WEST VIRGINIA CODE CHAPTER 5b ARTICLE 13

WV Legislature

§5B-13-1. 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).

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§5B-13-2. 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-13-3 of this code.

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§5B-13-3. 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-13-2 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 align with current labor market needs and to satisfy the criteria set forth in §5B-13-2 of this code necessary for continued eligibility.

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§5B-13-4. Consistency with applicable federal law.

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

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§5B-13-5. Rulemaking.

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

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§5B-13-6. Effective date.

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

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