WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2001

ENROLLED

House Bill No. 2898

(By Delegates Paxton, Shelton, Dempsey, Perry, Carmichael, Romine and Canterbury)

Passed April 14, 2001

In Effect from Passage
AN ACT to amend and reenact sections one, three and four, article three-d, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to including funds to assist with modernization and procurement of equipment for workforce training programs in grants through the workforce development initiative grant program; updating obsolete references; requiring prior approval for sale, disposal or change in use of equipment upgraded or procured with grant funds; authorizing annual renewal for less than five years; establishing additional required element in mission of community and technical colleges accepting grant funds; authorizing required private match to be both cash and in-kind; requiring plan to collaborate with public schools to maximize use of existing personnel and equipment; and authorizing award of funds for qualified programs operated on collaborative basis and utilized by both secondary and post-secondary students at public school facilities.
Be it enacted by the Legislature of West Virginia:

That sections one, three and four, article three-d, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3D. WORKFORCE DEVELOPMENT INITIATIVE.

§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 college and postsecondary workforce development initiatives;

(2) Provide incentives for existing public postsecondary 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 postsecondary institutions to develop comprehensive community 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:

(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) Assisting with the modernization and procurement of equipment needed for workforce training programs: Provided,
That any equipment purchased or upgraded with grant funds awarded under the provisions of this article may not be sold, disposed of or used for purposes other than those specified in the grant without prior approval of the council;

(4) 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

(5) 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 council. 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.

(a) The state-wide 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 postsecondary 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, particu-
larly 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.

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

(7) Serve as a visible point of contact and referral for 
services to meet 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 
must meet the following conditions:

(1) Establish a consortia committee as required by section 
seven, article three-c of this chapter. The consortia committee 
or a subcommittee thereof shall participate in the development 
of and approve applications for funding grants under the 
provisions of this article, and shall approve the workforce 
development initiative budget;

(2) Develop a plan to achieve measurable improvements in 
the quality of the workforce within its service area over a five- 
year period. The plan must be developed in partnership with 
employers, local vocational schools, and other workforce 
education providers;

(3) Establish a special revolving fund under the jurisdiction 
of the consortia committee 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 shall be deposited into 
this fund.
(b) To be eligible to receive a workforce development initiative grant, a community and technical college must 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 sector to provide a match of one dollar, cash and in-kind, for each dollar of state grant money received except in cases where the community and technical college can demonstrate in the grant application that it would be a hardship for the business being served to provide such a match. In those cases only, the match required may be reduced to one private dollar, cash and in-kind, for every three dollars of state grant money provided. In the case of awards for the modernization of procurement of equipment, the council may establish a separate match requirement of up to one dollar, cash and in-kind, for each dollar of state grant money received;

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 postsecondary vocational institutions to maximize the use of existing facilities, personnel and equipment;

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 is 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.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the day of May, 2001.

Governor