

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 490

BY SENATORS RUCKER, ROBERTS, ROSE, AND BARTLETT

[Reported February 3, 2026, from the Committee on
the Workforce]

1 A BILL to amend and reenact §5B-2B-4 of the Code of West Virginia, 1931, as amended; and to
2 amend the code by adding a new article, designated §5B-12-1, §5B-12-2, §5B-12-3, §5B-
3 12-4, §5B-12-5, and §5B-12-6, relating to the Workforce Pell Grant program; directing the
4 West Virginia Workforce Development Board to assist the Governor in determining the
5 eligibility of short-term workforce training programs for Workforce Pell Grants; defining
6 terms; setting out federal criteria for determination of program eligibility; requiring reporting
7 by institutions offering eligible programs; establishing duties of the Workforce
8 Development Board; providing for consistency with applicable federal law; providing for
9 rulemaking; and establishing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2B. WEST VIRGINIA WORKFORCE INVESTMENT ACT.

§5B-2B-4. Duties of the Workforce Development Board.

1 (a) The board shall provide information and guidance to local boards and staff, to enable
2 them to better educate both women and men about higher paying jobs and careers including jobs
3 traditionally dominated by men or women. Such guidance shall promote services provided by the
4 local boards for job seekers that include:

5 (1) Current information about compensation for jobs and careers that offer high earning
6 potential including jobs that are traditionally dominated by men or women;

7 (2) Counseling, skills development, and training opportunities that encourage both women
8 and men to seek employment in such jobs;

9 (3) Referral information to employers offering such jobs; or

10 (4) Information regarding the long-term consequences, including lower Social Security
11 benefits or pensions, of choosing jobs that offer lower earnings potential and are traditionally
12 dominated by women or men.

13 (b) Under WIOA §101(d), the board shall assist the Governor in the:

14 (1) Development, implementation, and modification of the four-year state plan;

(2) Review of statewide policies, programs, and recommendations on actions that should be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system. Such review of policies, programs, and recommendations shall include a review and provision of comments on the state plans, if any, for programs and activities of one-stop partners that are not core programs;

(3) Development and continuous improvement of the workforce development system, including:

(A) Identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among programs and activities;

(B) Development of strategies to support career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment, including individuals with disabilities, with workforce investment activities, education, and supportive services to enter or retain employment;

(C) Development of strategies to provide effective outreach to, and improved access for, individuals and employers who could benefit from workforce development system;

(D) Development and expansion of strategies to meet the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;

(E) Identification of regions, including planning regions for the purpose of WIOA §106(a), and the designation of local areas under WIOA §106 after consultation with local boards and chief elected officials;

(F) Development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, and providers. Such assistance includes assistance with planning and delivering services, including training and supportive services, to support effective delivery of services to workers, jobseekers, and employers; and

41 (G) Development of strategies to support staff training and awareness across the
42 workforce development system and its programs;

43 (4) Development and updating of comprehensive state performance and accountability
44 measures to assess core program effectiveness under WIOA §116(b);

45 (5) Identification and dissemination of information on best practices, including best
46 practices for:

47 (A) The effective operation of one-stop centers, relating to the use of business outreach,
48 partnerships and service delivery strategies, including strategies for serving individuals with
49 barriers to employment;

50 (B) The development of effective local boards, which may include information on factors
51 that contribute to enabling local boards to exceed negotiated local levels of performance, sustain
52 fiscal integrity, and achieve other measures of effectiveness; and

53 (C) Effective training programs that respond to real-time labor market analysis, that
54 effectively use direct assessment and prior learning assessment to measure an individual's prior
55 knowledge, skills, competencies and experiences for adaptability, to support efficient placement
56 into employment or career pathways;

57 (6) Development and review of statewide policies affecting the coordinated provision of
58 services through the state's one-stop delivery system described in WIOA §121(e), including the
59 development of:

60 (A) Objective criteria and procedures for use by local boards in assessing the
61 effectiveness, physical and programmatic accessibility and continuous improvement of one-stop
62 centers. Where a local board serves as the one-stop operator, the board shall use such criteria
63 to assess and certify the one-stop center;

64 (B) Guidance for the allocation of one-stop center infrastructure funds under WIOA
65 §121(h); and

(C) Policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system;

(7) Development of strategies for technological improvements to facilitate access to, and improve the quality of services and activities provided through, the one-stop delivery system, including such improvements to:

(A) Enhance digital literacy skills (as defined in §202 of the Museum and Library Service Act, 20 U. S. C. §9101);

(B) Accelerate acquisition of skills and recognized post-secondary credentials by participants;

(C) Strengthen professional development of providers and workforce professionals; and

(D) Ensure technology is accessible to individuals with disabilities and individuals residing in remote areas;

(8) Development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures, including design implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation to improve coordination of services across one-stop partner programs;

(9) Development of allocation formulas for the distribution of funds for employment and training activities for adults and youth workforce investment activities, to local areas as permitted under WIOA §128(b)(3) and §133(b)(3);

(10) Preparation of the annual reports described in paragraphs (1) and (2) of WIOA §116(d);

(11) Development of the statewide workforce and labor market information system described in §15(e) of the Wagner-Peyser Act, 29 U. S. C. §49, *et seq.*; ~~and~~

(12) Development of other policies as may promote statewide objectives for and enhance the performance of the workforce development system in the state; and

(13) Determination of the eligibility of short-term workforce training programs for Workforce Pell Grants pursuant to §5B-12-1 et seq. of this code.

ARTICLE 12. WORKFORCE PELL GRANTS.

§5B-12-1. Definitions.

For purposes of this article:

(1) "High-skill industry sector or occupation" means an industry sector or occupation identified as such by the West Virginia Workforce Development Board pursuant to the Carl D. Perkins Career and Technical Education Act under 20 U.S.C. § 2342 and that requires postsecondary education, experience, or training beyond a high school diploma.

(2) "High-wage industry sector or occupation" means an industry sector or occupation identified as such by the West Virginia Workforce Development Board pursuant to the Carl D. Perkins Career and Technical Education Act under 20 U.S.C. § 2342 and with median earnings above 150 percent of the federal poverty level for individual earners.

(3) "In-demand industry sector or occupation" means:

(A) An industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the state economy and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or

(B) An occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector as to have a significant impact on the state economy.

(4) "Short-term workforce training program" means a workforce training program, offered by an institution eligible for federal Pell Grants pursuant to 20 U.S.C. § 1070a, of at least 150

clock hours of instruction, but less than 600 clock hours of instruction, or an equivalent number of credit hours during a minimum of eight weeks, but less than 15 weeks.

(5) "Workforce Pell Grant program" means the Workforce Pell Grant program administered by the United States Department of Education pursuant to the provisions of H.R. 1, Public Law 119-21, Title VIII, Sec. 83002 (2025).

§5B-12-2. Approval of eligible workforce training programs.

(a) Upon application by an eligible institution that offers a short-term workforce training program, the Governor shall, in consultation with the West Virginia Workforce Development Board, approve the short-term workforce training program for eligibility for the Workforce Pell Grant program if the program satisfies all the requirements set forth at 20 U.S.C. § 1088(b)(3)(A)(iii), including that it:

(1) Provides an education aligned with the requirements of:

(A) A high-skill industry sector or occupation;

(B) A high-wage industry sector or occupation; or

(C) An in-demand industry sector or occupation;

(2) Meets the hiring requirements of employers or potential employers in the state in high-skill, high-wage, or in-demand industry sectors or occupations;

(3) Either:

(A) Leads to a recognized postsecondary credential that is stackable and portable across more than one employer; or

(B) Prepares students enrolled in the program for employment in an occupation for which there is only one recognized postsecondary credential and provides students with such a credential upon completion of the program;

(4) Prepares students to pursue one or more related certificate or degree programs at one or more institutions of higher education (which may include the eligible institution providing the program), including by ensuring that a student, upon completion of the program and enrollment

in such a related certificate or degree program, will receive academic credit for the Workforce Pell Grant program that will be accepted toward meeting such certificate or degree program requirements; and

(5) Meets any other requirements for eligibility for the Workforce Pell Grant program established by applicable federal regulations promulgated pursuant to the provisions of H.R. 1, Public Law 119-21, Title VIII, Sec. 83002 (2025).

(b) Eligible institutions offering short-term workforce training programs that are approved for Workforce Pell Grant program eligibility pursuant to this section and which have students receiving Workforce Pell Grants shall report annually to the board concerning program completion rates, job placement rates, and earnings, as provided in §5B-12-3 of this code.

§5B-12-3. Duties of the Workforce Development Board.

In consulting with the Governor in administering the Workforce Pell Grant program, and in collaboration with Workforce West Virginia, the West Virginia Workforce Development Board shall:

(1) Establish an application process for eligible institutions offering short-term workforce training programs to apply for approval for eligibility for the Workforce Pell Grant program;

(2) Coordinate the approval of short-term workforce training programs with other state and federal workforce programs, including state programs established under this chapter, pursuant to the Workforce Innovation and Opportunity Act, 29 U.S.C. § 3101 *et seq.*, and the Carl D. Perkins Career and Technical Education Act under 20 U.S.C. § 2301 *et seq.*;

(3) Require short-term workforce training programs approved pursuant to §5B-12-2 of this code to report annually to the board on verifiable data, as determined by Workforce West Virginia, demonstrating program outcomes, including completion rates, job placement rates, and earnings; and

(4) Review, on an annual basis, each short-term workforce training program approved for eligibility for the Workforce Pell Grant program to determine whether the program continues to

16 align with current labor market needs and to satisfy the criteria set forth in §5B-12-2 of this code
17 necessary for continued eligibility.

§5B-12-4. Consistency with applicable federal law.

1 The provisions of this article shall be construed in a manner consistent with the provisions
2 of H.R. 1, Public Law 119-21, Title VIII, Sec. 83002 (2025), and any applicable federal regulations
3 promulgated thereunder. In the case of an inconsistency between the provisions of this article
4 and applicable federal law, the federal requirement shall control.

§5B-12-5. Rulemaking.

1 Workforce West Virginia, in collaboration with the West Virginia Workforce Development
2 Board, shall propose rules necessary to implement the provisions of this article for legislative
3 approval pursuant to §29A-3-1 *et seq.* of this code.

§5B-12-6. Effective date.

1 The provisions of this article shall be effective July 1, 2026.