

Senate Bill No. 436

(By Senators Plymale, Browning, Unger, Kessler (Mr. President),
Prezioso, Klempa, Beach and Jenkins)

[Introduced January 26, 2012; referred to
the Committee on Education.]

A BILL to repeal §18-2B-5 of the Code of West Virginia, 1931, as amended; 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 said code; 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; 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 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 between community and technical college consortia and career and technical centers; clarifying legislative findings and intent regarding community and technical college system; clarifying duties of community and technical college consortia planning districts and specifying certain accountability procedures; 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; specifying facilitating institutions for certain community and technical college consortium; 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 §18-2B-5 of the Code of West Virginia, 1931, as amended, be repealed; 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 said code 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 of Education shall ~~make~~ promulgate
2 rules ~~and regulations~~ and shall determine the minimum
3 standards for the granting of certificates and awards for
4 secondary vocational education, adult basic education, adult
5 occupational education and adult technical preparatory
6 education, subject to the provisions of section two, article
7 two-b of this chapter and article three-a of chapter eigh-
8 teen-b of this code.

9 The state board shall provide a program of adult basic
10 education at each state community and technical college
11 campus where developmental education services are pro-
12 vided in cooperation with the West Virginia Council for
13 Community and Technical College Education and the
14 institutional board of governors of each college. This ap-

15 proach to providing adult basic education links these
 16 programs with developmental education and creates a
 17 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 ~~shall be~~ are to provide vocational training or
 3 retraining on an organized basis designed to prepare individ-
 4 uals for useful employment in recognized occupations. The
 5 program shall be made available to residents of West
 6 Virginia in an area or areas designated and approved by the
 7 ~~West Virginia board of vocational education~~ 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. ~~of Education or the board of directors, as the case~~
12 ~~may be.~~

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

1 (a) ~~The state board of Education and the board of~~
2 ~~directors, as the case may be, are authorized and empowered~~
3 ~~to~~ may expend the area vocational education program funds
4 for salaries; teachers' retirement contributions and necessary
5 traveling expenses of teachers and other necessary employ-
6 ees, including, but not limited to, vocational guidance
7 counselors; for purchase, rental, maintenance and repair of
8 instructional equipment, buildings and supplies; and for the
9 necessary costs of transportation of certified students.

10 (b) Title to any property, equipment, tools, furniture or
11 instructional materials purchased prior to July 1, 1989, out
12 of the fund provided for area vocational education program
13 funds previously established and existing immediately prior
14 to that date is transferred to and vested in the state board.
15 After July 1, 1989, purchases from funds established in this
16 article are vested in the state board.

§18-2B-7. Transportation of students.

1 The state board ~~of vocational education is hereby~~
2 ~~authorized and empowered to~~ may pay the transportation of

3 any certified unemployed person participating in any area
4 vocational educational program during the period of time
5 that he or she is engaged in ~~said~~ the training program at any
6 of 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 consortia
5 planning districts created by section four, article three-c,
6 chapter eighteen-b of this code serve as regional consortia to
7 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 outcomes across all eight
22 consortia districts and by creating a standardized reporting
23 procedure for collecting consistent data at the state level;

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

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

35 (5) Collecting data relevant to the goals and objectives
36 established for this initiative, analyzing the data, and
37 preparing a report for the legislative oversight commission
38 on education accountability by December 1, 2012, and

39 annually thereafter. The specific focus of the report is the
40 analysis of data on program outcomes to demonstrate to
41 what degree the initiative has met the goals and objectives of
42 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 Legislature finds that the best way to promote
40 this focus on career goals among our students is through
41 implementation of career pathways. This is an integrated

42 collection of programs and services intended to develop
43 students' core academic, technical and employability skills;
44 provide them with continuous education and training; and
45 place them in 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 consortia planning district. Each district
20 shall assess the needs of its employers, institutions and
21 centers and may adapt the basic model to fit the needs of the
22 area to be served; however, each model shall include the
23 following basic strategies to meet the objectives established
24 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) Place the collaborative program under the direct
34 authority of the community and technical college as the
35 degree-granting institution. All collaborative programs shall
36 meet the academic standards of the participating college.

37 (4) Provide for the collaborative program to remain
38 onsite at the career and technical center if participating
39 agencies determine that site to be the best location for
40 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
2 consortia planning district shall enter into an agreement that
3 delineates the division of responsibilities among the facilitat-
4 ing community and technical college pursuant to section
5 four, article three-c of this chapter and the career and
6 technical centers, including activities for which these entities
7 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 diversity and grow
19 the state's economy, further postsecondary education and life
20 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 consor-
13 tia districts for each of the community and technical colleges
14 in order to ensure that the full range of community and
15 technical college education programs and services is pro-
16 vided in all areas of the state, including the implementation
17 of seamless programs of study as exemplified by West
18 Virginia EDGE, established in article thirteen, chapter
19 eighteen of this code and the Collaborative Degree Comple-
20 tion Program, established in article three-b of this chapter;

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

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

§18B-3C-4. Community and technical college consortia planning districts.

1 (a) Unless otherwise designated, the presidents of ~~each~~
2 ~~the~~ community and technical ~~college~~ colleges facilitates the
3 formation of community and technical college consortia in
4 the state. ~~which~~ Each consortium includes representatives of
5 community and technical colleges, public ~~voca-~~
6 ~~tional-technical~~ career and technical education centers and
7 ~~public~~ state baccalaureate institutions offering associate
8 degrees. The community and technical college consortium
9 ~~shall~~ is responsible for carrying out the following actions:

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

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

19 (3) Plan and develop a unified effort between the commu-
20 nity and technical colleges and public ~~vocational-technical~~

21 career and technical education to meet the documented
22 workforce development needs of the district through individ-
23 ual and cooperative programs, shared facilities, faculty, staff,
24 equipment and other resources and through the development
25 and use of distance learning and other education technolo-
26 gies;

27 (4) Oversee the development of collaborative program-
28 ming for adults between the community and technical
29 colleges and the public career and technical centers. The
30 focus of these collaborative efforts is the development of
31 advanced skill programming that builds on the secondary
32 curriculum and allows career and technical education
33 graduates to acquire more in-depth preparation in their
34 occupational area of interest.

35 ~~(4)~~ (5) Regularly review and revise curricula to ensure
36 that the work force needs are met; develop new programs
37 and phase out or modify existing programs, as appropriate,
38 to meet such needs; and streamline procedures for designing
39 and implementing customized training programs;

40 ~~(5)~~ (6) Increase the integration of secondary and
41 post-secondary curriculum and programs that are targeted
42 to meet regional labor market needs, including implementa-
43 tion of seamless ~~curricula projects~~ programs of study, in all

44 ~~major career pathways including~~ West Virginia EDGE, ~~Earn~~
45 ~~a Degree, Graduate Early Program and the Collaborative~~
46 Degree Completion Program:

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

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

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

68 ~~(6)~~ (7) Plan and implement integrated professional
69 development activities for secondary and post-secondary
70 faculty, staff and administrators;

71 ~~(7)~~ (8) Ensure that program graduates have attained the
72 competencies required for successful employment through
73 the involvement of business, industry and labor in establish-
74 ing student credentialing;

75 ~~(8)~~ (9) Performance assessment of student knowledge and
76 skills which may be gained from multiple sources so that
77 students gain credit toward program completion and ad-
78 vance more rapidly without repeating course work in which
79 they already possess competency;

80 ~~(9)~~ (10) Cooperate with workforce investment boards in
81 establishing one-stop-shop career centers with integrated
82 employment and training and labor market information
83 systems that enable job seekers to assess their skills, identify
84 and secure needed education training and secure employ-
85 ment and allow employers to locate available workers;

86 ~~(10)~~ (11) Increase the integration of adult literacy, adult
87 basic education, federal Work Force Investment Act and
88 community and technical college programs and services to
89 expedite the transition of adults from welfare to gainful

90 employment, ~~and~~ including cooperation with the State
91 Department of Education to provide adult basic education
92 programs on each community and technical college campus
93 in the state where developmental education services are
94 provided.

95 ~~(11)~~ (12) Establish a single point of contact for employers
96 and potential employers to access education and training
97 programs throughout the district.

98 (b) The community and technical college education
99 consortium shall cooperate with the regional workforce
100 investment board in the district and shall participate in any
101 development or amendment to the regional workforce
102 investment plan.

103 (c) To carry out the provisions of this section, community
104 and technical college consortia planning districts are
105 established and defined as follows:

106 (1) Northern Panhandle Community and Technical
107 College District includes Hancock, Brooke, Ohio, Marshall
108 and Wetzel counties.

109 (A) The facilitating institution is West Virginia Northern
110 Community and Technical College.

111 (B) Participating institutions include West Virginia
112 Northern Community and Technical College; John Marshall

113 High School; Cameron High School; John D. Rockefeller
114 Center; and other public ~~vocational schools~~ career and
115 technical centers offering post-secondary programs.

116 (2) North Central West Virginia Community and Techni-
117 cal College District includes Monongalia, Marion, Preston,
118 Taylor, Barbour, Randolph, Doddridge, Harrison, Braxton,
119 Lewis, Calhoun, Gilmer and Upshur counties.

120 (A) The facilitating institution is Pierpont Community
121 and Technical College. ~~a division of Fairmont State Univer-~~
122 ~~sity.~~

123 (B) Participating institutions include Pierpont Commu-
124 nity and Technical College ~~a division of Fairmont State~~
125 ~~University~~; Glenville State College; Randolph County
126 Vocational-Technical Center; Monongalia County Technical
127 Education Center; United Technical Center; Marion County
128 Technical Center; Fred W. Eberly Technical Center; and
129 other public ~~vocational schools~~ career and technical centers
130 offering post-secondary programs.

131 (3) Mid-Ohio Valley Community and Technical College
132 District includes Tyler, Pleasants, Ritchie, Wood, Wirt,
133 Jackson and Roane counties.

134 (A) The facilitating institution is West Virginia Univer-
135 sity at Parkersburg.

136 (B) Participating institutions include West Virginia
137 University at Parkersburg; West Virginia Northern Commu-
138 nity and Technical College; Roane-Jackson Technical Center;
139 Gaston Caperton Center; Wood County Technical Center;
140 and other public ~~vocational schools~~ career and technical
141 centers offering post-secondary programs.

142 (4) Potomac Highlands Community and Technical
143 College District includes Tucker, Pendleton, Grant, Hardy,
144 Mineral and Hampshire counties.

145 (A) The facilitating institution is Eastern West Virginia
146 Community and Technical College.

147 (B) Participating institutions include Eastern West
148 Virginia Community and Technical College; South Branch
149 Career and Technical Center; Mineral County Technical
150 Center; and other public ~~vocational schools~~ career and
151 technical centers offering post-secondary programs.

152 (5) Shenandoah Valley Community and Technical College
153 District includes Berkeley, Jefferson and Morgan counties.

154 (A) The facilitating institution is Blue Ridge Community
155 and Technical College.

156 (B) Participating institutions include Blue Ridge Commu-
157 nity and Technical College; James Rumsey Technical

158 Institute; and other public ~~vocational schools~~ career and
159 technical centers offering post-secondary programs.

160 (6) Advantage Valley Community and Technical College
161 District includes Fayette, Kanawha, Clay, Putnam, Cabell,
162 Mason and Wayne counties.

163 (A) The facilitating institution ~~is Marshall~~ for Cabell,
164 Mason and Wayne counties is Mountwest Community and
165 Technical College. The facilitating institutions for Clay,
166 Fayette, Kanawha and Putnam counties are Bridgemont
167 Community and Technical College and Kanawha Valley
168 Community and Technical College.

169 (B) ~~Every five years the council shall:~~

170 (i) ~~Evaluate the progress of the Advantage Valley~~
171 ~~Consortia toward achieving the goals and benchmarks of its~~
172 ~~compact;~~

173 (ii) ~~Evaluate the progress of each community and~~
174 ~~technical college in the district toward achieving the goals~~
175 ~~and benchmarks of its institutional compact;~~

176 (iii) ~~Determine which community and technical college~~
177 ~~in the district would best serve the needs of the district for~~
178 ~~the following five-year period if serving as the facilitating~~
179 ~~institution; and~~

180 (iv) ~~Designate the community and technical college~~
181 ~~selected pursuant to subparagraph (iii) of this paragraph to~~
182 ~~serve as the facilitating institution for the following~~
183 ~~five-year period.~~

184 (C) Participating institutions include ~~Marshall~~
185 Mountwest Community and Technical College; ~~the~~
186 Bridgemont Community and Technical College; ~~at West~~
187 ~~Virginia University Institute of Technology; West Virginia~~
188 ~~State~~ Kanawha Valley Community and Technical College;
189 Carver Career Center; Garnet Career Center; Ben Franklin
190 Career Center; Putnam County Vocational-Technical-
191 Occupational Center; Cabell County Career-Technical
192 Center; and other public ~~vocational schools~~ career and
193 technical centers offering post-secondary programs.

194 (7) Southern Mountains Community and Technical
195 College District includes Lincoln, Boone, Logan, Mingo,
196 Wyoming and McDowell counties.

197 (A) The facilitating institution is Southern West Virginia
198 Community and Technical College.

199 (B) Participating institutions include Southern West
200 Virginia Community and Technical College; New River
201 Community and Technical College; Boone County Career and

202 Technical Center; Wyoming County Vocational-Technical
203 Center; Ralph R. Willis Career and Technical Center;
204 McDowell County Career and Technology Center; Mingo
205 County Vocation-Technical Center; Charles Yeager Techni-
206 cal Center; and other public ~~vocational schools~~ career and
207 technical centers offering post-secondary programs.

208 (8) Southeastern Community and Technical College
209 District includes Raleigh, Summers, Fayette, Nicholas,
210 Webster, Pocahontas, Greenbrier, Monroe and Mercer
211 counties.

212 (A) The facilitating institution is New River Community
213 and Technical College.

214 (B) Participating institutions include New River Commu-
215 nity and Technical College; Southern West Virginia Commu-
216 nity and Technical College; ~~the~~ Bridgemont Community and
217 Technical College; ~~at West Virginia University Institute of~~
218 ~~Technology~~; Bluefield State College; Academy of Careers and
219 Technology; Fayette Plateau Vocation-Technology Center;
220 Summers County High School; Monroe County Technical
221 Center; Mercer County Technical Center; and other public
222 ~~vocational schools~~ career and technical centers offering
223 post-secondary programs.

224 (d) In the role of the facilitating institution of the
225 community and technical college ~~district~~ consortium, the
226 college:

227 (1) Communicates to the council;

228 (2) Facilitates the delivery of comprehensive community
229 and technical college education in the region, which includes
230 the seven areas of comprehensive community and technical
231 college education delivery as required by section six of this
232 article; ~~and~~

233 (3) Facilitates development of a statement of commitment
234 signed by all participating institutions in the region ~~as to~~
235 ~~how setting forth how~~ community and technical college
236 education will be delivered; and

237 (4) Facilitates the development of a consortium compact
238 to be submitted to the Council before July 1, 2012, and
239 annually thereafter.

240 (e) Participating institutions are not subordinate to the
241 facilitating institution but ~~will~~ shall sign the statement of
242 commitment to participate.

243 (f) ~~The council shall:~~ The Council is responsible for
244 carrying out the following activities:

245 (1) ~~Maintain guidelines for community and technical~~
246 ~~college consortia development;~~ Annually evaluating the

247 progress made in meeting the compact goals for each com-
248 munity and technical college consortium through the
249 development and collection of performance indicator data;
250 and

251 ~~(2) Set goals for each consortium based upon legislative~~
252 ~~goals for the delivery of comprehensive community and~~
253 ~~technical college education; and~~

254 ~~(3) (2) Maintain a~~ Providing each consortium with a
255 model format for developing and revising a consortium
256 compact outlining ~~plans~~ strategies and procedures for
257 achieving stated goals. ~~to~~ The compact shall be submitted to
258 the council ~~annually~~ for approval ~~(g) On or before November~~
259 ~~15 each year~~ July 1, 2012, and annually thereafter. each
260 ~~consortium shall submit to the council for approval a~~
261 ~~compact which outlines plans for obtaining the stated goals.~~
262 Each compact shall include ~~the~~ implementation of seamless
263 ~~curricula projects~~ programs of study, the Collaborative
264 Degree Completion Program and the West Virginia EDGE
265 Earn a Degree, Graduate Early Program.

266 ~~(h) The council annually shall evaluate the progress made~~
267 ~~in meeting the compact goals for each community and~~
268 ~~technical college consortia through the development and~~
269 ~~collection of performance indicator data.~~

ARTICLE 14. MISCELLANEOUS.**§18B-14-1. Legislative findings; establishment of select committee; membership; report on outcomes-based funding models in higher education; recommendations.**

1 (a) The Legislature makes the following findings public
2 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) The Legislature finds further that a variety of policy
18 tools are available to influence and direct public higher

19 education behavior, including organizing institutions into
20 functional systems, creating governance structures and
21 mechanisms designed to ensure that these systems and
22 individual institutions focus on the public policy agenda and
23 establishing outcomes-based goals, accountability measures
24 and regulatory devices.

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

41 upon institutional discretion, a financing policy that ties the
42 flow of funds directly to progress on achieving established
43 state goals and objectives commands immediate attention.

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

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

- 55 (1) The President of the Senate or designee;
56 (2) The Speaker of the House of Delegates or designee;
57 (3) The chairs of the Senate and House of Delegates
58 Committees on Education, who shall cochair the committee;
59 (4) The vice chairs of the Senate and House of Delegates
60 Committees on Education;
61 (5) The chairs of the Senate and House of Delegates
62 Committees on Finance or their designees;

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

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

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

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

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

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

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

83 (4) Recommendations on methods to balance the inherent
84 need of institutions for stability with the demands of the

85 state for services as identified in *Vision 2020* and the public
86 policy agenda;

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

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

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

(NOTE: The purpose of this bill is to facilitate and encourage collaboration between the public school system and public higher education to promote programs of study and seamless curricula; to establish the West Virginia EDGE initiative and the Collaboration Degree Completion Program; to require the State Board to offer adult basic education programs on community and technical college campuses; to establish a select committee to study and make recommendations on

outcomes-based funding models; and to update agency and institutional names and delete obsolete language.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§18-13-1, §18-13-2, §18-13-3, §18-13-4, §18-13-5, §18B-3B-1, §18B-3B-2, §18B-3B-3, and §18B-14-1 are new. §18-2B-2, §18B-3C-1, and §18B-3C-4 are completely rewritten; therefore, strike-throughs and underscoring have been omitted.)