

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #3

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

AGENCY: State College System of WV (Directors) TITLE NUMBER: 131

CITE AUTHORITY: §18B-10-7a

AMENDMENT TO AN EXISTING RULE: YES NO

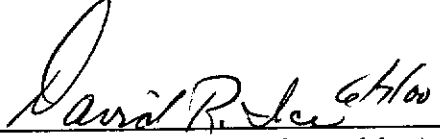
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING FILED PROPOSED: Series 67

TITLE OF RULE BEING PROPOSED: Reduced Tuition and Fee Program for State Residents Who
Are at Least Sixty-Five Years of Age

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Secretary, Education and the Arts

w:secstate/forms/agency.app

**TITLE 131
LEGISLATIVE RULE
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS
SERIES 67**

FILED

JUN 12 2 17 PM '00

**OFFICE OF WEST VIRGINIA
SECRETARY OF STATE**

**TITLE: REDUCED TUITION AND FEE PROGRAM FOR STATE
RESIDENTS WHO ARE AT LEAST SIXTY-FIVE YEARS OF
AGE**

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes jointly with the University System of West Virginia a reduced tuition and fee program for residents of West Virginia who are at least sixty-five years of age to take courses or classes at State College System of West Virginia institutions on a space available basis.
- 1.2 Authority - W. Va. Code §18B-10-7a
- 1.3 Filing Date -
- 1.4 Effective Date -

SECTION 2. PURPOSE

- 2.1 The purpose of this rule is to establish jointly with the University System of West Virginia a reduced tuition and fee program for residents of West Virginia who are at least sixty-five years of age to take courses or classes on a space available basis. The program includes an option for those who attend undergraduate and graduate courses on a no credit basis and an option for individuals who attend undergraduate and graduate courses for credit.

SECTION 3.

ELIGIBILITY AND PARTICIPATION

- 3.1 A participant will be permitted to register for a course under either of the two options of this program provided that the participant is a resident of West Virginia and is at least sixty-five years of age.
- 3.2 A participant may register for a course under either of the two options of this program provided that classroom space is available.
- 3.3 A participant may register for a course under either of the two options of this program provided that the instructor of the course consents.
- 3.4 A participant will be subject to the institutional programmatic and financial guidelines for enrollees in this program and to the rules, regulations, procedures, and requirements, including course prerequisites, of the institution and the State College System of West Virginia.
- 3.5 Each institution will determine the following for participation under either of the two options of this program. Such provisions, however, shall be consistent with those for other students enrolled at the institution.
 - 3.5.1 A method of establishing priority for allowing a participant to register for and attend a course.
 - 3.5.2 Whether to require a participant to pay special fees, including laboratory fees, if the fees are required of all other students.
 - 3.5.3 Whether to require a participant to pay for parking.

SECTION 4.

NO CREDIT OPTION

- 4.1 The total tuition and fees charged for each course under the no credit option, excluding laboratory and parking fees, may not exceed fifty dollars. After July 1, 2004, the governing board may change the maximum for the no credit option.
- 4.2 A grade or credit may not be given under the no credit option.

SECTION 5. CREDIT OPTION

- 5.1 The total tuition and fees charged in the program under the for credit option shall not exceed fifty percent of the normal rates charged to state residents by the institution.

SECTION 6. REGISTRATION

- 6.1 Each institution may develop an abbreviated student registration form for the convenience of participants in this program.

SECTION 7. REPORTING

- 7.1 Each institution will report on participation in this program to the State College and University Systems Central Office.

SECTION 8. INSTITUTIONAL GUIDELINES

- 8.1 Each institution shall develop guidelines to establish a reduced tuition and fee program for West Virginia residents who are at least sixty-five years of age to take classes on a space available basis. These guidelines shall be consistent with the provisions of this rule and shall be published in the college or university bulletin and/or other appropriate institutional publications. Further, these guidelines shall be filed with the Office of the Chancellor before implementation.

**APPROVAL OF SERIES 67, REDUCED TUITION AND FEE PROGRAM FOR
STATE RESIDENTS WHO ARE AT LEAST SIXTY-FIVE YEARS OF AGE**

In September 1999, the State College System Board of Directors approved the filing of Series 67, *Reduced Tuition and Fee Program for State Residents Who are at Least Sixty-five Years of Age*, with the Secretary of State's office for public comment. The rule, however, failed to secure the approval of the Secretary of Education and the Arts, and was therefore not advanced. Since the receipt of the objections of the Secretary of Education and the Arts, Chancellor Trump has met with the Secretary and has suggested four modifications. These changes address the concerns of the Secretary. The changes are:

1. Series 67 will be designated as a legislative rule rather than a procedural rule.
2. Section 3.5 A sentence has been added to indicate that any campus policy applying to priority for a student registering for a course, special fees, and parking fees would be written so that a student in this program would be treated as any other student.
3. Section 4.1 The reference to any future fee increase for the no-credit option has been deleted.
4. Section 5.1 The provision on tuition and fees for students pursuing the credit option has been changed so that the institutional fee would not exceed 50 percent of the regular in-state rate. In other words, the institution would have the latitude to charge fees of less than 50 percent of the rate for resident students.

A summary of major features of the rule is as follows:

During the 1999 legislative session, a new statutory provision (§18B-10-7a) was enacted which charged the State College and University Systems to develop a joint rule which would enable West Virginia residents aged 65 and older to enroll in courses on a space available basis. Provisions of this proposed rule closely parallel the statutory provisions. The reduced tuition and fee program includes options for those who attend undergraduate and graduate courses on a credit basis and on a no-credit basis.

Those who choose to enroll under the no-credit option would be assessed no more than fifty dollars, excluding laboratory and parking fees.

Those who enroll for credit would be assessed tuition and fees that shall not exceed fifty percent of the normal rates charged to state residents by the institution.

Each institution is to develop guidelines to establish a reduced tuition and fee program for West Virginia residents who are at least sixty-five years of age. Persons enrolling in the program under either option will be subject to the institutional programmatic and financial guidelines and to the rules, regulations, procedures, and requirements, including course prerequisites, of the institution and the State College System of West Virginia. Each institution is required to file its guidelines with the Office of the Chancellor prior to program implementation.

FISCAL NOTE FOR PROPOSED RULES

Reduced Tuition and Fee Program for State Residents Who Are at Least

Rule Title: Sixty-Five Years of Age

Type of Rule: Legislative Interpretive Procedural

Agency State College System of West Virginia Board of Directors

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$62,726	\$(62,726)	\$(62,726)	\$(62,726)
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2 Explanation of above estimates

\$62,726 represents approximate lost revenue for both the State College and University Systems.

Age	No. of Eligible Students Currently Enrolled	Number of Courses Currently Being Taken	Average Tuition & Fees Per Course	Cost	\$50 Per Course
65	181	397	208	82,576	19,850

3. Objectives of these rules

4. Explanation of Overall Economic Impact of Proposed Rule

A. Economic Impact on State Government

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

C. Economic Impact on Citizens/Public at Large

Date: 9/24/99

Thomas P. Donahue

Signature of Agency Head or Authorized Representative

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: June 6, 2000

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* State College System
1018 Kanawha Boulevard, East, Suite 700
Charleston, WV 25301
(304) 558-0699

LEGISLATIVE RULE TITLE: Title 131, Series 67: Reduced Tuition and Fee Program for State Residents Who are at Least Sixty-Five Years of Age

1. Authorizing statute(s) citation §18B-10-7a

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
May 4, 2000

- b. What other notice, including advertising, did your give of the hearing?

- c. Date of Public Hearing(s) or Public Comment Period ended:
June 5, 2000

- d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

_____ *Please fill in date* _____

f. **Name, title, address and phone** _____ agency person(s) to
receive all *written correspondence* _____ (use type)
Chancellor Clifford M. Trump, _____

1080 Kanawha Boulevard, East, ~~Suite 700,~~ Charleston, WV 25301

Phone: 558-0699; Fax: 558-1011

g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

- d. Attach findings and determinations and reasons:

Attached

DEPARTMENT OF EDUCATION AND THE ARTS

Office of the Secretary

State Capitol Bldg. 5, Room 205
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305
Telephone: (304) 558-2440
Fax No.: (304) 558-1311



Cecil H. Underwood
Governor

David R. Ice
Cabinet Secretary

June 7, 2000

The Honorable Ken Hechler
Secretary of State
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Secretary Hechler:

I am hereby approving for filing with your office and the ^{LOCF-A} ~~Legislative Rule Making~~
Review Committee for their review the following legislative rule of the State College System
Board of Directors:

**Title 131, Series 67: Reduced Tuition and Fee Program for State Residents Who Are
at Least Sixty-five Years of Age.**

The rule is attached.

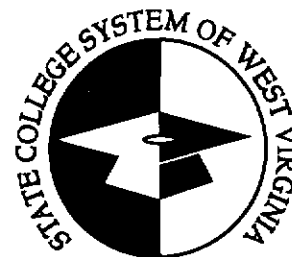
Sincerely,

A handwritten signature in cursive that reads "David R. Ice" with "by PWP" written below it.

David R. Ice
Cabinet Secretary

cc Chancellor Trump

Enclosure



June 6, 2000

Joseph C. Peters
Chair

Clifford M. Trump
Chancellor

1018 Kanawha Blvd. E.
Suite 700

Charleston
West Virginia 25301

Phone
304-558-0699

Fax
304-558-1011

Web
www.scs.wvnet.edu

Mr. David Ice
Secretary, Education and the Arts
Building 5, Room 205
Capitol Complex
Charleston, WV 25305

Dear Secretary Ice:

At its meeting on April 25, 2000, the State College System Board of Directors approved Series 67 to be filed with the Secretary of State for the required 30-day public comment period. The Board stated that if no substantive comments were received, the rule shall be final filed with the Secretary of State. The public comment period ended on June 5, 2000 and no comments were received. Therefore, I am submitting the following legislative rule for your review:

Title 131, Series 67: Reduced Tuition and Fee Program for State Residents Who Are at Least Sixty-Five Years of Age

Upon your approval of this rule, please forward it to the Secretary of State's office. Should you have questions, please contact me.

Cordially,

Clifford M. Trump

Enclosures

cc: John Thralls
Bruce Flack