanding Bonds”);

**WHEREAS**, pursuant to the Fourth Supplemental Resolution (the “College Fourth Supplemental Resolution”) adopted by the Commission on March 17, 2003, the Commission authorized the issuance of its Revenue Refunding Bonds (State College Facilities) in an amount not to exceed \$40,000,000 (the “2003 Bonds”) to refund all of the Then Outstanding Bonds;

**WHEREAS**, pursuant to the Fifth Supplemental Resolution (the “College Fifth Supplemental Resolution”) adopted by the Commission on April 24, 2003, the Commission made certain amendments to the General Resolution and further adopted, in Section 1.02 thereof, prospective amendments to the General Resolution which would only go into effect upon adoption by the Commission of a Supplemental Resolution putting such amendment into effect (the “Prospective Amendment to the College General Resolution”, and, collectively with the

Prospective Amendment to the University General Resolution, the “Prospective Amendment”). The terms of each Prospective Amendment are identical except for the respective reference to Universities and Colleges;

**WHEREAS**, pursuant to the Sixth Supplemental Resolution (the “College Sixth Supplemental Resolution”) adopted by the Commission on June 5, 2003, the Board of Directors made certain amendments to the General Resolution;

**WHEREAS**, the College Fifth Supplemental Resolution and the University Ninth Supplemental Resolution provided that the Commission may consolidate the financings previously issued by the Commission with the financings issued by the Board of Trustees and the Board of Directors, and its successors under the terms of the General Resolution;

**WHEREAS**, the Prospective Amendments were put into effect upon the Commission’s adoption of the First Consolidated Supplemental Resolution (the “First Consolidated Supplemental Resolution”) adopted by the Commission on June 4, 2004;

**WHEREAS**, pursuant to the First Consolidated Supplemental Resolution, the Commission authorized the issuance of its Revenue Bonds (Higher Education Facilities), 2004 Series B in an amount not to exceed \$160,000,000 (the “2004 B Bonds”);

**WHEREAS**, pursuant to the Second Consolidated Supplemental Resolution (the “Second Consolidated Supplement Resolution”) adopted by the Commission on July 29, 2004, the Commission further amended and supplemented the General Resolution;

**WHEREAS**, pursuant to the Third Consolidated Supplemental Resolution (the “Third Consolidated Supplemental Resolution”) adopted by the Commission on August 20, 2004, the Commission increased the authorized maximum amount of 2004 B Bonds permitted to be issued to \$180,000,000 and to include the 2004 Proposed Bonds as a part of the 2004 B Bonds;

**WHEREAS**, pursuant to the Fourth Consolidated Supplemental Resolution the Commission authorized the issuance of its Revenue Refunding Bonds (Higher Education Facilities), 2007 Series A in an amount not to exceed \$30,000,000 (the “2007 A Bonds” and collectively with Bonds issued pursuant to the supplemental resolutions previously described in the foregoing recitals and currently outstanding as of the date of this resolution under both the University General Resolution and the College General Resolution, the “Prior Bonds”), to refund a portion of the 1997 Bonds issued by the Board of Trustees, a portion of the 1997 Bonds issued by the Board of Directors, and a portion of the 2000 Series B Bonds issued by the Board of Trustees;

**WHEREAS**, the Legislature, by the adoption of Senate Concurrent Resolution 41 (“Senate Concurrent Resolution 41”) on March 13, 2010, authorized the payment of debt service on revenue bonds for capital improvements for higher education facilities from the excess lottery revenues under West Virginia Code § 29-22-18a and § 29-22-18c, in an annual amount equal to Fifteen Million Dollars (\$15,000,000);

**WHEREAS**, pursuant to the Act, the Commission is authorized to issue certain Additional Bonds to provide capital improvements at the higher education facilities identified on Exhibit A hereto (the “2010 Projects”) and pay the Costs of Issuance of such Additional Bonds and to otherwise carry out its purposes under the Act;

**WHEREAS**, the Commission deems it desirable and in keeping with its purposes under the Act, to issue its Revenue Bonds (Higher Education Facilities), 2010 Series (the “2010 Bonds”), in one or more series, each as a series of Additional Bonds for the purposes of funding the 2010 Projects and paying Costs of Issuance of the 2010 Bonds;

**WHEREAS**, pursuant to Chapter 13, Article 4 of the Code of West Virginia, 1931, as amended, the 2010 Bonds (or a series of such bonds) may be issued by the Commission as federally taxable Build America Bonds (Direct Payment);

**WHEREAS**, in connection with the issuance by the Commission of any federally taxable Build America Bonds (Direct Payment), the Commission shall pledge the refundable interest credit under Section 54AA(g) of the Internal Revenue Code of 1986, as amended, as security for such bonds and, to the extent permissible by law, shall grant a lien on the refundable interest credit to the Trustee for the benefit of the holders of the bonds;

**WHEREAS**, all of the requirements set forth in Section 2.03 of the General Resolution for issuance of Bonds and in Section 2.04 of the General Resolution for issuance of Additional Bonds in the manner and in the amount set forth herein have been met or will be met prior to the date of issuance and delivery of the 2010 Bonds;

**WHEREAS**, the Commission therefore wishes to take all necessary actions to issue the 2010 Bonds for the purposes set forth herein;

**WHEREAS**, there will be presented to one or more of the Authorized Officers designated in Section 1.03 hereof, the following documents (the “Bond Documents”), to be executed in connection with the issuance and sale of the 2010 Bonds;

(1) A Bond Purchase Agreement to be dated the date of acceptance thereof by an Authorized Officer of the Commission, by and between Citigroup Global Markets Inc., acting on behalf of itself, Raymond James & Associates, Inc. and Crews & Associates, Inc., as the original purchasers of the 2010 Bonds (collectively, the “Original Purchasers”) and the Commission, pursuant to which the 2010 Bonds are proposed to be purchased; and

(2) A Continuing Disclosure Agreement (as defined herein), to be dated the Closing Date; and

(3) A Preliminary Official Statement (the “Preliminary Official Statement”), relating to the 2010 Bonds (which when executed in final form as provided in Section 6.02 hereof, the “Official Statement”); and

(4) A Tax Compliance Certificate (the “Tax Certificate”), to be dated the Closing Date; and

(5) A Rule 15c-2-12 Certificate; and

(6) Agreements with any Service Provider (as hereinafter defined) (if any); and

(7) Any other documents deemed necessary or desirable to aid or effectuate the issuance and sale of the 2010 Bonds, including documents relating to hedge transactions and investment of the proceeds;

**WHEREAS**, the Commission desires to take all steps necessary for the issuance of the 2010 Bonds at the earliest practicable date; and

**WHEREAS**, the Commission wishes to delegate to each Authorized Officer the authority to approve the final terms of the 2010 Bonds, including the exact principal amount, interest rates, redemption provisions, maturities, purchase price and other terms of the 2010 Bonds and the final terms and provisions of the Bond Documents and other agreements relating to the 2010 Bonds, without the requirement of further official action by the Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE HIGHER EDUCATION POLICY COMMISSION, AS FOLLOWS:**

## **ARTICLE I**

### **DEFINITIONS AND OTHER PROVISIONS OF GENERAL APPLICATION; DESIGNATION OF AUTHORIZED OFFICERS**

**Section 1.01. Definitions.** All capitalized terms and definitions contained in the General Resolution shall, unless defined differently herein, have the same meanings herein, and in addition to the words and terms defined elsewhere in this Fifth Consolidated Supplemental Resolution, the following words, terms or phrases shall have the following respective meanings all unless the context clearly indicates a different meaning:

“Act” means, for purposes of this Fifth Consolidated Supplemental Resolution, Chapter 18B, Article 10 of the Code of West Virginia, 1931, as the same have been and may from time to time be amended.

“Authorized Officer” means the person designated pursuant to Section 1.03 hereof.

“Bond Documents” means the documents described in the recitals hereto.

“Bond Purchase Agreement” means the Bond Purchase Agreement between the

Commission and the Original Purchasers pertaining to the sale of the 2010 Bonds.

“Bond Year” means, with respect to the 2010 Bonds, the period commencing July 1 in each year and ending on June 30 of each subsequent calendar year during the term of the 2010 Bonds, except that the first Bond Year shall commence on the Closing Date and end on June 30, 2011 (unless a different period is permitted or required by the Code).

“Bonds” means collectively, the 2010 Bonds, the Prior Bonds and any other Additional Bonds or Refunding Bonds hereafter issued pursuant to the General Resolution.

“Certificate of Determination” means the certificate executed by an Authorized Officer setting forth the final terms and provisions of the Bonds (including, but not limited to, the form of the 2010 Bonds), the Bond Purchase Agreement and the other Bond Documents as provided in Section 2.03 hereof.

“Closing Date” means the date upon which the 2010 Bonds are delivered to the Original Purchaser upon payment of the purchase price set forth in the Bond Purchase Agreement.

“Code” means the Internal Revenue Code of 1986, as amended.

“Continuing Disclosure Agreement” means a Continuing Disclosure Agreement between the Commission and the Original Purchaser, to be dated the Closing Date.

“Event of Default” means any one or more of those events set forth in Section 9.01 of the General Resolution.

“Fifth Consolidated Supplemental Resolution” means this Fifth Consolidated Supplemental Resolution as it may be amended or supplemented, and includes all exhibits and schedules thereto.

“Higher Education Improvement Fund” means the special revenue fund created and existing in the State Treasury pursuant to Section 18a of the Lottery Act.

“Interest Subsidy Reserve Requirement” means an amount equal to thirty-five percent (35%) of the maximum amount of interest which shall be payable during the current or any succeeding Bond Year on any series of bonds issued by the Commission as Build America Bonds (Direct Payment).

“Lottery Act” means Chapter 29, Article 22 of the Code of West Virginia, 1931, as the same has been and may from time to time be amended

“Municipal Bond Commission” means the West Virginia Municipal Bond Commission, or its successor, to serve as fiscal agent for the 2010 Bonds.

“Official Statement” means the Official Statement to be dated the date of execution of the Bond Purchase Agreement, prepared and distributed in connection with the sale

of the 2010 Bonds and approved by the Commission.

“Paying Agent” means such banking institution with offices within or without West Virginia or its successors, designated as a paying agency or place of payment for the 2010 Bonds in the Certificate of Determination.

“Preliminary Official Statement” means the Preliminary Official Statement to be prepared and distributed in connection with the sale of the 2010 Bonds.

“Record Date” means 15 days before the interest payment dates of April 1 and October 1.

“Recovery Act” means the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009).

“Registrar” means such banking institution with offices in West Virginia or its successors, designated as registrar for the 2010 Bonds in the Certificate of Determination.

“Representation Letter” means the DTC Blanket Letter of Representations previously delivered to DTC.

“Resolution” means (unless the context clearly indicates otherwise) collectively, the General Resolution and this Fifth Consolidated Supplemental Resolution as they may be amended or supplemented.

“Service Provider” means a party described in clause (xiii) of Section 2.03 hereof.

“Subsidy Receipt” means an amount equal to thirty-five percent (35%) of the amount of interest which shall be payable on any interest payment date on any series of bonds issued by the Commission as Build America Bonds (Direct Payment), as claimed by the Commission on a Form 8038-CP filed by the Commission with the Internal Revenue Service for any such interest payment date.

“Tax Certificate” means the Tax Compliance Certificate of the Commission to be dated as of the Closing Date, as it may be amended or supplemented.

“Treasurer” means the State Treasurer of the State of West Virginia.

“Trustee” means such banking institution with offices within or without West Virginia or its successors, as may be designated as trustee for the 2010 Bonds in the Certificate of Determination.

“2010 Bond Fund (Higher Education Facilities)” means the fund by that name established pursuant to Section 3.01 hereof.

“2010 Bonds” means the Commission's Revenue Bonds (Higher Education

Facilities), 2010 Series, in such aggregate principal amount not to exceed \$90,000,000 as shall be set forth in the Certificate of Determination.

“2010 Bonds (Higher Education Facilities) Proceeds Fund” means the fund by that name established pursuant to Section 3.01 hereof.

“2010 Bonds (Higher Education Facilities) Costs of Issuance Fund” means the fund by that name established pursuant to Section 3.01 hereof.

“2010 Bonds (Higher Education Facilities) Interest Account” means the account by that name established in the 2010 Bond Fund (Higher Education Facilities) pursuant to Section 3.01 hereof.

“2010 Bonds (Higher Education Facilities) Interest Subsidy Reserve Fund” means the fund by that name established pursuant to Section 3.01 hereof.

“2010 Bonds (Higher Education Facilities) Principal Account” means the account by that name established in the 2010 Bond Fund (Higher Education Facilities) pursuant to Section 3.01 hereof.

“2010 Bonds (Higher Education Facilities) Redemption Account” means the account by that name established in the 2010 Bond Fund (Higher Education Facilities) pursuant to Section 3.01 hereof.

Section 1.02. Interpretation.

A. Any reference herein to the Commission, or any officer thereof shall include those succeeding to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions.

B. Unless the context otherwise indicates, words importing the singular shall include the plural and vice versa and the use of the neuter, masculine, or feminine gender is for convenience only and shall be deemed to mean and include the neuter, masculine and feminine gender.

C. Any terms not defined herein but defined in the General Resolution, shall have the same meanings herein.

D. Headings or articles and sections herein and the table of contents hereof are solely for convenience of reference, do not constitute a part hereof and shall not affect the meaning, construction or effect hereof.

E. Words importing the redemption of a 2010 Bond or the calling of a 2010 Bond for redemption do not mean or include the payment of a 2010 Bond at its stated maturity or the purchase of a 2010 Bond.

F. This Fifth Consolidated Supplemental Resolution shall inure to the benefit of and shall be binding upon the Commission and its respective successors and assigns subject to the limitations contained herein.

Section 1.03. Designation of Authorized Officers. The Commission hereby designates the Chairman and Vice Chairman, the Chancellor, the Vice Chancellor of Administration, and the Chief Financial Officer of the Commission, whether acting jointly or severally, as Authorized Officers of the Commission with respect to the 2010 Bonds. Each of such Authorized Officers shall file a specimen of his signature with the Trustee (if any), Registrar and Paying Agent.

## **ARTICLE II**

### **AUTHORIZATION AND TERMS OF 2010 BONDS**

Section 2.01. Authorization of 2010 Bonds. In order to (i) finance the 2010 Projects, (ii) fund, if necessary, an interest subsidy reserve fund, and (iii) pay Costs of Issuance thereof, the Commission hereby authorizes the issuance of one or more series of the 2010 Bonds, each of which shall constitute a “Series of Bonds” and “Additional Bonds” as such terms are defined in the General Resolution, and shall be issued and sold as directed by the Commission in accordance herewith.

Section 2.02. Terms. The 2010 Bonds shall be issued in fully registered form as herein provided, in denominations of \$5,000 and integral multiples thereof, in an aggregate principal amount not to exceed \$90,000,000. The 2010 Bonds of each series shall be numbered from R-1 upward. Interest accruing on the 2010 Bonds on and prior to the maturity date thereof shall be payable by check or draft mailed by the Paying Agent to the Registered Owner thereof as of the applicable Record Date (15 days before the interest payment dates of \_\_\_\_\_ 1 and \_\_\_\_\_ 1) at the address of such Registered Owner as it appears on the registration books of the Commission maintained by the Registrar, or, at the option of any Registered Owner of at least \$1,000,000 in aggregate principal amount of Bonds, by wire transfer in immediately available funds to the bank account number on file with the Paying Agent on or prior to the applicable Record Date. Principal and premium, if any, shall be paid when due upon presentation and surrender of this Bond for payment at the principal corporate trust office of the Paying Agent.

Section 2.03. Certificate of Determination. Each Authorized Officer shall have the power and authority to execute and deliver the Certificate of Determination, which may include, without limitation, provisions (i) fixing the aggregate principal amount of 2010 Bonds to be issued, not to exceed \$90,000,000, (ii) fixing the maturity schedule for the 2010 Bonds, including the amounts of serial bonds and term bonds, such maturities to be not longer than thirty (30) years from the date of issuance of the 2010 Bonds, (iii) prescribing the interest rates or yields for such 2010 Bonds, such rates or yields not to exceed an average interest cost of \_\_\_\_\_ percent (\_\_\_\_%) per annum, (iv) fixing the amounts and times of mandatory redemption for the 2010 Bonds, (v) fixing optional redemption provisions for the 2010 Bonds, including times and redemption prices (not to exceed 102% of the principal amount), and extraordinary optional

redemption provisions relating to any series of bonds issued by the Commission as Build America Bonds (Direct Payment), which may include a make whole call provision or a par call, (vi) fixing the purchase price for the 2010 Bonds, which may include an underwriting and an original issue discount or premium, (vii) determining whether the 2010 Bonds shall be issued in one or more series and assigning a designation to each such series, (viii) determining whether the 2010 Bonds shall be issued as conventional tax-exempt bonds, conventional taxable bonds, federally taxable Build America Bonds (Direct Payment), or any combination thereof, with each different mode to be issued as a separate series of bonds, (ix) designating any series of federally taxable Build America Bonds (Direct Payment) as “Build America Bonds” within the meaning of the Recovery Act and Section 54AA of the Code, (x) pledging any refundable interest credit under Section 54AA(g) of the Code, and setting forth the manner in which such interest credit shall be transferred to the Paying Agent, (xi) determining the amount to be deposited into the Interest Subsidy Reserve Fund, (xii) dating such 2010 Bonds, (xiii) designating a remarketing agent, a tender agent, an auction agent, a liquidity provider, a credit provider and the provider of other services, if any, which may be deemed by such officer as necessary or desirable to support the 2010 Bonds (each a “Service Provider”), (xiv) determining the necessity of having a Trustee for the 2010 Bonds, and (xv) designating the Trustee (if deemed necessary), Registrar and Paying Agent for the 2010 Bonds.

#### Section 2.04. Book Entry System for 2010 Bonds.

(a) Notwithstanding the foregoing provisions of this Article II, the 2010 Bonds shall initially be issued in the form of one fully-registered bond for the aggregate principal amount of the 2010 Bonds of each maturity, which 2010 Bonds shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”). Except as provided in paragraph (g) below, all of the 2010 Bonds shall be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC; provided that if DTC shall request that the 2010 Bonds be registered in the name of a different nominee, the Registrar shall exchange all or any portion of the 2010 Bonds for an equal aggregate principal amount of 2010 Bonds registered in the name of such nominee or nominees of DTC. No person other than DTC or its nominee shall be entitled to receive from the Commission or the Registrar either a 2010 Bond or any other evidence of ownership of the 2010 Bonds, or any right to receive any payment in respect thereof unless DTC or its nominee shall transfer record ownership of all or any portion of the 2010 Bonds on the registration books maintained by the Registrar, in connection with discontinuing the book entry system as provided in paragraph (g) below or otherwise.

(b) So long as the 2010 Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all payments of the Principal or Redemption Price of or interest on such 2010 Bonds shall be made to DTC or its nominee in Federal funds on the dates provided for such payments under this Fifth Consolidated Supplemental Resolution or as set forth in the 2010 Bonds. Each such payment to DTC or its nominee shall be valid and effective to fully discharge all liability of the Commission or the Registrar with respect to the Principal or Redemption Price of or interest on the 2010 Bonds to the extent of the sum or sums so paid. In the event of the redemption of less than all of the 2010 Bonds Outstanding of any maturity, the Registrar shall not require surrender by DTC or its nominee of the 2010 Bonds so redeemed, but DTC (or its nominee) may retain such 2010 Bonds and make an appropriate notation on the 2010

Bond certificate as to the amount of such partial redemption; provided that DTC shall deliver to the Registrar, upon request, a written confirmation of such partial redemption and thereafter the records maintained by the Registrar shall be conclusive as to the amount of the 2010 Bonds of such maturity which have been redeemed.

(c) The Commission and the Registrar may treat DTC (or its nominee) as the sole and exclusive Owner of the 2010 Bonds registered in its name for the purposes of payment of the Principal or Redemption Price of or interest on the 2010 Bonds, selecting the 2010 Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to Bondholders under this Fifth Consolidated Supplemental Resolution, registering the transfer of 2010 Bonds, obtaining any consent or other action to be taken by Bondholders and for all other purposes whatsoever; and neither the Commission nor the Registrar shall be affected by any notice to the contrary. Neither the Commission nor the Registrar shall have any responsibility or obligation to any participant in DTC, any person claiming a beneficial ownership interest in the 2010 Bonds under or through DTC or any such participant, or any other person which is not shown on the registration books of the Registrar as being a Bondholder, with respect to either: (1) the 2010 Bonds; or (2) the accuracy of any records maintained by DTC or any such participant; or (3) the payment by DTC or any such participant of any amount in respect of the Principal or Redemption Price of or interest on the 2010 Bonds; or (4) any notice which is permitted or required to be given to Bondholders under this Fifth Consolidated Supplemental Resolution; or (5) the selection by DTC or any such participant of any person to receive payment in the event of a partial redemption of the 2010 Bonds; or (6) any consent given or other action taken by DTC as Bondholder.

(d) So long as the 2010 Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all notices required or permitted to be given to the Bondholders under this Fifth Consolidated Supplemental Resolution shall be given to DTC as provided in the Representation Letter.

(e) In connection with any notice or other communication to be provided to Bondholders pursuant to this Fifth Consolidated Supplemental Resolution by the Commission or the Registrar with respect to any consent or other action to be taken by Bondholders, DTC shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action, provided that the Commission or the Registrar may establish a special record date for such consent or other action. The Commission or the Registrar shall give DTC notice of such special record date not less than 15 calendar days in advance of such special record date to the extent possible.

(f) The Registrar and any successors or assigns thereof shall, in its written acceptance of its duties under this Fifth Consolidated Supplemental Resolution, agree to take any actions necessary from time to time to comply with the requirements of the Representation Letter.

(g) The book-entry system for registration of the ownership of the 2010 Bonds may be discontinued at any time if either: (1) DTC determines to resign as securities depository for the 2010 Bonds; or (2) the Commission determines that continuation of the system

of book-entry transfers through DTC (or through a successor securities depository) is not in the best interests of the Commission. In either of such events (unless in the case described in clause (2) above, the Commission appoints a successor securities depository) the 2010 Bonds shall be delivered in registered certificate form to such persons, and in such maturities and principal amounts, as may be designated by DTC, but without any liability on the part of the Commission or the Registrar for the accuracy of such designation. Whenever DTC requests the Commission and the Registrar to do so, the Commission and the Registrar shall cooperate with DTC in taking appropriate action after reasonable notice to arrange for another securities depository to maintain custody of certificates evidencing the 2010 Bonds.

Section 2.05. Form of 2010 Bonds. The definitive 2010 Bonds shall be in substantially the form approved in the Certificate of Determination, with such necessary and appropriate omissions, insertions and variations as are approved by those officers executing such 2010 Bonds on behalf of the Commission. Execution thereof by such officers shall constitute conclusive evidence of such approval.

Section 2.06. 2010 Bonds on Parity with Prior Bonds. The 2010 Bonds shall be on a parity with the Prior Bonds with respect to sources of and security for payment and in all other respects.

Section 2.07. Conditions Precedent to Delivery of 2010 Bonds. The 2010 Bonds shall be delivered upon receipt by the Registrar of the following:

A. A copy of the General Resolution and this Fifth Consolidated Supplemental Resolution certified by the Secretary of the Commission;

B. A copy of the Certificate of Determination;

C. A Bond Counsel's Opinion to the effect that (i) this Fifth Consolidated Supplemental Resolution has been duly and lawfully adopted and is in full force and effect; (ii) the General Resolution has been duly and lawfully adopted and is valid and binding upon, and enforceable against, the Commission (except to the extent that the enforceability thereof may be limited by the operation of bankruptcy, insolvency and similar laws affecting rights and remedies of creditors); (iii) the General Resolution creates the valid pledge which it purports to create of the Revenues, and moneys and securities on deposit in any of the Funds established thereunder (other than a Purchase Fund, if any), and/or any refundable interest credit under Section 54AA(g) of the Code which may be received by the Commission in connection with the issuance by the Commission of any federally taxable Build America Bonds (Direct Payment), subject to the application thereof to the purposes and on the conditions permitted by the General Resolution; and (iv) upon the execution and delivery thereof, the 2010 Bonds will have been duly and validly authorized and issued in accordance with the General Resolution;

D. A written order as to the authentication, registration and delivery of the 2010 Bonds and the application of the proceeds thereof, signed by an Authorized Officer;

E. A Certificate of the Commission to the effect that:

(i) all payments into the respective funds and accounts provided for in the General Resolution and any Related Supplemental Resolution respecting Bonds theretofore issued and then Outstanding have been made in full to the date of issuance and delivery of the 2010 Bonds and no Event of Default under the General Resolution or any Related Supplemental Resolution is now existing; and

(ii) the Revenues of the type set forth in subsection (i) of the definition of “Revenues” in Section 1.02 of the General Resolution, collected by the Commission for the last Fiscal Year preceding the date of issuance of the 2010 Bonds have been not less than 100% of the largest amount of Debt Service due in any Fiscal Year thereafter on the 2010 Bonds and the Prior Bonds; or

(iii) (a) the Revenues (excluding proceeds of any Bonds and earnings thereon) collected by the Commission for the last Fiscal Year preceding the date of issuance of the 2010 Bonds, plus Projected Revenues (as defined below) have been not less than 100% of the largest amount of Debt Service due in any Fiscal Year thereafter on the 2010 Bonds and the Prior Bonds; and (b) Projected Revenues have not been greater than 20% of the largest amount of Debt Service due in any Fiscal Year thereafter on the 2010 Bonds and the Prior Bonds. For the purposes of this subsection (iii), Projected Revenues may include any Revenues which were not in effect or which were not pledged under the General Resolution during the last Fiscal Year, but which have been adopted, charged and pledged prior to or contemporaneously with the issuance of the 2010 Bonds; and

F. An executed copy of the Trust Indenture, or if no Trustee has been appointed, a copy of the Agreement between the Commission and the Registrar and Paying Agent.

Section 2.08. Pledge of Excess Lottery Proceeds. Pursuant to the authorization contained in Senate Bill 612, the Commission hereby confirms the pledge of the funds deposited in the Higher Education Improvement Fund created under Chapter 29, Article 22, Section 18a of the Code of West Virginia, 1931, as amended, to the payment of the 2010 Bonds and the Prior Bonds.

Section 2.09. Pledge of Refundable Interest Credit. In the event the Commission issues a series of federally taxable Build America Bonds (Direct Payment), the Commission hereby pledges, to the extent permissible by law, for the benefit of the respective holders from time to time of any such federally taxable Build America Bonds (Direct Payment), all right, title and interest of the Commission in and to any refundable interest credit.

### **ARTICLE III**

#### **FUNDS AND ACCOUNTS; APPLICATION OF 2010 BOND PROCEEDS**

Section 3.01. Funds and Accounts. (A) There are hereby created by the Commission and ordered established with the Trustee (if any), Registrar and Paying Agent the following funds and accounts in connection with the 2010 Bonds;

- (i) 2010 Bond Fund (Higher Education Facilities), and therein:
  - (a) 2010 Bonds (Higher Education Facilities) Interest Account; and
  - (b) 2010 Bonds (Higher Education Facilities) Principal Account; and
  - (c) 2010 Bonds (Higher Education Facilities) Redemption Account.

(B) There are hereby created by the Commission and ordered established with the Trustee (if any), Registrar and Paying Agent the following funds in connection with the 2010 Bonds:

- (i) 2010 Bonds (Higher Education Facilities) Bond Proceeds Fund; and
- (ii) 2010 Bonds (Higher Education Facilities) Costs of Issuance Fund; and
- (iii) 2010 Bonds (Higher Education Facilities) Interest Subsidy Reserve Fund.

Section 3.02. Application of 2010 Bond Proceeds. The net proceeds of the sale of the 2010 Bonds shall initially be deposited in the 2010 Bonds (Higher Education Facilities) Bond Proceeds Fund to be held by the Trustee (if any), and if none by the Municipal Bond Commission. Thereafter, such proceeds or portions thereof shall be applied by the Trustee (if any), and if none by the Municipal Bond Commission, as follows:

- (i) All amounts, if any, paid as accrued interest on the 2010 Bonds from their date to the date of delivery of the 2010 Bonds shall be deposited in the 2010 Bonds (Higher Education Facilities) Interest Account;
- (ii) A sum equal to the Interest Subsidy Reserve Requirement shall be deposited in the 2010 Bonds (Higher Education Facilities) Interest Subsidy Reserve Fund;
- (iii) A sum equal to the Costs of Issuance of the 2010 Bonds shall be deposited in the 2010 Bonds (Higher Education Facilities) Costs of Issuance Fund; and

(iii) The balance of the proceeds of the 2010 Bonds shall be deposited in the 2010 Bonds (Higher Education Facilities) Bond Proceeds Fund (which Fund shall contain separate subaccounts for each series of bonds in the event that there are multiple series of 2010 Bonds).

Section 3.03. Flow of Funds. So long as any 2010 Bonds are Outstanding, amounts deposited and to be deposited in the funds and accounts established by Section 3.01 hereof shall be applied by the Trustee (if any), and if none by the Municipal Bond Commission in the manner and order of priority as set forth herein and in Article VII of the General Resolution

Section 3.04. Disbursements. The proceeds of the 2010 Bonds deposited in the 2010 Bonds (Higher Education Facilities) Bond Proceeds Fund (or the separate subaccounts) shall be disbursed by the Trustee, if any, or if none by the Treasurer upon proper requisition by an Authorized Officer for payment of costs of the 2010 Projects. The proceeds of the 2010 Bonds deposited in the 2010 Bonds (Higher Education Facilities) Costs of Issuance Fund shall be disbursed by the Trustee, if any, or if none by the Treasurer upon requisition by an Authorized Officer. Any funds remaining in the 2010 Bonds (Higher Education Facilities) Costs of Issuance Fund 180 days after the initial issuance of the 2010 Bonds shall be transferred to the 2010 Bonds (Higher Education Facilities) Interest Account.

Section 3.05. Interest Subsidy Reserve Fund.

(A) So long as any series of Build America Bonds (Direct Payment) are outstanding, the Commission shall maintain with the Trustee (if any), Registrar and Paying Agent the 2010 Bonds (Higher Education Facilities) Interest Subsidy Reserve Fund established by Section 3.01 hereof. On the date of issuance of any series of Build America Bonds (Direct Payment), there shall be deposited to the credit of the 2010 Bonds (Higher Education Facilities) Interest Subsidy Reserve Fund an amount equal to the Interest Subsidy Reserve Requirement. In the event that any Subsidy Receipt is not received by the Commission in connection with any series of Build America Bonds (Direct Payment) on or before any interest payment date of April 1 or October 1 of each year, the Trustee (if any), Registrar and Paying Agent shall transfer to the Commission an amount on deposit in the 2010 Bonds (Higher Education Facilities) Interest Subsidy Reserve Fund equal to the amount of the anticipated Subsidy Receipt for that interest payment date as claimed by the Commission on its Form 8038-CP. The amounts paid to the Commission pursuant to the terms of this Section 3.05 shall be restored to the 2010 Bonds (Higher Education Facilities) Interest Subsidy Reserve Account by the Commission immediately upon receipt of any Subsidy Receipt. If, at any time, the balance in the 2010 Bonds (Higher Education Facilities) Interest Subsidy Reserve Fund is greater than the Interest Subsidy Reserve Requirement, the Trustee (if any), Registrar and Paying Agent shall transfer the excess to the 2010 Bond Fund (Higher Education Facilities) for payment of Debt Service on any series of Build America Bonds (Direct Payment). Any balance on hand on the last interest payment date on the Build America Bonds (Direct Payment) shall be transferred to the Commission and applied to the payment of Debt Service on such date.

(B) All monies on deposit in the 2010 Bonds (Higher Education Facilities)

Interest Subsidy Reserve Fund shall be invested solely in any of the following:

(i) cash (insured at all times by the Federal Deposit Insurance Corporation); or

(ii) interest bearing accounts, demand deposits, including interest bearing money market accounts, time deposits, trust deposits, overnight bank deposits or certificates of deposit which are fully secured by obligations of, or obligations guaranteed as to principal and interest by, the United States of America or any agency or instrumentality thereof, whether such obligations are backed by the full faith and credit of the U.S., or which are issued by banks or trust companies organized under the laws of the United States of America or any state thereof, which have combined capital and surplus of at least \$25,000,000.

Section 3.06. Arbitrage Covenant. Neither the Trustee (if any), and if none, the Municipal Bond Commission, nor the Commission shall use or direct or permit the use of any moneys of the Commission in its possession or control in any manner which would cause any 2010 Bonds issued as tax-exempt bonds to be an “arbitrage bond” within the meaning of such term in Sections 103 and 148 of the Code.

Section 3.07. Tax Certificate. Notwithstanding any provision of the Resolution, the Commission shall observe its covenants, representations and agreements contained in the Tax Certificate. In the event any provision of the Resolution conflicts with any provision of the Tax Certificate, the provisions of the Tax Certificate shall govern.

## **ARTICLE IV**

### **GENERAL COVENANTS OF THE COMMISSION**

Section 4.01. General. Except to the extent amended or modified by Article IV hereof, the covenants contained in Article VI of the General Resolution are hereby continued, approved, ratified and confirmed, shall apply fully to the 2010 Bonds, and are incorporated herein by reference as a part hereof.

Section 4.02. Build America Bond Covenants.

(A) In the event the Commission issues a series of federally taxable Build America Bonds (Direct Payment), the Commission hereby covenants to do and perform all acts and things permitted by law and necessary or desirable in order to assure that any series of Build America Bonds (Direct Payment) issued by the Commission shall qualify for designation as “Build America Bonds” under the Recovery Act.

(B) In the event the Commission issues a series of federally taxable Build America Bonds (Direct Payment), the Commission hereby covenants to comply with all conditions set forth in the Recovery Act necessary to maintain its right to receive and retain Subsidy Receipts with respect to any series of bonds issued by the Commission as Build America Bonds (Direct Payment).

(C) In the event the Commission issues a series of federally taxable Build America Bonds (Direct Payment), each Authorized Officer is hereby authorized to sign and file or cause to be filed with the Internal Revenue Service a “Return for Credit Payments to Issuers of Qualified Bonds,” Form 8038-CP at least forty-five (45) days but not more than ninety (90) days prior to each April 1 and October 1, with respect to any series of bonds issued by the Commission as Build America Bonds (Direct Payment).

Section 4.03. Covenants. All covenants, stipulations, obligations and agreements of the Commission contained herein and contained in the Resolution shall be deemed to be the special and limited covenants, stipulations, obligations and agreements of the Commission to the full extent permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the Commission and its successors from time to time and upon any Commission or body to which any powers or duties, affecting such covenants, stipulations, obligations and agreements, shall be transferred by or in accordance with law. Except as otherwise provided herein, all rights, powers and privileges conferred and duties and liabilities imposed upon the Commission or the officials thereof by the provisions hereof and by the Resolution shall be exercised or performed by the Commission or by such officers, or body as may be required or permitted by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the 2010 Bonds or the Bond Documents shall be deemed to be a covenant, stipulation, obligation or agreement of any officer, agent or employee of the Commission in his or her individual capacity, and neither the member of the Commission nor any officer executing the 2010 Bonds shall be liable personally on the 2010 Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

## **ARTICLE V**

### **APPROVAL OF DOCUMENTS AND APPOINTMENT OF FIDUCIARIES**

Section 5.01. Approval of Bond Documents. Each Authorized Officer is authorized, for and on behalf of Commission, to approve the final terms of the 2010 Bonds within the financing parameters established by Section 2.03 of this Fifth Consolidated Supplemental Resolution, and to negotiate, execute and deliver all documentation related to the issuance of the 2010 Bonds, including without limitation the Bond Documents, any agreement with any Service Provider (if any), investment agreements, guaranteed investment contracts, debt service deposit agreements, float agreements, any other similar transactions or agreements (including without limitation any option with respect to any of the foregoing) or any combination of the foregoing upon the terms and conditions as such officers may approve, such approval to be conclusively evidenced by the execution of such documents by any of such officers.

Section 5.02. Approval of Distribution of Preliminary Official Statement and Official Statement. The distribution of the Preliminary Official Statement is hereby approved. Each Authorized Officer is hereby authorized and directed to execute and deliver a final Official

Statement on behalf of the Commission, which shall be in substantially the form of the Preliminary Official Statement with such terms and conditions as may be required to reflect the terms of the sale of the Bonds and as such Authorized Officer may approve. The execution of the Official Statement by any Authorized Officer shall be conclusive evidence of such approval. Copies of the Official Statement are hereby authorized to be prepared and furnished to the Original Purchasers for distribution. The distribution by the Original Purchasers of the Preliminary Official Statement (which is a “deemed final” official statement in accordance with SEC Rule 15c2-12), substantially in the form submitted to this meeting is hereby ratified and approved.

Section 5.03. Appointment of Fiduciaries. The Certificate of Determination shall appoint and designate the Trustee (if any), Registrar and Paying Agent for the 2010 Bonds.

Section 5.04. Continuing Disclosure Agreement. So long as any of the 2010 Bonds remain Outstanding, the Commission shall provide certain annual financial information and material events notices regarding the Commission as described in paragraph (b)(5)(i) of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission. The Commission authorizes and directs the Chief Financial Officer to take all actions with respect to this undertaking as prescribed by the Continuing Disclosure Agreement.

## **ARTICLE VI**

### **MISCELLANEOUS**

Section 6.01. General Resolution. This Fifth Consolidated Supplemental Resolution is supplemental to the General Resolution and all provisions of said General Resolution, unless clearly inapplicable or altered hereby, shall apply to the 2010 Bonds, this Fifth Consolidated Supplemental Resolution and matters relating thereto as if set forth verbatim herein. In the event of any conflict between the General Resolution and this Fifth Consolidated Supplemental Resolution, this Fifth Consolidated Supplemental Resolution shall control. This Fifth Consolidated Supplemental Resolution, the General Resolution, the Bond Indenture and the Certificate of Determination, to the extent applicable, shall and must be read as a single document and shall supersede all prior resolutions, orders and understandings, both written and oral, by the Commission, with respect to the subject matter hereof.

Section 6.02. Incidental Action. The execution and delivery of the 2010 Bonds and the execution, delivery and due performance of the Bond Documents and the Official Statement are hereby in all respects approved, authorized, ratified and confirmed including all acts heretofore taken in connection with the issuance of the 2010 Bonds, and it is hereby ordered that each Authorized Officer of the Commission may execute and deliver such other documents, certificates, agreements and instruments, and take such other Action as may be required or desirable to carry out the purposes of this Fifth Consolidated Supplemental Resolution, the 2010 Bonds and the aforesaid instruments.

Section 6.03. Severability. If any one or more sections, clauses, sentences or parts hereof shall for any reason be questioned in any court of competent jurisdiction and shall be

adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions hereof, or the 2010 Bonds issued pursuant hereto, but shall be confined to the specific sections, clauses, sentences and parts so adjudged.

Section 6.04. Governing Law. This Fifth Consolidated Supplemental Resolution and the 2010 Bonds are contracts made under the laws of the State of West Virginia and shall be governed and construed in accordance with such laws.

Section 6.05. Notices. (A) Unless otherwise expressly specified or permitted by the terms hereof, all notices, consents or other communications required or permitted hereunder shall, be deemed sufficiently given or served if given in writing, mailed by registered or certified mail, postage prepaid or by overnight courier service and addressed as follows:

(i) IF TO THE COMMISSION, ADDRESSED TO:

West Virginia Higher Education Policy Commission  
1018 Kanawha Boulevard, East  
Suite 700  
Charleston, West Virginia 25301  
Attention: Chief Financial Officer

(ii) IF TO THE TRUSTEE (if any), REGISTRAR OR PAYING AGENT ADDRESSED TO: As it may appear in the Certificate of Determination

(iii) IF TO THE OWNER OF A 2010 BOND, ADDRESSED TO: Such Holder at the address shown on the books of the Registrar kept pursuant hereto

(iv) IF TO THE ORIGINAL PURCHASERS, ADDRESSED TO:

Citigroup Global Markets Inc.  
390 Greenwich Street, 2<sup>nd</sup> Floor  
New York, New York 10013  
Attn: Public Finance Group

Crews & Associates, Inc.  
2001 Union National Plaza  
124 West Capitol  
Little Rock, Arkansas 72201

Raymond James & Associates, Inc.  
500 Lee Street  
Suite 530  
Charleston, West Virginia 25301

(B) The Commission, the Trustee (if any), the Registrar, the Paying Agent, the Original Purchasers or the Municipal Bond Commission may from time to time by notice in writing to the others designate a different address or addresses for notice hereunder.

(C) In connection with any consent required to be obtained from any Owner of 2010 Bonds, the Commission shall establish a record date to determine the ownership of any 2010 Bonds for purposes of obtaining such consent, and shall give DTC at least 15 calendar days advance notice of the record date so established.

Section 6.06. Binding Effect. This Fifth Consolidated Supplemental Resolution shall inure to the benefit of and shall be binding upon the Commission and its respective successors and assigns subject to the limitations contained herein.

Section 6.07. Effective Date. This Fifth Consolidated Supplemental Resolution shall take effect immediately upon adoption.

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Adopted this \_\_\_\_ day of \_\_\_\_\_, 2010.

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Chairman

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Secretary

2371482

EXHIBIT A

LIST OF 2010 PROJECTS

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Approval of Fiscal Year 2012 Capital Projects

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves the resolution as presented.

**STAFF MEMBER:** Richard Donovan

**BACKGROUND:**

At the August 23, 2010 meeting, the Commission authorized staff to develop a list of high priority capital projects addressing Educational and General (E&G) deferred maintenance and code compliance needs for a one-time state appropriation of \$10 million. The appropriation will be used to fund selected projects at both Commission and Council institutions with funding split in the range of 80 percent for Commission institutions and 20 percent for Council institutions.

Staff is finalizing the list of projects for the Commission's consideration and will present the prioritized list at the meeting along with a resolution to approve the projects and authorize staff to report the capital project priorities in January to the Legislative Oversight Commission on Education Accountability as required by state law.

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Chancellor's Diversity Initiative

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** Information Item

**STAFF MEMBER:** Jacob Gross and Brittan Hallar

**BACKGROUND:**

In November 2009 the Commission approved a planning and assessment effort under the umbrella of the Chancellor's Diversity Initiative (CDI). The objectives of this effort include:

- Providing direction to the Commission regarding how its existing programs and policies can be coordinated and improved to enhance and celebrate diversity;
- Helping establish a framework for the long-term continuation of the Chancellor's Diversity Initiative, including a strategic planning cycle; and
- Providing recommendations regarding the appropriate roles for the Commission in encouraging and supporting campus diversity initiatives.

**Definition of Diversity**

Diversity is defined broadly and focuses on the notion of diversity for equity in educational outcomes. Diversity is embodied in the race/ethnicity, socioeconomic background, age, religion, sexual orientation, gender, nationality, veteran's status, and ability of the students, staff, and faculty of our institutions. West Virginia cannot hope to meet its workforce and economic needs without tending to the attainment of its diverse students.

**Diversity Council**

As part of the charge from the Commission, a Diversity Council co-chaired by President James Clements of West Virginia University and President Albert Walker of Bluefield State College was established as the steering body. The Council consists of educational, business, community, and philanthropic representatives from across the state as well as national experts (see Diversity Council membership list).

To carry out its charge, the Council followed a data and information gathering process that included informational interviews with Commission Division directors, a review of 104 documents pertaining to Commission and institutional policy and procedures, diversity programs, and other diversity related efforts as well as numerous discussions with constituents at institutions across the state. In addition, the Diversity Council has

met in person and via conference call a total of five times; as an entire group three times and twice in smaller work groups. Through this process the Council organized the recommendations into the following three areas of focus:

- Commission leadership,
- Campus and community, and
- Sustaining the initiative.

## **Findings**

These findings emerged from informational interviews and reviews of policies, procedures, mission statements, strategic plans, and more.

- Commission diversity policies are mostly compliance oriented and focused on institutions.
- Diversity efforts at the Commission have developed incrementally, are not coordinated agency-wide, and are not part of strategic planning.
- Diversity does not explicitly inform the day-to-day work or climate of the Commission.
- The Commission does not have clear structures to hold itself or its institutions accountable for diversity.

## **Key Recommendations**

- It is critical that the Commission appoint a diversity coordinator to oversee, direct, and further the goals, visions and recommendations of this initiative.
- Campus and Community (C&C) Teams based in each institution and its surrounding community will serve as the conduit between the Commission and each campus and community.
- A standing Diversity Council will advise the Commission regarding implementation of current recommendations and longer-term strategies.

The Diversity Council requests the Commission to review the draft of the Chancellor's Diversity Initiative Report, provide feedback, and make a recommendation on the process. This feedback will be incorporated into the final report which will be presented at the January 2011 quarterly Commission meeting.

David K. Hendrickson  
Chair



Brian Noland  
Chancellor

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**DRAFT**  
**Detailed Recommendations**

In November 2009 the Commission approved a planning and assessment effort—the Chancellor’s Diversity Initiative (CDI)—to take stock of the state of diversity initiatives and efforts at the Commission and those institutions it helps oversee. The goal of the initiative is to help ensure equity in educational outcomes for diverse students. As part of the charge from the Commission, a Diversity Council co-chaired by President James Clements of West Virginia University and President Albert Walker of Bluefield State College was established as the steering body. The Council consists of educational, business, community, and philanthropic representatives from across the state as well as national experts. The Council’s objectives are:

- to provide direction to the Commission regarding how its existing programs and policies can be coordinated and improved to enhance and celebrate diversity;
- to help establish a framework for the long-term continuation of the Chancellor’s Diversity Initiative, including a strategic planning cycle; and
- to provide recommendations regarding the appropriate roles for the Commission in encouraging and supporting campus diversity initiatives.

**Deliberation Process and Key Findings**

To carry out its charge, the Council followed a data and information gathering process that included interviews with various stakeholders, policy and procedure review, examination of existing diversity programs, discussions, and more. Detailed information about the findings and process that form the basis for these recommendations is offered in the body of this report. Through this process the Council organized the recommendations into the following three areas of focus.

- Commission leadership,
- campus and community,
- and sustaining the initiative.

The following key findings emerged from the process.

- The Commission’s diversity policies are mostly compliance oriented and focused on institutions.
- Diversity efforts at the Commission have developed incrementally, are not coordinated agency-wide, and are not part of strategic planning.

- Diversity does not explicitly inform the day-to-day work or climate of the Commission.
- The Commission does not have clear structures to hold itself or its institutions accountable for diversity.
- Diversity for equity is not explicitly mentioned in the mission statements or strategic plans of *most* public, baccalaureate degree-granting institutions in West Virginia.

The Diversity Council prefaces its recommendations with a definition of diversity adopted and operationalized during its deliberations.

### **Diversity for Equity**

Diversity is defined broadly and focuses on the notion of diversity for equity in educational outcomes. We recognize the breadth of diversity in West Virginia and acknowledge that educational attainment varies by different forms of diversity. Diversity is embodied in the race/ethnicity, socioeconomic background, age, religion, sexual orientation, gender, nationality, veteran’s status, and ability of the students, staff, and faculty of our institutions. It encompasses the people, cultures, and climates of all institutions. Indeed, the rich and full perspective that comes from a diverse group is acknowledged in state code which calls for balance of racial/ethnic and gender diversity on institutional governing boards.

The second aspect of our definition of diversity addresses the ways that diversity matters with respect to educational outcomes and economic benefits. For example, according to a recent report from Anthony Carnevale (2010) at the Georgetown University Center on Education and the Workforce, West Virginia will need an additional 20,000 postsecondary graduates by 2018 to meet projected workforce needs. Yet, unless West Virginia can help more of its diverse students get through postsecondary education, the state cannot hope to achieve this goal. For example, a survey of the 2007 West Virginia senior class shows that about half of all high school graduates are first-generation; their parents or guardians did not attend college (HEPC, 2007). First-generation students are less likely to attend college, less likely to attend a four-year school, and less likely to complete a degree, regardless of the institution type attended (Engle, Bermeo, & O’Brien, 2006).

### **Guiding Principles**

Five principles inform the work of the Council and undergird its recommendations.

- Inclusion is expected.

- Students must be prepared to live and work in a diverse world.
- Education is essential.
- Investment is necessary.
- Collaboration is paramount.

## **Draft Recommendations**

As a coordinating board, the Commission can shape a statewide diversity framework through formal mechanisms (e.g., funding, accountability reporting) and through informal mechanisms (such as setting a public agenda, providing thought leadership, using agency resources to support institutional initiatives, and more).

### *First Focal Area: Leadership for Diversity and the Role of the Commission*

The Council recommends that the Commission utilize its informal policy mechanisms to develop and implement a statewide diversity agenda. Specifically, we recommend the Commission focus on providing leadership through improving and enhancing its own efforts around diversity and leveraging collaborative relationships with institutions.

- The Commission will serve as a statewide resource and thought leader for institutional efforts around diversity by modeling systematic, thoughtful, and engaged organizational approaches to diversity for equity.
- The Commission will hire an external consultant to conduct a climate study to be completed no later than April 2011. Selection of the consultant should be done in consultation with human resources and be designed to meet broader workforce informational needs of both Chancellors. Thus, we recommend the climate study be conducted for both the Commission and Council for Community and Technical College Education System.
- The Commission will leverage existing direct grants (social justice grants and international education grants totaling \$220,000 in FY2011) to institutions in support of diversity for equity. This will include a formal evaluation process and provision of technical assistance and support for effective grant implementation.
- The Commission will align other expenditures on diversity-related initiatives (e.g., Chancellor's Scholars, Health Science Technology Academy) with the

notion of diversity for equity and implement a formal technical assistance and evaluation framework similar to that for direct grants.

- The Commission will identify, explore, and address diversity-related issues in three internal domains (workplace climate, hiring, and employee capacity). The diversity coordinator will facilitate this work.
- Beginning with the next Campus Compact reporting cycle, the Commission will require institutions to report on the previously elective components: educational services to adult students, promotion of global awareness, and service to underrepresented/disadvantaged populations.
- The Commission will appoint a diversity coordinator charged with oversight and direction of furthering the goals, vision, and recommendations of the Diversity Council. The Chancellor will ensure that the coordinator is vested with the appropriate authority to carry out the following responsibilities. The timeline for this is as soon as possible.
  - The diversity coordinator will facilitate the process of moving the Commission's spending on diversity in line with the goal of diversity for equity, including
    - shaping the RFP for social justice grants,
    - overseeing provision of technical assistance to Campus & Community teams (described below),
    - and serving as a facilitator and coach to Campus & Community teams as required.
  - The diversity coordinator will encourage recognition, celebration, and collaboration among Campus & Community Teams.
  - The diversity coordinator will be responsible for compiling an annual report to be presented to the Commission and the Chancellor. The report will focus on the Commission's efforts and progress toward diversity for equity. In addition, the report will document the ways in which grants and funding to institutions and communities further the statewide diversity agenda. The first report will be shared by December 2011.
  - The diversity coordinator will produce an annual report documenting the achievement gap in West Virginia as a vehicle for conversations and building momentum to address the gap. Among other things, the report will address differences between institutions with respect to resources and missions. This report will be delivered to the legislature and shared with diversity educators at each institution. The first report will be shared with the Commission by December 2011.
  - The diversity coordinator will help produce a conceptual cost-benefit analysis of diversity as vehicle for discussion to be delivered to the Commission by December 2011.

### *Second Focal Area: Campus & Community Teams*

The Council believes that through collaboration with campuses and communities the Commission can best achieve diversity for equity.

- The Council recommends Campus & Community (C&C) teams be established by March 2011 to serve as the primary partner for the Commission.
- C&C Teams based in each institution and its surrounding community will serve as the conduit between the Commission and each campus and community. Responsibilities include
  - facilitating coordination of all direct grants provided by the Commission;
  - working to coordinate all diversity-related funding from the Commission;
  - working with the Commission as needed to produce its annual reports on diversity for equity and Campus Compact requirements;
  - advising the Commission on local needs for education and technical assistance;
  - and working with the Commission to build a statewide network to further diversity for equity.
- C&C Teams should represent the interests and perspectives of institutional constituents (i.e., students, faculty, staff, and administrators) as well as the communities they serve. C&C Teams should have the necessary members and be vested with the necessary authority to make decisions and allocate funding received by the Commission.
- C&C Teams will be asked to identify, explore, and address diversity-related issues in one of four specified domains (students; faculty, staff, & administrators; campus & community climate; teaching, learning, & the curriculum) during the 2011 calendar year. With the assistance of the diversity coordinator, the Council recommends teams begin by exploring existing documents, data, and other resources (e.g., accreditation materials, internally administered surveys, program evaluation data). Potential areas of illumination within each of the four domains include the following:

**Students (Undergraduate, Graduate, Professional)**

Potential areas of illumination include:

- Access
- Success
- Closing the achievement gap
- STEM fields

**Faculty, Staff, & Administrators**

Potential areas of illumination include:

- Recruitment
- Retention
- Representation
- Enrichment

**Campus & Community Climate**

Potential areas of illumination include:

- Inventory campus diversity initiatives
- Assessment of strategies and efforts in support of diversity
- Campus and Community relations
- Alumni relations

**Teaching, Learning, & the Curriculum**

Potential areas of illumination include:

- Curricular inclusion
- Intercultural competency
- Pedagogical practice
- Scholarship

C&C Teams will receive on-going technical assistance from the Commission to enhance direct financial support for diversity and to build capacity.

*Third Focal Area: Sustaining the Initiative*

The energy and efforts around diversity can ebb and flow with changes in leadership, shifts in institutional priorities, economic crises, and political currents. To sustain the work of the Diversity Council, it is necessary to institutionalize the vision of the Chancellor's Diversity Initiative.

- The Commission will appoint a standing committee that will help advise it regarding implementation of current recommendations and longer-term strategies.
- The Commission's diversity coordinator will build collaborative relationships to further the diversity agenda, including working with a legislator, member of the corporate community, and representative of West Virginia's independent colleges and universities.
- The Commission's diversity coordinator will work closely with its director of human resources to integrate the vision of the Chancellor's Diversity Initiative into workplace culture and practices.

- The Commission will integrate diversity into its strategic planning and take steps to ensure it is considered a key component of a broader strategy for achieving educational outcomes, educational equity, and institutional excellence.
- The Commission will offer targeted technical assistance, educational support, and coaching to C&C teams on key capacity building and thematic topics (e.g., program assessment & data collection, enhancing climates for diversity).
- The Commission will identify, explore, and address diversity-related issues in external policy domains (academic affairs, financial aid, student services, access initiatives, sciences, and workforce development).
- The Commission will take steps to adopt core aspects of a learning organization and also develop its staff competency in social and cultural diversity.

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Approval of Master of Education in Multicultural Instructional Leadership

**INSTITUTION:** West Virginia State University

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves the Master of Education in Multicultural Instructional Leadership to be implemented at West Virginia State University, effective August 2011.

**STAFF MEMBER:** Kathy Butler

**BACKGROUND:**

West Virginia State University proposes a Fall 2011 implementation of a new academic program, the Master of Education in Multicultural Instructional Leadership. The program is designed to enhance and develop the professional knowledge, skills, and dispositions of public school teachers so that they can better address the instructional needs of multicultural student populations and serve as effective instructional leaders who are responsive to the needs of multicultural and/or high poverty public school audiences. The program will also provide licensed teachers with a master's degree that specifically relates to the needs of diverse student populations.

The program is designed to be completed within six (6) semesters and includes an action research project in a multicultural and/or high poverty setting and a capstone portfolio review. There are twelve (12) required courses for a total of 36 semester hours. These courses focus on action research methodology, technology integration, and instructional leadership relative to working with high poverty and multicultural student populations. A cohort approach will be utilized with students taking six hours of credit in each term and enrolling year-round. In order to accommodate working students, courses will be offered in evenings and on Saturdays and select classes will be offered online.

The Department of Education at West Virginia State University surveyed twenty-four (24) undergraduate education students who were completing their last semester at West Virginia State University. The students were asked if they would return to West Virginia State University to complete a Master's degree in Education in Multicultural Instructional Leadership. Eighty-three percent of the students surveyed indicated that they were interested in completing the program. Additionally, the West Virginia Department of Education's 2009 Educational Personnel data report documents that there are 3,655 teachers in West Virginia who have zero to three years teaching

experience, all of whom could be potential candidates for the program. Five letters of support from local schools, county superintendents, and education agencies accompanied this proposal.

Currently, there are no other master's degree programs in Multicultural Instructional Leadership offered within West Virginia. However, Concord University, Fairmont State University, Marshall University, Salem International University, Shepherd University, West Virginia University, and West Virginia Wesleyan College offer master's degree programs in education.

The proposed program will be housed in the Department of Education, which is a part of the College of Professional Studies. The Department will create a Graduate Studies Committee for oversight of the program. Tenured faculty within the Department will deliver the program. In year one of the program, there will be no need to hire additional faculty. If the program meets the projected enrollment of 25 in year one, the Department will seek to add another faculty member in either year two or three.

The institution will commit new resources to the program as additional faculty are needed. Currently the budget does not reflect a second faculty member being hired in the first five years. Additional funds will be needed for: 1) library resources (\$2,500/year), 2) clerical support, and 3) adjunct faculty use. The total cost of implementing this program will be \$92,609. Resources will come from reallocation of general fund appropriations and some federal Title II non-appropriated funds.

The Department anticipates enrollment of 25 students in year one of the program. In year two, recruitment will begin for the second cohort which will begin in year three as the first cohort completes its degree requirements. By year three, the program expects to graduate its first cohort of students from the master's degree program.

In the 2014-15 academic year, the Commission will conduct a post-audit review of the new program to assess progress toward successful implementation.

In addition to the narrative program proposal found on the following pages, West Virginia State University also provided the following supportive documents with their proposal: letters of support, course outlines for all courses within the proposed program, proposed curriculum sequence, and faculty vitae for faculty who will be teaching in the program.

**WEST VIRGINIA STATE UNIVERSITY**

**APPROVAL OF A NEW MASTERS DEGREE  
PROGRAM**

**MASTERS IN EDUCATION  
IN  
MULTICULTURAL INSTRUCTIONAL  
LEADERSHIP**

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**Name of Institution: West Virginia State University**

**Date: August 2, 2010**

**Category of Action Required: APPROVAL OF A NEW MASTERS DEGREE**

**Title of Degree: A MASTERS IN EDUCATION IN MULTICULTURAL INSTRUCTIONAL LEADERSHIP**

**Location: INSTITUTE, WEST VIRGINIA**

**Effective Date of Proposed Action: TO BEGIN FALL SEMESTER OF 2011**

#### **BRIEF SUMMARY STATEMENT**

The Education Department within the College of Professional Studies is seeking approval from the West Virginia Higher Education Policy Commission (WVHEPC) for a new Masters in Education Degree (M. Ed.) in Multicultural Instructional Leadership. Currently, no other higher education institutions in West Virginia offer this unique program. Therefore, the proposed program is non-duplicative. The proposed degree is responsive to requests from K-12 teachers and administrators at the county and state level to prepare qualified professionals to meet the needs of teaching in schools with high poverty and minority student demographics. Various agencies were consulted and provided feedback in the design and development of this program. The proposed program is consistent with the West Virginia State University Mission and will be consistent with best practices and research in multicultural education and students of poverty, technology integration and instructional leadership.

The West Virginia State University Board of Governors approved the proposed program at its meeting on June 10, 2010. Prior to this approval, an Intent to Plan was approved by the West Virginia State University (WVSU) Board of Governors on November 13, 2008. The Chancellor of the West Virginia Higher Education Policy Commission approved the Intent to Plan on June 2, 2009. All new courses, degree requirements and program of studies have been approved by all the required WVSU institutional officials and appropriate committees during the Academic Year of 2009-2010.

This proposed program was designed in accordance with WVHEPC policy Series 11 for "Submission of Proposals for New Academic Programs and the Discontinuance of Existing Programs". Appendices are included in this document, including five letters of support. WVSU would like to begin recruiting students for the degree program in the Spring Semester of 2011 and begin offering classes in Fall, 2011. Currently there are seven full-time tenure track faculty members in the Education Department with terminal degrees who will deliver the program. No new faculty will be needed to deliver the proposed program during its initial cycle of course offerings. Once the WVHEPC grants approval, WVSU will submit documentation to the Higher Learning Commission (HLC) of the North Central Association for final approval, following HLC Policy 3.2(d)2, "Changes in Educational Offerings".

## Section 1: Proposal

### 3.9 Program Description

West Virginia State University is proposing a new Masters Degree in Education (M. Ed.) in Multicultural Instructional Leadership. This innovative degree is consistent with (1) national and state trends in accreditation and policy, (2) the multicultural opportunities of the Greater Kanawha Valley that can only be found in the state's only federally defined urban area, and (3) the rich history of West Virginia State University as "A living laboratory of human relations."

(1) National and State Trends in accreditation and policy.

**Diversity.** Differences among groups of people and individuals based on ethnicity, race, socioeconomic status, gender, exceptionalities, language, religion, sexual orientation, and the geographical area.

**Multicultural Perspective.** An understanding of the social, political, economic, academic, and historical constructs of ethnicity, race, socioeconomic status, gender, exceptionalities, language, religion, sexual orientation, and the geographical area.

**These two operative definitions form the basis of the this program and are included in most recent 2008 Edition of National Council for Accreditation of Teacher Education (NCATE) *Professional Standards for the Accreditation of Schools, Colleges, and Department of Education.***

The new West Virginia Professional Teaching Standards, Attachment A of Policy 5100, refer to teacher leadership in the following standards:

**“Standard 4:** Professional Responsibilities for self-Renewal. ... Teachers who contribute to the teaching professional through the implementation of practices that improve teaching and learning demonstrate characteristics of informal “teacher leadership.”

**Standard 5:** The teachers’ primary responsibility is to create and support a learning environment that allows students to achieve at high levels; however, every teacher also has a responsibility for the improvement of the school in which they work. ...The teacher demonstrates leadership by contributing to positive changes in policy and practice that affect student learning and by modeling ethical behavior.”

**These West Virginia Professional Teaching Standards contain new language related to the teacher’s changing role of not only being a classroom instructional leader with public school students but also a leader in the profession with parents, other colleagues, and the profession in general. Therefore, this program is specifically geared to this new knowledge base.**

(2) The multicultural opportunities of the Greater Kanawha Valley

Although the overall diversity of West Virginia is below national demographic trends, the Greater Kanawha Valley has a diverse population that is consistent with national demographic trends based on ethnicity, race, socioeconomic status, gender, exceptionalities, language, religion, sexual orientation, and the geographical area. **This diversity will provide opportunities for teachers enrolled in the program to develop or increase their multicultural perspective.**

(3) West Virginia State as a "Living Laboratory of Human Relations"

The phrase a "Living Laboratory of Human Relations" was used in a Time Magazine article to describe West Virginia State in an article on desegregation in the late 1950's following the Brown Decision in 1954. **The institution houses the National Center for Human Relations and still has the largest percentage of diverse students and faculty in the state, thus making it a suitable institution to offer this unique program.**

### 3.9.1 Program Objectives:

**The goal of the Master's Degree program in Multicultural Instructional Leadership is to increase multicultural and/or high poverty student achievement in the public schools of the region, state, and nation.**

The program will develop the professional knowledge, skills, and dispositions of public school teachers so that they may demonstrate their ability to:

- Integrate historical, legal, developmental psychology, and sociological research to meet the instructional needs of multicultural student populations.
- Design, develop, conduct and share findings from action research projects that address multicultural student issues.
- Design, develop and integrate current trends in technology integration to increase multicultural student achievement.
- Increase instructional leadership skills in communications, evaluation, and networking to be responsive to the needs of multicultural and/or high poverty public school audiences

The program will also:

- Enhance the professionalism and careers of those already in the field through renewal of teaching certificates and qualifying for higher salary classification
- Prepare graduate candidates for pursuing doctoral degrees
- Prepare graduate candidates to be instructional leaders in county, regional, state, national, and international school systems

### **3.9.2 Program Identification:**

United States Department of Education Center for Education Statistics,  
Classification of Instructional Programs  
**13.0202 Multicultural Education**

### **3.9.3 Program Features:**

Summary of program features:

- The program will provide graduates who are ready for careers in education with the best practices in educating multicultural and/or high poverty students
- The establishment of this program is timely in terms of the increasing number of students currently in public schools from multicultural and/or high poverty. These students are more likely to drop out of school, be incarcerated, and receive social assistance than members of any other demographic groups.
- The proposed Masters in Education in Multicultural Instructional Leadership will provide a valuable, new addition to the graduate programs offered in West Virginia.

**Catalog Description:** The Masters in Education in Multicultural Instructional Leadership prepares students for careers in the field of education, particularly in school districts with diverse public school settings, including students of poverty. The program is designed to be completed within six semesters and includes an action research project and capstone portfolio review. There are twelve required courses for a total of 36 semester hours. These courses focus on action research methodology, technology integration, and instructional leadership.

#### **3.9.3.1 Admission and Performance Standards:**

##### **General M. Ed. Admission Requirements:**

1. An undergraduate degree from an accredited college or university in an education or related field.
2. GRE General Test Scores and or Miller's Analogies test score at the 50<sup>th</sup> percentile or higher admissions to an education graduate degree program.
3. Acceptable TOEFL Scores for students whose native language is not English.
4. Three letters of recommendation which address the applicant's academic competencies, teaching ability, work performance and fitness to pursue this graduate degree.
5. A minimum of three years of public school teaching experience.
6. A current, valid professional teaching license from a state teacher licensing agency.

7. A minimum overall GPA of 2.7 on a 4 point scale.
8. Applicants whose GPA is between 2.5 and 2.7 and who earn the required 50<sup>th</sup> percentile score on the admissions test may be admitted conditionally by the Education Department Graduate Committee. Any conditionally admitted student must achieve a 3.5 overall GPA within the first 12 hours of the program to be allowed to continue.
9. Submission of an electronic portfolio that documents the previous criteria and includes an admissions essay, a resume, recommendations, and student work samples.

### **Performance Standards:**

Universally, a normal course load for most graduate programs is 9 credit hours for full time graduate student status. However, for this cohort program approach, students will take six semester hours each semester and go year-round. All students must complete coursework with a cumulative GPA of 3.0 on a 4 point scale. Students who accumulate more than two (2) grades of “C” will be dismissed from the program. Students must also complete all requirements within a period of seven years following the date of admission to the program. The Dean of the College of Professional Studies may extend these limits upon recommendation of the Education Department Chair and approval of the Education Department Graduate Committee.

### **3.9.3.2 Program Requirements:**

**Required courses (all courses are 3 semester hours credit for a total of 36 semester hours):**

|                 |   |
|-----------------|---|
| <b>EDUC 580</b> | The History of the Education of Marginalized Groups in America                            |
| <b>EDUC 590</b> | An Introduction to Action Research Methodology  |
| <b>EDUC 600</b> | Poverty and Multicultural Issues in Education   |
| <b>EDUC 610</b> | Language Acquisition Issues in Multicultural Education                                    |
| <b>EDUC 620</b> | A Practicum in Action Research in a Multicultural Education Setting                       |
| <b>EDUC 630</b> | Technology Integration in Instructional Planning – Content Knowledge and Global Education |
| <b>EDUC 640</b> | Technology Integration in Instructional Planning – Critical Thinking and Problem Solving  |
| <b>EDUC 650</b> | Technology Integration in Instructional Planning – Content Area Literacy                  |
| <b>EDUC 660</b> | Technology Integration in Instructional Planning – Assessment                             |
| <b>EDUC 670</b> | Instructional Leadership Strategies – Communications Skills                               |
| <b>EDUC 680</b> | Instructional Leadership Strategies – Empowering Skills                                   |
| <b>EDUC 690</b> | Instructional Leadership Strategies – Networking Skills                                   |

**(See Appendix B for the Complete Course Descriptions and Course Syllabi)**

**These courses will be offered in the following sequence:**

**Semester One**

- EDUC 580** The History of the Education of Marginalized Groups in America
- EDUC 590** Poverty and Multicultural Issues in Education

**Semester Two**

- EDUC 600** Instructional Leadership Strategies – Communications Skills
- EDUC 610** Language Acquisition Issues in Multicultural Education

**Semester Three**

- EDUC 620** An Introduction to Action Research Methodology
- EDUC 630** Technology Integration in Instructional Planning – Content Knowledge and Global Education

**Semester Four**

- EDUC 640** Technology Integration in Instructional Planning – Critical Thinking and Problem Solving
- EDUC 650** Technology Integration in Instructional Planning – Assessment

**Semester Five**

- EDUC 660** A Practicum in Action Research in a Multicultural Education Setting
- EDUC 670** Instructional Leadership Strategies – Networking Skills

**Semester Six**

- EDUC 680** Instructional Leadership Strategies – Empowering Skills
- EDUC 690** Technology Integration in Instructional Planning – Content Area Literacy

(Each course is worth 3 semester hours credits, which equals 36 semester hours total.)

**M. Ed. Degree Requirements:**

36 total credit hours

36 credit hours of required courses

### **Included in the required courses:**

**Capstone Portfolio Review** - Candidates will complete a Capstone Portfolio which will include sections of their graduate work as well as their Action Research Project. Students will defend their Portfolio at a meeting with the Education Department Graduate Committee. **This portfolio will be completed instead of a traditional thesis.** This committee will either (1) “accept the portfolio as prepared” (2) determine the portfolio is “unacceptable” but could be made acceptable with additions, deletions, or editing, or (3) determine the portfolio is “unacceptable”, and the student must submit another portfolio the next semester. Students will be permitted to submit a portfolio only one other time after the initial “unacceptable” determination.

### **3.9.4 Program Outcomes:**

General outcomes:

- Prepare teachers to provide the best education for students who differ in race and ethnicities, gender identities, economic status, and/or sexual orientation so that they may contribute in an intellectually challenging and inclusive educational environment.
- Prepare teachers to provide a scholarly community ready to compete in a global world.
- Prepare teachers to assume teacher instructional leadership positions within the field of education. (*Note: Currently no WVDE certification exists for teacher instructional leadership at this time.*)

Related outcomes:

- Provide continuing education for current professionals in education.
- Provide the State of West Virginia with a unique graduate program that is relevant to the needs of the state, the country, and the world today.
- Provide a graduate degree which is consistent with the mission of West Virginia State University.
- Provide the candidates with the necessary knowledge and skills to pursue Educational Specialist and/or Doctoral degrees.

Specific candidate performance outcomes:

- Candidates will demonstrate knowledge of the problems of educating students living in high poverty and/or from multicultural communities.
- Candidates will demonstrate the knowledge, ability, and strategies to promote the success of all students.
- Candidates will demonstrate the ability to conduct research, make analyses, and relate their findings to improvements or changes in educational policies and procedures.

- Candidates will demonstrate the ability to apply ethical analyses to situations encountered in their careers through case study approaches.
- Candidates will demonstrate instructional leadership skills.
- Candidates will demonstrate technology skills.
- Candidates will demonstrate the ability to recognize and influence the changing needs of an educational society through futurist “trend tracking” strategies.
- Candidates will demonstrate the effect of technology integration on curriculum and use technology to promote critical thinking and problem solving strategies.
- Candidates will demonstrate the ability to recognize native language issues and its impact on multicultural student learning in the acquisition of target languages, including “academic language”.
- Candidates will demonstrate advanced communication skills through written and oral presentations.
- Candidates will demonstrate human relations skills of instructional leaders to recruit, induct, mentor, evaluate, and retain educators in diverse, public school settings.

### **3.9.5 Program Delivery:**

Tenured Faculty members in the Education Department will offer all courses in the curriculum for the master’s degree in Multicultural Instructional Leadership. Of the two courses offered each semester, faculty will deliver a percentage of these courses using Institutional web based approaches. Candidates will be charged the current West Virginia State University graduate level tuition.

Classes will be offered mainly using a cohort model. Cohort meeting times will be during the evenings or on Saturdays since the majority of graduate students will be working.

## **§133-11-4 Program Need and Justification**

### **4.1 Relationship to Institutional Goals/Objectives:**

WV Senate Bill #653 clearly states the need of “graduate degree production, particularly in areas that are important to the state’s competitive position in the new economy of the twenty-first century.”

The mission statement of West Virginia State University in part states, **“Our mission is to meet higher education and economic development needs of the state and region through innovative teaching and applied research.”** This program will enable those in the field of education to enhance their professionalism and careers through renewal of teaching certificates and qualifying for higher salary classification

The mission statement further states, **“West Virginia State University offers encouragement and education through flexible course offerings in traditional classrooms, non-traditional education settings, and through distance learning techniques.”** The proposed graduate program will be designed for non-traditional students, and courses will be offered on campus in the evenings and on weekends, with a web based component.

The graduate program in Multicultural Instructional Leadership will be housed in the Education Department. This department has a solid bachelor’s degree program in education, with twenty-four content specializations. The department has maintained a consistent number of majors since its inception in the late 1891. The addition of the graduate program will only strengthen this already strong program and will benefit graduates from West Virginia State University as well as graduates of other colleges and universities within the service region of the University.

#### **4.2 Existing Programs:**

Although Concord University, Fairmont State University, Marshall University, Salem International University, Shepherd University, West Virginia Wesleyan College and West Virginia University have masters degree programs in education. **There are no other masters degree programs in Multicultural Instructional Leadership in the State of West Virginia.**

The proposed masters degree program is unique to the state and surrounding states. The program focuses on enabling teachers to better serve public school students who come from culturally diverse and/or poverty backgrounds. The program will give teachers the most current “best practices” strategies for meeting the instructional needs of multicultural student populations, as well as, the most current trends in integrating technology into the curriculum.

Because the campus of West Virginia State University is near Charleston, the capitol of the state, the administrative offices for the West Virginia Education Department and the largest and most diverse local county public school districts are located here. Personnel from these groups and surrounding counties will have convenient access to this new degree.

#### **4.3 Program Planning and Development**

The Intent to Plan for the masters degree in Multicultural Instructional Leadership was presented to and approved by the West Virginia State University Board of Governors in November 13, 2008. The Intent to Plan was then approved by the Chancellor also during June 2, 2009.

Planning for this degree program began in 2008 with President Carter’s request to the Department of Education to develop a graduate program. The department agreed that the

focus of the program should be on students living in poverty areas and students from various multicultural backgrounds. This is a new aspect in educational degree offerings, and there are no other comparable masters degree programs in the state that have this focus.

The Department faculty also determined that the program should be designed as a cohort program to meet the needs of graduate candidates who are working and to limit the need to add an additional faculty required to deliver the program.

The Department has surveyed members of the West Virginia State University Professional Development Schools' Governing Board and members of the West Virginia State University Educator Professional Preparation Advisory Committee and has received an extremely positive response. Both of these legislatively required Advisory Boards have approved the proposed degree program. The graduate degree program will have more than enough students and will have the support of education agencies (See Appendices D and E).

#### **4.4 Clientele and Need:**

The West Virginia Department of Education's 2009 Educational Personnel Data report documents that there in 2009 there were 3,655 teachers with zero to three years experience in West Virginia, all of whom could be potential candidates for the program. An additional query of available data from the Office of Professional Preparation for teachers in RESA III shows 520 teaching positions, including vocational positions, were filled with teachers with three or less years of teaching experience in West Virginia. These beginning teachers could be potential applicants to the program. A survey was conducted of education undergraduate majors at West Virginia State University. Of the students surveyed, a majority indicated they would be interested in a masters degree program in Multicultural Instructional Leadership (See Appendix E).

The proposed graduate degree is designed to attract in-service teachers who are teaching or previously taught and want to improve their teaching skills. In this regard, the courses will be offered on campus in the evenings and on weekends. Graduate students can complete the degree program as members of a full-time, year round cohort team. The program will emphasize all aspects of multicultural education including students of poverty. It will link the latest technology and research to these areas. There will be an applied research component so that students will complete an action research project in a multicultural and/or high poverty educational setting. Graduate students will also gain instructional leadership strategies in communications, empowering, and networking so that they may become leaders at school, district, state and national levels.

In West Virginia, there are currently no graduate programs to address educating teachers to teach students who live in poverty or in a multicultural environment. The U.S. Census Bureau predicts that today's minorities, now about a third of the U.S. population, will become the majority in 2042 and 54% in 2050. The U.S. has the highest rate of children raised in poverty of any developed nation. According to the Editorial Projects in Education Research Center, about 72 percent of all students in West Virginia graduate from high school

with a regular diploma in four years. Dropouts from the class of 2008 will cost West Virginia almost \$1.7 billion in lost wages over their lifetimes. This program is designed to help public school classroom educators to better meet the needs of West Virginia school students as well as all school students in the nation.

Letters of support for this program are included in Appendix F.

#### **4.5 Employment Opportunities:**

The jobs in the field of education continue to increase. The U. S. Bureau of Labor Statistics, [www.bls.gov](http://www.bls.gov), reports that the employment growth for all primary and secondary school teachers will occur at a rate of 12%.

Educator demographic data from the West Virginia Department of Education suggest that by 2014 there will be a major turnover in the educator population due to retirement. As beginning teachers replace these retirees, they will need to take graduate level courses to renew their licenses and qualify for advanced salary qualifications; therefore, creating the need for masters degree programs that use cohort groups, web based technology approaches. Stakeholders, consisting of public school educators and former graduates, identified a real need for this program based on current and future student demographics.

Candidates who complete this masters degree program will be able to renew their teaching certificates and qualify for higher salary classifications based on their school system's salary schedule. In addition, the proposed program will create a pool of educators committed to providing better opportunities for all students. Some educators may also wish to pursue the Educational Specialist or Doctorate degree at other institutions, which may lead to advanced licensing as instructional supervisors, principals and county superintendents.

#### **4.6 Program Impact**

- **Societal-**Multicultural and/or high poverty students are more likely to drop out of school, be incarcerated, and receive social assistance than members of any other demographic groups in the public school system. Therefore, it is imperative to have highly qualified, effective teachers who are committed to increasing minority and high poverty student achievement to reduce and eventually attempt to eradicate this achievement gap.
- **Occupational-**Candidates who complete this masters degree program will be able to renew their teaching certificates and qualify for higher salary classifications based on their school system's salary schedule. In addition, the proposed program will create a pool of educators who may wish to pursue the Educational Specialist or Doctorate degree at other institutions, which may lead to initial administrative licenses as instructional supervisors, principals and county superintendents.

- **Research**-Graduates of the program will be encouraged to share their findings from their action research projects at state, regional, national and international conferences through professional presentations or publications.
- **Public Service Needs**-There is no masters degree program of this nature in the region, state or 1890 HBCU Teacher Education Network. Yet, with current economic conditions and demographic changes in the school-aged population, more teachers will be needed to have more highly specialized preparation in the area of increasing multicultural student achievement. This program, once in place, may serve as a national model for other graduate institutions to replicate. Also, this program may provide initial data to assist state/national licensing agencies in developing professional licensure or National Board Certification in multicultural instructional leadership.
- **Candidate Demand**-Educator demographic data from the West Virginia Department of Education suggest that by 2014 there will be a major turnover in the educator population due to retirement. As beginning teachers replace these retirees, they will need to take graduate level courses to renew their licenses and qualify for advanced salary qualifications; therefore, creating the need for masters degree programs that use cohort group, web based technology approaches. Stakeholders consisting of public school educators and former graduates identified a real need for this program based on current and future student demographics as an important need to create this program.

#### **4.7 Cooperative Agreements:**

Teacher candidates will be required to complete an action research practicum in a multicultural and/or high poverty setting. WVSU currently has agreements with surrounding counties to place teacher candidates in field experiences and student teaching.

#### **4.8 Alternatives to Program Development:**

Because this is a unique graduate program to the state and surrounding states, no alternatives have been considered. There is no masters degree program of this nature in the region or the 1890 Historically Black Colleges and Universities (HBCU) Educator Network, sponsored by the National Council for the Accreditation of Teacher Education (NCATE). This program, once in place, may serve as a national model for other graduate institutions, seeking to develop similar programs.

## **§133-11-5 Program Implementation and Projected Resource Requirements**

### **5.1 Program Administration:**

The masters degree program in Multicultural Instructional Leadership will be housed administratively in the Department of Education, which is part of the College of Professional Studies. The Department will create a Graduate Studies Committee for oversight of the program. Committee members will meet the requirements for graduate faculty status. The Education Department Chairperson will lead the committee, supervise faculty teaching in the program, and schedule graduate course offerings. The Committee will function as an admissions committee and action research project directors.

### **5.2 Program Projections:**

The Education Department Graduate Studies Committee (Committee) anticipates enrolling 25 candidates during the year one of the program. In the second year of the program, the Committee will continue working with these 25 candidates while the Committee is recruiting and admitting Candidates to begin the second cohort group in year three. It is anticipated that by year three, the program will have produced 25 graduates and begin the course offering cycle again for the second cohort group.

### **5.3 Faculty Instructional Requirements:**

The Chair of the WVSU Education Department will serve as the Director of the Masters Program with the assistance of the Director of Clinical Experiences, Coordinator of the WVSU-Professional Development Schools (PDS), and an advisory committee made up of a public school principal and classroom teacher from an elementary, middle, and high school from the WVSU-PDS. In addition, the Staff Development Director from the RESA III will serve on this advisory board. All members serving on this board will have as a minimum a masters degree. The purpose of the advisory board will be to monitor the progress of the program and review program assessment data to make any future program changes for the next cohort group.

WVSU has one of the most diverse faculties in West Virginia. A review of the curriculum vitas in Appendix G clearly demonstrates their ability to deliver the proposed new program specifically based on their public school experience in all major geographic regions with diverse population groups in the United States, and their recent scholarly activities related to multicultural education. The Education Department is not operating in a vacuum in designing, developing, and delivering this program. The Department has enlisted the talent of faculty in other colleges and academic departments in the University; including, Drs. Kuo, Mosby, and Zapata (see curriculum vitas in Appendix G). Dr. Kuo has experience with ESL programs in her native Twain and in Houston, TX. Dr. Mosby is a sociologist whose scholarly activities include research in the area of the sociology of diversity and poverty. Dr. Zapata's expertise includes working with ESL programs in Columbia and the United States.

In year one, there is not a need to hire additional faculty. If the program meets the projected number of students, the Department will seek to add another faculty person by year two or three. These faculty members will be hired at the assistant or associate professor rank. The cost of the additional faculty person will be about \$60,000 plus benefits. The field of education is competitive, and graduates with Ed.D. or Ph.D.'s are in high demand, especially those with expertise in the area of technology and multicultural education. Current faculty will require additional professional development in technology integration issues and web based learning course development.

#### **5.4 Library Resources and Instructional Materials:**

The WVSU Drain-Jordan Library provides a variety of material to support the academic programs of *West Virginia State University* and to provide materials which contribute to the information and research needs of faculty, students, staff and the surrounding communities. Bibliographic classes and personal instruction are given to help students develop the information retrieval skills used for lifelong learning. The Library houses more than 200,000 books and 300 *current* periodical subscriptions. More than 9,000 bound periodical volumes and 200,000 items are available in microfilm, microfiche and through online Periodical Databases. The Drain-Jordan Library has been a selective depository for United States public documents since 1907. An Instructional Materials Center, which houses Education K-12 materials and Archives Department are located in the building. Books and journal articles not available in the Drain-Jordan Library may be requested from another library through the Library's interlibrary load service. The Library uses the OCLC national database to request materials from other libraries.

Library materials can be located with the **online catalog** and by checking the Periodical Holdings List. Collections (Government Document, Archives, IMC, Reference, video collection, and the circulating stacks) are boolean searchable by the **online catalog**. Periodical Indexes are available in both paper (Periodical Room) and electronic/web formats.

The library subscribes to several Periodical Databases with Full Text articles (linked page gives descriptions). ERIC (education), PsyINFO (psychology), and MLA (literature) database subscriptions are through *EbscoHost*. ***EbscoHost* and *InfoTrac SearchBank* can also be searched off campus by currently registered students, faculty and staff of WVSU using a password (subscription agreement).**

The Department of Education is currently in the process of updating its library resources and will need an increase in book and periodical/journal budget of approximately \$2,500 initially and \$2,500 per year later. Title III funds will be earmarked for these improvements. This amount will not increase and perhaps, over time, will decrease, because of the increased dependence on internet sources for research articles and books.

When the Higher Learning Commission of the North Central Association made an initial visit to the campus to determine the fitness of the institution to begin delivering graduate degree programs, the team findings indicate that the University library is equipped to offer

graduate degree programs. Because West Virginia State University is a Historically Black College or University, the institution qualifies for Title III funds which will be earmarked for the proposed degree to add additional library resources.

### **5.5 Support Service Requirements:**

The Department of Education will require additional supplies, which are estimated to cost about \$2,000. The Department would require \$500 for the initial function to set up the cohort groups and welcome the members to WVSU. The Department would also require new technology equipment for the current Instructional Computing Laboratory, which is estimated to cost \$1,500 per year. The Career Services Office currently provides a “Teachers Fair” for undergraduates and would add the graduates of this degree program who are not currently employed, or seeking employment in other educational settings.

### **5.6 Facilities Requirements:**

The Department of Education may have to create space and purchase new office furniture and initial supplies if there is a need to hire a new faculty member.

**5.7 Source of Operating Resources:**

**FIVE YEAR PROJECTION OF PROGRAM SIZE**

|  | <b>1ST YEAR<br/>2011</b> | <b>2ND YEAR<br/>2012</b> | <b>3RD YEAR<br/>2013</b> | <b>4TH YEAR<br/>2014</b> | <b>5TH YEAR<br/>2015</b> |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>Number of Students served through Course Offerings of the Program:</b>                                  |                          |                          |                          |                          |                          |
| Headcount <sup>1</sup>   | 25                       | 22                       | 25                       | 23                       | 25                       |
| FTE <sup>2</sup>   | 37                       | 33                       | 37                       | 34                       | 37                       |
| Number of student credit hours generated by courses within the program (entire academic year) <sup>3</sup> | 450                      | 396                      | 450                      | 414                      | 450                      |
| <b>Number of Majors:</b>   |                          |                          |                          |                          |                          |
| Headcount  | 25                       | 22                       | 25                       | 23                       | 25                       |
| FTE  | 37                       | 33                       | 37                       | 34                       | 37                       |
| Number of student credit hours generated by courses within the program (entire academic year)              | 450                      | 396                      | 450                      | 414                      | 450                      |
| <b>Number of degrees to be granted (annual total)<sup>4</sup></b>  |                          |                          |                          |                          |                          |
|  | -                        | 22                       | -                        | 23                       | -                        |

**FIVE YEAR PROJECTION OF  
TOTAL OPERATING REQUIREMENTS**

|  | <b>1ST YEAR<br/>2011</b> | <b>2ND<br/>YEAR<br/>2012</b> | <b>3RD<br/>YEAR<br/>2013</b> | <b>4TH<br/>YEAR<br/>2014</b> | <b>5TH<br/>YEAR<br/>2015</b> |
|--|--------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| <b>B OPERATING COSTS<br/>(Appropriated Funds)</b>            |                          |                              |                              |                              |                              |
| Personal Services:   |                          |                              |                              |                              |                              |
| 1. Administrators <sup>5</sup>                               | 17,761                   | 9,147                        | 14,131                       | 9,703                        | 14,992                       |
| 2. Full-time Faculty <sup>6</sup>                            | 39,000                   | 40,170                       | 41,375                       | 42,617                       | 43,895                       |
| 3. Adjunct Faculty <sup>7</sup>                              | 23,256                   | 23,256                       | 23,256                       | 23,256                       | 23,256                       |
| 4. Graduate Assistants                                       |                          |                              |                              |                              |                              |
| 5. Other Personnel:  |                          |                              |                              |                              |                              |
| a. Clerical Workers <sup>8</sup>                             | 6,092                    | 6,274                        | 6,463                        | 6,656                        | 6,856                        |
| b. Professionals   |                          |                              |                              |                              |                              |
| TOTAL SALARIES   | 86,109                   | 78,847                       | 85,225                       | 82,232                       | 88,999                       |
| Current Expenses <sup>9</sup>                                | 4,000                    | 3,500                        | 4,000                        | 3,500                        | 4,000                        |
| Repairs & Alterations  |                          |                              |                              |                              |                              |
| Equipment:   |                          |                              |                              |                              |                              |
| Educational Equipment  |                          |                              |                              |                              |                              |
| Library Books <sup>10</sup>                                  | 2,500                    | 2,500                        | 2,500                        | 2,500                        | 2,500                        |
| <b>TOTAL OPERATING COSTS<br/>FROM APPROPRIATED<br/>FUNDS</b> | 90,109                   | 82,347                       | 89,225                       | 85,732                       | 92,999                       |
| <b>TOTAL COST TO OPERATE<br/>THIS PROGRAM</b>                | 92,609                   | 84,847                       | 91,725                       | 88,232                       | 95,499                       |

### C. SOURCES OF FUNDS

|   |               |               |               |               |               |
|---|---------------|---------------|---------------|---------------|---------------|
| 1. General Fund Appropriations<br>(Appropriated funds only) | 90,109        | 82,347        | 89,225        | 85,732        | 92,999        |
| 2. Federal Government<br>(Non-appropriated funds)           | 2,500         | 2,500         | 2,500         | 2,500         | 2,500         |
| <b>3. TOTAL ALL SOURCES</b>                                 | <b>92,609</b> | <b>84,847</b> | <b>91,725</b> | <b>88,232</b> | <b>95,499</b> |

#### FOOTNOTE #

#### EXPLANATION

- 1 Students will progress through the program as a cohort over two academic years, 3 semesters each year. It is anticipated as the program begins 25 students will enroll; provision has been made for a 10-12% attrition in each cohort.
- 2 Full time equivalent students calculated by dividing student credit hours generated by 12.
- 3 Students will enroll in two 3-credit hour courses each of the three semesters, Fall, Spring, Summer; 18 credit hours completed per student each academic year.
- 4 Some student attrition in earlier cohorts may actually be student stop-outs who return to the program in the next cycle of course offerings.
- 5 Administrator cost calculated as a portion of salary of Education Department Chair plus 30% for fringe benefits and to reflect annual salary increases of 3%. Portions are first year - 20%, second year - 10%, third year - 15%, fourth year - 10%, fifth year - 15%
- 6 Plan is that current faculty will teach the courses in the program; they will be given released time from their undergraduate courses to teach the graduate one. and to reflect annual salary increases of 3%. This budgeted amount estimates the average cost of a full-time, tenure-track faculty member; any new faculty hired in the first five years of the program will be to replace anticipated retirements of at least two tenured faculty.
- 7 Full-time graduate faculty will provide two graduate classes during the summer semester at a cost of approximately \$3,000 per course. Part-time faculty will be utilized to teach two undergraduate courses per semester for each graduate course taught. Calculation is \$1,800 salary per class x 2 released classes per graduate course taught x 4 graduate courses taught in fall and spring semesters. Fringe benefits calculated at 14% (Social Security, Medicare, and retirement matching only).

- 8 Clerical workers calculated as 10% of salary of current two-person staff plus 30% fringe benefits and to reflect annual salary increases of 3%.
- 9 Higher costs are anticipated in years each cohort is begun.
- 10 Some additional library resources will be needed but it is expected federal (non-appropriated) funds will be used to obtain them.

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Approval of Authorization of National College to Operate in Parkersburg, West Virginia

**INSTITUTION:** National College

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves the request of National College to open a campus in Parkersburg, West Virginia and to commence offering of limited degree and diploma programs in 2011.

**STAFF MEMBER:** Bruce Flack

**BACKGROUND:**

National College seeks approval from the Commission to establish a campus in Parkersburg, West Virginia and to begin offering courses commencing in 2011. National College, which has a campus located in Princeton, West Virginia, is a privately owned postsecondary educational institution with campuses in Virginia, Kentucky, Tennessee, Ohio, and Indiana. The institution is accredited by the Accrediting Council for Independent Colleges and Schools (ACICS), an accrediting body recognized by the U.S. Department of Education and appropriate to the institution's educational purposes and programs.

National College offers diploma programs, as well as associate and baccalaureate degrees. Offerings on the Parkersburg campus will include two baccalaureate degrees in business administration – management and health care management and six associate degrees in accounting, management, health information technology, information system engineering, medical assisting, and office technology professional. A total of eleven diploma programs will be available in business and health care fields.

The institution anticipates an enrollment of approximately 60 students at the Parkersburg campus by the Fall 2011 term and eventually enrollments of several hundred students. The college plans to initiate course offerings at a leased facility in Parkersburg beginning in Spring 2011.

Under the provisions of Series 20, Authorization of Degree Granting Institutions, for National College to secure authorization to operate in West Virginia it must hold appropriate accreditation and meet the thirteen essential conditions outlined in the rule. Academic Affairs staff have met with National College officials and have reviewed the materials submitted by the college as the institution's response to the essential conditions. The staff review indicates that National College adequately addresses

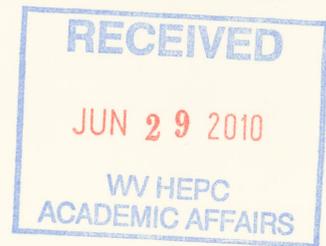
Series 20 requirements and meets the essential conditions.

If authorization to operate in Parkersburg, West Virginia is approved, National College, in accordance with Series 20 provisions, will be assigned Category III status. This category recognizes institutions accredited by a regional or national accrediting association approved by the Commission. Following the Commission approval, National College will be expected to receive approval from the Accrediting Council for Independent Colleges and Schools for the Parkersburg campus. Once the college receives this approval, it will be assigned Category II status which will serve as the final step in the Commission's authorization process.

Included in this agenda item are the institution's application statement and responses to staff questions on accreditation, financial aid, and faculty. A larger notebook of documents is on file in the Commission office, but is not included in the agenda materials.

# National College

www.national-college.edu • 800.664.1886



June 24, 2010

Dr. Bruce Flack  
Director of Academic Affairs  
West Virginia Higher Education Policy Commission  
1018 Kanawha Blvd., Suite 700  
Charleston, WV 25301-2800

RE: National College Application for State Authorization

Dear Dr. Flack:

National College is a privately owned postsecondary educational institution with campuses in Virginia, Kentucky, Tennessee, Ohio, and Indiana. National desires to open a new campus in Parkersburg, West Virginia, and accordingly submits this letter, together with supporting documentation, in application for State Authorization to offer postsecondary programs of education at the diploma, associate degree, and bachelor's degree levels. In accordance with Section 133-20-9.2 of Title 133, Series 20 of the West Virginia Higher Education Policy Commission's Legislative Rules (hereinafter "the Rule"), this letter and supporting documentation demonstrates fulfillment of the essential conditions set out in Section 133-20-9.3 and the accreditation standards set out in Section 133-20-9.4.

National College is accredited by the Accrediting Council for Independent Colleges and Schools (ACICS)<sup>1</sup>, an accrediting organization recognized by the U.S. Department of Education, and appropriate to the College's educational purposes and programs.

"The scope of ACICS recognition by the Secretary of Education is defined as accreditation of private postsecondary institutions offering certificates or diplomas, and postsecondary institutions offering associate, bachelor's, or master's degrees in programs designed to educate students for professional, technical, or occupational careers, including those that offer those programs via distance education.

ACICS currently accredits more than 680 institutions throughout the United States and more than a dozen foreign countries enrolling approximately 650,000 students.

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<sup>1</sup> See Attachment 1

ACICS is a not for profit organization incorporated in the Commonwealth of Virginia with offices maintained in the District of Columbia."<sup>2</sup>

The scope of accreditation by ACICS is appropriate to the programs offered by National College, which offers programs consonant with its following mission statement.

"National College is dedicated to the training and educating of men and women for a full life and a successful career in a number of general and particular fields. The College seeks to give students a broad competency in a field of specialization and an understanding of and respect for their own and others' ideas and thoughts. Graduates of National College should understand and practice their responsibilities to their families, their fellow men and their communities by becoming effective and contributing citizens.

As a collegiate institution offering educational credentials from diplomas to master degrees, National College strives to develop each student intellectually, culturally and socially. The College is interested in each individual becoming proficient in the disciplines necessary for his and her success, with the training necessary to be self-sufficient and enterprising and with the background necessary to be constantly expanding his or her intellectual and cultural horizons."<sup>3</sup>

National College's governing board is a Board of Directors whose members have the authority to establish and review the policies that govern the institution. The Board of Directors is set forth below, together with a brief resume of each.

Mr. Frank Longaker

Mr. Longaker, a graduate of Eastern Kentucky University who earned his Master's Degree from Radford University in 1986, began his career in education in 1972. Mr. Longaker has served in a variety of positions in private career colleges to include: Admissions, Financial Aid Director, Federal Funds Manager, Extension Program Director, and Regional Director of Operations. Mr. Longaker became CEO of National Business College, now National College, in 1975.

Ms. Lenora Downing

Ms. Downing received her Associate of Arts Degree in Business Administration – Management from National College in 1992, her Bachelor's Degree in Business Administration - Management from National College in 1993, and her Master's Degree in Liberal Studies from Hollins University in 1997. Ms. Downing joined the organization in 1989 and served in a variety of positions including Executive Director of Administrative Services, Director of Institutional Research and

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<sup>2</sup> From ACICS website [www.acics.org](http://www.acics.org)

<sup>3</sup> National College Mission Statement, p.1, National College 2009-2010 Catalog

Reporting, and Executive Assistant. Ms. Downing was promoted to her current position of Vice President in 1997. Ms. Downing is also involved in numerous professional activities and is a member of the Salem/Roanoke County Chamber of Commerce, Roanoke Regional Chamber of Commerce and the Rotary Club of Salem.

Ms. Charlotte Brinneman

Ms. Brinneman received her Bachelor's Degree in Public Relations and Communication from Eastern Kentucky University in 1985. Ms. Brinneman joined the organization in February of 1993 as Campus Director and has been in her current position of Vice President since October 1999. Prior to joining National College, Ms. Brinneman was the Vice President for Park Avenue Limousines from 1991-1993 and the Regional Sales Manager for Haque Publishing from 1989-1991.

Mr. Steven Cotton

Mr. Cotton is Vice President and General Counsel for National College. He graduated from Denison University in 1974 and The Ohio State University College of Law in 1977. He served in the U.S. Navy as a Judge Advocate from 1977 to 1986, and was appointed a Special Assistant U.S. Attorney prosecuting cases in federal court. After leaving the Navy, he began a career in education during which he has served as General Counsel for two multi-campus private career college organizations, including the last twelve years with National College. He has been appointed to a variety of executive and legislative committees formulating education policy in several states, and currently serves as President of the Virginia Career College Association and as President of the Career College Advisory Board to the State Council of Higher Education of Virginia.

Mr. Patrick Kennard

Mr. Kennard has been Director of Institutional Planning for National College since 2002. A graduate of Texas A&M University in 1967, Kennard also received a Master of Science Degree in Management from the Hartford Graduate Center in 1991. Mr. Kennard had a distinguished career with The Travelers Insurance Corporation from 1967 until 1994, culminating as Divisional Vice President, Travelers Managed Disability Operation. In 2001, he joined National College as an adjunct instructor and after concurrent stints as Director of the Tourism & Hospitality Program and Director of Student Services for the Roanoke Valley Campus, he was appointed to his current position. As Director of Institutional Planning, Mr. Kennard has overseen the construction or renovation of 21 of the College's 26 campus locations, as well as the development of new curricula and programs.

The Board of Directors has designated Mr. Frank Longaker as President of National College to provide administrative leadership for the institution.

Qualifications and credentials of the faculty will be in accordance with the requirements of Section 133-20-9.3.7 of the Rule. A listing of faculty identifying their academic credentials and teaching fields will be provided to the Commission once the faculty members have been identified. At least one full-time faculty member will be employed for each major, and the student-teacher ratio will be maintained at or about the level of 12:1.

National College awards diplomas and degrees upon successful completion of an educational program. The degrees and diplomas to be awarded at the Parkersburg, West Virginia campus are as follow:

Baccalaureate Degree

Bachelor of Business Administration – Management  
Health Care Management

Associate of Science Degrees

Business Administration – Accounting  
Business Administration – Management  
Health Information Technology  
Information Systems Engineering  
Medical Assisting  
Office Technology Professional

Diplomas

Accounting  
Accounting Office Assistant  
Business Administration  
Medical Billing and Coding  
Medical Office Assistant  
Medical Office Specialist  
Pharmacy Technician  
Phlebotomy  
Supervisory Management Specialist  
Systems and User Support  
Technical Support Assistant

Each of the educational programs offered by the College is fully described in the attached College Catalog, Attachment 2. Further, representative course syllabi are set forth in Attachment 3. In general, each degree program at the College is divided into three areas of concentration: Program Core, Career Support and General Education. The Program Core and Career Support satisfy the curriculum concentration. For successful completion of the

Associate's degree programs, a student must complete 96 credit hours, of which 24 credit hours will comprise general education courses. For the Bachelor's programs, a student must complete 180 credit hours, of which 56 credit hours will comprise general education courses.

The College supports its students through faculty advising, financial planning, and career planning services on a continual basis. If a student demonstrates a problem with alcohol, drugs, marital problems, or the like, College personnel are available to direct the student to the proper community agency that is designed to handle their situation.

Financial planning services are provided at two levels. First, at the campus level the Financial Planning Representatives interact with students individually to assess their need and advise them as to available resources. Second, at the administrative level financial aid processors remain in constant contact with the Financial Planners and the Campus Director to ensure that all loans and electronic funds transfers are being received, processed, and deposited in a timely manner.

The College Career Center offers various workshops and one-on-one training throughout the year that focus on resume writing and how to conduct a job search. These trainings help to prepare students as they enter the job market. The Career Center also maintains a collection of career publications and various videos and job search techniques. Students are also counseled on how to use the Internet for job searches. These sources provide students with the necessary career-related material for job research.

The institution's library provides study, reading and information technology resources to make the educational program(s) effective, and the institution subscribes to literature that is pertinent in all areas of the educational program(s). The Virtual Library is an extremely effective tool to use for the learning process in the educational programs offered at the College.

The College's admissions policies are set forth in the College Catalog<sup>4</sup>. In general graduation from high school is a minimum requirement for admission to National College for those students enrolling in the Diploma, Associate of Science, or Bachelor's programs. Those who have satisfied graduation requirements through the General Education Development (GED) Test are also eligible for admission.

In addition, as the College reviews applications for admission to the Bachelor's degree programs, it will strive to select students who have the necessary maturity, motivation and academic preparation to successfully complete the requirements for the Baccalaureate degree. The following criteria are used by the College to determine those essential qualities:

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<sup>4</sup> See Attachment 2

1. The applicant must have completed an Associate's degree.
2. The applicant must have earned at least a 2.5 grade point average (GPA) on a 4.0 scale for all previous collegiate course work. If the applicant's GPA falls below 2.5, the applicant will be evaluated for conditional acceptance.
3. The applicant does not possess an Associate's degree, but has substantial collegiate experience and transferable credits, will be evaluated for conditional acceptance.

The College has financial resources adequate to support both start-up activities and ongoing operations. A current audited financial statement is attached as Attachment 4. Included under Attachment 5 is the projected budget for the first year divided in three month increments. Also included under Attachment 5 is the Financial Improvement Plan which includes monthly cash flow projections for October 2010 – September 2011.

National College has developed an Institutional Effectiveness Plan which it reviews annually to evaluate and assess its curriculum and its effectiveness. Implementation and monitoring of the IEP is the responsibility of the College President, the Vice President/Regional Director of Operations, the Director of Institutional Effectiveness, and the Campus Director. The College focuses on the following areas: Student Satisfaction and Retention, Student Placement, Graduate and Employer Satisfaction, and Learning Outcomes. The IEP provides for the following activities in each of the areas identified above.

#### Student Satisfaction and Retention

Attendance Interruption Audit: Staff members contact students who have withdrawn from the College and consult with them on the reasons why they have left the College and work with the students to assist them with continuing their education.

Tutor Assistance: The College has found that academic issues are among the top reasons students fail to complete their program of study. The College provides tutoring assistance at no additional cost to our students to help them succeed in the area of academics.

Faculty Awareness of their Role in Student Retention: The College is aware that a student spends most of his/her time at the College with our faculty. Through in-services and faculty meetings, the College emphasizes the importance of its role in student retention.

Re-entry Campaign: Staff members work closely with students who have previously withdrawn from the College and assists them with coming back to finish their program of study.

#### Student Placement

Provide Career Opportunities to Students at Least Three Times a Year: The College will hold a minimum of three career opportunity events each year. These events include hosting individual employers on campus as well as conducting career fairs.

Conduct Quarterly Workshops: The Career Center Director will conduct quarterly workshops on topics such as: dress for success, resume' writing, interviewing skills, and networking. These campus events assist the students with their job searches and prepare them for their new career.

Graduate Placement Rate Reports: The College monitors the status of its graduates and upcoming graduates on a continuing basis. The Campus Director meets regularly with his/her Career Center Director to discuss the progress of these groups. Likewise, the Campus Director and Career Center Director meet with the Vice President/Regional Director of Operations to discuss the employment status of each graduate on a quarterly basis. Keeping in close contact with our graduates allows us to assist them more effectively with their job search.

#### Graduate and Employer Satisfaction

Level of Graduate Satisfaction: The College surveys its graduates 90 days after graduation. These results are shared with the faculty, staff, advisory board, and administration. The College takes the comments of our graduates seriously, and from these comments, the College may make adjustments to curricula and/or classroom instructional equipment.

Level of Employer Satisfaction: The institution surveys the employers of our graduates 90 days after the student graduate. The College takes the comments of the employers seriously with regards to their satisfaction with the graduate's training. Comments from employers are shared with the faculty, staff, advisory board, and administration. These comments may result in adjustments to our curricula and/or classroom instructional equipment.

#### Student Learning Outcomes

Pre and Post Testing: During the student's first and last terms, the College administers tests based on the curriculum the student is completing. The results of

these tests provide the College with outcome data for use in evaluating the curriculum. This data is used by the academic committees when evaluating the programs.

Each term, or as directed in the IEP, the Campus Director and his/her staff will evaluate and analyze the data received from these activities. At the end of the year, the Campus Director and his/her staff and the Vice President/Regional Director of Operations conduct an annual review and will use the results to make changes to improve the effectiveness and strength of the institution.

The College has established tuition and financial aid policies and practices which comport with the requirements of Sections 133-20-9.3.9 and 133-20-9.3.10 of the rule. These are set forth in detail in the College Catalog<sup>5</sup> from page 27 through page 43.

National College does not have a formal inter-library loan agreement with outside libraries. However, within the multi-campus structure of National College, books and other materials can be loaned between campuses. In addition, although there is no formal interlibrary-loan agreement, students have local access to the Parkersburg and Wood County Public Library, South Parkersburg Branch and the Waverly Library.

The College has established a virtual library to allow for, in an exponential manner, the availability of resources over what can be purchased through conventional means. Additionally, a Virtual Library provides more timely data and a wealth of historical data – all at the click of a mouse button. Library staff are knowledgeable of the on-line resources. Training was provided by the host network.

Students, staff and faculty will be able to access the virtual library through the College's web page via a password. This will allow students to be able to do research for classes from any internet accessible computer. Set forth below are databases that the faculty, staff and students have available with the virtual library:

- Academic Search Elite: Cumulative full-text coverage for more than 2,050 journals dating as far back as January 1985. 1500 of the available journals are peer-reviewed titles. 100 journals have PDF images back to 1985. Database is updated daily.
- Business Source Premier: Cumulative full-text coverage for nearly 8,350 business periodicals, including full-text for more than 1,100 scholarly business publications. This is the world's largest full-text business database. BSP provides full-text (PDF) for more than 350 of the top scholarly journals dating as far back as 1922. Database is updated daily.

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<sup>5</sup> See Attachment 2

- Regional Business News: Comprehensive full-text coverage of seventy-five (75) business journals, newspapers, and newswires from all metropolitan and rural areas within the United States. Database is updated daily.
- Computer Source: CS provides the latest information and current trends in high technology as found in the full-text for more than 300 publications. Indexing and abstracts for another 450 publications are also to be found.
- CINAHL: The authoritative resource for nursing and allied health professionals, students, educators and researchers. Provides indexing for 1,835 from the fields of nursing and allied health. Database contains more than 1,000,000 records dating back to 1982. Searchable cited references for more than 930 journals are also included. Full-text material includes nearly seventy (70) journals plus legal cases, clinical innovations, critical paths, drug records, research instruments and clinical trials. Includes internal subject thesaurus (i.e., CINAHL headings).
- Pre-CINAHL: Companion database to CINAHL. Intended to provide current awareness of new journal articles. Includes rotating file of limited bibliographic information (e.g., no subject searching). Information is available to searchers only until these articles are assigned additional indexing and added to CINAHL database.
- MEDLINE with MeSH: Allows users to search abstracts from over 4,800 current biomedical journals. MEDLINE provides authoritative medical information on medicine, nursing, dentistry, veterinary medicine, the health care system, pre-clinical sciences and much more. Database was created by the National Library of Medicine and utilizes MeSH (i.e., Medical Subject Headings, as assigned by NLM). Also has index search capability.
- Health Source: Nursing/Academic Edition: Provides full-text access to more than 550 scholarly journals focusing on medical disciplines. Also features abstracts and indexing for nearly 850 journals. Provides an electronic medical dictionary. Database is updated daily.
- Clinical Pharmacology: CP provides access to up-to-date, concise, and clinically-relevant drug monographs for all U.S. prescription drugs, as well as, hard-to-find herbal and nutritional supplements, over-the-counter products and new and investigational drugs. Provides an electronic drug index resource.
- Columbia Encyclopedia: Contains more than 51,000 entries, addressing current hot topics. Provides updated geographical, political, and statistical information. Provides more than 84,000 cross-reference links. Provides integrated subject

category sorting. The Columbia Electronic Encyclopedia is unmatched in scope, completeness, currency, and for its reputation for accuracy and authority.

- Funk & Wagnalls New World Encyclopedia: Database provides over 25,000 encyclopedic entries covering a variety of subject areas. Full-text for each record is easily accessed from the topic displays. The database contains various images and offers brief biographies. Database is updated annually.
- MAS Ultra - School Edition: Database provides full-text for more than 700 popular general interest and current events publications. Information for key magazines dates back to 1975. Also provides more than 500 full-text pamphlets, 542 full-text reference books, 84,074 biographies, 86,135 primary source documents, and an Image Collection of 107,135 photographs, maps, and flags. Database is updated daily.
- Military & Government Collection: Provides cover-to-cover full-text for nearly 400 journals and periodicals. Provides indexing and abstracts for more than 500 titles. Offers current news pertaining to all branches of the military and government. Database offers a thorough collection of periodicals, academic journals, and other pertinent content.
- EBSCO Animals: EBSCO's Encyclopedia of Animals offers in-depth information on a variety of topics relating to animals. Database consists of indexing, abstracts, and full-text records describing the nature and habitat of familiar animals. Within some of the full text, image links are available for the Windows client.
- Primary Search: Provides full-text for more than 60 popular magazines for elementary school research. All full-text articles included in database are assigned reading level indicator (Lexiles), and full-text information dates back to 1990. Database is updated daily.

All permanent student files are maintained for five years after the end of the award year the student withdrew, with the exception of official transcripts and Perkins Loan documents. At the end of five years, these files are shredded and recycled. Physical copies of all Perkins Loan documents are maintained by the College indefinitely as are official transcripts. The student files are organized in two sections. The first section is the Academic documentation (application, acceptance letter, student request, academic change form, graduation request, etc) the second section contains the Financial Planning documentation.

Beginning October 2009, the College implemented an electronic file storage process. At this time, all new student records are stored electronically through the use of the Image

Now Document Imaging System. Once documents are scanned and indexed, they are maintained on a SAN. The documents are backed up nightly and backup tapes stored off-site to ensure document retention and integrity.

All permanent paper based records for the College are maintained in filing cabinets in the Administrative Service Center file room or at an off-site records storage facility. The file room is equipped with an up-to-date sprinkler system that will not destroy paper records. The off-site facility is equipped with a sprinkler system (no records stored there are more than 5 feet from a sprinkler head), plus there is 24/7 monitoring of motion water flow and temperature. Only those persons who work directly within the financial aid department have access to these permanent student files.

All electronic records are maintained within the Campus Vue administrative software and the Image Now Document Imaging System. Both databases are backed up on a daily basis and the tape back-ups are maintained in a safe off-site location. In the event that the Parkersburg, West Virginia campus should close, student records are maintained centrally at the National College Administrative Services Center located in Roanoke, Virginia and would be preserved there.

The privacy of all student records is maintained by the College in strict conformity with the Family Educational Rights and Privacy Act. Release of non-directory information generally requires the written permission of the student. The College's policy is set forth in the College Catalog<sup>6</sup> at page 22.

In addition the College has published and made available to its students a grievance policy which is both set out in the College Catalog and posted conspicuously in each campus location. That policy is set forth at page 20 of the College Catalog<sup>7</sup>.

National College has taken several preliminary steps toward establishing a campus in Parkersburg, West Virginia. The College has acquired property, has designed a facility, has registered with the Secretary of State's office<sup>8</sup> in accordance with Section 133-20-6.1 of the Rule, and has secured a security bond<sup>9</sup> in accordance with Section 133-20-7.4 of the Rule. The original of that bond accompanies this application under separate cover as it requires separate approval. It is the College's desire to be able to begin offering classes by the fall of 2010. Accordingly the College requests review of this application at the next Commission Meeting. The College looks forward to working with the Commission, the Executive Director and their staff in furtherance of our common goal of providing excellence in the educational opportunities afforded the citizens of West Virginia. If there is any further

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<sup>6</sup> See Attachment 2

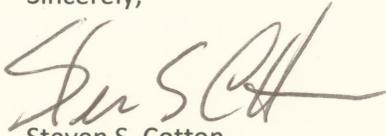
<sup>7</sup> See Attachment 2

<sup>8</sup> See Attachment 6

<sup>9</sup> See Attachment 7

is any further information that we can provide to assist the Commission, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "S. S. Cotton", written in a cursive style.

Steven S. Cotton  
Vice President  
General Counsel

Encl.

David K. Hendrickson  
Chair



Brian Noland  
Chancellor

West Virginia Higher Education Policy Commission  
1018 Kanawha Boulevard East, Suite 700  
Charleston, WV 25301  
(304) 558-0261  
[www.hepc.wvnet.edu](http://www.hepc.wvnet.edu)

August 18, 2010

Mr. Steven S. Cotton  
Vice President  
General Counsel  
National College  
1813 East Main Street  
Salem, VA 24153

Dear Mr. Cotton:

The West Virginia Higher Education Policy Commission (HEPC) staff has completed its review of the application materials submitted by National College in its request for opening a new campus in Parkersburg, West Virginia. As a result of this review, the Commission staff requests that National College provide additional supplementary information as follows:

#### **Accreditation**

- Assuming HEPC approval of the authorization request to open a Parkersburg campus, what is the process for seeking ACICS accreditation of the Parkersburg campus? Does ACICS do a separate accreditation review on the National College request to open a new campus? In other words, is there any site-specific review by ACICS in extending its accreditation to National College?

#### **Financial Aid**

- Staff could not locate on a Department of Education site the OPE ID Number for the Tennessee, Ohio, and Indiana locations. Do these locations have a separate OPE ID Number and, if so, what are they? If not, how is financial aid processed for students enrolled at these locations?
- Is financial aid processing centralized or processed at the respective locations? What is the plan for the West Virginia location?

- Does National College out-source any its financial aid processing?
- Who does National College contract with to perform Title IV compliance and fiscal audits?
- Does National College have any Title IV compliance or fiscal audit findings that require auditor review during the next required audit?
- Is National College currently subject to any Department of Education sanctions and/or administrative limitations? If so, what are the sanctions and/or limitations imposed by the Department of Education? Have there been any sanctions and/or limitations imposed by the Department of Education over the last five years?

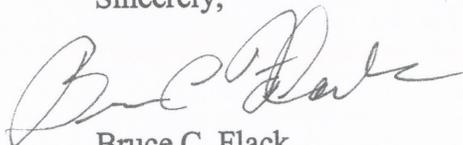
#### **Faculty**

- National College indicates that a listing of faculty with academic credentials and teaching fields will be provided to the Commission once they are identified. The staff requests that such listing be provided prior to Commission consideration of the authorization request.

Once satisfactory written response to the above questions and information requests is received along with receipt of the \$2,000 application fee as provided in Series 20, *Authorization of Degree Granting Institutions*, Section 10.7.1.2, the authorization request will be presented to the Commission for its approval. The next regularly scheduled meeting of the Commission is December 3, 2010. We will provide you details on the meeting when arrangements are finalized.

Please let me know if you have questions or need additional information on final Commission review.

Sincerely,



Bruce C. Flack  
Director of Academic Affairs

c: Brian Noland

# National College

www.national-college.edu • 800.664.1886



October 7, 2010

Bruce C. Flack  
Director of Academic Affairs  
West Virginia Higher Education Policy Commission  
1018 Kanawha Boulevard East  
Suite 700  
Charleston, WV 25301



Dear Mr. Flack:

The following is in response to your request for additional supplementary information regarding the college's application to open a new campus in Parkersburg, West Virginia.

#### Accreditation

- Upon receipt of approval from the state agency for opening a branch campus, the college will submit to the Accrediting Council for Independent Colleges and Schools (ACICS) a New Branch Part I application. This application is the basis for approval of the new branch. Upon approval of the new branch, the college receives a letter that includes the new campus under its current grant of accreditation. Within six months after the start of classes, a staff member from ACICS will conduct a one day verification visit at the campus site. Following the verification visit, the campus director of the campus is required to attend an Accreditation Workshop conducted by ACICS. Within 14 months of beginning operation, the college will submit a complete self-study in anticipation of a full on-site visit to be held no later than 18 months after operations have begun. The full on-site visit will be conducted by a team of evaluators representing ACICS. After the evaluation, the college will be offered the opportunity to respond to any areas of non-compliance and the response will be reviewed at the next schedule ACICS Council meeting. Upon approval of the Council the branch campus will be fully included under the current grant of accreditation.

## Financial Aid

- Each location operated by National College of Virginia, Inc. (including the existing Princeton and the proposed Parkersburg campuses) has a separate OPEID Number, consisting of the main OPEID Number and a Branch Code suffix. Those numbers, including the suffixes, are as follows:

|                     |           |
|---------------------|-----------|
| Roanoke, VA         | 003726-00 |
| Harrisonburg, VA    | 003726-01 |
| Martinsville, VA    | 003726-02 |
| Princeton, VA       | 003726-03 |
| Charlottesville, VA | 003726-04 |
| Danville, VA        | 003726-05 |
| Lynchburg, VA       | 003726-06 |
| Bristol, TN         | 003726-07 |
| Knoxville, TN       | 003726-08 |
| Dayton, OH          | 003726-09 |
| Cincinnati, OH      | 003726-10 |
| Youngstown, OH      | 003726-11 |
| Columbus, OH        | 003726-12 |

- Financial aid processing is centralized in Roanoke, Va. The plan for the proposed Parkersburg, WV campus is the same.
- National College contracts with FAME, Inc. to service its Perkins Loan portfolio. No other financial aid functions are outsourced.
- National College of Virginia, Inc. has employed the firm of Michael B. Cooke, C.P.A., P.C, Certified Public Accountants located in Blacksburg, VA to perform both the independent financial audit and the independent compliance audit required by the U.S. Department of Education.
- National College of Virginia, Inc. has no Title IV compliance or fiscal audit findings that require auditor review during the next required audit.
- National College of Virginia, Inc. is not currently, nor has it ever been subject to any Department of Education sanctions or administrative limitations.

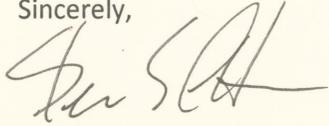
## Faculty

- National College is unable to provide a listing of faculty with academic credentials and teaching fields for the proposed Parkersburg location since, without authorization by the Commission, the college has not hired any faculty or staff. When faculty is hired, the college will ensure that each faculty member holds appropriate academic

credentials in the program area in which the faculty member teaches, in accordance with the requirements of Section 9.3.7 of Series 20. The college will provide a listing of faculty with academic credentials and teaching fields once the faculty has been hired.

I trust that this fully responds to your request for additional supplemental information, but in the event that further information may be required, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven S. Cotton". The signature is fluid and cursive, with a large initial "S" and "C".

Steven S. Cotton  
Vice President  
General Counsel

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Approval of Series 20, Authorization of Degree Granting Institutions

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves Series 20, Authorization of Degree Granting Institutions, as revised, for submission to the Secretary of State and to the Legislative Oversight Commission on Education Accountability for further legislative action.

**STAFF MEMBER:** Bruce Flack

**BACKGROUND:**

Series 20, Authorization of Degree Granting Institutions, is the legislative rule that outlines the procedures for the Commission to approve any institution, association, agency, or organization external to or within the state that requests approval to offer programs or credit-bearing academic courses of postsecondary education in the State of West Virginia. At its October 5, 2010 meeting, the Commission approved a revision of Series 20 to be submitted to the Secretary of State for a thirty-day public comment period. Several suggestions for further strengthening of the Commission authority were received and have been incorporated in the final revision.

The proposed revisions to Series 20, summarized below, strengthen the rule by clarifying the authority of the Commission in its review and approval of requests for authorization and by assigning greater responsibility to the Commission for monitoring the quality of postsecondary education within the state. The changes to Series 20 will help protect consumers by ensuring that they are offered quality education by postsecondary providers within West Virginia. A summary of significant revisions is as follows:

**Initial revisions (prior to public comment period):**

1. Adds a statement on consumer protection as a major focus of the rule. (Section 2.3)
2. Explicitly includes proprietary institutions as entities covered under Series 20. (Section 2.1 et. al.)

3. Expands the section that lists definitions. (Section 3)
4. Raises the amount needed for a surety bond from \$50,000 to \$100,000. (Section 6.13)
5. Explicitly states that no private or proprietary institution shall be authorized to operate in West Virginia until it meets the essential conditions defined in Series 20. (Section 7.1)
6. Establishes categories for institutions requesting authorization: Newly established institutions in West Virginia and those seeking accreditation (Section 7.2); Accredited, out-of-state institutions (Section 7.3); and Religious, theological or faith-based institutions (Section 7.4). Subsections that deal with these categories outline all steps an institution must follow to secure authorization.
7. Designates clearly the necessary steps for institutions seeking authorization: preliminary authorization, probationary authorization, and final authorization. (Subsections of Sections 7.2, 7.3 and 7.4)
8. Adds expanded criteria to the following essential conditions: degrees and academic programs, financial resources, tuition policies, institutional and student records, and catalog and official publications. (Section 8.1 and subsections)
9. Adds more explicit conditions under which the Commission may terminate authorization. (Section 9.1 and subsections)
10. Extends Commission authority to include an on-going monitoring process. A section, "Ongoing Monitoring" was added to emphasize that the Commission not only initially approves the institution to deliver programs in West Virginia but has the responsibility and authority to monitor the institutions once they have been approved. Likewise, a section on student complaints was added outlining the Commission's authority to respond when matters on quality are questionable. (Sections 13 and 14)

**Revisions based on suggestions from public comment period:**

1. Assigns responsibility for Commission review to those institutions offering degrees above the associate level. (Section 6.5)
2. Recognizes that review of institutions offering associate degrees is the responsibility of the West Virginia Council for Community and Technical College Education. (Section 6.6)
3. Raises the application fee for newly established institutions in West Virginia and those seeking accreditation from \$2,000 to \$6,000. (Section 7.2.c)

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

**SERIES 20  
AUTHORIZATION OF DEGREE GRANTING INSTITUTIONS**

**§133-20-1. General.**

- 1.1. Scope: This rule establishes the policy regarding accreditation and approval of degree-granting institutions which offer degrees above the associate level.
- 1.2. Authority: W. Va. Code §18B-4-7
- 1.3. Filing Date: ~~March 31, 2006~~
- 1.4. Effective Date: ~~March 31, 2006~~
- 1.5. ~~Repeal of Former Rule: Repeals and replaces Title 133, Series 20 which had an effective date of August 10, 2002.~~

**§133-20-2. Purpose.**

- 2.1. The West Virginia Higher Education Policy Commission is responsible for the approval of any institution, association or organization external to or within the state which desires to offer programs or credit-bearing academic courses of higher learning in the State of West Virginia. Authorization is required for all post-secondary providers including: non-profit private institutions, proprietary institutions, out-of-state public institutions, degree-granting entities that offer degrees at the baccalaureate level or above, and entities that use the term “academy,” “college,” “institution,” “university” or similar title.
- 2.2. Prior to offering any course or degree program above the associate level in the State as specified in section 6 of this rule, the entity shall apply to the Commission for authorization to operate in the State. The Commission shall consult with the West Virginia Council for Community and Technical College Education when an entity desires to offer associate level programs in addition to courses and programs above the associate level. The provisions of this rule shall also apply to any course or programs delivered in the State by an out-of-state institution via distance education-based instruction if the institution will have a physical presence in the State.
- 2.3. This rule is designed to protect consumers and to ensure consumers are

offered quality education by post-secondary education providers within the state of West Virginia.

**§133-20-3. Definitions.**

- 3.1. “Academic credit” means the certification of a student’s successful completion of a unit of a course of study leading to a formal award granted by an institution approved to offer a collegiate degree such as an associate, baccalaureate, masters or doctorate degree.
- 3.2. “Accreditation” means a status attained by the institution through voluntarily meeting standards set by a nongovernmental entity recognized by the U.S. Secretary of Education.
- 3.3 “Authorization” means the status attained by the institution that allows the institution to offer programs and courses within the state of West Virginia for a specified time in a specified place. This status is granted by the Higher Education Policy Commission when the institution demonstrates compliance with the requirements for such status.
- 3.14. "Commission" means the West Virginia Higher Education Policy Commission.
- 3.25. “Council” means the West Virginia Council for Community and Technical College Education.
- 3.6. "Course" means a formally organized, structured series of ~~meetings~~ instructional activities open to the general public for which a fee is charged, and for which credit toward a degree either is awarded or may reasonably be understood to be applicable to a degree with the intent of imparting information or understanding at a level appropriate to a postsecondary audience. Instruction may be in face-to-face meetings or delivered electronically or by other means.
- 3.47. "Degree" means any earned award conferred by a higher educational institution which represents satisfactory completion of the requirements of a program, or course of study, or any instruction beyond or apart from the secondary level of greater duration than eleven months of full-time study.
- 3.58. "Degree program" means a curriculum or course of study of greater duration than eleven months of full-time study in a discipline or field that leads to a degree.
- 3.79. "Distance education" means the delivery of any course or degree programs by synchronous or asynchronous technology ~~which the primary mode of delivery to a site is television, videocassette, film, computer or other~~

~~telecommunications devices.~~ Asynchronous or synchronous technology via distance delivery includes all forms of internet, electronic, digital, online, video, and any other technology driven delivery system.

3.310. "Institution of higher education" means any person, firm, corporation, association, agency, institute, trust or other entity of any nature whatsoever offering education beyond the secondary level which:

- offers courses or programs of study or instruction which lead to or which may reasonably be understood to be applicable toward an associate, baccalaureate, masters, doctorate, or other specialized certification/degree designation above the baccalaureate level degree;  
or
- operates a facility as a college or university or other entity ~~of whatever kind~~ which offers degrees or other indicia of a level of educational attainment beyond the secondary school level; or
- uses the term "college" or "university," or words of like meaning, in its name or in any manner in connection with its academic affairs or business.

3.811. "Physical Presence" means an institution, wherever domiciled or having its principal place of business, employs in West Virginia any person or persons for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising, recruiting, or any other activity on behalf of the sponsoring organization. Such activity would include advertising, promotional material, or public solicitation in any form that targets West Virginia residents through distribution or advertising in the State. In addition, the institution has physical presence in West Virginia if it delivers, or plans to deliver, instruction in West Virginia, and receives assistance from any other organization within the state in delivering the instruction, such as, but not limited to, a cable television company or a television broadcast station that carries instruction sponsored by the institution.

3.12. "Preliminary status" means six-month period of time that an institution is granted by the Commission to satisfactorily complete preliminary information as required by the regional or other appropriate, acceptable, accrediting association, and shall not accept students, offer instruction, award credits toward a degree, or award a degree until granted further authorization by the Commission.

3.913. "Private college or university" means an institution which is "doing business or maintaining a place of business in the State of West Virginia" which offers courses of instruction or study wherein credits may be earned toward a degree in a field of endeavor. A publicly-supported college or university in another state will be treated as a "private college or

university" and will be authorized to offer courses of instruction toward a degree, degree credits, or degrees if it qualifies under the criteria for such institutions. An institution that employs an agent or representative in West Virginia and delivers instruction by any means within the State shall be regarded as a private college or university and shall be authorized on the same basis as any other such institution.

- 3.14. “Probationary status” means that an institution has been authorized by the Commission to enroll students, offer instruction, graduate students and award degrees under the condition that the institution is continuously seeking and making satisfactory progress toward acquiring full accreditation and full state authorization.
- 3.15. “Proprietary institution” means a postsecondary institution that is operated for profit; a private, limited liability company or other entity that conducts business within the State and is investor-owned and/or organized for profit.
- 3.16. “Religious, Theological, or Faith-Based Institution” means a post-secondary institution that offers no degree programs other than those specifically related to the institution’s doctrine. Institutions that offer general degree programs cannot be exempted by this rule as religious, theological, or faith-based.
- 3.17. “Unearned tuition” means the anticipated amount of tuition revenue that will be generated within a one-year time frame of the institution’s authorized operation in West Virginia.

#### **§133-20-4. Exemptions.**

- 4.1. Institutions that clearly qualify as exemptions under this rule and after Commission staff review shall be considered exempt from authorization. Institutional exemption is subject to annual review and/or revocation any time the activity deviates from the original determination factors for exemption. The following institutions shall be exempt from the provisions of this rule: ~~The provisions of the rule shall not be applicable to the following institutions:~~
- 4.1.a. Any existing institutions of higher education approved to operate in West Virginia prior to ~~July 1, 2006~~[implementation date]. Should any such institution, as the result of a change of ownership, or operational status from a non-profit to a for-profit institution, be required to modify its accreditation status from the Higher Learning Commission of the North Central Association, such institution must secure approval for the change(s) from the Higher Education Policy Commission.

- 4.1.b. Correspondence, business, occupational and trade schools which
  - 4.1.b.1. offer nothing higher than a specialized associate degree,
  - 4.1.b.2. typically do not pursue regional accreditation, and
  - 4.1.b.3. are regulated under West Virginia Code provisions (18B-2B-9) on correspondence, business, occupational and trade schools.

4.1.c. Out-of-state institutions:

- 4.1.c.1. offering courses through brokering or other collaborative arrangements with a West Virginia public institution of higher education and which support programmatic offerings of the state institution;
- 4.1.c.2. offering a short course or seminar in which the instruction for the segment takes no more than twenty classroom hours, or
- 4.1.c.3. offering courses or programs on a military installation solely for military personnel or civilians employed on such installation.

4.1.d. Non-Degree granting institutions whose programs are designed primarily for job entry or upgrading of skills and are described in clock (contact) hours. These programs typically prepare individuals for employment and do not require courses beyond those specific to the job or its field with program length sufficient to effect outcomes.

- 4.2. Each institution of higher education which claims to be exempt under the provisions of this section must file with the Commission such information as may be required by the Commission to determine whether the institution is exempt. The written request for an exemption must be received by the Commission at least thirty (30) days prior to the proposed initiation date of a course of instruction. If the Commission determines that any institution is not exempt from the provisions of this rule, it shall notify the institution in writing with the reasons for the determination.

**§133-20-5. PROHIBITIONS Institutional Titles.**

- 5.1. An institution shall use within the State a title appropriate to the program and degree it offers in the State.
- 5.1.2. No person, firm, association, institution, trust corporation or other entity shall use in any manner within West Virginia the term "college" or "university" or any abbreviation thereof, or any words or terms tending to

designate it as, or create the impression that it is an institution of higher education, unless it shall have obtained the appropriate approval as provided in this rule.

- 5.23. This section shall not apply to any entity which used the term "college" or "university" prior to July 1, 2006~~[implementation date]~~.
- 5.34. This section shall not apply to individual proprietorships, associations, co-partnerships or corporations which use the words "college" or "university" in their training programs solely for their employees or customers, which do not offer degree granting programs, and whose name includes the word "college" or "university" in a context from which it clearly appears that such entity is not an educational institution.

**§133-20-6. Authorization to Operate.**

- 6.1. No entity may advertise, solicit, recruit, enroll, or operate a post-secondary education institution until it is authorized for operation in the state of West Virginia by the Higher Education Policy Commission.
- 6.12. An institution locating in West Virginia must register with the Secretary of State's office prior to making any application to the Commission for authorization.
- 6.23. All private colleges and universities, private proprietary schools and ~~seminaries or Bible~~ religious, theological, or faith-based colleges offering any degree above the associate level, as specified in section 7.4 of this rule, shall register with the Commission, shall meet the authorization criteria, and shall be granted authorization prior to offering any program of instruction, credit, or degree; opening a place of business; soliciting students or enrollees; or offering educational support services.
- 6.34. All private colleges and private proprietary schools, with the exception of correspondence, business, occupational, and trade schools as defined in Series 35, *Correspondence, Business, Occupational and Trade Schools*, of the Council for Community and Technical College Education, offering degrees not above the associate level shall register with the Council, shall meet the authorization criteria, and shall be granted authorization prior to offering any program of instruction, credit, or degree; opening a place of business; soliciting students or enrollees; or offering educational support services.
- 6.45. Private colleges and universities and private proprietary schools offering ~~associate level degrees and~~ degrees above the associate level shall register with the Commission, shall meet the authorization criteria, and shall be granted authorization prior to offering any program of instruction, credit,

or degree; opening a place of business; soliciting students or enrollees; or offering educational support services. Granting of authorization of such institution is the responsibility of the Higher Education Policy Commission ~~in consultation with the Council for Community and Technical College Education.~~

- 6.56. Authorization of private colleges and universities and private proprietary schools offering associate degrees is the responsibility of the West Virginia Council for Community and Technical College Education.
- 6.57. Private colleges or universities and ~~seminaries or Bible~~ religious, theological, or faith-based colleges shall be authorized under the provision of this rule. Private proprietary schools exempted under the provisions of section 4 of this rule shall be governed by the provisions of Title 135, Series 35, *Correspondence, Business, Occupational and Trade Schools*, administered by the Council.
- 6.78. Institutions which are formed, chartered, or established outside West Virginia and have been fully accredited by a regional accrediting association or by another accrediting body recognized by the U.S. Department of Education and which seek to offer courses and/or academic degree programs within West Virginia shall be authorized by the Commission to offer programs and courses within West Virginia under provisions of section 7.3 of this rule.
- 6.9. Newly established institutions in West Virginia and those seeking accreditation by a regional accrediting association and/or by another accrediting body recognized by the U.S. Department of Education, may not offer courses or degree programs without Commission authorization to locate, relocate or establish a branch campus in West Virginia. The institution must seek Commission authorization to offer courses and/or academic programs within West Virginia per the provisions of section 7.2 of this rule.
- 6.10. Institutions wishing to exceed or change their approved programmatic mission must receive approval from the Commission to offer each program that exceeds the level of academic degrees that the institution is authorized to grant. Documentation must be submitted that specifies the scope of the proposed change, including long-range plans for new degree programs and programs that exceed the level of academic degrees currently authorized for the institution. Requests to exceed an institution's programmatic mission shall be evaluated based on the following criteria: objectives of proposed program; relationship of program to statewide mission and plan; demonstration of need; effect of new program on existing programs at other institutions; resource availability; qualified faculty and administrators; library holdings and support; facilities and

equipment; and, evidence of strength of offer the proposed program.

6.11. Authorization is limited to those institutions that deliver instruction in West Virginia and have a physical presence in West Virginia.

6.12. Before an institution of higher education can be authorized by the Commission to operate within the State of West Virginia, a surety bond must be provided by the institution. The obligation of the bond will be that the institution, its officers, agents and employees will faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the institution and persons enrolling as students. The bond shall be issued by a company authorized to do business in the state. The bond shall be to the Commission in such form as approved by the Commission and is to be used only for payment of a refund of tuition and other instructional fees due a student or potential student. The amount of the bond shall be \$100,000 and shall be renewed annually. The Commission, if it deems appropriate, may reduce the amount of the bond if an institution has less unearned tuition than \$100,000, but in no event shall be less than \$20,000.

6.13. If instruction is to be delivered at a physical location within the state of West Virginia, the applicant institutions must secure, from appropriate local agencies, documentation that fire and sanitation codes are met by the proposed instructional facilities. If such inspections are unavailable, the institution must present a copy of a recent letter from the local inspection agency indicating that such inspections are unavailable. Additionally, instructional delivery sites must be compliant with Americans with Disabilities Act guidelines.

6.14. Institutions seeking West Virginia authorization may withdraw from the authorization process at any time upon written notification to the Director of Academic Affairs of the Higher Education Policy Commission.

**§133-20-7. Procedures for Granting of Authorization and Bond Requirements.**

7.1. ~~Authorization shall be granted upon presentation of adequate information by the postsecondary institution seeking authorization to the Commission. As the first step toward authorization, representatives of a seminary or Bible college or a private college or university shall consult with the Director of Academic Affairs or designee prior to submission of required documentation. No private college or university shall operate until it meets the essential conditions established by the Commission and defined in this rule.~~ **Process for securing authorization.**

An institution which is interested in gaining authorization to operate within the State of West Virginia must follow the prescribed procedures

outlined in this rule to be considered for the requested authorization. No private college or university or proprietary shall operate until it meets the essential conditions established by the Commission and defined in this rule. Institutional accreditation must be documented or its potential for accreditation established and accepted by the Commission. Institutions authorized to operate pending full accreditation shall pursue full accreditation continuously and shall make reasonable and timely progress toward accreditation in order to retain authorization.

When a change in ownership occurs with a private or proprietary institution, the Commission shall reassess the institution's authorization status within 6 months of the notification of the change in ownership.

**7.2. Newly established institutions in West Virginia and those seeking accreditation.**

Newly established institutions in West Virginia and those seeking accreditation by a regional accrediting association and/or by another accrediting body must seek Commission authorization to offer courses and/or academic programs within West Virginia.

Following is a description of the steps in the authorization process:

7.2.a. It is the responsibility of the applying institution to contact the Secretary of State's office to determine if registration is required within the State.

7.2.b. A preliminary conference shall be held between the Chief Executive Officer or designee of the institution seeking authorization to operate a degree-granting institution in the State of West Virginia and the Director of Academic Affairs of the Higher Education Policy Commission or designee. The agenda shall include a discussion of criteria to be met by the institution and procedures used in applying for requested authorization.

7.2.c. Following the preliminary conference, the institution shall submit a self-study report including all requested documents and materials related to authorization, including those which address the essential conditions in section 8 of this rule as may be requested. An initial application fee of \$6,000 must accompany the submission of documentation for those institutions seeking authorization. The Commission may adjust all fees charged as deemed necessary.

7.2.d. Upon receipt of the completed self-study report and all documentation, the Commission staff shall organize a compliance

review committee to visit the site(s) of the institution seeking state authorization. At the discretion of the Commission staff, the compliance visit may take place at the Commission office or other appropriate locations. The principal task of the committee will be to verify that the institution complies with the Commission's standards for preliminary authorization and to report its findings to the Commission.

The compliance review committee shall be composed of:

7.2.d.1. Persons who are qualified by academic training or professional experience to verify the institution's compliance with Commission standards for approval.

7.2.d.2. Members of the Commission staff. The Director of Academic Affairs or designee shall serve as chair of the committee.

The visit will be scheduled at a time which is mutually convenient to the institution and the Commission. The institution shall pay the reasonable expenses associated with the compliance review visit.

7.2.e. Following the site visit and review of submitted documentation, the compliance review committee will prepare an analysis of the findings and develop a recommendation for the Commission regarding the institutional application. Only those institutions whose proposed offerings meet state standards of quality will be recommended for authorization. The report will contain:

7.2.e.1. a report by the compliance review committee; and

7.2.e.2. a recommendation by the compliance review committee for action by the Commission regarding granting preliminary authorization as provided for in section 7.2.h of this rule.

7.2.f. A draft of a staff report prepared in accordance with this section will be provided to the institution for correction of factual errors and comment. The institution may provide the Commission a response to the report within ten (10) working days of receipt of the report. The institutional comments will be included with the compliance review committee report presented to the Commission.

7.2.g. An out-of-state institution seeking to establish a campus in West Virginia that holds appropriate accreditation as determined by the Commission and that meets the essential conditions as provided in Section 8 of this rule may be granted full authorization by the Commission.

- 7.2.h. Upon receipt and review of the compliance review committee recommendation, the Commission will consider the institution for Preliminary State Authorization effective for a period of time up to six (6) months. Within that period of time the institution shall satisfactorily complete preliminary information as required by the regional and/or other appropriate accrediting association, and shall not accept students, offer instruction, award credits toward a degree, or award a degree until granted further authorization by the Commission.
- 7.2.i. If the institution does not hold accreditation, the Commission staff shall request submission of information verifying its accreditation status and/or evidence of "reasonable and timely progress" toward accreditation. Reasonable and timely progress toward accreditation is understood to be a status with the regional accrediting association or an acceptable alternative accrediting association recognized by the U.S. Department of Education (recognition shall be documented) that indicates that the institution has been determined to hold the potential for accreditation and is actively pursuing accreditation within the timetable established by the regional accrediting association (unless an alternative timetable has been presented to and accepted by the Commission).
- 7.2.j. Once the institution has been accepted for consideration for candidacy by the regional accrediting organization and/or other appropriate accrediting association and has submitted evidence to this fact to the Commission, the institution shall be placed on Probationary Authorization status. The institution shall remain on Probationary status no longer than six (6) years.
- 7.2.k. If satisfactory evidence is not received within 6 months of the granting date of Preliminary Authorization status, that authorization is revoked.
- 7.2.l. An institution holding Probationary Status shall undertake the accreditation process immediately and shall comply with the accreditation requirements and procedures to achieve full institutional accreditation.
- 7.2.m. Failure to pursue accreditation continuously, as provided in this rule, shall result in loss of state authorization.
- 7.2.n. Each institution with Probationary State Authorization Status shall submit an annual report in a format determined by Commission staff. The annual report should include the following:

- 7.2.n.1. any changes or additions to information previously submitted as part of the basis for Preliminary State Authorization;
- 7.2.n.2. copy of current catalog with major changes cited;
- 7.2.n.3. the latest financial statement from the most recent institutional fiscal year;
- 7.2.n.4. an enrollment report from the most recent academic year;
- 7.2.n.5. a list of all institutional personnel including staff, instructors and agents;
- 7.2.n.6. summary data on student state and federal financial aid;
- 7.2.n.7. data on student retention;
- 7.2.n.8. program completion data, as applicable;
- 7.2.n.9. status of progress toward receiving full accreditation status from accrediting agency; and
- 7.2.n.10. such other information or clarification deemed necessary by Commission staff for determination of authorization recommendation.

A nonrefundable fee of \$500 shall accompany the submission of the annual report while the institution is maintaining Probationary State Authorization status. The Commission may adjust all fees charged as deemed necessary.

7.2.o. Following the on-site accreditation visit and action by the Higher Learning Commission of the North Central Association of Colleges and Schools and/or other appropriate accrediting association, the institution shall immediately notify the Commission which will then assign the institution an authorization status from among the following:

- 7.2.o.1. Fully authorized, as a result of the decision by the accrediting association to accredit the institution, and having demonstrated compliance with the Essential Conditions.
- 7.2.o.2. Continuation of Probationary State Authorization. An institution that holds candidacy for accreditation shall submit annual reports to the Commission documenting its progress toward the achievement of accreditation consistent with policy of appropriate accreditation associations. Continuation of this status shall not extend beyond 6 years.
- 7.2.o.3. Not authorized as a result of denial of accreditation by the accrediting association.
- 7.2.o.4. Continuation of Probationary State Authorization status pending on appeal of denial of accreditation by the

Higher Learning Commission of the North Central Association. Continuation on these grounds shall only be granted upon showing good cause to the Commission. An institution's final authorization status will be based upon the action taken by the accrediting association.

~~7.2. No private college or university shall operate until its accreditation is documented or its potential for accreditation is established and accepted by the Commission. Institutions authorized to operate pending full accreditation shall pursue full accreditation continuously and shall make reasonable and timely progress toward accreditation in order to retain authorization.~~

~~7.3. No seminary or Bible college shall operate until the religious nature of the institution is documented and verified by the Commission.~~

~~7.4.3. Before an institution of higher education is authorized under the provisions of section 10 of this rule, a surety bond must be provided by the institution. The obligation of the bond will be that the institution, its officers, agents and employees will faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the institution and persons enrolling as students. The bond shall be issued by a company authorized to do business in the state. The bond shall be to the Commission in such form as approved by the Commission and is to be used only for payment of a refund of tuition and other instructional fees due a student or potential student. The amount of the bond shall be \$50,000 and shall be renewed annually. The Commission, if it deems appropriate, may reduce the amount of the bond if an institution has less unearned tuition than \$50,000, but in no event shall be less than \$10,000.~~ **Accredited, Out-of-State Institutions.**

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 within West Virginia must be authorized by the Commission.

Following is a description of the steps in the authorization process:

7.3.a. It is the responsibility of the applying institution to contact the Secretary of State's office to determine if registration is required within the State.

7.3.b. The institution must submit an application for approval to the Commission for each course or degree program to be offered at the site. The application should include written unconditional assurance that:

- 7.3.b.1. Each course or program of study proposed to be offered in West Virginia has been approved by the governing board of the institution, and if applicable, by the appropriate state agency in the state where the main campus of the institution is located.
- 7.3.b.2. The institution has been approved as necessary by the appropriate agency, if any, in the state where the main campus of the institution is located.
- 7.3.b.3. The institution offers degree programs at the level for which credit is proposed to be awarded in those programs in West Virginia.
- 7.3.b.4. The accredited out-of-state institution offers degree programs outside the state where the main campus is located.
- 7.3.b.5. Any credit earned in West Virginia can be transferred to the institution's principal location outside West Virginia as part of an existing degree program offered by the institution.
- 7.3.b.6. The institution offers the same program at the same level at its principal location outside West Virginia that it seeks to offer in West Virginia.
- 7.3.b.7. The institution presents data that projects market demand and availability of openings in the job market to be served by the new program for which the institution is seeking authorization to offer in West Virginia.
- 7.3.c. In making its determination, the Commission will consider whether the proposed degree programs or courses duplicate existing offerings of other institutions of higher education at the locations for which approval is requested.
- 7.3.d. Authorization for degree programs may be for a period of up to four years at a specified location with an application for renewal of the authorization required to be filed with the Commission at least ninety days prior to the expiration of the authorization.

Authorization for courses may be granted for a period of one year at a specified location with an application for renewal of the authorization required to be filed annually with the Commission at

least ninety days prior to the expiration of the authorization.

7.3.e. The Commission may waive any or all of the reporting requirements for institutions that are delineated in section 8 of this rule.

7.3.f. Any out-of-state or private accredited institution that is granted authorization shall receive written notification of acceptable status.

~~§133-20-8. Criteria For Authorization – Seminary Or Bible College.~~

**8.1.7.4. Religious, Theological or Faith-based Institutions.**

To qualify as a ~~seminary or Bible~~ religious, theological, or faith-based college, an institution must qualify both as an institution of higher education as defined in section 3 of this rule and as a religious institution based on meeting each of the following criteria:

~~8.1.7.4.a.~~ Be a non-profit institution owned, controlled, and operated and maintained by a bona fide church or religious denomination, lawfully operating as a non-profit religious corporation.

~~8.1.7.4.b.~~ Limit the educational program to the principles of that church or denomination, and the diploma or degree is limited to evidence of completion of that education.

~~8.1.7.4.c.~~ Only grant degrees or diplomas in areas of study that contain on their face, in the written description of the title of the degree or diploma being conferred, a reference to the theological or religious aspect of the degree's subject area.

~~8.1.7.4.d.~~ Not market, offer, or grant degrees or diplomas which are represented as being linked to a church or denomination, but which, in reality, are degrees in secular areas of study.

~~8.1.7.4.e.~~ Have obtained exemption from property taxation under state law and shall have submitted a copy of the certificate of this exemption to the Commission.

~~8.2.~~ 7.4.f. Additional evidence may be provided by an institution seeking to substantiate that the institution is a religious institution including:

~~8.2.a.~~ 7.4.f.1. Evidence that the institution holds at least pre-accreditation status with ~~one of the following~~ a nationally recognized accrediting associations.

- ~~8.2.a.1. The Accrediting Association of Bible Colleges; or~~
- ~~8.2.a.2. The Association of Advanced Rabbinical and Talmudic Schools; or~~
- ~~8.2.a.3. The Association of Theological Schools in the United States and Canada; or~~
- ~~8.2.a.4. Other appropriate accrediting association recognized by the U.S. Department of Education and determined as appropriate by the Commission.~~

~~8.2.b.~~ 7.4.f.2. A statement of institutional mission clearly establishing the mission of the institution as solely religious, and curricula and degree, diploma, or certification programs that clearly support that mission singularly.

~~8.2.c.~~ 7.4.f.3. Other appropriate, substantial, evidence of qualification for state authorization as a seminary or Bible college religious, theological, or faith-based college.

~~8.3~~ 7.4.g. An institution shall not be eligible for authorization as a seminary or Bible religious, theological, or faith-based college if it offers degrees appropriate only for academic institutions, such as, but not limited to, Bachelor of Arts or Bachelor of Science, Master of Arts or Master of Science, Doctor of Philosophy, or other degrees typically offered by academic institutions, regardless of curriculum of course content, unless the degree title includes the religious field of study (e.g., "Bachelor of Arts in Religious Studies"). Institutions authorized as seminaries and Bible religious, theological, or faith-based colleges also shall not offer degrees associated with specific professional fields or endeavors not clearly and directly related to religious studies or occupations. Examples of such degree titles are Bachelor of Business Administration or Master of Business Administration; Bachelor of Education, Master of Education or Doctor of Education; and Doctor of Psychology.

~~8.4.~~ 7.4.h. An authorized seminary or Bible religious, theological, or faith-based college, its educational programs, its degrees and diplomas, and its honorary degrees, have no state approval or recognition status whatsoever. An institution operating under this authorization shall not state or imply by any means whatsoever that there exists any recognition endorsement by the state or by any agency or agent of the state of the education, documents awarded by the institution, or the institution itself, other than the institution's authorization to operate.

**§133-20-98. Criteria For Authorization – ~~Private College or University~~ Essential Conditions.**

~~9.1. A private college or university, under the provisions of this rule, is an institution which is "doing business or maintaining a place of business in the state of West Virginia" which offers courses of instruction or study wherein credits may be earned toward a degree in a field of endeavor. A publicly supported college or university in another state will be treated as a "private college or university" and will be authorized to offer courses of instruction toward a degree, degree credits, or degrees if it qualifies under the criteria for such institutions. An institution that employs an agent or representative in West Virginia and delivers instruction by any means within the state shall be regarded as a private college or university and shall be authorized on the same basis as any other such institution.~~

~~98.21.~~ Essential Conditions. An institution seeking authorization to operate in West Virginia must meet the following essential conditions ~~and accreditation standards~~ established by the Commission. To apply for Preliminary State Authorization the institution must provide to the Commission full documentation that demonstrates fulfillment of the essential conditions ~~and the accreditation standards~~ including evidence of a critical and compelling regional or statewide need or demand for the specific academic degree programs(s) in the state.

### ~~9.3~~ **Essential Conditions**

#### ~~9.38.1.a.~~ Familiarity with accreditation and state authorization policies and procedures

The institution shall provide evidence that it is familiar with and understands accreditation procedures of the Higher Learning Commission of the North Central Association and/or other appropriate body and state authorization policies and procedures. The statement should indicate perceived strengths and weaknesses with respect to accreditation criteria and assess the capabilities of the institution in achieving accreditation status. It shall state the name of the accrediting association(s) from which accreditation will be sought. If the institution has secured full accreditation status, a copy of the final accreditation report shall be submitted to the Commission.

#### ~~9.38.1.b.~~ Statement of mission

A statement of mission shall have been developed, formally adopted by the institution's governing body and made public, which defines the basic character of the institution, including a brief description of the educational programs to be offered and their purposes, the students for which the programs are intended,

the geographical area served by the institution (or the particular constituency it serves), and a description of how the institution will fit within the broader higher education community. The mission shall be appropriate to an institution of higher education and the institution must plan to award degrees. ~~The mission statement shall be provided to the Commission.~~

9.38.1.c. Institutional organization, administration, and delivery sites

9.38.1.c.1. A governing board that possesses and exercises necessary legal power to establish and review basic policies that govern the institution shall have been formally established. The board shall include among its members some who represent the public interest and are sufficiently autonomous from the administration and ownership to assure the integrity of the institution. The Commission shall be provided a list of the members of the board with a brief resume of each.

9.38.1.c.2. An executive officer shall be designated by the governing board to provide administrative leadership for the institution. This officer's name, ~~and~~ title, current vita and the address of the administrative office, shall be provided to the Commission.

9.38.1.c.3. If faculty members are employed at the time the application is filed with the Commission, the faculty members' names ~~themselves~~, their academic credentials (degrees, previous experience, etc.), and teaching fields shall be identified. If no faculty members have been employed, the institution shall describe the qualifications of the faculty that is to be recruited and the procedures that will be used to find and contract with faculty members.

9.38.1.c.4. The method of program delivery and/or physical location of course delivery shall be defined. If a program is designed for on-line delivery, it shall meet best practice guidelines for distance education delivery as outlined by the regional accrediting agency. If the program is designed for traditional classroom delivery, the proposed physical location shall be identified.

8.1.c.5. To assure that instructional delivery sites meet applicable state standards for health and safety, institutions must secure a certificate of occupancy and recent fire inspection report from the State Fire Marshal's office for each instructional delivery site. These requirements are not applicable if delivery is in a public building that already has regular health, safety, and fire inspections

upon receipt of last approved inspection. If the nature of the building is changed, additional inspections will be required.

8.1.c.6. Instructional delivery sites must be compliant with Americans with Disabilities Act guidelines.

9.38.1.d. Degrees and academic programs

9.38.1.d.1. A degree shall be awarded upon successful completion of an educational program. The institution shall provide a list of the degrees it proposes to award.

9.38.1.d.2. The planned educational programs shall be compatible with the proposed institutional mission. The relationship shall be described in documents provided to the Commission.

9.38.1.d.3. The academic program proposed for offering shall be appropriately named and be based on fields of study recognized as appropriate for a postsecondary institution. Evidence shall be provided to the Commission that the fields of study upon which the academic programs are to be based are, in fact, so recognized. Such recognition, for example, could be demonstrated by the existence of professional literature in the field; the offering of similar programs in already-accredited institutions, generally; and by the existence of professional organizations related to the field.

9.38.1.d.4. The content and length of the proposed academic program shall follow practices common to institutions of higher education. The commonly accepted minimum program length is: 60 semester credits for associate's degrees, 120 semester credits for bachelor's degrees, 30 semester credits beyond the bachelor's degree for master's degrees, 30 semester credits beyond the master's degree for doctorates.

Academic credit shall be awarded upon completion of each unit of the course of study, leading to a formal award granted by the institution.

Documentation shall be provided to the Commission that lists requirements for each degree program including representative course syllabi specifying goals and requirements, course content, methods of evaluation, and bibliography.

The student-teacher ratio shall be reasonable at all times

in keeping with generally accepted teaching modes for the subject matter. The institution must employ at least one full-time faculty for each major.

9.38.1.d.5. Any proposed undergraduate degree program shall include a coherent general education component that is consistent with the institution's mission and appropriate to its educational programs. The undergraduate general education component shall be documented.

*General education is defined as follows:*

General Education is "general" in several clearly identifiable ways: it is not directly related to a student's formal technical, vocational or professional preparation; it is a part of every student's course of study, regardless of his or her area of emphasis; and it is intended to impart common knowledge, intellectual concepts, and attitudes that every educated person should possess.

The minimum requirement for general education for all undergraduate programs delivered through the traditional distributed curricula is 15 semester credits for technical associate's degrees, 24 for transfer associate's degrees, and 30 for bachelor's degrees. If the general education component is delivered through integrated, embedded, interdisciplinary, or other accepted models, institutions must demonstrate that the program meets minimum requirements equivalent to the distributed model.

9.38.1.d.6. Student access to all necessary learning resources and support services shall be provided. Necessary resources and support services vary by type of program, but all require some use of library resources. Laboratories may be required for some programs. Support services such as academic advising, financial aid counseling, and support for special, targeted, constituencies may be needed. The institution shall describe the learning resources and support services that it will provide and state how they will be provided to students on a regular, dependable basis.

9.38.1.d.7. Distance learning instruction, when offered, should be considered part of the total program and be judged by criteria as used for sessions and courses offered by the institution in the regular academic year. Documentation shall be provided to the Commission that shows that academic standards for all programs or courses offered electronically are the same as those for other courses delivered at the institution. Additionally, any programs

that are offered primarily through asynchronous or synchronous technology shall meet the standards of good practice for distance education delivery as outlined by the regional accrediting agency.

9.38.1.e. Admission policies

Admission policies shall be consistent with the institution's mission and appropriate to the educational program. The Commission shall be provided with a copy of the institution's admission policies, policies regarding tuition and fees assessment, and refund policies. The policies shall define the minimum requirements for eligibility for admission to the institution and for acceptance at the specific degree level or into all specific degree programs. These policies and related publications shall provide a true and accurate representation of the institution and its programs when recruiting students.

8.1.e.1. Degree program admission policies must be at least the following:

8.1.e.1.A. baccalaureate degrees must require a high school diploma or equivalency, and

8.1.e.1.B. graduate degrees must require at least a baccalaureate degree from an institution judged to be appropriate by the Commission.

8.1.e.2. These policies and related publications shall provide a true and accurate representation of the institution and its programs when recruiting students.

9.38.1.f. Financial resources

The institution shall have financial resources adequate to support start-up activities and sources of funds sufficient to ensure that the institution can sustain itself once students have been admitted. An institution shall continuously ascertain its financial requirements, determine its sources of revenue, plan for current and future needs, and budget its resources accordingly. The Commission shall be provided with:

9.38.1.f.1. A current financial statement compiled or audited by an independent certified public accountant. If the financial statement is unaudited or internally generated, a copy of the most recent income tax return must also be submitted;

9.38.1.f.2. A budget listing all sources of income and all Educational and General (E&G) expenditures and specifying the dollar amounts and percentages for each component of the budget for the preceding three fiscal years (including the current year). A projection of expenditures and revenues for the upcoming year should be included.

8.1.f.3. The institution shall demonstrate that it has the financial resources and planning sufficient to realize its mission over an extended period of time. It shall demonstrate that it has adequate financial resources to meet the following: facility maintenance and overhead; staff and faculty payroll; books, supplies, and/or equipment utilized by students; and general operating costs including printing and advertising.

9.38.1.g. Faculty credentials

9.38.1.g.1. The institution shall ensure that each full-time, part-time or adjunct instructional faculty member holds appropriate academic credentials in the program area or discipline in which the faculty member teaches. Each instructional faculty member shall either: (1) possess one or more degrees in an appropriate discipline; or (2) as an alternative to formal academic credentials, demonstrate competence by virtue of prior experience or academic training, or both, which are related to the field in which the instruction will be offered.

9.38.1.g.2. The institution shall ensure that each full-time, part-time or adjunct instructional faculty member holds academic credentials appropriate to the degree level of the programs or programs in which the faculty member teaches.

~~9.3.g.2.A. All instructional faculty teaching in a terminal occupational/technical program leading to the Associate of Applied Science degree shall:~~

~~-If teaching general education courses, hold a baccalaureate degree plus at least 18 graduate credit hours in the discipline taught.~~

~~-If teaching occupational/technical courses, hold either an associate degree or qualify for a faculty appointment by virtue of scholarly or professional achievements.~~

~~9.3.g.2.B. All instructional faculty teaching in a~~

~~college transfer program at the associate level shall:~~

~~-If teaching general education courses or in a program in the liberal arts and sciences, hold a baccalaureate degree plus at least 18 graduate credit hours in the discipline being taught.~~

~~-If teaching occupational/technical courses, either hold a baccalaureate degree or qualify for a faculty appointment by virtue of scholarly or professional achievements.~~

9.38.1.g.2.A. An institution that offers one or more degree programs at the baccalaureate level shall ensure that at least one-third of the instructional faculty, including at least one instructional faculty member teaching in each program, shall hold a doctoral or other terminal degree. All other instructional faculty members who teach in programs at the baccalaureate level shall either:

-Hold a master's degree; or

-Qualify for a faculty appointment by virtue of scholarly or professional achievements.

9.38.1.g.2.B. All instructional faculty teaching in a program at the master's, first professional or doctoral level shall either:

-Hold a doctoral or other terminal degree; or

-Qualify for a faculty appointment by virtue of scholarly or professional achievements.

9.38.1.g.3. An institution must employ faculty members whose highest earned degree presented as the credential qualifying the faculty member to teach at the institution is from an institution accredited by an accrediting body recognized by the U.S. Department of Education. Exceptions may be made only with the prior consent of the Commission.

#### 9.38.1.h. Evaluation and assessment

The institution must have a clearly defined process by which the curriculum is established, reviewed, and evaluated. The institution must provide for appropriate and regular evaluation of the institution and its program and course effectiveness including assessment of student learning, retention, graduation rates and student, graduate, faculty and employer satisfaction. The results

must be used to ensure and improve quality of instruction.

9.38.1.i. Tuition policies

9.38.1.i.1. A tuition policy shall be developed that provides:

9.38.1.i.1.A. The total tuition for any specific program shall be the same for all persons enrolled at the same time;

9.38.1.i.1.B. Tuition charges for programs shall be justifiable, effective on specific dates and applicable to all who enroll thereafter;

9.38.1.i.1.C. All extra charges and costs shall be revealed to the prospective student before he or she is enrolled;

8.1.i.1.D. The true and accurate costs of courses and program completion must be published and made readily available to all prospective and current students.

9.38.1.i.2. Institutions that the U.S. Department of Education has approved for eligibility for federal student financial aid must comply with the federal regulations governing institutional refunds. An institution must develop criteria for refunds of tuition and fees and make them available to all students.

9.38.1.j. Financial Aid

A policy shall have been developed that provides prospective students and applicants with basic opportunities for student financial aid. This information shall include but not be limited to: (1) types of federal, state, local, private and institutional aid offered to students at the institution; (2) description of the financial aid application process and the method for determining student eligibility for aid; (3) methods and schedules used to determine and disburse financial aid to students; and (4) statement of the rights and responsibilities of financial aid recipients. A copy of the policy must be attached to Commission submission materials.

Information related to student responsibility for repayment of loans and other financial aid must be readily available to students. Consequences relevant to non-payment and delinquent or default repayment of loans must be published and readily available to students.

9.38.1.k. Library resources

The institution shall maintain or ensure via current and formal written agreements with other libraries or from other resources that students have adequate access to a library with a collection, staff, services, equipment and facilities that are adequate and appropriate for the purpose and enrollment of the institution. Institutions offering graduate work shall provide library resources that include basic reference and bibliographic works in each field where work is offered and the major journal and serial sets for maintaining currency in each discipline. Utilization of electronic data collections should also be addressed. The institution shall provide clear and concise methods for on-campus and remote access of library electronic media resources and there shall be communication to students in a matter to minimize barriers to usage.

9.38.1.1. Institutional and sStudent records

9.38.1.1.1. The institution shall maintain accurate records on all enrolled students. These records minimally shall include:

9.38.1.1.1.A. Each student's application for admission and admissions records containing information regarding the educational qualifications of each regular student admitted which are relevant to the institution's admission standards. Each student record must reflect the requirements and justification for admission of the student to the institution. Admission records must be maintained for five years.

9.38.1.1.1.B. Transcript of the student's academic work at the institution shall be retained permanently in either hard copy forms or in a database with backup.

9.38.1.1.1.C. A record of student academic progress at the institution including programs of study, dates of enrollment, courses taken and completed, grades and indication of the student's status (graduated probation, etc.).

8.1.1.2 Financial records of the institution must be maintained and open for inspection by properly authorized officials of the Commission pursuant to compliance with confidentiality laws.

8.1.1.3 Institutions administering financial aid programs must maintain a ledger and a record of financial aid administered which includes a chronological record of debits and credits which is understandable to the enrollee.

~~9.38.1.1.24.~~ The institution must have policies concerning retention and disposal of records and information-release policies which respect the rights of individual privacy, the confidentiality of records and the best interests of the student and institution.

~~9.38.1.1.35.~~ The institution shall have a written plan for the preservation of students' transcripts by another institution or agency, as well as for access to the transcripts, in the event of institutional closure.

#### 8.1.m. Catalog and Official Publications

8.1.m.1. Official publications of the institution shall reflect the institution's integrity, commitment, and reputation and convey its sense of mission, character, goals and objectives to the public. All information released by the institution must be true and accurate.

8.1.m.2. Official catalogs must describe the institutional mission, requirements for satisfactory completion of degree programs, student policies, information on enrollment, tuition and fees, faculty credentials, academic calendar, student grievance procedure, transferability of credit, and other information specifically applicable to students.

#### ~~9.38.1.n.~~ Student grievances

An institution shall publish and make available to all students the institution's grievance policies and procedures regarding the receipt, investigation and resolution of student complaints. These policies must include:

~~9.38.1.n.1.~~An appropriate time frame for investigating and resolving the complaint;

~~9.38.1.n.2.~~Safeguards that those persons charged with resolving the complaint are capable of making a fair and impartial judgment;

~~9.38.1.n.3.~~Procedures to ensure that a student will not be subject to unfair actions as a result of an initiation of a complaint proceeding; and

~~9.38.1.n.4.~~The maintenance of records, disposition and other pertinent information concerning institutional complaints

for at least five years.

~~9.38.1.o.~~ Other criteria deemed to be pertinent.

~~9.4. Accreditation Standards.~~

~~9.4.1. Accredited on the basis of an on-site review in West Virginia by one of the six regional accrediting associations; or~~

~~9.4.2. Accredited by an acceptable alternative accrediting agency determined by the Commission to be appropriate to its educational purposes and programs; or~~

~~9.4.3. Provide evidence that the institution is making reasonable and timely progress toward such accreditation, as determined by or in accordance with standards determined by the Commission.~~

~~9.58.2.~~ The Commission, at its discretion, may waive all or part of the reporting requirements in section 13 of this rule for nationally or regionally accredited institutions seeking authorization to offer credit courses or academic degree programs.

~~§133-20-109. Procedures For Review Of Essential Conditions And Accreditation Status, Private College Or University Termination of State Authorization.~~

~~10.1. As the first step toward state authorization, the executive leaders of an institution seeking state authorization to operate in West Virginia as a private college or university shall consult with the Director of Academic Affairs or designee and shall submit any appropriate documents or materials related to authorization, including those which address the essential conditions and accreditation standards in sections 9.3 and 9.4, as may be requested. The Commission staff may organize a site visit of any institutional facilities if deemed necessary.~~

~~109.21. Termination of Authorization. The Commission staff shall review the documentation submitted by the institution and determine whether the institution meets the essential conditions in section 9.3.~~

~~9.1.a. An institution shall provide the Commission with a copy of any notice of warning, suspension, revocation or other adverse action received from any national or regional accrediting agency within five (5) days of receipt of such notice.~~

~~9.1.b. The Commission may for good cause, suspend, withdraw or revoke the authorization of an institution to generate or solicit students within the state, place an institution on probation, order refunds to students, or forfeit the institution's surety bonds, or take~~

any other appropriate action. Good cause shall consist of:

- 9.1.b.1. The institution is no longer making reasonable and timely progress toward accreditation while assigned Preliminary or Probationary State Authorization;
- 9.1.b.2. Loss of accreditation by a nationally or regionally recognized accrediting agency;
- 9.1.b.3. Cancellation of the institution's bond by the bonding company and failure to secure a replacement in accordance with this rule;
- 9.1.b.4. Providing false, misleading, or incomplete information to the Commission;
- 9.1.b.5. Presenting information about the school which is false, fraudulent, misleading, deceptive, or inaccurate in a material respect to students or prospective students;
- 9.1.b.6. Refusal to allow reasonable inspection or to supply reasonable information after a written request by the Commission has been received;
- 9.1.b.7. A final determination that the institution has engaged in conduct prohibited by this rule, and any specified corrective action has not been taken within the required time;
- 9.1.b.8. Closure of the institution without adequately providing for the completion of students' classes or course work, without refunding students' unearned tuition or otherwise discharged the institution's contractual obligations to the students;
- 9.1.b.9. Conviction of the owner of an institution for a felony or crime involving administration of the institution or involving Federal Student Assistance programs.
- 9.1.b.10. Repeated and/or consistent violations of the guidelines found in this rule, particularly in areas such as advertising, fair consumer practices, or operational standards.
- 9.1.b.11. Exclusion from eligibility to participate in the West Virginia Higher Education Grant Program due to one of the following reasons:
  - 9.1.b.11.A. The institution does not have a signed participation agreement in place; or
  - 9.1.b.11.B. The institution has been deemed ineligible to participate in federal student financial aid programs by the United States Department of Education; or
  - 9.1.b.11.C. The Commission has determined, based upon audits and/or administrative site visits by Commission staff, that the

institution has seriously mismanaged higher education grant or other state financial aid funds or lacks adequate institutional controls to manage such funds properly.

9.1.b.12. Failure to submit an acceptable annual report, an incomplete or unsatisfactory annual report, as determined by Commission staff and as referenced in section 13 of this rule.

9.1.c. An institution authorized as a religious, theological or faith-based college that fails to continue to meet the criteria for a religious institution shall have its authorization terminated. The institution shall be so notified in writing. A phase-out period of not more than one additional academic term shall be permitted. An appeal to the Commission may be filed within ten (10) working days. In the absence of a timely appeal the termination shall be final.

## 9.2. Notification to Cease Offering Degrees or Degree Credits

Institutions that are not authorized but offer degrees and/or degree credits in West Virginia shall be notified by certified mail that they shall cease immediately to offer degrees and/or degree credits. The Commission shall initiate appropriate legal action if institutions fail to comply.

~~10.3 The Commission staff shall determine whether the institution is accredited either by:~~

- ~~(a) one of the six nationally recognized accrediting associations, or~~
- ~~(b) an accrediting association recognized by the United States Department of Education and determined as appropriate to the institution's educational purposes and programs by the Commission.~~

~~10.4 If the institution does not hold accreditation, the Commission staff shall request submission of information verifying its accreditation status and/or evidence of "reasonable and timely progress" toward accreditation. Reasonable and timely progress toward accreditation is understood to be a status with the regional accrediting association or an acceptable alternative accrediting association recognized by the U.S. Department of Education (recognition shall be documented) that indicates that the institution has been determined to hold the potential for accreditation and is actively pursuing accreditation within the timetable established by the regional accrediting association (unless an alternative timetable has been presented to and accepted by the Commission).~~

## ~~10.5 Consultation, Review of Documents, and Assignment of Institutional Status~~

~~10.5.1 After the consultation and review of all documents submitted, the~~

Commission shall assign the institution to one of the following categories:

~~10.5.1.1 Category I, Accredited Out of State Institutions~~

~~Institutions in this category are formed, chartered or established outside West Virginia and have been fully accredited by a regional accrediting association or by another accrediting body recognized by the U.S. Department of Education as approved by the Commission. An institution in Category I has its location outside West Virginia. Such institution is seeking to offer courses and/or an academic degree programs in West Virginia.~~

~~10.5.1.2 Category II, Accredited In State with On-Site West Virginia Review~~

~~Institutions in this category are accredited on the basis of on-site review in West Virginia by a regional accrediting association or by another accrediting body recognized by the U.S. Department of Education as approved by the Commission. An institution in Category II is one which is seeking authorization to relocate or to establish a branch campus in West Virginia.~~

~~10.5.1.3 Category III, Accredited In State Without On-Site West Virginia Review~~

~~Institutions accredited by a regional accrediting association or another accrediting body recognized by the U.S. Department of Education, as approved by the Commission, but not on the basis of an on-site review in West Virginia shall have a period of one year from the date its activities begin in West Virginia to obtain such a review. The time limit may be extended upon presentation of documentation of good cause. Once the institution has received accreditation on the basis of on-site review in West Virginia, it shall be assigned Category II status.~~

~~10.5.1.4 Category IV, Maintaining Reasonable and Timely Progress Toward Accreditation~~

~~Institutions in this category are making reasonable and timely progress toward accreditation in accordance with the statute and continue to make such progress in accordance with the policies and timetable outlined in section 10.7, below. An institution in Category IV is one which is seeking authorization to locate a campus in West Virginia.~~

~~10.6 Authorization Out of State Institutions Category I~~

~~10.6.1 Any higher education institutions having its principal place of operation outside West Virginia which desires to offer degrees or courses within West Virginia must be authorized by the Commission.~~

~~10.6.2 The institution must submit an application for approval to the Commission for each course or degree program to be offered at a site. The application should include written unconditional assurance that:~~

~~10.6.2.1 Each course, program of study, or degree, diploma, or certificate program proposed to be offered in West Virginia has been approved by the governing board of the institution, and if applicable, by the appropriate state agency in the state where the main campus of the institution is located.~~

~~10.6.2.2 The institution has been approved as necessary by the appropriate agency, if any, in the state where the main campus of the institution is located to:~~

~~(a) Offer degree, diploma, or certificate programs at the level for which credit is proposed to be awarded in those programs in West Virginia; and~~

~~(b) Offer degree programs outside the state where the main campus is located.~~

~~10.6.2.3 Any credit earned in West Virginia can be transferred to the institution's principal location outside West Virginia as part of an existing degree, diploma, or certificate program offered by the institution.~~

~~10.6.2.4 The institution offers the same program at the same level at its principal location outside West Virginia that it seeks to offer in West Virginia.~~

~~10.6.3 In making its determination, the Commission will consider whether the proposed degree programs or courses duplicate existing offerings of other institutions of higher education at the locations for which approval is requested.~~

~~10.6.4 Authorization for degree programs may be for a period of up to four years.~~

~~Authorization for courses may be granted for a period of one year at a specified location with an application for renewal of the authorization~~

~~required to be filed annually with the Commission at least ninety days prior to the expiration of the authorization.~~

~~10.6.5 The Commission may waive any or all of the reporting requirements for Category I institutions that are delineated in section 9.3 of this rule.~~

~~10.7 Authorization Policies and Timetables for Newly Established Institutions and Currently Operating Institutions Seeking Accreditation; Fees~~

~~10.7.1 Procedures for Institutions Applying for Initial State Authorization: Preliminary State Authorization~~

~~10.7.1.1 Prior to the acceptance of students, the offering of instruction, the award of credits toward a degree, or the award of a degree, an organization that seeks to be authorized as a "private college or university" shall provide to the Commission evidence that clearly and fully documents that it is an institution that meets the Essential Conditions and that can meet the accreditation criterion for state authorization. An institution seeking Preliminary State Authorization shall demonstrate that it is such an institution by providing information as described in section 9.3.~~

~~10.7.1.2 An initial application fee of \$2,000 shall accompany the submission of documentation required in section 9.3.~~

~~10.7.1.3 The Commission staff shall review documentation required in section 9.3 and shall determine whether or not the institution is in substantial compliance with the essential conditions. If the documentation indicates substantial compliance, the Commission staff will prepare a report with recommendation for Commission action.~~

~~10.7.1.3.1 Before preparing a report, the Commission staff may organize a committee to visit the site(s) of the institution seeking state authorization. The principal task of the site visit committee will be to verify that the institution complies with the Commission's standards for preliminary authorization and to report its findings to the Commission.~~

~~The site visit committee shall be composed of:~~

- ~~a) Persons who are qualified by academic training or professional experience to verify the institution's compliance with Commission standards for approval.~~

- b) ~~Members of the Commission staff. The Director of Academic Affairs or designee shall serve as chair of the committee.~~

~~The site visit will be scheduled at a time which is mutually convenient to the institution and the Commission. The institution shall pay the reasonable expenses associated with the site visit.~~

~~10.7.1.3.2 Following the site visit, the Commission staff will prepare a report that contains:~~

- a) ~~a signed report by the site visit committee;~~
- ~~and~~
- b) ~~a recommendation by the Commission staff for action by the Commission regarding granting preliminary authorization as provided for in section 10.7.1.4.~~

~~10.7.1.3.3 A draft of a staff report prepared in accordance with this section will be provided to the institution for correction of factual errors and comment. The institutional comments will be included with the staff report presented to the Commission.~~

~~10.7.1.4 An institution that provides satisfactory information will be granted Preliminary State Authorization by the Commission for a period of time up to six (6) months. Within that period of time the institution shall satisfactorily complete preliminary information as required by the regional or other appropriate, acceptable, accrediting association, and shall not accept students, offer instruction, award credits toward a degree, or award a degree until granted Category IV authorization status.~~

~~10.7.1.5 Upon presentation of documentation that the preliminary information submitted to the accrediting association is complete and satisfactory, the Commission will grant the institution Category IV state authorization, "Making Reasonable and Timely Progress Toward Accreditation." The institution shall continue the accreditation process immediately.~~

~~Upon receipt of Category IV authorization the institution shall:~~

- ~~(a) Immediately establish an evaluation schedule with the Higher Learning Commission of the North Central Association of Colleges and Schools or other appropriate~~

~~accrediting association~~

- ~~(b) Initiate the institutional self study;~~
- ~~(c) Host an on-site accreditation visit within 24 months of receipt of Category IV authorization status unless that time limit has been expressly modified by the Commission because of extenuating circumstances.~~

~~Failure to pursue accreditation continuously shall result in loss of state authorization.~~

~~10.7.1.6 An institution with Category IV state authorization shall submit an annual report in a format determined by Commission staff. The annual report should include the following:~~

- ~~(a) any changes or additions to information previously submitted as part of the basis for category IV authorization;~~
- ~~(b) copy of current catalog with major changes cited;~~
- ~~(c) the latest financial statement from the most recent institutional fiscal year;~~
- ~~(d) an enrollment report from the most recent academic year;~~
- ~~(e) a list of all institutional personnel including staff, instructors and agents;~~
- ~~(f) such other information or clarification deemed necessary by Commission staff for determination of authorization recommendation.~~

~~10.7.1.7 A fee of \$500 shall accompany the submission of the annual report.~~

~~10.7.1.8 Following the on-site accreditation visit, the institution shall be continued in Category IV status pending action by the Higher Learning Commission of the North Central Association of Colleges and Schools or other appropriate accrediting association. When that action has been taken, the institution shall immediately notify the Commission which will then assign the institution an authorization status from among the following:~~

- ~~(a) Category II, Accredited, as a result of the decision by the accrediting association to accredit the institution. This status shall change only if the accrediting association changes the institution's accreditation status. An accredited private college or university shall notify the Commission following each formal action of the accrediting association with respect to its accreditation.~~
- ~~(b) Continuation of Category IV, Maintaining Reasonable and Timely Progress Toward Accreditation, based upon the~~

~~accrediting association decision to grant the status of Candidate for Accreditation to the institution. An institution that holds candidacy for accreditation shall submit semi-annual reports to the Commission documenting its progress toward the achievement of accreditation consistent with policy of appropriate accreditation associations. Continuation of Category IV status shall not extend beyond 6 years.~~

~~(c) Not authorized as a result of denial of accreditation by the accrediting association.~~

~~(d) Continuation of Category IV status pending on appeal of denial of accreditation by the Higher Learning Commission of the North Central Association. Continuation on these grounds shall only be granted upon showing good cause to the Commission. An institution's final authorization status will be based upon the action taken by the accrediting association.~~

~~10.7.1.9 An institution that does not attain either accreditation or candidacy for accreditation status after its initial on-site accreditation review, but can fully demonstrate continuing progress toward accreditation and the likelihood of achieving a satisfactory status upon a second on-site review, may be continued in Category IV. The institution shall have no longer than 24 months to schedule a second on-site review in order to attempt to achieve accreditation or candidacy for accreditation status. Failure to achieve either result in the second attempt shall result in loss of state authorization.~~

~~10.7.1.10 An institution that is denied preliminary state authorization by the Commission may appeal the decision in accordance with the provisions of section 12 of this rule.~~

## ~~§133-20-11. AUTHORIZATION AND TERMINATION OF STATE AUTHORIZATION~~

### ~~11.1—Notification of Authorization Status~~

~~11.1.1 Any institution that is granted authorization may receive written notification of acceptable status upon request. Private colleges or universities authorized in Category III shall receive written notification of the time limits for a satisfactory on-site West Virginia accreditation review.~~

### ~~11.2—Termination of Authorization; Notification; Appeal~~

~~11.2.1 An institution shall provide the Commission with a copy of any notice of warning, suspension, revocation or other~~

~~adverse action received from any national or regional accrediting agency within five (5) days of receipt of such notice~~

~~11.2.2 The Commission may for good cause, suspend, withdraw or revoke the authorization of an institution to generate or solicit students within the state, place an institution on probation, order refunds to students, or forfeit the institution's surety bonds, or take any other appropriate action. Good cause shall consist of:~~

~~11.2.2.1 The institution is no longer making reasonable and timely progress toward accreditation while assigned a category IV designation as defined in section 10.5.1.4.~~

~~11.2.2.2 Loss of accreditation by a nationally or regionally recognized accrediting agency;~~

~~11.2.2.3 Cancellation of the institution's bond by the bonding company and failure to secure a replacement in accordance with this rule;~~

~~11.2.2.4 A final determination that the institution has engaged in conduct prohibited by this rule, and any specified corrective action has not been taken within the required time;~~

~~11.2.2.5 Closure of the institution without adequately providing for the completion of students' classes or course work, without refunding students' unearned tuition or otherwise discharged the institution's contractual obligations to the students;~~

~~11.2.2.6 Conviction of the owner of an institution for a felony or crime involving administration of the institution or involving Federal Student Assistance programs.~~

~~11.2.3 An institution authorized as a seminary or Bible college that fails to continue to meet the criteria for a religious institution shall have its authorization terminated. The institution shall be so notified in writing. A phase-out period of not more than one additional academic term shall be permitted. An appeal to the Commission may be filed.~~

~~In the absence of a timely appeal the termination shall be final.~~

~~11.2.4 Notification to Cease Offering Degrees or Degree Credits~~

~~—Institutions that are not authorized but offer degrees and/or degree credits in West Virginia shall be notified by certified mail that they shall cease immediately to offer degrees and/or degree credits. The Commission shall initiate appropriate legal action if institutions fail to comply.~~

**§133-20-120. Notification: Appeals.**

~~120.1. Upon receipt by the Commission~~ Once the Commission has received and verified the accuracy of information constituting any of the grounds identified in section ~~11.2.2~~ 9 or denial of preliminary authorization, the Commission shall notify the institution and its owner in writing of its intent to recommend denial, suspension, withdrawal, revocation, or other adverse action and the grounds for such recommendation.

~~120.1.a.~~ The owner of the institution may, within ten (10) work days of receipt of such notice, request a hearing upon the recommended action. Such hearing, if requested, shall be commenced within twenty (20) work days of such request at the Chancellor's office or at such other location convenient to the parties and witnesses as may be designated by the Chancellor.

~~120.1.b.~~ The hearing shall be conducted by the Chancellor of the Commission or his/her designee, pursuant to the procedures set forth in Chapter 29A, Article 5 of the Code of West Virginia.

~~120.1.c.~~ The Chancellor or his/her designee may continue the hearing at the request of the institution for good cause shown. Continuance shall not be granted as a matter of right.

~~120.1.d.~~ If the owner or a representative of the institution does not request a hearing within the requisite time period, the recommendation of the Chancellor or his/her designee shall be deemed unchallenged by the institution and reported to the Commission for final action.

~~120.2.~~ At the hearing, the grounds for denial, suspension, withdrawal, or revocation of authorization to operate the institution or other adverse action must be established by clear and convincing evidence.

~~120.3.~~ Irrelevant, immaterial, or unduly repetitious evidence may be excluded from the hearing. Formal rules of evidence as applied in civil cases in the circuit courts of this state shall not be applied. When necessary to

ascertain facts not reasonably susceptible of proof under those formal rules of evidence not admissible there under may be admitted, except where precluded by statute, if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

- 120.4. The rules of privilege recognized by the law of this state shall be followed.
- 120.5. Objections to evidentiary offers shall be noted in the record. Any party to the hearing may vouch the record as to any excluded testimony or other evidence.
- 120.6. Any party to a hearing may appear with witnesses to testify on his or her behalf; may be heard in person, by counsel or both; may present such other evidence in support of his or her position as deemed appropriate by the Chancellor or his/her designee; and, may cross-examine witnesses called by the Commission in support of the charges.
- 120.7. The hearing shall be open to the general public.
- 120.8. A record of the hearing, including the complaint(s), if applicable, the notice of hearing, all pleadings, motions, rulings, stipulations, exhibits, documentary evidence, evidentiary depositions and the stenographic report of the hearing, shall be made and a transcript thereof maintained in the Commission's files. All recorded materials shall be transcribed. The Commission shall have the responsibility to make arrangements for the transcription and provision of the reported testimony and evidence to the parties. Upon request, a copy of the transcript shall be furnished to any party at his or her expense.
- 120.9. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.
- 120.10. The Commission may call witnesses to testify in support of charges and may present such other evidence to support its position; and, may cross-examine witnesses called by the charged party in support of its position.
- 120.11. All parties shall have the right to offer opening and closing arguments.
- 120.12. Hearings may be continued or adjourned to a later date or different place by the Chancellor or his/her designee by appropriate notice to all parties.
- 120.13. All motions related to a case set for hearing, except motions for continuance and those made during the hearing, shall be in writing and shall be received in the office of the Chancellor at least ten (10) days before the hearing. Pre-hearing motions shall be heard at a pre-hearing conference or at the hearing prior to the commencement of testimony.

~~12.14 All testimony, evidence, arguments and rulings on the admissibility of testimony and evidence shall be reported by stenographic notes and characters or by mechanical means.~~

~~12.15 All reported materials shall be transcribed. The Commission shall have the responsibility to make arrangements for the transcription and provision of the reported testimony and evidence to the parties.~~

~~120.164.~~Any party may submit proposed findings of fact and conclusions of law at a time and manner designated by the Chancellor or his/her designee.

~~120.175.~~At any time prior to the hearing or thereafter, the Chancellor or his/her designee may hold conferences for the following purposes:

10.15.a. To dispose of procedural requests, pre-hearing motions or similar matters;

10.15.b. To simplify or settle issues by consent of the parties; or,

10.15.c. To provide for the informal disposition of cases by stipulation or agreement.

~~120.18 6.~~The Chancellor or his/her designee may cause such conferences to be held on its own motion or by the request of a party.

~~120.197.~~Evidentiary depositions may be taken and read or otherwise included into evidence as in civil actions in the circuit courts of this state.

~~120.2018.~~Subpoenas to compel the attendance of witnesses and subpoenas duces tecum to compel the production of documents may be issued by the Chancellor pursuant to West Virginia Code section 29A-5-1(b).

~~120.2119.~~Written requests by a party for the issuance of subpoenas duces tecum as provided in section ~~4210.18~~ of this rule must be received by the Commission no later than ten (10) days before a scheduled hearing. Any party requesting the issuance of subpoenas duces tecum shall see that they are properly served in accordance with West Virginia Code section 29A-5-1(b).

~~120.220.~~Any final order entered by the Commission following a hearing conducted pursuant to these rules shall be made pursuant to the provisions of West Virginia Code section 29A-5-3. Such orders shall be entered within sixty (60) days following the submission of all documents and materials necessary for the proper disposition of the case, including transcripts, and shall contain findings of fact and conclusions of law unless good cause exists to extend such time or by agreement of the parties.

~~120.23~~1. Findings of fact and conclusions of law shall be recommended to the Commission by the Chancellor or his/her designee and must be approved by a majority of the Commission by vote at a regular meeting, before a final order is entered. A copy of the final order approved by a majority of the Commission shall be served upon the institution and/or his or her attorney of record, if any, within ten (10) days after entry by the Commission by personal service or by registered or certified mail.

~~120.24~~2. The final order may deny preliminary authorization; may suspend, withdraw or revoke the authorization of the institution, place an institution on probation; order refunds to students; order forfeiture of the institution's surety bond and disbursement of the funds forfeited disbursed to students injured by the institution's violation of this rule or its enabling statute; or order any other action deemed appropriate by the Commission, up to and including payment of loans, interest and other charges in connection with institution loans, ~~other out of pocket damages, and any nominal damages~~ caused a student by the institution's violation of this ~~rule~~ action or WV Code Section 188-28-9.

~~120.25~~3. All proceedings pursuant to this rule shall be conducted pursuant to and comply with applicable statute, including, but not limited to, West Virginia Code section 29A-5-1, et seq.

~~120.26~~4. Any relief a student believes he or she was not rightfully awarded by the Commission pursuant to this rule may be pursued in any other appropriate forum.

**§133-20-~~13~~1. Notification and Deposit of Records Upon Discontinuance of a Program or Institution.**

~~131~~1.1. If an authorized institution, branch campus, or extension program of an authorized institution discontinues operation in this state, its chief executive officer shall notify the Commission of the date of discontinuance and the name and address of the agency where records will be maintained.

~~131~~2. Records shall be permanently maintained and copies may be obtained by authorized parties. Such records shall include but not be limited to information pertaining to the admission of each student and former student and the educational record of each student and former student. Financial aid records of each student and former student shall be retained consistent with state and federal regulations.

~~11.3~~3. When an institution decides to cease postsecondary education operations, it must assist students to find alternative means to complete their studies with a minimum of disruption, and inform the Commission of the

following:

11.3.a. the planned date of termination of postsecondary education operations;

11.3.b. the planned date for the transfer of student records;

11.3.c. confirmation of the name and address of the organization to receive and hold the student records; and

11.3.d. the official at the organization receiving the student records who is designated to provide official copies of records or transcripts upon request.

**§133-20-142. Advertisements, Announcements and Other Promotional Materials.**

124.1 An institution seeking authorization shall adhere to the following principles:

124.1.a. “Advertising” includes any form of public notice however distributed. Within this definition would be virtually all publications and promotional items and efforts that could normally be expected to be seen by significant numbers of prospective students or their sponsors. Examples include catalogs, bulletins, brochures and other institution publications, signs, mailing pieces, radio, television, newspaper, electronic or social media, or any other form of public notice designed to aid in the institution’s recruiting and promotional activities.

124.1.b. An institution shall use its name as shown in its letter of approval from the Commission, together with a complete address, for all advertising and promotional purposes within the state.

124.1.c. All advertisements, announcements and promotional material of any kind which are distributed in West Virginia shall be free from statements that are untrue, deceptive or misleading with respect to the institution, its personnel, its services or the content, accreditation status and transferability of its courses, ~~or~~ degree, ~~diploma~~ or certificate programs.

124.1.d. Reference in advertising to accreditation shall name the agency and shall be limited to accreditation currently held by the institution through nationally recognized accrediting agencies as defined and listed by the United States Department of Education.

124.1.e. No advertisement, announcement or any other material produced by or on behalf of an institution of higher education shall in any way indicate that the institution is supervised, recommended, endorsed or accredited by the Commission; neither shall it

include the name of the Commission except to assert that the Commission has authorized the institution to operate in the state.

**§133-20-13. Ongoing Monitoring.**

- 13.1. The Higher Education Policy Commission shall monitor institutional academic quality, an institution's financial viability, and compliance with the provisions of this rule and West Virginia laws with respect to consumer protection and other matters of State oversight.
- 13.2. Any post-secondary institution authorized to operate within West Virginia prior to the effective date of this rule is exempt from the monitoring requirements of this rule.
- 13.3 Each institution with full state authorization must demonstrate ongoing compliance with the essential conditions in an annual report submitted in a format determined by Commission staff. If the institution is found in compliance, the institution's approval may be continued with the timeframe for periodic monitoring determined by the Commission or its designee. The annual report should be submitted by July 1 each year and should include the following:
- 13.3.a. any changes or additions to information relative to the Essential Conditions of section 8.1 of this rule previously submitted as part of the basis for currently granted authorization;
- 13.3.b. such other information or clarification deemed necessary by Commission staff for determination of an authorization recommendation.
- 13.4. A nonrefundable fee of \$200 shall accompany the submission of the annual report.
- 13.5. The annual fee and annual report requirements shall be applicable for all years of authorization through the Commission. The Commission may adjust all fees charged as deemed necessary.

**§133-20-14. Student Complaints.**

- 14.1. Findings by Commission staff and/or ongoing complaints by current or prospective students that show a pattern of misinformation, misrepresentation, lack of disclosure or discrepancies between verbal and written information, intimidation or coercion may require corrective public announcements or in the opinion of the Commission significant deviation from fair consumer practices may result in conditional authorization or revocation of agent or instructional authorization.

14.2. If the institution does not take corrective action, the Commission may take what action it deems appropriate under Section 10 of this rule.

14.3. Institutions authorized under this rule must report to the Commission in writing within 30 days any unresolved written complaints about their operation of which they are knowledgeable (including media accounts of complaints). Such complaints shall be resolved or determined to be irresolvable by the institution within 30 working days of the receipt of the written complaint at the Commission offices. Complaints shall be considered as a factor in the decision when authorization to operate or continue in operate is sought.

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Approval of West Virginia School of Osteopathic Medicine Revised Mission Statement

**INSTITUTION:** West Virginia School of Osteopathic Medicine

**RECOMMENDED RESOLUTION:** *Resolved*, That the West Virginia Higher Education Policy Commission approves the revised mission statement of the West Virginia School of Osteopathic Medicine.

**STAFF MEMBER:** Bruce Flack

**BACKGROUND:**

While the revised statement retains the essential elements of the current statement, including the commitment to serving, first and foremost, the state of West Virginia through an emphasis on primary care in rural areas, it is more succinct in that it deletes a sentence stating that the institution prepares its graduates to enter any specialty and to practice in any location. The West Virginia School of Osteopathic Medicine Board of Governors approved the revision on November 6, 2010. The current and revised mission statements are as follows:

**Current mission statement:**

The mission of the West Virginia School of Osteopathic Medicine (WVSOM) is to educate students from diverse backgrounds as lifelong learners in osteopathic medicine and other complementary health related programs; to advance scientific knowledge through academic clinical and basic science research; and to promote patient-centered, evidence based medicine. WVSOM is dedicated to serve, first and foremost, the state of West Virginia and the special health care needs of its residents emphasizing primary care in rural areas. WVSOM prepares its osteopathic medical students to enter any specialty and to practice in any location.

**Revised mission statement:**

The mission of the West Virginia School of Osteopathic Medicine (WVSOM) is to education students from diverse backgrounds as lifelong learners in osteopathic medicine and complementary health related programs; to advance scientific knowledge through academic, clinical and basic science research; and to promote patient-centered, evidence based medicine. WVSOM is dedicated to serve, first and foremost, the state of West Virginia and the special health care needs of its residents emphasizing primary care in rural areas.

**INSTITUTIONAL POLICY: GA-02**

**CATEGORY:** General Administration

**SUBJECT:** Institutional Mission Statement

**EFFECTIVE DATE:** February 1, 1990

**LAST REVISION DATE:** ~~November 20, 2009~~

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The mission of the West Virginia School of Osteopathic Medicine (WVSOM) is to educate students from diverse backgrounds as lifelong learners in osteopathic medicine and complementary health related programs; to advance scientific knowledge through academic, clinical and basic science research; and to promote patient-centered, evidence based medicine. WVSOM is dedicated to serve, first and foremost, the state of West Virginia and the special health care needs of its residents emphasizing primary care in rural areas.

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Report on Institutional Program Review

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** Information Item

**STAFF MEMBER:** Mark Stotler

**BACKGROUND:**

In accordance with West Virginia Code §18B-1B-4 and §18B-2A-4 and the Commission's Series 10, Policy Regarding Program Review, the institutions, through their respective governing boards, conducted reviews of academic programs for the 2009-2010 academic year.

Systemwide, a total of 86 programs were reviewed during this program review cycle. Of these, nineteen programs were identified for corrective action or submission of a follow-up report and two were identified for further development. In most cases, the findings centered on the need for enhanced assessment efforts, although concerns regarding assessment were down significantly from past reviews. No programs were targeted for termination during this review cycle. At West Virginia University, five programs were recommended for continuation at the current level of activity with the designation as a program of excellence.

A summary of the 2009-2010 program review actions is provided in the table that follows this agenda item. The table indicates the recommendation of the respective governing board for each program. In instances where a governing board has recommended follow-up action, the rationale for the action is provided.

In 2011, the Commission will initiate a new cycle for the review of low productivity programs. This review, conducted under the provisions of Series 10, will provide the Commission further opportunity for identifying and addressing academic programs with low enrollments and graduate production.

## SUMMARY OF INSTITUTIONAL ACADEMIC PROGRAM REVIEWS 2009-2010

### Policy Implementation

Higher Education Policy Commission Series 10, Policy Regarding Program Review, delineates the responsibilities of the institutional governing boards and the Commission in the review of existing academic degree programs. Governing boards have the responsibility to review (at least every five years) all programs offered at the institutions of higher education under its jurisdiction. The results of these reviews are to be reported to the Chancellor. The Commission, following review of these actions annually may modify any institutional action consistent with its authority for review of academic programs.

Each governing board has developed a policy and/or procedures for conducting the reviews. As required under recent revisions to Series 10, these policies and procedures have been submitted to the Commission for filing and review.

The process on the campus begins with preparation of departmental self-studies for programs under review. At a majority of the institutions, the self-studies are then evaluated by a special institutional program review committee or a standing committee serving in a program review role. In some cases, the institutional committees may send the reviews back to the department for revision. The final recommendations of the committees are then forwarded to the university/college administration for submission to the institutional governing board.

Under the revised Series 10, institutions have the responsibility to:

*...assure that the program review process is carried out objectively and that person(s) external to the academic unit in which the program is housed, and/or external to the institution, participate in the review.*

This is the second year that institutions were required to submit their reviews utilizing the new reporting procedures outlined in Series 10. One of the new procedures is for the employment of an external reviewer, preferably one external to the institution, in the conduct of program review. A majority of the institutions provided evidence of the use of external reviewers. In many cases the summaries included recommendations from the external reviewers. The reports revealed that institutions have done a good job in promoting the development and implementation of program assessment plans. The reports indicated significant use of assessment results for program improvement.

## **Institutional Actions 2009-2010**

Commission staff has reviewed the reports of institutional program review actions for 2009-2010 and recommends receipt of the reports as submitted. The institutional actions in the review of academic degree programs were subject to one of the following outcomes:

- Designation as a program of excellence
- Continuation of the program at the current level of activity
- Continuation of the program with specific action or follow-up
- Identification of the program for further development
- Termination

A total of 86 programs were reviewed during the past academic year, with no programs targeted for termination. Five programs at West Virginia University were identified as programs of excellence.

A summary table of institutional actions follows.



# Summary of Program Review Recommendations 2009-2010

| Institution  | Program  | Recommendation   | Average Number of Graduates Last Five Years           |    |
|--|--|--|---|----|
| Concord University   | B.A. English<br><i>The university is attempting to address a faculty shortage as part of an effort to meet standards of the National Council of Teachers of English with respect to faculty-student ratios.</i>                          | Continue at the current level of activity  | 13  |    |
|  | B.A. Studio Art<br><i>The program will receive three million dollars in stimulus funds to renovate the Alexander Fine Arts Building which is in deplorable condition.</i>  | Continue at the current level of activity  | 4   |    |
|  | B.A. Advertising/Graphic Design<br><i>Feedback from graduates has resulted in the development of new classes.</i>  | Continue at the current level of activity  | 11  |    |
|  | B.S. Business Administration<br><i>As part of the process to meet the accreditation standards of the Association to Advance Collegiate Schools of Business, numerous improvements have been implemented.</i>                             | Continue at the current level of activity  | 71  |    |
|  | A.A. Office Supervision<br><i>In the last system-wide productivity review, this program was placed on probation. If efforts to enhance viability are not successful, the program will be subject to a recommendation of termination.</i> | Continue at the current level of activity  | 7 (total)   |    |
|  |  |  |   |    |
|  | Fairmont State University  | B.S. Criminal Justice<br><i>Program plans to seek accreditation from the Academy of Criminal Justice Sciences. Improvement would include 1) closing the assessment feedback loop, 2) modifying the curriculum, and 3) hiring additional faculty.</i> | Identification of the program for further development | 68 |
| B.A. English<br><i>An assessment committee will review several suggestions from the external evaluator regarding improvements in the assessment process. During the review period faculty have revised program actions and added a departmental exam and system of portfolios and reflections.</i> |  | Continue at the current level of activity  | 7   |    |
| B.S. Graphics/Fine Arts  |  | Continue with specific action  | 3   |    |

| Institution  | Program   | Recommendation  | Average Number of Graduates Last Five Years |
|--|---|---|---|
| Fairmont State University (cont'd)   | It was recommended the program name be changed to <i>Contemporary Fine Arts Technology</i> and is reflected in the current program inventory maintained by the Commission.  |   |   |
|  | B.A. Theatre Arts   | Continue at the current level of activity             | 3   |
|  | The Department plans to prepare a self-study and pursue national accreditation with the National Association of Schools of Theatre.   |   |   |
|  | B.A. Regents Bachelor of Arts<br><i>The university has recognized the need to identify a coordinator who can enhance recruitment and provide more consistency. As the program participates in the RBA Today initiative, additional advisors will be needed. The program is being moved into the Academic Advising Center.</i> | Identification of the program for further development | 46  |
|  | B.A. English  | Continue at the current level of activity             | 5   |
|  | Based upon a departmental request and the program review process, an additional faculty member has been allocated to the English Department.  |   |   |
| Glennville State College   | B.S. Biology  | Continue at the current level of activity             | 7   |
|  | <i>A primary strength is the newly remodeled facilities which are well designed and well equipped. Concerns center on faculty size/turnover and decreased funding.</i>  |   |   |
|  | A.S. Business<br><i>Faculty will consider changes in a gateway course that was determined to be covering too much content. New statewide admission policy has resulted in many students enrolling in the associate degree program due to academic deficiencies prohibiting enrollment in the 4-year program.</i>              | Continue at the current level of activity             | 6   |
| Marshall University  | A.S.N. Nursing  | Continue at the current level of activity             | 90  |
|  | <i>Accredited program. The program needs to continue working on maintaining a consistent retention rate.</i>  |   |   |
|  | B.S.N. Nursing  | Continue at the current level of activity             | 78  |
|  | <i>Accredited program. Required hours increased from 64 to 73. Program officials and external review recognized the need to upgrade facilities and skills labs.</i>   |   |   |
|  | B.S. Respiratory Care<br><i>Accredited program that graduated its first class in December 2008.</i>   | Continue at the current level of activity             | 9 (total)                                   |
| B.S. Communication Disorders<br><i>Program officials meet weekly to consider the formulation, implementation or assessment of improvement plans.</i> | Continue at the current level of activity   | 18  |   |

| Institution                     | Program  | Recommendation                            | Average Number of Graduates Last Five Years |    |
|---------------------------------|--|---|---|----|
| Marshall University<br>(cont'd) | B.S. Journalism and Mass Communications<br><i>The program has made improvements in its plans to increase the number of faculty with terminal degrees which was identified as a weakness in the last review.</i>  | Continue at the current level of activity | 54  |    |
|                                 | B.A. Foreign Languages   | Continue at the current level of activity | 10  |    |
|                                 | Majors are offered in French, German, Spanish, Japanese, and Latin.  |   |   |    |
|                                 | B.A. Communication Studies   | Continue with specific action             | 12  |    |
|                                 | Concentrations are offered in Interpersonal Communication, Organizational Communication, and Public Communication. The program has been requested to develop an assessment plan.   |   |   |    |
|                                 | M.S.N. Nursing<br><i>An accredited program with areas of emphasis in Family Nurse Practitioner, Nursing Administration and Nursing Education. External review noted that the probable transition of the Nurse Practitioner program to the Doctorate in Nursing Practice requires advanced planning and commitment of resources if Marshall University is to continue to offer this very important program.</i> | Continue at the current level of activity | 31  |    |
|                                 | M.S. Communication Disorders   | Continue at the current level of activity | 20  |    |
|                                 | Accredited program that experienced 100% graduation rate during the review period.   |   |   |    |
|                                 | M.A./M.S. Biological Sciences<br><i>The program has requested additional resources to develop additional 600-level courses that will support areas of emphasis. The Provost has deferred the decision on additional resources until after the completion of the University's Master Plan.</i>  | Continue at the current level of activity | 17  |    |
|                                 | M.S. Biomedical Science<br><i>An external reviewer concurred with program's identified need for additional classrooms and laboratory space for M.S. and Ph.D.</i>  | Continue at the current level of activity | 4 (total)                                   |    |
|                                 | Ph.D. Biomedical Science<br><i>Current research clusters include 1) Cancer Biology, 2) Cardiovascular Disease, Obesity and Diabetes, 3) Neuroscience and Developmental Biology, 4) Toxicology and Environmental Health Sciences, and 5) Molecular Mechanism of Pathogenesis.</i>   | Continue at the current level of activity | 3   |    |
|                                 | M.A. Journalism and Mass Communications<br><i>The program has been enhanced through the development of two new 600-level courses: Media Law and Ethics and Pro-Seminar, an introduction to social science from a mass communication and journalism perspective.</i>  | Continue at the current level of activity | 10  |    |
|                                 | M.A. Foreign Languages<br><i>Majors are offered in Spanish and Latin and are relatively new programs. Spanish has yet to graduate a class.</i>   | Continue at the current level of activity | Latin – 3 (total)                           |    |
|                                 | M.A. Communication Studies   | Continue at the current level of activity |   | 10 |

| Institution   | Program   | Recommendation                            | Average Number of Graduates Last Five Years |
|---|---|---|---|
| Marshall University<br>(cont'd)   | A new emphasis in Health Communications has been created. Enrollment and graduate numbers declined during the review period.  |   |   |
| Shepherd University   | B.S. Computer and Information Sciences  | Continue at the current level of activity | 24  |
|   | Since the last review, four new concentrations have been developed along with seven new courses. Program officials need to work with Division of Teaching and Learning to enhance assessment and make sure student outcomes have been achieved.     |   |   |
|   | B.S./B.A. Mass Communications<br>The program has an exemplary assessment plan and has extensively revised its curriculum. The program has been renamed Communication and New Media.   | Continue at the current level of activity | 20  |
|   | B.A. Psychology   | Continue at the current level of activity | 22  |
|   | Major revisions have been made to the curriculum. Enhancing the research culture has been a focus. The external reviewer suggested a need for an advisory board.  |   |   |
|   | B.S. Mathematics  | Continue at the current level of activity | 4   |
|   | Major revisions in the curriculum have been made since the last review. The assessment plan needs to be addressed.  |   |   |
|   | B.A. Regents Bachelor of Arts<br>The program has moved to remodeled space in the library which provides a more welcoming environment. The external review recommended that the program consider the possibility of establishing concentrations.     | Continue at the current level of activity | 22 (3 yr average)                           |
|   | M.B.A. Business Administration<br>An MBA online cohort will be created as the result of a recommendation emanating from the review. One of the stronger recommendations of an outside evaluator was to increase hybrid and online course offerings. |   |   |
|   | West Liberty University   | B.S. Biology                              | Continue at the current level of activity   |
| External reviewers noted the presence of a fully-developed assessment plan which has resulted in outcome data and program improvement.                                    |   |   |   |
| B.S. Graphic Design   |   | Continue with specific action             | 9   |
| The assessment plan needs further development, specifically a refinement of student learning outcomes.  |   |   |   |
| B.A. English  |   | Continue with specific action             | 4   |
| The assessment plan needs further development, specifically a refinement of student learning outcomes.  |   |   |   |
| A.A.S. Dental Hygiene<br>An accredited program. Receipt of federal funding will allow the purchase of equipment that will expand student knowledge of dental radiography. |   | Continue at the current level of activity | 33  |

| Institution                      | Program  | Recommendation                            | Average Number of Graduates Last Five Years |
|----------------------------------|--|---|---|
| West Liberty University (cont'd) | B.S.N. Nursing<br><i>An accredited program. Program has approval to seek a program director and one additional faculty member with a terminal degree.</i>  | Continue at the current level of activity | 20  |
|                                  |  |   |   |
| West Virginia State University   | B.S. Biology<br><i>The program has no assessment plan and is requested to provide a report by January 2012 with evidence of implementation including data collection.</i>  | Continue with specific action             | 16  |
|                                  | B.S. Communication<br><i>Program has no major weaknesses but is challenged by the lack of unified space and a struggle to maintain and upgrade technological equipment.</i>  | Continue at the current level of activity | 44  |
|                                  | B.A. English<br><i>There are some concerns that staffing is not adequate to serve the needs of the Writing Center while maintaining a quality degree program.</i>  | Continue at the current level of activity | 10  |
|                                  | M.S./M.A. Biotechnology  | Continue with specific action             | 4   |
|                                  | A follow-up report is due January 2012 with a detailed assessment plan and evidence of implementation including data collection.   |   |   |
|                                  | M.A. Media Studies<br><i>A low level of writing capacity by entering students is being addressed through the development of a new research/writing course.</i>   | Continue at the current level of activity | 3   |
|                                  |  |   |   |
| West Virginia University         | B.A. English<br><i>The program has a number of options. Each option has an extensive and detailed capstone course assessment.</i>  | Continue at the current level of activity | 90  |
|                                  | B.A. Philosophy<br><i>A minor is offered that broadens the education of students from a variety of majors, including the sciences and business.</i>  | Continue at the current level of activity | 18  |
|                                  | B.A. Foreign Language<br><i>Offers language programs in French, German, Spanish, and studies in Chinese and Russian. For future reports data need to be disaggregated by specialization area. In addition, future reports need to include a comprehensive description of study abroad programs and how study abroad internships are managed.</i> | Continue with specific action             | 43  |
|                                  | B.A. Communication Studies<br><i>The program was commended for strengthening connections between students and alumni which will facilitate students' transition to employment.</i>   | Continue at the current level of activity | 129   |

| Institution                       | Program   | Recommendation                            | Average Number of Graduates Last Five Years |
|-----------------------------------|---|---|---|
| West Virginia University (cont'd) | B.S. Speech Pathology and Audiology<br><i>Annual admission limited to 45 students.</i>  | Continue at the current level of activity | 42  |
|                                   | B.A./B.S. Psychology<br><i>Interim report should address need to retain Certificate in Applied Psychology and determine if resources could better be used elsewhere. Program requirements need to be consistent in print and electronic materials. Program has achieved designation as an APA Undergraduate Program of Excellence.</i>  | Continue with specific action             | B.A. -102<br>B.S. -36                       |
|                                   | B.S.L.A. Landscape Architecture<br><i>Accredited program that is nationally ranked in top 10</i>  | Continue at the current level of activity | 29  |
|                                   | B.S.J. Journalism<br><i>Accredited program that includes the areas of journalism, advertising, and public relations. In the top 5 of highly subscribed programs at WVU.</i>   | Continue at the current level of activity | 219   |
|                                   | B.S. Dental Hygiene<br><i>Accredited program. Students scored higher than the national average on written national boards (100%), exhibited outstanding community services and had research projects that have been recognized nationally consistently.</i>   | Designation as a program of excellence    | 22  |
|                                   | B.S.N. Nursing<br><i>Accredited program with no identified concerns. National licensure pass rates have exceeded state and national averages for three of the last four years. A prestigious endowment grant was received from the Helene Fuld Health Trust. Curriculum revisions have been made to accommodate more students in an attempt to address the national nursing shortage.</i> | Designation as a program of excellence    | 181   |
|                                   | M.A. Foreign Languages<br><i>A follow-up report is requested on development and implementation of a comprehensive plan for program assessment.</i>  | Continue with specific action             | 31  |
|                                   | M.F.A. Creative Writing<br><i>For the next review cycle a more explicit program of assessment needs to be developed including evidence on the use of data.</i>  | Continue with specific action             | 8   |
|                                   | M.A. Psychology<br><i>The program needs to develop a marketing plan and/or reevaluate its entry criteria to reach enrollment and degree conferral at the minimum viable program metric of three degrees conferred annually.</i>   | Continue with specific action             | 1   |
|                                   | M.S.N. Nursing<br><i>Accredited with no compliance concerns with respect to key elements. Delivered via distance education.</i>   | Continue at the current level of activity | 23  |
|                                   | M.S. Dental Specialties   | Continue with specific action             | 6   |

| Institution  | Program   | Recommendation                                   | Average Number of Graduates Last Five Years |
|--|---|--|---|
| West Virginia University (cont'd)  | Accredited program that provides training in endodontics, orthodontics, and prosthodontics. Accreditation report recommended the following for Endodontics: 1) need for program director, 2) align faculty members with student demand, 3) better student oversight by faculty, 4) foster scholarly activity by faculty, 5) ensure program is at a minimum 24 months of full-time study, 6) modify curriculum to include: anatomy of soft and hard tissues of head and neck; embryology; and neurosciences. |  |   |
|  | M.S. Dental Hygiene   | Continue with specific action                    | 0   |
|  | Accredited program. With only one graduate in the past five years, the program should develop a strategic enrollment plan to recruit students. One of only 20 programs nationally to offer this terminal degree.  |  |   |
|  | M.A. Counseling   | Continue with specific action                    | 38  |
|  | Accredited program. An interim report is due that addresses alignment of the program's mission statement with curricular development, delineating program objectives with respect to a pluralistic society, the assessment of program objectives, curricular inclusions and concerns over student-faculty ratios and faculty workload.  |  |   |
|  | M.A. - Continue at the current level of activity  | M.A. - Continue at the current level of activity | 9   |
|  | Ph.D. - Designation as a program of excellence  | Ph.D. - Designation as a program of excellence   | 5   |
|  | The Ph.D. program has been commended by an external review committee for its student mentoring in teaching and research practices that has resulted in a nationally prominent career placement rate. Nationally recognized students gave 98 competitively chosen papers at national conferences and nine at the most competitive conferences in the discipline. Faculty have earned three highly competitive Fulbright awards.  |  |   |
|  | M.A./Ph.D. Communication Studies  | Continue at the current level of activity        | M.A. -63<br>Ph.D. -3 (total)                |
|  | Ph.D. program established in 2005. Through student feedback, the department has adjusted course offerings and added new courses.  | Continue at the current level of activity        | Ph.D. -3 (total)                            |
| Ph.D. Pharmaceutical and Pharmacological Sciences  | Continue with specific action   | 6  |   |
| Two very discrete emphasis areas are offered: 1) Pharmaceutical and Pharmacological Sciences (PPS) and 2) Health Outcomes. Since little or no overlap in the curriculum exists, consideration should be given to making them two discrete programs. The PPS program should develop metrics for student success as part of their program assessment plan. |   |  |   |
| Pharm.D. Pharmacy  | Continue at the current level of activity   | 75   |   |

| Institution  | Program   | Recommendation                            | Average Number of Graduates Last Five Years |
|--|---|---|---|
| West Virginia University (cont'd)  | An accredited program that is addressing items identified in the accreditation process primarily relating to physical facilities and financial resources.   |   |   |
|  | Ph.D. Nursing   | Continue with specific action             | 9 (total)                                   |
|  | A new program established in 2007. Primarily serves the needs of nursing faculty in surrounding colleges. The program is requested to develop a well-conceived program assessment plan with student learning outcomes and other metrics that reflect the success of students in this program. |   |   |
|  | AuD. Audiology  | Continue at the current level of activity | 13 (total)                                  |
|  | An accredited program. Students report a 100% successful completion rate on professional licensure exam and a 100% employment rate.   |   |   |
|  | D.D.S. Dentistry  | Continue at the current level of activity | 44  |
|  | An accredited program without any reporting requirements.   |   |   |
|  | M.D. Medicine   | Designation as a program of excellence    | 93  |
|  | An accredited program in full compliance with standards except for some minor issues with assessment. Ranked in the top ten graduate programs in rural medicine and in top 50 in primary care. Received Association of Medical College's Outstanding Community Service Award in 2006          |   |   |
|  | Ph.D. Interdisciplinary Graduate Programs in Biomedical Sciences  | Continue at the current level of activity | 13  |
| The report reflects discrete majors in: 1) Biochemistry and Molecular Biology, 2) Cancer Cell Biology, 3) Cellular and Integrative Physiology, 4) Exercise Physiology, 5) Immunology and Microbial Pathogenesis, 6) Neuroscience, and 7) Pharmaceutical and Pharmacological Sciences. According to the report these programs were consolidated in 2003; however, the programs are listed separately on the program inventory maintained by the Commission. A vast majority of the graduates have been in the areas of Immunology and Microbial Pathogenesis and Pharmaceutical and Pharmacological Sciences. |   |   |   |
| Ph.D. Psychology   | Designation as a program of excellence  | 11  |   |
| Accredited program with no remediation or areas of weakness noted. The program has received numerous national awards and was recently ranked 19 <sup>th</sup> in the country for the median number of publications per faculty members in clinical psychology programs.  |   |   |   |
| Potomac State College  | A.A. Engineering  | Continue at the current level of activity | 8   |
|  | Program serves the needs of two distinct populations: those who enter the workforce after earning the A.A. degree and those who choose to pursue a B.S. degree in engineering (typically at WVU)  |   |   |
|  | A.A. Business and Economics   | Continue with specific action             | 15  |

| Institution                    | Program  | Recommendation                            | Average Number of Graduates Last Five Years |
|--------------------------------|--|---|---|
| Potomac State College (cont'd) | <i>The assessment plan is deficient. An interim report is requested that includes a comprehensive assessment plan outlining learning outcomes, assessment methods and a plan for continuous improvement.</i>     |   |   |
|                                | A.A. Journalism  | Continue at the current level of activity | 5   |
|                                | Many students transfer into a baccalaureate program prior to earning the associate degree.   |   |   |
|                                | A.A. Education   | Continue at the current level of activity | 20  |
|                                | <i>Through the operation of an on-campus children's center, the program serves the early childhood education needs at the region while providing high quality, hands-on learning opportunities for students.</i> |   |   |
|                                | A.A. Agriculture   | Continue with specific action             | 16  |
|                                | <i>Within the program, seven majors facilitate transfer into parallel baccalaureate majors at WVU. Because of the number of majors, the college is recommended to present disaggregated data by program.</i>     |   |   |
|                                | A.A. Arts and Sciences   | Continue at the current level of activity | 59  |
|                                | <i>The program offers 23 majors in the areas of sciences, humanities, social sciences and pre-professional programs.</i>   |   |   |
|                                | A.A. Forestry  | Continue with specific action             | 7   |

*Because of program growth there is a need for a comprehensive assessment plan designed to systematically evaluate the program. Also, because of low enrollment in Wood Industries, an interim report is requested justifying the need to retain the program and delineating current resources used and determining if it is a viable appropriation of resources.*

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Division of Science and Research Annual Report

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** Information Item

**STAFF MEMBER:** Paul Hill

**BACKGROUND:**

The Commission's Division of Science and Research recently completed its annual report covering fiscal years 2009 and 2010. This comprehensive report includes data demonstrating a significant increase in federal academic research and development expenditures; highlights of the state's Research Trust Fund, Research Challenge Fund and Eminent Scholars Recruitment and Enhancement initiative; progress made under the 2006 National Science Foundation Research Infrastructure Improvement Award through EPSCoR; as well as a complete division overview, grant summaries and financial information.

The printed report is included in the Commission meeting materials.

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** Research Trust Fund Annual Report

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** *Resolved*, That the Commission accepts the 2010 Research Trust Fund Annual Report for submission to the Governor and Legislature.

**STAFF MEMBER:** Paul Hill

**BACKGROUND:**

As outlined in West Virginia Code §18B-18A-1, the Commission is to submit an annual report on the Research Trust Fund to the Governor and the Legislative Oversight Commission on Education Accountability. In compliance with this statutory requirement, the Commission must review and approve the 2010 annual report. The annual report provides an overview of the most up-to-date figures on the State's account; monies drawn down by West Virginia University and Marshall University; gifts received; endowments established; and, reports from the two universities. In addition, the report includes information on the fund's interest account, which supports competitive research opportunities for the state's other four-year institutions.

A copy of the full report is included in the Commission meeting materials.

# REPORT ON THE RESEARCH TRUST FUND

This report on the agency level activities to implement and achieve the goals of WV Code §18B-18A-1 et seq., the Research Trust Fund (RTF) is hereby provided to the Legislative Oversight Commission of Education Accountability (LOCEA). Although periodic reports have been provided throughout the first two years of implementation, this report provides a comprehensive assessment in compliance with the authorizing legislation.

## Background

The West Virginia Legislature created the RTF during the 2008 regular session to provide endowment funding to Marshall University and West Virginia University, the state's two doctoral-granting, public research universities, and to promote, educate and train researchers and research support staff in science, technology, engineering and mathematics (STEM) fields of study. All awards from the RTF require a 1:1 match from private gifts. The additional investment of both private donations and state funds is critical to recruiting world-class scientists, researchers, research staff, technicians and professional degree graduates, as well as providing sustained funding for laboratories and scientific equipment. The Legislature further determined that certain areas of emphasis including energy, national security technology, environmental sciences, health and biomedical sciences, biometrics, biotechnology, gerontology, transportation and nanotechnology should be targeted by endowments established by RTF investments. The Higher Education Policy Commission was charged to administer RTF public funds available to the state's two doctoral-granting public research universities to match qualified private donations and qualified private donation pledges upon successful demonstration that such qualified donations were made to the institutions.

The Legislature subsequently appropriated \$50 million to the RTF and designated that \$35 million would be available to West Virginia University and \$15 million would be available to Marshall University. All interest earned on the account prior to distribution of the corpus was designated to be distributed primarily to the state's baccalaureate colleges through a competitive process. In order to implement the Legislature's intent, the Higher Education Policy Commission (HEPC or Commission) was authorized to initiate rule making.

## RTF Activities through November 2010

The Commission completed its initial implementation plan during the fall of 2008 which resulted in Title 133 Legislative Rules Series 48, subsequently approved by the legislature during the 2009 regular session. The rule establishes guidelines, procedures and documentation standards for the distribution of funds in the West Virginia Research Trust Fund. The rule designates the Vice Chancellor for Science and Research as the administrator of the program, under the general direction of the Chancellor and the Commission. The final rules are available at [www.wvresearch.org](http://www.wvresearch.org) and [www.wvhepcnew.wvnet.edu](http://www.wvhepcnew.wvnet.edu).

Commission staff created an electronic "Match Request System" (MRS) in 2008 that allows secure transactions for RTF requests made by the universities. All requests, documentation and invoicing are permanently recorded in files that allow sorting, analysis and up-to-date balance information. The MRS was cross referenced with university records to ensure accuracy for this report.

Required "Research Plans" specified by the legislation and approved by institutional Boards of Governors' have been received from both West Virginia University and Marshall University. Both institutional plans are on file at the Commission and are found to be generally compliant with legislative requirements.

The RTF financial account was established in late June 2008 by the State Auditor and made accessible to Commission staff for distribution. This report provides all transaction activities on the RTF within the two and one-half years of its existence.

Interest funds generated by the RTF account have been separately tracked for distribution to State Colleges as defined by the Legislature. On May 15, 2009, the Commission released the first competitive request for proposals (attached) for RTF interest funds collected on the account specifically for state colleges and the WV School of Osteopathic Medicine in accordance with provisions of §18B-18A-10 of the code. A second request for proposals was issued on March 9, 2010. Proposals for up to \$100,000 each were received from eligible institutions and subsequently reviewed by external peers for program merit. Two awards were issued in 2009 and two in 2010 as a result.

## Transaction Summary

### West Virginia University

- Through 2009, combined funds matched by the RTF and transferred to WVU were \$3,489,235. This represented 9.97% of the total funds available to WVU.
- In 2010, new gifts of \$4,541,851 were submitted and matched by the Trust Fund.
- To date WVU has received \$8,031,084 or 22.95% of available funds.
- A total of 37 endowments have been created.

### Marshall University

- Through 2009, combined funds matched by the RTF and transferred to Marshall are \$742,100. This represents 4.95% of the total funds available to MU.
- In 2010, new gifts of \$136,660 were reported but have not been submitted for RTF match.
- Total transfers to Marshall in 2010 are zero.
- A total of (2) endowments created.

### Combined Disbursements

- Total combined distributions from the corpus of the RTF to date are \$8,773,185 or 17.5% of the total fund.
- RTF current account balance is \$41,226,816.
- Both universities recently provided updates on their respective fundraising activities that are in agreement with this total.

### State Colleges

- Total "RTF Interest" accrued \$852,188.92 as of 9/17/10.
- An award of \$99,892.50 was made to Shepherd University on 9/17/10.
- An award of \$100,000 was made to Fairmont University on 9/17/10.
- The current available balance in the "RTF interest" account is \$452,296.42.

### Plans for 2010

- A third State College competition is planned for Spring 2011 to further disburse RTF Interest funds.
- Commission staff plan to work with institutional leaders when joint fundraising opportunities are presented.
- A follow up plan is under development for pledge gifts to ensure that all such donor pledges are completed by March 8, 2013, the legislatively defined compliance date.
- Annual meetings with institutional leaders and foundations are planned.

## Research Trust Fund

Approved Requests Summary as of 12/14/2009

| 2009            | Gifts      | Pledges   | Total Gifts        | Total Pledges      | Total Request      |
|-----------------|------------|-----------|--------------------|--------------------|--------------------|
| WVU             | 104        | 14        | <b>\$2,214,908</b> | \$1,274,327        | \$3,489,233        |
| Marshall        | 15         | 4         | <b>\$603,100</b>   | \$139,000          | \$742,100          |
| <b>Combined</b> | <b>119</b> | <b>18</b> | <b>\$2,818,008</b> | <b>\$1,413,327</b> | <b>\$4,231,334</b> |

Approved Requests Summary as of 11/30/2010

| 2010            | Gifts      | Pledges   | Total Gifts        | Total Pledges    | Total Request    |
|-----------------|------------|-----------|--------------------|------------------|------------------|
| WVU             | 134        | 64        | <b>\$3,061,857</b> | \$1,480,000      | \$4,541,851      |
| Marshall        | 2*         | 0         | <b>\$136,660*</b>  | \$0              | \$0              |
| <b>Combined</b> | <b>136</b> | <b>64</b> | <b>3,198,517*</b>  | <b>1,480,000</b> | <b>4,541,851</b> |

| To Date | <b>\$8,773,185</b> |  |  |  |  |
|---------|--------------------|--|--|--|--|
|---------|--------------------|--|--|--|--|

\* Although Marshall reported, this gift has not been submitted to the Commission for match.

## RTF Milestones

|                      |  |
|----------------------|--|
| January 9, 2008      | Governor proposes program during State of the State Address              |
| March 8, 2008        | Legislation (SB 287) approved by Legislature                             |
| April 3, 2008        | Legislation signed by Governor Joe Manchin                               |
| June 23, 2008        | RTF Account established, \$50 million deposited                          |
| August 25, 2008      | Agency-approved Emergency Rules filed                                    |
| October 15, 2008     | Electronic MRS (Match Request System) completed                          |
| April 6, 2009        | Legislative Rules approved by Legislature (HB 2904)                      |
| April 11, 2009       | Rules signed by Governor   |
| April 16, 2009       | Final Rules filed with Secretary of State's Office                       |
| May 18, 2009         | Rules effective  |
| May 15, 2009         | Request for Proposals issued to State Colleges                           |
| March-December 2009  | Match transfers to both West Virginia University and Marshall University |
| November 13, 2009    | Awards to Concord University and West Liberty University                 |
| January 1, 2010      | Statutory Report filed with Legislature                                  |
| March 9, 2010        | Second Request for Proposals made to State Colleges University           |
| June - November 2010 | Match transfers to West Virginia University                              |
| September 2010       | Awards to Shepherd University and Fairmont University                    |
| December 2010        | Report to Policy Commission  |
| January 1, 2011      | Statutory Report filed with Legislature                                  |

# 2010 RESEARCH TRUST FUND TRANSACTION HISTORY

| Date      | Recipient  | Donor/Foundation Notes   | Fund   | Amount   | Gift/Pledge |   |
|-----------|------------|--|--|--|-------------|---|
| 2/22/2010 | <b>WVU</b> | Raleigh County NAACP<br>Charles Wendell<br>Charleston Area Medical Center<br>Sandra Schafer<br>Lawrence Frail & Patricia Johnston<br>James Hughes<br>Emily Dempsey         | 100.00<br>200.00<br>100.00<br>100.00<br>50.00<br>140.00<br>10.00 | Alan Susman Endowment for Cortico-basal Ganglionic Degeneration Research           | \$ 760      | G |
| 2/22/2010 | <b>WVU</b> | Estate of Blaine S. West, IRA Rollover<br>3R114 Estate of Blaine S. West, IRA Rollover<br>Estate of Blaine S. West, IRA Rollover<br>Estate of Blaine S. West, IRA Rollover | \$92,801.43<br>\$4,434.99<br>\$2,712.41<br>\$4,537.99            | Blaine S. West Endowment for Civil and Environmental Engineering                   | \$104,486   | G |
| 5/18/2010 | <b>WVU</b> | Capital Trust Coompany Foundation 2.12.10 Ref.<br>George & Janette Taylor  |  | James A. Kent Endowment for Biomedical Engineering                                 | \$ 40,000   | G |
| 5/18/2010 | <b>WVU</b> | Merck Partnership for Giving   |  | Schoepp Neuroscience Research Student Spport Fund                                  | \$ 5,000    | G |
| 5/18/2010 | <b>WVU</b> | 500,000 SBC Communications Inc. Bonds  |  | George B. Bennett CEMR Research Opportunity Endowment                              | \$1,000,000 | G |
| 5/18/2010 | <b>WVU</b> | Mr. & Mrs. Charles O. Davis, Jr.   |  | Alan Susman Endowment for Cortico-basal Ganglionic Degeneration Research           | \$ 500      | G |
| 5/18/2010 | <b>WVU</b> | 3R115<br>Pledge<br>Installments 3/1/2010<br>3/1/2011   | \$1,000,000<br>\$250,000<br>\$250,000                            | William J. Maier, Jr. Chair of Research  | \$1,000,000 | P |
| 5/18/2010 | <b>WVU</b> | Estate   |  | E. Elizabeth Morgan Cancer Research Endowment                                      | \$ 26,473   | G |
| 5/18/2010 | <b>WVU</b> | Dr. & Mrs. George Williams   |  | Oleg D. and Valentina P. Jefimenko Physics Fellowship                              | \$ 200      | G |
| 5/18/2010 | <b>WVU</b> | 3V859 Estate   |  | James A. & Ruby Romano Department of Civil and Environmental Engineering Endowment | \$ 263,182  | G |
| 6/10/2010 | <b>WVU</b> | 3R116 Pledge of<br>\$350,000. 12/14/2009   |  | Branson-Maddrell Endowed Professorship in Orthodontics                             | \$ 68,849   | G |
| 6/10/2010 | <b>WVU</b> | 3R120  |  | Ruth and Robert Kuhn Nursing Faculty Research Fund                                 | \$ 25,234   | G |
| 6/10/2010 | <b>WVU</b> | 3R121  |  | Hall - deGraff Endowment for Women in Science & Engineering                        | \$ 25,000   | G |
| 6/10/2010 | <b>WVU</b> | 3V858  |  | Robert E. Pyle Chemical Engineering Graduate Fellowship                            | \$ 50,000   | G |
| 6/10/2010 | <b>WVU</b> | 3R119 \$20,000 pledge recorded May 5, 2010   |  | Badzek Family Endowment for Nursing Research                                       | \$ 20,000   | P |
| 6/10/2010 | <b>WVU</b> | 3R119  |  | Badzek Family Endowment for Nursing Research                                       | \$ 5,000    | G |
| 6/10/2010 | <b>WVU</b> |  |  | William S. Clapper Mechanical & Aerospace Engineer Sch                             | \$ 12,500   | G |
| 6/23/2010 | <b>WVU</b> | 3R123 Installments 6/30/2010<br>1/31/2010 - \$125,000; 1/31/2012   | \$50,000<br>\$175,000  | WVU Hospitals Evidence Based Practice Research Professorship in Nursing            | \$350,000   | P |
| 6/23/2010 | <b>WVU</b> | Trust  |  | James A. & Ruby Romano Department of Civil and Environmental Engineering Endowment | \$ 68,800   |   |
| 6/23/2010 | <b>WVU</b> | 3R116Pledge of<br>\$350,000. 12/14/2009  |  | Branson-Maddrell Endowed Professorship in Orthodontics                             | \$10,000    | G |
| 6/23/2010 | <b>WVU</b> | Exxon Mobil Foundation Matching Gift Program   |  | Rita Radcliff-Deppe and Brian Deppe Fellowship Award                               | \$7,500     | G |

| Date         | Recipient  | Donor/Foundation Notes     | Fund   | Amount             | Gift/Pledge |
|--------------|--|----------------------------|--|--------------------|-------------|
| 6/23/2010    | WVU 3V841  |                            | Oleg D. and Valentina P. Jefimenko Library Resources Fund          | \$100,000          | G           |
| 7/15/2010    | WVU WVUF ID 3R107  |                            | Raymond Brooks Vanscoy Cancer Research Endowment                   | \$ 30,862          | G           |
| 7/15/2010    | WVU WVUF ID 3V824<br>Mr. & Mrs. Patrick Simms 5/25/2010 RN: 11739961       |                            | James A. Kent Endowment for Biomedical Engineering                 | \$ 6,000           | G           |
| 7/15/2010    | WVU Installments: 9/15/2010<br>9/15/2011<br>&nb                            | \$33,000.00<br>\$33,000.00 | Fithian Family Fnd Endow #2 for Behavioral Medicine and Psychiatry | \$100,000          | P           |
| 7/15/2010    | WVU Payments received March 10, 2008<br>April 9, 2009; and March 31, 2010. |                            | Quad/Graphics Research Chair in Internal Medicine                  | \$1,000,000        | G           |
| 11/1/2010    | WVU \$45,000 in Gifts Received<br>\$10,000 in Pledges                      |                            | Benjamin James Galford Research Scholarship                        | \$ 55,000          | G           |
| 11/1/2010    | WVU  |                            | Wells Fargo Energy Group Scholarship                               | \$ 28,000          | G           |
| 11/1/2010    | WVU  |                            | Branson-Maddrell Endowed Professorship in Orthodontics             | \$ 20,000          | G           |
| 11/1/2010    | WVU  |                            | Allen S. Pack Endowment for Mining Engineering                     | \$ 10,000          | G           |
| 11/1/2010    | WVU  |                            | Raymond Brooks Vanscoy Cancer Research Endowment                   | \$ 8,505           | G           |
| 11/1/2010    | WVU  |                            | Oleg D. and Valentina P. Jefimenko Library Resources Fund          | \$ 100,000         | G           |
| <b>TOTAL</b> |  |                            |  | <b>\$4,541,851</b> |             |

**Research Trust Fund - Total Disbursements to date (11-1-2010)**

| Doc ID       | Item                        | FY   | Date     | Amount                           | Balance              |
|--------------|-----------------------------|------|----------|----------------------------------|----------------------|
|              |                             |      |          | <b>June 2008 opening balance</b> | <b>50,000,000.00</b> |
| I009524271   | Marshall Univ Research Corp | 2009 | 3/4/09   | -50,000.00                       | 49,950,000.00        |
| I009524237   | Marshall Univ Research Corp | 2009 | 3/4/09   | -415,000.00                      | 49,535,000.00        |
| I009977397   | WVU Foundation              | 2010 | 7/17/09  | -918,453.00                      | 48,616,547.00        |
| I009977805   | WVU Foundation              | 2010 | 7/17/09  | -737,575.00                      | 47,878,972.00        |
| I010174294   | WVU Foundation              | 2010 | 10/29/09 | -1,149,672.00                    | 46,729,300.00        |
| I010264902   | Marshall Univ Research Corp | 2010 | 12/11/09 | -277,100.00                      | 46,452,200.00        |
| I010279363   | WVU Foundation              | 2010 | 12/17/09 | -683,533.00                      | 45,768,667.00        |
| I010564851   | WVU Foundation              | 2010 | 2/19/10  | -105,246.00                      | 45,663,421.00        |
| I010846617   | WVU Foundation              | 2010 | 4/7/10   | -2,335,355.00                    | 43,328,066.00        |
| I011046825   | WVU Foundation              | 2010 | 6/8/10   | -206,583.00                      | 43,121,483.00        |
| I01199357    | WVU Foundation              | 2010 | 6/28/10  | -536,300.00                      | 42,585,183.00        |
| I011173548   | WVU Foundation              | 2011 | 7/26/10  | -1,136,862.00                    | 41,448,321.00        |
| I011319765   | WVU Foundation              | 2011 | 10/14/10 | -221,505.00                      | 41,226,816.00        |
| <b>TOTAL</b> |                             |      |          | <b>\$8,773,184</b>               | <b>41,226,816</b>    |

**Investment Earnings on RTF Balance to date (11-1-2010)**

| Doc ID     | Item     | FY   | Date     | Amount     | Balance    |
|------------|----------|------|----------|------------|------------|
| B000158553 | Deposit  | 2008 | 6/23/08  | 72,848.46  | 72,848.46  |
| B000159850 | Deposit  | 2009 | 7/23/08  | 95,111.68  | 167,960.14 |
| B000161742 | Deposit  | 2009 | 8/27/08  | 103,432.45 | 271,392.59 |
| B000162754 | Deposit  | 2009 | 9/26/08  | 106,361.79 | 377,754.38 |
| B000164313 | Deposit  | 2009 | 10/28/08 | 97,418.28  | 475,172.66 |
| B000165684 | Deposit  | 2009 | 11/26/08 | 86,642.71  | 561,815.37 |
| B000166737 | Deposit  | 2009 | 12/29/08 | 56,745.14  | 618,560.51 |
| B000168129 | Deposit  | 2009 | 1/29/09  | 49,224.83  | 667,785.34 |
| B000169146 | Deposit  | 2009 | 2/25/09  | 29,732.46  | 697,517.80 |
| B000170549 | Deposit  | 2009 | 3/31/09  | 16,969.35  | 714,487.15 |
| B000171926 | Deposit  | 2009 | 4/27/09  | 11,943.43  | 726,430.58 |
| B000172631 | Deposit  | 2009 | 5/14/09  | 8,019.46   | 734,450.04 |
| B000174613 | Deposit  | 2009 | 6/23/09  | 16,106.39  | 750,556.43 |
| B000176131 | Deposit  | 2010 | 7/31/09  | 12,239.93  | 762,796.36 |
| B000177787 | Deposit  | 2010 | 8/28/09  | 8,877.13   | 771,673.49 |
| B000178739 | Deposit  | 2010 | 9/21/09  | 5,997.91   | 777,671.40 |
| I010147485 | Reviewer | 2010 | 10/7/09  | -472.00    | 777,199.40 |
| B000180651 | Deposit  | 2010 | 10/30/09 | 4,826.35   | 782,025.75 |
| B000181939 | Deposit  | 2010 | 11/30/09 | 3,716.87   | 785,742.62 |

| Doc ID                     | Item    | FY   | Date     | Amount             | Balance           |
|----------------------------|---------|------|----------|--------------------|-------------------|
| B000183168                 | Deposit | 2010 | 12/30/09 | 3,731.29           | 789,473.91        |
| B000184592                 | Deposit | 2010 | 1/28/10  | 6,187.79           | 795,661.70        |
| B000185766                 | Deposit | 2010 | 2/25/10  | 5,311.82           | 800,973.52        |
| B000186801                 | Deposit | 2010 | 3/19/10  | 4,278.76           | 805,252.28        |
| B000188288                 | Deposit | 2010 | 4/28/10  | 4,852.94           | 810,105.22        |
| B000189864                 | Deposit | 2010 | 5/26/10  | 5,466.22           | 815,571.44        |
| B000190758                 | Deposit | 2010 | 6/16/10  | 6,663.01           | 822,234.45        |
| B000192457                 | Deposit | 2011 | 7/28/10  | 7,179.78           | 829,414.23        |
| B000194204                 | Deposit | 2011 | 8/27/10  | 7,897.86           | 837,312.09        |
| B000194905                 | Deposit | 2011 | 9/13/10  | 7,705.42           | 852,188.92        |
| B000196953                 | Deposit | 2011 | 10/26/10 | 7,171.41           | 852,188.92        |
| <b>Commitments/Balance</b> |         |      |          | <b>-399,892.50</b> | <b>452,296.42</b> |

**Total Interest Fund Comittments**

| <b>Comittments</b>  |                   |
|---------------------|-------------------|
| Shepherd            | 99,892.50         |
| Fairmont            | 100,000.00        |
| West Liberty        | 100,000.00        |
| Concord             | 100,000.00        |
| <b>Total Awards</b> | <b>399,892.50</b> |

**West Virginia Higher Education Policy Commission  
Meeting of December 3, 2010**

**ITEM:** West Virginia Education, Research and  
Technology Park

**INSTITUTIONS:** All

**RECOMMENDED RESOLUTION:** Information Item

**STAFF MEMBER:** Paul Hill

**BACKGROUND:**

On December 15, 2010, the responsibility for the management and ownership of the West Virginia Education, Research and Technology Park will transition to the Commission. As part of the transition process, staff has partnered with consultants from the Battelle Memorial Institute to develop a strategic plan for development of the park. Over the course of several months, Battelle reviewed successful parks nationwide and assessed West Virginia's assets in an effort to best identify opportunities for growing a successful energy, chemicals and materials industry cluster lead by diverse tenants at the technology park.

Staff will present the findings of a comprehensive report completed by Battelle Memorial Institute that was released on November 17, 2010. The full report is included in the Commission meeting materials.