
WEST VIRGINIA CODE CHAPTER 18B
ARTICLE 3D

WV Legislature

§18B-3D-1. Legislative findings and intent.

(a) The Legislature finds that a recent statewide study of the workforce training needs of employers throughout the state provided a clear message from the business community:

(1) The needs of employers are rapidly changing and training providers must be more responsive or the state economy will suffer;

(2) Information specific to West Virginia, once again emphasizes the critical link between education and economic development that empowering youth and adults with the knowledge and skills they need to succeed in the competitive work world also results in a workforce which enables businesses and communities to prosper;

(3) Although employers are generally satisfied with the quality of the West Virginia workforce and the study provides additional support that the measures adopted in the Jobs Through Education Act will bring continued improvement, workforce needs are not static, critical skill shortages currently exist, and the establishment of a workforce development system that responds more quickly to the evolving skill requirements of employers is needed.

(b) The Legislature further finds that a study of community and technical education in West Virginia performed by the national center for higher education management systems called attention to problems in providing needed workforce education and found that there is a need to:

(1) Jump-start development of community and technical college and post-secondary workforce development initiatives;

(2) Provide incentives for existing public post-secondary providers to respond jointly to both short and long-term needs of employers and other clients;

(3) Provide funding for explicit incentives for partnerships between employers and public post-secondary institutions to develop comprehensive community and technical college and workforce development services; and

(4) Allocate funds competitively on the basis of proposals submitted by providers.

(c) It is further the intent of the Legislature that the granting of funds under this article will promote the development of comprehensive community and technical colleges as set forth in article three-c of this chapter.

(d) It is the intent of the Legislature through the grant of funds under this article to provide limited seed money to address some of the specific areas where improvement is needed, including, but not limited to:

(1) Improving employer awareness and access to services available through the state's education institutions;

(2) Providing designated professionals and resources to support workforce education through the state's education institutions;

(3) Increasing the capacity of the state's education institutions to respond rapidly to employer needs for workforce education and training on an on-going basis through the development of a client-focused, visible point of contact for program development and delivery, service referral and needs assessment, such as a workforce development center; and

(4) Maximizing the use of available resources for workforce education and training through partnerships with public vocational, technical and adult education centers and private training providers.

(e) It is further the intent of the Legislature that consideration and partnering opportunities be given to small businesses on an equal basis with larger businesses for the purposes of this article and that the seed money will assist providers in becoming self-sustaining through partnerships with business and industry which will include cost-sharing initiatives and fees charged for the use of services.

(f) The Legislature intends that grants of funds made under the provisions of this article will be competitive among applicants who meet all of the criteria established in this article and such other criteria as may be specified by the Development Office. Subject to the availability of funds, more than one competition may be held during the same fiscal year and the dollar range of awards granted in successive competitions shall be prorated based on the number of months remaining in the fiscal year. Subject to annual review and justification, it is the intent of the Legislature to renew grant awards made under this article each year for not more than five years following the initial grant award.

§18B-3D-2. Workforce Development Initiative Program continued; purpose; program administration; rule required.

(a) The Workforce Development Initiative Program is continued under the supervision of the council. The purpose of the program is to administer and oversee grants to community and technical colleges to implement the provisions of this article in accordance with legislative intent.

(b) It is the responsibility of the council to administer the state fund for community and technical college and workforce development, including setting criteria for grant applications, receiving applications for grants, making determinations on distribution of funds, and evaluating the performance of workforce development initiatives.

(c) The chancellor, under the direction of the council, shall review and approve the expenditure of all grant funds, including development of application criteria, the review and selection of applicants for funding, and the annual review and justification of applicants for grant renewal.

(1) When determining which grant proposals will be funded, the council shall give special consideration to proposals by community and technical colleges that involve businesses with fewer than fifty employees.

(2) The council shall weigh each proposal to avoid awarding grants which will have the ultimate effect of providing unfair advantage to employers new to the state who will be in direct competition with established local businesses.

(d) The council may allocate a reasonable amount, not to exceed five percent up to a maximum of \$50,000 of the funds available for grants on an annual basis, for general program administration.

(e) Moneys appropriated or otherwise available for the Workforce Development Initiative Program shall be allocated by line item to an appropriate account. Any moneys remaining in the fund at the close of a fiscal year are carried forward for use in the next fiscal year.

(f) Nothing in this article requires a specific level of appropriation by the Legislature.

§18B-3D-3. Mission of the Workforce Development Initiative Program.

(a) The statewide mission of the Workforce Development Initiative Program is to develop a strategy to strengthen the quality of the state's workforce by linking the existing post-secondary education capacity to the needs of business, industry and other employers. Available funding will be used to provide explicit incentives for partnerships between employers and community and technical colleges to develop comprehensive workforce development services. Funds will be granted on the basis of proposals developed according to criteria established by the council.

(b) The mission of any community and technical college accepting a workforce development initiative grant is to:

(1) Become client-focused and develop programs that meet documented employer needs;

(2) Involve and collaborate with employers in the development of programs;

(3) Develop customized training programs that provide for the changing needs of employers and that are offered at flexible times and locations to accommodate employer scheduling;

(4) Develop partnerships with other public and private providers, including small business development centers and vocational, technical and adult education centers, and, with business and labor, to fulfill the workforce development needs of the service area;

(5) Establish cooperative arrangements with the public school system for the seamless progression of students through programs of study that begin at the secondary level and conclude at the community and technical college level, particularly with respect to career and technical education certificates, associate of applied science and selected associate of science degree programs for students seeking immediate employment, individual entrepreneurship skills, occupational development, skill enhancement and career mobility; and

(6) Assist in the on-going assessment of the workforce development needs of the service area.

§18B-3D-4. Grant application procedures.

(a) In order to participate in the workforce development initiative grant program, a community and technical college shall meet the following conditions:

(1) Participate in a community and technical college consortia planning district as required by article three-c of this chapter. Consortia representatives participate in the development of and approve applications for funding grants under the provisions of this article and approve the workforce development initiative budget;

(2) Develop, as a component of its institutional compact, a plan to achieve measurable improvements in the quality of the workforce within its service area over the period covered by the compact. The plan is developed in partnership with employers, local vocational schools and other workforce education providers; and

(3) Establish a special revolving fund under the jurisdiction of the community and technical college dedicated solely to workforce development initiatives for the purposes provided in this article. Any fees or revenues generated from workforce development initiatives funded by a competitive grant are deposited into this fund.

(b) To be eligible to receive a workforce development initiative grant, a community and technical college shall provide at least the following information in its application:

(1) Identification of the specific business or business sector training needs that will be met if a workforce development initiative grant is received;

(2) A commitment from the private or public sector partner or partners to provide a match of \$1, cash and in-kind, for each dollar of state grant money received: Provided, That the commitment required by this subdivision may be provided by a public sector partner using state or federal dollars to provide the required match if funding for this initiative in the fiscal year exceeds \$650,000 in which case, one-half the amount exceeding \$650,000 may be granted using a public sector match;

(3) An agreement to share with other community and technical colleges any curricula developed using funds from a workforce development initiative grant;

(4) A specific plan showing how the community and technical college will collaborate with local post-secondary vocational institutions to maximize the use of existing facilities, personnel and equipment; and

(5) An acknowledgment that acceptance of a grant under the provisions of this article commits the community and technical college and its consortia committee to such terms, conditions and deliverables as specified by the council in the request for applications, including, but not limited to, the measures by which the performance of the workforce development initiative will be evaluated.

(c) Applications submitted by community and technical colleges may be awarded funds for programs which meet the requirements of this article that are operated on a collaborative basis at facilities under the jurisdiction of the public schools and utilized by both secondary and post-secondary students.

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

(a) The council shall propose a legislative rule pursuant to article three-a, chapter twenty-nine-a of this code to implement the provisions of this article and shall file the rule with the Legislative Oversight Commission on Education Accountability no later than October 1, 2011.

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

(c) Any rule promulgated by the council pursuant to previous enactments of this section and in effect on the effective date of the amendment and reenactment of this section in the year 2011 remains in effect until amended, modified, repealed or replaced by the council.

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

(a) *Legislative findings.*

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

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

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

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

(d) An institution is eligible to apply for a program grant in cooperation with one or more employer partners if it meets the definition of a community and technical college provided in §18B-1-2 of this code: *Provided*, That, as a pilot program beginning at the start of the 2023-2024 academic year and concluding at the end of the 2025-2026 academic year, Potomac State College of West Virginia University is eligible to participate in the "Learn and Earn Program" established by this section in accordance with the rules promulgated pursuant to §18B-3D-5 of this code. At the conclusion of the pilot program, the council shall determine whether Potomac State College of West Virginia University has achieved sufficient results to continue to participate in the Learn and Earn program. The council shall define the application process in the rules required in section five of this article.

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

§18B-3D-7. STAND - Registered apprenticeship to associate in applied science degree program established; definitions; funding; annual reporting.

(a) Purpose and Intent. – The purpose of this section is to create a comprehensive registered apprenticeship to associate of applied science degree program to be known as the Skilled Trades Apprenticeship Nontraditional Degree (STAND) program to provide apprentices or journeyworkers with the opportunity to obtain associate degrees in applied science while gaining practical skills and on-the-job training through federally recognized apprenticeship programs. The registered apprenticeship to associate of applied science degree program aims to bridge the gap between postsecondary education and the apprenticeship learning experience, fostering a skilled workforce that meets the demands of varied and evolving industries.

(b) Definitions. – As used in this section, unless used in a context that clearly requires a different meaning, the term:

"Apprenticeship" or "apprenticeship program" means an apprenticeship program registered under the federal National Apprenticeship Act, 29 U.S.C. 50, *et seq.*, or another federal apprenticeship program administered by the United States Department of Labor's Office of Apprenticeship.

"Associate of applied science degree" means an associate-level college degree with a focus on a particular applied science or technical skill designed for students planning to enter the workforce upon degree completion.

"Eligible course" means any class or program of instruction offered at a public community and technical college for which the eligible student receives credit toward the general education requirements that lead to an associate of applied science degree. Applied academics for adult education instruction, developmental education, physical education courses, and recreation and leisure studies courses are not eligible courses for purposes of this program.

"Eligible student" means any person who has graduated from high school or has obtained a general equivalency diploma or other approved equivalency-based test, is 18 years of age or older, and is an apprentice or participating in an apprenticeship program as verified by the registered apprenticeship program who registers to participate in the program. "Eligible student" also includes journeyworkers who have received a certificate recognized by the United States Department of Labor.

"Student-apprentice" means a student who has been accepted into and is participating in the program created in this section.

(c) Apprenticeship to associate of applied science degree program established. – Under the supervision of the council, the chancellor shall establish the STAND program whereby the state's public community and technical colleges may offer general education courses to

eligible students in a manner and on a timeline that will allow the eligible student to earn at least 15 credit hours of general education courses toward an associate of applied science degree.

(1) To be eligible for the STAND program, an individual must be enrolled in an apprenticeship program recognized by the United States Department of Labor's Office of Apprenticeship or must have received a United States Department of Labor Certificate of Completion of Apprenticeship.

(2) An apprentice or journeyworker may apply for enrollment in the STAND program at the next available program offering.

(3) Student-apprentices shall complete and pass all general education coursework within six years from the initial date of enrollment in the STAND program or within two years after completing the apprentice program, whichever is longer. Journeyworkers shall complete and pass all general education coursework within six years from the initial date of enrollment.

(d) Funding. - From appropriations to the council for the purposes of implementing and administering the STAND program established in this section, the council shall pay directly to the participating public community and technical colleges the cost of the tuition and academic fees incurred by eligible students taking courses through the STAND program. This funding may not be used to pay for any of the costs associated with the apprenticeship program or otherwise incurred by the apprenticeship program in conducting such training.

(e) Rulemaking. - The council may propose emergency and legislative rules pursuant to §29A-3A-1 *et seq.* of this code to implement the provisions of this section.

(f) Annual reports. - By December 1, 2025, and annually thereafter, the chancellor shall report to the Legislative Oversight Commission on Education Accountability on any STAND programs created. The report shall contain, at a minimum, the following information: the number of student-apprentices and journeyworkers participating in the STAND program; the number of associate of applied science degrees earned by students who have participated in the STAND program; projected growth in the STAND program and funding needs for the next year; and any issues with the STAND program reported by students, the registered apprenticeship program, and the community and technical colleges, how these issues are being addressed, and whether the issues require legislative action.