

1 **Senate Bill No. 436**

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

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5 [Introduced January 26, 2012; referred to the Committee on
6 Education.]
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11 A BILL to repeal §18-2B-5 of the Code of West Virginia, 1931, as
12 amended; to repeal §18-27-1, §18-27-2, §18-27-3, §18-27-4,
13 §18-27-5, §18-27-6, §18-27-7, §18-27-8, §18-27-9, §18-27-10,
14 §18-27-11, §18-27-12, §18-27-13, §18-27-14, §18-27-15,
15 §18-27-16, §18-27-17, §18-27-18, §18-27-19, §18-27-20,
16 §18-27-21 and §18-27-22 of said code; to amend and reenact
17 §18-2-10 of said code; to amend and reenact §18-2B-1,
18 §18-2B-2, §18-2B-3, §18-2B-4 and §18-2B-7 of said code; to
19 amend said code by adding thereto a new article, designated
20 §18-13-1, §18-13-2, §18-13-3, §18-13-4 and §18-13-5; to amend
21 said code by adding thereto a new article, designated
22 §18B-3B-1, §18B-3B-2 and §18B-3B-3; to amend and reenact
23 §18B-3C-1, §18B-3C-2 and §18B-3C-4 of said code; and to amend

1 said code by adding thereto a new section, designated
2 §18B-14-1, all relating to public education generally; career
3 and technical education; seamless curricula; programs of
4 study; requiring state board to provide adult basic education
5 programs on certain college campuses; creating West Virginia
6 EDGE initiative; establishing initiative goals; providing for
7 administration and accountability; requiring joint rule;
8 clarifying that no specific level of appropriation is
9 required; creating collaborative degree completion program;
10 setting forth legislative findings, intent and program
11 objectives; specifying program applicability; setting forth
12 powers and duties of participating agencies; requiring certain
13 agreements between community and technical college consortia
14 and career and technical centers; clarifying legislative
15 findings and intent regarding community and technical college
16 system; clarifying duties of community and technical college
17 consortia planning districts and specifying certain
18 accountability procedures; assigning responsibility for
19 developing collaborative degree completion programming;
20 defining programs of study and directing consortia to focus on
21 identifying and providing student programs of study leading to
22 placement in high-demand, high-wage occupations; requiring
23 initial consortia compacts and annual updates by certain date;

1 specifying facilitating institutions for certain community and
2 technical college consortium; providing for select committee
3 to examine higher education outcomes-based funding models;
4 specifying membership; requiring report of findings with
5 recommendations to Legislative Oversight Commission on
6 Education Accountability and Joint Committee on Government and
7 Finance by certain date; updating names of agencies and
8 institutions; making technical corrections; and deleting
9 obsolete language.

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

11 That §18-2B-5 of the Code of West Virginia, 1931, as amended,
12 be repealed; that §18-27-1, §18-27-2, §18-27-3, §18-27-4, §18-27-5,
13 §18-27-6, §18-27-7, §18-27-8, §18-27-9, §18-27-10, §18-27-11,
14 §18-27-12, §18-27-13, §18-27-14, §18-27-15, §18-27-16, §18-27-17,
15 §18-27-18, §18-27-19, §18-27-20, §18-27-21 and §18-27-22 of said
16 code be repealed; that §18-2-10 of said code be amended and
17 reenacted; that §18-2B-1, §18-2B-2, §18-2B-3, §18-2B-4 and §18-2B-7
18 of said code be amended and reenacted; that said code be amended by
19 adding thereto a new article, designated §18-13-1, §18-13-2,
20 §18-13-3, §18-13-4 and §18-13-5; that said code be amended by
21 adding thereto a new article, designated §18B-3B-1, §18B-3B-2 and
22 §18B-3B-3; that §18B-3C-1, §18B-3C-2 and §18B-3C-4 of said code be
23 amended and reenacted; and that said code be amended by adding

1 thereto a new section, designated §18B-14-1, all to read as
2 follows:

3 **CHAPTER 18. EDUCATION.**

4 **ARTICLE 2. STATE BOARD OF EDUCATION.**

5 **§18-2-10. Certificates and awards.**

6 The state board of Education shall ~~make~~ promulgate rules and
7 ~~regulations~~ and shall determine the minimum standards for the
8 granting of certificates and awards for secondary vocational
9 education, adult basic education, adult occupational education and
10 adult technical preparatory education, subject to the provisions of
11 section two, article two-b of this chapter and article three-a of
12 chapter eighteen-b of this code.

13 The state board shall provide a program of adult basic
14 education at each state community and technical college campus
15 where developmental education services are provided in cooperation
16 with the West Virginia Council for Community and Technical College
17 Education and the institutional board of governors of each college.
18 This approach to providing adult basic education links these
19 programs with developmental education and creates a simpler,
20 clearer pathway for adults to enter college.

21 **ARTICLE 2B. AREA VOCATIONAL PROGRAM.**

22 **§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 retraining
3 on an organized basis designed to prepare individuals for useful
4 employment in recognized occupations. The program shall be made
5 available to residents of West Virginia in an area or areas
6 designated and approved by the ~~West Virginia board of vocational~~
7 ~~education~~ state board.

8 **§18-2B-2. Authority to establish programs, etc.; Division of**
9 **Vocational Education established; rules; director.**

10 (a) The state board may establish, operate and maintain area
11 vocational educational programs including the acquisition by
12 purchase, lease, gift or otherwise of necessary lands and the
13 construction, expansion, remodeling, alteration and equipping of
14 necessary buildings for the purpose of operating and conducting
15 educational training centers.

16 (b) The state board may delegate its operational authority for
17 multicounty vocational centers to an administrative council
18 composed of equal representation from each of the participating
19 county boards of education, the superintendent of schools from each
20 participating county, and the state director of vocational
21 education or his or her representative. To this end, there is
22 hereby expressly established in the state board a division of
23 vocational education which shall determine the area or areas in

1 which the programs are to be conducted and is authorized to
2 promulgate rules necessary to carry out the provisions of this
3 article, pursuant to article three-b, chapter twenty-nine-a of this
4 code. The director of the division of vocational education
5 administers and supervises the area vocational educational
6 programs.

7 **§18-2B-3. Area vocational education program funds.**

8 There is hereby established a fund to be known as the Area
9 Vocational Education Program Fund for Secondary Education. There
10 is hereby established a separate fund to be known as the Area
11 Vocational Education Program Fund for Post-Secondary Vocational
12 Education. All moneys appropriated for such purpose by the
13 Legislature as well as any gifts or grants made to the appropriate
14 fund by any governmental subdivision of the state or by the United
15 States government or by any individual, firm or corporation, to
16 carry out the provisions of this article shall be expended by the
17 state board. ~~of Education or the board of directors, as the case~~
18 ~~may be.~~

19 **§18-2B-4. Expenditure of funds; title to property.**

20 (a) ~~The state board of Education and the board of directors,~~
21 ~~as the case may be, are authorized and empowered to~~ may expend the
22 area vocational education program funds for salaries; teachers'
23 retirement contributions and necessary traveling expenses of

1 teachers and other necessary employees, including, but not limited
2 to, vocational guidance counselors; for purchase, rental,
3 maintenance and repair of instructional equipment, buildings and
4 supplies; and for the necessary costs of transportation of
5 certified students.

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

13 **§18-2B-7. Transportation of students.**

14 The state board ~~of vocational education is hereby authorized~~
15 ~~and empowered to~~ may pay the transportation of any certified
16 unemployed person participating in any area vocational educational
17 program during the period of time that he or she is engaged in ~~said~~
18 the training program at any of the instructional centers.

19 **ARTICLE 13. West Virginia EDGE.**

20 **§18-13-1. Earn a Degree - Graduate Early (EDGE) initiative**
21 **established; purposes.**

22 The Earn a Degree - Graduate Early initiative herein
23 established is known and may be cited as "West Virginia EDGE". This

1 program is part of the programs of study and seamless curriculum
2 initiative that focuses on aligning curriculum between education
3 levels. Specifically, West Virginia EDGE is established to connect
4 public schools with higher education for the following purposes:

5 (a) To prepare public high school students for success in the
6 workplace or postsecondary education; and

7 (b) To provide the opportunity for these students to earn
8 community and technical college credit free-of-charge for the
9 duplicated secondary and postsecondary courses identified during
10 the curriculum alignment process.

11 **§18-13-2. Goals for West Virginia EDGE.**

12 In order to serve the citizens of the state by promoting a
13 higher college-going rate, reducing the time and cost for students
14 to obtain college credentials and expanding opportunities for
15 economic development, the West Virginia EDGE initiative shall meet
16 the following goals:

17 (1) Create incentives for more students to continue their
18 education beyond high school by providing all students with
19 information about and access to courses that will prepare them to
20 meet college-level standards;

21 (2) Expand successful concurrent enrollment programs that
22 include all students, not just those who are designated as college
23 bound. The goal here is to prepare all students for both work and

1 postsecondary education with the same rigorous curriculum;

2 (3) Align junior and senior year secondary courses with
3 community and technical college certificate and associate degree
4 programs. This alignment provides access to early entrance college
5 courses which offer all students the opportunity to establish a
6 college transcript while still in high school;

7 (4) Increase the number of students attending public community
8 and technical colleges by participating in a collaborative
9 partnership between the public schools and the state community and
10 technical colleges; and

11 (5) Establish programs of study pathways in combination with
12 early entrance college courses which together allow a student to
13 obtain an associate degree one year after high school graduation or
14 to receive an associate degree along with the high school diploma.

15 **§18-13-3. Program administration and accountability.**

16 (a) West Virginia EDGE is administered by the Assistant State
17 Superintendent of the Division of Technical, Adult and
18 Institutional Education who serves as State Tech-Prep Coordinator.
19 The community and technical college consortia planning districts
20 created by section four, article three-c, chapter eighteen-b of
21 this code serve as regional consortia to implement the program.

22 (b) The duties of State Tech-Prep Coordinator include, but are
23 not limited to, the following:

1 (1) Developing a collaborative agreement with the facilitating
2 state community and technical college or colleges in each
3 consortium district and with the Council for Community and
4 Technical College Education to meet the goals and objectives of
5 this article.

6 (2) Meeting the record-keeping requirements of section nine,
7 article eight, chapter five of this code:

8 (A) By developing or adapting an existing comprehensive
9 relational data base and data analysis system for student tracking
10 to assure that consistent, reliable data relevant to the goals of
11 the program are available; and

12 (B) By tracking and evaluating outcomes across all eight
13 consortia districts and by creating a standardized reporting
14 procedure for collecting consistent data at the state level;

15 (3) Assuring that coordinators in the district consortia
16 prepare and retain reliable supporting source documents necessary
17 to validate the data included with the state electronic database;

18 (4) Provide documentation to substantiate program outcomes,
19 included, but not limited to, the number of students who enroll in
20 the program, specific courses taken, student course and final exam
21 grades, the number who earn EDGE credits and, of these, the number
22 who apply the credits in pursuit of degrees or certifications at
23 state community and technical colleges; and

1 (5) Collecting data relevant to the goals and objectives
2 established for this initiative, analyzing the data, and preparing
3 a report for the Legislative Oversight Commission on Education
4 Accountability by December 1, 2012, and annually thereafter. The
5 specific focus of the report is the analysis of data on program
6 outcomes to demonstrate to what degree the initiative has met the
7 goals and objectives of this article.

8 **§18-13-4. Joint rule required.**

9 The state board and the West Virginia Council for Community
10 and Technical College Education, created in section three, article
11 two-b, chapter eighteen-b of this code, shall promulgate a joint
12 legislative rule in accordance with article three-b, chapter
13 twenty-nine-a of this code, for the administration of West Virginia
14 EDGE. This rule shall incorporate strategies designed to achieve
15 the overall goals of the program, methods of operation, and
16 step-by-step procedures for achieving the objectives outlined in
17 section two and for implementing the reporting and accountability
18 measures set forth in section three of this article.

19 **§18-13-5. No specific level of appropriation required.**

20 The Legislature recognizes the importance of the West Virginia
21 Edge Program and will endeavor to provide sufficient funds to meet
22 program goals and objectives. However, funding is subject to
23 appropriation by the Legislature and nothing in this article

1 requires any specific level of appropriation.

2 **CHAPTER 18B. HIGHER EDUCATION.**

3 **ARTICLE 3B. COLLABORATIVE DEGREE COMPLETION PROGRAM.**

4 **§18B-3B-1. Legislative findings and intent.**

5 (a) The Legislature makes the following findings:

6 (1) Evidence from national studies shows clearly that the need
7 to increase the number of Americans who hold post-secondary
8 credentials has reached a critical point. According to *Complete*
9 *College America*, the United States has fallen from its long-held
10 position as first among the nations and now ranks tenth in the
11 percentage of young adults with a college degree. Even more
12 discouraging is the statistic which shows that, for the first time
13 in national history, the current generation of college-age
14 Americans will be less educated than their parents' generation.

15 (2) In West Virginia, the large numbers of high school
16 students who are uninterested and/or unprepared for college can be
17 attributed to three primary factors:

18 (A) Lack of alignment in courses between public education and
19 public colleges and universities;

20 (B) Lack of clear career pathways presented to students early
21 enough to help them choose and follow an articulated path from high
22 school through postsecondary education; and

23 (C) Lack of knowledge among students and parents about

1 financial aid opportunities that can help them and their families
2 defray the cost of attending college.

3 (3) Sixty-three percent of jobs now available or to become
4 available in the near future require postsecondary education. This
5 statistic is particularly relevant for community and technical
6 college students, but even for students who choose to pursue a
7 four-year degree, it is critical that they be clearly focused on
8 career goals in order to succeed.

9 (4) Currently, a severe gap exists between the demands for
10 technically skilled workers in West Virginia and the aspirations
11 and programmatic focus of many of our students. Nearly thirty
12 percent of the state's high school students have failed to enroll
13 in either the pre-baccalaureate professional pathway or the career
14 and technical education skilled pathway. Most of these individuals
15 could be better served in a focused program of study that begins in
16 the public schools and makes a seamless transition to the
17 postsecondary level in the state community and technical colleges.

18 (5) The Legislature finds that the best way to promote this
19 focus on career goals among our students is through implementation
20 of career pathways. This is an integrated collection of programs
21 and services intended to develop students' core academic, technical
22 and employability skills; provide them with continuous education
23 and training; and place them in high-demand, high-opportunity jobs.

1 (6) In West Virginia, preparing students to achieve higher
2 levels of education is a responsibility shared among the state
3 agencies responsible for providing education and workforce
4 development training. Since increasing the education level of
5 state citizens enhances West Virginia's economic future and the
6 general well-being of its citizens, providing additional
7 opportunities to earn a college credential is the responsibility of
8 all public secondary education and state institutions of higher
9 education.

10 (b) It is the intent of the Legislature to encompass the
11 entire public higher education system to remove those obstacles
12 that block these pathways to college completion and to direct
13 agencies and institutions to collaborate and cooperate to deliver
14 needed services. Therefore, the object of this article is
15 two-fold:

16 (1) To set forth a viable collaborative model that public
17 community and technical colleges and public school career centers
18 shall adopt to increase the number of West Virginians with a
19 college credential; and

20 (2) To maximize existing resources and capacity to train the
21 work force in West Virginia by encouraging the most efficient
22 expenditure of available dollars.

23 **§18B-3B-2. Collaborative degree completion program established;**

1 **program applicability and objectives.**

2 (a) The Collaborative Degree Completion Program is hereby
3 established as a collaborative partnership which includes the
4 following:

5 (1) The public school career and technical centers which
6 includes state technology centers, technical centers, career
7 centers and career/technical centers; and

8 (2) The state community and technical colleges.

9 (b) The program shall meet the following objectives:

10 (1) Increasing the number of West Virginians who hold a
11 college credential and providing opportunities for a larger number
12 of adults to earn that credential;

13 (2) Increasing the education and technical skill levels of the
14 state's work force; and

15 (3) Delivering post-secondary technical education in the most
16 effective and cost efficient manner by maximizing the available
17 resources of career centers and community and technical colleges.

18 (c) The program shall be adopted by each community and
19 technical college consortia planning district. Each district shall
20 assess the needs of its employers, institutions and centers and may
21 adapt the basic model to fit the needs of the area to be served;
22 however, each model shall include the following basic strategies to
23 meet the objectives established in this article:

1 (1) Identify postsecondary adult career-technical education
2 programs offered by the public school career centers that are to be
3 evaluated for delivery as a Certificate of Applied Science or an
4 Associate of Applied Science Degree.

5 (2) Ensure that all collaborative programs meet the conditions
6 of the Higher Learning Commission of the North Central Association
7 of Schools and Colleges which is the accrediting body for state
8 community and technical colleges.

9 (3) Place the collaborative program under the direct authority
10 of the community and technical college as the degree-granting
11 institution. All collaborative programs shall meet the academic
12 standards of the participating college.

13 (4) Provide for the collaborative program to remain onsite at
14 the career and technical center if participating agencies determine
15 that site to be the best location for achieving program objectives.

16 **§18B-3B-3. Powers and duties of agencies participating in**
17 **collaborative degree completion program.**

18 Members of each community and technical college consortia
19 planning district shall enter into an agreement that delineates the
20 division of responsibilities among the facilitating community and
21 technical college pursuant to section four, article three-c of this
22 chapter and the career and technical centers, including activities
23 for which these entities are jointly responsible.

1 (a) The following activities are the responsibility of the
2 facilitating community and technical college in each consortia
3 planning district:

4 (1) Approve all curricula course and/or programs through the
5 college's approval process;

6 (2) Maintain authority over the curriculum as required by the
7 college's accrediting agency;

8 (3) Deliver all program general education courses;

9 (4) Award the appropriate degree;

10 (5) Employ all general education faculty and approve the
11 employment of all technical program faculty;

12 (6) Enroll students through the college's admission and
13 registration process and administer student financial aid,
14 including coordinating and administering veterans' education
15 benefits;

16 (7) Charge and collect the college's tuition and fees; and

17 (8) Pay the career and technical center for technical faculty
18 time.

19 (b) The following activities are the responsibility of each
20 career and technical center within the consortium planning
21 district:

22 (1) Deliver the majority of the technical content courses;

23 (2) Maintain equipment and laboratories and provide adequate

1 instructional space if the program is delivered onsite at the
2 career and technical center; and

3 (3) Employ technical content faculty, if needed. If
4 participants choose, these faculty members may be provided by the
5 facilitating community and technical college.

6 (c) The following activities are the joint responsibility of
7 the facilitating community and technical college and each career
8 and technical center in the consortium planning district:

9 (1) Maintain programmatic accreditation, if required;

10 (2) Maintain student transcripts at both the community and
11 technical college and the career and technical center. The college
12 transcript is the official transcript of record;

13 (3) Determine admission standards and student acceptance into
14 the programs;

15 (4) Market the program and share the cost of marketing as
16 determined in the consortia agreement;

17 (5) Develop and implement a program of cross counseling in
18 which counselors from secondary and postsecondary career and
19 technical centers and state community and technical colleges meet
20 with students and their parents, beginning in the eighth grade to
21 answer their education and career-related questions, to serve as a
22 source of support through high school graduation and to provide
23 specific, targeted information on career pathways and financial aid

1 opportunities; and

2 (6) Determine the feasibility of collaboratively developing
3 and implementing postsecondary-level programs to extend high school
4 programs that currently are terminal.

5 **ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.**

6 **§18B-3C-1. Legislative findings.**

7 (a) The Legislature makes the following findings related to
8 state community and technical colleges:

9 (1) Community and technical colleges are a distinctively
10 American invention. They fill a critical gap between public
11 secondary education and the baccalaureate institutions and
12 universities and they provide a connection between adult basic
13 education and higher education. Their overriding mission is to
14 provide affordable access to postsecondary education and to provide
15 this education and related services to people who otherwise might
16 not have enrolled in a college or university. They provide access
17 to students who live in geographic proximity and who seek low-cost
18 postsecondary education.

19 (2) As the state's primary provider of workforce education and
20 training, community and technical colleges located in every region
21 of West Virginia are essential to a statewide strategy to prepare
22 students for high-demand, high-wage jobs, workforce development
23 necessary to diversity and grow the state's economy, further

1 postsecondary education and life long learning.

2 (3) The mission of state community and technical colleges is
3 to provide comprehensive education services that combine the
4 critical functions of career-technical education and work force
5 development, non-credit industry training, transfer education,
6 developmental education and continuing education.

7 (4) While the student population of state community and
8 technical colleges is now evenly divided between those who are
9 under age twenty-five and adults who are twenty-five and older, the
10 number in both categories who earn a degree or industry-recognized
11 certificate within six years remains low. The declining numbers of
12 high school graduates in the state makes it imperative for the
13 community and technical college system to focus on increasing the
14 numbers of adults who enroll and who complete programs to earn a
15 degree or industry-recognized certificate within six years.

16 (b) In carrying out their mission, the governing boards of the
17 community and technical colleges shall collaborate with public high
18 schools and career and technical centers to deliver services
19 effectively and efficiently in the locations where they are needed
20 most.

21 **§18B-3C-2. Legislative intent.**

22 The following comprise the intent of the Legislature in
23 enacting this article:

1 (a) To establish community and technical college education
2 that is well articulated with the public schools, the career and
3 technical education centers and other state institutions of higher
4 education; that encourages traditional and nontraditional students
5 and adult learners to pursue a lifetime of learning; that serves as
6 an instrument of economic development; and that has the
7 independence and flexibility to respond quickly to changing needs
8 of citizens and employers in the state;

9 (b) To establish community and technical college consortia
10 districts for each of the community and technical colleges in order
11 to ensure that the full range of community and technical college
12 education programs and services is provided in all areas of the
13 state, including the implementation of seamless programs of study
14 as exemplified by West Virginia EDGE, established in article
15 thirteen, chapter eighteen of this code and the Collaborative
16 Degree Completion Program, established in article three-b of this
17 chapter;

18 (c) To define the full range of programs and services that
19 each community and technical college has the responsibility to
20 provide; and

21 (d) To establish other policies and procedures necessary to
22 ensure that the needs of West Virginia, its people and its
23 businesses are met for the programs and services that can be

1 provided through a comprehensive system of community and technical
2 colleges.

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

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

14 (1) Complete a comprehensive assessment of the district to
15 determine what education and training programs are necessary to
16 meet the short- and long-term workforce development needs of the
17 district;

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

22 (3) Plan and develop a unified effort between the community
23 and technical colleges and public ~~vocational-technical~~ career and

1 technical education to meet the documented workforce development
2 needs of the district through individual and cooperative programs,
3 shared facilities, faculty, staff, equipment and other resources
4 and through the development and use of distance learning and other
5 education technologies;

6 (4) Oversee the development of collaborative programming for
7 adults between the community and technical colleges and the public
8 career and technical centers. The focus of these collaborative
9 efforts is the development of advanced skill programming that
10 builds on the secondary curriculum and allows career and technical
11 education graduates to acquire more in-depth preparation in their
12 occupational area of interest.

13 ~~(4)~~ (5) Regularly review and revise curricula to ensure that
14 the work force needs are met; develop new programs and phase out or
15 modify existing programs, as appropriate, to meet such needs; and
16 streamline procedures for designing and implementing customized
17 training programs;

18 ~~(5)~~ (6) Increase the integration of secondary and
19 post-secondary curriculum and programs that are targeted to meet
20 regional labor market needs, including implementation of seamless
21 ~~curricula projects~~ programs of study, in all major career pathways
22 including West Virginia EDGE, Earn a Degree, Graduate Early Program
23 and the Collaborative Degree Completion Program:

1 (A) Research shows that well-planned, well-coordinated
2 programs of study have a positive impact on school attendance,
3 student grades, achievement scores, retention rates and career
4 planning. To be successful, programs of study must include coherent
5 and rigorous content aligned with challenging academic standards
6 and relevant career and technical education content. They must
7 provide for student movement through a coordinated, nonduplicative
8 progression of courses that align secondary education with
9 community and technical college education to prepare students to
10 succeed at the community and technical college level and in
11 high-wage, high-demand occupations.

12 (B) Therefore, the focus of each consortium is to identify the
13 high-demand, high-wage occupations within the service district and
14 develop programs of study, based on the findings, that lead to an
15 industry-recognized credential, a certificate of applied science
16 degree or an associate degree.

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

21 ~~(6)~~ (7) Plan and implement integrated professional development
22 activities for secondary and post-secondary faculty, staff and
23 administrators;

1 ~~(7)~~ (8) Ensure that program graduates have attained the
2 competencies required for successful employment through the
3 involvement of business, industry and labor in establishing student
4 credentialing;

5 ~~(8)~~ (9) Performance assessment of student knowledge and skills
6 which may be gained from multiple sources so that students gain
7 credit toward program completion and advance more rapidly without
8 repeating course work in which they already possess competency;

9 ~~(9)~~ (10) Cooperate with workforce investment boards in
10 establishing one-stop-shop career centers with integrated
11 employment and training and labor market information systems that
12 enable job seekers to assess their skills, identify and secure
13 needed education training and secure employment and allow employers
14 to locate available workers;

15 ~~(10)~~ (11) Increase the integration of adult literacy, adult
16 basic education, federal Work Force Investment Act and community
17 and technical college programs and services to expedite the
18 transition of adults from welfare to gainful employment, ~~and~~
19 including cooperation with the State Department of Education to
20 provide adult basic education programs on each community and
21 technical college campus in the state where developmental education
22 services are provided.

23 ~~(11)~~ (12) Establish a single point of contact for employers

1 and potential employers to access education and training programs
2 throughout the district.

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

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

10 (1) Northern Panhandle Community and Technical College
11 District includes Hancock, Brooke, Ohio, Marshall and Wetzel
12 counties.

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

15 (B) Participating institutions include West Virginia Northern
16 Community and Technical College; John Marshall High School; Cameron
17 High School; John D. Rockefeller Center; and other public
18 ~~vocational schools~~ career and technical centers offering
19 post-secondary programs.

20 (2) North Central West Virginia Community and Technical
21 College District includes Monongalia, Marion, Preston, Taylor,
22 Barbour, Randolph, Doddridge, Harrison, Braxton, Lewis, Calhoun,
23 Gilmer and Upshur counties.

1 (A) The facilitating institution is Pierpont Community and
2 Technical College. ~~a division of Fairmont State University.~~

3 (B) Participating institutions include Pierpont Community and
4 Technical College ~~a division of Fairmont State University;~~
5 Glenville State College; Randolph County Vocational-Technical
6 Center; Monongalia County Technical Education Center; United
7 Technical Center; Marion County Technical Center; Fred W. Eberly
8 Technical Center; and other public ~~vocational schools~~ career and
9 technical centers offering post-secondary programs.

10 (3) Mid-Ohio Valley Community and Technical College District
11 includes Tyler, Pleasants, Ritchie, Wood, Wirt, Jackson and Roane
12 counties.

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

15 (B) Participating institutions include West Virginia
16 University at Parkersburg; West Virginia Northern Community and
17 Technical College; Roane-Jackson Technical Center; Gaston Caperton
18 Center; Wood County Technical Center; and other public ~~vocational~~
19 ~~schools~~ career and technical centers offering post-secondary
20 programs.

21 (4) Potomac Highlands Community and Technical College District
22 includes Tucker, Pendleton, Grant, Hardy, Mineral and Hampshire
23 counties.

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

3 (B) Participating institutions include Eastern West Virginia
4 Community and Technical College; South Branch Career and Technical
5 Center; Mineral County Technical Center; and other public
6 ~~vocational schools~~ career and technical centers offering
7 post-secondary programs.

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

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

12 (B) Participating institutions include Blue Ridge Community
13 and Technical College; James Rumsey Technical Institute; and other
14 public ~~vocational schools~~ career and technical centers offering
15 post-secondary programs.

16 (6) Advantage Valley Community and Technical College District
17 includes Fayette, Kanawha, Clay, Putnam, Cabell, Mason and Wayne
18 counties.

19 (A) The facilitating institution ~~is Marshall~~ for Cabell, Mason
20 and Wayne counties is Mountwest Community and Technical College.
21 The facilitating institutions for Clay, Fayette, Kanawha and Putnam
22 counties are Bridgemont Community and Technical College and Kanawha
23 Valley Community and Technical College.

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

2 ~~(i) Evaluate the progress of the Advantage Valley Consortia~~
3 ~~toward achieving the goals and benchmarks of its compact;~~

4 ~~(ii) Evaluate the progress of each community and technical~~
5 ~~college in the district toward achieving the goals and benchmarks~~
6 ~~of its institutional compact;~~

7 ~~(iii) Determine which community and technical college in the~~
8 ~~district would best serve the needs of the district for the~~
9 ~~following five-year period if serving as the facilitating~~
10 ~~institution; and~~

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

14 (C) Participating institutions include Marshall Mountwest
15 Community and Technical College; ~~the~~ Bridgemont Community and
16 Technical College; ~~at West Virginia University Institute of~~
17 ~~Technology~~; ~~West Virginia State~~ Kanawha Valley Community and
18 Technical College; Carver Career Center; Garnet Career Center; Ben
19 Franklin Career Center; Putnam County
20 Vocational-Technical-Occupational Center; Cabell County
21 Career-Technical Center; and other public ~~vocational schools~~ career
22 and technical centers offering post-secondary programs.

23 (7) Southern Mountains Community and Technical College

1 District includes Lincoln, Boone, Logan, Mingo, Wyoming and
2 McDowell counties.

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

5 (B) Participating institutions include Southern West Virginia
6 Community and Technical College; New River Community and Technical
7 College; Boone County Career and Technical Center; Wyoming County
8 Vocational-Technical Center; Ralph R. Willis Career and Technical
9 Center; McDowell County Career and Technology Center; Mingo County
10 Vocation-Technical Center; Charles Yeager Technical Center; and
11 other public ~~vocational schools~~ career and technical centers
12 offering post-secondary programs.

13 (8) Southeastern Community and Technical College District
14 includes Raleigh, Summers, Fayette, Nicholas, Webster, Pocahontas,
15 Greenbrier, Monroe and Mercer counties.

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

18 (B) Participating institutions include New River Community and
19 Technical College; Southern West Virginia Community and Technical
20 College; ~~the~~ Bridgemont Community and Technical College; ~~at West~~
21 ~~Virginia University Institute of Technology;~~ Bluefield State
22 College; Academy of Careers and Technology; Fayette Plateau
23 Vocation-Technology Center; Summers County High School; Monroe

1 County Technical Center; Mercer County Technical Center; and other
2 public ~~vocational schools~~ career and technical centers offering
3 post-secondary programs.

4 (d) In the role of the facilitating institution of the
5 community and technical college ~~district~~ consortium, the college:

6 (1) Communicates to the council;

7 (2) Facilitates the delivery of comprehensive community and
8 technical college education in the region, which includes the seven
9 areas of comprehensive community and technical college education
10 delivery as required by section six of this article; ~~and~~

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

15 (4) Facilitates the development of a consortium compact to be
16 submitted to the Council before July 1, 2012, and annually
17 thereafter.

18 (e) Participating institutions are not subordinate to the
19 facilitating institution but ~~will~~ shall sign the statement of
20 commitment to participate.

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

23 (1) ~~Maintain guidelines for community and technical college~~

1 ~~consortia development;~~ Annually evaluating the progress made in
2 meeting the compact goals for each community and technical college
3 consortium through the development and collection of performance
4 indicator data; and

5 ~~(2) Set goals for each consortium based upon legislative goals~~
6 ~~for the delivery of comprehensive community and technical college~~
7 ~~education; and~~

8 ~~(3)~~ (2) Maintain a Providing each consortium with a model
9 format for developing and revising a consortium compact outlining
10 plans strategies and procedures for achieving stated goals. ~~to~~ The
11 compact shall be submitted to the council ~~annually~~ for approval ~~(g)~~
12 ~~On or before November 15 each year~~ July 1, 2012, and annually
13 thereafter. ~~each consortium shall submit to the council for~~
14 ~~approval a compact which outlines plans for obtaining the stated~~
15 ~~goals.~~ Each compact shall include ~~the~~ implementation of seamless
16 curricula projects programs of study, the Collaborative Degree
17 Completion Program and the West Virginia EDGE ~~Earn a Degree,~~
18 ~~Graduate Early Program.~~

19 ~~(h) The council annually shall evaluate the progress made in~~
20 ~~meeting the compact goals for each community and technical college~~
21 ~~consortia through the development and collection of performance~~
22 ~~indicator data.~~

23 **ARTICLE 14. MISCELLANEOUS.**

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

5 (a) The Legislature makes the following findings regarding
6 public higher education:

7 (1) It is in the best interest of the citizens to have an
8 effective and comprehensive system for the delivery of public
9 higher education services. In order to achieve desired goals of
10 economic growth and societal well being, it is critical that more
11 citizens have some level of education beyond high school.

12 (2) In Senate Bill 595 (*Vision 2020*), enacted in 2008 regular
13 session, state policymakers established detailed goals and
14 objectives that state institutions are expected to work toward
15 achieving by the year 2020. *Vision 2020* also provides mechanisms
16 for measuring success and for holding the state systems of higher
17 education accountable. It establishes clear-cut connections
18 between the budget cycle, the goals and objectives and both
19 positive and negative consequences.

20 (3) The Legislature finds further that a variety of policy
21 tools are available to influence and direct public higher education
22 behavior, including organizing institutions into functional

1 systems, creating governance structures and mechanisms designed to
2 ensure that these systems and individual institutions focus on the
3 public policy agenda and establishing outcomes-based goals,
4 accountability measures and regulatory devices.

5 (4) The Legislature finds further that, while these policy
6 tools are useful, they are not sufficient to influence
7 institutions, students and employers to behave in ways consistent
8 with achieving the goals and objectives of *Vision 2020* the public
9 policy agenda. Resources appropriated to public higher education
10 are used most effectively and efficiently when the attention of
11 state colleges and universities is focused on meeting established
12 priorities and this focus is developed and sustained only when the
13 state financing policy contains a direct connection between the
14 Legislature's power to appropriate money and desired institutional
15 outcomes. Unlike rules which can be bent; law can be creatively
16 interpreted; accountability requirements which can lose their
17 effectiveness as they are filtered through layers of bureaucracy;
18 and responsibility for implementation which is divided among
19 agencies and, ultimately, is totally dependent upon institutional
20 discretion, a financing policy that ties the flow of funds directly
21 to progress on achieving established state goals and objectives
22 commands immediate attention.

23 (b) It is the constitutional responsibility of the Legislature

1 to determine how to make the best use of available resources to
2 meet state needs and established goals; therefore, the Joint
3 Committee on Government and Finance shall create a select committee
4 for the two-fold purpose of making a specific and detailed analysis
5 of outcomes-based funding models used in higher education and
6 providing recommendations to the Legislature on incorporating one
7 or more of these models as an effective piece of the state's
8 financing policy.

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

10 (1) The President of the Senate or designee;

11 (2) The Speaker of the House of Delegates or designee;

12 (3) The chairs of the Senate and House of Delegates Committees
13 on Education, who shall cochair the committee;

14 (4) The vice chairs of the Senate and House of Delegates
15 Committees on Education;

16 (5) The chairs of the Senate and House of Delegates Committees
17 on Finance or their designees;

18 (6) The cochairs of the Joint Commission on Economic
19 Development or their designees;

20 (7) Two members each from the Senate Committees on Finance and
21 Education appointed by the President of the Senate; and

22 (8) Two members each from the House Committees on Finance and
23 Education appointed by the Speaker of the House.

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

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

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

8 (3) A review of outcomes-based funding models implemented in
9 other states, including an evaluation of the degree to which these
10 policies have succeeded in influencing institutional and system
11 behavior;

12 (4) Recommendations on methods to balance the inherent need of
13 institutions for stability with the demands of the state for
14 services as identified in *Vision 2020* and the public policy agenda;

15 (5) Recommendations on methods to develop a workable balance
16 between addressing the well-being of institutions and the success
17 of students; and

18 (6) An analysis of the impact of different models on
19 institutions with widely-differing missions, including
20 recommendations on selecting and implementing the appropriate model
21 for each type of institution specifically noting the impact of
22 selected models on community and technical colleges, baccalaureate
23 colleges and regional universities, and research universities.

1 (e) The committee shall commence its work before May 15, 2012,
2 and shall deliver its report and recommendations, together with
3 draft legislation to implement the recommendations, to the
4 Legislative Oversight Commission on Education Accountability and
5 the Joint Committee on Government 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.)