

Legislative Oversight Commission on Education Accountability October 6, 2024

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WEST VIRGINIA

Higher Education Policy Commission

**Report to the Legislative Oversight Commission
on Education Accountability**

**West Virginia Higher Education Policy Commission,
Title 133, Series 3, Legislative Rule,
Higher Education Accountability System**

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 3
HIGHER EDUCATION ACCOUNTABILITY SYSTEM

§133-3-1. General.

1.1. Scope. -- This rule sets forth an accountability system for West Virginia public higher education institutions under the jurisdiction of the West Virginia Higher Education Policy Commission (Commission).

1.2. Authority. -- W. Va. Code §§ ~~18B-1-1a, 18B-1-6, 18B-1B-4(a)(36), 18B-1D-4, and 18B-1D-8.~~

1.3. Filing Date. -- ~~June 2, 2020.~~

1.4. Effective Date. -- ~~July 2, 2020.~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect ~~upon July 2, 2025~~ August 1, 2030.

§133-3-2. Purpose.

~~2.1. This rule describes the responsibilities of the Commission and public higher education institutions under its jurisdiction, to West Virginia taxpayers for the performance of the state public higher education system.~~

2.1. The rule sets forth an accountability system for the Commission and the State's public four-year institutions ~~under its jurisdiction.~~

2.2. The rule defines requirements for a public reporting system that facilitates the dissemination of higher education accountability data through internet-based data tools and published reports. At a minimum, the public reporting system ~~must~~ shall:

2.2.1. Provide thorough and consistent data and other relevant information to be used in assessing progress of the Commission and ~~its member~~ the State's public four-year institutions toward the goals and objectives as stated in W. Va. Code §18B-1-1a;

2.2.2. Provide a basis for comparing institutional and system performance with regional and national norms toward accomplishing the goals and objectives as stated in W. Va. Code §18B-1-1a;

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

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

2.2.5. Serve students, parents, faculty, staff, ~~state~~ policymakers, and the public as a neutral and credible source of information about the overall quality and performance of public higher

education in West Virginia.

§133-3-3. Definitions.

3.1. Unless the context in which used clearly requires a different meaning, the definitions contained in W. Va. Code § 18B-1-2 apply to this rule in addition to the definitions set forth below.

3.12. “Accountability System.” All research, reports, documents, data and any other materials, the collection, analysis, and dissemination of which are necessary to accomplish the purpose of this rule. The system includes goals, objectives and priorities, public policy agendas, implementation plans, institutional mission statements and master plans, the Statewide Annual Report, and the Statewide data reporting system.

3.23. “Goal.” A long-term public purpose that is a desired and expected result for which public higher education is established.

~~3.3. “Higher Education Institution” or “Institution.” Bluefield State University College, Concord University, Fairmont State University, Glenville State University College, Marshall University, Shepherd University, West Liberty University, West Virginia School of Osteopathic Medicine, West Virginia State University, and West Virginia University, including Potomac State College and West Virginia University Institute of Technology.~~

3.4. “Key Performance Indicator.” A quantifiable measure used to evaluate the success of an organization in meeting objectives for performance.

3.5. “Objective.” End to be accomplished or attained within a specified period of time for the purpose of meeting established goals.

3.6. “Priority.” The order in which objectives are to be addressed for the purpose of achieving State goals.

3.7. “State Compact.” A formal written agreement between the Commission and at least one other external entity to achieve State goals and objectives where significant collaboration and commitment of resources between the partners to the agreement is required in order to achieve the desired results.

3.8. “Statewide Annual Report.” A report or series of reports that outlines significant trends, identifies major areas of concern, and assesses the progress of Commission and the State’s public four-year institutions under its jurisdiction toward achieving State, system, or institution goals or objectives.

3.9. “Statewide Data Reporting System.” A collection of information management tools that provide public access to data on the performance of the Commission and institutions under its jurisdiction.

3.10. “Chancellor.” The Chancellor for higher education as defined in W. Va. Code § 18B-1-2 or his or her designee.

3.11. “Commission.” The Higher Education Policy Commission established by W. Va. Code § 18B-1B-1.

§133-3-4. General Guidelines for Data Collection and Reporting.

4.1. The following will guide the further development of the existing higher education database and the collection of data which will comprise the Statewide Data Reporting System and the Statewide

Annual Report:

4.1.1. All data reported ~~will by institutions shall~~ be based on uniform and consistent definitions as established by the Commission.

4.1.2. ~~Institutional requirements for additional record keeping and reporting will be minimized.~~ The Commission shall minimize, to the extent allowed by stature, institutional requirement for additional record keeping and reporting.

4.1.3. ~~Data element collection procedures and report timelines will be established by the Commission.~~ The Commission shall establish data element collection procedures and report timelines.

4.2. ~~All detailed background data used in compiling the Statewide Annual Report shall be maintained on file at the Commission for a reasonable time.~~ The Commission shall maintain for a reasonable time, as determined by best practices, all detailed background data used in compiling the Statewide Annual Report.

§133-3-5. Key Performance Indicators and Goal Setting.

5.1. ~~For the institutions under its jurisdiction, and not the exempted schools,~~ The Commission shall adopt a set of key performance indicators to measure institutional and system progress toward achieving State, system, and institutional objectives. These indicators will focus on institution- and system-level performance in the areas of finance, admissions, enrollment, academics, student outcomes, and other areas as deemed appropriate by the Commission.

5.2. In cooperation with the State's public four-year institutions ~~under its jurisdiction~~, the Commission shall set State, system, and institutional goals for each of the adopted key performance indicators.

5.3. ~~Higher education central office staff~~ The Commission shall develop and update at least annually a public internet-based data tool that will display system and institutional progress toward meeting established goals.

5.4. ~~Higher education central office staff~~ The Chancellor shall present an annual report to the Commission about progress made toward meeting established goals.

§133-3-6. Statewide Annual Report and Statewide Data Reporting System.

6.1. Purpose.

6.1.1. A primary purpose of the Statewide data reporting system and Statewide Annual Report is to make information available to students, parents, faculty, staff, State policymakers, and the public on the quality and performance of public higher education.

6.1.2. A primary purpose of the Statewide Annual Report is to provide a mechanism to evaluate the annual progress of the Commission and the State's public four-year institutions ~~under its jurisdiction~~ in achieving State and system goals and objectives.

6.2. Contents.

6.2.1. The Statewide Annual Report shall provide information on the performance of the

State's ~~higher education~~ public four-year institutions, including health sciences education, in relation to the State and system goals, objectives, and priorities.

6.2.2. When possible, the Statewide Annual Report shall be based upon information for the current ~~school~~ academic year or for the most recent ~~school~~ academic year for which information is available, in which case the year shall be clearly noted.

6.2.3. When possible, the Statewide Data Reporting System shall break down data by institution, including West Virginia University Potomac State College and West Virginia University Institute of Technology, ~~and by system.~~

6.2.4. When possible, the Statewide Annual Report shall provide regional and/or national comparison data.

6.2.5. When possible, the information contained in the Statewide Annual Report and the Statewide Data Reporting System shall allow for easy comparison with higher education-related data collected and disseminated by the Southern Regional Education Board, the United States Department of Education, and other education data-gathering and data-disseminating organizations.

6.2.6. The information contained in the Statewide Annual Report and the Statewide Data Reporting System shall be consistent and comparable between and among higher education institutions.

6.2.7. To the extent practicable, the Statewide Annual Report shall be analysis-driven, rather than solely data-driven, and present information in a format that will help inform education policymaking.

6.3. Implementation.

6.3.1. The ~~higher education central office staff, under the direction of the Vice Chancellor for Administration,~~ shall provide technical assistance to each institution and governing board in data collection and reporting.

6.3.2. The president or chief executive officer of each higher education institution shall prepare and submit all requested data to the Commission at the times established by the Commission.

6.3.3. The ~~higher education central office staff, under the direction of the Vice Chancellor for Administration,~~ is responsible for Commission shall maintaining the Statewide Data Reporting System and developing the Statewide Annual Report using data and information submitted by each institution.

6.3.4. The Commission shall complete the Statewide Annual Report ~~shall be completed~~ no later than January 1 annually with printed copies provided to the ~~Commission~~ public and the Legislative Oversight Commission on Education Accountability. The Commission shall also publish the report ~~shall also be published~~ in electronic format ~~to the Commission's~~ on its official website.

6.3.5. ~~An executive summary highlighting specifically the trends, progress toward meeting goals and objectives and major areas of concern for public higher education, including medical education, shall be presented annually to the Legislative Oversight Commission on Education Accountability during interim meetings in January~~ The president or chief executive officer of each higher education institution shall prepare and submit all requested data to the Commission at the times established by the Commission.

§133-3-7. Health Sciences and Rural Health Data Collection and Reporting.

7.1. In addition to ~~applicable~~ the information required by Section 4 of this rule, each health sciences school ~~shall be~~ is responsible for ensuring that all requested information is submitted to the ~~Vice-Chancellor for Health Sciences~~.

7.2. The ~~Vice-Chancellor for Health Sciences~~ shall make available to the public through the Statewide Data Reporting System or through the annual Health Sciences and Rural Health Report Card information specific to each of the State's health sciences schools, including:

7.2.1. Historical trend information for medical students, tuition and fees, specialization of graduates, passage rates on licensing examinations, and in-state retention of graduates.

7.2.2. The number and dollar value of loans made through the medical student loan program as well as default rates for the most recent year.

7.2.3. The number and dollar value of aid awarded through the Health Sciences Service Program for the most recent year.

133-3-8. ~~State Compacts~~ Collaborative Agreements.

8.1. The Commission may identify important State and system goals, objectives, and priorities that it and the State's public four-year institutions under its jurisdiction acting alone ~~will~~ would be unable to accomplish. In such cases, the Commission may authorize the Chancellor to enter into ~~State compacts collaborative agreements~~, or contracts, with external entities.

8.2. In determining whether a ~~State compact~~ collaborative agreement may be appropriate, the Chancellor shall consider:

8.2.1. Whether significant collaboration with an external entity or entities is necessary or advantageous to increase the likelihood of accomplishing a goal, objective, or priority;

8.2.2. Whether an external entity or entities would need to make a significant commitment of resources to accomplish a goal, objective, or priority; and

8.2.3. Whether an external entity is or entities ~~is/are~~ receptive to entering into a State compact collaborative agreement.

8.3. At a minimum, a ~~State compact~~ collaborative agreement shall:

8.3.1. Identify the parties to the ~~compact~~ collaborative agreement;

8.3.2. Identify the term of the ~~compact~~ collaborative agreement;

8.3.3. Set forth measurable outcomes the parties seek to achieve by entering into the ~~compact~~ collaborative agreement;

8.3.4. Identify what each party will contribute in terms of resources as part of the ~~compact~~ collaborative agreement;

8.3.5. Set forth a system for evaluating the success or failure of the ~~compact~~ collaborative agreement to achieve the outcomes sought; and

8.3.6. Provide that the failure of one party to the ~~compact~~ collaborative agreement to perform excuses the Commission or any of the State's four-year institutions from performance thereunder ~~the compact~~.

8.4. ~~For the institutions under its jurisdiction, and not the exempted schools,~~ The Commission shall approve a proposed ~~State compact~~ collaborative agreement before it becomes operative and binding on the Commission ~~and or the State's public four-year institutions under its jurisdiction~~.

8.5. ~~The Chancellor shall provide a copy of any approved state compact to the Legislative Oversight Commission on Education Accountability.~~



WEST VIRGINIA

Higher Education Policy Commission

**Report to the Legislative Oversight Commission
on Education Accountability**

**West Virginia Higher Education Policy Commission,
Title 133, Series 26, Legislative Rule,
Underwood-Smith Teaching Scholars Program and Teacher
Education Loan Repayment Program**

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 26
UNDERWOOD-SMITH TEACHING SCHOLARS PROGRAM AND
TEACHER EDUCATION LOAN REPAYMENT PROGRAM

§133-26-1. General.

1.1. Scope. This rule establishes guidelines and procedures which will direct the operation of the Underwood-Smith Teaching Scholars Program and the Teacher Education Loan Repayment Program.

1.2. Authority. West Virginia Code §§ 18C-4 ~~et seq.~~ 1(b) and 18C-4A-1(c)

1.3. Filing Date. -- ~~June 2, 2020.~~

1.4. Effective Date. -- ~~July 2, 2020.~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect upon ~~July 2, 2025~~ August 1, 2030.

§133-26-2. Purpose. Definitions.

2.1. ~~The intent of the legislation creating the Underwood-Smith Teaching Scholars Program is to: Unless the context in which used clearly requires a different meaning, the definitions contained in W. Va. Code §§ 18B-1-2 and 18C-5-7 apply to this rule in addition to the definitions set forth below:~~

~~2.1.a. Improve the quality of education in the public schools of West Virginia by encouraging and enabling individuals who have demonstrated outstanding academic abilities to pursue teaching careers in critical shortage fields at the elementary, middle or secondary levels in the public schools of West Virginia.~~

~~2.1.b. Make particular efforts to encourage those individuals who have demonstrated outstanding academic abilities to pursue teaching careers by developing selection criteria and procedures to reflect the state's present and projected critical teacher shortage fields.~~

2.2. “Commission” means the Higher Education Policy Commission, as established by W. Va. Code § 18B-1B-1.

2.3. “Loan Assistance Agreement” means the contractual arrangement entered into between the recipient and the Commission that establishes the requirements the recipient must meet in order to obtain, retain, and renew a Teacher Education Loan Assistance award.

2.4. “Loan Assistance Award” means the Teacher Education Loan Repayment award established by W. Va. Code § 18C-4A-1, et seq.

2.5. “Recipient” or “Scholarship Recipient” means a student who has received an Underwood-Smith Teacher Scholarship or a Teacher Education Loan Repayment award.

2.6. “Scholarship” means the Underwood-Smith Teacher Scholarship established by W. Va. Code § 18C-4-1, et seq.

2.7. “Scholarship Agreement” means the contractual arrangement entered into between the recipient and the Commission that establishes the requirements the recipient must meet in order to obtain, retain, and renew an Underwood-Smith Teacher Scholarship.

2.8. “State Board” means the State Board of Education created by W. Va. Const. Art. XII, § 2 and defined in W. Va. Code § 18-1-1.

2.9. “Vice Chancellor for Administration” or “Vice Chancellor” means the person whose duties and responsibilities related to the administration of financial aid programs is established by W. Va. Code § 18B-4-2 or his or her designee.

§133-26-3. Funding. [Reserved]

~~3.1. A special revolving fund known as the Underwood Smith Teaching Scholars Program Fund has been created in the State Treasury and is administered by the Vice Chancellor for Administration of the West Virginia Higher Education Policy Commission (Commission) solely to grant scholarships for prospective teachers and loan repayment assistance to teachers and school counselors. Monies received from collections, monies appropriated by the Legislature, interest earned on these monies, and monies received by other sources will be placed in this fund.~~

~~3.2. Carry forward monies shall not expire or revert and will be used for future scholarships.~~

~~3.3. Additional funding may be received from gifts, grants, contributions, bequests, or endowments.~~

~~3.4. The Vice Chancellor for Administration shall make a reasonable effort to encourage external support for the scholarship program.~~

~~3.5. Fund balances shall be invested with the state’s consolidated investment fund and interest on these investments shall be used solely for the use that they were appropriated.~~

~~3.6. In order to encourage support for the Underwood Smith Teaching Scholars Program and loan repayment programs, the Vice Chancellor for Administration may set aside up to one half of the funds appropriated by the Legislature to match non state source contributions on behalf of a specific institution of higher education in this state. Such match shall be at the rate of two state dollars to each one dollar contributed by a private source.~~

§133-26-4. Administration.

~~4.1. The Underwood Smith Teaching Scholars Program shall be administered by the Vice Chancellor for Administration or her/his designee.~~

~~4.2. The Commission, in consultation with the State Superintendent of Schools, shall promulgate reasonable legislative rules for the administration of the program and the Vice Chancellor for Administration, in accordance with such rules, shall establish appropriate guidelines for program operation.~~

~~4.3. Recipient awards shall not exceed \$10,000.00 per year for a maximum of four academic years for a baccalaureate degree.~~

~~4.4. The Vice Chancellor for Administration shall solicit the views of public and private education agencies and institutions and other interested parties in developing the selection criteria and procedures to~~

be used by the selection panel. These views may be solicited by means of written and published selection criteria and procedures in final form for implementation. Views may also be solicited by means of public hearings on the present and projected teacher needs of the state or any other means the Vice Chancellor may deem appropriate to gather information.

4.5. The Commission and the ~~West Virginia State Board of Education~~ jointly shall ensure that Underwood-Smith Teaching Scholar award recipients receive additional academic support and training from mentors in their academic field beginning with the freshman year and continuing through degree completion and the teaching obligation.

4.6. ~~Model agreements between public education and higher education will be developed by Commission staff in collaboration with West Virginia Department of Education staff.~~

4.7. ~~Critical teacher shortage fields will be identified by the West Virginia Department of Education annually and provided to the Commission.~~

4.8. Only those institutions that are ~~regionally~~ accredited by an accreditor recognized by the U.S. Department of Education and offer ~~West Virginia Department of Education State Board~~ approved programs that lead to teacher certification and West Virginia licensure are eligible to participate in the Underwood-Smith ~~Teacher Teaching~~ Scholars Program.

4.9. ~~An institution otherwise eligible to participate in The Vice Chancellor may deny participation in the Underwood-Smith Teaching Scholars Program under Section 4.8 of this rule shall be excluded from participating by the Vice Chancellor for Administration to an otherwise eligible institution if:~~

4.9.1. The institution ~~does not have a~~ has not signed a participation agreement in place with the Commission; or

4.9.2. The U.S. Department of Education has deemed the institution ~~has been deemed~~ ineligible to participate in federal student financial aid programs ~~by the United States Department of Education;~~ or

4.9.3. The ~~Commission Vice Chancellor~~ determines, based upon audits and/or administrative site visits ~~by Commission staff~~, that the institution has ~~seriously~~ mismanaged the Underwood-Smith Teaching Scholars Program or other State financial aid funds or lacks adequate institutional controls to manage such funds properly.

§133-26-5. ~~Panel Selection Criteria and Procedures~~ [Reserved].

5.1. ~~The Vice Chancellor for Administration shall appoint a selection panel.~~

5.1.a. ~~The selection panel shall be comprised of individuals representing higher education, public education, and the community at large.~~

5.1.b. ~~The selection panel is charged with shall selecting individuals who meet the eligibility requirements for the Underwood Smith Teaching Scholars Program.~~

§133-26-6. Scholarship Application Process.

6.1. ~~Application forms will be made available to public and private high schools in the State and to public and private colleges in the state.~~

~~6.2. The Commission may distribute applications may be distributed and advertise the programs advertised~~ in locations convenient to applicants, parents, and others in an effort to attract students from low income backgrounds, ethnic or racial minority students, students with disabilities, and women or minority students who show interest in pursuing teaching careers in critical teacher shortage areas and who are underrepresented in those fields. The Commission may also distribute applications may also be distributed and advertise the program advertised in campus newspapers, agency exhibits, and publications directed at interested parties.

6.2. To apply for the Scholarship, students shall complete the application provided by the Commission by the deadline prescribed by the Vice Chancellor.

§133-26-7. Scholarship Eligibility Criteria.

7.1. Academic ability ~~shall be~~ is the primary criteria for selecting scholarship recipients.

7.2. The Underwood-Smith Teaching Scholars Program award ~~shall be~~ is limited to students who:

7.2.1. Have graduated or are graduating from high school with a cumulative grade point average of at least 3.25 on a 4.0 scale.

7.2.2. Have met the college algebra ready assessment standards and college readiness English, reading, and writing standards as established by the Commission.

7.2.3. Meet any and all selection criteria established by the Vice Chancellor for Administration which may include, but is not limited to, ~~grade point average~~, involvement in extracurricular activities, financial need, current academic standing, expression of interest as demonstrated in a self-written essay, and letters of recommendation.

7.2.4. Agree to teach in a critical teacher shortage field at the elementary, middle, or secondary level in a public school in the State.

7.3. To be eligible for an award, the applicant must be a citizen of the United States or if a non-citizen, that individual must hold a valid Employment Authorization Document (EAD), or work permit, issued by the United States Citizenship and Immigration Services (USCIS).

7.4. Recipients ~~must be willing to~~ shall sign a scholarship agreement which shall fully disclose the terms and conditions under which the recipient must meet a teaching obligation ~~must be met~~ or repayment ~~may be required~~ the award.

7.4.1. A recipient may appeal any determination of non-compliance with provisions of the scholarship agreement or provisions of the award by submitting ~~a written appeal of~~ the specific complaint in writing within 30 days of notification of non-compliance. ~~Such appeal will be submitted to the Higher Education Student Financial Aid Advisory Board~~ Vice Chancellor.

7.4.2. ~~No~~ The Commission shall not disburse any Underwood-Smith funds ~~will be disbursed until a signed agreement has been received by the Vice Chancellor for Administration~~ the recipient signs the scholarship agreement and submits it to the Vice Chancellor.

7.5. The recipient has four academic years from the date of the award, or until the recipient meets the requirements to obtain a bachelor's degree, whichever comes first, to utilize the Scholarship: Provided, That the Vice Chancellor may hold the Scholarship in abeyance for the recipient for up to two years if the

recipient provides documentation that he or she is experiencing extenuating circumstances as specified in Subsection 8.2 below and has taken an approved leave of absence from his or her institution.

§133-26-8. Scholarship Renewal Conditions.

8.1. The recipient of an Underwood-Smith Teaching Scholars award is eligible for scholarship renewal ~~only during those periods when the recipient~~ if he or she meets the following conditions:

8.1.a. Is enrolled as a full-time student in ~~a regionally~~ an institution of higher education in West Virginia accredited ~~institution of higher education in West Virginia~~ by an accreditor recognized by the U.S. Department of Education;

8.1.b. Is pursuing a ~~West Virginia Department of Education State Board-~~approved program of study leading to teacher certification and West Virginia licensure in a critical teacher shortage field at the elementary, middle, or secondary level;

8.1.c. Is maintaining satisfactory academic progress as determined by the institution of higher education the recipient is attending;

8.1.d. Is maintaining a grade point average of at least 3.0 on a 4.0 scale; and

8.1.e. Is in compliance with any other standards the Commission may establish.

8.2. Recipients may request that the Commission defer their Scholarship for up to two years for medical, family bereavement, financial hardship, or other extraordinary circumstances for which the recipient's institution has granted the recipient a leave of absence: *Provided*, That such deferment does not extend the recipient's eligibility for the Scholarship for more than six total academic years.

§133-26-9. Scholarship Service Obligation.

9.1. Each recipient of the ~~Underwood-Smith Teaching Scholars Program~~ Scholarship shall enter into an agreement with the ~~Vice Chancellor for Administration~~ Commission that, within one year after completing the teacher education program, the recipient ~~agrees to~~ shall:

9.1.1. Teach full-time in a critical teacher shortage field under contract with a county board of education in a public education program in West Virginia for a period of five consecutive years.

9.1.2. Perform substitute teaching duties with a county board of education in West Virginia in a critical teacher shortage field at the elementary, middle, or secondary level. Credit received will be pro-rated based on the number of days in the public school system year. A minimum of 60 days of substitute teaching is required to earn any credit toward the teaching obligation.

9.2. If extenuating circumstances exist (~~see Section 10.4~~) as provided in Subsection 8.2 above, the Vice Chancellor for Administration may extend the period for fulfilling the obligation.

9.3. It is the responsibility of the recipient to provide the Vice Chancellor for Administration with evidence of compliance with teaching requirements by submitting verification of employment on a form provided by the Vice Chancellor by the deadline established by the Vice Chancellor. If the recipient fails to timely submit the employment verification, then the recipient is subject to repayment of the Scholarship in accordance with Section 10 below.

§133-26-10. Provisions of Scholarship Repayment.

10.1. If a recipient does not fulfill the service obligation, ~~he/she will be required to make monetary~~ the recipient shall repayment of the full amount of the scholarship to the Commission.

10.2. In addition to the repayment of the scholarship, ~~the Commission shall charge interest will be charged~~ at a rate prescribed by the Vice Chancellor for Administration, and which will begin to accrue at the time the repayment period begins.

10.3. Interest shall accrue from the day on which the recipient ceased to fulfill his or her service obligation if a the recipient fulfills only a portion of the obligation and is not in an approved forbearance period as provided in Subsection 10.8, interest will accrue from the day on which the recipient ceased to fulfill the obligation. or if a recipient is substitute teaching but does not earn enough credit to fulfill any of the obligation, interest will accrue from the beginning of the deferment period and is not in an approved forbearance period as provided in Subsection 10.8.

10.4. In the event of non-compliance, the recipient shall remit payment in full ~~will normally be expected to the Commission within~~ 60 days from the date of non-compliance. In the event of extenuating circumstances the Vice Chancellor for Administration may approve an alternate payment plan or extend the time period for beginning or fulfilling the teaching obligation.

10.5. A recipient is not in violation of the scholarship agreement ~~during the period in which the recipient meets the following conditions while the recipient is:~~

10.5.1. Pursuing a full-time course of study at an accredited institution of higher education;

10.5.2. Serving, not in excess of four years, as a member of the armed services of the United States; or

~~10.5.3. Satisfying the provisions of the repayment exemptions that are prescribed by the Commission;~~

10.5.3. Failing to comply with the terms of the agreement due to death or permanent or temporary disability as established by sworn affidavit of a qualified physician.

10.6. As permitted by federal law, ~~applicable and~~ state ~~regulations law~~ and the terms of the scholarship agreement, the Commission may assess reasonable collection costs, late charges, and attorney fees ~~may be assessed~~ in the collection of delinquent accounts.

10.7. If extenuating circumstances exist, the Vice Chancellor for Administration, upon receipt of appropriate documentation, may extend the period for fulfilling the obligation. Extenuating circumstances include, but are not limited to, a temporary disability, inability to secure a full-time teaching position, or serious family illness.

~~10.8. When the Commission is advised of a recipient's application for bankruptcy, such application will be considered by the Vice Chancellor for Administration or her/his designee in consultation with the Attorney General's Office.~~

~~10.98. When, due to poor health, monetary hardship, or other acceptable reasons, a recipient is unable to make payments, a forbearance may be allowed if the Vice Chancellor for Administration or her/his designee has reason to believe, and so documents in the scholar's file, that the recipient does intend to fulfill the monetary obligation. At any time during the repayment period described herein, the Vice Chancellor may grant forbearance to the recipient in order to prevent the recipient from defaulting~~

on the repayment obligation or to permit the recipient to resume honoring the repayment obligation after default.

10.8.1. For purposes of this Subsection, “forbearance” means permitting the temporary cessation of payments, allowing an extension of time for making payments, or temporarily accepting smaller payments than previously were scheduled.

10.8.2. The Vice Chancellor may grant forbearance of payments of principal and interest under this Subsection only if he or she reasonably believes, based upon documentation or other evidence provided by the recipient, that the recipient intends to repay the obligation but, due to poor health or other extenuating circumstances, is currently unable to make the scheduled payments.

~~10.10. Deferments may also be considered for other conditions and circumstances as may be approved by the Vice Chancellor for Administration.~~

§133-26-11. Cancellation of Scholarship Service Obligation.

11.1. The Vice Chancellor may cancel a recipient’s service and monetary obligation is excused in the event if the recipient:

11.1.1. Becomes permanently and totally disabled as established documented by the sworn affidavit of a qualified physician submitted to the Vice Chancellor for Administration may require additional evidence of the disability; or

11.1.2. Is deceased Dies during the obligation period. The administrator or executor of the recipient’s estate shall submit a copy of the death certificate must be submitted to the Vice Chancellor.

11.2. The Commission reserves the right to attempt to collect any and all debts due to the State through the process established in W. Va. Code § 14-1-1, et seq. and Section 13 below.

§133-26-12. Relationship to Other Financial Assistance.

12.1. Underwood-Smith Teaching Scholars Program awards plus other financial assistance shall not exceed the cost of attendance at the institution the student is attending. A financial aid officer at the school the recipient is attending shall provide both to the Commission and to the recipient the cost of attendance will be provided by a financial aid officer at the school of attendance. Cost of attendance will include the cost of tuition and fees, reasonable allowances for books, educational supplies, room and board, and other expenses necessitated by individual circumstances such as a physical disability.

12.2. Should the scholarship award plus the amount of other financial awards exceed the cost of attendance, the institution’s financial aid officer, in consultation with the recipient, will determine what aid ~~is to~~ will be reduced. This adjustment ~~should~~ shall be to the best advantage of the recipient.

12.3. Institutions ~~are strongly encouraged to~~ shall allow flexibility in the use of institution based financial aid awards so that they can be used in conjunction with the ~~Underwood-Smith Teaching Scholar award~~ scholarship.

§133-26-13. Collections.

13.1. Institutions and ~~Commission staff~~ the Vice Chancellor shall exercise due diligence in collecting monetary repayments from scholarship recipients.

13.2. Institutional due diligence means:

13.2.1. Conducting and documenting an entrance interview (individually or in groups) with the scholarship recipient before disbursing funds in an academic year. This requirement may be met by written correspondence if the institution determines that a face-to-face meeting is not practical.

13.2.2. Conducting and documenting an exit interview with the scholarship recipient in which the institution provides the ~~borrower~~ recipient with information necessary to carry out the terms of ~~repayment~~ the scholarship agreement, reminds the recipient of the rights and responsibilities associated with the scholarship, ~~funds~~ and updates the recipient's personal information to assist in locating the recipient if he or she fails to keep the institution or the Commission informed of his or her current address.

13.3. ~~Commission~~ Vice Chancellor due diligence means:

13.3.1. Notifying the scholarship recipient of his or her obligations at least twice annually during any ~~grace or~~ deferment period;

13.3.2. Performing regular billing;

13.3.3. Following up past due payments with a series of at least four documented and reasonably spaced attempts to contact the borrower, at least three of which must be in writing at not more than 30-day intervals, before the obligation becomes 150 days past due, provided that the Commission has a current address for the borrower;

13.3.4. Performing address searches when necessary; and

13.3.5. Referring defaulted scholarships more than 150 days past due to the Secretary of the Department of Administration or to a collection agent in accordance with W. Va. Code § 14-1-18a.

13.4. ~~In place of one or more of the procedures outlined above, institutions and Commission staff may substitute collection techniques that are equally or more effective. The Commission reserves the right to attempt to collect any and all debts due to the State through the process established in W. Va. Code § 14-1-1, et seq.~~

§133-26-14. Teacher Education Loan Repayment Program Eligibility.

14.1. The Higher Education Student Financial Aid Advisory Board or ~~those designated by the Higher Education Student Financial Aid Advisory Board~~ its designee shall select recipients to ~~receive Underwood-Smith Teacher Education Loan Repayment Program award~~ participate in the Teacher Education Loan Repayment Program.

14.2. Eligibility for an loan repayment award is limited to an individual who is currently employed in a public school in West Virginia as a teacher in a critical teacher shortage field or as a school counselor at the elementary, middle, or secondary level in a school or geographic area of critical need.

14.3. The Higher Education Student Financial Aid Advisory Board shall give priority ~~shall be given~~ to new teachers and teachers who have previously received a loan assistance award ~~that shall~~ and who agree to teach or ~~shall~~ are currently ~~be~~ teaching a subject area of critical need in a State public school, or are employed as a school counselor at the elementary, middle, or secondary level currently ~~employed~~ in a geographic area of the State identified as an area of critical need for such a field. ~~The Vice Chancellor for Administration may develop additional eligibility criteria.~~

14.4. The Commission shall consult with the State Department of Education annually to determine the subject areas of critical need and the geographic areas of the State in critical need.

§133-26-15. Loan Repayment Program Application.

15.1. ~~The Commission and the Department shall provide~~ application forms ~~shall be made available~~ to public and private schools in the State via ~~the Commission and the State Department of Education's~~ their respective websites and in other locations convenient to potential applicants.

15.2. ~~Applications will be submitted on an application form approved by the Vice Chancellor for Administration.~~ To apply for the Teacher Education Loan Repayment Program, students shall complete the application provided by the Commission by the deadline prescribed by the Vice Chancellor.

15.3. ~~Applications must be submitted by such deadline as may be designated by the Vice Chancellor for Administration.~~

§133-26-16. Loan Repayment Program Agreement.

16.1. Before receiving an award, each eligible teacher shall enter into an loan assistance agreement with the ~~Vice Chancellor for Administration~~ Commission acknowledging that the recipient must fulfill the service obligation of the award or the Commission will cancel it.

16.2. Recipients shall be employed full-time as a teacher or school counselor in a public school in West Virginia in a subject area or geographic area of critical need under contract with a county board for a period of two school years for each year ~~for~~ during which the recipient receives loan assistance ~~is received.~~

16.3. The Vice Chancellor for Administration may grant a partial award to an eligible recipient whose contract term is for less than a full school year. A partial award is calculated by prorating the full award amount based upon the number of days taught in the school's calendar year.

§133-26-17. Loan Repayment Program Awards.

17.1. Each award recipient is eligible to receive loan assistance not less than \$3,000 annually.

17.1.1. ~~The Vice Chancellor shall determine the loan amount will be determined annually by the Vice Chancellor for Administration.~~

17.1.2. The loan amount is based upon funding availability.

17.2. ~~The Commission shall pay~~ awards ~~will be paid~~ to the recipient's educational loan ~~institution~~ provider, not directly to the recipient, only after the Commission determines that the recipient has complied with all the terms of the loan assistance agreement.

17.3. ~~The Commission may terminate~~ a recipient's ~~may have their~~ award ~~terminated or may be~~ required to repay all or part of an award according to the terms of Section 10 of this rule if the recipient does not comply with the terms of the loan assistance agreement.

17.4. Award amounts shall not exceed the applicant's outstanding loan balance.

17.5. Loans eligible for the loan repayment assistance award are federal student loans in the applicant's name that were used for educational costs associated with obtaining a degree in school counseling, teaching, or a teaching credential. Parent PLUS Loans are not eligible for loan repayment assistance.

17.6. Loan repayment ~~assistance awards~~ awards shall not reimburse ~~applicants~~ recipients for payments ~~to on~~ loans already made.

17.7. The Higher Education Student Financial Aid Advisory Board shall consider federal teacher loan forgiveness programs ~~shall be considered~~ when calculating awards ~~are calculated~~.

17.8. Recipients shall annually submit proof of fulfillment of the terms of the loan assistance agreement to the Commission in accordance with the loan assistance agreement. The Vice Chancellor may cancel the award ~~may be canceled~~ if the recipient does not submit proof of fulfillment of the terms of the loan assistance agreement by the required deadline.

17.9. The Vice Chancellor will remit half of the annual award ~~will be paid~~ after fulfilling the recipient fulfills the first year of the service obligation required by the loan assistance agreement; and the second half of the annual award ~~will be paid~~ after fulfilling the recipient fulfills the second year of the agreement service obligation.

§133-26-18. Loan Repayment Program Renewals.

18.1. The recipient is eligible for renewal of loan assistance only during the periods when the recipient is under contract with a county board to teach in a critical teacher shortage field or serve as a school counselor at the elementary, middle, or secondary level in a school or geographic area of critical need.

18.2. ~~An renewal applicant must have~~ shall completed the ~~terms obligations~~ of previous loan assistance ~~awards agreements~~ before ~~being~~ the Vice Chancellor may renewed an award.

18.3. A renewal applicant who is teaching or serving as a school counselor under a contract with a county school board in a position that is no longer meets the definition of listed as critical need defined in per Subsection 14.4 above is no longer eligible for renewal of the loan assistance until the teacher leaves his or her current position award.

18.4. ~~No recipient may receive loan assistance which accumulates in excess of an amount established by the Commission~~ Based on the availability of funds, the Vice Chancellor may establish a total cumulative amount of the loan assistance award that a recipient can receive.

§133-26-19. ~~Loan Repayment Program Cancellation of~~ Loan Repayment Service Obligation.

19.1. The Vice Chancellor may cancel a recipient's service ~~and monetary obligation is excused in the event the recipient meets the terms of~~ under the same conditions and in the same manner as set forth in Section 42 11 of this rule.

§133-26-20. Loan Assistance Deferment.

20.1. The Vice Chancellor may defer a recipient's ~~is not considered in violation of the agreement entered into and is eligible for consideration of deferment of fulfilling the obligation and service obligation~~ if the recipient ~~meets the terms of Section 11~~ experiences extenuating circumstances as described in Subsection 8.2 of this rule.



WEST VIRGINIA
Community & Technical
COLLEGE SYSTEM

**Report to the Legislative Oversight Commission
on Education Accountability**

**Approval of Legislative Rule
West Virginia Council for Community and Technical
College Education
Title 135, Series 5, Employing and Evaluating Presidents**

TITLE 135
LEGISLATIVE RULE
WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL
COLLEGE EDUCATION

SERIES 5
EMPLOYING AND EVALUATING PRESIDENTS

§135-5-1. General.

1.1. Scope. -- ~~Rule establishing guidelines for governing boards to use in employing and evaluating Presidents~~ This rule applies to the search for, hiring, employment, and evaluation of presidents by governing boards of the State's public community and technical colleges.

1.2. Authority. -- West Virginia Code §18B-2B-6, 18B-1B-6.

1.3. Filing Date. -- ~~November 4, 2015.~~

1.4. Effective Date. -- ~~April 20, 2009.~~

1.5. Repeal of former Rule. — ~~Repeals and replaces procedural rule Series 5 of Title 135 adopted by Council on June 7, 2005. This rule shall terminate and have no further force or effect on August 1, 2030.~~

§135-5-2. Community and Technical Colleges Presidential Search Committees.

2.1. ~~The provisions of this rule apply to the employment of presidents at public, higher education institutions within the Community and Technical College System of West Virginia.~~ The selection of campus presidents is one of the most important duties of institutional governing boards. The procedures outlined in this rule are intended to assist the governing boards of the State's public community and technical colleges in fulfilling this duty. The specific search process at an individual college shall be tailored by that college to meet its specific institutional needs; *Provided*, That the college's search process must conform with the authorizing statute and this rule.

2.2. Upon the occurrence of a vacancy in the position of president at one of the ~~institutions set out in Section 2-1~~ State's public community and technical colleges, the governing board of the institution shall undertake a search for a new president. The governing board is responsible for the search, both procedurally and financially. The governing board shall adopt a procedure, consistent with this rule, governing the search. The procedure shall ~~require, at the least, that~~ include, but not be limited to, the following:

2.2.1. A statement of characteristics and qualities which the new president should possess ~~shall be adopted by the governing board and utilized in soliciting and evaluating the candidates.~~

2.2.2. If the governing board appoints a search committee ~~is appointed other than itself, it~~ appointed search committee shall include representation of faculty, students, ~~and~~ staff, and other constituencies of the institution. The number and consistency of the membership of the appointed search committee shall be ~~is~~ at the discretion of the governing board.

2.2.3. ~~A~~ The governing board shall prepare or cause to be prepared a position announcement shall be prepared detailing the characteristics and qualities sought in a new president and ~~distributed post~~ it on the institution's primary website, distribute it to appropriate newspapers and other media sources,

heads of higher education associations and organizations, and other appropriate individuals, groups, or organizations for the purpose of advertising the position.

2.2.4. ~~Interviews with~~ The governing board shall determine the finalists, as determined by the governing board, shall be conducted from the candidate pool and conduct on-campus and, during the campus visits with them at which students, classified employees, non-classified employees, faculty, campus administrators, community leaders, alumni, and other individuals shall be invited to meet with the candidates ~~and their comments shall be solicited by the governing board.~~ The constituent groups shall submit their comments to the governing board, and the governing board shall consider those comments in its evaluation of the finalists.

2.2.5. The governing board may conduct background checks ~~may be conducted~~ on each candidate prior to ~~interviewing the candidate's interview~~ with the search committee or governing board. The governing board may conduct background checks should be conducted on finalists prior to any campus visit made at the invitation of the search committee or governing board and shall ~~be conducted~~ background checks before any final selection by the search committee or governing board. The governing board or appointed search committee may conduct on-site visits to the candidates' current and past places of employment may be conducted and are recommended for the final candidates. The governing board shall use standard industry practices shall be utilized in conducting background checks and, at a minimum, shall include confirmation of degrees and past employment and criminal and credit checks.

2.3. Candidates may be considered through their own application or by nomination.

2.4. Confidentiality. –

2.4.1. Members of the governing board, or any its appointed search committee appointed, may not provide information about the names or backgrounds of any candidates without their consent to anyone who is not a member of the governing board, ~~or its appointed search committee,~~ or authorized agents or staff of the governing board or its appointed search committee. At the first meeting of the governing board sitting as a search committee or its appointed search committee, the committee shall discuss the importance of confidentiality. All members of the committee shall agree to preserve the confidentiality of the search and the names of all candidates. The chair of the board of governors may dismiss any search committee member if there is evidence that a member of the search committee has breached the committee's confidentiality. The decision of whether or not to dismiss a search committee member, as well as whether or not to replace the dismissed member, is at the sole discretion of the chair of the governing board; Provided, That if the search committee member proposed for dismissal is a representative of the faculty, staff, or students of the institution, the chair shall replace the member after consultation with the chair or other appropriate representative of the constituent group as to how the individual will be replaced.

2.4.2. When candidates are invited to a preliminary interview with the search committee, they the chair of the search committee shall be notified notify them of the conditions under which the candidates may waive confidentiality may be waived as to background checks and that in the event they are invited for a campus interview, the search committee shall release, or cause to be released, to the public their names and backgrounds shall be publicly released at the time they accept an invitation for a formal campus visit.

2.5. At the request of an institution, the Council may provide the governing board with staff assistance to manage the search process, or the governing board may enter into a contract with a consultant or executive search firm to identify potential candidates in addition to those who have applied or been nominated or to assist in the search.

~~2.6. The governing board shall confer with the Chancellor and agree to a method and process for Council members to interview the finalists when brought to campus, or the Council may schedule its own interviews with the finalists before approving the final selection of a president. The agreed upon process shall not permit Council members to serve on the institutional presidential search committee. The governing board, or any search committee appointed by it, shall promptly transmit to the Chancellor a copy of the procedure adopted to govern the search and provide agendas and minutes of meetings involving the search. The Chancellor or his or her designee shall serve as an ex officio, non-voting member on all search committees or bodies serving in that capacity during the search process. The Council reserves the right to conduct independent interviews of one or more finalists and provide its opinion of the interviewee(s) to the search committee for consideration. Prior to exercising that option, it shall give sufficient notice to the governing board so that any interviews will occur sufficiently close to the final decision of the governing board. In accordance with statute, the Council shall approve all presidential appointments.~~

~~2.7. Terms of compensation and contracts discussed with or offered to candidates shall be consistent with the sections of this rule regarding presidential compensation and contracts.~~

~~2.8. Interim presidents appointed by a governing board shall be approved by the Council.~~

§135-5-3. Presidential Contracts.

~~3.1. Governing boards under the jurisdiction of the Council shall receive the approval of The Council of shall approve both the appointment of and the total compensation package from all sources for a president or an interim president when the president or the interim president is initially hired and for whenever the governing board proposes any subsequent changes in the president's or the interim president's total compensation package. Terms of compensation and contracts discussed with or offered to candidates for president or interim president shall be consistent with this rule and its authorizing statute.~~

~~3.2. A president is considered a will and pleasure employee of his/her the governing board unless that status is specifically altered by the president's letter of appointment or contract. The terms of presidential contracts shall be based on the fiscal year (i.e., June 30 to July 31); those contracts exceeding a term of one fiscal year shall conform to the following:~~

~~3.2.1. An initial offer term of employment as president, or guarantee of employment in that or another position, may not exceed two years, so that the contract expires on June 30 of the following fiscal year. After the initial contract, the governing board may offer contracts of up to five years. A president assigned to an alternative position during a guaranteed term of employment shall perform substantive duties on behalf of the institution in order to collect his or her salary.~~

~~3.2.2. All contracts with a term greater than one fiscal year shall be conditioned upon availability of funding.~~

~~3.2.3. A governing board may agree to reasonable notice of the president's intent not to renew a contract. It is recommended that such For purposes of this section "reasonable notice" is a period of time that does not exceed one year, but may be increased up to two years after five years of service by the president.~~

~~3.2.4. All contracts with a commitment of continued employment must provide that the president may be discharged for "cause" and that such a discharge nullifies any commitment to continued employment. "Cause" includes, but is not limited to, official misconduct, incompetence, neglect of duty,~~

~~gross immorality, malfeasance, misfeasance, insubordination, and acts of commission or omission in violation of the governing board's directives or policies.~~

3.3. Provisions in contracts existing on the effective date of this rule that are inconsistent with this rule may remain in effect at the discretion of the governing board unless the provisions are in violation of statute.

§135-5-4. Compensation.

4.1. ~~The Council shall approve the total compensation of a president, from all sources, shall receive prior approval of the Council before the compensation becomes effective.~~ Forms of compensation which require prior approval include annual salary derived from whatever funding source, deferred compensation, and housing or vehicle allowances. The governing board may require approval of other compensation such as non-State funded discretionary funds, compensation from other employment or for service on a corporate board of directors, and payment of dues or assessments for membership in non-professional related clubs or associations. The governing board shall report to the Chancellor any such compensation received shall be reported to the Chancellor by the president. If the governing board and the president are seeking approval of deferred compensation is being sought, the institution shall submit an actuarial report to the Council detailing the present cash value of the deferred compensation and conditions for eligibility or receipt of the deferred compensation.

4.2. ~~The governing board shall base the president's total salary from all funding sources for a president should be based on a comparison of the presidential salaries at comparable institutions as reported by the College and University Professional Association for Human Resources (CUPA-HR), and should be between the salary listed for the 20th percentile and that listed in the 80th percentile. The governing board of an institution wishing to pay a Presidential salary in excess of the 80th percentile shall submit a detailed rationale to the Council justifying the action. Other or other national data sources, which the governing board may use be utilized by the governing board,~~ as appropriate, to establish salary ranges.

4.3. ~~A percentage~~ If the governing board and the president are seeking Council approval of a presidential salary increase in a percentage in excess of the average percentage salary increase for all personnel at that institution within the last calendar year, may be approved only if a the governing board shall submit to the Council its detailed rationale of its governing board justifying the increase is submitted to the Council. If the percentage increase is exactly in the ratio of compensation increases allocated to all institutional employees, the governing board shall notify the Council of the increase, but the Council is not required to approve it.

4.4. ~~If a governing board provides a president a housing allowances granted to a president not provided instead of housing, by the institution the housing allowance may not be considered as part of the Presidential president's base salary for the purposes of Section 4.2 above.~~

4.5. The Chancellor annually shall make available to the governing boards the most recent College and University Professional Association for Human Resources (CUPA-HR) or other comparable national data applicable to their institutions.

§135-5-5. Presidential Evaluation.

5.1. Each governing board shall conduct a formal and structured written performance evaluation of the institution's president every third year of the president's employment. The governing board shall evaluate the president's performance shall be evaluated in relation to the duties and responsibilities assigned to the president by the governing board, the success of the institution in meeting each requirement of its institutional compact, and any other criteria previously established by the governing

board.

5.2. The governing board shall appoint a committee of its own members, a visiting team, or any combination thereof, and utilize institutional personnel, including faculty, staff, ~~and~~ students, and persons who are knowledgeable of higher education matters ~~who are not otherwise directly employed by a governing board~~ to assist in its evaluation of the President.

5.3. The governing board committee, visiting team, or other body chosen by the governing board, shall visit the campus to receive the views of the president, governing board members, administrators, faculty, classified employees, non-classified employees, students, alumni, and community leaders. ~~A~~ The governing board or its designee shall arrange a schedule of interviews, meetings, and open forums that will assure a careful assessment of leadership and condition of the campus ~~shall be arranged~~.

5.4. The governing board shall use the report of its committee, visiting team, or other body chosen by the governing board to assist in its own written evaluation of the president. The governing board's shall report its evaluation ~~shall be reported~~ to the president, the Chancellor, and the Chair of the Council.

5.5. The Chancellor shall provide the governing boards, upon request, with evaluative tools, guidelines, and procedures recommended for the assessment and evaluation of college and university presidents and provide any assistance requested by a governing board in performing the evaluations set out in this rule.

5.6. The governing board shall conduct a written evaluation of its president at the end of the initial contract period. In addition to the formal and structured evaluation every three years and at the end of the initial contract period, ~~each~~ the governing board shall conduct a written yearly evaluation of the president ~~shall receive a written yearly evaluation~~ in a manner and form decided by the governing board.

5.7. The Council may not approve any request for an increase in compensation of a president prior to receiving an evaluation of that president for the year immediately preceding the requested increase.