

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #2

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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: Procedural; CITE AUTHORITY 18B-10-5, 18B-10-6,  
18B-10-7, 18B-1-6

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 49

TITLE OF RULE BEING AMENDED: Awarding of Undergraduate and  
Graduate Fee Waivers

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 June 19, 1992 AT 4:30 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Jo Ann Raines

Public Information Officer

State College & University Systems

1018 Kan. Blvd., E.

Charleston, WV 25301

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

Jo Ann Raines

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Awarding of Undergraduate and Graduate Fee Waivers

Type of Rule: Legislative Incarperative  Procedural

Agency: State College System  
Board of Directors Address 1018 Kan. Blvd., E.,  
Charleston, WV 25301

1. Effect of Proposed Rule:	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services	0	0	0	0	0
Current Expense	0	0	0	0	0
Repairs and Alterations	0	0	0	0	0
Equipment	0	0	0	0	0
Other	0	0	0	0	0

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

N/A

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

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

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date:

May 7, 1992

Signature of Agency Head or Authorized Representative

John Raines

**TITLE 131  
PROCEDURAL RULE  
STATE COLLEGE SYSTEM OF WEST VIRGINIA  
BOARD OF DIRECTORS  
SERIES 49**

Series 49 specifies procedures for the awarding of undergraduate and graduate fee waivers.

Revisions to the existing rule are primarily for the purpose of clarification.

**TITLE 131  
PROCEDURAL RULE  
STATE COLLEGE SYSTEM OF WEST VIRGINIA  
BOARD OF DIRECTORS  
SERIES 49**

**TITLE :**           **AWARDING of UNDERGRADUATE and GRADUATE FEE  
WAIVERS**

<b>SECTION</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
1.	General	1
2.	Undergraduate Fee Waivers	1
3.	Graduate and Professional Fee Waivers	3

**TITLE 131  
PROCEDURAL RULE  
STATE COLLEGE SYSTEM OF WEST VIRGINIA  
BOARD OF DIRECTORS  
SERIES 49**

**TITLE :**           **AWARDING of UNDERGRADUATE and GRADUATE FEE  
WAIVERS**

**SECTION 1.       GENERAL**

- 1.1   Scope -                   This rule regards the awarding of undergraduate and graduate fee waivers
- 1.2   Authority -                West Virginia Code § 18B-10-5, 18B-10-6, 18B-10-7, 18B-1-6
- 1.3   Filing Date -
- 1.4   Effective Date -
- 1.5   Repeal of Former Rule - Repeals and replaces Series 49 effective September 4, 1988.

**SECTION 2.       UNDERGRADUATE FEE WAIVERS**

- 2.1   The term "Undergraduate Fee Waiver" refers to all tuition and fee waivers authorized by Chapter ~~18~~18B, Article ~~24~~10, Section ~~25~~ of the West Virginia Code. These awards shall be identified by using the name of the institution offering the award (e.g.: XYZ College Undergraduate Scholarship or XYZ College Undergraduate Fee Waiver).
- 2.2   The maximum number of authorized undergraduate fee waivers at the institution shall be equal to five percent (5%) of the full-time equivalent undergraduate enrollment of the institution for the fall term of the immediately preceding academic year.

- 2.3 Pursuant to the statute, no student may hold an undergraduate fee waiver for more than eight (8) semesters. Twelve (12) or more semester hours attempted during a regular semester or a summer term shall be considered as one (1) semester for scholarship purposes.
- 2.4 Awards made under this program shall provide for the waiver of tuition, registration fee, higher education resource fee, and the faculty improvement fee. In addition, institutions shall have discretionary authority to waive one or more of the component parts of the college fees (includes such fees as the activity, athletic, and student union, and operations fees) and/or special fees assessed to students in designated academic fields (e.g.: engineering fee, pharmacyhealth profession fee).
- 2.5 Waiver ~~recommendations~~reports shall be submitted by each public college ~~and university~~ in accordance with the following general provisions. The chancellor's office shall distribute appropriate instructions concerning the details of these reports.
- 2.5.1. All institutions will submit a summary reports to the boardchancellor on November 15 and June 15 of each year. While the November 15 report will list waiver recommendations for the entire year, the June report must deal only with revisions to the initial report. This report will list all waiver awards for the entire academic year and will be presented to the board as a matter of information.
- 2.5.2. Each award recipient should be listed and a permanent hometown address provided. Both new and renewal recipients must be included.
- 2.5.3. Each waiver recipient should be listed within the single category which reflects the primary reason a fee waiver was awarded.
- 2.6 Each institution shall give priority consideration in the awarding of undergraduate fee waivers to students who are West Virginia residents. Institutions should also provide a reasonable opportunity for their employees to utilize these awards.
- 2.7 In view of the substantial alternative student aid resources available for students with demonstrated financial need and the shortage of merit scholarships available at the public institutions, it is recognized that

colleges and universities may choose to award a substantial portion of their tuition and fee waivers to students who possess various kinds of special abilities and aptitudes. However, in instances where there are more financial needy applicants than can be assisted through the available need-based student aid programs, the institution shall give ~~priority~~strong consideration in the awarding of scholarships to students with demonstrated financial need.

- 2.8 In accordance with Chapter ~~1818B~~, Article ~~2410~~, Section ~~3a7~~ of the West Virginia Code, each institution shall make provisions to waive tuition and any fees charged to children and spouses, on a classroom space available basis, of certain law enforcement officers and fire fighters (as defined in Chapter 30, Article 29, Section 1 of the West Virginia Code) killed in the line of duty. The institutions may require such persons to pay special fees, including any laboratory fees, if such fees are required of all other students taking a single or the particular course and may also require such person to pay for parking. A fee waiver shall also be ~~awarded~~made available to each year's statewide winner of the Veterans of Foreign Wars Voice of Democracy competition and the American Legion High School Oratorical competition. Institutions enrolling students qualifying for waivers under this ~~action~~section shall award such waivers within the five percent (5%) allotment authorized in Section 2.2 of this ~~policy~~rule.

### **SECTION 3. GRADUATE and PROFESSIONAL FEE WAIVERS**

- 3.1 The term "Graduate and Professional Fee Waiver" refers to all tuition and fee waivers authorized by Chapter ~~1818B~~, Article ~~2410~~, Section ~~36~~ of the West Virginia Code. These awards shall be designated at the institutional level with the name of the institution offering the award (e.g.: XYZ College Graduate Scholarship or XYZ College Graduate Fee Waivers).
- 3.2 The maximum number of fee waivers shall be determined in the following manner:
- 3.2.1. The maximum number of authorized graduate and professional fee waivers at institutions ~~other than West Virginia University~~ shall be equal to five percent (5%) of the number of full-time equivalent graduate and professional students registered during the corresponding fall semester, spring semester, and summer term of the immediately preceding academic year.

~~3.2.2. The maximum number of authorized graduate and professional fee waivers at West Virginia University shall be equal to ten percent (10%) of the full-time equivalent graduate and professional students registered during the corresponding fall semester, spring semester and summer term of the immediately preceding academic year.~~

~~3.2.32. All graduate assistants employed by the West Virginia public colleges and universities institutions in the State College System shall be granted fee waivers. This is in addition to the above-referenced ten percent (10%) at West Virginia University and five percent (5%) at institutions (see subsection 3.2.1. and section 3.2.2.).~~

3.3 Pursuant to the statute, no student may hold a graduate or professional fee waiver for a period of time that exceeds the number of semesters normally required in the recipient's academic discipline.

3.4 Awards made under the graduate and professional fee waiver program shall provide for the waiver of tuition, registration fee, higher education resource fee, and faculty improvement fee. In addition, institutions shall have discretionary authority to waive one or more of the component parts of the college fees (includes such fees as the activity, athletic, ~~and student union, and operations~~ fees) and/or special fees assessed to students in designated academic fields (e.g.: ~~medical education fee, pharmacy fee, and law school fee~~).

3.5 Waiver ~~recommendation~~ reports shall be submitted by each public college ~~and university~~ in accordance with the following general provisions. The chancellor's office shall distribute appropriate instructions concerning the details of these reports.

3.5.1. Each institution will submit reports to the ~~board~~ chancellor as follows:

3.5.1.1a. A report covering first semester awards will be due November 15;

3.5.1.2b. A report covering second semester awards will be due March 15; and

3.5.1.3c. A report covering summer (both sessions) awards will be due August 1.

3.5.1.d. A summary of these three reports will be presented to the board as a matter of information.

3.5.2 Each of these reports will be considered as a separate report, and even though a student may be awarded for all three (3) terms, that student must be listed on all three (3) reports.

3.5.3 Each award recipient should be listed and a permanent hometown address provided.

3.6 -- Each institution shall give priority consideration in the awarding of graduate and professional fee waivers to students who are West Virginia residents. Institutions shall also give priority consideration in the awarding of graduate fee waivers to faculty and staff members of West Virginia public and private colleges who make application in accordance with the institution's announced application procedures and deadlines.



STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON 25305

GASTON CAPERTON  
GOVERNOR

May 15, 1992

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

Dear Secretary Hechler:

In the absence of a Secretary of Education and the Arts, I hereby grant consent pursuant to WV Code §5F-2-2 to the promulgation of rules by the Board of Directors of the State College System in the following areas:

- 1) Amending Procedural Rule, Title 131, Series 2, Change in the Organization of Colleges, Schools, Divisions, Departments of Other Administrative Units;
- 2) Amending Interpretive Rule, Title 131, Series 10, Sabbatical Leave;
- 3) Amending Interpretive Rule, Title 131, Series 27, New Academic Programs;
- 4) Amending Procedural Rule, Title 131, Series 43, Ethics;
- 5) Amending Procedural Rule, Title 131, Series 44, Standards and Procedures for Undergraduate Admissions; and
- 6) Amending Procedural Rule, Title 131, Series 49, Awarding of Undergraduate and Graduate Fee Waivers.

A copy of each proposed rule is enclosed.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas A. Heywood".

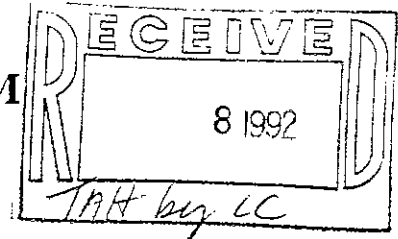
Thomas A. Heywood  
Chief of Staff

Enclosures

cc: Dr. Paul Marion  
Dr. John Thralls  
Mr. David Mohr  
Ms. JoAnn Raines

STATE COLLEGE SYSTEM  
of WEST VIRGINIA

1018 KANAWHA BOULEVARD, EAST  
CHARLESTON, WEST VIRGINIA 25301  
Telephone: (304) 348-0699  
FAX: (304) 348-0259



Paul B. Marion  
Chancellor

Cecil H. Underwood, Chair  
Board of Directors

May 7, 1992

Mr. Thomas Heywood  
Chief of Staff  
Governor's Office  
State Capitol  
Charleston, West Virginia 25305

Dear Mr. Heywood:

Pursuant to WV Code Chapter 5F-2-2 and in the absence of a Secretary of Education and the Arts, the following rules are submitted for your consent:

**Title 131, Series 2, *Change in the Organization of Colleges, Schools, Divisions, Departments of Other Administrative Units***, revised to clarify the types of changes that require Board approval and to require the president to consult with institutional staff, faculty, and students before implementing or seeking approval of any change pursuant to this rule.

**Title 131, Series 10, *Sabbatical Leave***, revised to grant institutional presidents sabbatical leave approval authority with notification of such action to the Chancellor.

**Title 131, Series 27, *New Academic Programs***, revised to specify that the Board approval is required for State College System institutions to establish new degree or teacher certification programs, offer existing programs at off-campus locations, or suspend or discontinue existing programs. The revisions to the existing rule are primarily for clarification and consistency in format, rather than substantive.

Mr. Thomas Heywood  
May 7, 1992  
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**Title 131, Series 43, *Ethics***, revised to clarify the fact that faculty members may engage in outside activities that do not conflict with the requirements of the Ethics Act.

**Title 131, Series 44, *Standards and Procedures For Undergraduate Admissions***, revised to update routine aspects of the rule and to reflect the fact that the Enhanced ACT is scored on a different scale than the previous ACT test.

**Title 131, Series 49, *Awarding of Undergraduate and Graduate Fee Waivers***, revised primarily for the purpose of clarification.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Marion".

Paul Marion

cc: Dr. John Thralls  
Ms. Jo Ann Raines  
Mr. David Mohr