

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III**

ADMINISTRATIVE LAW DIVISION

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

CITE AUTHORITY: §18B-1-8a, §18B-1-6, §18B-1-8

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 PROPOSED: Series 3

TITLE OF RULE BEING PROPOSED: Higher Education Report Card

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.

J. Michael Mulder ^{as}
Authorized Signature

SUMMARY

**TITLE 133
LEGISLATIVE RULE
HIGHER EDUCATION POLICY COMMISSION**

**SERIES 3
HIGHER EDUCATION REPORT CARD**

As required by W. Va. Code §18B-1-8a, the Higher Education Policy Commission is proposing to adopt a rule establishing definitions, guidelines and procedures which will direct the development of the database and the comparable information to be included in the annually published Higher Education Report Card.

This Rule repeals and replaces 128-16 of the University System Board of Trustees and 131-16 of the State College System Board of Directors, which became effective on June 9, 1996.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 133-3: Higher Education Report Card

Type of Rule: Legislative Interpretive Procedural

Agency Higher Education Policy Commission

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

2. Explanation of above estimates

There is no direct financial impact resulting from this rule.

3. Objectives of these rules

To set forth definitions, guidelines and procedures for the development of the database and the comparable information to be included in the annually published Higher Education Report Card.

4. Explanation of Overall Economic Impact of Proposed Rule

A. Economic Impact on State Government

None.

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

None.

C. Economic Impact on Citizens/Public at Large

None.

Date: July 2, 2001

Michael Muller
Signature of Agency Head or Authorized Representative

COMMENTS AND RESPONSES TO PROPOSED LEGISLATIVE RULE TITLE 133, SERIES 3 – HIGHER EDUCATION REPORT CARD

During the public comment period the following written comments were received and the indicated action taken:

PRESIDENT DAVID HARDESTY COMMENT – “A team of administrators should be convened from across the institutions and from HEPC staff to draft the specific content of the report card”

RESPONSE – the higher education report card requirements are generally laid out in legislation and all campuses and HEPC members and staff have participated in a 3-4 month review of the report card prior to the public comment period. It was felt that this suggestion would not add to the process already conducted.

PRESIDENT DAVID HARDESTY COMMENT – “I do not believe that the information contained in sections 4.5.1 and 4.5.2 should be a part of the report card but rather should be contained in a separate report to the Chancellor should he wish to have it.”

RESPONSE – this information regarding contractual/financial agreements with non-profit entities and results of audits of health science entities forms a basis of accountability and management reporting and was felt to be valuable to leave in the rule.

PRESIDENT DAVID HARDESTY COMMENT – “I believe section 3.1 should read as follows: all data reported will be based on uniform and consistent definitions as established by the Commission, **with input provided by the Vice Chancellor for Health Sciences (if applicable).**”

RESPONSE – The change (indicated in bold) was not felt to be a necessary addition for two reasons. First, all senior staff of the Commission (including the Vice Chancellor for Health Sciences), are regularly consulted about such matters and secondly, it is not considered a good practice to put titles of individuals in a legislative rule, since those titles can change and would require a change to the rule every time a title change occurs. Therefore, the change was not added to the Report Card rule.

AMY PITZER COMMENT – “ shouldn't there be a reporting mechanism set up to keep track of the progress each institution is making with regard to salary and shouldn't it be detailed in the Report Card so that the Policy Commission as well as the individual Boards of Governors can see it at a glance?”

RESPONSE – The Commission has put in place a procedure to track this kind of information. However, the Report Card is dedicated to tracking progress of those kinds of indicators reflected in SB 653/703 which does not include salary tracking. Therefore, this change was not added to the Report Card rule.

PRESIDENT ZACCARI COMMENT - "Would it make sense to reference peer institutions benchmarks (as defined by the National Center for Higher Education Management Systems (NCHEMS))?"

RESPONSE – Although a set of peers has been established for some comparisons at each institution by NCHEMS, they are forecast for change as component institutions become separately accredited. It was felt that national categories of comparison are more static and could reasonably be used for continuing comparison without much change over time.

Therefore, national comparison groups were maintained for use in the Report Card rule but not the suggested NCHEMS peer groups. However, the Commission will also maintain individual institution NCHEMS comparisons, but separately from the Report Card.

PRESIDENT ZACCARI COMMENT – Quite a long paragraph refers to the need to put very detailed and specific data elements and measures in the Report Card rule rather than broad categories.

RESPONSE - This was not carried out for two basic reasons. First, as a new plan and set of legislative requirements are implemented, there need to be flexibility in determining the best and most productive means of measuring the results. As results and experience are accumulated, there will likely be some refinements and additions or deletions of elements and measures to result in the most productive measurement of results. Specifying all the detail in a legislative rule would require a change of the rule every time even the slightest modification was required. Secondly, legislative leadership has informed the Commission that it wants a simple and broad rule that covers the main items of tracking to clearly indicate statewide progress toward educational goals outlined in SB 653/703. Therefore, these suggested changes were not made to the Report Card rule.

TITLE 133
LEGISLATIVE RULE
HIGHER EDUCATION POLICY COMMISSION
SERIES 3
HIGHER EDUCATION REPORT CARD

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1. General.

1.1. Scope. -- This rule establishes definitions, guidelines and procedures which will direct the development of the database and the comparable information to be included in the annually published Higher Education Report Card.

1.2. Authority. -- W. Va. Code §18B-1-8a., §18B-1-6, §18B-1-8

1.3. Filing Date. --

1.4. Effective Date. --

1.5. This Rule repeals and replaces 128-16 and 131-16 which became effective on June 9, 1996.

2. Purpose.

2.1. The primary purposes of this report are to:

2.1.1. Provide basic and consistent data and other relevant information to be used in assessing progress of the Higher Education Policy Commission and its member institutions toward the goals and objectives as stated in W. Va. Code §18B-1-1a;

2.1.2. 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;

2.1.3. Provide information to assist the Commission in assessing institutional and system progress toward statewide and institutional higher education goals;

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

2.1.5. Serve as a source of information available to parents, students, faculty, staff, state

policymakers, and the general public on the overall quality and performance of public higher education in West Virginia.

3. Guidelines.

3.1. The following will guide the further development of the existing higher education database and the collection of data which will comprise the Higher Education Report Card:

- 3.1.1. All data reported will be based on uniform and consistent definitions as established by the Commission.
 - 3.1.2. Institutional requirements for additional record keeping and reporting will be minimized.
 - 3.1.3. Data element collection procedures and report time lines will be established by the Commission.
 - 3.1.4. The Higher Education Report Card shall be brief and contain concise, non-technical language, including relevant explanations.
 - 3.1.5. The preparation, printing, and distribution of the Higher Education Report Card will follow a schedule determined by the Commission so that the final document will be prepared by January 1 of each year. The Commission shall provide technical assistance (as needed) in data collection and reporting.
 - 3.1.6. The Higher Education Report Card shall be prepared using institutional, system, and state, regional, and national data as applicable and available indicating performance of the individual institutions and public higher education as a whole. It shall be based upon information for the preceding academic school year, or for the most recent complete school year for which such information is available. Goals and trends for the institutions shall also be indicated in relation to higher education goals as stated in W. Va. §18B-1-1a.
 - 3.1.7. Integrated Postsecondary Education Data System (IPEDS) data will serve as primary sources for peer data comparisons. Historical trend data and other relevant data comparisons will be used as appropriate.
- 3.2. The president or administrative head of each public college, university, regional campus, or community and technical college shall be responsible for ensuring that all requested information is submitted annually to the Commission and shall certify that the information submitted has been reviewed for accuracy.
- 3.3. All detailed background data used in compiling the Higher Education Report Card shall be maintained on file at the Commission for a reasonable time.

4. Health Sciences Indicators.

4.1. In addition to applicable information required by Section 3 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.

4.2. For each health sciences school, the Higher Education Report Card shall include historical trend information for medical and dental students, tuition and fees, faculty, specialization of graduates, revenues and expenditures, passage rates on licensing examinations, and in-state retention of graduates.

4.3. The Higher Education Report Card shall indicate for each health sciences school the number and dollar value of loans made through the medical student loan program as well as default rates for the most recent year.

4.4. The Higher Education Report Card shall indicate for each health sciences school the number and dollar value of aid awarded through the Health Sciences Scholarship Program for the most recent year.

4.5. In addition, each health sciences school shall annually:

4.5.1. Report to the Vice Chancellor for Health Sciences all contractual and/or financial agreements with non-profit and for-profit entities receiving monies from the health sciences schools;

4.5.2. Submit to the Vice Chancellor for Health Sciences for review audits of the expenditures of each health sciences school and any audit received from such non-profit and for-profit entities determined by the Commission to have a significant affiliation to the health sciences school; and

4.5.3. Submit to the Vice Chancellor for Health Sciences a report projecting capital projects, operating expenses, and anticipated areas of expansion.

4.6. Information required in Sections 4.1. through 4.4. shall be submitted to the Vice Chancellor for Health Sciences who shall compile the information for inclusion in the Higher Education Report Card.

4.7. In addition to any and all information required in Sections 3 and 4, the following shall occur:

4.7.1. The Vice Chancellor shall review each institution's yearly report required in subsection 4.5.3. of this rule and will prepare an annual, comprehensive review and recommendations for allocation of state or other tax support for health sciences.

- 4.7.2. The Vice Chancellor shall review each institution's accreditation report. Accreditation reviews are conducted on a schedule set by the appropriate accreditation agency. The Vice Chancellor's review will depend on the institution's accreditation schedule.
- 4.7.3. The Vice Chancellor shall review each year the role and mission of each medical school and, based on outcome measures developed jointly with each school, submit an evaluation of each school's performance to the Legislature and also report on the quality of health sciences education.
- 4.7.4. The Vice Chancellor shall review the yearly audits as required by 4.5.2. and shall provide a report regarding financial management and operation of medical schools including proposals and barriers to improving efficiency and generating cost savings.
- 4.8. Each health sciences school shall assist the Vice Chancellor for Health Sciences in meeting the requirements of Section 4.7.
- 4.9. Other information deemed necessary or helpful by the Commission or the Vice Chancellor for Health Sciences may be requested at any time.

5. Rural Health Indicators.

5.1. The Vice Chancellor for Health Sciences shall annually report to the West Virginia Higher Education Policy Commission on the West Virginia Rural Health Education Partnerships. At a minimum this report shall include, but is not limited to, identification of the sites, number of students involved, and student weeks served for the most recently concluded year.

5.2. The findings of this section shall be included in the Higher Education Report Card.

6. Presentation of Higher Education Report Card.

6.1. The Higher Education Report Card shall be presented annually at a regular meeting of the Commission.

6.2. The Higher Education Report Card format adopted by the Policy Commission shall be completed and disseminated with copies to the Legislative Oversight Commission on Education Accountability prior to or by January 1, 2002 and each year thereafter. The Policy Commission will review formats and definitions annually to add new measures related to emerging state issues and delete measures which are no longer relevant.