WEST VIRGINIA CODE: §18C-5-7

§18C-5-7. Higher education future workforce grant program.

(a) There is established the Higher Education Future Workforce Grant Program. The Future Workforce grant program established and authorized by this section is administered by the vice chancellor for administration. Moneys appropriated or otherwise available for the Future Workforce grant program shall be allocated by line item to an appropriate account. Any moneys remaining in the fund at the close of a fiscal year shall be carried forward for use in the next fiscal year.

(b) As used in this section, the following terms have the meanings ascribed to them:

(1) "Approved distance education" means a course of study offered via electronic access that has been approved for inclusion in the applicant's program of study by the eligible institution of higher education at which the applicant is enrolled or has been accepted for enrollment;

(2) "Satisfactory academic progress" means, in the case of postsecondary certificate, industry recognized credential and other skill development programs, continuous advancement toward completion of the program on the normal schedule established for the program in which enrolled;

(3) "Eligible institution" has the same meaning as approved institution of higher education as defined in §18C-5-2 of this code;

(4) "Eligible program or programs" or "eligible course or courses" means, in addition to programs and courses offered by eligible institutions as defined in subdivision (3) of this subsection:

(A) Programs and courses offered by any nationally accredited degree granting institution of higher learning approved by the vice chancellor for administration; and

(B) Any postsecondary certificate, industry recognized credential and other skill development programs of study as defined in this section in a demand occupation in this state;

(5) "State resident" means a student who has lived in West Virginia continuously for a minimum of twelve months immediately preceding the date of application for a Future Workforce grant or renewal of a grant;

(6) "Postsecondary certificate program" means an organized program of study, approved by the vice chancellor for administration, with defined competencies or skill sets that may be offered for credit or noncredit and which culminates in the awarding of a certificate: *Provided*, That postsecondary certificate programs offered by eligible institutions as defined in subdivision (3) of this subsection do not require the approval of the vice chancellor for

WV Legislature

administration;

(7) "Demand occupation" means any occupation having documented verification from employers that job opportunities in that occupation are currently available or are projected to be available within a year within the state or regions of the state. The vice chancellor for administration shall prepare and update annually a list of occupations that they determine meet the requirements of this definition;

(8) "Industry-recognized credential program" means an organized program that meets nationally recognized standards in a particular industry, is approved by the vice chancellor for administration and which culminates in the awarding of a certification or other credential commonly recognized in that industry: *Provided*, That industry recognized credential programs offered by eligible institutions as defined in subdivision (4) of this subsection do not require the approval of the vice chancellor for administration; and

(9) "Skill development program" means a structured sequence or set of courses, approved by the vice chancellor for administration, with defined competencies that are designed to meet the specific skill requirements of an occupation and which culminates in the awarding of a certificate of completion that specifically lists the competencies or skills mastered: *Provided*, That skill development programs offered by eligible institutions as defined in subdivision (4) of this subsection do not require the approval of the vice chancellor for administration.

(c) A person is eligible for consideration for a Future Workforce grant if the person:

(1) Demonstrates that he or she has applied for, accepted, or both, other student financial assistance in compliance with federal financial aid rules, including the federal Pell grant;

(2) Demonstrates financial need for funds, as defined by legislative rule;

(3) Is a state resident and may not be considered a resident of any other state;

(4) Is a United States citizen or permanent resident thereof;

(5) Is not incarcerated in a correctional facility;

(6) Is not in default on a higher education loan; and

(7) Is enrolled in short-term training programs of twelve months or less in a postsecondary certificate, industry-recognized credential, or other skill development programs in a demand occupation in the state and is making satisfactory academic progress at the time of application: *Provided*, That the requirement that the student be making satisfactory academic progress may not preclude a Future Workforce grant award to a student who has been accepted for enrollment in an eligible institution or program of study but has not yet been enrolled.

(d) Each Future Workforce grant award is eligible for renewal until the course of study is

WV Legislature

completed, but not to exceed an additional three years beyond the first year of the award.

(e) The Higher Education Policy Commission shall propose a legislative rule pursuant to §29A-3A-1 *et seq*. of this code to implement the provisions of this section and §18C-5-6 of this code which shall be filed with the Legislative Oversight Commission on Education Accountability by October 1, 2026. The Legislature finds that an emergency exists and, therefore, the commission shall propose an emergency rule to implement the provisions of this section and §18C-5-6 of this code in accordance with §29A-3A-1 *et seq*. of this code by October 1, 2026. Any rule promulgated by the commission pursuant to previous enactments of this article and in effect on the effective date of the amendment and reenactment of this section in the year 2026 remains in effect until amended, modified, repealed, or replaced by the commission.

(f) The legislative rule shall provide at least the following:

(1) That consideration of financial need, as required by subdivision (2), subsection (c) of this section, include the following factors:

(A) Whether the applicant has dependents as defined by federal law;

(B) Whether the applicant has any personal hardship as determined at the discretion of the vice chancellor for administration; and

(C) Whether the applicant will receive any other source of student financial aid during the award period.

(2) That an appropriate allocation process be provided for distribution of funds directly to the eligible institutions or programs based on the part-time enrollment figures of the prior year;

(3) That funds appropriated in any one fiscal year may be used to make grants to students enrolled in postsecondary certificate, industry recognized credential and other skill development programs of study;

(4) That funds appropriated in any one fiscal year may be used to make grants to state community and technical colleges by the council for community and technical college education in accordance with a process specified in the rule for noncredit and customized training programs which further the economic development goals of the state, help meet the training and skill upgrade needs of employers in the state, and for which funds are not available from other sources;

(5) That any funds not expended by an eligible institution or program at the end of each fiscal year shall be returned to the vice chancellor for administration for distribution under the provisions of this section;

(6) That grants under this section shall be available throughout the calendar year, subject

WV Legislature

only to the availability of funds; and

(7) That the amount of each Future Workforce grant award be determined using the following guidelines:

(A) The amount of any Future Workforce grant awarded to a student per semester, term hour or program for those students who are enrolled in eligible institutions or programs operated under the jurisdiction of an agency of the state or a political subdivision thereof shall be based upon the following:

(i) Actual cost of tuition and fees;

(ii) The portion of the costs determined to be appropriate by the commission; and

(iii) In addition to factors (I) and (II) above, in determining the amount of the award, the vice chancellor may consider the demand for the program pursuant to subdivision (8), subsection (b) of this section; and

(B) The amount of any Future Workforce grant awarded to a student who is enrolled in any other eligible institution, program or course shall be no greater than the average amount for comparable programs or courses as determined pursuant to the provisions of paragraph (A) above.

(g) The Future Workforce grant program is subject to any provision of this article not inconsistent with the provisions of this section.

WV Legislature