

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

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WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: STATE COLLEGE SYSTEM BOARD OF DIRECTORS TITLE NUMBER: 131

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

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: 49

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

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS Aug 9, 1998

John Rains

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

FILED
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OFFICE OF REG. VOUCHER
STATE COLLEGE SYSTEM

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 - July 10, 1992
- 1.4 Effective Date - August 9, 1992
- 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 18B, Article 10, Section 5 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, health profession fee).
- 2.5 Waiver reports shall be submitted by each public college 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 report to the chancellor on June 15 of each year. 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 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 financially needy applicants than can be assisted through the available need-based student aid programs, the institution shall give strong consideration in the awarding of scholarships to students with demonstrated financial need.

- 2.8 In accordance with Chapter 18B, Article 10, Section 7 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 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 section shall award such waivers within the five percent (5%) allotment authorized in Section 2.2 of this 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 18B, Article 10, Section 6 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 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 All graduate assistants employed by the institutions in the State College System shall be granted fee waivers. This is in addition to the above-referenced five percent (see subsection 3.2.1.).
- 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, student union, and operations fees) and/or special fees assessed to students in designated academic fields.
- 3.5 Waiver reports shall be submitted by each public college 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 chancellor as follows:
- 3.5.1.a A report covering first semester awards will be due November 15;
 - 3.5.1.b A report covering second semester awards will be due March 15; and
 - 3.5.1.c 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.

**TITLE 131
PROCEDURAL RULES
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS**

**SERIES 49
AWARDING OF UNDERGRADUATE AND
GRADUATE FEE WAIVERS**

§131-49-1. General.

1.1. Scope. -- Policy regarding the awarding of undergraduate and graduate fee waivers.

1.2. Authority. -- W. Va. Code §§18B-10-5, 18B-10-6, 18B-10-7, 18B-1-6

1.3. Filing Date. -- July 10, 1992

1.4. Effective Date. -- August 9, 1992

§131-49-2. Undergraduate Fee Waivers.

2.1. The term "Undergraduate Fee Waiver" refers to all tuition and fee waivers authorized by W. Va. Code §18B-10-5. 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 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, health profession fee).

2.5. Waiver reports shall be submitted by each public college 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 report to the chancellor on June 15 of each year. 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 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 financially needy applicants than can be assisted through the available need-based student aid programs, the institution shall give strong consideration in the awarding of scholarships to students with demonstrated financial need.

2.8. In accordance with W. Va. Code §18B-10-7, 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 W. Va. Code §30-29-1) 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 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 shall award such waivers within the five percent (5%) allotment authorized in Section 2.2 of this rule.

§131-49-3. Graduate and Professional Fee Waivers.

3.1. The term "Graduate and Professional Fee Waiver" refers to all tuition and fee waivers authorized by W. Va. Code §18B-10-6. 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 Waiver).

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 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. All graduate assistants employed by institutions in the State College System shall be granted fee waivers. This is in addition to the above-referenced five percent (5%). (See subsection 3.2.1)

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, student union, and operations fees) and/or special fees assessed to students in designated academic fields.

3.5. Waiver reports shall be submitted by each public college 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 chancellor as follows:

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

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

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

3.5.1.d. A summary of these three (3) 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.