

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In This Box

FILED

2012 JAN 23 PM 12:57

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: WV Council for Community and Technical College Education TITLE NUMBER: 135

CITE AUTHORITY: 18B-1-6, 18B-2B-6

RULE TYPE: PROCEDURAL X INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW  
\_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_  
\_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 7

TITLE OF RULE BEING PROPOSED: Technical Program Development and West Virginia Advance Rapid  
Response Workforce Development

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS February 23, 2012

  
Authorized Signature

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Technical Program Development and West Virginia Advance Rapid Response Workforce Development

Type of Rule:  Legislative  Interpretive  Procedural

Agency: WV Council for Community and Technical College Education

Address: 1018 Kanawha Blvd., East, Suite 700  
Charleston, WV 25301

Phone Number: 304-558-0265 Email: skidmore@wvctcs.org

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

None

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: \_\_\_\_\_

Rule Title: \_\_\_\_\_

3. **Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

NA

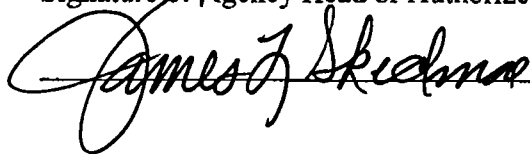
**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

This rule sets forth provisions for the administration of grant funding, criteria for applications, determination and distribution of funds, and performance evaluation for the Technical Program Development and West Virginia Advance Rapid Response workforce development programs that strengthen the quality of the state's workforce.

Date: January 23, 2012

Signature of Agency Head or Authorized Representative

 \_\_\_\_\_

FILED

**TITLE 135  
PROCEDURAL RULE**

2012 JAN 23 PM 12: 57

**WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE  
EDUCATION**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**SERIES 7  
TECHNICAL PROGRAM DEVELOPMENT AND WEST VIRGINIA ADVANCE RAPID  
RESPONSE WORKFORCE DEVELOPMENT**

**§135-7-1. General.**

- 1.1. Scope: The West Virginia Council for Community and Technical College Education (Council) consistent with provisions of West Virginia Code §18B-1-6 and §18B-2B-6, adopts the procedures and guidelines for the administration of the Technical Program Development and West Virginia Advance Rapid Response Workforce Development grant programs.
- 1.2. Authority: West Virginia Code §18B-1-6, §18B-2B-6
- 1.3. Filing Date: January 23, 2012
- 1.4. Effective Date: February 23, 2012

**§135-7-2. Goals.**

- 2.1. Closely align West Virginia community and technical colleges with the economic development efforts of the state.
- 2.2. Provide funding to community and technical colleges for program delivery to advance the economic development goals of the state.
- 2.3. Provide an opportunity to build the capacity of community and technical colleges to sustain workforce development efforts and make a major impact on the economic development efforts of the state.
- 2.4. Provide West Virginia workers with world-class transferable and portable skills across industries.
- 2.5. Provide West Virginia employers a highly skilled workforce, thus providing an arena for recruiting and retaining business.
- 2.6. Increase the per capita income of West Virginia workers by increasing their workforce skill levels.

**§135-7-3. Purpose.**

- 3.1. The purpose of this rule is to set forth provisions for the administration of grant funding, criteria for applications, determination and distribution of funds, and performance evaluation for the Technical Program Development and West Virginia Advance Rapid Response workforce development programs that strengthen the quality of the state's workforce.

**§135-7-4. West Virginia Advance Rapid Response Workforce Development Program Description**

- 4.1. The program will focus on workforce delivery programs that develop high-performance work organizations and provide workers with world-class transferable skills enabling them to master technology and foster innovation.
- 4.2. The program will provide the development of specific occupational/technical competencies and workforce skills in critical thinking, problem solving, ability to work in teams, communication, math, science and other critical competencies required for West Virginia workers and companies to be competitive in a global economy.
- 4.3. The emphasis of the program is skill-based training that can be certified through national, state or local assessments resulting in a credential and meeting the economic development goals of the state as determined by the West Virginia Development Office.
- 4.4. The program is intended to provide services to West Virginia companies, but may provide education or training at out-of-state locations with the approval of the Council or Chancellor of the Council (Chancellor).
- 4.5. The West Virginia Advance program will focus on providing services to employers or individuals that have a positive economic outcome on West Virginia. The program will support projects for:
  - 4.5.a. Existing West Virginia companies that are expanding and creating new jobs;
  - 4.5.b. Existing West Virginia companies that are requiring employees to obtain new job skills in order to retain their positions and keep or make the company more competitive;
  - 4.5.c. Existing West Virginia companies that are upgrading present employees to access high-skill, high-wage occupations within the company;

- 4.5.d. Companies or industry sectors or clusters that are targeted by the West Virginia Development Office as critical to West Virginia's economic development;
- 4.5.e. New companies locating in West Virginia that require a skilled workforce for start-up;
- 4.5.f. West Virginia Development Office projects, targeted industries or local economic development initiatives;
- 4.5.g. Pre-employment training or preparation to enter a program leading to a high-demand occupation;
- 4.5.h. Workers displaced by company closings or reductions in the workforce.
- 4.5.i. Entrepreneurship development programs that have a positive economic impact on a region or community, particularly rural areas, and produce individual employment opportunities.

**§135-7-5. Technical Program Development Description**

- 5.1 The program will provide funding for Certificate of Applied Science or Associate degree programs that meet documented needs of employers and/or compliment the economic development needs of the state or region.
- 5.2 The program must target high-demand occupations resulting in participant placement with an average wage range of \$12.00 per hour or more.
- 5.3 The program is intended to provide participants with the general education and technical skill competencies for high-skill, high-wage occupations.
- 5.4 The program is intended to increase the capacity of community and technical colleges to better serve the needs of employers and individuals through the development of new technical programming.

**§135-7-6. Grant Eligibility.**

- 6.1. Under the provisions of this rule, higher education institutions so designated by West Virginia Code §18B-1-2, as a community and technical college, are eligible to apply for grant funding.
- 6.2. To be eligible for a grant under these programs, a community and technical college must:

- 6.2.a. Complete in its entirety, the proposal for grant funding on forms provided by the Council and submit electronically on or before any specified application date;
- 6.2.b. Submit with the grant proposal, all requested supporting documentation as specified in the grant application;
- 6.2.c. Develop programs that meet documented employer needs;
- 6.2.d. Involve and collaborate with employers in the development of programs;
- 6.2.e. Develop customized training programs, skill sets, Certificates of Applied Science, or Associate of Applied Science degrees that provide for the changing needs of employers and are offered at flexible times and locations to accommodate employer scheduling;
- 6.2.f. Establish cooperative arrangements with public school systems for the seamless progression of students from the secondary level through community and technical college Certificate of Applied Science and Associate of Applied Science degree programs;
- 6.2.g. Assist with the ongoing assessment of workforce development needs of the community and technical college consortia district;
- 6.2.h. Agree to put curricula developed with funding through these programs into a format for inclusion on a state-level database for sharing with other community and technical colleges;
- 6.2.i. Provide all requested financial reports and performance data by the Council by the specified date or forfeit eligibility to receive additional grant funding from these two programs;
- 6.2.j. Agree to establish a separate account with an identifiable account number for each grant award;
- 6.2.k. Agree to adhere to all terms, conditions and deliverables as specified in the application for proposals and this rule.

**§135-7-7. Grant Review.**

- 7.1. The Chancellor shall provide grant applications to all eligible institutions with stated deadline dates for submission.

- 7.2. For the Technical Program Development program, the Chancellor shall appoint a committee to review proposals and make recommendations to the Council for funding.
- 7.3. At the call of the Chancellor, or appointed Committee chair, the Committee may meet as often as necessary to review grant proposals.
- 7.4. West Virginia Advance Rapid Response Workforce Development proposals may be reviewed by a committee comprised of Council staff for the purpose of formulating a recommendation to the Chancellor as to approval; or may be approved by the Chancellor for immediate implementation.
- 7.5. The West Virginia Council for Community and Technical College Education may delegate the authority for grant approval to the Chancellor.

**§135-7-8. Application Content.**

- 8.1. Each proposal for a Technical Program Development and West Virginia Advance Rapid Response Workforce Development grant shall, at a minimum:
  - 8.1.a. Identify the goals and objectives of the program, the specific business sector training needs and the documented job market demand for the program;
  - 8.1.b. Identify the number of participants to be served during the grant period, anticipated placement rate, and wage benefit of completers;
  - 8.1.c. Identify private and public sector partners including those with public school career-technical education which minimizes duplication of programming and maximizes the use of existing facilities;
  - 8.1.d. Provide a detailed work plan, a budget and an evaluation plan to gauge the progress of the program;
  - 8.1.e. Provide a plan for sustaining the program after grant funding is exhausted.

**§135-7-9. Accountability and Reporting Requirements.**

- 9.1. A community and technical college receiving a grant under the provisions of this rule shall submit to the Chancellor all requested programmatic accountability data and budgetary reports including but not limited to:
  - 9.1.a. Reports detailing program expenditures;

- 9.1.b. Annual reports on activities conducted and dates completed; and
  - 9.1.c. A final report on goals achieved, number of participants served, number of completers, number of completers placed in employment or obtaining a wage increase, cost of training per participant, and other information deemed necessary by the Council.
- 9.2. Equipment purchased or upgraded with grant funds under this program may not be sold, disposed of, or used for purposes other than those specified in the grant proposal without approval of the Council.

**§135-7-10. Grant Extension and Renewal.**

- 10.1. Generally, grants will be awarded on a one-time basis and may be for multiple years reflecting the duration of the technical program or training being provided.
- 10.2. The Chancellor may authorize the expenditure of carry-forward funds upon written request by the institution.
- 10.3. Subject to meeting stated goals, timeframes, and the provisions of Council Series 2, the system's rule on finance, the Council may renew a grant for subsequent years to sustain the program.



**WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION**

Robert L. Brown, Chair • James L. Skidmore, Chancellor

## SUMMARY

Title 135

Procedural Rule

WV Council for Community and Technical College Education

Series 7

*Technical Program Development and West Virginia Advance, Rapid Response Workforce Development*

The purpose of this rule is to set forth provisions for the administration of grant funding, criteria for applications, determination and distribution of funds, and performance evaluation for the Technical Program Development and West Virginia Advance Rapid Response workforce development programs that strengthen the quality of the state's workforce.