

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**ENGROSSED**

## **House Bill 5354**

By Delegates Statler and Toney

[Introduced February 09, 2026; referred to the  
Committee on Education]



1 A BILL to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as  
2 amended, relating to authorizing legislative rules regarding higher education; authorizing  
3 legislative rules for the Higher Education Policy Commission regarding administrative  
4 exemption and mental health loan program; authorizing repeal of rules for the Higher  
5 Education Policy Commission regarding purchasing efficiencies and research trust fund  
6 program; authorizing legislative rules for the Community and Technical College Education  
7 regarding the STAND program; and authorizing repeal of a rule for the Council for  
8 Community and Technical College Education regarding purchasing efficiencies.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 17. LEGISLATIVE RULES.**

**§18B-17-2. Authorizing rules of Higher Education Policy Commission.**

1 ~~(a) The legislative rule filed in the State Register on October 15, 2004, relating to the~~  
2 ~~Higher Education Policy Commission (Underwood-Smith Teacher Scholarship Program rule), is~~  
3 ~~authorized.~~

4 ~~(b) The legislative rule filed in the State Register on October 15, 2004, relating to the~~  
5 ~~Higher Education Policy Commission (West Virginia Engineering, Science, and Technology~~  
6 ~~Scholarship Program rule), is authorized.~~

7 ~~(c) The legislative rule filed in the State Register on October 15, 2004, relating to the~~  
8 ~~Higher Education Policy Commission (Medical Education Fee and Medical Student Loan Program~~  
9 ~~rule), is authorized.~~

10 ~~(d) The legislative rule filed in the State Register on October 27, 2005, relating to the~~  
11 ~~Higher Education Policy Commission (authorization of degree-granting institutions), is authorized.~~

12 ~~(e) The legislative rule filed in the State Register on August 23, 2006, relating to the Higher~~  
13 ~~Education Policy Commission (West Virginia Higher Education Grant Program), is authorized.~~

14           ~~(f) The legislative rule filed in the State Register on January 4, 2008, relating to the Higher~~  
15 ~~Education Policy Commission (Providing Real Opportunities for Maximizing In-state Student~~  
16 ~~Excellence – PROMISE), is authorized.~~

17           ~~(g) The legislative rule filed in the State Register on August 25, 2008, relating to the Higher~~  
18 ~~Education Policy Commission (Research Trust Program), is authorized.~~

19           ~~(h) The legislative rule filed in the State Register on January 8, 2009, relating to the Higher~~  
20 ~~Education Policy Commission (Guidelines for Governing Boards in Employing and Evaluating~~  
21 ~~Presidents), is authorized~~

22           ~~(h)(a)~~ The legislative rule filed in the State Register on September 10, 2008, relating to the  
23 Higher Education Policy Commission (Medical Student Loan Program, 133 CSR 34), is  
24 authorized, with the following amendment:

25           On page two, subsection 5.1, following the words "financial aid office" by inserting a new  
26 subdivision 5.1.3 to read as follows: "United States citizenship or legal immigrant status while  
27 actively pursuing United States citizenship".

28           ~~(j) The legislative rule filed in the State Register on December 1, 2008, relating to the~~  
29 ~~Higher Education Policy Commission (West Virginia Higher Education Grant Program), is~~  
30 ~~authorized.~~

31           ~~(k) The legislative rule filed in the State Register on January 26, 2009, relating to the~~  
32 ~~Higher Education Policy Commission (Accountability System), is authorized~~

33           ~~(h)~~ (b) The legislative rule filed in the State Register on May 20, 2009, relating to the Higher  
34 Education Policy Commission (Energy and Water Savings Revolving Loan Fund Program, 133  
35 CSR 50), is authorized.

36           ~~(m) The legislative rule filed in the State Register on January 27, 2010, relating to the~~  
37 ~~Higher Education Policy Commission (Providing Real Opportunities for Maximizing In-state~~  
38 ~~Student Excellence – PROMISE), is authorized.~~

39 ~~(n) The legislative rule filed in the State Register on December 8, 2010, relating to the~~  
40 ~~Higher Education Policy Commission (authorization of degree-granting institutions), is authorized,~~  
41 ~~with the following amendment:~~

42 ~~On page 28, subsection 9.1.b, following the words "Good cause shall consist of" by~~  
43 ~~inserting the words "any one or more of the following".~~

44 ~~(o) The legislative rule filed in the State Register on December 12, 2011, relating to the~~  
45 ~~Higher Education Policy Commission (Tuition and Fee Policy), is authorized.~~

46 ~~(p)(c) The legislative rule filed in the State Register on August 10, 2012, relating to the~~  
47 ~~Higher Education Policy Commission (initial authorization of degree-granting institutions, 133~~  
48 ~~CSR 20), is authorized.~~

49 ~~(q) The legislative rule filed in the State Register on August 10, 2012, relating to the Higher~~  
50 ~~Education Policy Commission (annual reauthorization of degree-granting institutions), is~~  
51 ~~authorized.~~

52 ~~(r) The legislative rule filed in the State Register on March 20, 2013, relating to the Higher~~  
53 ~~Education Policy Commission (Human Resources Administration), is authorized.~~

54 ~~(s) The legislative rule filed in the State Register on January 24, 2014, relating to the~~  
55 ~~Higher Education Policy Commission (Capital Project Management), is authorized.~~

56 ~~(t) The legislative rule filed in the State Register on April 4, 2014, relating to the Higher~~  
57 ~~Education Policy Commission (Underwood-Smith Teacher Scholarship Program), is authorized.~~

58 ~~(u) The legislative rule filed in the State Register on August 4, 2014, relating to the Higher~~  
59 ~~Education Policy Commission (Nursing Scholarship Program), is authorized.~~

60 ~~(v) The legislative rule filed in the State Register on October 28, 2015, relating to the~~  
61 ~~Higher Education Policy Commission (Underwood-Smith Teacher Scholarship Program), is~~  
62 ~~authorized.~~

63 ~~(w) The legislative rule filed in the State Register on October 28, 2015, relating to the~~  
64 ~~Higher Education Policy Commission (Nursing Scholarship Program), is authorized.~~

65 ~~(x) The legislative rule filed in the State Register on December 20, 2016, relating to the~~  
66 ~~Higher Education Policy Commission (West Virginia Higher Education Grant Program), is~~  
67 ~~authorized.~~

68 ~~(y) The legislative rule filed in the State Register on December 20, 2016, relating to the~~  
69 ~~Higher Education Policy Commission (Providing Real Opportunities for Maximizing In-state~~  
70 ~~Student Excellence – PROMISE), is authorized.~~

71 ~~(z) The legislative rule filed in the State Register on December 20, 2016, relating to the~~  
72 ~~Higher Education Policy Commission (Research Trust Fund Program), is authorized.~~

73 ~~(aa) The legislative rule filed in the State Register on December 20, 2016, relating to the~~  
74 ~~Higher Education Policy Commission (annual reauthorization of degree-granting institutions), is~~  
75 ~~authorized.~~

76 ~~(bb) The legislative rule filed in the State Register on January 16, 2018, relating to the~~  
77 ~~Higher Education Policy Commission (Tuition and Fee Policy), is authorized.~~

78 ~~(cc) The legislative rule filed in the State Register on January 16, 2018, relating to the~~  
79 ~~Higher Education Policy Commission (Human Resources Administration), is authorized.~~

80 ~~(dd) The legislative rule filed in the State Register on January 22, 2018, relating to the~~  
81 ~~Higher Education Policy Commission (Capital Project Management), is authorized, with the~~  
82 ~~following amendments:~~

83 ~~On page one, subsection 2.1, by striking out all of subdivision 2.1.d. and inserting in lieu~~  
84 ~~thereof a new subdivision 2.1.d., to read as follows: "Efficient use of existing classroom and other~~  
85 ~~space by institutions, while maintaining an appropriate deference to the value judgments of the~~  
86 ~~institutional governing boards".;~~

87 ~~On page seven, subsection 4.2, by striking out all of subdivision 4.2.d.5. and inserting in~~  
88 ~~lieu thereof a new subdivision 4.2.d.5., to read as follows: "Funding will be prioritized for each~~  
89 ~~institution in accordance with institutional plans confirmed by the Commission or approved by the~~  
90 ~~Council.";~~

91           ~~On page seven, subsection 4.2, by striking out all of subdivision 4.2.d.6. and inserting in~~  
92 ~~lieu thereof a new subdivision 4.2.d.6., to read as follows: "Facility utilization rates will be an~~  
93 ~~important factor in prioritizing capital projects across the systems.";~~

94           ~~On page seven, subsection 4.2, by striking out all of subdivision 4.2.d.7. and inserting in~~  
95 ~~lieu thereof a new subdivision 4.2.d.7., to read as follows: "Institutions with overall net asset values~~  
96 ~~and capacity utilization rates that exceed or equal thresholds set annually by the Commission and~~  
97 ~~Council are the presumptive priority for new facilities. If these projects do not replace an existing~~  
98 ~~facility, they would be included in the Program Improvement category."; and~~

99           ~~On pages 10-11, section 5, by striking out all of subdivision 5.6. and inserting in lieu thereof~~  
100 ~~a new subdivision 5.6., to read as follows: "A governing board may not implement a campus~~  
101 ~~development plan or plan update that has not been confirmed by the Commission or approved by~~  
102 ~~the Council, as appropriate. The purchase of any property for the construction of a facility that is~~  
103 ~~not included in the campus development plan creates an update to the campus development plan~~  
104 ~~that must be confirmed by the Commission or approved by the Council, as appropriate, prior to its~~  
105 ~~purchase. In the case of institutions governed by the Council, this provision applies equally to~~  
106 ~~property acquired by any means, whether by purchase or otherwise.".~~

107           ~~(ee)(d)~~ The legislative rule filed in the State Register on January 22, 2019, relating to the  
108 Higher Education Policy Commission (Acceptance of Advanced Placement Credit, 133 CSR 15),  
109 is repealed.

110           ~~(ff)(e)~~ The legislative rule filed in the State Register on January 22, 2019, relating to the  
111 Higher Education Policy Commission (Human Resources Administration, 133 CSR 53), is  
112 repealed.

113           ~~(gg)~~ The legislative rule filed in the State Register on August 28, 2018, relating to the  
114 Higher Education Policy Commission (Guidelines for Governing Boards in Employing and  
115 Evaluating Presidents), is authorized.

116 ~~(hh) The legislative rule filed in the State Register on August 7, 2018, relating to the Higher~~  
117 ~~Education Policy Commission (Providing Real Opportunities for Maximizing In-state Student~~  
118 ~~Excellence (PROMISE) Scholarship Program), is authorized, with the following amendments:~~

119 ~~On page one, subsection 2.1, by striking out all of subdivision 2.1.a. and inserting in lieu~~  
120 ~~thereof a new subdivision 2.1.a., to read as follows: "Must complete high school graduation~~  
121 ~~requirements at a West Virginia public, private or home school unless he or she qualified as a~~  
122 ~~military dependent under Section 5 of this rule, or has commuted to an out-of-state school~~  
123 ~~pursuant to Section 6 of this rule; and";~~

124 ~~On page one, subsection 2.1, by striking out all of subdivision 2.1.b. and inserting in lieu~~  
125 ~~thereof a new subdivision 2.1.b., to read as follows: "Must complete at least one half of the credits~~  
126 ~~required for high school graduation through attendance at a public, private or home school in this~~  
127 ~~state, unless he or she qualified as a military dependent under Section 5 of this rule, or has~~  
128 ~~commuted to an out-of-state school pursuant to Section 6 of this rule; and";~~

129 ~~On page one, subdivision 2.1.c., by striking out the words "Section 5" and inserting in lieu~~  
130 ~~thereof the words "Section 4";~~

131 ~~On page one, subsection 2.1, by striking out all of subdivision 2.1.d. and inserting in lieu~~  
132 ~~thereof a new subdivision 2.1.d., to read as follows: "Must have attained a cumulative grade point~~  
133 ~~average of at least 3.0 on a 4.0 scale, based on county board grading policies, in both core~~  
134 ~~courses and overall coursework required for graduation by the State Board of Education, while~~  
135 ~~enrolled in a public or private high school. If home-schooled pursuant to the exemption allowed by~~  
136 ~~W.Va. Code §18-8-1 as documented by the county school board system, the applicant must have~~  
137 ~~completed in both the 11th and 12th grades the required core and elective coursework necessary~~  
138 ~~to prepare students for success in postsecondary education at the associate and baccalaureate~~  
139 ~~levels by attaining a cumulative grade point average of at least 3.0 on a 4.0 grading scale in both~~  
140 ~~core courses and overall coursework as determined by the Commission; and";~~

141           ~~On page one, subsection 2.1, subdivision 2.1.f., preceding the words "have resided in~~  
142 ~~West Virginia", by striking out the word "Must" and inserting in lieu thereof the words "The~~  
143 ~~applicant and his or her parent or legal guardian must";~~

144           ~~On page one, subdivision 2.1.f., by striking out the words "Section 5" and inserting in lieu~~  
145 ~~thereof the words "Section 4";~~

146           ~~On page one, subdivision 2.1.f., by striking out the words "Section 6" and inserting in lieu~~  
147 ~~thereof the words "Section 5";~~

148           ~~On page two, subsection 2.4., by striking out the words "Section 10.7 or 10.8" and inserting~~  
149 ~~in lieu thereof the words "Section 9.7 or 9.8";~~

150           ~~On page two, subsection 2.5, by striking out the words "Section 8" and inserting in lieu~~  
151 ~~thereof the words "Section 7";~~

152           ~~On page two, subsection 2.5, by striking out the words "Section 10" and inserting in lieu~~  
153 ~~thereof the words "Section 9";~~

154           ~~On page two, by striking out all of section 3 and renumbering the remaining sections~~  
155 ~~accordingly;~~

156           ~~On page three, subsection 4.4, by striking out the words "Section 14" and inserting in lieu~~  
157 ~~thereof the words "Section 13";~~

158           ~~On page five-six, subsection 10.6, by striking out the words "Section 10.3" and inserting in~~  
159 ~~lieu thereof the words "Section 9.3";~~

160           ~~On page six, subsection 10.6, by striking out the words "Section 10.2" and inserting in lieu~~  
161 ~~thereof the words "Section 9.2";~~

162           ~~On page six, subsection 10.9.c., by striking out the words "Section 5" and inserting in lieu~~  
163 ~~thereof the words "Section 4"; and~~

164           ~~On page eight, subsection 15.1.b, by striking out the words "Section 11.1" and inserting in~~  
165 ~~lieu thereof the words "Section 10.1".~~

166 ~~(ii) The legislative rule filed in the State Register on September 30, 2019, relating to the~~  
167 ~~Higher Education Policy Commission (Higher Education Accountability System) is authorized.~~

168 ~~(jj) The legislative rule filed in the State Register on November 5, 2019, relating to the~~  
169 ~~Higher Education Policy Commission (Underwood-Smith Teaching Scholars Program and~~  
170 ~~Teacher Education Loan Repayment Program) is authorized.~~

171 ~~(kk)(f) The legislative rule filed in the State Register on October 4, 2019, relating to the~~  
172 ~~Higher Education Policy Commission (Accountability System, 133 CSR 49) is repealed.~~

173 ~~(ll) The legislative rule filed in the State Register on July 29, 2020, relating to the Higher~~  
174 ~~Education Policy Commission (Mental Health Loan Repayment Program) is authorized, with the~~  
175 ~~following amendments:~~

176 ~~On page one, subdivision 3.1.b., after the words "family therapist," by inserting the words~~  
177 ~~"psychiatric mental health nurse practitioner,";~~

178 ~~On page two, subsection 6.1., by striking out the words "at least" and inserting in lieu~~  
179 ~~thereof the words "up to"; and~~

180 ~~On page three, subsection 9.1., after the words "family therapists" by inserting the words~~  
181 ~~"psychiatric mental health nurse practitioners,".~~

182 ~~(mm) The legislative rule filed in the State Register on March 11, 2021, relating to the~~  
183 ~~Higher Education Policy Commission (Administrative Exemption) is authorized.~~

184 ~~(nn) The legislative rule filed in the State Register on May 5, 2021, relating to the Higher~~  
185 ~~Education Policy Commission (Research Trust Fund Program) is authorized.~~

186 ~~(oo) The legislative rule filed in the State Register on May 5, 2021, relating to the Higher~~  
187 ~~Education Policy Commission (Annual Reauthorization of Degree-Granting Institutions) is~~  
188 ~~authorized.~~

189 ~~(pp)(g) The legislative rule filed in the State Register on July 29, 2022, relating to the~~  
190 ~~Higher Education Policy Commission (Performance-Based Funding Formula, 133 CSR 02) is~~  
191 ~~authorized.~~

192 ~~(qq)~~(h) The legislative rule filed in the State Register on June 14, 2022, relating to the  
193 Higher Education Policy Commission (Capital Project Management, 133 CSR 12) is authorized.

194 ~~(rr)~~(i) The legislative rule filed in the State Register on July 29, 2022, relating to the Higher  
195 Education Policy Commission (Tuition and Fee Policy, 133 CSR 32) is authorized.

196 ~~(ss)~~ The legislative rule filed in the State Register on June 14, 2022, relating to the Higher  
197 Education Policy Commission (Higher Education Grant Program) is authorized.

198 ~~(tt)~~(j) The legislative rule filed in the State Register on July 29, 2022, relating to the Higher  
199 Education Policy Commission (Annual Reauthorization of Degree-Granting Institutions, 133 CSR  
200 52) is authorized.

201 ~~(uu)~~(k) The legislative rule filed in the State Register on June 14, 2022, relating to the  
202 Higher Education Policy Commission (Human Resources Administration, 133 CSR 55) is  
203 authorized.

204 ~~(vv)~~(l) The legislative rule filed in the State Register on July 25, 2023, relating to the Higher  
205 Education Policy Commission (Guidelines for Employing and Evaluating Presidents, 133 CSR 05)  
206 is authorized.

207 ~~(ww)~~(m) The legislative rule filed in the State Register on September 12, 2023, relating to  
208 the Higher Education Policy Commission (Higher Education Adult Part-Time Student (HEAPS)  
209 Grant Program, 133 CSR 06) is authorized.

210 ~~(xx)~~(n) The legislative rule filed in the State Register on July 26, 2023, relating to the Higher  
211 Education Policy Commission (West Virginia Providing Real Opportunities for Maximizing In-State  
212 Student Excellence (PROMISE) Scholarship Program, 133 CSR 07) is authorized.

213 ~~(yy)~~(o) The legislative rule filed in the State Register on July 28, 2023, relating to the Higher  
214 Education Policy Commission (Dual Enrollment Pilot Program, 133 CSR 19) is authorized.

215 ~~(zz)~~(p) The legislative rule filed in the State Register on July 24, 2023, relating to the Higher  
216 Education Policy Commission (West Virginia Science, Technology, Engineering, and Math  
217 (STEM) Scholarship Program, 133 CSR 28) is authorized.

218 ~~(aaa)~~(q) The legislative rule filed in the State Register on July 24, 2023, relating to the  
219 Higher Education Policy Commission (West Virginia Higher Education Grant Program, 133 CSR  
220 42) is authorized.

221 ~~(bbb)~~(r) The legislative rule filed in the State Register on July 24, 2023, relating to the  
222 Higher Education Policy Commission (Nursing Scholarship Program, 133 CSR 58) is authorized.

223 ~~(eee)~~(s) The legislative rule filed in the State Register on July 19, 2024, relating to the  
224 Higher Education Policy Commission (Accountability System, 133 CSR 03) is authorized.

225 ~~(ddd)~~(t) The legislative rule filed in the State Register on July 19, 2024, relating to the  
226 Higher Education Policy Commission (Underwood-Smith Teaching Scholars and Teacher  
227 Education Loan Repayment Program, 133 CSR 26) is authorized.

228 (u) The legislative rule filed in the State Register on July 31, 2025, relating to the Higher  
229 Education Policy Commission (Purchasing Efficiencies, 133 CSR 43) is repealed.

230 (v) The legislative rule filed in the State Register on July 31, 2025, relating to the Higher  
231 Education Policy Commission (Research Trust Fund Program, 133 CSR 48) is repealed.

232 (w) The legislative rule filed in the State Register on July 31, 2025, relating to the Higher  
233 Education Policy Commission (Mental Health Loan Repayment Program, 133 CSR 63) is  
234 authorized.

235 (x) The modified legislative rule filed in the State Register on December 10, 2025, relating  
236 to the Higher Education Policy Commission (Administrative Exemption, 133 CSR 64) is  
237 authorized.

**§18B-17-3. Authorizing rules of the Council for Community and Technical College  
Education.**

1 ~~(a) The legislative rule filed in the State Register on September 29, 2004, relating to the~~  
2 ~~West Virginia Council for Community and Technical College Education (performance indicators),~~  
3 ~~is authorized.~~

4           ~~(b) The legislative rule filed in the State Register on October 13, 2005, relating to the West~~  
5 ~~Virginia Council for Community and Technical College Education (authorization of degree-granting~~  
6 ~~institutions), is authorized.~~

7           ~~(c) The legislative rule filed in the State Register on October 30, 2006, relating to the West~~  
8 ~~Virginia Council for Community and Technical College Education (Workforce Development~~  
9 ~~Initiative Program), is authorized.~~

10          ~~(d) The legislative rule filed in the State Register on December 4, 2008, relating to the West~~  
11 ~~Virginia Council for Community and Technical College Education (Employing and Evaluating~~  
12 ~~Presidents), is authorized.~~

13          ~~(e) The legislative rule filed in the State Register on December 23, 2008, relating to the~~  
14 ~~West Virginia Council for Community and Technical College Education (performance indicators),~~  
15 ~~is authorized.~~

16          ~~(f) The legislative rule filed in the State Register on February 5, 2009, relating to the West~~  
17 ~~Virginia Council for Community and Technical College Education (finance), is authorized.~~

18          ~~(g) The legislative rule filed in the State Register on February 5, 2009, relating to the West~~  
19 ~~Virginia Council for Community and Technical College Education (Accountability System), is~~  
20 ~~authorized.~~

21          ~~(h) The legislative rule filed in the State Register on June 15, 2011, relating to the West~~  
22 ~~Virginia Council for Community and Technical College Education (Workforce Development~~  
23 ~~Initiative Program), is authorized.~~

24          ~~(i) The legislative rule filed in the State Register on October 26, 2011, relating to the West~~  
25 ~~Virginia Council for Community and Technical College Education (Tuition and Fees), is authorized.~~

26          ~~(j) The legislative rule filed in the State Register on October 17, 2012, relating to the West~~  
27 ~~Virginia Council for Community and Technical College Education (authorization of degree-granting~~  
28 ~~institutions), is authorized.~~

29 ~~(k) The legislative rule filed in the State Register on October 17, 2012, relating to the West~~  
30 ~~Virginia Council for Community and Technical College Education (annual reauthorization of~~  
31 ~~degree-granting institutions), is authorized.~~

32 ~~(l) The legislative rule filed in the State Register on March 21, 2013, relating to the West~~  
33 ~~Virginia Council for Community and Technical College Education (Human Resources~~  
34 ~~Administration), is authorized.~~

35 ~~(m) The legislative rule filed in the State Register on August 21, 2012, relating to the West~~  
36 ~~Virginia Council for Community and Technical College Education (West Virginia EDGE Program),~~  
37 ~~is authorized.~~

38 ~~(n) The legislative rule filed in the State Register on January 28, 2014, relating to the West~~  
39 ~~Virginia Council for Community and Technical College Education (Capital Project Management), is~~  
40 ~~authorized.~~

41 ~~(o) The legislative rule filed in the State Register on January 18, 2017, relating to the West~~  
42 ~~Virginia Council for Community and Technical College Education (annual reauthorization of~~  
43 ~~degree-granting institutions), is authorized.~~

44 ~~(p) The legislative rule filed in the State Register on January 18, 2017, relating to the West~~  
45 ~~Virginia Council for Community and Technical College Education (Business, Occupational, and~~  
46 ~~Trade Schools), is authorized.~~

47 ~~(q) The legislative rule filed in the State Register on January 26, 2018, relating to the West~~  
48 ~~Virginia Council for Community and Technical College Education (Human Resources~~  
49 ~~Administration), is authorized.~~

50 ~~(r) The legislative rule filed in the State Register on January 26, 2018, relating to the West~~  
51 ~~Virginia Council for Community and Technical College Education (Capital Project Management), is~~  
52 ~~authorized, with the following amendments:~~

53 ~~On page one, subsection 2.1, by striking out all of subdivision 2.1.d. and inserting in lieu~~  
54 ~~thereof a new subdivision 2.1.d., to read as follows: "Efficient use of existing classroom and other~~

55 ~~space by institutions, while maintaining an appropriate deference to the value judgments of the~~  
56 ~~institutional governing boards.";~~

57 ~~On page seven, subsection 4.2, by striking out all of subdivision 4.2.d.5. and inserting in~~  
58 ~~lieu thereof a new subdivision 4.2.d.5., to read as follows: "Funding will be prioritized for each~~  
59 ~~institution in accordance with institutional plans confirmed by the Commission or approved by the~~  
60 ~~Council.";~~

61 ~~On page seven, subsection 4.2, by striking out all of subdivision 4.2.d.6. and inserting in~~  
62 ~~lieu thereof a new subdivision 4.2.d.6., to read as follows: "Facility utilization rates will be an~~  
63 ~~important factor in prioritizing capital projects across the systems.";~~

64 ~~On page seven, subsection 4.2, by striking out all of subdivision 4.2.d.7. and inserting in~~  
65 ~~lieu thereof a new subdivision 4.2.d.7., to read as follows: "Institutions with overall net asset values~~  
66 ~~and capacity utilization rates that exceed or equal thresholds set annually by the Commission and~~  
67 ~~Council are the presumptive priority for new facilities. If these projects do not replace an existing~~  
68 ~~facility, they would be included in the Program Improvement category."; and~~

69 ~~On pages 10-11, section 5, by striking out all of subdivision 5.6. and inserting in lieu thereof~~  
70 ~~a new subdivision 5.6., to read as follows: "A governing board may not implement a campus~~  
71 ~~development plan or plan update that has not been confirmed by the Commission or approved by~~  
72 ~~the Council, as appropriate. The purchase of any property for the construction of a facility that is~~  
73 ~~not included in the campus development plan creates an update to the campus development plan~~  
74 ~~that must be confirmed by the Commission or approved by the Council, as appropriate, prior to its~~  
75 ~~purchase. In the case of institutions governed by the Council, this provision applies equally to~~  
76 ~~property acquired by any means, whether by purchase or otherwise.".~~

77 ~~(s) The legislative rule filed in the State Register on July 2, 2018, relating to the West~~  
78 ~~Virginia Council for Community and Technical College Education (Tuition and Fees), is authorized.~~

79           ~~(t)(a)~~ The legislative rule filed in the State Register on September 26, 2018, relating to the  
80 West Virginia Council for Community and Technical College Education (Acceptance of Advanced  
81 Placement Credit, 135 CSR 15), is repealed.

82           ~~(u)~~ The legislative rule filed in the State Register on November 20, 2018, relating to the  
83 West Virginia Council for Community and Technical College Education (initial authorization of  
84 degree-granting institutions), is authorized.

85           ~~(v)~~ The legislative rule filed in the State Register on November 20, 2018, relating to the  
86 West Virginia Council for Community and Technical College Education (Workforce Development:  
87 Learn and Earn, Technical Program Development, and West Virginia Advance Rapid Response  
88 Grants), is authorized.

89           ~~(w)~~ The legislative rule filed in the State Register on January 25, 2019, relating to the West  
90 Virginia Council for Community and Technical College Education (Human Resources  
91 Administration), is repealed.

92           ~~(x)~~ The legislative rule filed in the State Register on June 3, 2019, relating to the West  
93 Virginia Council for Community and Technical College Education (West Virginia Invests Grant  
94 Program) is authorized.

95           ~~(y)(b)~~ The legislative rule filed in the State Register on April 27, 2021 (Business,  
96 Occupational, and Trade Schools, 135 CSR 35) is authorized.

97           ~~(z)~~ The legislative rule filed in the State Register on April 27, 2021 (Annual Reauthorization  
98 of Degree-Granting Institutions) is authorized.

99           ~~(aa)(c)~~ The legislative rule filed in the State Register on November 10, 2021 (West Virginia  
100 Invests Grant Program, 135 CSR 08) is authorized.

101           ~~(bb)(d)~~ The legislative rule filed in the State Register on July 22, 2022 (Performance-Based  
102 Funding Formula, 135 CSR 02) is authorized.

103           ~~(ee)(e)~~ The legislative rule filed in the State Register on June 13, 2022 (Capital Project  
104 Management, 135 CSR 12) is authorized.

105           ~~(dd)~~(f) The legislative rule filed in the State Register on July 21, 2022 (Workforce  
106 Development Initiative Grant Programs, 135 CSR 27) is authorized.

107           ~~(ee)~~(g) The legislative rule filed in the State Register on July 21, 2022 (Annual  
108 Reauthorization of Degree-Granting Institutions, 135 CSR 52) is authorized, with the following  
109 amendment:

110           On page 13 by adding a new subsection designated 12.23 to read as follows: Nothing in  
111 this rule in any way affects or limits the due process protections or other protections afforded to  
112 proprietary schools under either W. Va. Code § 18B-2B-9 or 135 C.S.R. 35, Business,  
113 Occupational, and Trade Schools.

114           ~~(ff)~~(h) The legislative rule filed in the State Register on June 13, 2022 (Human Resources  
115 Administration, 135 CSR 55) is authorized.

116           ~~(gg)~~(i) The legislative rule filed in the State Register on July 26, 2023, relating to the  
117 Council for Community and Technical College Education (Higher Education Accountability  
118 System, 135 CSR 06) is authorized.

119           ~~(hh)~~(j) The legislative rule filed in the State Register on September 14, 2023, relating to the  
120 Council for Community and Technical College Education (Dual Enrollment Pilot Program, 135  
121 CSR 19) is authorized.

122           ~~(ii)~~(k) The legislative rule filed in the State Register on July 26, 2023, relating to the Council  
123 for Community and Technical College Education (Initial Authorization of Degree-Granting  
124 Institutions, 135 CSR 20) is authorized.

125           ~~(jj)~~(l) The legislative rule filed in the State Register on July 26, 2023, relating to the Council  
126 for Community and Technical College Education (Tuition and Fees, 135 CSR 32) is authorized.

127           ~~(kk)~~(m) The legislative rule filed in the State Register on July 26, 2023, relating to the  
128 Council for Community and Technical College Education (Accountability System, 135 CSR 49) is  
129 repealed.

130           ~~(#)(n)~~ The legislative rule filed in the State Register on July 25, 2024, relating to the Council  
131 for Community and Technical College Education (Employing and Evaluating Presidents, 135 CSR  
132 05) is authorized.

133           (o) The legislative rule filed in the State Register on July 18, 2025, relating to the Council  
134 for Community and Technical College Education (Purchasing Efficiencies, 135 CSR 43) is  
135 repealed.

136           (p) The modified legislative rule filed in the State Register on September 9, 2025, relating  
137 to the Council for Community and Technical College Education (Skilled Trades Apprenticeship  
138 Nontraditional Degree (STAND) Program, 135 CSR 28) is authorized.