

1 **ENROLLED**

2 **Senate Bill No. 436**

3 (BY SENATORS PLYMALE, BROWNING, UNGER, KESSLER (MR. PRESIDENT), PREZIOSO,  
4 KLEMPA, BEACH AND JENKINS)

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6 [Passed March 10, 2012; in effect from passage.]  
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10  
11 AN ACT to repeal §18-27-1, §18-27-2, §18-27-3, §18-27-4, §18-27-5,  
12 §18-27-6, §18-27-7, §18-27-8, §18-27-9, §18-27-10, §18-27-11,  
13 §18-27-12, §18-27-13, §18-27-14, §18-27-15, §18-27-16,  
14 §18-27-17, §18-27-18, §18-27-19, §18-27-20, §18-27-21 and  
15 §18-27-22 of the Code of West Virginia, 1931, as amended; to  
16 amend and reenact §18-2-10 of said code; to amend and reenact  
17 §18-2B-1, §18-2B-2, §18-2B-3, §18-2B-4 and §18-2B-7 of said  
18 code; to amend said code by adding thereto a new article,  
19 designated §18-13-1, §18-13-2, §18-13-3, §18-13-4 and  
20 §18-13-5; to amend said code by adding thereto a new article,  
21 designated §18B-3B-1, §18B-3B-2 and §18B-3B-3; to amend and  
22 reenact §18B-3C-1, §18B-3C-2 and §18B-3C-4 of said code; and  
23 to amend said code by adding thereto a new section, designated

1 §18B-14-1, all relating to public education generally; state  
2 institutions of higher education; career and technical  
3 education; seamless curricula; programs of study; requiring  
4 state board to provide adult basic education programs on  
5 certain college campuses; creating West Virginia EDGE  
6 initiative; establishing initiative goals; providing for  
7 administration and accountability; requiring certain joint  
8 rule; clarifying that no specific level of appropriation is  
9 required; creating collaborative degree completion program;  
10 setting forth legislative findings, intent and program  
11 objectives; specifying program applicability; setting forth  
12 powers and duties of participating agencies; requiring certain  
13 agreements and specifying approval procedures; clarifying  
14 legislative findings and intent regarding community and  
15 technical college system; renaming certain consortia planning  
16 districts and clarifying duties; specifying certain  
17 accountability procedures; providing for consortia cochairs;  
18 assigning responsibility for developing collaborative degree  
19 completion programming; defining programs of study and  
20 directing consortia to focus on identifying and providing  
21 student programs of study leading to placement in high-demand,  
22 high-wage occupations; requiring initial consortia compacts  
23 and annual updates by certain date and specifying approval

1 process; specifying facilitating institutions for certain  
2 consortia; providing for select committee to examine higher  
3 education outcomes-based funding models; specifying  
4 membership; requiring report of findings with recommendations  
5 to Legislative Oversight Commission on Education  
6 Accountability and Joint Committee on Government and Finance  
7 by certain date; updating names of agencies and institutions;  
8 making technical corrections; and deleting obsolete language.

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

10 That §18-27-1, §18-27-2, §18-27-3, §18-27-4, §18-27-5,  
11 §18-27-6, §18-27-7, §18-27-8, §18-27-9, §18-27-10, §18-27-11,  
12 §18-27-12, §18-27-13, §18-27-14, §18-27-15, §18-27-16, §18-27-17,  
13 §18-27-18, §18-27-19, §18-27-20, §18-27-21 and §18-27-22 of the  
14 Code of West Virginia, 1931, as amended, be repealed; that §18-2-10  
15 of said code be amended and reenacted; that §18-2B-1, §18-2B-2,  
16 §18-2B-3, §18-2B-4 and §18-2B-7 of said code be amended and  
17 reenacted; that said code be amended by adding thereto a new  
18 article, designated §18-13-1, §18-13-2, §18-13-3, §18-13-4 and  
19 §18-13-5; that said code be amended by adding thereto a new  
20 article, designated §18B-3B-1, §18B-3B-2 and §18B-3B-3; that  
21 §18B-3C-1, §18B-3C-2 and §18B-3C-4 of said code be amended and  
22 reenacted; and that said code be amended by adding thereto a new  
23 section, designated §18B-14-1, all to read as follows:

1 **CHAPTER 18. EDUCATION.**

2 **ARTICLE 2. STATE BOARD OF EDUCATION.**

3 **§18-2-10. Certificates and awards.**

4 The State Board shall promulgate rules and shall determine the  
5 minimum standards for the granting of certificates and awards for  
6 secondary vocational education, adult basic education, adult  
7 occupational education and adult technical preparatory education,  
8 subject to the provisions of section two, article two-b of this  
9 chapter and article three-a of chapter eighteen-b of this code.

10 The State Board shall provide a program of adult basic  
11 education at each state community and technical college campus  
12 where developmental education services are provided in cooperation  
13 with the West Virginia Council for Community and Technical College  
14 Education and the institutional board of governors of each college.  
15 This approach to providing adult basic education links these  
16 programs with developmental education and creates a simpler,  
17 clearer pathway for adults to enter college.

18 **ARTICLE 2B. AREA VOCATIONAL PROGRAM.**

19 **§18-2B-1. Aims and purposes of program; areas where available.**

20 The aims and purposes of the area vocational educational  
21 program are to provide vocational training or retraining on an  
22 organized basis designed to prepare individuals for useful

1 employment in recognized occupations. The program shall be made  
2 available to residents of West Virginia in an area or areas  
3 designated and approved by the State Board.

4 **§18-2B-2. Authority to establish programs, etc.; Division of**  
5 **Vocational Education established; rules; director.**

6 (a) The State Board may establish, operate and maintain area  
7 vocational educational programs including the acquisition by  
8 purchase, lease, gift or otherwise of necessary lands and the  
9 construction, expansion, remodeling, alteration and equipping of  
10 necessary buildings for the purpose of operating and conducting  
11 educational training centers.

12 (b) The State Board may delegate its operational authority for  
13 multicounty vocational centers to an administrative council  
14 composed of equal representation from each of the participating  
15 county boards of education, the superintendent of schools from each  
16 participating county, and the state director of vocational  
17 education or his or her representative. To this end, there is  
18 hereby expressly established in the State Board a division of  
19 vocational education which shall determine the area or areas in  
20 which the programs are to be conducted and is authorized to  
21 promulgate rules necessary to carry out the provisions of this  
22 article, pursuant to article three-b, chapter twenty-nine-a of this  
23 code. The director of the division of vocational education

1 administers and supervises the area vocational educational  
2 programs.

3 **§18-2B-3. Area vocational education program funds.**

4 There is hereby established a fund to be known as the Area  
5 Vocational Education Program Fund for Secondary Education. There  
6 is hereby established a separate fund to be known as the Area  
7 Vocational Education Program Fund for Post-Secondary Vocational  
8 Education. All moneys appropriated for such purpose by the  
9 Legislature as well as any gifts or grants made to the appropriate  
10 fund by any governmental subdivision of the state or by the United  
11 States government or by any individual, firm or corporation, to  
12 carry out the provisions of this article shall be expended by the  
13 State Board.

14 **§18-2B-4. Expenditure of funds; title to property.**

15 The State Board may expend the area vocational education  
16 program funds for salaries; teachers' retirement contributions and  
17 necessary traveling expenses of teachers and other necessary  
18 employees, including, but not limited to, vocational guidance  
19 counselors; for purchase, rental, maintenance and repair of  
20 instructional equipment, buildings and supplies; and for the  
21 necessary costs of transportation of certified students.

22 **§18-2B-7. Transportation of students.**

23 The State Board may pay for the transportation of any

1 certified unemployed person participating in any area vocational  
2 educational program during the period of time that he or she is  
3 engaged in the training program at any of the instructional  
4 centers.

5 **ARTICLE 13. WEST VIRGINIA EDGE.**

6 **§18-13-1. Earn a Degree - Graduate Early (EDGE) initiative**  
7 **established; purposes.**

8 The Earn a Degree - Graduate Early initiative herein  
9 established is known and may be cited as "West Virginia EDGE".  
10 This program is part of the programs of study and seamless  
11 curriculum initiative that focuses on aligning curriculum between  
12 education levels. Specifically, West Virginia EDGE is established  
13 to connect public schools with higher education for the following  
14 purposes:

15 (a) To prepare public high school students for success in the  
16 workplace or post-secondary education; and

17 (b) To provide the opportunity for these students to earn  
18 community and technical college credit free-of-charge for the  
19 duplicated secondary and post-secondary courses identified during  
20 the curriculum alignment process.

21 **§18-13-2. Goals for West Virginia EDGE.**

22 In order to serve the citizens of the state by promoting a  
23 higher college-going rate, reducing the time and cost for students

1 to obtain college credentials and expanding opportunities for  
2 economic development, the West Virginia EDGE initiative shall meet  
3 the following goals:

4 (1) Create incentives for more students to continue their  
5 education beyond high school by providing all students with  
6 information about and access to courses that will prepare them to  
7 meet college-level standards;

8 (2) Expand successful concurrent enrollment programs that  
9 include all students, not just those who are designated as college  
10 bound. The goal here is to prepare all students for both work and  
11 post-secondary education with the same rigorous curriculum;

12 (3) Align junior and senior year secondary courses with  
13 community and technical college certificate and associate degree  
14 programs. This alignment provides access to early entrance college  
15 courses which offer all students the opportunity to establish a  
16 college transcript while still in high school;

17 (4) Increase the number of students attending public community  
18 and technical colleges by participating in a collaborative  
19 partnership between the public schools and the state community and  
20 technical colleges; and

21 (5) Establish programs of study pathways in combination with  
22 early entrance college courses which together allow a student to  
23 obtain an associate degree one year after high school graduation or



1 to receive an associate degree along with the high school diploma.

2 **§18-13-3. Program administration and accountability.**

3 (a) West Virginia EDGE is administered by the Assistant State  
4 Superintendent of the Division of Technical, Adult and  
5 Institutional Education who serves as State Tech-Prep Coordinator.  
6 The community and technical college/career and technical education  
7 consortia planning districts created by section four, article  
8 three-c, chapter eighteen-b of this code serve as regional  
9 consortia to implement the program.

10 (b) The duties of State Tech-Prep Coordinator include, but are  
11 not limited to, the following:

12 (1) Developing a collaborative agreement with the facilitating  
13 state community and technical college or colleges in each  
14 consortium district and with the Council for Community and  
15 Technical College Education to meet the goals and objectives of  
16 this article.

17 (2) Meeting the record-keeping requirements of section nine,  
18 article eight, chapter five of this code:

19 (A) By developing or adapting an existing comprehensive  
20 relational data base and data analysis system for student tracking  
21 to assure that consistent, reliable data relevant to the goals of  
22 the program are available; and

23 (B) By tracking and evaluating EDGE outcomes across all eight

1 consortia districts and by creating a standardized reporting  
2 procedure for collecting consistent EDGE data at the state level;

3 (3) Assuring that coordinators in the district consortia  
4 prepare and retain reliable supporting source documents necessary  
5 to validate the data included with the state electronic database;

6 (4) Providing documentation to substantiate program outcomes,  
7 including, but not limited to, the number of students who enroll in  
8 the program, specific courses taken, student course and final exam  
9 grades, the number who earn EDGE credits and, of these, the number  
10 who apply the credits in pursuit of degrees or certifications at  
11 state community and technical colleges; and

12 (5) Collecting data relevant to the goals and objectives  
13 established for this initiative, analyzing the data, and preparing  
14 a report for the Legislative Oversight Commission on Education  
15 Accountability by December 1, 2012, and annually thereafter. The  
16 specific focus of the report is the analysis of data on program  
17 outcomes to demonstrate to what degree the initiative has met the  
18 goals and objectives of this article.

19 **§18-13-4. Joint rule required.**

20 The State Board and the West Virginia Council for Community  
21 and Technical College Education, created in section three, article  
22 two-b, chapter eighteen-b of this code, shall promulgate a joint  
23 legislative rule in accordance with article three-b, chapter

1 twenty-nine-a of this code, for the administration of West Virginia  
2 EDGE. This rule shall incorporate strategies designed to achieve  
3 the overall goals of the program, methods of operation, and  
4 step-by-step procedures for achieving the objectives outlined in  
5 section two and for implementing the reporting and accountability  
6 measures set forth in section three of this article.

7 **§18-13-5. No specific level of appropriation required.**

8 The Legislature recognizes the importance of the West Virginia  
9 EDGE Program and will endeavor to provide sufficient funds to meet  
10 program goals and objectives. However, funding is subject to  
11 appropriation by the Legislature and nothing in this article  
12 requires any specific level of appropriation.

13 **CHAPTER 18B. HIGHER EDUCATION.**

14 **ARTICLE 3B. COLLABORATIVE DEGREE COMPLETION PROGRAM.**

15 **§18B-3B-1. Legislative findings and intent.**

16 (a) The Legislature makes the following findings:

17 (1) Evidence from national studies shows clearly that the need  
18 to increase the number of Americans who hold post-secondary  
19 credentials has reached a critical point. According to *Complete*  
20 *College America*, the United States has fallen from its long-held  
21 position as first among the nations and now ranks tenth in the  
22 percentage of young adults with a college degree. Even more

1 discouraging is the statistic which shows that, for the first time  
2 in national history, the current generation of college-age  
3 Americans will be less educated than their parents' generation.

4 (2) In West Virginia, the large numbers of high school  
5 students who are uninterested and/or unprepared for college can be  
6 attributed to three primary factors:

7 (A) Lack of alignment in courses between public education and  
8 public colleges and universities;

9 (B) Lack of clear career pathways presented to students early  
10 enough to help them choose and follow an articulated path from high  
11 school through post-secondary education; and

12 (C) Lack of knowledge among students and parents about  
13 financial aid opportunities that can help them and their families  
14 defray the cost of attending college.

15 (3) Sixty-three percent of jobs now available or to become  
16 available in the near future require post-secondary education.  
17 This statistic is particularly relevant for community and technical  
18 college students, but even for students who choose to pursue a  
19 four-year degree, it is critical that they be clearly focused on  
20 career goals in order to succeed.

21 (4) Currently, a severe gap exists between the demands for  
22 technically skilled workers in West Virginia and the aspirations  
23 and programmatic focus of many of our students. Nearly thirty

1 percent of the state's high school students have failed to enroll  
2 in either the pre-baccalaureate professional pathway or the career  
3 and technical education skilled pathway. Most of these individuals  
4 could be better served in a focused program of study that begins in  
5 the public schools and makes a seamless transition to the post-  
6 secondary level in the state community and technical colleges.

7       (5) The best way to promote this focus on career goals among  
8 our students is through implementation of career pathways. This is  
9 an integrated collection of programs and services intended to  
10 develop students' core academic, technical and employability  
11 skills; provide them with continuous education and training; and  
12 place them in high-demand, high-opportunity jobs.

13       (6) In West Virginia, preparing students to achieve higher  
14 levels of education is a responsibility shared among the state  
15 agencies responsible for providing education and workforce  
16 development training. Since increasing the education level of  
17 state citizens enhances West Virginia's economic future and the  
18 general well-being of its citizens, providing additional  
19 opportunities to earn a college credential is the responsibility of  
20 all public secondary education and state institutions of higher  
21 education.

22       (b) It is the intent of the Legislature to encompass the  
23 entire public higher education system to remove those obstacles

1 that block these pathways to college completion and to direct  
2 agencies and institutions to collaborate and cooperate to deliver  
3 needed services. Therefore, the object of this article is  
4 two-fold:

5 (1) To set forth a viable collaborative model that public  
6 community and technical colleges and public school career centers  
7 shall adopt to increase the number of West Virginians with a  
8 college credential; and

9 (2) To maximize existing resources and capacity to train the  
10 work force in West Virginia by encouraging the most efficient  
11 expenditure of available dollars.

12 **§18B-3B-2. Collaborative degree completion program established;**  
13 **program applicability and objectives.**

14 (a) The Collaborative Degree Completion Program is hereby  
15 established as a collaborative partnership which includes the  
16 following:

17 (1) The public school career and technical centers which  
18 includes state technology centers, technical centers, career  
19 centers and career/technical centers; and

20 (2) The state community and technical colleges.

21 (b) The program shall meet the following objectives:

22 (1) Increasing the number of West Virginians who hold a  
23 college credential and providing opportunities for a larger number

1 of adults to earn that credential;

2       (2) Increasing the education and technical skill levels of the  
3 state's work force; and

4       (3) Delivering post-secondary technical education in the most  
5 effective and cost efficient manner by maximizing the available  
6 resources of career centers and community and technical colleges.

7       (c) The program shall be adopted by each community and  
8 technical college/career and technical education consortia planning  
9 district. Each district shall assess the needs of its employers,  
10 institutions and centers and may adapt the basic model to fit the  
11 needs of the area to be served; however, each model shall include  
12 the following basic strategies to meet the objectives established  
13 in this article:

14       (1) Identify post-secondary adult career-technical education  
15 programs offered by the public school career centers that are to be  
16 evaluated for delivery as a Certificate of Applied Science or an  
17 Associate of Applied Science Degree;

18       (2) Ensure that all collaborative programs meet the conditions  
19 of the Higher Learning Commission of the North Central Association  
20 of Schools and Colleges which is the accrediting body for state  
21 community and technical colleges;

22       (3) Ensure that all collaborative programs meet the academic  
23 standards of the participating college; and

1 (4) Provide for the collaborative program to remain onsite at  
2 the career and technical center if participating agencies determine  
3 that site to be the best location for achieving program objectives.

4 **§18B-3B-3. Powers and duties of agencies participating in**  
5 **collaborative degree completion program.**

6 Members of each community and technical college/career and  
7 technical education consortia planning district shall enter into an  
8 agreement that delineates the division of responsibilities among  
9 the facilitating community and technical college pursuant to  
10 section four, article three-c of this chapter and the career and  
11 technical centers, including activities for which these entities  
12 are jointly responsible.

13 (a) The following activities are the responsibility of the  
14 facilitating community and technical college in each consortia  
15 planning district:

16 (1) Approve all curricula course and/or programs through the  
17 college's approval process;

18 (2) Maintain authority over the curriculum as required by the  
19 college's accrediting agency;

20 (3) Deliver all program general education courses;

21 (4) Award the appropriate degree;

22 (5) Employ all general education faculty and approve the  
23 employment of all technical program faculty;



1 (6) Enroll students through the college's admission and  
2 registration process and administer student financial aid,  
3 including coordinating and administering veterans' education  
4 benefits;

5 (7) Charge and collect the college's tuition and fees; and

6 (8) Pay the career and technical center for technical faculty  
7 time.

8 (b) The following activities are the responsibility of each  
9 career and technical center within the consortium planning  
10 district:

11 (1) Deliver the majority of the technical content courses;

12 (2) Maintain equipment and laboratories and provide adequate  
13 instructional space if the program is delivered onsite at the  
14 career and technical center; and

15 (3) Employ technical content faculty, if needed. If  
16 participants choose, these faculty members may be provided by the  
17 facilitating community and technical college.

18 (c) The following activities are the joint responsibility of  
19 the facilitating community and technical college and each career  
20 and technical center in the consortium planning district:

21 (1) Maintain programmatic accreditation, if required;

22 (2) Maintain student transcripts at both the community and  
23 technical college and the career and technical center. The college

1 transcript is the official transcript of record;

2       (3) Determine admission standards and student acceptance into  
3 the programs;

4       (4) Market the program and share the cost of marketing as  
5 determined in the consortia agreement;

6       (5) Develop and implement a program of cross counseling in  
7 which counselors from secondary and post-secondary career and  
8 technical centers and state community and technical colleges meet  
9 with students and their parents, beginning in the eighth grade to  
10 answer their education and career-related questions, to serve as a  
11 source of support through high school graduation and to provide  
12 specific, targeted information on career pathways and financial aid  
13 opportunities; and

14       (6) Determine the feasibility of collaboratively developing  
15 and implementing post-secondary-level programs to extend high  
16 school programs that currently are terminal.

17 **ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.**

18 **§18B-3C-1. Legislative findings.**

19       (a) The Legislature makes the following findings related to  
20 state community and technical colleges:

21       (1) Community and technical colleges are a distinctively  
22 American invention. They fill a critical gap between public  
23 secondary education and the baccalaureate institutions and

1 universities and they provide a connection between adult basic  
2 education and higher education. Their overriding mission is to  
3 provide affordable access to post-secondary education and to  
4 provide this education and related services to people who otherwise  
5 might not have enrolled in a college or university. They provide  
6 access to students who live in geographic proximity and who seek  
7 low-cost post-secondary education.

8       (2) As the state's primary provider of workforce education and  
9 training, community and technical colleges located in every region  
10 of West Virginia are essential to a statewide strategy to prepare  
11 students for high-demand, high-wage jobs, workforce development  
12 necessary to diversify and grow the state's economy, and further  
13 post-secondary education and life long learning.

14       (3) The mission of state community and technical colleges is  
15 to provide comprehensive education services that combine the  
16 critical functions of career-technical education and work force  
17 development, non-credit industry training, transfer education,  
18 developmental education and continuing education.

19       (4) While the student population of state community and  
20 technical colleges is now evenly divided between those who are  
21 under age twenty-five and adults who are twenty-five and older, the  
22 number in both categories who earn a degree or industry-recognized  
23 certificate within six years remains low. The declining numbers of

1 high school graduates in the state makes it imperative for the  
2 community and technical college system to focus on increasing the  
3 numbers of adults who enroll and who complete programs to earn a  
4 degree or industry-recognized certificate within six years.

5 (b) In carrying out their mission, the governing boards of the  
6 community and technical colleges shall collaborate with public high  
7 schools and career and technical centers to deliver services  
8 effectively and efficiently in the locations where they are needed  
9 most.

10 **§18B-3C-2. Legislative intent.**

11 The following comprise the intent of the Legislature in  
12 enacting this article:

13 (a) To establish community and technical college education  
14 that is well articulated with the public schools, the career and  
15 technical education centers and other state institutions of higher  
16 education; that encourages traditional and nontraditional students  
17 and adult learners to pursue a lifetime of learning; that serves as  
18 an instrument of economic development; and that has the  
19 independence and flexibility to respond quickly to changing needs  
20 of citizens and employers in the state;

21 (b) To establish community and technical college/career and  
22 technical education consortia districts for each of the community  
23 and technical colleges in order to ensure that the full range of

1 community and technical college education programs and services is  
2 provided in all areas of the state, including the implementation of  
3 seamless programs of study as exemplified by West Virginia EDGE,  
4 established in article thirteen, chapter eighteen of this code and  
5 the Collaborative Degree Completion Program, established in article  
6 three-b of this chapter;

7 (c) To define the full range of programs and services that  
8 each community and technical college has the responsibility to  
9 provide; and

10 (d) To establish other policies and procedures necessary to  
11 ensure that the needs of West Virginia, its people and its  
12 businesses are met for the programs and services that can be  
13 provided through a comprehensive system of community and technical  
14 colleges.

15 **§18B-3C-4. Community and technical college/career and technical**  
16 **education consortia planning districts.**

17 (a) Unless otherwise designated, the presidents of the  
18 community and technical colleges facilitate the formation of  
19 community and technical college/career and technical education  
20 consortia in the state. Each consortium includes representatives  
21 of community and technical colleges, public career and technical  
22 education centers and state baccalaureate institutions offering  
23 associate degrees. The consortium is responsible for carrying out

1 the following actions:

2       (1) Completing a comprehensive assessment of the district to  
3 determine what education and training programs are necessary to  
4 meet the short- and long-term workforce development needs of the  
5 district;

6       (2) Coordinating efforts with regional labor market  
7 information systems to identify the ongoing needs of business and  
8 industry, both current and projected, and to provide information to  
9 assist in an informed program of planning and decision-making;

10       (3) Planning and developing a unified effort between the  
11 community and technical colleges and public career and technical  
12 education to meet the documented workforce development needs of the  
13 district through individual and cooperative programs; shared  
14 facilities, faculty, staff, equipment and other resources; and the  
15 development and use of distance learning and other education  
16 technologies;

17       (4) Collaborating and developing jointly the collaborative  
18 programming for adults between the community and technical colleges  
19 and the public career and technical centers. The focus of these  
20 collaborative efforts is the development of advanced skill  
21 programming that builds on the secondary curriculum and allows  
22 career and technical education graduates to acquire more in-depth  
23 preparation in their occupational area of interest;

1 (5) As a consortium, regularly reviewing and revising  
2 curricula to ensure that the work force needs are met; developing  
3 new programs and phasing out or modifying existing programs, as  
4 appropriate, to meet such needs; and streamlining procedures for  
5 designing and implementing customized training programs;

6 (6) Increasing the integration of secondary and post-secondary  
7 curriculum and programs that are targeted to meet regional labor  
8 market needs, including implementing seamless programs of study,  
9 including West Virginia EDGE, and the Collaborative Degree  
10 Completion Program:

11 (A) Research shows that well-planned, well-coordinated  
12 programs of study have a positive impact on school attendance,  
13 student grades, achievement scores, retention rates and career  
14 planning. To be successful, programs of study must include  
15 coherent and rigorous content aligned with challenging academic  
16 standards and relevant career and technical education content.  
17 They must provide for student movement through a coordinated,  
18 nonduplicative progression of courses that align secondary  
19 education with community and technical college education to prepare  
20 students to succeed at the community and technical college level  
21 and in high-wage, high-demand occupations;

22 (B) Therefore, the focus of each consortium is to identify the  
23 high-demand, high-wage occupations within the service district and

1 develop programs of study, based on the findings, that lead to an  
2 industry-recognized credential, a certificate of applied science  
3 degree or an associate degree;

4 (C) The initial consortium compact and each annual update  
5 required in subsection (d) of this section shall identify the  
6 programs of study that are to be implemented in the district  
7 service area;

8 (7) Planning and implementing integrated professional  
9 development activities for secondary and post-secondary faculty,  
10 staff and administrators;

11 (8) Ensuring that program graduates have attained the  
12 competencies required for successful employment through the  
13 involvement of business, industry and labor in establishing student  
14 credentialing;

15 (9) Assessing student knowledge and skills which may be gained  
16 from multiple sources so that students gain credit toward program  
17 completion and advance more rapidly without repeating course work  
18 in which they already possess competency;

19 (10) Cooperating with workforce investment boards to establish  
20 one-stop-shop career centers with integrated employment and  
21 training and labor market information systems that enable job  
22 seekers to assess their skills, identify and secure needed  
23 education training, and secure employment, and that allow employers



1 to locate available workers;

2       (11) Increasing the integration of adult literacy, adult basic  
3 education, federal Work Force Investment Act and community and  
4 technical college programs and services to expedite the transition  
5 of adults from welfare to gainful employment, including cooperating  
6 with the State Department of Education to provide adult basic  
7 education programs on each community and technical college campus  
8 in the state where developmental education services are provided;  
9 and

10       (12) Establishing a single point of contact for employers and  
11 potential employers to access education and training programs  
12 throughout the district.

13       (b) The community and technical college education consortium  
14 shall cooperate with the regional workforce investment board in the  
15 district and shall participate in any development or amendment to  
16 the regional workforce investment plan.

17       (c) To carry out the provisions of this section, community and  
18 technical college/career and technical education consortia planning  
19 districts are established and defined as follows:

20       (1) Northern Panhandle District includes Hancock, Brooke,  
21 Ohio, Marshall and Wetzel counties.

22       (A) The facilitating institution is West Virginia Northern  
23 Community and Technical College.

1 (B) Participating institutions include West Virginia Northern  
2 Community and Technical College; John Marshall High School; Cameron  
3 High School; John D. Rockefeller IV Career Center; and other public  
4 career and technical centers offering post-secondary programs.

5 (2) North Central West Virginia District includes Monongalia,  
6 Marion, Preston, Taylor, Barbour, Randolph, Doddridge, Harrison,  
7 Braxton, Lewis, Calhoun, Gilmer and Upshur counties.

8 (A) The facilitating institution is Pierpont Community and  
9 Technical College.

10 (B) Participating institutions include Pierpont Community and  
11 Technical College; Glenville State College; Randolph County  
12 Technical Center; Monongalia County Technical Education Center;  
13 United Technical Center; Marion County Technical Center; Fred W.  
14 Eberle Technical Center; Calhoun Gilmer Career Center; Taylor  
15 County Technical Center; and other public career and technical  
16 centers offering post-secondary programs.

17 (3) Mid-Ohio Valley District includes Tyler, Pleasants,  
18 Ritchie, Wood, Wirt, Jackson and Roane counties.

19 (A) The facilitating institution is West Virginia University  
20 at Parkersburg.

21 (B) Participating institutions include West Virginia  
22 University at Parkersburg; Roane-Jackson Technical Center; Wood  
23 County Technical Center; Mid Ohio Valley Technical Institute and

1 other public career and technical centers offering post-secondary  
2 programs.

3 (4) Potomac Highlands District includes Tucker, Pendleton,  
4 Grant, Hardy, Mineral and Hampshire counties.

5 (A) The facilitating institution is Eastern West Virginia  
6 Community and Technical College.

7 (B) Participating institutions include Eastern West Virginia  
8 Community and Technical College; South Branch Career and Technical  
9 Center; Mineral County Technical Center; and other public career  
10 and technical centers offering post-secondary programs.

11 (5) Shenandoah Valley District includes Berkeley, Jefferson  
12 and Morgan counties.

13 (A) The facilitating institution is Blue Ridge Community and  
14 Technical College.

15 (B) Participating institutions include Blue Ridge Community  
16 and Technical College; James Rumsey Technical Institute; and other  
17 public career and technical centers offering post-secondary  
18 programs.

19 (6) Advantage Valley District includes Fayette, Kanawha, Clay,  
20 Putnam, Cabell, Mason and Wayne counties.

21 (A) The facilitating institution for Cabell, Mason and Wayne  
22 counties is Mountwest Community and Technical College. The  
23 facilitating institutions for Clay, Fayette, Kanawha and Putnam

1 counties are Bridgemont Community and Technical College and Kanawha  
2 Valley Community and Technical College.

3 (B) Participating institutions include Mountwest Community and  
4 Technical College; Bridgemont Community and Technical College;  
5 Kanawha Valley Community and Technical College; Carver Career and  
6 Technical Education Center; Garnet Career Center; Ben Franklin  
7 Career and Technical Center; Putnam Career and Technical Center;  
8 Cabell County Career-Technology Center; Mason County Career Center;  
9 and other public career and technical centers offering  
10 post-secondary programs.

11 (7) Southern Mountains District includes Lincoln, Boone,  
12 Logan, Mingo, Wyoming and McDowell counties.

13 (A) The facilitating institution is Southern West Virginia  
14 Community and Technical College.

15 (B) Participating institutions include Southern West Virginia  
16 Community and Technical College; Boone County Career and Technical  
17 Center; Wyoming County Career and Technical Center; Ralph R. Willis  
18 Career and Technical Center; McDowell County Career and Technology  
19 Center; Mingo Extended Learning Center; and other public career and  
20 technical centers offering post-secondary programs.

21 (8) Southeastern District includes Raleigh, Summers, Fayette,  
22 Nicholas, Webster, Pocahontas, Greenbrier, Monroe and Mercer  
23 counties.

1 (A) The facilitating institution is New River Community and  
2 Technical College.

3 (B) Participating institutions include New River Community and  
4 Technical College; Bridgemont Community and Technical College;  
5 Bluefield State College; Academy of Careers and Technology; Fayette  
6 Institute of Technology; Summers County High School; Monroe County  
7 Technical Center; Mercer County Technical Education Center;  
8 Nicholas County Career and Technical Center; and other public  
9 career and technical centers offering post-secondary programs.

10 (9) Cochairs preside over each consortium as follows:

11 (A) The president of the facilitating community and technical  
12 college, or his or her designee; and

13 (B) A career and technical education center administrator, or  
14 his or her designee, representing one of the participating  
15 institutions and selected by the consortium administrative leaders.

16 (d) In the role of the facilitating institution of the  
17 consortium, the college:

18 (1) Communicates to the Council and State Board;

19 (2) Facilitates the delivery of comprehensive community and  
20 technical college education in the region, which includes the seven  
21 areas of comprehensive community and technical college education  
22 delivery as required by section six of this article;

23 (3) Facilitates development of a statement of commitment

1 signed by all participating institutions in the region setting  
2 forth how community and technical college education will be  
3 delivered; and

4 (4) Facilitates the development of a consortium compact to be  
5 submitted to the Council and State Board before July 1, 2012, and  
6 annually thereafter.

7 (e) Participating institutions are not subordinate to the  
8 facilitating institution but shall sign the statement of commitment  
9 to participate.

10 (f) The Council is responsible for carrying out the following  
11 activities:

12 (1) Annually evaluating the progress made in meeting the  
13 compact goals for each consortium through the development and  
14 collection of performance indicator data; and

15 (2) Providing each consortium with a model format for  
16 developing and revising a consortium compact outlining strategies  
17 and procedures for achieving stated goals. The compact shall be  
18 submitted to the Council and State Board for their respective  
19 approvals before July 1, 2012, and annually thereafter. The  
20 Council is responsible for approving the compact components related  
21 to community and technical college education. The State Board is  
22 responsible for approving the compact components related to career  
23 and technical education. Each compact shall include implementation

1 of seamless programs of study, the Collaborative Degree Completion  
2 Program and the West Virginia EDGE Program.

3 **ARTICLE 14. MISCELLANEOUS.**

4 **§18B-14-1. Select committee on outcomes-based funding models in**  
5 **higher education.**

6 (a) The Legislature makes the following findings regarding  
7 public higher education:

8 (1) It is in the best interest of the citizens to have an  
9 effective and comprehensive system for the delivery of public  
10 higher education services. In order to achieve desired goals of  
11 economic growth and societal well being, it is critical that more  
12 citizens have some level of education beyond high school.

13 (2) In Senate Bill 595 (*Vision 2020*), enacted in 2008 regular  
14 session, state policymakers established detailed goals and  
15 objectives that state institutions are expected to work toward  
16 achieving by the year 2020. *Vision 2020* also provides mechanisms  
17 for measuring success and for holding the state systems of higher  
18 education accountable. It establishes clear-cut connections  
19 between the budget cycle, the goals and objectives and both  
20 positive and negative consequences.

21 (3) A variety of policy tools are available to influence and  
22 direct public higher education behavior, including organizing  
23 institutions into functional systems, creating governance

1 structures and mechanisms designed to ensure that these systems and  
2 individual institutions focus on the public policy agenda and  
3 establishing outcomes-based goals, accountability measures and  
4 regulatory devices.

5       (4) While these policy tools are useful, they are not  
6 sufficient to influence institutions, students and employers to  
7 behave in ways consistent with achieving the goals and objectives  
8 of *Vision 2020* the public policy agenda. Resources appropriated to  
9 public higher education are used most effectively and efficiently  
10 when the attention of state colleges and universities is focused on  
11 meeting established priorities. This focus is developed and  
12 sustained only when the state financing policy contains a direct  
13 connection between the Legislature's power to appropriate money and  
14 desired institutional outcomes. Unlike rules which can be bent;  
15 law can be creatively interpreted; accountability requirements  
16 which can lose their effectiveness as they are filtered through  
17 layers of bureaucracy; and responsibility for implementation which  
18 is divided among agencies and, ultimately, is totally dependent  
19 upon institutional discretion, a financing policy that ties the  
20 flow of funds directly to progress on achieving established state  
21 goals and objectives commands immediate attention.

22       (b) It is the constitutional responsibility of the Legislature  
23 to determine how to make the best use of available resources to



1 meet state needs and established goals; therefore, the Joint  
2 Committee on Government and Finance shall create a select committee  
3 for the two-fold purpose of making a specific and detailed analysis  
4 of outcomes-based funding models used in higher education and  
5 providing recommendations to the Legislature on incorporating one  
6 or more of these models as an effective piece of the state's  
7 financing policy.

8 (c) The select committee consists of the following members:

9 (1) The President of the Senate or designee;

10 (2) The Speaker of the House of Delegates or designee;

11 (3) The chairs of the Senate and House of Delegates Committees  
12 on Education, who shall cochair the committee;

13 (4) The vice chairs of the Senate and House of Delegates  
14 Committees on Education;

15 (5) The chairs of the Senate and House of Delegates Committees  
16 on Finance or their designees;

17 (6) The cochairs of the Joint Commission on Economic  
18 Development or their designees;

19 (7) Two members each from the Senate Committees on Finance and  
20 Education appointed by the President of the Senate; and

21 (8) Two members each from the House Committees on Finance and  
22 Education appointed by the Speaker of the House.

23 (d) The select committee shall develop a report with

1 recommendations on implementing a state-level financing plan which  
2 includes, but is not limited to, the following items:

3 (1) A review of existing outcomes-based funding models for  
4 institutions and systems of higher education;

5 (2) Identification of the top three to five public policy  
6 objectives that are to be the focus of the financing policy;

7 (3) A review of outcomes-based funding models implemented in  
8 other states, including an evaluation of the degree to which these  
9 policies have succeeded in influencing institutional and system  
10 behavior;

11 (4) Recommendations on methods to balance the inherent need of  
12 institutions for stability with the demands of the state for  
13 services as identified in *Vision 2020* and the public policy agenda;

14 (5) Recommendations on methods to develop a workable balance  
15 between addressing the well-being of institutions and the success  
16 of students; and

17 (6) An analysis of the impact of different models on  
18 institutions with widely-differing missions, including  
19 recommendations on selecting and implementing the appropriate model  
20 for each type of institution specifically noting the impact of  
21 selected models on community and technical colleges, baccalaureate  
22 colleges and regional universities, and research universities.

23 (e) The committee shall commence its work before May 15, 2012,

1 and shall deliver its report and recommendations, together with  
2 draft legislation to implement the recommendations, to the  
3 Legislative Oversight Commission on Education Accountability and  
4 the Joint Committee on Government and Finance by December 1, 2012.