

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

House Bill 2757

By Delegates Summers, Forsht, Miller, Reynolds,

Sheedy, Heckert, Petitto, Jefferies and Cannon

[Originating in the Committee on Health and Human

Resources; Reported on January 19, 2023

1 A BILL to amend and reenact §18-2E-11 of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §18C-9-3 and §18C-9-4, all relating to expanding institutional eligibility
3 for the West Virginia Invests Grant Program.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-11. Advanced Career Education.

1 (a) The Legislature hereby makes the following findings:

2 (1) Preparing West Virginia students to achieve post-secondary career education and to
3 excel in the workforce is a responsibility shared among all state education agencies and
4 institutions. The state's education agencies and institutions can fulfill this responsibility by
5 establishing partnerships that enable students to attain advanced career education and valuable
6 workforce skills in a more efficient and advantageous manner;

7 (2) The formation of partnerships between public secondary schools and community and
8 technical colleges or public or not-for-profit private baccalaureate institutions which establish
9 advanced career education programs would ensure that a full range of community and technical
10 college programs and services are provided in all areas of the state;

11 (3) Programs which create clear and efficient pathways that begin during secondary
12 education and lead to obtaining advanced certifications and associate degrees will increase the
13 number of students that ultimately obtain a post-secondary credential or degree; and

14 (4) West Virginia's economic prosperity is directly tied to the level and quality of its
15 workforce career education. Providing the students of this state with increased access to career
16 education will not only improve the general well-being of its citizens, but greatly enhance the
17 economic prosperity of the state.

18 (b) The purpose of this section and the Advanced Career Education (ACE) programs
19 authorized herein is to connect secondary schools with community and technical colleges or

20 public or not-for-profit private baccalaureate institutions that provide associate degrees to
21 accomplish the following:

22 (1) Prepare secondary students for success in post-secondary education and the
23 workforce; and

24 (2) Provide more opportunities for secondary students to earn post-secondary college
25 credits, certifications, and associate degrees.

26 (c) To effectuate the purposes set forth in §18-2E-11(b) of this code, community and
27 technical colleges, public or not-for-profit private baccalaureate institutions, career technical
28 education centers, and county boards of education, or any combination of such secondary and
29 postsecondary entities, shall establish partnerships that provide for ACE programs which feature
30 defined pathways that begin when a student is in secondary education and that ultimately lead to
31 advanced certifications or associate degrees awarded by community and technical colleges or
32 baccalaureate institutions. ACE programs shall be equally available to public, nonpublic, and
33 homeschool students.

34 (d) ACE programs shall include pathways that consist of a curriculum of courses leading to
35 advanced certifications or an associate degree that have been deemed to satisfy a workforce need
36 as determined by the Department of Commerce.

37 (1) The Department of Commerce shall, on occasion, but at least annually, provide written
38 notification to the State Board of Education, the West Virginia Council for Community and
39 Technical College Education and the West Virginia Higher Education Policy Commission of a
40 determination of areas of workforce need within the state.

41 (2) The Department of Commerce, in consultation with the council, the commission, and
42 business partners, ~~will~~ shall develop a hierarchy of high demand skilled professions and workforce
43 needs with shortages, which shall be given priority in administration of the program.

44 (e) The State Superintendent of Schools, the Chancellor of the Council for Community and
45 Technical College Education, and the Chancellor of the Higher Education Policy Commission, or

46 their designees, shall facilitate the ACE programs. At a minimum, an ACE program shall satisfy the
47 following objectives:

48 (1) Provide additional opportunities to students in this state to attain advanced
49 certifications and college credentials leading to associate degrees through ACE pathways;

50 (2) Increase the number of students in this state that attain advanced certifications and
51 college credentials leading to associate degrees through ACE pathways;

52 (3) Allow students in this state to attain advanced certifications and college credentials
53 leading to associate degrees through ACE pathways at little or no cost;

54 (4) Ensure that ACE pathways provide a clear roadmap to the courses and requirements
55 necessary to attain advanced certifications and college credentials leading to associate degrees;
56 and

57 (5) Ensure that course requirements within ACE pathways are not duplicated.

58 (f) The board and council shall jointly promulgate guidelines for the administration of ACE
59 programs and pathways, which must be affirmatively adopted by the board and the council. At a
60 minimum, such guidelines shall provide for the following:

61 (1) That ACE program partnerships established between community and technical
62 colleges, public or not-for-profit private baccalaureate institutions, career technical education
63 centers, and county boards of education, or any combination of such secondary and
64 postsecondary entities, shall be reduced to written partnership agreements;

65 (2) The information required to be contained within partnership agreements;

66 (3) That ACE programs and pathways ~~must~~ shall meet the requirements of the accrediting
67 entity for the community and technical college or public or not-for-profit private baccalaureate
68 institution awarding the associate degrees or advanced certificates;

69 (4) That partnership agreements shall be approved by the State Superintendent of
70 Schools, the Chancellor for the Council for Community and Technical College Education and the
71 Chancellor of the Higher Education Policy Commission; and

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

73 (g) The board and the council shall maintain and annually report to the Governor and the
74 Legislative Oversight Commission on Education Accountability the following information about
75 ACE programs:

76 (1) The identity and number of partnership agreements;

77 (2) The ACE programs and pathways that are being utilized by career technical education
78 centers, county boards of education, community and technical colleges, and public or not-for-profit
79 private baccalaureate institutions; and

80 (3) The nature and number of degrees and certifications awarded to students participating
81 in ACE programs by each community and technical college, public or not-for-profit private
82 baccalaureate institution and career technical education center.

ARTICLE 9. WEST VIRGINIA INVESTS GRANT PROGRAM.

§18C-9-3. Definitions.

1 As used in this article:

2 "Academic fees" means fees charged to students for specific courses or programs to
3 support such expenses such as lab or equipment costs.

4 "Council" means the West Virginia Council for Community and Technical College
5 Education.

6 "Commission" means the West Virginia Higher Education Policy Commission.

7 "Eligible institution" means a public community and technical college under the authority of
8 the West Virginia Council for Community and Technical College Education, or a public or not-for-
9 profit private baccalaureate institution authorized by the Higher Education Policy Commission that
10 grants associate degrees satisfying the requirements of participating in Advanced Career
11 Education (ACE) program partnerships in accordance with §18-2E-11 of this code, or a not-for-
12 profit, hospital-based allied health program authorized by the West Virginia Council for Community
13 and Technical College Education.

14 "Eligible post-secondary program" means a curriculum of courses leading to a certificate or
15 associate degree at an eligible institution which satisfies a course of study that has been deemed
16 by the Department of Commerce to satisfy a workforce need as determined by the department in
17 accordance with §18-2E-11(d) of this code.

18 "Tuition" means the semester or term charges imposed by an eligible institution and,
19 additionally, all mandatory fees required as a condition of enrollment by all students.

§18C-9-4. WV Invests Grant Program.

1 (a) There is hereby created a grant program known as the WV Invests Grant Program,
2 which shall be administered by the vice chancellor for administration in accordance with this
3 article.

4 (b) The council shall award WV Invests Grants pursuant to the following terms and
5 conditions:

6 (1) A WV Invests Grant may only be awarded to applicants satisfying the requirements
7 provided in §18C-9-5 of this code;

8 (2) The maximum amount of a WV Invests Grant shall be the cost of tuition mandatory
9 fees, and academic program fees for coursework leading to completion of the chosen associate
10 degree or certificate, less all other state and federal scholarships and grants for which the student
11 is eligible: *Provided*, That all academic program fees charged in addition to base tuition must be
12 approved by the Council for Community and Technical College Education to be eligible for the
13 West Virginia Invests Grant as set forth in this article. All other state and federal scholarships and
14 grants for which the grant recipient is eligible shall be deducted from the amount of the WV Invests
15 Grant for each individual student. The amount of a WV Invests Grant at an eligible public or not-
16 for-profit private baccalaureate institution shall not exceed the average cost of tuition and
17 mandatory fees of the community and technical colleges;

18 (3) Grant payments shall be made directly to the eligible institutions;

19 (4) If a grant recipient transfers from one eligible institution to another, the grant is
20 transferable only with approval of the vice chancellor for administration;

21 (5) A WV Invests Grant may be used at any eligible institution to seek an associate degree
22 or certificate in an eligible post-secondary program. An institution is not required to accept a grant
23 recipient for enrollment and may enforce its own admission requirements, standards, and policies;
24 and

25 (6) If a WV Invests Grant recipient terminates enrollment for any reason during the
26 academic year, the unused portion of the grant shall be returned by the institution to the council in
27 accordance with the council's policy for issuing refunds. The council shall transfer such funds to
28 the WV Invests Fund for allocation and expenditure.

29 (c) On or before January 1 annually, the council shall provide to the Legislature and the
30 Governor a report on the WV Invests Grant Program, which shall include, but not be limited to,
31 research and data concerning student success and grant retention.

32 (d) The council shall propose legislative rules for legislative approval pursuant to §29A-3A-
33 1 *et seq.* of this code to implement the provisions of this article, which shall provide for:

34 (1) Application requirements and deadlines fully implementing requirements of this article;

35 (2) Appeal procedures for the denial or revocation of the grant; and

36 (3) Any other provisions necessary to effectuate the purposes of this article.

37 (e) The Legislature hereby declares that an emergency situation exists and, therefore, the
38 council may establish, by emergency rule, under the procedures of §29A-3A-1 *et seq.* of this code,
39 a rule to implement the provisions of this article.

40 (f) Beginning with the 2021 fiscal year, and for every fiscal year thereafter, any
41 appropriation by the Legislature to support and or alleviate the cost to citizens in this state to obtain
42 advanced certifications and associate degrees shall only be distributed to those community and
43 technical colleges or public or not-for-profit private baccalaureate institutions that form one or
44 more partnerships to establish ACE programs and pathways. Once distributed, such funds may be

- 45 used to support any eligible post-secondary program or pathway provided by an eligible institution
46 leading to the award of such degree or certification.

NOTE: The purpose of this bill is to expand eligibility for the WV Invests Grant Program to include two additional types of not-for-profit institutions, namely, not-for-profit private baccalaureate institutions and not-for-profit, hospital-based allied health programs. To ensure that all colleges and universities are subject to the same conditions, only not-for-profit private baccalaureate institutions satisfying the requirements of participating in ACE are included in §18C-9-3's expanded definition. §18-2E-11 is amended to authorize such participation, and §18C-9-4 is amended to reinforce the necessity of not-for-profit private baccalaureate institutions satisfying the ACE requirements to receive money under the West Virginia Invests Grant Program.

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