

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #2

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2002 DEC 20 P 3:50

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Higher Education Policy Commission TITLE NUMBER: 135

RULE TYPE: Procedural Rule CITE AUTHORITY: 18B-2B-6

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: Series 1

TITLE OF RULE BEING PROPOSED: CARL D. PERKINS VOCATIONAL AND TECHNICAL  
EDUCATION ACT FUNDING FORMULA

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON JANUARY 23, 2003 AT 5:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

James L. Skidmore, Vice Chancellor

1018 Kanawha Blvd. East, Suite 700

Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**SCANNED**



WEST VIRGINIA  
H I G H E R  
E D U C A T I O N  
P O L I C Y  
C O M M I S S I O N

J. THOMAS JONES  
CHAIR

J. MICHAEL MULLEN  
CHANCELLOR

WEST VIRGINIA  
COUNCIL FOR COMMUNITY AND TECHNICAL  
COLLEGE EDUCATION

NELSON B. ROBINSON, JR.  
CHAIR

JAMES L. SKIDMORE  
VICE CHANCELLOR

December 20, 2002

Ms. Judy Cooper  
Secretary of States Office  
1900 Kanawha Boulevard East  
Charleston, WV 25305

Dear Ms. Cooper:

Senate Bill 703 gives the West Virginia Council for Community and Technical College Education the responsibility for promulgating a rule determining the percentage split of Carl D. Perkins Vocational and Technical Education Act funds between the Higher Education Policy Commission and the State Board of Education. At the Council meeting on December 18, 2002 a motion was passed to submit the attached rule for a thirty-day comment period. This Procedural Rule is to be effective for determining the percentage split for fiscal year 2003 and subsequent years.

The revised formula for determining the percentage split is the result of discussions between Higher Education Policy Commission and State Board of Education personnel. The revised formula is predicted upon the generation of full-time equivalent enrollment in occupational programs delivered by both systems.

This rule will not generate any additional fiscal expenditure to carry out its function.

Sincerely,

James L. Skidmore  
Vice Chancellor for Community and  
Technical College Education and  
Workforce Development

TITLE 135  
PROCEDURAL RULE  
WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

**FILED**

2002 DEC 20 P 3 50

SERIES 1  
CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT FUNDING FORMULA  
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION AND THE WEST VIRGINIA  
WEST VIRGINIA STATE BOARD OF EDUCATION SECRETARY OF STATE

**SECTION 1 GENERAL**

- 1.1 Scope – Procedural Rule for the division of Carl D. Perkins Vocational and Technical Education Act Basic Program funding between the West Virginia State Board of Education and the West Virginia Higher Education Policy Commission for any given fiscal year.
- 1.2 Authority – 18B-2B-6
- 1.3 Filing Date - \_\_\_\_\_, 2002
- 1.4 Effective Date – July 1, 2003

**SECTION 2 DEFINITIONS**

- 2.1 Adult Preparatory Program:  
Those programs delivered by State Board of Education schools that are intended to prepare individuals for employment and/or additional education/training and for a certificate and/or credential.
- 2.2 Adult Supplemental Program:  
Those programs delivered by State Board of Education schools that are not continuing, full-time programs and are intended to prepare individuals for employment, enhance workplace skills, satisfy licensure requirements, or develop entrepreneurship skills.
- 2.3 Basic Grant:  
Federal funds allocated to the State to support vocational education programs and services authorized under Title I of the Carl D. Perkins Vocational and Technical Education Act of 1998.
- 2.4 Board:  
West Virginia State Board of Education

- 2.5 **Carl D. Perkins Vocational and Technical Education Act of 1998:**  
Federal legislation creating funding for vocational-technical education and guidelines for expenditure of such funds.
- 2.6 **Contact Hours:**  
The hours generated by programmatic activity determined by the number of participants times the number of session hours.  
Example: 10 participants X 3 hour session = 30 contact hours
- 2.7 **Commission:**  
West Virginia Higher Education Policy Commission
- 2.8 **Council:**  
West Virginia Council for Community and Technical College Education
- 2.9 **General Education Course:**  
Those courses contained within an occupational program that are intended to impart general academic skills into student learning. Examples of such areas are mathematical skills, communication skills and social sciences.
- 2.10 **Non-Credit Program:**  
Those programs delivered by Higher Education Policy Commission institutions that do not carry college credit and are intended to prepare individuals for employment, enhance workplace skills, satisfy licensure requirements or develop entrepreneurial skills.
- 2.11 **Occupational Course:**  
A content course contained in an occupational program and is not classified as a general education course.
- 2.12 **Occupational Program:**  
Those programs delivered by Higher Education Policy Commission institutions that are for credit, are two years or less in length and are intended to prepare individuals for employment.
- 2.13 **Secondary Programs:**  
Those programs delivered by State Board of Education schools that provide students with the academic and technical knowledge and skills needed to prepare for further education and for careers (other than careers requiring an associate, baccalaureate, master's, or doctoral degree) in current or emerging employment sectors.
- 2.14 **Title I Programs:**  
All vocational programs and services offered by Higher Education Policy Commission institutions and State Board of Education schools other than Tech Prep, which is authorized under Title II of the Perkins Act.

### **SECTION 3      FORMULA ELEMENTS**

#### **3.1      Fiscal Year:**

The full-time equivalent enrollments generated by Board institutions and Commission institutions will be based on first semester enrollments for the immediate preceding fiscal year unless otherwise noted.

#### **3.2      Board of Education Enrollment Calculations:**

**3.2.1      Secondary Enrollments:** First semester contact hours generated in Title I programs divided by 450, the number of semester instructional hours, equals total FTE enrollment. Family and consumer science and applied academic courses are excluded from the formula. Instructional hours are based on a full-day of instructional time (six hours) minus one hour for planning for eighteen weeks of the semester.

**3.2.2      Adult Preparatory:** First semester contact hours generated in Title I divided by 540, the number of semester instructional hours, equals the total FTE enrollment. Instructional hours are based on a full day of instruction time (six hours) for eighteen weeks of the semester.

**3.2.3      Adult Supplemental:** Contact hours generated in occupational programs divided by 1,080, the full-time program length, equals total FTE enrollment. Adult supplemental contact hours will be based on the most recent full fiscal year for which data are available.

#### **3.3      Policy Commission Enrollment Calculations:**

**3.3.1      Declared Occupational Major:** The total number of credit hours generated, including general education hours, by those students with a declared occupational program major divided by 15, the standard number for determining FTE, equals the total FTE enrollment.

**3.3.2      Non-Declared Major:** The total number of credit hours generated by those students with non-occupational majors enrolled in occupational program courses divided by 15 equals the total FTE enrollment. General education credit hours of these students are not entered into the formula.

**3.3.3      Non-Credit Program:** The total number of contact hours generated by non-credit programs divided by 1,080, the full-time program length, equals the total FTE. Non-credit program contact hours will be based on the most recent full fiscal year for which data are available.

### **SECTION 4      FORMULA CALCULATION**

**4.1      The Board and the Commission are allocated a percentage of the Basic Grant of the Carl. D. Perkins Vocational and Technical Education Act funds that is reflective of the percentage of the total FTE generated by each.**

**SECTION 5 REVISION OF FORMULA**

- 5.1 The Council is to review the formula every three fiscal years to determine if changes are needed.
- 5.2 The Council may change the formula as needed to reflect changes in Federal or State Law.
- 5.3 Any revisions must be approved by the State Board of Education.