

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2004

BY DELEGATES ESPINOSA, GRAVES, HARSHBARGER,
FOSTER, WORRELL, HANNA, DEAN, SYPOLT, HAMRICK
AND HOWELL

[Passed March 8, 2019; in effect ninety days from
passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto two new
2 sections, designated §18-2-7d and §18-2-42; to amend and reenact section §18B-3C-4 of
3 said code; to amend said code by adding thereto a new article, designated §21-1E-1, §21-
4 1E-2, §21-1E-3 and §21-1E-4; to amend and reenact section §29-3-9 of said code; and to
5 amend said code by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-
6 1E-3 and §30-1E-4, all relating to requiring a state board rule that adopts a program of
7 instruction in general workforce and career preparedness; providing career and technical
8 education program information to students and parents; requiring transcript of certain post-
9 secondary credits earned by public school students to be provided to them; ensuring that
10 certain career technical education students are eligible to participate in the graduation
11 ceremony in the same manner as all other students in the district; elevating priority on
12 program integration to meet region and state labor market needs by community and
13 technical college/career and technical education consortia; requiring the facilitating
14 institution to annually submit the Carl D. Perkins local planning guide to the Council for
15 Community and Technical College Education and State Board of Education; providing for
16 joint State Board and Council for Community and Technical College Education guidelines
17 on administration of the code section requiring the formation of community and technical
18 college/career and technical education consortia; providing joint responsibility of State
19 Superintendent and Chancellor for certain activities and reporting; requiring standards and
20 procedures for recognizing career technical training acquired in public schools,
21 apprenticeships and training programs toward occupational testing, certification and/or
22 licensure; establishing purpose and intent; providing definitions; requiring rules providing
23 standards and procedures be proposed by Commissioner of Labor, State Fire
24 Commission, State Fire Marshal and the professions and occupations licensing boards
25 and commissions.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-7d. Program in workforce preparedness.

1 (a) The Legislature finds that, in addition to specialized skills relating to specific
2 professions and trades, students will be better prepared to enter the workforce and succeed in
3 their chosen fields of employment or education by having the opportunity to participate in training
4 related to general workforce preparedness, productive workplace skills and processes, time
5 management and efficiency, and teamwork and leadership competencies in the workplace. The
6 Legislature further finds that employers in the state are the best source for articulating the general
7 skills and attributes they, in common, seek in future employees and that employers may
8 collaborate in the development of a graduate profile incorporating these skills and attributes.

9 (b) The state board shall promulgate a rule pursuant to 29A-3B-1 *et seq.* of this code that
10 adopts a program of instruction in general workforce and career preparedness for all students.
11 The program of instruction shall include guidelines for schools working through their local school
12 improvement councils and business partners to communicate to students the common skills and
13 attributes sought by employers in prospective employees.

§18-2-42. Providing career and technical education program information to students and parents; transcript of post-secondary credit; career technical education student participation in graduation ceremony.

1 (a) The State Board of Education, the Council for Community and Technical College
2 Education, and the Department of Commerce shall coordinate efforts for the collection and
3 dissemination of information on the career and technical cluster and major programs of study
4 established for the public schools including, but not limited to, the following:

5 (1) Programs of study and the curriculum of courses at the secondary and post-secondary
6 level established pursuant to §18B-3C-4 of this code that lead to an industry-recognized

7 credential, a certificate of applied science degree or an associate degree that satisfy a workforce
8 need;

9 (2) Programs of study and the curriculum of courses at the secondary level recognized
10 pursuant to §21-1E-1 *et seq.* of this code, §29-3-9 of this code and §30-1E-1 *et seq.* of this code
11 as satisfying a portion of the requirements for an apprenticeship and other employer sponsored
12 training programs, as well as any associated programs of study and the curriculum of courses at
13 the post-secondary level that enable the student to also satisfy the requirements for an associate
14 degree; and

15 (3) The EDGE program, established by §18-13-1 *et seq.* of this code, which provides the
16 opportunity for the student to obtain articulated credits that count toward high school graduation
17 requirements, as well as count toward the student's achievement of a certificate or associate
18 degree.

19 (b) The dissemination of the information on programs of study as provided in subsection
20 (a) of this section shall be easily accessible to all students and their parents beginning in the
21 middle school grades.

22 (c) All post-secondary credits earned by a public school student through the EDGE
23 program and any other articulated credit and dual credit program shall be transcribed and
24 provided to the student by the post-secondary institution at which the credit was earned.

25 (d) Any career technical education student who fulfills the high school graduation
26 requirements required of other students in the district in which he or she is enrolled shall be eligible
27 to participate in the graduation ceremony in the same manner as all other students in the district.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.

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

1 (a) Unless otherwise designated, the presidents of the community and technical colleges
2 facilitate formation of community and technical college/career and technical education consortia
3 in the state. Each consortium includes representatives of community and technical colleges,
4 public career and technical education centers and state baccalaureate institutions offering
5 associate degrees. The consortium is responsible for carrying out the following actions:

6 (1) Completing a comprehensive assessment of the district to determine what education
7 and training programs are necessary to meet the short- and long-term workforce development
8 needs of the district and to identify the high-demand, high-wage occupations within the service
9 district and develop programs of study, based on the findings, that consist of a curriculum of
10 courses leading to an industry-recognized credential, a certificate of applied science degree or an
11 associate degree;

12 (2) Coordinating efforts with regional labor market information systems to identify the
13 ongoing needs of business and industry, both current and projected, and to provide information
14 to assist in an informed program of planning and decision-making. The priority of each consortium
15 is to identify the high-demand, high-wage occupations within the service district and, in
16 conjunction with the public schools, develop integrated secondary and post-secondary programs
17 of study that lead to an industry-recognized credential, a certificate of applied science degree or
18 an associate degree;

19 (3) Developing integrated secondary and post-secondary programs of study that lead to
20 an industry-recognized credential, a certificate of applied science degree or an associate degree
21 to satisfy a workforce need as determined by the Department of Commerce. The Department of
22 Commerce shall on occasion, but at least annually, provide written notification to the State Board
23 of Education and the West Virginia Council for Community and Technical College Education a
24 determination of areas of workforce need;

25 (4) Increasing the integration of secondary and post-secondary curriculum and programs
26 that are targeted to meet regional and state labor market needs, including implementing seamless

27 programs of study, including West Virginia EDGE, Advanced Career Education, Registered
28 Apprenticeships and any program that allows students to earn college credit while they are still in
29 high school;

30 (5) Ensuring that the programs of study include coherent and rigorous content aligned with
31 challenging academic standards and relevant career and technical education content. The
32 programs shall provide for student movement through a coordinated, nonduplicative progression
33 of courses that align secondary education with community and technical college education to
34 prepare students to succeed at the community and technical college level and in high-wage, high-
35 demand occupations;

36 (6) Planning and developing a unified effort between the community and technical colleges
37 and public career and technical education to meet the documented workforce development needs
38 of the district and state through individual and cooperative programs; shared facilities, faculty,
39 staff, equipment and other resources; and the development and use of distance learning and
40 other education technologies;

41 (7) Collaborating and developing jointly the collaborative programming for adults between
42 the community and technical colleges and the public career and technical centers. The focus of
43 these collaborative efforts is the development of advanced skill programming that builds on the
44 secondary curriculum and allows career and technical education graduates to acquire more in-
45 depth preparation in their occupational area of interest;

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

50 (9) Planning and implementing integrated professional development activities for
51 secondary and post-secondary faculty, staff and administrators;

52 (10) Ensuring that program graduates have attained the competencies required for
53 successful employment through the involvement of business, industry and labor in establishing
54 student credentialing;

55 (11) Assessing student knowledge and skills which may be gained from multiple sources
56 so that students gain credit toward program completion and advance more rapidly without
57 repeating course work in which they already possess competency;

58 (12) Cooperating with workforce investment boards to establish one-stop-shop career
59 centers with integrated employment and training and labor market information systems that
60 enable job seekers to assess their skills, identify and secure needed education training, and
61 secure employment, and that allow employers to locate available workers;

62 (13) Increasing the integration of adult literacy, adult basic education, federal Workforce
63 Innovation and Opportunity Act and community and technical college programs and services to
64 expedite the transition of adults from welfare to gainful employment, including cooperating with
65 the State Department of Education to provide adult basic education programs on each community
66 and technical college campus in the state where developmental education services are provided;
67 and

68 (14) Establishing a single point of contact for employers and potential employers to access
69 education and training programs throughout the district.

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

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

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

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

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

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

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

84 (B) Participating institutions include Pierpont Community and Technical College; Glenville
85 State College; Randolph County Technical Center; Monongalia County Technical Education
86 Center; United Technical Center; Marion County Technical Center; Fred W. Eberle Technical
87 Center; Calhoun Gilmer Career Center; Taylor County Technical Center; and other public career
88 and technical centers offering post-secondary programs.

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

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

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

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

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

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

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

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

103 (B) Participating institutions include Blue Ridge Community and Technical College; James
104 Rumsey Technical Institute; and other public career and technical centers offering post-secondary
105 programs.

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

108 (A) The facilitating institution for Cabell, Mason and Wayne counties is Mountwest
109 Community and Technical College. The facilitating institution for Clay, Fayette, Kanawha and
110 Putnam counties is BridgeValley Community and Technical College.

111 (B) Participating institutions include Mountwest Community and Technical College;
112 BridgeValley Community and Technical College; Carver Career and Technical Education Center;
113 Garnet Career Center; Ben Franklin Career and Technical Center; Putnam Career and Technical
114 Center; Cabell County Career-Technology Center; Mason County Career Center; and other public
115 career and technical centers offering post-secondary programs.

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

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

119 (B) Participating institutions include Southern West Virginia Community and Technical
120 College; Boone County Career and Technical Center; Wyoming County Career and Technical
121 Center; Ralph R. Willis Career and Technical Center; McDowell County Career and Technology
122 Center; Mingo Extended Learning Center; and other public career and technical centers offering
123 post-secondary programs.

124 (8) Southeastern District includes Raleigh, Summers, Fayette, Nicholas, Webster,
125 Pocahontas, Greenbrier, Monroe and Mercer counties.

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

127 (B) Participating institutions include New River Community and Technical College;
128 BridgeValley Community and Technical College; Bluefield State College; Academy of Careers

129 and Technology; Fayette Institute of Technology; Summers County High School; Monroe County
130 Technical Center; Mercer County Technical Education Center; Nicholas County Career and
131 Technical Center; and other public career and technical centers offering post-secondary
132 programs.

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

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

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

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

140 (1) Communicates to the council and state board;

141 (2) Facilitates the delivery of comprehensive community and technical college education
142 in the region, which includes the seven areas of comprehensive community and technical college
143 education delivery as required by §18B-3C-6 of this code;

144 (3) Facilitates development of a statement of commitment signed by all participating
145 institutions in the region setting forth how community and technical college education will be
146 delivered; and

147 (4) Submits annually the Carl D. Perkins local planning guide to the council and the state
148 board.

149 (e) The state board and council shall jointly promulgate guidelines for the administration
150 of this section. The guidelines shall be affirmatively adopted by both the board and the council. At
151 a minimum, such guidelines shall provide for the following:

152 (1) Participating institutions are not subordinate to the facilitating institution but shall sign
153 the statement of commitment to participate.

154 (2) Integrated secondary and post-secondary programs of study that lead to an industry-
155 recognized credential, a certificate of applied science degree or an associate degree shall be
156 reduced to written partnership agreements;

157 (3) The programs of study must meet the requirements of the accrediting entity for the
158 community and technical college awarding the associate degrees;

159 (4) That partnership agreements must be approved by the State Superintendent of
160 Schools and the Chancellor for the Council for Community and Technical College Education; and

161 (5) Any other provisions necessary to effectuate the purposes of this section.

162 (f) The State Superintendent of Schools and the Chancellor for the Council for Community
163 and Technical College Education are responsible for annually evaluating the progress made in
164 meeting the goals for each consortium through the development and collection of performance
165 indicator data.

166 (g) The State Superintendent of Schools and the Chancellor for the Council for Community
167 and Technical College Education shall annually report to the Governor and the Legislative
168 Oversight Commission on Education Accountability on the implementation of this section.

CHAPTER 21. LABOR.

ARTICLE 1E. CAREER TRAINING EDUCATION AND APPRENTICESHIPS.

§21-1E-1. Declaration of purpose.

1 The provisions of this article are intended to facilitate certification and/or licensure for
2 workers who acquire training via career technical education provided by West Virginia public
3 schools or an employer-sponsored apprenticeship and employer-sponsored training programs.

§21-1E-2. Definitions.

1 As used in this article and the legislative rules promulgated pursuant to this article:

2 "Apprentice" means someone who is enrolled in an apprenticeship program.

3 “Apprenticeship program” means a program offered by an employer to provide supervised
4 on-the-job training to employees approved by the United States Department of Labor.

5 “Employer sponsored training program” means a program approved in accordance with a
6 rule promulgated pursuant to authority established in §21-1E-4 of this code.

7 “License” means a valid and current certification or license issued by the Commissioner
8 of Labor in accordance with the provisions of this article.

9 “Career technical education” means programs of study, clusters, and pathways approved
10 by the West Virginia Board of Education pursuant to state board policy.

§21-1E-3. Recognition of training and apprenticeships.

1 Beginning July 1, 2019, applicants for certification or licensure shall be permitted to apply
2 training hours earned via career technical education provided by West Virginia public schools or
3 an apprenticeship program or employer-sponsored training program towards the requirements for
4 certification and/or licensure in the same occupation in accordance with the standards and
5 procedures authorized in accordance with this article.

§21-1E-4. Rule-making authority.

1 The Commissioner of Labor shall, after consultation with the State Superintendent of
2 Schools, propose rules for legislative approval, in accordance with the provisions of §29A-3-1 *et*
3 *seq.* of this code, for the implementation and enforcement of the provisions of this article. The
4 rules shall provide at least the following:

5 (1) Standards and procedures for recognizing training hours acquired through career
6 technical education provided by West Virginia public schools and applying those hours to
7 requirements for testing and/or certification and/or licensure; and

8 (2) Standards and procedures for recognizing training hours acquired through
9 apprenticeship programs and employer-sponsored training programs and applying those hours
10 to requirements for testing and/or certification and/or licensure.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

§29-3-9. Powers, duties and authority of State Fire Commission and State Fire Marshal.

1 (a) The State Fire Commission may employ personnel, fix their compensation and, within
2 funds available to do so, incur expenses as necessary in the performance of the duties of its
3 office.

4 (b) The State Fire Commission is responsible for fire programs within this state, including
5 the State Fire Marshal's office, training, uniform standards and certification, finance and planning
6 and fire prevention.

7 (c) All state and area training and education in fire service shall be coordinated by the
8 State Fire Commission. The State Fire Marshal shall ensure that these programs are operated
9 throughout the state at a level consistent with needs identified by the commission.

10 (d) The State Fire Commission may make recommendations to the State Insurance
11 Commissioner regarding town classifications for fire insurance rates.

12 (e) The formation of any new fire department, including volunteer fire departments,
13 requires the concurrence of the State Fire Commission. The State Fire Commission shall develop
14 a method of certification which can be applied to all fire departments and volunteer fire
15 departments.

16 (f) The State Fire Commission shall develop a plan for fire prevention and control which
17 shall include, but not be limited to, the following areas: Manpower needs; location of training
18 centers; location of fire prevention and control units; communications; fire fighting facilities; water
19 sources; vehicular needs; public education and information; public participation; standardization
20 in record keeping; evaluation of personnel; reporting of fire hazards; programs on mutual aid;
21 location of public safety agencies; outline of fire prevention programs; and accessibility of fire
22 prevention information.

23 (g) The State Fire Commission shall establish fire protection areas and at such times as
24 funds are available shall establish field offices for inspection, planning and certification.

25 (h) The State Fire Marshal may accept, on behalf of the State Fire Commission, gifts,
26 grants, court ordered civil forfeiture proceedings and bequests of funds or property from
27 individuals, foundations, corporations, the federal government, governmental agencies and other
28 organizations or institutions. The State Fire Marshal, acting on behalf of the State Fire
29 Commission, may enter into, sign and execute any agreements and do and perform any acts that
30 may be necessary, useful, desirable or convenient to effectuate the purposes of this article.
31 Moneys from gifts, grants, civil forfeiture proceedings and bequests received by the State Fire
32 Marshal shall be deposited into the special account set forth in subsection (c), section twelve-b of
33 this article, and the State Fire Marshal, with the approval of the State Fire Commission, has the
34 authority to make expenditures of, or use of any tangible property, in order to effectuate the
35 purposes of this article.

36 (i) The State Fire Commission shall establish standards and procedures by policy to
37 implement the provisions of this section with regard to the following:

38 (1) Fire prevention and control;

39 (2) Uniform standards of performance, equipment and training;

40 (3) Certification;

41 (4) Training and education in fire service, subject to the rule-making requirements set forth
42 in section five-d of this article; and

43 (5) The creation, operation and responsibilities of fire departments throughout the state.

44 (j) Beginning July 1, 2019, applicants for certification or licensure in accordance with the
45 education and training programs under the respective jurisdictions of the State Fire Commission
46 and the State Fire Marshal shall be permitted to apply training hours earned via career technical
47 education provided by West Virginia public schools or an apprenticeship program or employer-
48 sponsored training program towards the requirements for certification and/or licensure by the

49 State Fire Commission and the State Fire Marshal as applicable. The State Fire Commission and
50 State Fire Marshal shall, after consultation with the State Superintendent of Schools, propose
51 rules for legislative approval, in accordance with the provisions of §29A-3-1 *et seq.* of this code,
52 for the implementation and enforcement of these provisions. The rules shall provide at least the
53 following:

54 (1) Standards and procedures for recognizing training hours acquired through career
55 technical education provided by West Virginia public schools and applying those hours to
56 requirements for testing and/or certification and/or licensure; and

57 (2) Standards and procedures for recognizing training hours acquired through
58 apprenticeship programs and employer-sponsored training programs and applying those hours
59 to requirements for testing and/or certification and/or licensure.

60 As used in this subsection:

61 “Apprentice” means someone who is enrolled in an apprenticeship program.

62 “Apprenticeship program” means a program offered by an employer to provide supervised
63 on-the-job training to employees approved by the United States Department of Labor.

64 “Employer sponsored training program” means a program approved in accordance with a
65 rule promulgated by the State Fire Commission or the State Fire Marshal under their respective
66 authorities established in this code.

67 “License” means a valid and current certification or license issued by State Fire
68 Commission or the State Fire Marshal for satisfactory completion of education and training
69 programs under their respective jurisdictions.

70 “Career technical education” means programs of study, clusters, and pathways approved
71 by the West Virginia Board of Education pursuant to state board policy.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 1E. CAREER TRAINING EDUCATION AND APPRENTICESHIPS.

§30-1E-1. Declaration of purpose.

1 The provisions of this article are intended to facilitate certification and/or licensure for
2 workers who acquire training via career technical education provided by West Virginia public
3 schools or an employer-sponsored apprenticeship and employer-sponsored training programs.

§30-1E-2. Definitions.

1 As used in this article and the legislative rules promulgated pursuant to this article:

2 “Apprentice” means someone who is enrolled in an apprenticeship program.

3 “Apprenticeship program” means a program offered by an employer to provide supervised
4 on-the-job training to employees approved by the United States Department of Labor.

5 “Employer-sponsored training program” means a program approved in accordance with a
6 rule promulgated by the respective board of examination or registration in accordance with their
7 authority granted to by this chapter.

8 “License” means a valid and current certification or license issued by a regulatory board
9 or commission in this chapter.

10 “Career technical education” means programs of study, clusters, and pathways approved
11 by the West Virginia Board of Education pursuant to state board policy.

§30-1E-3. Recognition of training and apprenticeship programs.

1 Beginning July 1, 2019, applicants for certification or licensure pursuant to this chapter
2 shall be permitted to apply training hours earned via career technical education provided by West
3 Virginia public schools or an apprenticeship program or employer-sponsored training program
4 towards the requirements for certification and/or licensure in the same occupation in accordance
5 with the standards and procedures authorized in accordance with this article.

§30-1E-4. Rule-making authority.

1 The licensing boards and commissions in this chapter shall, after consultation with the
2 State Superintendent of Schools, propose rules for legislative approval, in accordance with the

3 provisions of §29A-3-1 *et seq.* of this code for the implementation and enforcement of the
4 provisions of this article. The rules shall provide at least the following:

5 (1) Standards and procedures for recognizing training hours acquired through career
6 technical education provided by West Virginia public schools and applying those hours to
7 requirements for testing and/or certification and/or licensure.

8 (2) Standards and procedures for recognizing training hours acquired through
9 apprenticeship programs and employer-sponsored training programs and applying those hours
10 to requirements for testing and/or certification and/or licensure.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2019.

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Governor