

ENROLLED

Senate Bill No. 436

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

[Passed March 10, 2012; in effect from passage.]

AN ACT to repeal §18-27-1, §18-27-2, §18-27-3, §18-27-4, §18-27-5, §18-27-6, §18-27-7, §18-27-8, §18-27-9, §18-27-10, §18-27-11, §18-27-12, §18-27-13, §18-27-14, §18-27-15, §18-27-16, §18-27-17, §18-27-18, §18-27-19, §18-27-20, §18-27-21 and §18-27-22 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-10 of said code; to amend and reenact §18-2B-1, §18-2B-2, §18-2B-3, §18-2B-4 and §18-2B-7 of said code; to amend said code by adding thereto a new article, designated §18-13-1, §18-13-2, §18-13-3, §18-13-4 and §18-13-5; to amend said code by adding thereto a new article, designated §18B-3B-1, §18B-3B-2 and §18B-3B-3; to amend and reenact §18B-3C-1, §18B-3C-2 and §18B-3C-4 of said code; and to amend said code by adding thereto a new section, designated §18B-14-1, all relating to public education generally; state institutions of higher education; career and technical education; seamless curricula; programs of study; requiring state board to provide adult basic education programs on certain college campuses; creating West Virginia EDGE initiative; establishing initiative goals; providing for administration and accountability; requiring certain joint rule; clarifying that no specific level of appropriation is required; creating collaborative degree completion program; setting forth legislative findings, intent and program

objectives; specifying program applicability; setting forth powers and duties of participating agencies; requiring certain agreements and specifying approval procedures; clarifying legislative findings and intent regarding community and technical college system; renaming certain consortia planning districts and clarifying duties; specifying certain accountability procedures; providing for consortia cochairs; assigning responsibility for developing collaborative degree completion programming; defining programs of study and directing consortia to focus on identifying and providing student programs of study leading to placement in high-demand, high-wage occupations; requiring initial consortia compacts and annual updates by certain date and specifying approval process; specifying facilitating institutions for certain consortia; providing for select committee to examine higher education outcomes-based funding models; specifying membership; requiring report of findings with recommendations to Legislative Oversight Commission on Education Accountability and Joint Committee on Government and Finance by certain date; updating names of agencies and institutions; making technical corrections; and deleting obsolete language.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 18. EDUCATION.**ARTICLE 2. STATE BOARD OF EDUCATION.****§18-2-10. Certificates and awards.**

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

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

ARTICLE 2B. AREA VOCATIONAL PROGRAM.**§18-2B-1. Aims and purposes of program; areas where available.**

1 The aims and purposes of the area vocational educational
2 program are to provide vocational training or retraining on
3 an organized basis designed to prepare individuals for useful
4 employment in recognized occupations. The program shall be
5 made available to residents of West Virginia in an area or
6 areas designated and approved by the State Board.

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

1 (a) The State Board may establish, operate and maintain
2 area vocational educational programs including the acquisi-
3 tion by purchase, lease, gift or otherwise of necessary lands
4 and the construction, expansion, remodeling, alteration and

5 equipping of necessary buildings for the purpose of operating
6 and conducting educational training centers.

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

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

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

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

1 The State Board may expend the area vocational educa-
2 tion program funds for salaries; teachers' retirement contri-
3 butions and necessary traveling expenses of teachers and
4 other necessary employees, including, but not limited to,
5 vocational guidance counselors; for purchase, rental, mainte-
6 nance and repair of instructional equipment, buildings and

7 supplies; and for the necessary costs of transportation of
8 certified students.

§18-2B-7. Transportation of students.

1 The State Board may pay for the transportation of any
2 certified unemployed person participating in any area
3 vocational educational program during the period of time
4 that he or she is engaged in the training program at any of
5 the instructional centers.

ARTICLE 13. West Virginia EDGE.

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

1 The Earn a Degree - Graduate Early initiative herein
2 established is known and may be cited as “West Virginia
3 EDGE”. This program is part of the programs of study and
4 seamless curriculum initiative that focuses on aligning
5 curriculum between education levels. Specifically, West
6 Virginia EDGE is established to connect public schools with
7 higher education for the following purposes:

8 (a) To prepare public high school students for success in
9 the workplace or postsecondary education; and

10 (b) To provide the opportunity for these students to earn
11 community and technical college credit free-of-charge for
12 the duplicated secondary and postsecondary courses identi-
13 fied during the curriculum alignment process.

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

1 In order to serve the citizens of the state by promoting a
2 higher college-going rate, reducing the time and cost for
3 students to obtain college credentials and expanding oppor-
4 tunities for economic development, the West Virginia EDGE
5 initiative shall meet the following goals:

6 (1) Create incentives for more students to continue their
7 education beyond high school by providing all students with

8 information about and access to courses that will prepare
9 them to meet college-level standards;

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

15 (3) Align junior and senior year secondary courses with
16 community and technical college certificate and associate
17 degree programs. This alignment provides access to early
18 entrance college courses which offer all students the oppor-
19 tunity to establish a college transcript while still in high
20 school;

21 (4) Increase the number of students attending public
22 community and technical colleges by participating in a
23 collaborative partnership between the public schools and the
24 state community and technical colleges; and

25 (5) Establish programs of study pathways in combination
26 with early entrance college courses which together allow a
27 student to obtain an associate degree one year after high
28 school graduation or to receive an associate degree along
29 with the high school diploma.

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

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

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

10 (1) Developing a collaborative agreement with the
11 facilitating state community and technical college or colleges

12 in each consortium district and with the Council for Commu-
13 nity and Technical College Education to meet the goals and
14 objectives of this article.

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

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

21 (B) By tracking and evaluating EDGE outcomes across
22 all eight consortia districts and by creating a standardized
23 reporting procedure for collecting consistent EDGE data at
24 the state level;

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

29 (4) Providing documentation to substantiate program
30 outcomes, including, but not limited to, the number of
31 students who enroll in the program, specific courses taken,
32 student course and final exam grades, the number who earn
33 EDGE credits and, of these, the number who apply the
34 credits in pursuit of degrees or certifications at state commu-
35 nity and technical colleges; and

36 (5) Collecting data relevant to the goals and objectives
37 established for this initiative, analyzing the data, and
38 preparing a report for the Legislative Oversight Commission
39 on Education Accountability by December 1, 2012, and
40 annually thereafter. The specific focus of the report is the
41 analysis of data on program outcomes to demonstrate to
42 what degree the initiative has met the goals and objectives of
43 this article.

§18-13-4. Joint rule required.

1 The State Board and the West Virginia Council for
2 Community and Technical College Education, created in

3 section three, article two-b, chapter eighteen-b of this code,
4 shall promulgate a joint legislative rule in accordance with
5 article three-b, chapter twenty-nine-a of this code, for the
6 administration of West Virginia EDGE. This rule shall
7 incorporate strategies designed to achieve the overall goals
8 of the program, methods of operation, and step-by-step
9 procedures for achieving the objectives outlined in section
10 two and for implementing the reporting and accountability
11 measures set forth in section three of this article.

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

1 The Legislature recognizes the importance of the West
2 Virginia Edge Program and will endeavor to provide suffi-
3 cient funds to meet program goals and objectives. However,
4 funding is subject to appropriation by the Legislature and
5 nothing in this article requires any specific level of appropri-
6 ation.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 3B. COLLABORATIVE DEGREE COMPLETION PROGRAM.

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

1 (a) The Legislature makes the following findings:

2 (1) Evidence from national studies shows clearly that the
3 need to increase the number of Americans who hold
4 post-secondary credentials has reached a critical point.
5 According to *Complete College America*, the United States
6 has fallen from its long-held position as first among the
7 nations and now ranks tenth in the percentage of young
8 adults with a college degree. Even more discouraging is the
9 statistic which shows that, for the first time in national
10 history, the current generation of college-age Americans will
11 be less educated than their parents' generation.

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

15 (A) Lack of alignment in courses between public educa-
16 tion and public colleges and universities;

17 (B) Lack of clear career pathways presented to students
18 early enough to help them choose and follow an articulated
19 path from high school through postsecondary education; and

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

23 (3) Sixty-three percent of jobs now available or to
24 become available in the near future require postsecondary
25 education. This statistic is particularly relevant for commu-
26 nity and technical college students, but even for students
27 who choose to pursue a four-year degree, it is critical that
28 they be clearly focused on career goals in order to succeed.

29 (4) Currently, a severe gap exists between the demands
30 for technically skilled workers in West Virginia and the
31 aspirations and programmatic focus of many of our students.
32 Nearly thirty percent of the state's high school students have
33 failed to enroll in either the pre-baccalaureate professional
34 pathway or the career and technical education skilled
35 pathway. Most of these individuals could be better served in
36 a focused program of study that begins in the public schools
37 and makes a seamless transition to the postsecondary level
38 in the state community and technical colleges.

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

46 (6) In West Virginia, preparing students to achieve higher
47 levels of education is a responsibility shared among the state
48 agencies responsible for providing education and workforce
49 development training. Since increasing the education level

50 of state citizens enhances West Virginia's economic future
51 and the general well-being of its citizens, providing addi-
52 tional opportunities to earn a college credential is the
53 responsibility of all public secondary education and state
54 institutions of higher education.

55 (b) It is the intent of the Legislature to encompass the
56 entire public higher education system to remove those
57 obstacles that block these pathways to college completion
58 and to direct agencies and institutions to collaborate and
59 cooperate to deliver needed services. Therefore, the object of
60 this article is two-fold:

61 (1) To set forth a viable collaborative model that public
62 community and technical colleges and public school career
63 centers shall adopt to increase the number of West Virgin-
64 ians with a college credential; and

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

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

1 (a) The Collaborative Degree Completion Program is
2 hereby established as a collaborative partnership which
3 includes the following:

4 (1) The public school career and technical centers which
5 includes state technology centers, technical centers, career
6 centers and career/technical centers; and

7 (2) The state community and technical colleges.

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

9 (1) Increasing the number of West Virginians who hold a
10 college credential and providing opportunities for a larger
11 number of adults to earn that credential;

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

14 (3) Delivering post-secondary technical education in the
15 most effective and cost efficient manner by maximizing the
16 available resources of career centers and community and
17 technical colleges.

18 (c) The program shall be adopted by each community and
19 technical college/career and technical education consortia
20 planning district. Each district shall assess the needs of its
21 employers, institutions and centers and may adapt the basic
22 model to fit the needs of the area to be served; however, each
23 model shall include the following basic strategies to meet the
24 objectives established in this article:

25 (1) Identify postsecondary adult career-technical educa-
26 tion programs offered by the public school career centers
27 that are to be evaluated for delivery as a Certificate of
28 Applied Science or an Associate of Applied Science Degree;

29 (2) Ensure that all collaborative programs meet the
30 conditions of the Higher Learning Commission of the North
31 Central Association of Schools and Colleges which is the
32 accrediting body for state community and technical colleges;

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

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

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

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

8 (a) The following activities are the responsibility of the
9 facilitating community and technical college in each consor-
10 tia planning district:

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

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

15 (3) Deliver all program general education courses;

16 (4) Award the appropriate degree;

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

19 (6) Enroll students through the college's admission and
20 registration process and administer student financial aid,
21 including coordinating and administering veterans' educa-
22 tion benefits;

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

24 (8) Pay the career and technical center for technical
25 faculty time.

26 (b) The following activities are the responsibility of each
27 career and technical center within the consortium planning
28 district:

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

30 (2) Maintain equipment and laboratories and provide
31 adequate instructional space if the program is delivered
32 onsite at the career and technical center; and

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

36 (c) The following activities are the joint responsibility of
37 the facilitating community and technical college and each

38 career and technical center in the consortium planning
39 district:

- 40 (1) Maintain programmatic accreditation, if required;
- 41 (2) Maintain student transcripts at both the community
42 and technical college and the career and technical center.
43 The college transcript is the official transcript of record;
- 44 (3) Determine admission standards and student accep-
45 tance into the programs;
- 46 (4) Market the program and share the cost of marketing
47 as determined in the consortia agreement;
- 48 (5) Develop and implement a program of cross counseling
49 in which counselors from secondary and postsecondary
50 career and technical centers and state community and
51 technical colleges meet with students and their parents,
52 beginning in the eighth grade to answer their education and
53 career-related questions, to serve as a source of support
54 through high school graduation and to provide specific,
55 targeted information on career pathways and financial aid
56 opportunities; and
- 57 (6) Determine the feasibility of collaboratively develop-
58 ing and implementing postsecondary-level programs to
59 extend high school programs that currently are terminal.

ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.

§18B-3C-1. Legislative findings.

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

- 3 (1) Community and technical colleges are a distinctively
4 American invention. They fill a critical gap between public
5 secondary education and the baccalaureate institutions and
6 universities and they provide a connection between adult
7 basic education and higher education. Their overriding
8 mission is to provide affordable access to postsecondary
9 education and to provide this education and related services

10 to people who otherwise might not have enrolled in a college
11 or university. They provide access to students who live in
12 geographic proximity and who seek low-cost postsecondary
13 education.

14 (2) As the state's primary provider of workforce educa-
15 tion and training, community and technical colleges located
16 in every region of West Virginia are essential to a statewide
17 strategy to prepare students for high-demand, high-wage
18 jobs, workforce development necessary to diversify and grow
19 the state's economy, and further postsecondary education
20 and life long learning.

21 (3) The mission of state community and technical colleges
22 is to provide comprehensive education services that combine
23 the critical functions of career-technical education and work
24 force development, non-credit industry training, transfer
25 education, developmental education and continuing educa-
26 tion.

27 (4) While the student population of state community and
28 technical colleges is now evenly divided between those who
29 are under age twenty-five and adults who are twenty-five
30 and older, the number in both categories who earn a degree
31 or industry-recognized certificate within six years remains
32 low. The declining numbers of high school graduates in the
33 state makes it imperative for the community and technical
34 college system to focus on increasing the numbers of adults
35 who enroll and who complete programs to earn a degree or
36 industry-recognized certificate within six years.

37 (b) In carrying out their mission, the governing boards of
38 the community and technical colleges shall collaborate with
39 public high schools and career and technical centers to
40 deliver services effectively and efficiently in the locations
41 where they are needed most.

§18B-3C-2. Legislative intent.

1 The following comprise the intent of the Legislature in
2 enacting this article:

3 (a) To establish community and technical college educa-
4 tion that is well articulated with the public schools, the
5 career and technical education centers and other state
6 institutions of higher education; that encourages traditional
7 and nontraditional students and adult learners to pursue a
8 lifetime of learning; that serves as an instrument of economic
9 development; and that has the independence and flexibility
10 to respond quickly to changing needs of citizens and employ-
11 ers in the state;

12 (b) To establish community and technical college/career
13 and technical education consortia districts for each of the
14 community and technical colleges in order to ensure that the
15 full range of community and technical college education
16 programs and services is provided in all areas of the state,
17 including the implementation of seamless programs of study
18 as exemplified by West Virginia EDGE, established in article
19 thirteen, chapter eighteen of this code and the Collaborative
20 Degree Completion Program, established in article three-b
21 of this chapter;

22 (c) To define the full range of programs and services that
23 each community and technical college has the responsibility
24 to provide; and

25 (d) To establish other policies and procedures necessary
26 to ensure that the needs of West Virginia, its people and its
27 businesses are met for the programs and services that can be
28 provided through a comprehensive system of community and
29 technical colleges.

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

1 (a) Unless otherwise designated, the presidents of the
2 community and technical colleges facilitate the formation of
3 community and technical college/career and technical
4 education consortia in the state. Each consortium includes
5 representatives of community and technical colleges, public
6 career and technical education centers and state baccalaure-

7 ate institutions offering associate degrees. The consortium is
8 responsible for carrying out the following actions:

9 (1) Completing a comprehensive assessment of the
10 district to determine what education and training programs
11 are necessary to meet the short- and long-term workforce
12 development needs of the district;

13 (2) Coordinating efforts with regional labor market
14 information systems to identify the ongoing needs of business
15 and industry, both current and projected, and to provide
16 information to assist in an informed program of planning and
17 decision-making;

18 (3) Planning and developing a unified effort between the
19 community and technical colleges and public career and
20 technical education to meet the documented workforce
21 development needs of the district through individual and
22 cooperative programs; shared facilities, faculty, staff,
23 equipment and other resources; and the development and use
24 of distance learning and other education technologies;

25 (4) Collaborating and developing jointly the collaborative
26 programming for adults between the community and techni-
27 cal colleges and the public career and technical centers. The
28 focus of these collaborative efforts is the development of
29 advanced skill programming that builds on the secondary
30 curriculum and allows career and technical education
31 graduates to acquire more in-depth preparation in their
32 occupational area of interest;

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

39 (6) Increasing the integration of secondary and
40 post-secondary curriculum and programs that are targeted
41 to meet regional labor market needs, including implementing

42 seamless programs of study, including West Virginia EDGE,
43 and the Collaborative Degree Completion Program:

44 (A) Research shows that well-planned, well-coordinated
45 programs of study have a positive impact on school atten-
46 dance, student grades, achievement scores, retention rates
47 and career planning. To be successful, programs of study
48 must include coherent and rigorous content aligned with
49 challenging academic standards and relevant career and
50 technical education content. They must provide for student
51 movement through a coordinated, nonduplicative progres-
52 sion of courses that align secondary education with commu-
53 nity and technical college education to prepare students to
54 succeed at the community and technical college level and in
55 high-wage, high-demand occupations;

56 (B) Therefore, the focus of each consortium is to identify
57 the high-demand, high-wage occupations within the service
58 district and develop programs of study, based on the find-
59 ings, that lead to an industry-recognized credential, a
60 certificate of applied science degree or an associate degree;

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

65 (7) Planning and implementing integrated professional
66 development activities for secondary and post-secondary
67 faculty, staff and administrators;

68 (8) Ensuring that program graduates have attained the
69 competencies required for successful employment through
70 the involvement of business, industry and labor in establish-
71 ing student credentialing;

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

77 (10) Cooperating with workforce investment boards to
78 establish one-stop-shop career centers with integrated
79 employment and training and labor market information
80 systems that enable job seekers to assess their skills, identify
81 and secure needed education training, and secure employ-
82 ment, and that allow employers to locate available workers;

83 (11) Increasing the integration of adult literacy, adult
84 basic education, federal Work Force Investment Act and
85 community and technical college programs and services to
86 expedite the transition of adults from welfare to gainful
87 employment, including cooperating with the State Depart-
88 ment of Education to provide adult basic education programs
89 on each community and technical college campus in the state
90 where developmental education services are provided; and

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

94 (b) The community and technical college education
95 consortium shall cooperate with the regional workforce
96 investment board in the district and shall participate in any
97 development or amendment to the regional workforce
98 investment plan.

99 (c) To carry out the provisions of this section, community
100 and technical college/career and technical education consor-
101 tia planning districts are established and defined as follows:

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

104 (A) The facilitating institution is West Virginia Northern
105 Community and Technical College.

106 (B) Participating institutions include West Virginia
107 Northern Community and Technical College; John Marshall
108 High School; Cameron High School; John D. Rockefeller IV
109 Career Center; and other public career and technical centers
110 offering post-secondary programs.

111 (2) North Central West Virginia District includes
112 Monongalia, Marion, Preston, Taylor, Barbour, Randolph,
113 Doddridge, Harrison, Braxton, Lewis, Calhoun, Gilmer and
114 Upshur counties.

115 (A) The facilitating institution is Pierpont Community
116 and Technical College.

117 (B) Participating institutions include Pierpont Commu-
118 nity and Technical College; Glenville State College;
119 Randolph County Technical Center; Monongalia County
120 Technical Education Center; United Technical Center;
121 Marion County Technical Center; Fred W. Eberle Technical
122 Center; Calhoun Gilmer Career Center; Taylor County
123 Technical Center; and other public career and technical
124 centers offering post-secondary programs.

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

127 (A) The facilitating institution is West Virginia Univer-
128 sity at Parkersburg.

129 (B) Participating institutions include West Virginia
130 University at Parkersburg; Roane-Jackson Technical Center;
131 Wood County Technical Center; Mid Ohio Valley Technical
132 Institute and other public career and technical centers
133 offering post-secondary programs.

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

136 (A) The facilitating institution is Eastern West Virginia
137 Community and Technical College.

138 (B) Participating institutions include Eastern West
139 Virginia Community and Technical College; South Branch
140 Career and Technical Center; Mineral County Technical
141 Center; and other public career and technical centers
142 offering post-secondary programs.

143 (5) Shenandoah Valley District includes Berkeley,
144 Jefferson and Morgan counties.

145 (A) The facilitating institution is Blue Ridge Community
146 and Technical College.

147 (B) Participating institutions include Blue Ridge Commu-
148 nity and Technical College; James Rumsey Technical
149 Institute; and other public career and technical centers
150 offering post-secondary programs.

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

153 (A) The facilitating institution for Cabell, Mason and
154 Wayne counties is Mountwest Community and Technical
155 College. The facilitating institutions for Clay, Fayette,
156 Kanawha and Putnam counties are Bridgemont Community
157 and Technical College and Kanawha Valley Community and
158 Technical College.

159 (B) Participating institutions include Mountwest Com-
160 munity and Technical College; Bridgemont Community and
161 Technical College; Kanawha Valley Community and Techni-
162 cal College; Carver Career and Technical Education Center;
163 Garnet Career Center; Ben Franklin Career and Technical
164 Center; Putnam Career and Technical Center; Cabell County
165 Career-Technology Center; Mason County Career Center;
166 and other public career and technical centers offering
167 post-secondary programs.

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

170 (A) The facilitating institution is Southern West Virginia
171 Community and Technical College.

172 (B) Participating institutions include Southern West
173 Virginia Community and Technical College; Boone County
174 Career and Technical Center; Wyoming County Career and
175 Technical Center; Ralph R. Willis Career and Technical
176 Center; McDowell County Career and Technology Center;

177 Mingo Extended Learning Center; and other public career
178 and technical centers offering post-secondary programs.

179 (8) Southeastern District includes Raleigh, Summers,
180 Fayette, Nicholas, Webster, Pocahontas, Greenbrier, Monroe
181 and Mercer counties.

182 (A) The facilitating institution is New River Community
183 and Technical College.

184 (B) Participating institutions include New River Commu-
185 nity and Technical College; Bridgemont Community and
186 Technical College; Bluefield State College; Academy of
187 Careers and Technology; Fayette Institute of Technology;
188 Summers County High School; Monroe County Technical
189 Center; Mercer County Technical Education Center; Nicholas
190 County Career and Technical Center; and other public career
191 and technical centers offering post-secondary programs.

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

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

195 (B) A career and technical education center administra-
196 tor, or his or her designee, representing one of the participat-
197 ing institutions and selected by the consortium administra-
198 tive leaders.

199 (d) In the role of the facilitating institution of the
200 consortium, the college:

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

202 (2) Facilitates the delivery of comprehensive community
203 and technical college education in the region, which includes
204 the seven areas of comprehensive community and technical
205 college education delivery as required by section six of this
206 article;

207 (3) Facilitates development of a statement of commitment
208 signed by all participating institutions in the region setting

209 forth how community and technical college education will be
210 delivered; and

211 (4) Facilitates the development of a consortium compact
212 to be submitted to the Council and State Board before July
213 1, 2012, and annually thereafter.

214 (e) Participating institutions are not subordinate to the
215 facilitating institution but shall sign the statement of
216 commitment to participate.

217 (f) The Council is responsible for carrying out the
218 following activities:

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

222 (2) Providing each consortium with a model format for
223 developing and revising a consortium compact outlining
224 strategies and procedures for achieving stated goals. The
225 compact shall be submitted to the Council and State Board
226 for their respective approvals before July 1, 2012, and
227 annually thereafter. The Council is responsible for approving
228 the compact components related to community and technical
229 college education. The State Board is responsible for approv-
230 ing the compact components related to career and technical
231 education. Each compact shall include implementation of
232 seamless programs of study, the Collaborative Degree
233 Completion Program and the West Virginia EDGE Program.

ARTICLE 14. MISCELLANEOUS.

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

1 (a) The Legislature makes the following findings regard-
2 ing public higher education:

3 (1) It is in the best interest of the citizens to have an
4 effective and comprehensive system for the delivery of public
5 higher education services. In order to achieve desired goals
6 of economic growth and societal well being, it is critical that

7 more citizens have some level of education beyond high
8 school.

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

17 (3) A variety of policy tools are available to influence and
18 direct public higher education behavior, including organiz-
19 ing institutions into functional systems, creating governance
20 structures and mechanisms designed to ensure that these
21 systems and individual institutions focus on the public policy
22 agenda and establishing outcomes-based goals, accountabil-
23 ity measures and regulatory devices.

24 (4) While these policy tools are useful, they are not
25 sufficient to influence institutions, students and employers
26 to behave in ways consistent with achieving the goals and
27 objectives of *Vision 2020* the public policy agenda. Resources
28 appropriated to public higher education are used most
29 effectively and efficiently when the attention of state
30 colleges and universities is focused on meeting established
31 priorities. This focus is developed and sustained only when
32 the state financing policy contains a direct connection
33 between the Legislature's power to appropriate money and
34 desired institutional outcomes. Unlike rules which can be
35 bent; law can be creatively interpreted; accountability
36 requirements which can lose their effectiveness as they are
37 filtered through layers of bureaucracy; and responsibility for
38 implementation which is divided among agencies and,
39 ultimately, is totally dependent upon institutional discretion,
40 a financing policy that ties the flow of funds directly to
41 progress on achieving established state goals and objectives
42 commands immediate attention.

43 (b) It is the constitutional responsibility of the Legisla-
44 ture to determine how to make the best use of available
45 resources to meet state needs and established goals; there-
46 fore, the Joint Committee on Government and Finance shall
47 create a select committee for the two-fold purpose of making
48 a specific and detailed analysis of outcomes-based funding
49 models used in higher education and providing recommenda-
50 tions to the Legislature on incorporating one or more of these
51 models as an effective piece of the state's financing policy.

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

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

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

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

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

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

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

64 (7) Two members each from the Senate Committees on
65 Finance and Education appointed by the President of the
66 Senate; and

67 (8) Two members each from the House Committees on
68 Finance and Education appointed by the Speaker of the
69 House.

70 (d) The select committee shall develop a report with
71 recommendations on implementing a state-level financing
72 plan which includes, but is not limited to, the following
73 items:

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

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

78 (3) A review of outcomes-based funding models imple-
79 mented in other states, including an evaluation of the degree
80 to which these policies have succeeded in influencing
81 institutional and system behavior;

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

86 (5) Recommendations on methods to develop a workable
87 balance between addressing the well-being of institutions
88 and the success of students; and

89 (6) An analysis of the impact of different models on
90 institutions with widely-differing missions, including
91 recommendations on selecting and implementing the appro-
92 priate model for each type of institution specifically noting
93 the impact of selected models on community and technical
94 colleges, baccalaureate colleges and regional universities,
95 and research universities.

96 (e) The committee shall commence its work before May
97 15, 2012, and shall deliver its report and recommendations,
98 together with draft legislation to implement the recommen-
99 dations, to the Legislative Oversight Commission on Educa-
100 tion Accountability and the Joint Committee on Government
101 and Finance by December 1, 2012.

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

.....
Chairman Senate Committee

.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

.....
President of the Senate

.....
Speaker of the House of Delegates

The within this the
Day of, 2012.

.....
Governor