



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-03
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes
RULE NAME: Higher Education Accountability System
CITE STATUTORY AUTHORITY: 18B-1-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) House Bill 4480

Section 18B-17-2(ii) Passed On 3/3/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 2, 2020

This rule shall terminate and have no further force or effect from the following date:

July 02, 2025

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 ACCOUNTABILITY SYSTEM**

§133-3-1. General.

1.1. Scope. -- This rule 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-1-1a, §18B-1-6, §18B-1B-4, §18B-1D-1, and §18B-1D-8.

1.3. Filing Date. – June 2, 2020.

1.4. Effective Date. – July 2, 2020.

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect upon July 2, 2025.

§133-3-2. Purpose.

2.1. 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 thorough and consistent data and other relevant information to be used in assessing progress of the 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;

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

2.3.5. Serve students, parents, faculty, staff, state policymakers and the public as a neutral and

credible source of information 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.

§133-3-4. General Guidelines for Data Collection and Reporting.

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

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

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

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

4.2. All detailed background data used in compiling the 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 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.

§133-3-7. Health Sciences and Rural Health Data Collection and Reporting.

7.1. In addition to applicable information required by Section 4 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.

7.2. 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:

7.2.1. Historical trend information for medical students, tuition and fees, specialization of graduates, passage rates on licensing examinations, and in-state retention of graduates.

7.2.2. The number and dollar value of loans made through the medical student loan program as well as default rates for the most recent year.

7.2.3. The number and dollar value of aid awarded through the Health Sciences Service Program for the most recent year.

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.