

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

Form #5

Do Not Mark In This Box

FILED

2012 AUG 21 AM 10:41

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: WV Code 18B-2B-6

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 33

TITLE OF RULE BEING PROPOSED: Tech Scholars Scholarship Program

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS September 21, 2012

Authorized Signature

**West Virginia Council for Community and Technical College Education
Meeting of August 16, 2012**

ITEM: Tech Scholars Scholarship Program

INSTITUTIONS: All

RECOMMENDED RESOLUTION: *Resolved, That the West Virginia Council for Community and Technical College Education approves Series 33, Tech Scholars Scholarship Program, for submission to the Secretary of State's Office for final filing.*

STAFF MEMBER: James Skidmore

BACKGROUND:

The *Tech Scholars* procedural rule was approved by Council the thirty-day comment period at its meeting on June 15, 2012. Two major revisions are being made as a result of comments received.

Comment #1

I suggest a stipulation that at least half of the total funds must go to WV residents. This provides flexibility so matching funds received may go to out-of-state students. Language needs to be included to prevent WV funds going to out-of-state students.

Response:

Section 4.4. was added to restrict state funding of scholarships for state residents only, but private dollars may be used for non-state residents. As a result of this change, the former Section 4.4. becomes 4.5.

Comment #2

Series 33-degree programs are referred to as "Associate of Applied Science" – other rules list degrees "in" rather than "of".

Response:

Language was revised to "Associate in Applied Science".

Comment #3

The definition of high-wage jobs, in both rules differs.

Series 28 reads:

3.4. High-Demand, High-Wage Occupation – an occupation or career field that has documented need for additional employees and pays and entry-level wage of \$12.00 or more per hour.

Series 33 reads:

4.1.a. Must be applied technology programs in which documentation can be provided to validate the program prepares students for employment in high-demand, high-wage occupations that have a beginning salary not less than \$30,000 per year and progressing upward over a three-year period and have documented evidence of high-demand for new employees; and

Response:

Revisions were made to Section 4.1.a. to change the employment requirement to no less than \$12.00 per hour. This is consistent with requirements in other grant programs.

Comment #4

My only concern is that it appears from the June 15 Council agenda that the funding will replace the \$500,000 funding of Workforce HEAPS. I don't believe that is so, because the Workforce HEAPS program is continuing into FY 2013. But the language on page 56 of the agenda is a little confusing to me.

Response:

The 25% workforce component of HEAPS remains unchanged.

The recommendation is to approve Series 33 with the revisions as stated and final file with the Secretary of State's Office.

MINUTES

WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

August 16, 2012

A meeting of the West Virginia Council for Community and Technical College Education was held on August 16, 2012, beginning at 9:00 a.m. at the Town Center Marriott in Charleston, West Virginia. Council members present were: William Baker, Kathy D'Antoni, John Panza, Clarence Pennington, Steve Roberts, Greg Smith, and John Walker. Joining by conference call was Jerry Berry. Council members absent were: Robert Brown, Keith Burdette, David Hendrickson and Nelson Robinson. Also in attendance were Chancellor James Skidmore, Council staff, community and technical college presidents, faculty, staff, and guests.

Call to Order

Vice Chair Pennington called the meeting to order and noted that a quorum was present.

1. Oath of Office

Mr. Pennington introduced and welcomed Steve Roberts who was sworn in as a new member of the West Virginia Council for Community and Technical College Education.

2. Dominion Resources Award Presentation

Chancellor Skidmore introduced Governor Earl Ray Tomblin. Governor Tomblin addressed the Council regarding the importance of the oil and gas industry and training a viable workforce to support the industry in West Virginia. Robert Orndorff, Managing Director of State and Local Government Affairs for Dominion Resources, presented WV Northern Community College and West Virginia University at Parkersburg with a donation totaling \$100,000 to assist with the institutions' natural gas training programs.

3. Address by Affiliated Construction Trades Foundation

Steve White is the Director of Affiliated Construction Trades (ACT). ACT represents 20,000 union construction workers in West Virginia and bordering states. Mr. White addressed the Council regarding apprenticeship programs and cooperation with the WV Council for Community and Technical College Education in coordinating training efforts at community and technical colleges.

4. Approval of Minutes

Mr. Smith moved the adoption of minutes from the June 14-15, 2012, meeting of the West Virginia Council for Community and Technical College Education. Mr. Baker seconded the motion. Motion carried.

Academic Affairs

5. Post-audit Review of Occupational Programs

Mr. Smith moved the adoption of the following resolution:

RESOLVED, That the West Virginia Council for Community and Technical College Education receives post-audit and follow-up reports for occupational programs at Blue Ridge Community and Technical College, Eastern WV Community and Technical College, Mountwest Community and Technical College, Pierpont Community and Technical College, Southern WV Community and Technical College, and WVU at Parkersburg, and recommends that the programs be subject to the recommended actions as noted in the agenda item.

Mr. Panza seconded the motion. Motion carried.

6. Revision to Series 20, *Initial Authorization of Degree-Granting Institutions*, for submission to the Secretary of State for Public Comment

Mr. Smith moved the adoption of the following resolution:

RESOLVED, That the West Virginia Council for Community and Technical College Education approves revisions to Series 20, *Initial Authorization of Degree-Granting Institutions*, for filing with the Secretary of State for a thirty-day public comment period.

FURTHER RESOLVED, That Council staff is instructed to forward the legislative rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action at the conclusion of the comment period if no substantive comments are received.

Mr. Walker seconded the motion. Motion carried.

7. Approval of Series 52, *Annual Reauthorization of Degree-Granting Institutions*, for Submission to the Secretary of State for Public Comment

Mr. Baker moved the adoption of the following resolution:

RESOLVED, That the West Virginia Council for Community and Technical College Education approves Series 52, *Annual Reauthorization of Degree-Granting Institutions*, for filing with the Secretary of State for a thirty-day public comment period.

FURTHER RESOLVED, That staff is instructed to forward the legislative rule to the Legislative Oversight Commission on Education Accountability for approval and further legislative action at the conclusion of the comment period if no substantive comments are received.

Mr. Walker seconded the motion. Motion carried.

8. Final Approval of Series 28, *Standards for the Administration of the West Virginia Earn a Degree Graduate Early (EDGE) Program*

Mr. Smith moved the adoption of the following resolution:

RESOLVED, That the West Virginia Council for Community and Technical College Education approves removing the word "EDGE" from Section 6.4.f. to allow credit for the course to remain on the student's transcript, but not be identified specifically as "EDGE" credit.

FURTHER RESOLVED, That the Council approves Series 28, *Standards for the Administration of the West Virginia Earn a Degree, Graduate Early (EDGE) Program*, for submission to the Secretary of State's Office for final filing.

Mr. Roberts seconded the motion. Motion carried.

9. Final Approval of Series 33, *Tech Scholars Scholarship Program*

Mr. Baker moved the adoption of the following resolution:

RESOLVED, That the West Virginia Council for Community and Technical College Education approves Series 33, *Tech Scholars Scholarship Program*, for submission to the Secretary of State's Office for final filing.

Mr. Panza seconded the motion. Motion carried.

Finance and Facilities

10. FY 2014 Budgetary Submission Request

Mr. Baker moved the adoption of the following resolution:

RESOLVED, That the West Virginia Council for Community and Technical College Education approves the fiscal year 2014 budget submission request as presented in the agenda item.

Mr. Panza seconded the motion. Motion carried.

Mr. Smith moved the adoption of the following resolution:

RESOLVED, That the West Virginia Council for Community and Technical College Education send to the budget office and to the legislature a statement that the Council recommends there be no budget cuts in the community and technical college's line items due to the negative impact on educating students in the State of West Virginia and recommends to the community and technical college Governing Boards that they not approve tuition increases for the next year in support of exempting the colleges from budget reductions.

Bill Baker seconded the motion. Motion carried.

Executive Session

It was noted for the record that the Council elected to remain in open session for the following items:

11. Approval of Presidential Compensation Package at West Virginia University at Parkersburg

Mr. Smith moved the adoption of the following resolution:

RESOLVED, That the West Virginia Council for Community and Technical College Education approves a contract change for the president of West Virginia University at Parkersburg as proposed by the institutional board of governors.

Mr. Walker seconded the motion. Motion carried.

Adjournment

There being no further business the meeting was adjourned.

Next Meeting

Location: WV Northern Community college
Wheeling, WV
Date: October 11, 2012
Time: 9:00 a.m.

Robert Brown

Chairman

Gregory Smith

Secretary

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Tech Scholars Scholarship Program

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.

FISCAL YEAR			
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

Tech Scholars Scholarship Program

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.

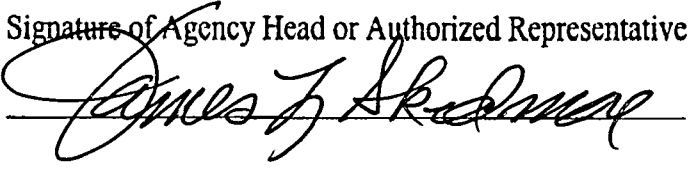
NA

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, the application process, the determination and awarding of grants, and the performance evaluation criteria for the Tech Scholars Scholarship program.

Date: August 21, 2012

Signature of Agency Head or Authorized Representative




WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

Nelson B. Robinson Jr., Chair • James L. Skidmore, Chancellor

SUMMARY

Title 135
Procedural Rule

WV Council for Community and Technical College Education

Series 33
Tech Scholars Scholarship Program

The purpose of this rule is to set forth provisions for the administration of grant funding, the application process, the determination and awarding of grants, and the performance evaluation criteria for the Tech Scholars Scholarship Program. The purpose of the Tech Scholars Scholarship Program is to strengthen the quality of the State's technical workforce by providing scholarship funding to attract and graduate more students from applied technology programs that lead to employment in high-demand, high-wage occupations.

**TITLE 135
PROCEDURAL RULE**

FILED

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

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**SERIES 33
TECH SCHOLARS SCHOLARSHIP PROGRAM**

§135-33-1. General.

1.1. Scope. - The West Virginia Council for Community and Technical College Education (Council) consistent with provisions of West Virginia Code §18B-2B-6, adopts the procedures and guidelines for the administration of the Tech Scholars Scholarship Program.

1.2. Authority. - West Virginia Code §18B-2B-6

1.3. Filing Date. – August 21, 2012

1.4. Effective Date. – September 21, 2012

§135-33-2. Purpose.

2.1. The purpose of this rule is to set forth provisions for the administration of grant funding, the application process, the determination and awarding of grants, and the performance evaluation criteria for the Tech Scholars Scholarship Program. The purpose of the Tech Scholars Scholarship Program is to strengthen the quality of the State's technical workforce by providing scholarship funding to attract and graduate more students from applied technology programs that lead to employment in high-demand, high-wage occupations.

§135-33-3. Grant Eligibility.

3.1. Under the provisions of this policy, community and technical colleges, and any other institution so designated by West Virginia Code as a community and technical college, are eligible to apply for grant funding to support the Tech Scholars Scholarship Program.

3.2. To be eligible for a grant under this policy, a community and technical college must:

3.2.a. Have a compact approved by the West Virginia Council for Community and Technical College Education (Council);

3.2.b. Include strategies in the institutional compact to improve the quality of the workforce in the geographic region served by the college; and

3.2.c. Agree to all terms, conditions and deliverables as specified in the application for proposal and this policy.

§135-33-4. Program Provisions.

4.1. Under these provisions, eligible community and technical colleges may partner with employers to provide funding for the Tech Scholars Scholarship Program that provides opportunities for students to enroll and graduate from applied technology programs that, at a minimum, meet the following:

4.1.a. Must be applied technology programs in which documentation can be provided to validate the program prepares students for employment in high-demand, high-wage occupations that have a beginning salary not less than \$12.00 per hour and progressing upward over a three-year period and have documented evidence of high-demand for new employees; and

4.1.b. Must lead to an industry recognized credential, a Certificate in Applied Science, an Associate in Applied Science, and on a selected basis an Associate in Science in an applied technology program.

4.2. To be eligible to receive funding to provide scholarships under this program, a community and technical college must have commitments from employers or other private sources to match dollar-for-dollar the grant amount requested. In-kind contributions are not permitted to meet the dollar match requirements, and the grant shall not be used to match donations to the general scholarship fund.

4.3. Funding from the grant must be directed to providing scholarships for a specific applied technology program or programs.

4.4. Funding provided by private donors may fund scholarships for non-resident students, and state funding shall be used to fund scholarships for resident students only. Resident students are those meeting the college's criteria for classification as an in-state resident.

4.5. Community and technical colleges shall develop criteria for awarding Tech Scholar scholarships that include but are not limited to student eligibility, amount of the award, time period, and requirements for retaining the scholarship.

§135-33-5. Grant Application.

5.1. The Chancellor of the West Virginia Council for Community and Technical College Education shall provide grant applications to all eligible institutions with any stated deadline for submission.

5.2. The Chancellor shall appoint a review committee comprised of Council staff and/or other appropriate individuals to review grant applications and make recommendations to the Council for funding.

5.2.a. To expedite the grant approval process, the Council may delegate to the Chancellor the authority to act upon the review committee's recommendations and report to the Council those actions at the next scheduled meeting of the Council.

- 5.3. Each proposal for Tech Scholars scholarship grant funding shall:
- 5.3.a. Identify the specific applied technology program or programs to receive scholarship funding
 - 5.3.b. Specify goals to be achieved through scholarship funding
 - 5.3.c. Specify criteria to be used to award scholarships
 - 5.3.d. Identify the specific amount of funding being requested
 - 5.3.e. Identify employer partners or other private sources providing funding for the dollar-for-dollar match requirement
 - 5.3.f. Provide letters of commitment from employer partners or private donors indicating specific funding amounts committed for scholarships
 - 5.3.g. Provide letters from employers indicating a need exists for graduates of the applied technology programs being impacted and the extent of the need, the beginning wage of graduates and the potential wage earnings after three years of employment
 - 5.3.h. Identify the number of students to receive scholarships, the anticipated amount for each award and the duration of the scholarship.
 - 5.3.i. Provide program data including but not limited to the current enrollment, number of graduates over the past five years, if applicable, fall-to-fall retention rates and job placement rates of graduates for the impacted applied technology programs.

§135-33-6. Accountability and Reporting Requirements.

- 6.1. The community and technical college receiving a grant under the provisions of the Tech Scholars Program shall submit to the Chancellor all requested accountability data and budgetary reports including but not limited to:
- 6.1.a. Annual and final reports detailing program expenditures;
 - 6.1.b. A final report on goals achieved, number of students served, number of program completers, number of completers placed in employment and other information deemed necessary by the Council to evaluate the performance of the scholarship program.