

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

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2008 AUG -4 PM 3: 57

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Code §18B-1D-1

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 49

TITLE OF RULE BEING PROPOSED: Accountability System for West Virginia Public Higher Education


IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 3, 2008 AT 5:00 PM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Higher Education Policy Commission
Attention: Dr. Bruce Flack

1018 Kanawha Boulevard East
Suite 700

Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FILED

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

2008 AUG -4 PM 3: 58

SERIES 49
ACCOUNTABILITY SYSTEM FOR WEST VIRGINIA PUBLIC HIGHER EDUCATION

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§133-49-1. General.

- 1.1. Scope: The West Virginia Higher Education Policy Commission consistent with provisions of W. Va. Code §18B-1D-1 hereby adopts the following rule concerning an accountability system for West Virginia public higher education.
- 1.2. Authority: W. Va. Code §18B-1D-1
- 1.3. Filing Date:
- 1.4. Effective Date:

§133-49-2. Purpose.

- 2.1. It is the purpose of this rule to address the responsibilities of the West Virginia Higher Education Policy Commission, the development of statewide master plans, the process of entering into state and institutional compacts, system and institution implementation plans, and state-level reporting to ensure that higher education is accountable to the citizens of West Virginia.

§133-49-3. Definitions.

- 3.1. "Accountability system" means 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, statewide master plans, state and institutional compacts, implementation plans, institutional mission statements and master plans, and the statewide report card.
- 3.2. "Education partnership" means the formal and informal working relationships established between and among the State of West Virginia, the Commission, the State Council for Community and Technical College Education, the State Board of Education and State Department of Education, and the state institutions of higher education for the purpose of achieving state goals and objectives.

- 3.3. "State compact" means a formal written agreement between the Commission and at least one other member of the education partnership 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.
- 3.4. "Statewide master plan" means a document developed by the Commission that sets forth system goals, objectives and strategies and is aligned with, but not limited to, meeting state goals, objectives and priorities.
- 3.5. "Institutional compact" means a formal, written contract between the Commission and a state institution of higher education under its jurisdiction expressing intent to accomplish state and system goals and objectives.
- 3.6. "Implementation plan" means a document developed within the higher education community that identifies a series of objectives, sets forth performance indicators that can be used to determine if objectives are being achieved, and outlines strategies over the life cycle of the statewide master plan.
- 3.7. "Institutional and system report cards" means the reports that assess the annual progress of the Commission and institutions under its jurisdiction toward achieving state goals and objectives. Information contained in the report cards shall be consistent and comparable between and among state institutions of higher education, and, if applicable, shall allow for easy comparison with higher education related data collected and disseminated by the Southern Regional Education Board, the U.S. Department of Education, and other major data-gathering organizations.

§133-49-4. State Vision For Public Higher Education: Vision 2020.

- 4.1. This rule addresses the responsibilities of the Commission and the institutions under its jurisdiction, and how they will address the higher education component of the West Virginia legislature's vision statement, *Vision 2020: An Education Blueprint for Two Thousand Twenty*. Areas of special concern identified by the legislature include economics and workforce development, education access and affordability, innovation, student preparation, degree and/or program completion, intra- and inter-system cooperation and collaboration, research, and teaching and learning.
- 4.2. The Commission and institutions under its jurisdiction through master plans and compacts shall undertake action steps to realize the following higher education goals in *Vision 2020*.
 - 4.2.1. Economic and workforce development. Diversify and strengthen

the state's economy by emphasizing those courses and programs which create and retain jobs in the state, especially among the emerging high technology, knowledge-based businesses and industries.

- 4.2.2. Access and affordability. Maintain geographic access while eliminating unnecessary duplication, enhance education opportunities for the widest range of state citizens, establish tuition and fee levels for in-state students that do not inhibit matriculation and do not cause students to incur excessive debt, and establish tuition and fee rates for out-of-state students that, at a minimum, cover the full cost of instruction.
- 4.2.3. Innovation. Devise innovative programs, partnerships, research institutions, and curriculum to achieve the needs of the state and its citizens.
- 4.3.4. Student preparation. Ensure that potential students are academically prepared for college and that graduates are adequately prepared for careers or further education.
- 4.2.5. Degree and/or academic program completion. Implement student programs and utilize creative instructional delivery modes to enhance student retention in order to improve graduation rates and degree completion.
- 4.2.6. Collaboration and cooperation. Deliver educational services to the extent possible through collaboration, coordination and brokering, with special emphasis on the need for a seamless transition from public to post-secondary education.
- 4.2.7. Research. Achieve a greater research capacity within higher education to enhance the state's economic development, develop greater expectations in high technology fields, create more employment opportunities, and provide a basis for improved capacity to compete in the new economy through research that is focused on state needs.
- 4.2.8. Teaching and learning. Develop rigorous admission and program completion standards and formulate multi-faceted assessment of learning programs. Ensure access to graduate-level programs in all regions of the state, particularly in STEM fields and teacher education subject content areas.

§133-49-5. Objectives for public higher education: *Vision 2020*.

- 5.1. In meeting the goals established for *Vision 2020*, the Commission, and where appropriate, the institutions under its jurisdiction, shall strive to attain legislatively mandated objectives through the development of compacts and/or implementation plans between and among members of the education partnerships.
 - 5.1.1. Develop a state-level facilities plan and funding mechanism to reduce the obligation of students and parents to bear the cost of higher education capital projects and facilities maintenance.
 - 5.1.2. Increase academic rigor and improve learning at higher education institutions.
 - 5.1.3. Increase the percentage of entering students who persist to receive a degree.
 - 5.1.4. State institutions of higher education, particularly community and technical colleges, shall make maximum efforts to recruit and retain adults twenty-five years old and over.
 - 5.1.5. Provide incentives to state institutions of higher education to encourage emphasis on STEM courses and programs and to encourage collaboration with public educators to prepare students to succeed in these fields.
 - 5.1.6. Develop a stable funding stream for state institutions of higher education.
 - 5.1.7. Develop greater research capacity throughout public higher education, particularly at the state's two doctoral degree-granting universities.
 - 5.1.8. Increase the percentage of functionally literate adults in each region of the state.

§133-49-6. System Master Plans.

- 6.1. The Commission shall develop a master plan that is closely aligned with the goals and objectives of *Vision 2020*.
 - 6.1.1. The master plans shall be established for periods of not more than five years.
 - 6.1.2. Master plans in place as of March 2008 shall continue in effect

until the end of the five-year planning cycle, unless amended or rescinded by the Commission.

- 6.1.3. Any new system master plan shall be communicated to the Legislative Oversight Commission on Education Accountability and may not be adopted or implemented without approval of LOCEA.
- 6.1.4. The Commission shall perform a comprehensive review of its master plan at least annually and shall revise it periodically as appropriate to meet state goals and objectives.
- 6.1.5. The Commission shall review progress of its higher education system in meeting master plan goals and objectives and report annually to LOCEA on recommendations for amending the plans beginning January 1, 2009.
- 6.1.6. At the end of the five-year planning cycle and as part of the preparation of a new master plan, the Commission shall submit a comprehensive report to LOCEA that addresses at least the following:
 - 6.1.6.1. A detailed, data-based analysis of the progress of the system toward meeting each goal and objective included in the current plan; and
 - 6.1.6.2. A strategy for using the data as a basis for developing the master plan for the next planning cycle.
- 6.1.7. A new master plan shall include a detailed set of system objectives designed to meet the state higher education goals and objectives, and address at least the following:
 - 6.1.7.1. A well-developed analysis of missions, degree offerings, resource requirements, physical plant needs, personnel needs, enrollment levels, and other planning determinants needed for a quality system of higher education; and
 - 6.1.7.2. A strategy for cooperation and collaboration with the State Board of Education, the State Department of Education, state institutions of higher education, the Council for Community and Technical College Education, and other relevant education providers to assure a comprehensive and seamless system of education in West Virginia.

§133-49-7. State Compacts.

- 7.1. To achieve the state higher education goals and objectives, the Legislature encourages the Commission, the Council, the State Board of Education, the State Department of Education and the state institutions of higher education, where appropriate, to form education partnerships and develop compacts between and among themselves for the purpose of enhancing the well-being of West Virginia citizens. A state compact is called for when the achievement of specific goals requires significant collaboration and commitment of resources by more than one member of the partnership.
- 7.2. Establishment of a state compact shall address at least the following components:
 - 7.2.1. A procedure to determine when a state compact is necessary or desirable;
 - 7.2.2. A procedure for determining the identity of parties to the compact and for establishing compact terms;
 - 7.2.3. A mechanism for negotiating agreement on compact objectives;
 - 7.2.4. A procedure for creating and consolidating commitment between and among parties to the compact; and
 - 7.2.5. A process for periodic review, assessment, and reporting of progress toward meeting compact objectives.

§133-49-8. Implementation Plans.

- 8.1. In addition to state compacts, the Legislature encourages the Commission to develop implementation plans together with other members of the public higher education community to achieve system and institutional goals and objectives.
 - 8.1.1. Each implementation plan shall contain at least the following elements:
 - 8.1.1.1. Identification of the goals and objectives to be achieved;
 - 8.1.1.2. Identification of the parties to the implementation plan and a process for developing consensus among the parties;
 - 8.1.1.3. A needs assessment or other mechanism to determine

current status of proposed objectives;

8.1.1.4. Identification of challenges or barriers to meeting objectives;

8.1.1.5. Delineation of tasks to be performed;

8.1.1.6. A specific time line for meeting objectives;

8.1.1.7. An evaluation process; and

8.1.1.8. A method for determining success in achieving objectives.

8.1.2. Implementation plans are internal documents developed among members of the public higher education community and are not subject to external approval processes.

§133-49-9. Institutional Compacts.

9.1. Each state college and university shall prepare an institutional compact for submission to the Commission. A compact, once completed, constitutes a negotiated contract between the state institution of higher education and the Commission. A compact will include at least two basic components:

9.1.1. Institutional strategies for focusing resources on meeting state goals and objectives; and

9.1.2. Commission strategies for promoting and supporting the institutions in fulfilling its missions and objectives.

9.2. In addition to the two basic components, each compact shall contain at least the following elements:

9.2.1. A determination of the mission of the institution that specifically addresses changes necessary or expedient to accomplish the goals and objectives articulated by the state and the systemwide master plan;

9.2.2. A detailed statement of how the compact is aligned with and will be implemented in conjunction with the master plan of the institution;

9.2.3. A comprehensive assessment of education needs within the institution's geographic area of responsibility;

- 9.2.4. Provision for collaboration and brokering of education services as necessary or expedient to carry out the institutional mission and meet its objectives;
 - 9.2.5. Provision of student services at the optimum level to support the institutional mission and to achieve state goals and objectives;
 - 9.2.6. Strategies for using existing infrastructure and resources within each region, where feasible, to increase student access while controlling costs and maintaining academic quality; and
 - 9.2.7. Other public policy objectives or initiatives adopted by the Commission.
- 9.3. Each institutional compact shall be updated annually.
- 9.4. Development and updating of the institutional compact is subject to the following conditions:
- 9.4.1. The ultimate responsibility for developing and updating the institutional compact rests with the Board of Governors;
 - 9.4.2. The Commission shall establish a due date for submission of compacts and updates;
 - 9.4.3. The Commission shall review each compact and either adopt the compact or return it with specific comments for change or improvement;
 - 9.4.4. By the first day of May annually, if an institutional compact is not adopted by the Commission, then the Commission is empowered and directed to develop and adopt the institutional compact for the institution and the institution is bound by the compact so adopted;
 - 9.4.5. As far as practicable, the Commission shall establish uniform processes and forms for the development and submission of institutional compacts.

§133-49-10. Institutional and System Report Cards.

- 10.1. The purpose of the institutional and statewide report cards is to make information available to parents, students, faculty, staff, state policymakers and the general public on the quality and performance of public higher education. The focus of the report cards is to determine annual progress of the Commission and institutions under its jurisdiction toward achieving state and system goals and objectives.

- 10.2. The information contained in the report cards shall be consistent and comparable between and among state institutions of higher education. If applicable, the information shall allow for easy comparison with higher education-related data collected and disseminated by the Southern Regional Education Board, the U.S. Department of Education and other education data-gathering and data-disseminating organizations.
- 10.3. The report cards shall provide for the collection, analysis and dissemination of information on the performance of the state institutions of higher education, including health sciences education, in relation to the statewide and systemwide findings, goals and objectives.
- 10.4. The report cards shall be analysis-driven, rather than simply data-driven, and shall present information in a format that can inform education policymaking.
- 10.5. The statewide report card shall include the data for each separately listed, applicable indicator and the aggregate of the data for all public institutions of higher education.
- 10.6. The statewide report card shall be prepared using actual institutional, state, regional and national data, as applicable and available, indicating the present performance of the individual institutions, the governing boards and the state systems of higher education. Statewide report cards shall be based upon information for the current school year or for the most recent school year for which the information is available, in which case the year shall be clearly noted.
- 10.7. The president or chief executive officer of each state institution of higher education shall prepare and submit annually all requested data to the Commission at the times established by the Commission.
- 10.8. 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 and is responsible for assembling the statewide report card from information submitted by each governing board.
- 10.9. The statewide report card shall be completed and disseminated with copies to the Legislative Oversight Commission on Education Accountability prior to the first day of January of each year and the staff of the Commission shall prepare a report highlighting specifically the trends, progress toward meeting goals and objectives and major areas of concern for public higher education, including medical education, for presentation to the Legislative Oversight Commission on Education Accountability at the interim meetings in January 2009 and annually thereafter.

SUMMARY

TITLE 133

**PROPOSED LEGISLATIVE RULE
HIGHER EDUCATION POLICY COMMISSION**

SERIES 49

ACCOUNTABILITY SYSTEM FOR WEST VIRGINIA PUBLIC HIGHER EDUCATION

This rule establishes the responsibilities of the West Virginia Higher Education Policy Commission in the development of statewide master plans, the process of entering into state and institutional compacts, system and institutional implementation plans and state level reporting to ensure that higher education is accountable to the citizens of West Virginia. It addresses topics that are critical to accountability for the state's public higher education system, including economic and workforce development, education access and affordability, innovation, student preparation, degree and/or program completion, intra- and inter- system cooperation and collaboration, research, and teaching and learning.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 133-49 - Accountability System for West Virginia Public Higher Education

Type of Rule: Legislative Interpretive Procedural

Agency: Higher Education Policy Commission

Address: Attention: Dr. Bruce Flack
1018 Kanawha Boulevard, East, Suite 700, Charleston, WV 25301

Phone Number: 304-558-0261 Email: flack@hepc.wvnet.edu

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The rule has no fiscal impact.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

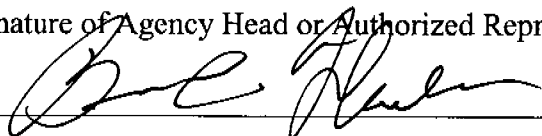
The rule has no fiscal impact.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: August 4, 2008

Signature of Agency Head or Authorized Representative



**West Virginia Higher Education Policy Commission
Meeting of August 1, 2008**

ITEM: Approval of Series 49, Accountability System for West Virginia Public Higher Education

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves Series 49, Accountability System for West Virginia Public Higher Education and directs the staff to circulate the proposed legislative rule to appropriate groups and the Secretary of State's office for the thirty-day comment period.

Further Resolved, That staff is instructed to forward the legislative rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action at the conclusion of the comment period if no comments are received during the comment period.

STAFF MEMBER: Bruce Flack

BACKGROUND:

In the 2008 West Virginia legislative session, the Legislature enacted Senate Bill 595, Vision 2020: An Education Blueprint for Two Thousand Twenty. This extensive measure sets forth a blueprint for educational advancement for both public education (K-12 schools) and the state's public higher education system. In the section on higher education, it was the intent of the Legislature to outline and organize the elements of accountability for public higher education into an effective, coherent system to provide guidance to the state institutions of higher education, the Commission, and the Council to clarify the roles, relationships, and responsibilities among these entities, the citizens of West Virginia, and elected state officials. Areas of special interest to the Legislature include economic and workforce development, education access and affordability, innovation, student preparation, degree and/or program completion, intra- and inter-system cooperation and collaboration, research, and teaching and learning.

Series 49, Accountability System for West Virginia Public Higher Education, is a legislative rule for the West Virginia Higher Education Policy Commission. Through a number of measures, including a system master plan, state compacts, implementation plans, institutional compacts, and institutional and system report cards, the rule

indicates how the Commission will address the goals and objectives of Vision 2020.

The Commission is required to submit the proposed new rule to the Legislative Oversight Commission on Education Accountability (LOCEA) by October 1, 2008.