

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In this Box

**FILED**

SEP 16 3 15 PM '93

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: State College System Board of Directors TITLE NUMBER: 131

RULE TYPE: Legislative; CITE AUTHORITY WV Code 18B-1-6, 18B-10-8, 18B-10-1

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 22

TITLE OF RULE BEING AMENDED: Assessment, Payment, and Refund of Fees

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON October 16, 1993 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Dr. Paul Marion

Chancellor

State College System of WV

1018 Kanawha Blvd., East

Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

4,20

**APPENDIX B**

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Assessment, Payment, and Refund of Fees  
Title 131, Series 22

Type of Rule: XX Legislative          Interpretive          Procedural

Agency State College System Board of Directors  
1018 Kanawha Blvd., East, Charleston, WV 25301

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ --	\$ --	\$ --	\$ --	\$ --
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

**2. Explanation of above estimates:**

All of the changes are mandated by changes in federal or state law. While the changes in Sections 4, 7, 8, 9, and 10 may have a financial impact on the institutions, it is not possible to assign a specific dollar figure to the potential impact at this time.

**3. Objectives of these rules:**

This rule establishes policy regarding assessment, payment and refund of fees.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

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B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

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C. Economic Impact on Citizens/Public at Large.

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Date: September 15, 1993

Signature of Agency Head or Authorized Representative

Marie Carter

**TITLE 131  
LEGISLATIVE RULE  
STATE COLLEGE SYSTEM OF WEST VIRGINIA  
BOARD OF DIRECTORS  
SERIES 22**

Amendments to the federal Higher Education Act require a specific policy for refund of tuition and fees to first-time enrollees at postsecondary institutions which receive federal funds. The proposed revisions to Series 22 of the State College System Rules shown with strikethroughs and underlines are designed to bring the refund policy for institutions in the State College System into compliance with the new federal requirements. The other changes are proposed in response to provisions enacted by the West Virginia Legislature during the 1993 regular legislative session in Senate Bill 377.

**FILED**  
SEP 16 3 16 PM '93

TITLE 131  
LEGISLATIVE RULE  
STATE COLLEGE SYSTEM OF WEST VIRGINIA  
SERIES 22

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**TITLE: ASSESSMENT, PAYMENT, and REFUND OF FEES**

**SECTION 1. GENERAL**

- 1.1 Scope - This rule establishes policy regarding assessment, payment and refund of fees.
- 1.2 Authority - West Virginia Code § 18B-1-6, 18B-10-8, 18B-10-1
- 1.3 Filing Date -
- 1.4 Effective Date -

**SECTION 2. GENERAL RULES**

- 2.1 No financial credit of any type shall be extended to any individual, either student or other, at any state college. All colleges shall operate on a strictly cash basis with all payments and obligations being collected in advance, ~~except that room and board charges may be divided into installments, as determined by the institution. A student is not considered registered until full fee payment has been made.~~ as provided in this rule.
- 2.2 Exceptions may be granted where a bona fide third-party agency has provided authorization in writing that payment will be made for the student.

**SECTION 3. FEE CHARGES**

- 3.1 Undergraduate students enrolled for twelve or more credit hours and graduate students enrolled for nine or more hours pay the maximum charges in each basic fee category.
- 3.2 ~~Tuition, registration and higher education resource fees charged to undergraduates taking less than twelve hours and graduate students taking less than nine hours are prorated according to the number of credit hours for~~

~~which the student is enrolled.~~ Undergraduate students taking fewer than twelve credit hours in a regular term shall have their fees reduced pro rata based upon one-twelfth of the full-time rate per credit hour, and graduate students taking fewer than nine credit hours in a regular term shall have their fees reduced pro rata based upon one-ninth of the full-time rate per credit hour.

- 3.3 Fees for students enrolled in summer terms or other nontraditional time periods shall be prorated based upon the number of credit hours for which the student enrolls in accordance with the provisions of Section 3.2 of this rule.
- ~~3.34~~ Full or part-time students taking all courses off campus may be exempted from all or certain institutional activity, student union and intercollegiate athletic fees at the discretion of the institution. Students enrolled in undergraduate courses offered at off-campus locations shall pay an off-campus instruction fee, which shall be used solely for the support of off-campus courses offered by the institution, and shall not pay the athletic fee and the student activity fee. The student union fee for off-campus students may be waived at the discretion of the institution. Off-campus location for four-year colleges is defined as any location other than the main campus. For Southern West Virginia Community College and West Virginia Northern Community College, all instruction is defined as on-campus instruction.
- 3.45 In view of existing bonding obligations at most institutions, it is necessary for institutions to establish different rates regarding student union fees. The fee should be prorated based on the requirements of the bond covenant.
- ~~3.5~~ Institutional activity and athletic fees will be paid in full by students taking seven or more credit hours per semester on campus (except for students at community colleges, where the activity fee for students enrolled less than full time will be prorated according to the number of credit hours taken each semester). Students enrolled for less than seven hours have the option of paying these basic fees.
- 3.6 Colleges shall be permitted to establish and collect certain special fees for designated purposes separate from and above those identified in the regular fee schedule.
- 3.7 All regular and special fees charged by colleges shall be identified separately and published so as to be readily available to all students.

- 3.8 All fees charged to students, both regular and special, must have approval by the State College System Board prior to assessment and collection.
- 3.9 Fees shall be established and charged for all noncredit community service courses in an amount to insure that the offering is self-supporting, including indirect cost.

**SECTION 4. REFUND OF REGULAR FEES**

4.1 ~~Academic Year~~ Continuing Students. Except for first-time enrollees, as specified in Section 4.2 of this rule, students who officially withdraw during a semester in the academic year shall receive a refund of regular fees in accordance with the following schedule.

4.1.1 Academic Year (Semester)

During the first and second weeks	90% refund
During the third and fourth weeks	70% refund
During the fifth and sixth weeks	50% refund
Beginning with the seventh week	No refund

4.1.2 Summer Terms and Nontraditional Periods

Refunds for summer sessions and nontraditional periods shall be established based upon the refund rate for the academic year and calculated using the following schedule.

During the first 13% of the term	90% refund
From 14% to 25% of the term	70% refund
From 26% to 38% of the term	50% refund
After 38% of term is completed	No refund

Should the percentage calculation identify a partial day, the entire day should be included in the higher refund period.

4.2 First time enrollees. Students who officially withdraw before or during their first period of enrollment at the enrolling institution shall have their refund calculated as follows, in accordance with the provisions contained in the 1992 amendments to the federal Higher Education Act.

4.2.1 Academic Year (Semester)

<u>During the first and second weeks</u> . . . . .	<u>90% refund</u>
<u>During the third week</u> . . . . .	<u>80% refund</u>
<u>During the fourth and fifth weeks</u> . . . . .	<u>70% refund</u>
<u>During the sixth week</u> . . . . .	<u>60% refund</u>
<u>During the seventh and eighth weeks</u> . . . . .	<u>50% refund</u>
<u>During the ninth week</u> . . . . .	<u>40% refund</u>
<u>Beginning the tenth week</u> . . . . .	<u>No refund</u>

4.2.2 Summer Terms and Nontraditional Periods

Refunds for summer sessions and nontraditional periods shall be established based upon the refund rate for the academic year and calculated using the following schedule.

<u>During the first 14% of the terms</u> . . . . .	<u>90% refund</u>
<u>From 15% to 20% of the term</u> . . . . .	<u>80% refund</u>
<u>From 21% to 34% of the term</u> . . . . .	<u>70% refund</u>
<u>From 35% to 40% of the term</u> . . . . .	<u>60% refund</u>
<u>From 41% to 54% of the term</u> . . . . .	<u>50% refund</u>
<u>From 55% to 60% of the term</u> . . . . .	<u>40% refund</u>
<u>After 60% of the term</u> . . . . .	<u>No refund</u>

4.3 Refunded fees must be returned in accordance with the requirements of the Higher Education Act whenever Title IV funds are involved.

4.4 A withdrawal fee may be charged by the institution not to exceed five percent (5%) of the total student fees charged for the term or one hundred dollars (\$100.00), whichever is less.

**SECTION 5. REFUND OF ROOM AND BOARD**

5.1 Room: Refund, if any, shall be based on the housing contract signed by the student.

5.2 Board: Refund shall be prorated based upon the date of official withdrawal. All refunds are calculated from the first day of the formal registration period.

## **SECTION 6.           REGISTRATION PERIOD - LATE FEE**

- 6.1    A formal registration period shall be established at the beginning of each semester or term at which time fees are due and payable in accordance with the provisions of this rule. In addition, a late registration period may be established which shall not exceed the tenth day of regularly scheduled classes. A late fee of fifteen (\$15) dollars shall be imposed on all late registrants. The president of the institution or a designee shall have the authority to waive the fee in cases where evidence indicates the delay occurred through a fault of the institution.
- 6.2    An exception to the registration time period may be granted to an individual under rare circumstances and then only when there is evidence that the student has a reasonable opportunity to complete successfully all course work. The president or a designee must approve the exception with the evidence documented and held on file supporting the decision.
- 6.3    The first two class meetings shall be considered the regular registration period for nontraditional students registering for evening, Saturday, off-campus, extension and other special classes. In addition, a late registration period may be established which shall not exceed the third and fourth class meetings. A late fee of fifteen dollars (\$15) shall be imposed on all late registrants.

## **SECTION 7.           INSTALLMENT PAYMENT PLANS**

- 7.1    Student fee deferred payment plans will be offered for fall and spring terms.
- 7.2    All available financial aid for the term must be credited to the student's account prior to determining the amount available for deferral.
- 7.3    After all financial aid is applied to the student's account, sixty percent (60%) of the balance of student fees must be paid prior to the start of classes.
- 7.4    The remaining balance, including interest, must be paid prior to the end of the sixth week of classes.
- 7.5    Interest on the deferred amount may be charged at a rate not to exceed the legal limit.

- 7.6 Room and board charges may be divided into installments as determined by the institution.

**SECTION 8. USE OF CREDIT CARDS**

- 8.1 The use of credit cards for payment of student fees is authorized at State College System institutions under the statewide contract initiated by the State Board of Investments or under an alternate program approved by the State College System Board of Directors.
- 8.2 To the extent allowed by law or policy of the credit card company, each institution is authorized to impose a surcharge on credit card payments equal to any amount that may be imposed by the credit card company as a vendor discount or service fee.

**SECTION 9. ENROLLMENT ABOVE THE NORMAL FULL-TIME COURSE**

- 9.1 Each institution shall adopt penalties to provide a disincentive for students to register for classes in excess of eighteen (18) credit hours and then to withdraw from such excess classes after the semester has begun. The policy setting such penalties at each institution shall be submitted to the chancellor.

**SECTION 10. DEFERRAL OF FEES DURING A LEGAL WORK STOPPAGE**

- 10.1 Any student adversely, financially affected by a legal work stoppage that commenced on or after the first day of January, one thousand nine hundred ninety three (1993) may be allowed, on a case-by-case basis, an additional six months to pay the fees for any academic term, in accordance with procedures established by the board.

**DEPARTMENT OF EDUCATION AND THE ARTS**  
**Office of the Secretary**

State Capitol, Bldg. 1, R-151  
Charleston, West Virginia 25305  
Telephone: (304) 558-2440  
Fax No.: (304) 558-1311

Gaston Caperton  
Governor

Barbara Harmon-Schamberger  
Cabinet Secretary

September 15, 1993

The Honorable Ken Hechler  
Secretary of State  
State of West Virginia  
State Capitol Building  
Charleston, WV 25305

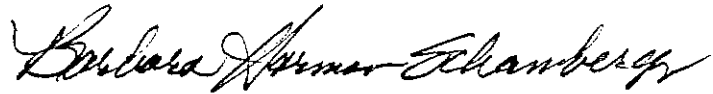
Dear Secretary Hechler:

As required pursuant to WV Code §5F-2-2, I hereby consent to the promulgation of proposed rules by the Board of Directors of the State College System of West Virginia as follows:

- (1) Title 131, Series 22, amending an existing legislative rule relating to assessment, payment and refund of fees; and
- (2) Title 131, Series 62, amending an existing rule relating to personnel administration. This rule is being filed as an emergency legislative rule.

Copies of the proposed rules are enclosed.

Sincerely,



Barbara Harmon-Schamberger  
Secretary

BHS:mc

cc: Dr. Paul Marion  
Dr. John Thralls