

1 **ENROLLED**

2 **Senate Bill No. 538**

3 (BY SENATORS PLYMALE, JENKINS, FOSTER AND BROWNING)

4 _____
5 [Passed March 9, 2011; in effect ninety days from passage.]
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10 AN ACT to amend and reenact §18B-3D-5 of the Code of West Virginia,
11 1931, as amended; and to amend said code by adding thereto a
12 new section, designated §18B-3D-6, all relating to
13 establishing the Learn and Earn Cooperative Education Program;
14 authorizing expenditure of certain funds; defining eligibility
15 to receive funding; setting terms for required cash match; and
16 requiring legislative and emergency rules.

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

18 That §18B-3D-5 of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted; and that said code be amended by adding
20 thereto a new section, designated §18B-3D-6, all to read as
21 follows:

22 **ARTICLE 3D. WORKFORCE DEVELOPMENT INITIATIVE.**

23 **§18B-3D-5. Legislative and emergency rules.**

24 (a) The council shall propose a legislative rule pursuant to

1 article three-a, chapter twenty-nine-a of this code to implement
2 the provisions of this article and shall file the rule with the
3 Legislative Oversight Commission on Education Accountability no
4 later than October 1, 2011.

5 (b) The Legislature finds that an emergency exists and,
6 therefore, the council shall propose an emergency rule to implement
7 the provisions of this article in accordance with section six,
8 article one of this chapter and article three-a, chapter twenty-
9 nine-a of this code by October 1, 2011.

10 (c) Any rule promulgated by the council pursuant to previous
11 enactments of this section and in effect on the effective date of
12 the amendment and reenactment of this section in the year 2011
13 remains in effect until amended, modified, repealed or replaced by
14 the council.

15 **§18B-3D-6. Learn and Earn Cooperative Education Program**
16 **established.**

17 (a) *Legislative findings.*

18 (1) The Legislature finds that many West Virginians,
19 particularly young adults, cannot enroll full-time in a community
20 and technical college technical program because circumstances
21 require them to maintain full-time employment. It is critically
22 important that technical programs leading to high-wage occupations
23 be more accessible and affordable for all West Virginians.

24 (2) The Legislature further finds that cooperative education

1 programs are successful in providing access to these technical
2 programs while providing students enrolled full-time in a community
3 and technical college with the financial benefits they need to
4 continue their education. These cooperative education programs
5 provide opportunities for students to work with West Virginia
6 companies while in college, thus increasing the likelihood that
7 they will complete the program, find gainful employment and choose
8 to remain in West Virginia upon graduation. They provide students
9 with hands-on, real world work experience with a salary while they
10 complete a technical program of study and, at the same time,
11 provide employers with a cost-effective tool for recruiting and
12 training.

13 (b) The purpose of this section is to establish a cooperative
14 education program, under the jurisdiction of the council, as a
15 component of the Workforce Development Initiative Program
16 established pursuant to this article. The program shall be known
17 and may be cited as the "Learn and Earn Program".

18 (c) The program requires a dollar-for-dollar cash match from
19 participating employers or groups of employers from which the
20 student receives a salary from the employer or employers while
21 participating in the program. Participants may not substitute a
22 match in-kind for the cash match required by this section.

23 (d) An institution is eligible to apply for a program grant in
24 cooperation with one or more employer partners if it meets the

1 definition of a community and technical college provided in section
2 two, article one of this chapter. The council shall define the
3 application process in the rules required in section five of this
4 article.

5 (e) The council may expend funds available through the
6 Workforce Development Initiative program to implement the
7 provisions of this section.