

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4193**

By Delegate Crouse

[Introduced January 14, 2026; referred to the

Committee on Education then Finance]

1 A BILL to amend and reenact 18B-10-1 of the Code of West Virginia, 1931, as amended, relating  
2 to authorizing the increase of tuition fees for Community and Technical Colleges on a per  
3 credit hour basis for all undergraduate credit hours attempted.

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

**ARTICLE 10. FEES AND OTHER MONEY COLLECTED AT STATE INSTITUTIONS OF  
HIGHER EDUCATION.**

**§18B-10-1. Enrollment, tuition and other fees at education institutions; refund of fees.**

1 (a) Each governing board shall fix tuition and other fees for each academic term for the  
2 different classes or categories of students enrolling at the state institution of higher education  
3 under its jurisdiction, including the fixing of different tuition and fees for online course delivery, and  
4 may include among the tuition and fees any one or more of the following as defined in section one-  
5 b of this article:

6 (1) Tuition and required educational and general fees;  
7 (2) Auxiliary and auxiliary capital fees; and  
8 (3) Required educational and general capital fees.

9 (b) A governing board may establish a single special revenue account for each or all of the  
10 following classifications of fees:

11 (1) All tuition and required educational and general fees collected;  
12 (2) All auxiliary and auxiliary capital fees collected; and  
13 (3) All required educational and general capital fees collected to support existing  
14 systemwide and institutional debt service and future systemwide and institutional debt service,  
15 capital projects and campus renewal for educational and general facilities.

16 (4) Subject to any covenants or restrictions imposed with respect to revenue bonds  
17 payable from the accounts, a governing board may expend funds from each special revenue  
18 account for any purpose for which funds were collected within that account regardless of the

19 original purpose for which the funds were collected.

20 (5) If a governing board of an Exempted School establishes a single special revenue  
21 account for all the foregoing classifications of fees in this subsection, the governing board must  
22 account for each classification of fee separately in their internal accounting system.

23 (c) The purposes for which tuition and fees may be expended include, but are not limited  
24 to, health services, student activities, recreational, athletic and extracurricular activities.  
25 Additionally, tuition and fees may be used to finance a student's attorney to perform legal services  
26 for students in civil matters at the institutions. The legal services are limited to those types of  
27 cases, programs or services approved by the president of the institution where the legal services  
28 are to be performed.

29 (d) By October 1, 2011, the commission and council each shall propose a rule for  
30 legislative approval in accordance with §29A-3A-1 *et seq.* of this code to govern the fixing,  
31 collection and expenditure of tuition and other fees by the governing boards under their respective  
32 jurisdictions.

33 (e) The schedule of all tuition and fees, and any changes in the schedule, shall be entered  
34 in the minutes of the meeting of the appropriate governing board and the board shall file with the  
35 commission or council, or both, as appropriate, and the Legislative Auditor a certified copy of the  
36 schedule and changes.

37 (f) The governing boards shall establish the rates to be charged full-time students, as  
38 defined in §18B-10-1 of this code, who are enrolled during a regular academic term. Community  
and technical colleges governed by the Council for Community and Technical College Education  
may elect to charge tuition and fees on a peer credit hour basis for all undergraduate credit hours  
attempted. A governing board shall require by rule all fees be due not later than the end of the  
42 academic term, and shall provide for appropriate measures to provide for collections of fees past  
43 due.

44 (1) Undergraduate students taking fewer than 12 credit hours in a regular term shall have

45 their fees reduced pro rata based upon one twelfth of the full-time rate per credit hour and graduate  
46 students taking fewer than nine credit hours in a regular term shall have their fees reduced pro rata  
47 based upon one ninth of the full-time rate per credit hour.

48 (2) Fees for students enrolled in summer terms or other nontraditional time periods shall be  
49 prorated based upon the number of credit hours for which the student enrolls in accordance with  
50 this subsection.

51 (3) The governing boards may establish rates applicable to tuition and fees for online  
52 course delivery without regard to the limitations contained in this subsection.

53 (g) All fees are due and payable by the student upon enrollment and registration for  
54 classes except as provided in this subsection:

55 (1) The governing boards shall permit fee payments to be made in installments over the  
56 course of the academic term.

57 (2) The governing boards also shall authorize the acceptance of credit cards or other  
58 payment methods which may be generally available to students for the payment of fees. The  
59 governing boards may charge the students for the reasonable and customary charges incurred in  
60 accepting credit cards and other methods of payment.

61 (3) If a governing board determines that a student's finances are affected adversely by a  
62 legal work stoppage, it may allow the student an additional six months to pay the fees for any  
63 academic term. The governing board shall determine on a case-by-case basis whether the  
64 finances of a student are affected adversely.

65 (4) A governing board may charge interest or fees for any deferred or installment payment  
66 plans.

67 (h) In addition to the other fees provided in this section, each governing board may impose,  
68 collect and distribute a fee to be used to finance a nonprofit, student-controlled public interest  
69 research group if the students at the institution demonstrate support for the increased fee in a  
70 manner and method established by that institution's elected student government. The fee may not

71 be used to finance litigation against the institution.

72 (i) Governing boards shall retain tuition and fee revenues not pledged for bonded  
73 indebtedness or other purposes in accordance with the tuition rules proposed by the commission  
74 and council pursuant to this section. The tuition rules shall address the following areas:

75 (1) Providing a basis for establishing nonresident tuition and fees;  
76 (2) Allowing governing boards to charge different tuition and fees for different programs;  
77 (3) Authorizing a governing board to propose to the commission, council or both, as  
78 appropriate, a mandatory auxiliary fee under the following conditions: *Provided*, That the  
79 governing boards for the exempted schools may authorize a mandatory auxiliary fee without  
80 seeking approval of the commission:

81 (A) The fee shall be approved by the commission, council or both, as appropriate, and  
82 either the students below the senior level at the institution or the Legislature before becoming  
83 effective;

84 (B) Increases may not exceed previous state subsidies by more than 10 percent;  
85 (C) The fee may be used only to replace existing state funds subsidizing auxiliary services  
86 such as athletics or bookstores;

87 (D) If the fee is approved, the amount of the state subsidy shall be reduced annually by the  
88 amount of money generated for the institution by the fees. All state subsidies for the auxiliary  
89 services shall cease five years from the date the mandatory auxiliary fee is implemented;

90 (4) Establishing methodology, where applicable, to ensure that, within the appropriate time  
91 period under the compact, community and technical college tuition rates for students in all  
92 community and technical colleges will be commensurate with the tuition and fees charged by their  
93 peer institutions.

94 (j) A penalty may not be imposed by the commission or council upon any governing board  
95 based upon the number of nonresidents who attend the institution unless the commission or  
96 council determines that admission of nonresidents to any institution or program of study within the

97 institution is impeding unreasonably the ability of resident students to attend the institution or  
98 participate in the programs of the institution. The governing boards shall report annually to the  
99 commission or council on the numbers of nonresidents and any other enrollment information the  
100 commission or council may request.

101 (k) Tuition and fee increases of the governing boards, except the exempted schools, are  
102 subject to rules adopted by the commission and council pursuant to this section and in accordance  
103 with §29A-3A-1 *et seq.* of this code. The commission or council, as appropriate, shall examine  
104 individually each request from a governing board, including the exempted schools, for an increase  
105 and make its determinations as follows:

106 (1) A tuition and fee increase for resident students proposed by a governing board requires  
107 the approval of the commission or council, as appropriate, for any tuition and fee increase greater  
108 than 10 percent in any one year or where the increase would be more than seven percent per year,  
109 averaged over a rolling three year period calculated by averaging the proposed increase with the  
110 increase for the immediate two previous years;

111 (2) In determining whether to approve or deny a governing board's request for a tuition  
112 and/or fee increase for resident students greater than the increases granted pursuant to  
113 subdivision (1) of this subsection, the commission or council shall determine the progress the  
114 governing board has made toward meeting the conditions outlined in this subsection and shall  
115 make this determination the predominate factor in its decision. The commission or council shall  
116 consider the degree to which each governing board has met the following conditions:

117 (A) Maximizes resources available through nonresident tuition and fee charges to the  
118 satisfaction of the commission or council;

119 (B) Consistently achieves the benchmarks established in the compact pursuant to §10B-  
120 1D-1 *et seq.* of this code or the master plan for exempted schools in §10B-2A-1 *et seq.* of this  
121 code, including the provisions of §10B-1D-1 *et seq.* of this code required in the master plan;

122 (C) Continuously pursues the statewide goals for post-secondary education;

123                   (D) Demonstrates to the satisfaction of the commission or council that an increase will be  
124                   used to maintain high-quality programs at the institution;

125                   (E) Demonstrates to the satisfaction of the commission or council that the governing board  
126                   is making adequate progress toward achieving the goals for education established by the  
127                   Southern Regional Education Board;

128                   (F) Demonstrates to the satisfaction of the commission or council that the governing board  
129                   has considered the average per capita income of West Virginia families and their ability to pay for  
130                   any increases; and

131                   (G) Demonstrates to the satisfaction of the commission or council that base appropriation  
132                   increases have not kept pace with recognized nationwide inflationary benchmarks.

133                   (3) This section does not require equal increases among governing boards nor does it  
134                   require any level of increase by a governing board.

135                   (4) The commission and council shall report to the Legislative Oversight Commission on  
136                   Education Accountability regarding the basis for approving or denying each request as determined  
137                   using the criteria established in this subsection.

NOTE: The purpose of this bill is to authorize the increase of tuition fees for Community and Technical Colleges on a per credit hour basis for all undergraduate credit hours attempted.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.