

1 **Senate Bill No. 538**

2 (By Senators Plymale, Jenkins, Foster and Browning)

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4 [Introduced February 17, 2011; referred to the Committee on  
5 Education; and then to the Committee on Finance.]  
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10 A BILL to amend and reenact §18B-3D-5 of the Code of West Virginia,  
11 1931, as amended; and to amend said code by adding thereto a  
12 new section, designated §18B-3D-6, all relating to  
13 establishing the Learn and Earn Cooperative Education Program;  
14 authorizing expenditure of certain funds; defining eligibility  
15 to receive funding; setting terms for required cash match; and  
16 requiring legislative and emergency rules.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §18B-3D-5 of the Code of West Virginia, 1931, as amended,  
19 be amended and reenacted; and that said code be amended by adding  
20 thereto a new section, designated §18B-3D-6, all to read as  
21 follows:

22 **ARTICLE 3D. WORKFORCE DEVELOPMENT INITIATIVE.**

23 **§18B-3D-5. Legislative and emergency rules.**

24 (a) The council shall propose a legislative rule pursuant to

1 article three-a, chapter twenty-nine-a of this code to implement  
2 the provisions of this article and shall file the rule with the  
3 Legislative Oversight Commission on Education Accountability no  
4 later than ~~the first day of September, two thousand six~~ October 1,  
5 2011.

6 (b) The Legislature finds that an emergency exists and,  
7 therefore, the council shall propose an emergency rule to implement  
8 the provisions of this article in accordance with section six,  
9 article one of this chapter and article three-a, chapter twenty-  
10 nine-a of this code by October 1, 2011.

11 (c) Any rule promulgated by the ~~West Virginia Development~~  
12 Office council pursuant to previous enactments of this section and  
13 in effect on the effective date of the amendment and reenactment of  
14 this section in the year ~~two thousand six~~ 2011 remains in effect  
15 until amended, modified, repealed or replaced by the council.

16 **§18B-3D-6. Learn and Earn Cooperative Education Program**  
17 **established.**

18 (a) *Legislative findings.*

19 (1) The Legislature finds that many West Virginians,  
20 particularly young adults, cannot enroll full-time in a community  
21 and technical college technical program because circumstances  
22 require them to maintain full-time employment. It is critically  
23 important that technical programs leading to high-wage occupations  
24 be more accessible and affordable for all West Virginians.

1           (2) The Legislature further finds that cooperative education  
2 programs are successful in providing access to these technical  
3 programs while providing students enrolled full-time in a community  
4 and technical college with the financial benefits they need to  
5 continue their education. These cooperative education programs  
6 provide opportunities for students to work with West Virginia  
7 companies while in college, thus increasing the likelihood that  
8 they will complete the program, find gainful employment and choose  
9 to remain in West Virginia upon graduation. They provide students  
10 with hands-on, real world work experience with a salary while they  
11 complete a technical program of study and, at the same time,  
12 provide employers with a cost-effective tool for recruiting and  
13 training.

14           (b) The purpose of this section is to establish a cooperative  
15 education program, under the jurisdiction of the council, as a  
16 component of the Workforce Development Initiative Program  
17 established pursuant to this article. The program shall be known  
18 and may be cited as the "Learn and Earn Program".

19           (c) The program requires a dollar-for-dollar cash match from  
20 participating employers or groups of employers from which the  
21 student receives a salary from the employer or employers while  
22 participating in the program. Participants may not substitute a  
23 match in-kind for the cash match required by this section.

24           (d) An institution is eligible to apply for a program grant in

1 cooperation with one or more employer partners if it meets the  
2 definition of a community and technical college provided in section  
3 two, article one of this chapter. The council shall define the  
4 application process in the rules required in section five of this  
5 article.

6 (e) The council may expend funds available through the  
7 Workforce Development Initiative program to implement the  
8 provisions of this section.

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(NOTE: The purpose of this bill is to establish the Learn and Earn Cooperative Education Program between eligible community and technical colleges and participating companies for students enrolled in technical programs and to provide for legislative and emergency rules to implement the program.

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

§18B-3D-6 is new; therefore, strike-throughs and underscoring have been omitted.)