

WEST VIRGINIA FINAL GRADING ANALYSIS

OVERALL SCORE: **355.7/700 POINTS (50.8%)**
LETTER GRADE: **F**

I. OVERSIGHT BODY: **66.3/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY THAT IS PUBLICLY ACCOUNTABLE? **48.3/60 POINTS**

Element	Total Points Available	Type 1	Types 2&3	Total Points (Average)
1. Oversight body is a multi-member board, commission, or panel created by statute	10	10	10x2	10
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	0	0	0
3. Multi-member board, commission, or panel is the ultimate decision maker (as opposed to a single person, like the head of a department or director)	10	10	10x2	10
4. Oversight body can engage in rulemaking	10	10	10x2	10
5. Oversight body's meetings must be open to the public	5	5	5x2	5
6. Oversight body's meetings must allow public comment	5	0	5x2	3.3
7. Oversight body can initiate investigations	5	5	5x2	5
8. Oversight body can impose penalties for violations	5	5	5x2	5
Total Points	60	45	50x2	48.3

Explanation:

West Virginia divides authority for private postsecondary educational institutions oversight and regulation between two entities. The West Virginia Higher Education Policy Commission is responsible for the approval of any institution, association, or organization, external or within the state, seeking to offer programs or credit-bearing courses of higher learning. Before an institution offers any course above the associate level, it must apply for authorization to operate in state. This requirement is inclusive of non-profit private institutions, proprietary institutions, out-of-state public institutions, degree-granting entities that offer degrees at the baccalaureate level or above and entities that use the term “academy” “college” “institution” “university” or similar titles (Type 1). (W. Va. CSR § 133-20-2.)

The West Virginia Council for Community and Technical College Education is responsible for authorizing postsecondary institutions that offer certificates, diplomas, associate degrees and specialized associate degrees (Type 2) (W. Va. Code § 18B-4-7) and for authorizing permits for correspondence, business, occupational and trade schools (Type 3) (W. Va. Code § 18B-2B-9).

Type 1: Degree-granting institutions (baccalaureate and above). The West Virginia Higher Education Policy Commission is responsible for developing, gaining consensus around and overseeing the public policy agenda for higher education and other statewide issues. The Commission authorize institutions, associations or organizations external to or within the state to offer programs or credit-bearing academic courses of higher learning in West Virginia. (W. Va. CSR § 133-20-2.) The Commission has the authority to promulgate laws, investigate institutions under its authority and other powers and duties necessary or expedient to accomplish its purposes under W. Va. Code § 18B-1B-1 et seq.

The Commission is subject to West Virginia’s Open Governmental Meetings Act. (W. Va. Code § 6-9A-1 et seq.) Meetings must be open to the public and noticed. There is no mandate that these meetings must allow public comment.

Type 2 & 3: Certificate- and associate degree-granting institutions and occupational and trade schools. The West Virginia Council for Community and Technical College Education is charged with the administration of vocational-technical-occupational education and community and technical college education in the state. Its responsibilities include the authorization of any institution, association or organization external to or within the state that offers credit-bearing courses or degree programs not above the associate level and which desires to offer such programs or courses of higher learning in West Virginia. (W. Va. CSR § 135-20-2.) The Council is also responsible for the issuance, renewal, and revocation of permits for correspondence, business, occupational, and trade schools. (W. Va. Code § 18B-2B-6.) The Council has the authority to promulgate rules, investigate institutions, and any other powers and duties necessary or expedient to accomplish its purposes as articulated in W. Va. Code § 18B-2B-6.

The Council is subject to West Virginia’s Open Governmental Meetings Act. (W. Va. Code § 6-9A-1 et seq.) Meetings must be open to the public and noticed. West Virginia law provides that one meeting per year shall be a public forum for the discussion of the goals and standards for workforce development, economic development and vocational education. (W. Va. Code § 18B-2B-5.)

B. STATUTE-SPECIFIED MEMBERSHIP:

1. TO WHAT EXTENT ARE LIMITATIONS PLACED ON FOR-PROFIT MEMBERSHIP ON THE OVERSIGHT BODY?

15/25 POINTS

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Explicit prohibition on for-profit majority, plus no possibility of a majority of the quorum	Explicit prohibition on for-profit majority	Discouraged	No prohibition specified, but not discouraged	For-profit majority mandated
Type 1	25 Points	20 Points	10 Points	0 Points	-5 points
Type 2	25 Points	20 Points	10 Points	0 Points	-5 Points
Type 3	25 Points	20 Points	10 Points	0 Points	-5 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). Although West Virginia law does not explicitly prohibit individuals affiliated with private for-profit educational institutions from comprising a majority of the membership on the Commission, it includes the following provision, which has the effect of prohibiting individuals affiliated with private for-profit educational institutions from comprising a majority of the membership on the Commission.

The Governor may not appoint any person to be a member of the commission who is an officer, employee or member of the council or an advisory board of any state college or university; an officer or member of any political party executive committee; the holder of any other public office or public employment under the government of this State or any of its political subdivisions; an appointee or employee of any governing board; or an immediate family member of any employee under the jurisdiction of the commission, the council or any governing board. (W. Va. Code § 18B-1B-2(c).)

Types 2 & 3: Certificate- and associate degree-granting institutions and occupational and trade schools. West Virginia law does not explicitly prohibit individuals affiliated with private for-profit educational institutions from comprising a majority of the membership on the Council, but the mandated composition of the Council makes a for-profit majority or a majority of the quorum extremely unlikely. (W. Va. Code § 18B-2B-4(a).)

2. IS THE OVERSIGHT BODY MANDATED TO INCLUDE AT LEAST ONE CONSUMER ADVOCATE?

0/10 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes	No
Type 1	10 Points	0 Points
Type 2	10 Points	0 Points
Type 3	10 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). West Virginia law does not mandate the inclusion of an individual with expertise and experience in the area of consumer advocacy on the Commission.

Types 2 & 3: Certificate- and associate degree-granting institutions and occupational and trade schools. West Virginia law does not mandate the inclusion of an individual with expertise and experience in the area of consumer advocacy on the Council.

3. ARE THE MEMBERS APPOINTED BY A PUBLICLY ACCOUNTABLE OFFICIAL OR ELECTED IN A GENERAL ELECTION?

3/5 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	All	Majority	Half	Minority	None
Type 1	5 Points	3 Points	2.5 Points	1 Point	0 Points
Type 2	5 Points	3 Points	2.5 Points	1 Point	0 Points
Type 3	5 Points	3 Points	2.5 Points	1 Point	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). The Commission is comprised of ten members, all of whom are entitled to vote: the Secretary of Education and the Arts, ex officio; the State Superintendent of Schools, ex officio; the chair of the West Virginia Council for Community and Technical College Education, ex officio; and seven at-large members who are citizens of the state, appointed by the Governor, by and with the advice and consent of the Senate. (W. Va. Code § 18B-1B-2(a).)

Types 2 & 3: Certificate- and associate degree-granting institutions and occupational and trade schools. Of the thirteen Council members, eight are appointed by the governor with the advice and consent of the senate. The remaining five members are the Chairperson of the West Virginia Workforce Investment Council; the Executive Director of the West Virginia Development Office, or designee; the President of the West Virginia AFL-CIO, or a designee; the Chair of the Higher Education Policy Commission who serves as an ex officio, nonvoting member of the council; and the Assistant Superintendent for Technical and Adult Education of the State Department of Education, who serves as an ex officio, nonvoting member of the council. (W. Va. Code § 18B-2B-4(a).)

II. STATE OVERSIGHT—EFFICACY: 46/100 POINTS

A. DOES THE STATE REQUIRE ONSITE REVIEW OF PRIVATE POSTSECONDARY INSTITUTIONS?

3/10 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Mandatory onsite reviews			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct onsite reviews	No review specified
Type 1	10 Points	8 Points	5 Points	3 Points	0 Points
Type 2	10 Points	8 Points	5 Points	3 Points	0 Points
Type 3	10 Points	8 Points	5 Points	3 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). The compliance review committee may conduct a site review as a part of the renewal and review process at its discretion. (W. Va. CSR § 133-52-5(5.10.a).)

Type 2: Certificate- and associate degree-granting institutions. The Commission and the Council coordinate when an institution grants degrees. The compliance review committee may conduct a site review as a part of the renewal and review process at its discretion. (W. Va. CSR § 133-52-5(5.10.a).)

Type 3: Occupational and trade schools. The Council has discretion to conduct onsite visits to verify information. “The council is hereby authorized to adopt rules and conduct on-site reviews to evaluate academic standards maintained by schools for the awarding of certificates, diplomas, associate degrees and specialized associate degrees.” The Council is authorized, but not mandated to conduct these reviews. W. Va. Code § 18B-2B-9(j)

B. DOES THE STATE REQUIRE UNANNOUNCED INSPECTIONS FOR ONSITE REVIEWS?

0/5 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Required unannounced visits	Discretion to do unannounced visits	No indication
Type 1	5 Points	3 Points	0 Points
Type 2	5 Points	3 Points	0 Points
Type 3	5 Points	3 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). West Virginia law does not explicitly require or authorize unannounced inspections for onsite reviews of degree-granting institutions.

Type 2: Certificate- and associate degree-granting institutions. West Virginia law does not explicitly require or authorize unannounced inspections for onsite reviews of degree-granting institutions.

Type 3: Occupational and trade schools. West Virginia law does not explicitly require or authorize unannounced inspections for onsite reviews of occupational and trade schools.

C. DOES THE STATE REQUIRE REGULAR REVIEWS OF PRIVATE POSTSECONDARY APPROVAL TO OPERATE?

20/20 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Mandatory			Discretionary	None
	Under 3 years	Every 3-5 years	Over 5 years	Discretion to conduct reviews	No review specified
Type 1	20 Points	15 Points	10 Point	5 Points	0 Points
Type 2	20 Points	15 Points	10 Point	5 Points	0 Points
Type 3	20 Points	15 Points	10 Point	5 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). To retain the authority to confer degrees, each institution is required provide annually to the Commission all information the Commission considers necessary to assess the performance of the institution and to determine whether the institution continues to meet the minimum standards for conferring degrees. (W. Va. Code § 18B-4-7(e).)

Type 2: Certificate- and associate degree-granting institutions. To retain the authority to confer degrees, each institution is required provide annually to the Council all information the Council considers necessary to assess the performance of the institution and to determine whether the institution continues to meet the minimum standards for conferring degrees. (W. Va. Code § 18B-4-7(e).) These institutions must follow the same procedures outlined by the Commission for degree-granting institutions for annual renewal. (W. Va. CSR § 135-20-14.)

Type 3: Occupational and trade schools. A permit shall be valid for one year and may be renewed upon application, accompanied by the required fee and the surety bond as herein required. (W. Va. Code § 18B-2B-9(e).)

D. DO THE CRITERIA FOR RENEWAL OF AUTHORIZATION MANDATE A REVIEW OF FACTORS ESSENTIAL TO ACADEMIC AND ETHICAL INTEGRITY?

9.7/20 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	8 of 8	7 of 8	6 of 8	5 of 8	4 of 8	3 of 8	2 of 8	1 of 8	0 of 8
Type 1	20 Points	17.5 Points	15 Points	12.5 Points	10 12 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 2	20 Points	17.5 Points	15 Points	12.5 Points	10 12 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 3	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Element	Type 1	Type 2	Type 3
Admission requirements	D	D	
Graduation requirements			M
Placement rate	M	M	
Completion rate (or graduation rate)	M	M	
Advertising practices	D	D	
Cohort default rate	M	M	
Accreditation status	M	M	M
Financial aid policies			

M=Mandatory; D=Discretionary

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). The Commission requires institutions to provide specified information for review annually; this information includes graduation and retention rates, transfers, post-graduation placements, loan defaults and numbers. (W. Va. CSR § 133-52-5(5.4.h), (5.4.j), (5.4.k).) The Commission requires accreditation information (W. Va. CSR § 133-52-5(5.9.b).) At the request of the compliance review committee, institutions must provide information on admissions policies. (W. Va. CSR § 133-52-5(5.9.g).)

Type 2: Certificate- and associate degree-granting institutions. The Council requires institutions to provide specified information for review annually, this information includes graduation and retention rates, transfers, post-graduation placements, loan defaults and numbers. (W. Va. Code § 18B-4-7(e)(2).) The compliance review committee may request information on how the institution ensures accuracy in its usual publications such as the catalog and institutional brochures and fair representation by recruiters and agents. (W. Va. CSR § 133-52-5(5.9.h.2).) Accreditation must be documented or its potential for accreditation established and accepted by the Council. Institutions authorized to operate pending full accreditation shall pursue full accreditation continuously and shall make reasonable and timely progress toward accreditation in order to retain authorization. (W. Va. CSR § 135-20-7.7.1.) At the request of the compliance review committee, institutions must provide information on admissions policies. (W. Va. CSR § 133-52-5(5.9.g).)

Type 3: Occupational and trade schools. The Council requires occupational and trade schools to submit an application for a permit and to renew the permit annually. The schools must provide information about its curriculum (which would include information about graduation /completion requirements) and information about accreditation, among other requirements. (W. Va. CSR § 135-35-4.)

E. DOES THE STATE’S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NONPROFIT EDUCATIONAL INSTITUTIONS?

10/15 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes, strongly distinguished	Yes, moderately distinguished	Yes, slightly distinguished	Not distinguished
Type 1	15 Points	10 Points	5 Points	0 Points
Type 2	15 Points	10 Points	5 Points	0 Points
Type 3	15 Points	10 Points	5 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). Nonprofit religious degree-granting are distinguished and governed by a different set of regulations than other similar institutions. (W. Va. CSR § 133-20-7(7.4.a).)

Type 2: Certificate- and associate degree-granting institutions. Nonprofit religious institutions that grant degrees up to Associates’ degrees are distinguished and governed by a different set of regulations than other similar institutions. (W. Va. CSR § 135-20-7.7.4.)

Type 3: Occupational and trade schools. Non-profit independent colleges, universities, and other non-profit entities that are accredited by a regional accrediting agency recognized by the U.S. Department of Education are exempt. (W. Va. CSR § 135-35-3(3.1.g).)

F. DOES THE STATE REQUIRE INCREASED OVERSIGHT/SCRUTINY OF PRIVATE POSTSECONDARY INSTITUTIONS BASED ON POOR PERFORMANCE?

3.3/10 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes, mandatory	Yes, mandatory but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	10 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 2	10 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 3	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). West Virginia has a phased approach to authorization. An institution receives preliminary authorization for six months while it works toward satisfactorily completing preliminary information as required by the regional or other appropriate, acceptable, accrediting association. During this time period, the institution shall not accept students, offer instruction, award credits toward a degree, or award a degree until granted further authorization by the Commission. Once the institution has been accepted for consideration for candidacy by the regional accrediting organization and/or other appropriate accrediting association and has submitted evidence to this fact to the Commission, the institution shall be placed on Probationary Authorization status. The institution shall remain on Probationary status no longer than six years. (W. Va. CSR § 133-20-7 (7.2.j).) Schools on probation status must submit an annual report including information on retention rates and program completion rates. (W. Va. CSR § 133-20-7 (7.2.n).) Upon review of the information and an onsite accreditation visit, the Commission can grant the institution full authorization, continue the probationary status, or not authorize the institution (as a result of denial by the accrediting agency). (W. Va. CSR § 133-20-7 (7.2.o).) Institutions must continue to make progress toward accreditation. Presumably, given that the Commission requires review of some performance data, this data factors into Commission decisions about whether or not to move a school off of probationary status. Thus, there is some degree of increased oversight/scrutiny of these institutions based on poor performance.

Type 2: Certificate- and associate degree-granting institutions. West Virginia has a phased approach to authorization. A school applies, receives preliminary authorization for six months while it works toward satisfactorily completing preliminary information as required by the regional or other appropriate, acceptable, accrediting association. During this time period, the institution shall not accept students, offer instruction, award credits toward a degree, or award a degree until granted further authorization by the Council. Once the institution has been accepted for consideration for candidacy by the regional accrediting organization and/or other appropriate accrediting association and has submitted evidence to this fact to the Council, the institution shall be placed on Probationary Authorization status. The institution shall remain on Probationary status no longer than six years. (W. Va. CSR § 135-20-7(7.2.j).) Schools on probation status must submit an annual report including information on retention rates and program completion rates. (W. Va. CSR § 135-20-7 (7.2.n).) Upon review of the information and an onsite accreditation visit, the Council can grant the institution full authorization, continue the probationary status, or not authorize the institution (as a result of denial by the accrediting agency). (W. Va. CSR § 135-20-7 (7.2.o).) Institutions must continue to make progress toward accreditation. Presumably, given that the Council requires review of some performance data, this data factors into Council decisions about whether or not to move a school off of probationary status. Thus, there is some degree of increased oversight/scrutiny of these institutions based on poor performance.

Type 3: Occupational and trade schools. West Virginia law does not require increased oversight for occupational and trade schools based on poor performance (low graduation rates, high cohort default rates, low exam passage rates, etc.).

G. DOES STATE LAW INCLUDE ANY SPECIAL PROTECTIONS FOR VETERANS WHO ATTEND PRIVATE POSTSECONDARY INSTITUTIONS?

0/20 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes	No
Type 1	20 Points	0 Points
Type 2	20 Points	0 Points
Type 3	20 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). West Virginia law does not include special protections specifically for veterans who attend degree-granting institutions.

Type 2: Certificate- and associate degree-granting institutions. West Virginia law does not include special protections specifically for veterans who attend these institutions.

Type 3: Occupational and trade schools. West Virginia law does not include special protections specifically for veterans who attend occupational and trade schools.

III. STATE OVERSIGHT—SCOPE AND INCLUSION:

100/100 POINTS

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

100/100 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	No exemptions	Few exemptions	Moderate exemptions	Broad exemptions
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points
Type 3	100 Points	75 Points	50 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). There are no significant exemptions to Commission oversight of institutions granting degrees at the baccalaureate level and above. The exemptions listed are schools that are covered in other areas of the law either by the Commission or Council. (W. Va. CSR § 133-20-4; W. Va. CSR § 133-20-4.)

Type 2: Certificate- and associate degree-granting institutions. There are no significant exemptions to Council oversight of institutions granting degrees up to associates. The exemptions listed are schools that are covered in other areas of the law either by the Council or the Commission. (W. Va. CSR § 135-20-4; W. Va. CSR § 133-52-4.)

Type 3: Occupational and trade schools. West Virginia law does not have any substantial exemptions to council oversight and regulation of occupational and trade schools. The state exempts programs that are

authorized or regulated by other statutes and oversight bodies, it also exempts schools that offer only programs to teach preparation of tax returns, specified schools that do not charge students tuition, training or apprenticeship programs conducted by a company, union, or other organization in which students, members, or employees enrolled in the training or educational programs are not charged tuition or other fees, personal development classes, and private tutorials that are supplemental to other classes. (W. Va. CSR § 135-35-3.)

IV. DISCLOSURE REQUIREMENTS: **11.6/100 POINTS**

A. ARE INSTITUTIONS REQUIRED TO DISCLOSE INSTITUTIONAL PERFORMANCE MEASURES TO POTENTIAL STUDENTS?

0/20 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes, mandatory	Yes, discretionary	None
	Fact sheet or equivalent required to be given to students	Fact sheet or equivalent given to students upon request	No fact sheet required
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points
Type 3	20 Points	10 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). West Virginia law requires the Commission to review the graduation rates, cohort default rates, and other performance measures for degree-granting institutions; however, there is no mandate that the institutions disclose this information directly to the students prior to enrollment.

Type 2: Certificate- and associate degree-granting institutions. West Virginia law requires the Council to review the graduation rates, cohort default rates, and other performance measures for these institutions; however, there is no mandate that the institutions disclose this information directly to the students prior to enrollment.

Type 3: Occupational and trade schools. West Virginia law does not require occupational and trade schools to disclose institutional performance measures to directly potential students prior to enrollment.

B. WHICH INSTITUTIONAL PERFORMANCE DISCLOSURES ARE REQUIRED TO BE GIVEN TO STUDENTS PRIOR TO ENROLLMENT?

0/60 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

Type 1: Degree-granting institutions (baccalaureate and above)

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points

Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

West Virginia law requires the Commission to review the graduation rates, cohort default rates, and other performance measures for these institutions; however, there is no mandate that the institutions disclose this information directly to the students prior to enrollment.

Type 2: Institutions Granting Degrees up to Associates

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

West Virginia law requires the Council to review the graduation rates, cohort default rates, and other performance measures for these institutions; however, there is no mandate that the institutions disclose this information directly to the students prior to enrollment.

Type 3: Occupational and trade schools

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

West Virginia law does not mandate that the occupational and trade schools disclose this information directly to the students prior to enrollment.

C. DOES THE STATE REQUIRE SCHOOLS TO DISCLOSE ELEMENTS
ESSENTIAL TO STUDENT PROTECTION PRIOR TO ENROLLMENT OR
IN THE ENROLLMENT CONTRACT?

11.6/20 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

Type 1: Degree-granting institutions (baccalaureate and above)

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

West Virginia law requires degree-granting institutions to “develop and make available to all students and prospective students” refund criteria. (W. Va. CSR § 133-20-9 (9.1.i.2,3).) Information about the requirements for the satisfactory completion of a program and transferability of credit is required in the school catalog, which may be available to students prior to enrollment; however, there is no mandate that the school provide this information to students prior to enrollment. (W. Va. CSR § 133-20-9 (9.1.m.2).) All extra charges and costs shall be revealed to the prospective student before he or she is enrolled. (W. Va. CSR § 133-20-9 (9.1.i.1.C).) The true and accurate costs of courses and program completion must be published and made readily available to all prospective and current students. (W. Va. CSR § 133-20-9 (9.1.i.1.D).)

Type 2: Certificate- and associate degree-granting institutions

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

West Virginia law requires institutions granting degrees up to the associate level to “develop and make available to all students and prospective students” refund criteria. (W. Va. CSR § 135-20-9 (9.1.i.2,3).) Information about the requirements for the satisfactory completion of a program and transferability of credit is required in the school catalog, which may be available to students prior to enrollment; however, there is no mandate that the school provide this information to students prior to enrollment. (W. Va. CSR § 135-20-9 (9.1.m.2).) All extra charges and costs shall be revealed to the prospective student before he or she is enrolled. (W. Va. CSR § 135-20-9 (9.1.i.1.C).) The true and accurate costs of courses and program completion must be published and made readily available to all prospective and current students. (W. Va. CSR § 135-20-9 (9.1.i.1.D).)

Type 3: Occupational and trade schools

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

Before the schooling begins, all students must receive a completed, signed and dated enrollment contract specifying both the school’s and student’s legal rights and obligations. The enrollment contract must

contain information about the total cost of the course term or program for which the student is obligated and it must contain information about the school’s refund policy, among other disclosures. (W. Va. CSR § 135-35-10 (10.1).)

V. REGULATION OF RECRUITING PRACTICES:

58.3/100 POINTS

A. HAS THE STATE PUT INTO LAW A LIST OF PROHIBITED ACTS REGARDING ADVERTISING AND RECRUITING?

58.3/100 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes, strong regulation	Yes, moderate regulation	Yes, weak regulation	No list of prohibited acts
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points
Type 3	100 Points	75 Points	50 Points	0 Points

PROHIBITED ACTS

Included in list of prohibited acts	Type 1	Type 2	Type 3
Misleading representations using the word “college” or “university”			
Misleading institution affiliations (e.g., military, public institution, business)			X
Promise of employment			X
Compensation for enrollment			
Compensation or “bounty” to recruiters			
Deception (broad prohibition)	X	X	X
Misrepresentation (broad prohibition)	X	X	X
Misleading representations re: accreditation	X	X	X

1-3=Weak; 3.5-6=Moderate; 6.5-8=Strong

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). West Virginia law prohibits institutions from making statements in any advertising distributed in West Virginia that are untrue, deceptive or misleading with respect to the institution, its personnel, its services or the content, accreditation status and transferability of its courses or degree, diploma or certificate programs. The state also prohibits misleading advertising related to accreditation. (W. Va. CSR § 133-20-13.)

Type 2: Certificate- and associate degree-granting institutions. West Virginia law prohibits institutions from making statements in any advertising distributed in West Virginia that are untrue, deceptive or misleading with respect to the institution, its personnel, its services or the content, accreditation status and transferability of its courses or degree, diploma or certificate programs. The state also prohibits misleading advertising related to accreditation. (W. Va. CSR § 135-20-13.)

Type 3: Occupational and trade schools. Occupational and trade schools are prohibited from making false or misleading statements in advertising. They are prohibited from making misleading statements or

representations about endorsements or affiliation and they are prohibited from making false or misleading statements about accreditation or about employment opportunities. (W. Va. CSR § 135-35-12.)

**VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:
50.2/100 POINTS**

A. DOES THE STATE REQUIRE A BOND OR FUND AS A
CONDITION OF AUTHORIZATION?

20/20 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes	No
Type 1	20 Points	0 Points
Type 2	20 Points	0 Points
Type 3	20 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). Before an institution of higher education can be authorized by the Commission to operate within West Virginia, a surety bond must be provided by the institution. (W. Va. CSR § 133-20-6 (6.12).)

Type 2: Certificate- and associate degree-granting institutions. Before an institution of higher education can be authorized by the Council to operate within West Virginia, a surety bond must be provided by the institution. (W. Va. CSR § 135-20-6 (6.12).)

Type 3: Occupational and trade schools. Occupational and trade schools must submit a bond with their initial or renewal application as a condition of receiving a permit. (W. Va. CSR § 135-35-6.)

B. DOES THE STATE REQUIRE A REFUND OF TUITION IF A STUDENT
ENROLLS AS THE RESULT OF MISREPRESENTATION?

0/20 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	No refund required
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points
Type 3	20 Points	10 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). West Virginia law contains no explicit requirement that these institutions provide a full refund to students who enroll as the result of misrepresentation.

Type 2: Certificate- and associate degree-granting institutions. West Virginia law contains no explicit requirement that these institutions provide a full refund to students who enroll as the result of misrepresentation.

Type 3: Occupational and trade schools. West Virginia law contains no explicit requirement that occupational and trade schools provide a full refund to students who enroll as the result of misrepresentation.

C. DOES THE STATE REQUIRE INSTITUTIONS TO REFUND TUITION IN THE EVENT OF INSOLVENCY?

10/20 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	Yes, refund in limited circumstances	No refund required
Type 1	20 Points	15 Points	10 Points	0 Points
Type 2	20 Points	15 Points	10 Points	0 Points
Type 3	20 Points	15 Points	10 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). One purpose of the required bond (see above) is to provide student refunds. Additionally, the Commission may, for good cause, suspend, withdraw, or revoke institutional authorization. One enumerated instance that would constitute “good cause” is “closure of the institution without adequately providing for the completion of students’ classes or course work, without refunding students’ unearned tuition or otherwise discharged the institution’s contractual obligations to the students (W. Va. CSR § 133-20-10 10.1.b.8.) Therefore, while the state does not mandate a refund, it clearly allows for students to receive at least a partial refund when the institution they are attending closes, and makes some effort to ensure the students are protected.

Type 2: Certificate- and associate degree-granting institutions. One purpose of the required bond (see above) is to provide student refunds. Additionally, the Council may, for good cause, suspend, withdraw, or revoke institutional authorization. One enumerated instance that would constitute “good cause” is “closure of the institution without adequately providing for the completion of students’ classes or course work, without refunding students’ unearned tuition or otherwise discharged the institution’s contractual obligations to the students. (W. Va. CSR § 135-20-10 10.1.b.8.) Therefore, while the state does not mandate a refund, it clearly allows for students to receive at least a partial refund when the institution they are attending closes, and makes some effort to ensure the students are protected.

Type 3: Occupational and trade schools. West Virginia law does not explicitly require occupational and trade schools to provide students with a full refund if their school closes. However, state regulations delineate that the amount of a student’s refund is based on how much of the program the student completed. Additionally, the Council may, for good cause, suspend, withdraw, or revoke a school’s authorization to operate within the state or to solicit students within the state. One enumerated instance that would constitute “good cause” is “closure of the institution without adequately providing for the completion of students’ classes or course work, without refunding students’ unearned tuition or otherwise discharged the institution’s contractual obligations to the students. (W. Va. CSR § 135-35-14.) Thus, while a refund is not mandated, state law appears to allow students to receive at least a partial refund should their occupational or trade school close.

D. DOES THE STATE ALLOW STUDENTS AMPLE TIME TO MAKE A COMPLAINT?
10/10 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	2 years or more (or no deadline)	1-2 years	Under 1 year	Not applicable
Type 1	10 Points	5 Points	1 Point	0 Points
Type 2	10 Points	5 Points	1 Point	0 Points
Type 3	10 Points	5 Points	1 Point	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). There is no stated timeframe or deadline by which a student must file a complaint with the Commission.

Type 2: Certificate- and associate degree-granting institutions. There is no stated timeframe or deadline by which a student must file a complaint with the Council.

Type 3: Occupational and trade schools. There is no stated timeframe or deadline by which a student must file a complaint with the Council.

E. DOES THE STATE REQUIRE INSTITUTIONS TO DISCLOSE INFORMATION ABOUT FILING A COMPLAINT WITH THE STATE OVERSIGHT BODY?
6.7/20 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

Type 1: Degree-granting institutions (baccalaureate and above)

Medium	Mandatory	Discretionary	Not specified
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

West Virginia law requires institutions to “publish and make available to all students the institution’s grievance policies and procedures regarding the receipt, investigation and resolution of student complaints. (W. Va. CSR § 133-20-9 (9.1.n).) It does not specify where this information must be published. It is reasonable to assume that most institutions would publish this in their catalog and/or on their websites.

Type 2: Certificate- and associate degree-granting institutions

Medium	Mandatory	Discretionary	Not specified
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

West Virginia law requires institutions to “publish and make available to all students the institution’s grievance policies and procedures regarding the receipt, investigation and resolution of student complaints. (W. Va. CSR § 135-20-9 (9.1.n).) It does not specify where this information must be published. Many institutions publish this in their catalog and/or on their websites.

Type 3: Occupational and trade schools

Medium	Mandatory	Discretionary	Not specified
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

West Virginia law requires occupational and trade schools to have written procedures that describe in detail how a student may register a complaint with the school and Council, and how the school will investigate and attempt to resolve the complaint. There is no specification about where these written procedures must appear. School catalogs often contain this information, so the state receives partial credit for requiring the information is made available to students.

F. IS THE COMPLAINT PROCESS READILY ACCESSIBLE AND AVAILABLE ON THE STATE OVERSIGHT BODY’S WEBSITE?

3.5/10 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes, with address	Yes, with phone #	Yes, with email address	Yes, with electronic form	No
Type 1	2 Points	2 Points	3 Points	3 1.5 Points	0 Points
Type 2	2 Points	2 Points	3 Points	3 1.5 Points	0 Points
Type 3	2 Points	2 Points	3 Points	3 1.5 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). The Commission maintains a webpage instructing students how to file a complaint, providing a link to the student complaint form. The form contains the Commission’s fax number, and mailing address. Partial credit is awarded because the online form cannot be submitted directly from the website (it must be completed and mailed to the Commission).

Type 2: Certificate- and associate degree-granting institutions. The Council maintains a webpage instructing students how to file a complaint and with a link to the student complaint form. The form contains the fax number, and mailing address for the Council. Partial credit is awarded because the online form cannot be submitted directly from the website (it must be completed and mailed to the Council).

Type 3: Occupational and trade schools. The Council maintains a webpage instructing students how to file a complaint and with a link to the student complaint form. The form contains the fax number, and mailing address for the Council. Partial credit is awarded because the online form cannot be submitted directly from the website (it must be completed and mailed to the Council).

VII. ENFORCEMENT: 23.3/100 POINTS

A. IS THERE LOSS OF STATE AID FOR SCHOOLS THAT REPEATEDLY PRODUCE SUBSTANDARD GRADUATION RATES, JOB PLACEMENT RATES, AND/OR COHORT DEFAULT RATES?

10/30 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes, required	Yes, required but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	30 Points	20 Points	15 Points	5 Points	0 Points
Type 2	30 Points	20 Points	15 Points	5 Points	0 Points
Type 3	30 Points	20 Points	15 Points	5 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). In light of West Virginia’s “Probationary Authorization status” (see II.F. above) and the fact that the Commission regularly reviews performance data, it is possible that an institution may lose state aid (and other aid) as the result of repeatedly producing substandard graduation, job placement, and/or cohort default rates.

Type 2: Certificate- and associate degree-granting institutions. In light of West Virginia’s “Probationary Authorization status” (see II.F. above) and the fact that the Council regularly reviews performance data, it is possible that an institution may lose state aid (and other aid) as the result of repeatedly producing substandard graduation, job placement, and/or cohort default rates.

Type 3: Occupational and trade schools. West Virginia law does not explicitly mandate a loss of state aid for schools that repeatedly produce substandard graduation, job placement, and/or cohort default rates.

B. DOES STATE LAW EXPLICITLY AUTHORIZE A PRIVATE RIGHT OF ACTION FOR STUDENTS AGAINST INSTITUTIONS THAT HAVE VIOLATED THE LAWS AND REGULATIONS IN PLACE TO GOVERN THEM?

0/30 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	30 Points	15 Points	0 Points
Type 2	30 Points	15 Points	0 Points
Type 3	30 Points	15 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). West Virginia law does not explicitly authorize a private right of action for students against degree-granting institutions that have violated the laws and regulations in place to govern them.

Type 2: Certificate- and associate degree-granting institutions. West Virginia law does not explicitly authorize a private right of action for students against institutions that have violated the laws and regulations in place to govern them.

Type 3: Occupational and trade schools. West Virginia law does not explicitly authorize a private right of action for students against occupational and trade schools that have violated the laws and regulations in place to govern them.

C. DOES STATE LAW EXPLICITLY ALLOW ATTORNEY FEE AWARDS FOR STUDENTS WHO PREVAIL IN LITIGATION AGAINST PRIVATE FOR-PROFIT POSTSECONDARY INSTITUTIONS?

0/20 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	20 Points	15 Points	0 Points
Type 2	20 Points	15 Points	0 Points
Type 3	20 Points	15 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). West Virginia law does not explicitly allow attorney fee awards for students who prevail in litigation against degree-granting that have violated the laws and regulations in place to govern them.

Type 2: Certificate- and associate degree-granting institutions. West Virginia law does not explicitly allow attorney fee awards for students who prevail in litigation against institutions that have violated the laws and regulations in place to govern them.

Type 3: Occupational and trade schools. West Virginia law does not explicitly allow attorney fee awards for students who prevail in litigation against occupational and trade schools that have violated the laws and regulations in place to govern them.

D. DOES STATE LAW EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?

13.3/20 POINTS*

**points for Type 1, Type 2, and Type 3 schools have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points
Type 3	20 Points	10 Points	0 Points

Explanation:

Type 1: Degree-granting institutions (baccalaureate and above). While it is likely the attorney general plays a role in enforcement, there is no specific provision regarding the enforcement of laws governing

private degree-granting postsecondary institutions.

Type 2: Certificate- and associate degree-granting institutions. West Virginia law explicitly authorizes attorney general involvement in enforcing the laws in place to govern these private postsecondary institutions. (W. Va. Code § 18B-2B-6(c)(13); W. Va. Code § 18B-2B-9(n).)

Type 3: Occupational and trade schools. West Virginia law explicitly authorizes attorney general involvement in enforcing the laws in place to govern occupational and trade schools. (W. Va. Code § 18B-2B-9(j); W. Va. Code § 18B-2B-9 (n); W. Va. Code § 18B-2B-6(c)(13).)

BONUS POINTS:

West Virginia does not receive any bonus points.



ILLUMINATING INFORMATION



RECIPROCITY AGREEMENTS

West Virginia is a member of the State Authorization Reciprocity Agreements (SARA).

LITIGATION, INVESTIGATIONS, AND ACTIONS INVOLVING PRIVATE FOR-PROFIT EDUCATIONAL INSTITUTIONS IN WEST VIRGINIA

For information about pending and recent federal and state government investigations and actions regarding for-profit colleges see David Halperin's compilation at <http://www.republicreport.org/2014/law-enforcement-for-profit-colleges/#sthash.1vc4HmPw.dpuf>.