

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4551

BY DELEGATES HAMRICK, HOWELL, ELLINGTON, FERRELL,

STATLER, TONEY, HORST, BRIDGES, MAYNOR, AND

KEATON

[Introduced February 03, 2022; Referred to the

Committee on Workforce Development then

Education then Finance]

1 A BILL to amend and reenact §18B-2C-1 and §18B-2C-2 of the Code of West Virginia, 1931, as
2 amended; and to amend said code by adding thereto a new section, designated §18B-2C-
3 8, all relating to creating the West Virginia Warranty on Worker (WVWOW) program to
4 provide a warranty to community and technical college graduates and their employers that
5 graduates are competent in the degree, diploma and technical certificate of credit program
6 for which they are trained; providing scope of warranty and identifying who may redeem;
7 directing development of procedures; and setting forth an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2C. WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE.

§18B-2C-1. Legislative findings; intent.

1 (a) Legislative findings. --

2 (1) The Legislature hereby finds that for nearly two decades legislation has been enacted
3 having as a principal goal creation of a strong, effective system of community and technical
4 education capable of meeting the needs of the citizens of the state. In furtherance of that goal,
5 the Legislature has passed the following major pieces of legislation:

6 (A) Enrolled Senate Bill 420, passed during the regular session of one thousand nine
7 hundred eighty-nine, reorganized the governance structure of public higher education and created
8 the Joint Commission for Vocational-technical-occupational Education to bridge the gap between
9 secondary and post-secondary vocational, technical, and occupational education;

10 (B) Enrolled Senate Bill 377, passed during the regular session of one thousand nine
11 hundred ninety-three, adopted goals and objectives for public post-secondary education,
12 addressed the needs of nontraditional students, directed the institutions to include an assessment
13 of work force development needs in their master plans and established the resource allocation
14 model and policies to aid governing boards and institutions in meeting the established goals and
15 objectives;

16 (C) Enrolled Senate Bill 547, passed during the regular session of one thousand nine

17 hundred ninety-five, established goals and funding for faculty and staff salaries, required the
18 governing boards to establish community and technical education with the administrative,
19 programmatic and budgetary control necessary to respond to local needs and provided that
20 community and technical college budgets be appropriated to a separate control account;

21 (D) Enrolled Senate Bill 653, passed during the regular session of two thousand,
22 established the commission to develop a public policy agenda for higher education in conjunction
23 with state leaders, set forth the essential conditions that must be met by each community and
24 technical college in the state, and mandated that most component community and technical
25 colleges move to independent accreditation.

26 (E) Enrolled Senate Bill 703, passed during the regular session of two thousand one,
27 authorized the creation of a statewide community and technical college to provide leadership and
28 technical support to the community and technical colleges to aid them in achieving independent
29 accreditation, enhance their ability to serve the interests of the people of West Virginia, and focus
30 attention on achieving established state goals.

31 (F) Enrolled House Bill 2224, passed during the regular session of two thousand three,
32 created New River Community and Technical College of Bluefield State College as a multicampus
33 institution from existing community and technical college components, branches and off-campus
34 delivery sites in order to give greater cohesiveness, emphasis and priority to meeting the essential
35 conditions pursuant to section three, article three-c of this chapter and to provide greater access
36 to high-quality programs in the institution's expanded service district.

37 (G) Enrolled Senate Bill 448, passed during the regular session of two thousand four,
38 established the West Virginia Council for Community and Technical College Education as a
39 separate coordinating agency with authority over state community and technical colleges,
40 branches, centers, regional centers, and other delivery sites with a community and technical
41 college mission.

42 (2) *The Market Street Report*, the *McClenney Report*, and the *Implementation Board*

43 *Report*, cited in article two-b of this chapter, each reflects recent research and indicates that, while
44 these legislative actions cited above have helped the state to make progress in certain areas of
45 higher education, they have not offered a complete solution to the problems of community and
46 technical colleges.

47 (b) *Intent*. -- Therefore, the intent of the Legislature in enacting these pieces of legislation
48 is as follows:

49 (1) To provide logical steps in the process of developing strong institutions capable of
50 delivering community and technical education to meet the needs of the state. Each act may be
51 viewed as a building block added to the foundation laid by earlier legislation;

52 (2) To create a mechanism whereby the council, if necessary, can assure through its own
53 direct action that the goals established in articles one, one-d, and three-c of this chapter are met;
54 and

55 (3) To authorize the council to create the West Virginia Community and Technical College
56 to serve the interests of the people of West Virginia by advancing the public policy agenda
57 developed pursuant to article two-b of this chapter. If the council makes a determination under
58 the provisions of this section that it is necessary or expedient to create the statewide community
59 and technical college, the following goals are the specific focus of the college and its governing
60 board:

61 (A) To encourage development of a statewide mission that raises education attainment,
62 increases adult literacy, promotes work force and economic development, and ensures access to
63 post-secondary education for every region of the state;

64 (B) To provide oversight or governance of the community and technical colleges,
65 branches, centers, regional centers, and other delivery sites with a community and technical
66 college mission;

67 (C) To provide leadership, support and coordination; ~~and~~

68 (D) To protect and expand the local autonomy and flexibility necessary for community and

69 technical colleges to succeed; and

70 (E) To demonstrate confidence in the quality of our technical programs and assure our
71 graduates and their employers that graduation reflects competency in the degree, diploma, and
72 technical certification program in which they were trained by creating a West Virginia Warranty on
73 Workers (WVWOW) program that warrants every graduate has demonstrated the knowledge and
74 skill set as identified in the curriculum or program guide and can perform each competency.

§18B-2C-2. Definitions.

1 The following words when used in this article and article two-b of this chapter have the
2 meaning hereinafter ascribed to them unless the context clearly indicates a different meaning:

3 (a) “Adult basic education” means adult basic skills education designed to improve the
4 basic literacy needs of adults, including information processing skills, communication skills and
5 computational skills, leading to a high school equivalency diploma, under the jurisdiction of the
6 state Board of Education.

7 (b) “Competency” means the capability to apply or use a set of related knowledge, skills,
8 and abilities required to successfully perform critical work functions or tasks in a defined work
9 setting or occupation.

10 ~~(b)~~(c) “Governing board” means the West Virginia council for community and technical
11 college education when acting as the governing board for the West Virginia community and
12 technical college created pursuant to the provisions of this article.

13 ~~(e)~~ (d) “Post-secondary vocational-technical-occupational education” means any course
14 or program beyond the high school level that results in, or may result in, the awarding of a two-
15 year associate degree, certificate or other credential from an institution under the jurisdiction of a
16 governing board or other public or private education provider.

17 ~~(d)~~ (e) “Secondary vocational-technical-occupational education” means any course or
18 program at the high school level that results in, or may result in, a high school diploma or its
19 equivalent, under the jurisdiction of the State Board of Education.

20 (f) "Skill set" means specific tasks associated with competencies the student should be
21 able to perform successfully at the completion of the program/course.

22 ~~(e)~~(g) "Vice chancellor" means the vice chancellor for community and technical college
23 education and work force development pursuant to section five, article one-b of this chapter.

24 ~~(f)~~ (h) "West Virginia council for community and technical college education" or "council"
25 means the council established pursuant to section three, article two-b of this chapter.

26 ~~(g)~~ (i) "West Virginia community and technical college" or "college" means the statewide,
27 accredited entity created pursuant to the provisions of this article.

**§18B-2C-8. West Virginia warranty on workers program; scope of warranty; who may
redeem; development of procedures; and effective date.**

1 (a) As a demonstration of confidence in the quality of our community college and technical
2 college programs, the West Virginia Council for Community and Technical College Education
3 shall create the West Virginia Warranty on Workers (WVWOW) program to assure graduates and
4 their employers that graduation reflects competency in the degree, diploma or technical certificate
5 of credit program in which they are trained.

6 (b) The WVWOW program warranty guarantees that the graduate has demonstrated the
7 knowledge and skill set as identified in the curriculum or program guide and can perform each
8 competency.

9 (c) Any program graduate who is identified to lack such knowledge and skill set shall be
10 retrained at no cost to the employer or the graduate for tuition fees.

11 (d) The warranty provided under this section may be redeemed by an employer in
12 conjunction with a graduate employee if the graduate employee is unable to perform one or more
13 of the competencies contained in the applicable curriculum or program guide in effect at the time
14 of the individual's graduation.

15 (e) The warranty is applicable only to graduates of a technical degree, diploma, or
16 certificate of credit who entered the program after this section's effective date and shall remain in

17 effect for two years immediately following the date of an individual's graduation or completion of
18 certificate. The warranty shall be honored by the community college or technical college from
19 which the individual graduated. In extenuating circumstances, as determined by the vice
20 chancellor, the graduate may be retrained by a school that did not issue the original certificate or
21 diploma. In this circumstance, the originating school shall reimburse the school that retrain for
22 the cost of that retraining. The employer and graduate do not pay the tuition costs for the
23 retraining.

24 (f) The council, vice chancellor, or designee, shall develop procedures for implementing
25 the WVWOW.

26 (g) This section and the WVWOW shall become effective on July 1, 2022.

NOTE: The purpose of this bill is to create the West Virginia Warranty on Worker (WVWOW) program to provide a warranty to community and technical college graduates and their employers that graduates are competent in the degree, diploma and technical certificate of credit program for which they are trained. The bill provides the scope of warranty and identifies who may redeem; directs development of procedures; and sets forth an effective date.

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