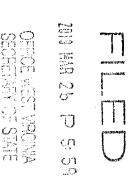
# **WEST VIRGINIA LEGISLATURE**

## 2019 REGULAR SESSION

## **ENROLLED**



## **Committee Substitute**

for

# House Bill 2004

By Delegates Espinosa, Graves, Harshbarger,
Foster, Worrell, Hanna, Dean, Sypolt, Hamrick
AND Howell

[Passed March 8, 2019; in effect ninety days from passage.]

# **WEST VIRGINIA LEGISLATURE**

## 2019 REGULAR SESSION

## **ENROLLED**

## **Committee Substitute**

for

# House Bill 2004

By Delegates Espinosa, Graves, Harshbarger,
Foster, Worrell, Hanna, Dean, Sypolt, Hamrick
AND Howell

[Passed March 8, 2019; in effect ninety days from passage.]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18-2-7d and §18-2-42; to amend and reenact section §18B-3C-4 of said code; to amend said code by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3 and §21-1E-4; to amend and reenact section §29-3-9 of said code; and to amend said code by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3 and \$30-1E-4, all relating to requiring a state board rule that adopts a program of instruction in general workforce and career preparedness; providing career and technical education program information to students and parents; requiring transcript of certain postsecondary credits earned by public school students to be provided to them; ensuring that certain career technical education students are eligible to participate in the graduation ceremony in the same manner as all other students in the district; elevating priority on program integration to meet region and state labor market needs by community and technical college/career and technical education consortia; requiring the facilitating institution to annually submit the Carl D. Perkins local planning guide to the Council for Community and Technical College Education and State Board of Education; providing for joint State Board and Council for Community and Technical College Education guidelines on administration of the code section requiring the formation of community and technical college/career and technical education consortia; providing joint responsibility of State Superintendent and Chancellor for certain activities and reporting; requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor, State Fire Commission, State Fire Marshal and the professions and occupations licensing boards and commissions.

Be it enacted by the Legislature of West Virginia:

#### **CHAPTER 18. EDUCATION.**

#### ARTICLE 2. STATE BOARD OF EDUCATION.

#### §18-2-7d. Program in workforce preparedness.

- (a) The Legislature finds that, in addition to specialized skills relating to specific professions and trades, students will be better prepared to enter the workforce and succeed in their chosen fields of employment or education by having the opportunity to participate in training related to general workforce preparedness, productive workplace skills and processes, time management and efficiency, and teamwork and leadership competencies in the workplace. The Legislature further finds that employers in the state are the best source for articulating the general skills and attributes they, in common, seek in future employees and that employers may collaborate in the development of a graduate profile incorporating these skills and attributes.
- (b) The state board shall promulgate a rule pursuant to 29A-3B-1 *et seq.* of this code that adopts a program of instruction in general workforce and career preparedness for all students. The program of instruction shall include guidelines for schools working through their local school improvement councils and business partners to communicate to students the common skills and attributes sought by employers in prospective employees.
- §18-2-42. Providing career and technical education program information to students and parents; transcript of post-secondary credit; career technical education student participation in graduation ceremony.
- (a) The State Board of Education, the Council for Community and Technical College Education, and the Department of Commerce shall coordinate efforts for the collection and dissemination of information on the career and technical cluster and major programs of study established for the public schools including, but not limited to, the following:
- (1) Programs of study and the curriculum of courses at the secondary and post-secondary level established pursuant to §18B-3C-4 of this code that lead to an industry-recognized

- 7 credential, a certificate of applied science degree or an associate degree that satisfy a workforce
   8 need;
  - (2) Programs of study and the curriculum of courses at the secondary level recognized pursuant to §21-1E-1 et seq. of this code, §29-3-9 of this code and §30-1E-1 et seq. of this code as satisfying a portion of the requirements for an apprenticeship and other employer sponsored training programs, as well as any associated programs of study and the curriculum of courses at the post-secondary level that enable the student to also satisfy the requirements for an associate degree; and
  - (3) The EDGE program, established by §18-13-1 *et seq.* of this code, which provides the opportunity for the student to obtain articulated credits that count toward high school graduation requirements, as well as count toward the student's achievement of a certificate or associate degree.
  - (b) The dissemination of the information on programs of study as provided in subsection(a) of this section shall be easily accessible to all students and their parents beginning in the middle school grades.
  - (c) All post-secondary credits earned by a public school student through the EDGE program and any other articulated credit and dual credit program shall be transcripted and provided to the student by the post-secondary institution at which the credit was earned.
  - (d) Any career technical education student who fulfills the high school graduation requirements required of other students in the district in which he or she is enrolled shall be eligible to participate in the graduation ceremony in the same manner as all other students in the district.

#### **CHAPTER 18B. HIGHER EDUCATION.**

#### ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.

§18B-3C-4. Community and technical college/career and technical education consortia planning districts.

- (a) Unless otherwise designated, the presidents of the community and technical colleges facilitate formation of community and technical college/career and technical education consortia in the state. Each consortium includes representatives of community and technical colleges, public career and technical education centers and state baccalaureate institutions offering associate degrees. The consortium is responsible for carrying out the following actions:
- (1) Completing a comprehensive assessment of the district to determine what education and training programs are necessary to meet the short- and long-term workforce development needs of the district and to identify the high-demand, high-wage occupations within the service district and develop programs of study, based on the findings, that consist of a curriculum of courses leading to an industry-recognized credential, a certificate of applied science degree or an associate degree;
- (2) Coordinating efforts with regional labor market information systems to identify the ongoing needs of business and industry, both current and projected, and to provide information to assist in an informed program of planning and decision-making. The priority of each consortium is to identify the high-demand, high-wage occupations within the service district and, in conjunction with the public schools, develop integrated secondary and post-secondary programs of study that lead to an industry-recognized credential, a certificate of applied science degree or an associate degree;
- (3) Developing integrated secondary and post-secondary programs of study that lead to an industry-recognized credential, a certificate of applied science degree or an associate degree to satisfy a workforce need as determined by the Department of Commerce. The Department of Commerce shall on occasion, but at least annually, provide written notification to the State Board of Education and the West Virginia Council for Community and Technical College Education a determination of areas of workforce need;
- (4) Increasing the integration of secondary and post-secondary curriculum and programs that are targeted to meet regional and state labor market needs, including implementing seamless

- programs of study, including West Virginia EDGE, Advanced Career Education, Registered Apprenticeships and any program that allows students to earn college credit while they are still in high school;
  - (5) Ensuring that the programs of study include coherent and rigorous content aligned with challenging academic standards and relevant career and technical education content. The programs shall provide for student movement through a coordinated, nonduplicative progression of courses that align secondary education with community and technical college education to prepare students to succeed at the community and technical college level and in high-wage, high-demand occupations;
  - (6) Planning and developing a unified effort between the community and technical colleges and public career and technical education to meet the documented workforce development needs of the district and state through individual and cooperative programs; shared facilities, faculty, staff, equipment and other resources; and the development and use of distance learning and other education technologies;
  - (7) Collaborating and developing jointly the collaborative programming for adults between the community and technical colleges and the public career and technical centers. The focus of these collaborative efforts is the development of advanced skill programming that builds on the secondary curriculum and allows career and technical education graduates to acquire more indepth preparation in their occupational area of interest;
  - (8) As a consortium, regularly reviewing and revising curricula to ensure that the work force needs are met; developing new programs and phasing out or modifying existing programs, as appropriate, to meet such needs; and streamlining procedures for designing and implementing customized training programs;
  - (9) Planning and implementing integrated professional development activities for secondary and post-secondary faculty, staff and administrators;

#### Enr. CS for HB 2004

- (10) Ensuring that program graduates have attained the competencies required for successful employment through the involvement of business, industry and labor in establishing student credentialing;
- (11) Assessing student knowledge and skills which may be gained from multiple sources so that students gain credit toward program completion and advance more rapidly without repeating course work in which they already possess competency;
- (12) Cooperating with workforce investment boards to establish one-stop-shop career centers with integrated employment and training and labor market information systems that enable job seekers to assess their skills, identify and secure needed education training, and secure employment, and that allow employers to locate available workers;
- (13) Increasing the integration of adult literacy, adult basic education, federal Workforce Innovation and Opportunity Act and community and technical college programs and services to expedite the transition of adults from welfare to gainful employment, including cooperating with the State Department of Education to provide adult basic education programs on each community and technical college campus in the state where developmental education services are provided; and
- (14) Establishing a single point of contact for employers and potential employers to access education and training programs throughout the district.
- (b) The community and technical college education consortium shall cooperate with the regional workforce investment board in the district and shall participate in any development or amendment to the regional workforce investment plan.
- (c) To carry out the provisions of this section, community and technical college/career and technical education consortia planning districts are established and defined as follows:
- (1) Northern Panhandle District includes Hancock, Brooke, Ohio, Marshall and Wetzel counties.
  - (A) The facilitating institution is West Virginia Northern Community and Technical College.

78	(B) Participating institutions include West Virginia Northern Community and Technical
79	College; John Marshall High School; Cameron High School; John D. Rockefeller IV Career
80	Center; and other public career and technical centers offering post-secondary programs.

- (2) North Central West Virginia District includes Monongalia, Marion, Preston, Taylor, Barbour, Randolph, Doddridge, Harrison, Braxton, Lewis, Calhoun, Gilmer and Upshur counties.
  - (A) The facilitating institution is Pierpont Community and Technical College.
- (B) Participating institutions include Pierpont Community and Technical College; Glenville State College; Randolph County Technical Center; Monongalia County Technical Education Center; United Technical Center; Marion County Technical Center; Fred W. Eberle Technical Center; Calhoun Gilmer Career Center; Taylor County Technical Center; and other public career and technical centers offering post-secondary programs.
- (3) Mid-Ohio Valley District includes Tyler, Pleasants, Ritchie, Wood, Wirt, Jackson and Roane counties.
  - (A) The facilitating institution is West Virginia University at Parkersburg.
- (B) Participating institutions include West Virginia University at Parkersburg; Roane-Jackson Technical Center; Wood County Technical Center; Mid-Ohio Valley Technical Institute and other public career and technical centers offering post-secondary programs.
- (4) Potomac Highlands District includes Tucker, Pendleton, Grant, Hardy, Mineral and Hampshire counties.
  - (A) The facilitating institution is Eastern West Virginia Community and Technical College.
- (B) Participating institutions include Eastern West Virginia Community and Technical College; South Branch Career and Technical Center; Mineral County Technical Center; and other public career and technical centers offering post-secondary programs.
  - (5) Shenandoah Valley District includes Berkeley, Jefferson and Morgan counties.
  - (A) The facilitating institution is Blue Ridge Community and Technical College.

- (B) Participating institutions include Blue Ridge Community and Technical College; James
   Rumsey Technical Institute; and other public career and technical centers offering post-secondary
   programs.
  - (6) Advantage Valley District includes Fayette, Kanawha, Clay, Putnam, Cabell, Mason and Wayne counties.
  - (A) The facilitating institution for Cabell, Mason and Wayne counties is Mountwest Community and Technical College. The facilitating institution for Clay, Fayette, Kanawha and Putnam counties is BridgeValley Community and Technical College.
  - (B) Participating institutions include Mountwest Community and Technical College; BridgeValley Community and Technical College; Carver Career and Technical Education Center; Garnet Career Center; Ben Franklin Career and Technical Center; Putnam Career and Technical Center; Cabell County Career-Technology Center; Mason County Career Center; and other public career and technical centers offering post-secondary programs.
  - (7) Southern Mountains District includes Lincoln, Boone, Logan, Mingo, Wyoming and McDowell counties.
    - (A) The facilitating institution is Southern West Virginia Community and Technical College.
  - (B) Participating institutions include Southern West Virginia Community and Technical College; Boone County Career and Technical Center; Wyoming County Career and Technical Center; Ralph R. Willis Career and Technical Center; McDowell County Career and Technology Center; Mingo Extended Learning Center; and other public career and technical centers offering post-secondary programs.
  - (8) Southeastern District includes Raleigh, Summers, Fayette, Nicholas, Webster, Pocahontas, Greenbrier, Monroe and Mercer counties.
    - (A) The facilitating institution is New River Community and Technical College.
  - (B) Participating institutions include New River Community and Technical College; BridgeValley Community and Technical College; Bluefield State College; Academy of Careers

129	and Technology; Fayette Institute of Technology; Summers County High School; Monroe County		
130	Technical Center; Mercer County Technical Education Center; Nicholas County Career and		
131	Technical Center; and other public career and technical centers offering post-secondary		
132	programs.		

- (9) Cochairs preside over each consortium as follows:
- (A) The president of the facilitating community and technical college, or his or her designee; and
  - (B) A career and technical education center administrator, or his or her designee, representing one of the participating institutions and selected by the consortium administrative leaders.
    - (d) In the role of the facilitating institution of the consortium, the college:
    - (1) Communicates to the council and state board;
  - (2) Facilitates the delivery of comprehensive community and technical college education in the region, which includes the seven areas of comprehensive community and technical college education delivery as required by §18B-3C-6 of this code;
  - (3) Facilitates development of a statement of commitment signed by all participating institutions in the region setting forth how community and technical college education will be delivered; and
- (4) Submits annually the Carl D. Perkins local planning guide to the council and the state board.
- (e) The state board and council shall jointly promulgate guidelines for the administration of this section. The guidelines shall be affirmatively adopted by both the board and the council. At a minimum, such guidelines shall provide for the following:
- (1) Participating institutions are not subordinate to the facilitating institution but shall sign
   the statement of commitment to participate.

155

156

157

158

159

160

161

162

163

164

165

166

167

168

1

2

3

1

- (2) Integrated secondary and post-secondary programs of study that lead to an industry-recognized credential, a certificate of applied science degree or an associate degree shall be reduced to written partnership agreements;
- (3) The programs of study must meet the requirements of the accrediting entity for the community and technical college awarding the associate degrees;
- (4) That partnership agreements must be approved by the State Superintendent of Schools and the Chancellor for the Council for Community and Technical College Education; and
  - (5) Any other provisions necessary to effectuate the purposes of this section.
- (f) The State Superintendent of Schools and the Chancellor for the Council for Community and Technical College Education are responsible for annually evaluating the progress made in meeting the goals for each consortium through the development and collection of performance indicator data.
- (g) The State Superintendent of Schools and the Chancellor for the Council for Community and Technical College Education shall annually report to the Governor and the Legislative Oversight Commission on Education Accountability on the implementation of this section.

#### CHAPTER 21. LABOR.

#### ARTICLE 1E. CAREER TRAINING EDUCATION AND APPRENTICESHIPS.

#### §21-1E-1. Declaration of purpose.

The provisions of this article are intended to facilitate certification and/or licensure for workers who acquire training via career technical education provided by West Virginia public schools or an employer-sponsored apprenticeship and employer-sponsored training programs.

#### §21-1E-2. Definitions.

- As used in this article and the legislative rules promulgated pursuant to this article:
- 2 "Apprentice" means someone who is enrolled in an apprenticeship program.

#### Enr. CS for HB 2004

3	"Apprenticeship program" means a program offered by an employer to provide supervised
4	on-the-job training to employees approved by the United States Department of Labor.

"Employer sponsored training program" means a program approved in accordance with a rule promulgated pursuant to authority established in §21-1E-4 of this code.

"License" means a valid and current certification or license issued by the Commissioner of Labor in accordance with the provisions of this article.

"Career technical education" means programs of study, clusters, and pathways approved by the West Virginia Board of Education pursuant to state board policy.

#### §21-1E-3. Recognition of training and apprenticeships.

Beginning July 1, 2019, applicants for certification or licensure shall be permitted to apply training hours earned via career technical education provided by West Virginia public schools or an apprenticeship program or employer-sponsored training program towards the requirements for certification and/or licensure in the same occupation in accordance with the standards and procedures authorized in accordance with this article.

#### §21-1E-4. Rule-making authority.

The Commissioner of Labor shall, after consultation with the State Superintendent of Schools, propose rules for legislative approval, in accordance with the provisions of §29A-3-1 *et seq.* of this code, for the implementation and enforcement of the provisions of this article. The rules shall provide at least the following:

- (1) Standards and procedures for recognizing training hours acquired through career technical education provided by West Virginia public schools and applying those hours to requirements for testing and/or certification and/or licensure; and
- (2) Standards and procedures for recognizing training hours acquired through apprenticeship programs and employer-sponsored training programs and applying those hours to requirements for testing and/or certification and/or licensure.

# CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS. ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.

#### §29-3-9. Powers, duties and authority of State Fire Commission and State Fire Marshal.

- 1 (a) The State Fire Commission may employ personnel, fix their compensation and, within 2 funds available to do so, incur expenses as necessary in the performance of the duties of its 3 office.
  - (b) The State Fire Commission is responsible for fire programs within this state, including the State Fire Marshal's office, training, uniform standards and certification, finance and planning and fire prevention.
  - (c) All state and area training and education in fire service shall be coordinated by the State Fire Commission. The State Fire Marshal shall ensure that these programs are operated throughout the state at a level consistent with needs identified by the commission.
  - (d) The State Fire Commission may make recommendations to the State Insurance Commissioner regarding town classifications for fire insurance rates.
  - (e) The formation of any new fire department, including volunteer fire departments, requires the concurrence of the State Fire Commission. The State Fire Commission shall develop a method of certification which can be applied to all fire departments and volunteer fire departments.
  - (f) The State Fire Commission shall develop a plan for fire prevention and control which shall include, but not be limited to, the following areas: Manpower needs; location of training centers; location of fire prevention and control units; communications; fire fighting facilities; water sources; vehicular needs; public education and information; public participation; standardization in record keeping; evaluation of personnel; reporting of fire hazards; programs on mutual aid; location of public safety agencies; outline of fire prevention programs; and accessibility of fire prevention information.

- (g) The State Fire Commission shall establish fire protection areas and at such times as funds are available shall establish field offices for inspection, planning and certification.
- (h) The State Fire Marshal may accept, on behalf of the State Fire Commission, gifts, grants, court ordered civil forfeiture proceedings and bequests of funds or property from individuals, foundations, corporations, the federal government, governmental agencies and other organizations or institutions. The State Fire Marshal, acting on behalf of the State Fire Commission, may enter into, sign and execute any agreements and do and perform any acts that may be necessary, useful, desirable or convenient to effectuate the purposes of this article. Moneys from gifts, grants, civil forfeiture proceedings and bequests received by the State Fire Marshal shall be deposited into the special account set forth in subsection (c), section twelve-b of this article, and the State Fire Marshal, with the approval of the State Fire Commission, has the authority to make expenditures of, or use of any tangible property, in order to effectuate the purposes of this article.
- (i) The State Fire Commission shall establish standards and procedures by policy to implement the provisions of this section with regard to the following:
  - (1) Fire prevention and control;
  - (2) Uniform standards of performance, equipment and training;
- 40 (3) Certification;
  - (4) Training and education in fire service, subject to the rule-making requirements set forth in section five-d of this article; and
    - (5) The creation, operation and responsibilities of fire departments throughout the state.
  - (j) Beginning July 1, 2019, applicants for certification or licensure in accordance with the education and training programs under the respective jurisdictions of the State Fire Commission and the State Fire Marshal shall be permitted to apply training hours earned via career technical education provided by West Virginia public schools or an apprenticeship program or employer-sponsored training program towards the requirements for certification and/or licensure by the

State Fire Commission and the State Fire Marshal as applicable. The State Fire Commission and
State Fire Marshal shall, after consultation with the State Superintendent of Schools, propose
rules for legislative approval, in accordance with the provisions of §29A-3-1 et seq. of this code
for the implementation and enforcement of these provisions. The rules shall provide at least the
following:

- (1) Standards and procedures for recognizing training hours acquired through career technical education provided by West Virginia public schools and applying those hours to requirements for testing and/or certification and/or licensure; and
- (2) Standards and procedures for recognizing training hours acquired through apprenticeship programs and employer-sponsored training programs and applying those hours to requirements for testing and/or certification and/or licensure.

As used in this subsection:

"Apprentice" means someone who is enrolled in an apprenticeship program.

"Apprenticeship program" means a program offered by an employer to provide supervised on-the-job training to employees approved by the United States Department of Labor.

"Employer sponsored training program" means a program approved in accordance with a rule promulgated by the State Fire Commission or the State Fire Marshal under their respective authorities established in this code.

"License" means a valid and current certification or license issued by State Fire Commission or the State Fire Marshal for satisfactory completion of education and training programs under their respective jurisdictions.

"Career technical education" means programs of study, clusters, and pathways approved by the West Virginia Board of Education pursuant to state board policy.

#### **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

#### ARTICLE 1E. CAREER TRAINING EDUCATION AND APPRENTICESHIPS.

2

3

1

2

3

4

5

6

7

8

9

10

11

1

2

3

4

5

1

2

#### §30-1E-1. Declaration of purpose.

The provisions of this article are intended to facilitate certification and/or licensure for workers who acquire training via career technical education provided by West Virginia public schools or an employer-sponsored apprenticeship and employer-sponsored training programs.

#### §30-1E-2. Definitions.

As used in this article and the legislative rules promulgated pursuant to this article:

"Apprentice" means someone who is enrolled in an apprenticeship program.

"Apprenticeship program" means a program offered by an employer to provide supervised on-the-job training to employees approved by the United States Department of Labor.

"Employer-sponsored training program" means a program approved in accordance with a rule promulgated by the respective board of examination or registration in accordance with their authority granted to by this chapter.

"License" means a valid and current certification or license issued by a regulatory board or commission in this chapter.

"Career technical education" means programs of study, clusters, and pathways approved by the West Virginia Board of Education pursuant to state board policy.

#### §30-1E-3. Recognition of training and apprenticeship programs.

Beginning July 1, 2019, applicants for certification or licensure pursuant to this chapter shall be permitted to apply training hours earned via career technical education provided by West Virginia public schools or an apprenticeship program or employer-sponsored training program towards the requirements for certification and/or licensure in the same occupation in accordance with the standards and procedures authorized in accordance with this article.

#### §30-1E-4. Rule-making authority.

The licensing boards and commissions in this chapter shall, after consultation with the State Superintendent of Schools, propose rules for legislative approval, in accordance with the

#### Enr. CS for HB 2004

- provisions of §29A-3-1 *et seq.* of this code for the implementation and enforcement of the provisions of this article. The rules shall provide at least the following:
  - (1) Standards and procedures for recognizing training hours acquired through career technical education provided by West Virginia public schools and applying those hours to requirements for testing and/or certification and/or licensure.
  - (2) Standards and procedures for recognizing training hours acquired through apprenticeship programs and employer-sponsored training programs and applying those hours to requirements for testing and/or certification and/or licensure.

The Joint Committee on Enrolled Bills hereby certifies correctly enrolled.	that the foregoing bill is
Chairman, House Committee	
Member-Chairman; Senate Committee	
Originating in the House.	質別で加
In effect ninety days from passage.	SEE S.5
Clerk of the House of Delegates  Clerk of the Senate  Speaker of the House of Delegate  Alith B. Speaker of the House of Delegate  President of the Senate	es .
The within	auth 2019

#### PRESENTED TO THE GOVERNOR

and the second of

Time 3:35 pm