



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: 133-32

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: Tuition and Fee Policy

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) HB 2800

Section 18-17-2(rr) Passed On 2/15/2023 12:00:00 AM

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

April 1, 2023

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

April 01, 2028

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 32
TUITION AND FEE POLICY

§133-32-1. General.

1.1. Scope. This rule establishes the policy for the assessment of tuition and fees at West Virginia's undergraduate public institutions of higher education.

1.2. Authority. West Virginia Code §18B-10-1(d).

1.3. Filing Date. - - March 1, 2023.

1.4. Effective Date. -- April 1, 2023.

1.5. Sunset Date. – This rule shall terminate and have no further force or effect on April 1, 2028.

§133-32-2. Definitions.

2.1. Unless the context in which used clearly requires a different meaning, the definitions contained in W. Va. Code §§ 18B-10-1c and 18B-19-2 apply to this rule in addition to the definitions set forth below:

2.1.a. "Administratively exempted schools" means those universities that are not statutorily exempted, but that have obtained administratively exempt status pursuant to W. Va. Code §18B-1-1f. Administratively exempted schools remain subject to the provisions of this rule.

2.1.b. "Statutorily exempted schools" means West Virginia University, including West Virginia University Potomac State College and West Virginia University Institute of Technology; Marshall University; and the West Virginia School of Osteopathic Medicine. The statutorily exempted schools are exempt from the provisions of this rule.

2.1.c. "Higher Education Price Index or HEPI" means the inflation index designed specifically for use by institutions of higher education to track the main cost drivers in higher education and to measure the change in the price of the goods and services purchased by colleges and universities as measured by the Commonfund Institute, a branch of Commonfund, a nonprofit organization devoted to the management of college and university endowments.

2.1.d. "Supplemental fee" means the operational charges or user fees charged to offset the specific costs for providing these services. These fees include, but are not limited to, course, lab, late payments, drug testing, instrument fees, and other services provided to students.

§133-32-3. [Reserved]

§133-32-4. Tuition and Fee Increases.

4.1. Approval of Tuition and Required Fee Increases.

4.1.a. For the purposes of this rule, calculation of seven percent (7%) shall be based on all required tuition and fee rates charged to all West Virginia resident students.

4.1.b. Tuition increases related to fee simplification proposals that result in an expense neutral change for an in-state student shall not be counted toward the ten percent (10%) allowance exempt from Commission approval.

4.2. The Commission shall communicate annually by February 28 to institutions benchmarks and guidelines for consideration of any increase above seven percent (7%). The benchmarks and guidelines may include, but are not limited to, such items as:

4.2.a. The HEPI, or other appropriate inflationary benchmark, which new appropriations to the institution's base budget for the corresponding fiscal year did not offset;

4.2.b. The per capita income of West Virginia families and their ability to pay for college statewide and specifically as to the county(ies) in which 75% of the institution's in-state students reside;

4.2.c. Most recent three-year history of tuition rates and increases;

4.2.d. Total sources of student generated revenue, including special fee and program fee rates; and,

4.2.e. Other factors as requested or deemed relevant by the Commission.

4.3. By May 15 annually, each governing board shall provide the Commission with a report that details:

4.3.a. All tuition and fee rates presently charged and the number of students currently being charged the tuition and fees;

4.3.b. The proposed total increase in any tuition and fees for the next fiscal year;

4.3.c. The estimated number of students who will be charged the increased tuition and fees; and,

4.3.d. The estimated increase in revenue to be generated from the increased tuition and fees.

§133-32-5. Expenditure.

5.1. Institutions may expend auxiliary fees on the operations of residence halls, faculty and staff housing, food services, intercollegiate athletics, student unions, bookstores, and other service centers.

5.2. Institutions may spend auxiliary capital fees on debt service, information technology projects, capital projects and campus maintenance and renewal for residence halls, faculty and staff housing, food services, intercollegiate athletics, student unions, bookstores and other service centers and information technology systems.

5.3. Institutions may expend capital fees on debt service, capital projects and facilities maintenance and renewal for facilities that support instruction, research, academic support, student services, institutional support, and operation and maintenance of the physical plant.

5.4. Institutions may expend educational and general fees on instruction, research, academic support, student services, institutional support, operation and maintenance of the physical plant, scholarships and fellowships, and debt service on bonds. Education and general expenditures do not include expenditures for auxiliary enterprises or independent operations. An institution may create a category within Tuition and Required Education and General Fees named Tuition to classify a fee or group of fees charged for instructional services.

5.5. Institutions may charge supplemental fees to offset the cost of providing services such as, but not limited to, courses, labs, late payments, drug testing, musical instruments, art supplies, and other services provided to students.

§133-32-6. Refunds.

6.1. Each governing board must establish a refund policy for students who officially withdraw during a semester that complies with the requirements that the United States Department of Education prescribes for the return of Title IV student financial aid funds.

§133-32-7. Deferred Payment Plans.

7.1. Each Board of Governors may establish a policy that provides deferred payment plan for students allowing them to pay their tuition and fees in installments. The deferred payment plan(s) must provide for full payment prior to the end of the academic term. This policy must address:

7.1.a. The interest rates, if any, that will be charged during the plan.

7.1.b. The type of installment plans available either institutionally or through a third party provider.