

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

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2011 JUN 15 AM 9:44

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV Council for Community and Technical College Education TITLE NUMBER: 135

CITE AUTHORITY: West Virginia Code §18B-3D-2

AMENDMENT TO AN EXISTING RULE: YES NO


IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 27

TITLE OF RULE BEING AMENDED: Workforce Development Initiative Program

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: June 15, 2011

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* WV Council for Community and Technical College
Education
1018 Kanawha Blvd., East, Suite 700
Charleston, WV 25301

LEGISLATIVE RULE TITLE: ~~Workforce Development Initiative Program~~

1. Authorizing statute(s) citation West Virginia Code §18B-3D-2

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
April 22, 2011

b. What other notice, including advertising, did you give of the hearing?
Information posted on the Council's website and notice sent to constituent groups, i.e. Advisory Council of Faculty, Students, Classified Staff and the Advisory Council of Presidents.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
May 22, 2011

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

June 15, 2011

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

James L. Skidmore, Chancellor
WV Council for Community and Technical College Education
1018 Kanawha Blvd., East, Suite 700
Charleston, WV 253501
Phone (304)558-0265
skidmore@wvctcs.org

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

NA

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

b. Date of hearing or comment period:

NA

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA

d. Attach findings and determinations and reasons:

Attached NA

FILED

**TITLE 135
LEGISLATIVE RULE**

2011 JUN 15 AM 9:44

**WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE
EDUCATION**

DEPARTMENT OF STATE
SECRETARY OF STATE

**SERIES 27
WORKFORCE DEVELOPMENT INITIATIVE PROGRAM**

§135-27-1. General.

- 1.1. Scope: The West Virginia Council for Community and Technical College Education (Council) consistent with provisions of West Virginia Code §18B-3D-2 and §18B-3D-6, adopts the procedures and guidelines for the administration of the Workforce Development Initiative Program.
- 1.2. Authority: West Virginia Code §18B-3D-2
- 1.3. Filing Date:
- 1.4. Effective Date:
- 1.5. Repeal of Former Rule: Repeals and replaces Title 135, Series 27 which had an effective date of April 11, 2007.

§135-27-2. Purpose.

- 2.1. The purpose of this rule is to set forth provisions for the administration of grant funding, criteria for applications, determination and distribution of funds, and performance evaluation for the Workforce Development Initiative Program, including the Learn and Earn Program, that was created by the West Virginia Legislature with a mission to develop a strategy to strengthen the quality of the state's workforce by linking the existing postsecondary education capacity to the needs of business, industry and other employers by utilizing available funding to provide explicit incentives for partnerships between employers and community and technical colleges to develop comprehensive workforce development services.

§135-27-3. Grant Eligibility.

- 3.1. Under the provisions of this rule, higher education institutions so designated by West Virginia Code §18B-1-2, as a community and technical college, are eligible to apply for grant funding.

- 3.2. To be eligible for a grant under this program, a community and technical college must:
- 3.2.a. Develop programs that meet documented employer needs;
 - 3.2.b. Involve and collaborate with employers in the development of programs;
 - 3.2.c. Develop customized training programs that provide for the changing needs of employers and are offered at flexible times and locations to accommodate employer scheduling;
 - 3.2.d. Develop partnerships with other public and private providers;
 - 3.2.e. Establish cooperative arrangements with public school systems for the seamless progression of students from the secondary level through the community and technical college level, particularly in the area of career-technical education;
 - 3.2.f. Assist with the ongoing assessment of workforce development needs of the community and technical college consortia district;
 - 3.2.g. Actively participate in a community and technical college consortia planning district and facilitate the involvement of consortia members in the development of applications for funding through this program;
 - 3.2.h. Include in its institutional compact a plan to achieve measurable improvements in the quality of the workforce in the community and technical college consortia planning district;
 - 3.2.i. Establish a special revolving fund under the jurisdiction of the community and technical college dedicated solely to workforce development initiatives;
 - 3.2.j. Agree to put curricula developed with funding through this program into an electronic format for inclusion on a state-level database for sharing with other community and technical colleges;
 - 3.2.k. Develop a specific plan outlining how the community and technical college will collaborate with local postsecondary institutions to maximize the use of existing facilities, personnel and equipment; and
 - 3.2.l. Agree to adhere to all terms, conditions and deliverables as specified in the application for proposals and this rule.

§135-27-4. Learn and Earn Program.

- 4.1. Under the following provisions, eligible community and technical colleges may partner with employers to provide cooperative education opportunities for students that meet at a minimum the following:
 - 4.1.a. Funding is limited to cooperative education programs for those career-technical programs in which documentation can be provided to validate the program is a high-demand occupation.
 - 4.1.b. The cooperative education program must be a paid work experience that pays the student no less than \$10.00 per hour.
 - 4.1.c. The experience must provide the student with a supervised work experience in the student's expected career field or program of study and reinforce learning that has occurred in the academic program.
 - 4.1.d. The experience must have clearly stated measurable learning goals and objectives reflecting on what the student's expected learner outcomes will be throughout the experience.
 - 4.1.e. The experience must be part of the academic program and carry college credit as determined by program faculty.
 - 4.1.f. The experience must have an assessment component that documents the student has adequately mastered the expected learner outcomes.
 - 4.1.g. The experience must be for a defined period of time and may be on a part- or full-time work basis.
 - 4.1.h. Participation in at least one training session provided by the Council on developing and implementing cooperative education programs.

§135-27-5. Grant Review.

- 5.1. The Chancellor of the West Virginia Council for Community and Technical College Education (Chancellor) shall provide grant applications to all eligible institutions with stated deadline dates for submission.
- 5.2. The Chancellor shall appoint an Advisory Committee consistent with the provisions of West Virginia Code to review applications and make recommendations to the Council for funding.

- 5.3. At the call of the Chancellor, the Advisory Committee may meet as often as necessary to review grant proposals.
- 5.4. In evaluating grant proposals, the Advisory Committee shall give priority to proposals involving businesses with fewer than fifty employees, and grants will not be awarded that provide unfair advantage to employers new to the state that will be in direct competition with established local businesses.

§135-27-6. Application Content.

- 6.1. Each proposal for a Workforce Development Initiative Program grant shall:
 - 6.1.a. Identify the goals and objectives of the program, the specific business sector training needs, and the job market demand to be addressed;
 - 6.1.b. Identify the number of participants to be served during the grant period, anticipated placement rate, and wage benefit of completers;
 - 6.1.c. Identify private and public sector partners including those with public school career-technical education which minimizes duplication of programming and maximizes the use of existing facilities;
 - 6.1.d. Provide a letter of support for the proposal from the local Workforce Investment Board;
 - 6.1.e. Provide a detailed work plan, a budget and an evaluation plan to gauge the progress of the program;
 - 6.1.f. Provide letters of commitment from private or public sector partners confirming actual funding amount provided for the match requirement; and
 - 6.1.g. Provide a plan for sustaining the program after grant funding is exhausted.
- 6.2. In addition to the provisions of 6.1., those community and technical colleges applying for grant funding to support a Learn and Earn project shall:
 - 6.2.a. Complete the Learn and Earn section of the application describing in detail the cooperative

education work experience reflecting the provisions contained in Section 4.1 of this Rule.

- 6.2.b. Provide a written agreement between the college and the participating employer describing a formalized work plan for the work experience component.

§135-27-7. Financial Match Requirements.

- 7.1. Each proposal must provide a commitment letter from private or public sector partners for a match of one dollar, cash and in-kind, for each dollar of state grant funding awarded.
- 7.2. An in-kind match shall not constitute more than fifty percent (50%) of the required match.
- 7.3. For the Learn and Earn Program, the paid work experience must have, at a minimum, a cash dollar-for-dollar match from the participating employer. No in-kind match can be used to meet the dollar match requirement for the Learn and Earn Program.
- 7.4. With the exception of the Learn and Earn Program, if previously used equipment is committed, the current market value of the equipment must be used in determining an in-kind match amount.
- 7.5. In cases where it can be documented that it is a hardship for a private sector partner to provide a dollar to dollar match, the required match may be reduced to one dollar for each three dollars of state funding awarded. Such cases meriting a reduction in the match requirement may include but are not limited to:
 - 7.5.a. Private sector employers whose operations are located in rural areas of West Virginia;
 - 7.5.b. Employers with fewer than fifty employees;
 - 7.5.c. New start-up businesses operating five years or less in the state; and
 - 7.5.d. Employers developing new or expanding operations in the state resulting in a minimum investment of two million dollars;
- 7.6. With the exception of the Learn and Earn Program, new equipment may be committed to meet cash match requirements based on the actual documented purchase price of the equipment.

- 7.7. If the grant award is solely for the purpose of modernizing equipment, the match requirement is one dollar for each two dollars in state funding awarded.
- 7.8. Match requirements may be provided by public sector partners utilizing state or federal dollars if funding for the Workforce Development Initiative Program for the current fiscal year exceeds six hundred and fifty-thousand dollars, and in which case one-half of the funded amount exceeding six hundred and fifty-thousand dollars may be granted utilizing a public sector match.

§135-27-8. Accountability and Reporting Requirements.

- 8.1. A community and technical college receiving a grant under the provisions of this program shall submit to the Chancellor all requested programmatic accountability data and budgetary reports including but not limited to:
 - 8.1.a Annual and final reports detailing program expenditures;
 - 8.1.b Annual reports on activities conducted and dates completed; and
 - 8.1.c A final report on goals achieved, number of participants served, number of completers, number of completers placed in employment or obtaining a wage increase, cost of training per participant, and other information deemed necessary by the Council.
- 8.2. Equipment purchased or upgraded with grant funds under this program may not be sold, disposed of, or used for purposes other than those specified in the grant proposal without approval of the Council.

§135-27-9. Grant Extension and Renewal.

- 9.1. Generally, grants will be awarded on a one-year basis, but funding for the Learn and Earn program may be for multiple years reflecting the duration of the career-technical program.
- 9.2. The Chancellor may authorize the expenditure of carry-forward funds upon written request by the institution.
- 9.3. Subject to meeting stated goals, timeframes, cash match requirements, and with the recommendation of the Advisory Committee, the Council may renew a grant up to five years following the initial grant award.

**WV Council for Community and Technical College Education
Meeting of June 10, 2011**

ITEM: Approval of Series 27, *Workforce Development Initiative Program*, for submission to LOCEA

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Council for Community and Technical College Education approves the proposed legislative rule, Series 27, *Workforce Development Initiative Program*, for filing with the Secretary of State and for submission to the Legislative Oversight Commission on Education Accountability for approval and further legislative action.

STAFF MEMBER: James Skidmore

BACKGROUND:

At its meeting on April 14, 2011, the West Virginia Council for Community and Technical College Education approved legislative rule, Series 27, *Workforce Development Initiative Program*, for the required thirty-day public comment period. The comment period ended on May 22, 2011. There were no substantive comments received. Therefore, staff seeks Council approval of the final proposed rule so that the rule may be filed with the Secretary of State and submitted to the Legislative Oversight Commission on Education Accountability (LOCEA) for its approval. If approved by LOCEA, the proposed rule will be considered by the Legislature during the 2012 regular legislative session.



WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

Nelson B. Robinson Jr., Chair • James L. Skidmore, Chancellor

SUMMARY

Title 135

Procedural Rule

WV Council for Community and Technical College Education

Series 27

Workforce Development Initiative Program

The purpose of this rule is to set forth provisions for the administration of grant funding, criteria for applications, determination and distribution of funds, and performance evaluation for the Workforce Development Initiative Program, including the Learn and Earn Program, that was created by the West Virginia Legislature with a mission to develop a strategy to strengthen the quality of the state's workforce by linking the existing postsecondary education capacity to the needs of business, industry and other employers by utilizing available funding to provide explicit incentives for partnerships between employers and community and technical colleges to develop comprehensive workforce development services.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Workforce Development Initiative Program

Type of Rule: Legislative Interpretive Procedural

Agency: WV Council for Community and Technical College Education

Address: 1018 Kanawha Blvd., East, Suite 700
Charleston, WV 25301

Phone Number: 558-2065 Email: skidmore@wvctcs.org

Fiscal Note Summary

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

None

Fiscal Note Detail

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

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

Rule Title: _____

Rule Title: Workforce Development Initiative Program

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

NA

MEMORANDUM

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

This rule sets forth provisions for the administration of grant funding, criteria for applications, determination and distribution of funds, and performance evaluation for the Workforce Development Initiative Program, including the Learn and Earn Program, that was created by the West Virginia Legislature with a mission to develop a strategy to strengthen the quality of the state's workforce by linking the existing postsecondary education capacity to the needs of business, industry and other employers by utilizing available funding to provide explicit incentives for partnerships between employers and community and technical colleges to develop comprehensive workforce development services.

Date: April 22, 2011

Signature of Agency Head or Authorized Representative