



**WEST VIRGINIA  
SECRETARY OF STATE**

**NATALIE E. TENNANT**

**ADMINISTRATIVE LAW DIVISION**

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WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 1)**

AGENCY **Higher Education Policy Commission**  
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE No TITLE-SERIES **133-56**  
RULE NAME **Military Student Withdrawal Policy**

CITE AUTHORITY **18B-1-6**

COMMENTS LIMITED TO  
**Written**

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS  
**Thursday, May 29, 2014 5:00 PM**

WRITTEN COMMENTS MAY BE MAILED TO  
**Chancellor  
West Virginia Higher Education Policy Commission  
1018 Kanawha Boulevard, East  
Charleston, WV 25301**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
**Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 133-56



Rule Id: 9418



Document: 25734



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE  
(Page 2)**

AGENCY	Higher Education Policy Commission		
RULE TYPE	Procedural	AMENDMENT TO EXISTING RULE	No TITLE-SERIES 133-
RULE NAME	Military Student Withdrawal Policy		56

CITE AUTHORITY 18B-1-6

**PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL**

**This rule outlines the responsibilities of West Virginia public higher education institutions relative to dealing with unexpected withdrawals from school by military member students.**

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.**

**Yes**

**Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

AGENCY	<b>Higher Education Policy Commission</b>		
RULE TYPE	<b>Procedural</b>	<b>AMENDMENT TO EXISTING RULE</b>	<b>No</b>
RULE NAME	<b>Military Student Withdrawal Policy</b>	<b>TITLE-SERIES</b>	<b>133-56</b>

CITE AUTHORITY 18B-1-6

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

**None**

**Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 133-56



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)**

AGENCY **Higher Education Policy Commission**  
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE No TITLE-SERIES **133-56**  
RULE NAME **Military Student Withdrawal Policy**

CITE AUTHORITY **18B-1-6**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	-0-	-0-	-0-
PERSONAL SERVICES			
CURRENT EXPENSES			
REPAIRS AND ALTERATIONS			
ASSETS			
OTHER			
ESTIMATED TOTAL REVENUES			

Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-56



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)**

AGENCY	<b>Higher Education Policy Commission</b>		
RULE TYPE	<b>Procedural</b>	<b>AMENDMENT TO EXISTING RULE</b>	<b>No TITLE-SERIES 133-</b>
RULE NAME	<b>Military Student Withdrawal Policy</b>		<b>56</b>

CITE AUTHORITY 18B-1-6

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

**None**

**Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 133-56



Rule Id: 9418



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)**

AGENCY	<b>Higher Education Policy Commission</b>		
RULE TYPE	<b>Procedural</b>	<b>AMENDMENT TO EXISTING RULE</b>	<b>No TITLE-SERIES 133-</b>
RULE NAME	<b>Military Student Withdrawal Policy</b>		<b>56</b>

CITE AUTHORITY 18B-1-6

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

**This rule relates to the unexpected withdrawal from a public institution of higher education by military member students.**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 133-56



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**FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)**

AGENCY	Higher Education Policy Commission			
RULE TYPE	Procedural	AMENDMENT TO EXISTING RULE	No	TITLE-SERIES 133-
RULE NAME	Military Student Withdrawal Policy			56

CITE AUTHORITY 18B-1-6

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Provides options for military member students to withdraw unexpectedly from public colleges and universities in West Virginia.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 133-56



Rule Id: 9418



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**TITLE 133  
PROCEDURAL RULE  
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 56  
MILITARY STUDENT WITHDRAWAL POLICY**

**§133-56-1. General.**

- 1.1. Scope - This rule delineates the responsibilities of West Virginia public higher education institutions relative to dealing with unexpected withdrawals from school by military member students.
- 1.2. Authority – West Virginia Code §18B-1-6 and §18B-4-10.
- 1.3. Filing Date -
- 1.4. Effective Date -

**§133-56-2. Purpose.**

- 2.1. The West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education are responsible to provide uniform course completion provisions for all military member students who are enrolled at the state institutions of higher education under their respective jurisdictions when those students are called to military duty.
- 2.2. This rule shall ensure that enrolled students who are called to military duty are afforded a fair and efficient procedure of withdrawing from classes, completing course work or securing a leave of absence from course attendance, when feasible.
- 2.3. This rule shall provide guidelines for maintaining the academic integrity of the course work in a manner that is reasonably accommodating to the student under the circumstances.

**§133-56-3. Definitions.**

- 3.1. Called to Military Duty. Called or ordered to state or federal active service in any active duty or reserve component of the Armed Forces of the United States or of the National Guard of this state or any other state.

- 3.2. **Military Member.** Any person who is an active member of the regular military of the United States or a Reserve unit of any branch of the United States military or a National Guard unit.
- 3.3. **Unexpected Withdrawal.** A withdrawal from school necessitated solely because of an unforeseen, unplanned, emergent military call up or geographic reassignment that prevents the military member student from attending class and completing coursework as planned. Geographic reassignment must be demonstrated by orders clearly stating that the student is physically relocating during the term in question.

**§133-56-4. Institutional Responsibility.**

- 4.1. Each public higher education institution must develop and publish a policy and procedures that address course completion for students called to military duty and include at a minimum the specific provisions identified in Section 4.2 of this rule.
- 4.2. In the event of an unexpected call to duty, the military member student shall be afforded a choice of options for completion of enrolled coursework.
  - 4.2.a. If the military member student has completed 75 percent or more of the term or the required coursework, s/he may choose to:
    - 4.2.a.1. Receive full credit for the course, with assignment of the grade earned up to the time of the call to duty, or
    - 4.2.a.2. Withdraw from the course without academic penalty and receive no credit for the course pursued.
  - 4.2.b. If the military member student has completed less than 75 percent of the term or the required coursework, s/he may choose to:
    - 4.2.b.1. Receive an “incomplete” grade for the course and, with written verification of concurrence of the instructor or department chair, complete the course within one year of release from military duty. Institutional timelines for completing the coursework and removing the “incomplete” grade shall be published, or
    - 4.2.b.2. Withdraw from the course without academic penalty and receive no credit for the course pursued but receive a proportional refund of tuition and fees and room and board for the term, as permitted within adherence to financial aid regulations.

- 4.3. Military members seeking relief under this rule must provide proof, in the form of a dated copy of official orders, that the call up or reassignment could not reasonably have been foreseen prior to the beginning of term in which registered.
- 4.4. This rule shall not be applicable in the case of planned military training during an enrolled term if the planned military training was scheduled and the military member notified of it prior to the beginning of the term.

**§133-56-5. Appeal Process.**

- 5.1. Appeals of institutional decisions shall follow the institutional academic grievance process and shall be decided at the institutional level. Once the institutional grievance process has been exhausted, there shall be no further appeal to a higher entity or governing board.