

ENROLLED

Senate Bill No. 538

(BY SENATORS PLYMALE, JENKINS, FOSTER AND BROWNING)

[Passed March 9, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §18B-3D-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18B-3D-6, all relating to establishing the Learn and Earn Cooperative Education Program; authorizing expenditure of certain funds; defining eligibility to receive funding; setting terms for required cash match; and requiring legislative and emergency rules.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3D. WORKFORCE DEVELOPMENT INITIATIVE.

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

1 (a) The council shall propose a legislative rule pursuant to
2 article three-a, chapter twenty-nine-a of this code to imple-
3 ment the provisions of this article and shall file the rule with
4 the Legislative Oversight Commission on Education Ac-
5 countability no later than October 1, 2011.

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

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15 modified, repealed or replaced by the council.

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

1 (a) *Legislative findings.*

2 (1) The Legislature finds that many West Virginians,
3 particularly young adults, cannot enroll full-time in a
4 community and technical college technical program because
5 circumstances require them to maintain full-time employ-
6 ment. It is critically important that technical programs
7 leading to high-wage occupations be more accessible and
8 affordable for all West Virginians.

9 (2) The Legislature further finds that cooperative educa-
10 tion programs are successful in providing access to these
11 technical programs while providing students enrolled full-
12 time in a community and technical college with the financial
13 benefits they need to continue their education. These
14 cooperative education programs provide opportunities for
15 students to work with West Virginia companies while in
16 college, thus increasing the likelihood that they will com-
17 plete the program, find gainful employment and choose to
18 remain in West Virginia upon graduation. They provide
19 students with hands-on, real world work experience with a
20 salary while they complete a technical program of study and,
21 at the same time, provide employers with a cost-effective tool
22 for recruiting and training.

23 (b) The purpose of this section is to establish a cooperative
24 education program, under the jurisdiction of the council, as
25 a component of the Workforce Development Initiative
26 Program established pursuant to this article. The program
27 shall be known and may be cited as the “Learn and Earn
28 Program”.

29 (c) The program requires a dollar-for-dollar cash match
30 from participating employers or groups of employers from
31 which the student receives a salary from the employer or
32 employers while participating in the program. Participants
33 may not substitute a match in-kind for the cash match
34 required by this section.

35 (d) An institution is eligible to apply for a program grant
36 in cooperation with one or more employer partners if it
37 meets the definition of a community and technical college
38 provided in section two, article one of this chapter. The
39 council shall define the application process in the rules
40 required in section five of this article.

41 (e) The council may expend funds available through the
42 Workforce Development Initiative program to implement the
43 provisions of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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Acting President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2011.

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Governor