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OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

Form #5

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: WV Council for Community & Technical College Education TITLE NUMBER: 135

CITE AUTHORITY: 18-1-1A; 18B-2B06; 18B-3C-2

RULE TYPE: PROCEDURAL X INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 23

TITLE OF RULE BEING AMENDED: Standards and procedures for Undergraduate Admissions at Community and
Technical Colleges

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS May 22, 2011


Authorized Signature

**WV Council for Community and Technical College Education
Meeting of April 14, 2011**

ITEM: Final Approval of Series 23, *Basic Guidelines and Standards for Admissions at Community and Technical Colleges*

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Resolved, That the West Virginia Council for Community and Technical College Education approves Series 23, *Basic Guidelines and Standards for Admissions at Community and Technical Colleges* with the modifications resulting from comments received during the mandatory thirty-day public comment period.

STAFF MEMBER: James Skidmore

BACKGROUND:

Series 23, formerly titled *Standards and Procedures for Undergraduate Admissions at Community and Technical Colleges*, now re-titled ***Basic Guidelines and Standards for Admission at Community and Technical Colleges***, establishes the Council's policy for the development of admissions policies by all community and technical colleges. The major changes recommended in the revised policy are the removal of the following requirements: (1) that copies of immunization records be submitted at the time of initial admission; (2) that copies of high school transcripts be on file for individuals who graduated from high school within the past five years; and (3) that transfer students be required to supply official transcripts reflecting all previous college work prior to admission. The revised policy was approved for the required thirty-day public comment period by the Council at its October 31, 2010 meeting.

During the public comment period, several comments were received. The Chancellor appointed an eight member committee to review and respond to the comments received. The review process resulted in several minor modifications that provide clarification to the revised policy. Strikethroughs and underscores represent changes to the original rule, while changes made as a result of comments received are indicated in red text.

A summary of comments received and Review Committee responses are provided. Staff recommends that Series 23 be approved and submitted to the Secretary of State's Office for final filing as revised.

Summary of Comment 1:

Comment 1 involved several areas of concern. The primary issue focused on the removal of the requirement that individuals present transcripts of high school and prior college work as a condition for admission to community colleges. Additional concerns related to the transfer of courses and grades, the D/F repeat rule, and the requirement that all courses repeated must occur prior to the acquisition of the 60th credit hour.

Response:

To eliminate barriers at open enrollment institutions, it is often the practice of community colleges not to require submission of high school or college transfer transcripts as a condition for admission. The policy change simply clarifies the ambiguity in pre-existing policy by eliminating transcripts as a requirement for admission to a West Virginia community college. Under the proposed policy, students desiring to use previous college credit for degree completion may still do so. However, presentation of prior transcripts will no longer be a condition for admission.

To confirm that high school diplomas and transfer transcripts are required for determining financial aid eligibility, the Committee recommended a change to Section 3.2 to state that "Participation in certain federal, state, and/or institutional financial aid programs or admission to specific academic programs **does require** that copies of high school transcripts, GED scores and/or prior college work be provided." Other than for the reasons stated in the revised Section 3.2, the Review Committee agreed that requiring high school and previous college transcripts for admission to community colleges served no other purpose.

Institutional policies and procedures related to transfer of course credits, academic forgiveness, the D/F repeat rule and the requirement that the repeat of courses occur prior to the completion of 60 college credit hours, are not issues addressed in the admission standards set forth in Series 23. These matters are covered through other system rules. The policy addressing transferability of credit is Series 17 – *Transferability of Credits and Grades at West Virginia Public Colleges and Universities*. Academic forgiveness, the D/F repeat rule and the 60 credit hour repeat regulations are addressed by Series 22 – *Grade Point Average for Certificate and Associate Degrees*. The Committee recommended no changes to Series 23 based on these comments.

Summary of Comment 2:

Although in agreement with open enrollment for community colleges, Comment 2 emphasized the need for to evaluate the potential student's ability to read, do basic mathematics, and exhibit reasoning skills." The comment also stated that "we have students that have poor reading skills and therefore have difficulty understanding the material they read."

Response:

Upon review, the Committee concurred with the concerns expressed related to entry level skills and abilities of students. Effective placement testing is necessary to ensure students receive instruction at an appropriate level to meet their educational needs. Such testing is often needed irrespective of high school diploma requirements. However, these issues are not directly related to the admissions standards outlined in Series 23. These concerns are issue of assessment and placement which are addressed in Series 21, *Freshman Assessment and Placement Standard*. Therefore, the Committee recommended no changes to Series 23 based on these comments.

Summary of Comment 3:

Comment 3 also involved multiple issues. Concerns raised included the admission status of students who are home-schooled, international students, immunization requirements, and students suspended from colleges and/or universities for disciplinary reasons.

Response:

Students who have completed high school graduation requirements under the standards for home instruction as set forth in policy by the State Department of Education are considered as having a high school diploma. Home-schooled students not meeting the State Department of Education requirements may still be admitted to a community and technical college under Section 3.1.c. This section states that "Other persons may enroll as certificate or associate degree-seeking students on an ability to benefit basis but shall be regularly evaluated to determine whether their performance indicates an ability to continue their studies."

Regarding International Students, there are some common elements in admissions policies such as possessing a valid student visa and obtaining a minimum score on the Test of English as a Foreign Language (TOEFL). However, other requirements may differ for admission to institutions of higher education in West Virginia and other states. The original version of Series 23 did not address international students. In view of the variation in institutional admission standards for such students, no specific admissions requirements for foreign students are included in the revised version. Section 4, however, does provide flexibility for community college to develop institutional admissions requirements for international students.

Prior to 1971, most colleges and universities in West Virginia were residential institutions. Due to their residential nature, proof of immunization was required. Today, community and technical colleges in West Virginia are commuter institutions with no students living on campus. Therefore, requiring proof of immunization serves no purpose in the admissions decision for community colleges. If community and technical college students are living in campus residence halls, institutional policy can require immunization documentation for those students.

The comment also suggested that transfer students be required to state if they have ever been dismissed from a prior institution for disciplinary reasons. The Review Committee determined that students dismissed or suspended for disciplinary reasons from one institution of higher education and seeking admission to a community college is a legitimate concern. Section 3.1.d of Series 23 states that, "students seeking transfer admission or readmission to a community and technical college must meet the institution's basic admissions standards." The Committee agreed that a question should be included on the institutional admissions application asking if the individual seeking admission had ever been dismissed or suspended from a college for disciplinary reasons. The language of Section 3.1.d, coupled with the specific question on the application for admission, would rectify this concern.

Admission standards to some academic programs, such as Nursing, also require students to submit to background checks. The wording of Series 23 leaves such admission standards to those specific programs but does not apply such standards to admission to the institution.

Based on Review Committee consideration of these comments, no additional changes were recommended to the proposed Series 23 rule.

Summary of Comment 4:

Comment 4 submitted by a Registrar focused on the "ability to benefit" statements included in Sections 3.1.a and 3.1.c. Also included in this comment was a concern as to the effect not requiring copies of high school transcripts, health records and transcripts of previous college work for admission might have for students enrolled in four-year programs.

Response:

Many institutions currently have internal procedures for determining ability to benefit as it relates to financial aid eligibility. Others require all participants in federal financial aid programs to have a high school diploma. Federal regulations provide for both options. However, even if a college requires students to have a high school diploma to participate in financial aid programs, federal regulations also allow the student to "self-certify" that he/she has a high school diploma without requiring them to produce a copy. If an institution

chooses to exercise the ability to benefit option under the revised standards of Series 23, they may do so. Under this option, federal regulations require institution to have an approved method for determining ability to benefit.

The basic guidelines and standards in Series 23 apply to admission to the institution. Any question regarding admission to specific programs is addressed in Section 3.2. This section states that "Participation in certain federal, state, and/or institutional financial aid programs **or admission to specific academic programs** does require that copies of high school transcripts, GED scores and/or prior college work be provided." This statement permits institutions to require necessary documentation for admission to specific academic programs. This could include any four-year programs offered by a community college. Therefore, no changes to Series 23 are recommended based on these comments.

Summary of Comment 5:

Comment 5 involved concerns with academic eligibility and student conduct, financial aid, and reliability of associate degrees and transfer credits.

Response:

Neither the existing or proposed policy requires that a student be eligible to return to a transfer institution. It is typical for students who have not done well in four-year institutions to seek an opportunity to improve on academic performance by enrolling in a community college. Financial aid eligibility concerns have been previously addressed in responses to prior comments (see responses to Comments 1 and 4). No changes to the policy are recommended based on Comment 5.

Summary Comment 6:

This comment again expressed concern with Section 3.1.c which provides for students who do not have a high school diploma or GED to be admitted on an ability to benefit basis and Section 3.2 that eliminates the requirement that students provide copies of high school transcripts, health records or transcripts of previous college work to be admitted to community colleges.

Response:

The issues of ability to benefit and high school and college transcripts have been addressed (see responses to Comments 1 and 4). No changes to the recommended policy are recommended based on these Comment 6.

Summary Comment 7:

While supporting open enrollment for community colleges, Comment 7 detailed concerns with the admission of students who are “mentally impaired.” The Commenter, who has been a developmental educator for over 11 years, expressed personal frustration in working with “a student who has been through twelve years of schooling in the special education realm, having been identified as mentally impaired and deemed incapable of working at the high school level yet still possessing a transcript with a high school graduation date.”

Response:

This comment presents a scenario faced by many educators at all levels and the circumstances described are not easily addressed through policy. In the public schools, special needs students are provided educational services outlined in an Individualized Education Plan (IEP). Institutions of higher education are not prepared, staffed or required by law to provide this same level of service. Situations such as the one described in the comment require community college personnel to tactfully conduct honest and open conversations with the one seeking admission and parents or other caretakers in order to make decisions that are in the best interest of the student.

Denial of admission to an open enrollment institution should never be made based on perceptions. Obtaining appropriate documentation, such as the IEP, and conducting a thorough review and discussion regarding available options is essential. The results of this review and conversation often include a referral to other better prepared service providers. These issues and suggested procedures are not appropriate for a system-level admissions policy. In view of the complexity of this issue, no changes to the proposed policy are recommended at this time.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 135-23: Standards and Procedures for Undergraduate Admissions at C&TC

Type of Rule: Legislative Interpretive Procedural

Agency: WV Council for Community & Technical College Education

Address: 1018 Kanawha Boulevard East Suite 700
Charleston, WV 25301

Contact: James L. Skidmore, Chancellor
558-0265

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

There are no direct costs associated with this rule.

3. Objectives of These Rules:

This rule establishes standards and procedures for undergraduate admissions at community and technical colleges.

Rule Title: 135-23: Standards and Procedures for Undergraduate Admissions at C&TC

4. Explanation of Overall Economic Impact of Proposed Rule:

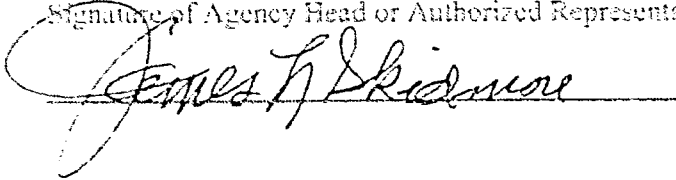
A. Economic Impact on State Government:
None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:
None

C. Economic Impact on Citizens/Public at Large.
None

Date:

Signature of Agency Head or Authorized Representative:

A handwritten signature in cursive script, reading "James H. Skidmore", is written over a horizontal line.



WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

Robert L. Brown, Chair • James L. Skidmore, Chancellor

SUMMARY

Title 135

Procedural Rule

WV Council for Community and Technical College Education

Series 23

***Basic Guidelines and Standards for Admissions
at Community and Technical College***

This policy establishes basic guidelines and standards around which specific community and technical college admissions policies and practices are to be developed.

FILED

**TITLE 135
PROCEDURAL RULE
WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE
EDUCATION**

2011 APR 22 AM 9: 53

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**SERIES 23
BASIC GUIDELINES AND STANDARDS FOR ADMISSIONS AT
COMMUNITY AND TECHNICAL COLLEGES**

§135-23-1. General

- 1.1. Scope -This rule establishes basic guidelines and standards for institutional admissions policies for community and technical colleges.
- 1.2. Authority – West Virginia Code §§ 18B-1-1A; 18B-2B-6; 18B-3C-2
- 1.3. Filing Date – April 22, 2011
- 1.4. Effective Date – May 22, 2011

§135-23-2. Statement of Principles

- 2.1. It is the intent of the Council for Community and Technical College Education (Council) that West Virginia residents have access to higher education opportunities commensurate with their interests and abilities. Working toward this end, the Council continues to encourage the development of academic programs which allow citizens throughout West Virginia to develop to the fullest, their capabilities for work and fulfillment of life. It is further the intent of the Council that admissions policies at the state-supported community and technical colleges should foster the attainment of these broad goals of access to the highest extent possible within the limits of available education programs and resources.
- 2.2. In recognition of the diverse education programs offered by the different community and technical colleges, the Council considers it more appropriate to establish basic statewide guidelines and standards than to provide detailed provisions related to admissions criteria and procedures. Accordingly, the Council has identified certain basic guidelines and standards around which specific institutional admissions policies and practices are to be developed.

§135-23-3. Basic Admissions Standards

- 3.1. As a means of ensuring a reasonable chance of success in the education programs for which students seek admission and of making the most productive use of federal, state and community resources, institutional

admissions policies shall incorporate the following basic standards.

- 3.1.a. Admission to community and technical colleges is open to any person age eighteen or older and able to benefit from study at the community college level.
 - 3.1.b. Those who possess a high school diploma or General Educational Development (GED) equivalency may enroll as certificate degree or associate degree-seeking students.
 - 3.1.c. Other persons may enroll as certificate degree or associate degree-seeking students on an ability to benefit basis but shall be regularly evaluated to determine whether their performance indicates an ability to continue their studies.
 - 3.1.d. Students seeking transfer admission or readmission to a community and technical college must meet the institution's basic admission standards.
 - 3.1.e. Early admissions standards for high school students enrolling in community colleges are subject to the requirements of Section 135-19-6 of Title 135, Series 19, Guidelines for Offering Early Enrollment Courses for High School Students.
- 3.2 Copies of high school transcripts, health records and transcripts of previous college work are not required for admission to community colleges. Participation in certain federal, state, and/or institutional financial aid programs or admission to specific academic programs do require that copies of high school transcripts, GED scores and/or prior college work be provided. Individuals are encouraged to check with the appropriate institutional officials to determine the documents required for participation in, or admission to such programs.

§135-23-4. Institutional Admissions Policies

- 4.1. Institutional admissions policies shall specify the basic admissions requirements of the institution as well as any requirements for entry into specific programs and participation in financial aid programs.
- 4.2. All institutional admissions policies shall be consistent with the "open admissions" philosophy of the comprehensive community college.
- 4.3. All institutional admissions policies shall be consistent with existing Council policies and applicable State and Federal regulations regarding nondiscrimination.
- 4.4. All institutional admissions policies shall be submitted to the Council for

evaluation in terms of their compatibility with stated Council policies. Any amendments to admission policies shall be submitted to the Council prior to their actual implementation at the institutional level.

- 4.5. Subject to Council approval, institutions may establish more rigorous admission standards for admission into specific programs.