



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-03
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes
RULE NAME: 133-03 Higher Education Report Card

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 18B-1-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

18B-1-6

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/17/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/17/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Constituents notified via e-mail.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Sets forth an accountability system for WV public higher education institutions.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Updates reporting requirements and eliminates the system master plan and institutional compact process.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/A

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS 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 133
LEGISLATIVE RULE

WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 3
HIGHER EDUCATION REPORT CARD ACCOUNTABILITY SYSTEM

§133-3-1. General.

1.1. Scope. -- This rule ~~establishes definitions, guidelines and procedures which will direct the development of the database and the comparable information to be included in the annually published Higher Education Report Card.~~ sets forth an accountability system for West Virginia public higher education institutions under the jurisdiction of the West Virginia Higher Education Policy Commission (Commission).

1.2. Authority. -- W. Va. Code ~~§18B-1-8a., §18B-1-1a, §18B-1-6, and §18B-1-8, §18B-1B-4, §18B-1D-1, and §18B-1D-8.~~

1.3. Filing Date. -- ~~April 9, 2002.~~

1.4. Effective Date. -- ~~April 9, 2002.~~

1.5. ~~This Rule repeals and replaces 128-16 and 131-16 which became effective on June 9, 1996. Sunset Date. -- This rule shall terminate and have no further force or effect upon~~

§133-3-2. Purpose.

2.1. ~~The primary purposes of this report are to:~~ This rule describes the responsibilities of the Commission and public higher education institutions under its jurisdiction to West Virginia taxpayers for the performance of the state public higher education system.

2.2. The rule sets forth an accountability system for the Commission and institutions under its jurisdiction.

2.3. The rule defines requirements for a public reporting system that facilitates the dissemination of higher education accountability data through internet-based data tools and published reports. At a minimum, the public reporting system must:

2.3.1. Provide ~~basic~~ thorough and consistent data and other relevant information to be used in assessing progress of the ~~Higher Education Policy~~ Commission and its member institutions toward the goals and objectives as stated in W. Va. Code §18B-1-1a;

2.3.2. Provide a basis for comparing institutional and system performance with regional and national norms toward accomplishing the goals and objectives as stated in W. Va. Code §18B-1-1a;

2.3.3. Provide information to assist the Commission in assessing institutional and system progress toward statewide and institutional higher education goals;

2.43.4. Provide additional information to assist the Commission in assessing institutional and system progress relative to historical, regional, and national trends;

2.43.5. Serve students, parents, faculty, staff, state policymakers and the public as a neutral and credible source of information available to parents, students, faculty, staff, state policymakers, and the general public on about the overall quality and performance of public higher education in West Virginia.

§133-3-3. Definitions.

3.1. “Accountability System.” All research, reports, documents, data and any other materials, the collection, analysis and dissemination of which are necessary to accomplish the purpose of this rule. The system includes goals, objectives and priorities, public policy agendas, implementation plans, institutional mission statements and master plans, the statewide annual report, and the statewide data reporting system.

3.2. “Goal.” A long-term public purpose that is a desired and expected result for which public higher education is established.

3.3. “Higher Education Institution” or “Institution.” Bluefield State College, Concord University, Fairmont State University, Glenville State College, Marshall University, Shepherd University, West Liberty University, West Virginia School of Osteopathic Medicine, West Virginia State University, and West Virginia University, including Potomac State College and West Virginia University Institute of Technology.

3.4. “Key Performance Indicator.” A quantifiable measure used to evaluate the success of an organization in meeting objectives for performance.

3.5. “Objective.” End to be accomplished or attained within a specified period of time for the purpose of meeting established goals.

3.6. “Priority.” The order in which objectives are to be addressed for the purpose of achieving state goals.

3.7. “State Compact.” A formal written agreement between the Commission and at least one other external entity to achieve state goals and objectives where significant collaboration and commitment of resources between the partners to the agreement is required in order to achieve the desired results.

3.8. “Statewide Annual Report.” A report or series of reports that outlines significant trends, identifies major areas of concern, and assesses the progress of Commission and the institutions under its jurisdiction toward achieving state, system or institution goals or objectives.

3.9. “Statewide Data Reporting System.” A collection of information management tools that provide public access to data on the performance of the Commission and institutions under its jurisdiction.

§133-3-34. General Guidelines for Data Collection and Reporting.

34.1. The following will guide the further development of the existing higher education database and the collection of data which will comprise the Higher Education Report Card Statewide Data Reporting System and the Statewide Annual Report:

~~34.1.1.~~ All data reported will be based on uniform and consistent definitions as established by the Commission.

~~34.1.2.~~ Institutional requirements for additional record keeping and reporting will be minimized.

~~34.1.3.~~ Data element collection procedures and report timelines will be established by the Commission.

~~3.1.4.~~ The Higher Education Report Card shall be brief and contain concise, non technical language, including relevant explanations.

~~3.1.5.~~ The preparation, printing, and distribution of the Higher Education Report Card will follow a schedule determined by the Commission so that the final document will be prepared by January 1 of each year. The Commission shall provide technical assistance (as needed) in data collection and reporting.

~~3.1.6.~~ The Higher Education Report Card shall be prepared using institutional, system, and state, regional, and national data as applicable and available indicating performance of the individual institutions and public higher education as a whole. It shall be based upon information for the preceding academic school year, or for the most recent complete school year for which such information is available. Goals and trends for the institutions shall also be indicated in relation to higher education goals as stated in W. Va. '18B-1-1a.

~~3.1.7.~~ Integrated Postsecondary Education Data System (IPEDS) data will serve as primary sources for peer data comparisons. Historical trend data and other relevant data comparisons will be used as appropriate.

~~3.2.~~ The president or administrative head of each public college, university, regional campus, or community and technical college shall be responsible for ensuring that all requested information is submitted annually to the Commission and shall certify that the information submitted has been reviewed for accuracy.

~~3.3.4.2.~~ All detailed background data used in compiling the Higher Education Report Card Statewide Annual Report shall be maintained on file at the Commission for a reasonable time.

§133-3-5. Key Performance Indicators and Goal Setting.

5.1. For the institutions under its jurisdiction, and not the exempted schools, the Commission shall adopt a set of key performance indicators to measure institutional and system progress toward achieving state, system and institutional objectives. These indicators will focus on institution- and system-level performance in the areas of finance, admissions, enrollment, academics, student outcomes, and other areas as deemed appropriate by the Commission.

5.2. In cooperation with the institutions under its jurisdiction, the Commission shall set state, system and institutional goals for each of the adopted key performance indicators.

5.3. Higher education central office staff shall develop and update at least annually a public internet-based data tool that will display system and institutional progress toward meeting established goals.

5.4. Higher education central office staff shall present an annual report to the Commission about progress made toward meeting established goals.

§133-3-6. Statewide Annual Report and Statewide Data Reporting System.

6.1. Purpose.

6.1.1. A primary purpose of the statewide data reporting system and statewide annual report is to make information available to students, parents, faculty, staff, state policymakers and the public on the quality and performance of public higher education.

6.1.2. A primary purpose of the statewide annual report is to provide a mechanism to evaluate the annual progress of the Commission and institutions under its jurisdiction in achieving state and system goals and objectives.

6.2. Contents.

6.2.1. The statewide annual report shall provide information on the performance of state higher education institutions, including health sciences education, in relation to the state and system goals, objectives and priorities.

6.2.2. When possible, the statewide annual report shall be based upon information for the current school year or for the most recent school year for which information is available, in which case the year shall be clearly noted.

6.2.3. When possible, the statewide data reporting system shall break down data by institution, including Potomac State College and West Virginia University Institute of Technology, and by system.

6.2.4. When possible, the ~~system report card~~ statewide annual report shall provide regional and/or national comparison data.

6.2.5. When possible, the information contained in the statewide annual report and the statewide data reporting system shall allow for easy comparison with higher education-related data collected and disseminated by the Southern Regional Education Board, the United States Department of Education and other education data-gathering and data-disseminating organizations.

6.2.6. The information contained in the statewide annual report and the statewide data reporting system shall be consistent and comparable between and among higher education institutions.

6.2.7. To the extent practicable, the statewide annual report shall be analysis-driven, rather than solely data-driven, and present information in a format that will help inform education policymaking.

6.3. Implementation.

6.3.1. The higher education central office staff, under the direction of the Vice Chancellor for Administration, shall provide technical assistance to each institution and governing board in data collection and reporting.

6.3.2. The president or chief executive officer of each higher education institution shall prepare and submit all requested data to the Commission at the times established by the Commission.

6.3.3. The higher education central office staff, under the direction of the Vice Chancellor for Administration, is responsible for maintaining the statewide data reporting system and developing the statewide annual report using data and information submitted by each institution.

6.3.4. The statewide annual report shall be completed no later than January 1 annually with printed copies provided to the Commission and the Legislative Oversight Commission on Education Accountability. The report shall also be published in electronic format to the Commission's official website.

6.3.5. An executive summary highlighting specifically the trends, progress toward meeting goals and objectives and major areas of concern for public higher education, including medical education, shall be presented annually to the Legislative Oversight Commission on Education Accountability during interim meetings in January.

§133-3-47. Health Sciences Indicators and Rural Health Data Collection and Reporting.

47.1. In addition to applicable information required by Section 34 of this rule, each health sciences school shall be responsible for ensuring that all requested information is submitted to the Vice Chancellor for Health Sciences.

47.2. The Vice Chancellor for Health Sciences shall make available to the public through the Statewide Data Reporting System or through the annual Health Sciences Report Card information specific to each of the state's health sciences schools, including:

~~4.27.2.1. For each health sciences school, the Higher Education Report Card shall include historical trend information for medical and dental students, tuition and fees, faculty, specialization of graduates, revenues and expenditures, passage rates on licensing examinations, and in-state retention of graduates.~~

~~4.37.2.2. The Higher Education Report Card shall indicate for each health sciences school the number and dollar value of loans made through the medical student loan program as well as default rates for the most recent year.~~

~~4.47.2.3. The Higher Education Report Card shall indicate for each health sciences school the number and dollar value of aid awarded through the Health Sciences Scholarship Service Program for the most recent year.~~

~~4.5. In addition, each health sciences school shall annually:~~

~~4.5.1. Report to the Vice Chancellor for Health Sciences all contractual and/or financial agreements with non-profit and for-profit entities receiving monies from the health sciences schools;~~

~~4.5.2. Submit to the Vice Chancellor for Health Sciences for review audits of the expenditures of each health sciences school and any audit received from such non-profit and for-profit entities determined by the Commission to have a significant affiliation to the health sciences school; and~~

~~4.5.3. Submit to the Vice Chancellor for Health Sciences a report projecting capital projects, operating expenses, and anticipated areas of expansion.~~

~~4.6. Information required in Sections 4.1. through 4.4. shall be submitted to the Vice Chancellor for Health Sciences who shall compile the information for inclusion in the Higher Education Report Card.~~

~~4.7. In addition to any and all information required in Sections 3 and 4, the following shall occur:~~

~~4.7.1. The Vice Chancellor shall review each institution's yearly report required in subsection 4.5.3. of this rule and will prepare an annual, comprehensive review and recommendations for allocation of state or other tax support for health sciences.~~

~~4.7.2. The Vice Chancellor shall review each institution's accreditation report. Accreditation reviews are conducted on a schedule set by the appropriate accreditation agency. The Vice Chancellor's review will depend on the institution's accreditation schedule.~~

~~4.7.3. The Vice Chancellor shall review each year the role and mission of each medical school and, based on outcome measures developed jointly with each school, submit an evaluation of each school's performance to the Legislature and also report on the quality of health sciences education.~~

~~4.7.4. The Vice Chancellor shall review the yearly audits as required by 4.5.2. and shall provide a report regarding financial management and operation of medical schools including proposals and barriers to improving efficiency and generating cost savings.~~

~~4.8. Each health sciences school shall assist the Vice Chancellor for Health Sciences in meeting the requirements of Section 4.7.~~

~~4.9. Other information deemed necessary or helpful by the Commission or the Vice Chancellor for Health Sciences may be requested at any time.~~

~~**§133 3 5. Rural Health Indicators.**~~

~~5.1. The Vice Chancellor for Health Sciences shall annually report to the West Virginia Higher Education Policy Commission on the West Virginia Rural Health Education Partnerships. At a minimum this report shall include, but is not limited to, identification of the sites, number of students involved, and student weeks served for the most recently concluded year.~~

~~5.2. The findings of this section shall be included in the Higher Education Report Card.~~

~~**§133 3 6. Presentation of Higher Education Report Card.**~~

~~6.1. The Higher Education Report Card shall be presented annually at a regular meeting of the Commission.~~

~~6.2. The Higher Education Report Card format adopted by the Policy Commission shall be completed and disseminated with copies to the Legislative Oversight Commission on Education Accountability prior to or by January 1, 2002 and each year thereafter. The Policy Commission will review formats and definitions annually to add new measures related to emerging state issues and delete measures which are no longer relevant.~~

133-3-8. State Compacts.

8.1. The Commission may identify important state and system goals, objectives and priorities that it and institutions under its jurisdiction acting alone will be unable to accomplish. In such cases, the Commission may authorize the Chancellor to enter into state compacts, or contracts, with external entities.

8.2. In determining whether a state compact may be appropriate, the Chancellor shall consider:

8.2.1. Whether significant collaboration with an external entity or entities is necessary or advantageous to increase the likelihood of accomplishing a goal, objective or priority;

8.2.2. Whether an external entity or entities would need to make a significant commitment of resources to accomplish a goal, objective or priority; and

8.2.3. Whether an external entity or entities is/are receptive to entering into a state compact.

8.3. At a minimum, a state compact shall:

8.3.1. Identify the parties to the compact;

8.3.2. Identify the term of the compact;

8.3.3. Set forth measurable outcomes the parties seek to achieve by entering into the compact;

8.3.4. Identify what each party will contribute in terms of resources as part of the compact;

8.3.5. Set forth a system for evaluating the success or failure of the compact to achieve the outcomes sought; and

8.3.6. Provide that the failure of one party to the compact to perform excuses the Commission from performance under the compact.

8.4. For the institutions under its jurisdiction, and not the exempted schools, the Commission shall approve a proposed state compact before it becomes operative and binding on the Commission and institutions under its jurisdiction.

8.5. The Chancellor shall provide a copy of any approved state compact to the Legislative Oversight Commission on Education Accountability.