

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

Form #5

Do Not Mark In This Box

FILED

2003 MAY 22 P 3: 22

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 & Technical College Education TITLE NUMBER: 135

CITE AUTHORITY: 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 1

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS July 1, 2003

  
Authorized Signature



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,

A handwritten signature in cursive script, appearing to read "James L. Skidmore".

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

1 Education Act of 1998, PL 105-332, with an emphasis on the  
2 distribution of financial assistance among secondary and  
3 post-secondary vocational-technical-occupational and adult basic  
4 education programs to help meet the public policy agenda.

5 In distributing funds the council shall use the following  
6 guidelines:

7 (A) The board of education shall continue to be the fiscal  
8 agent for federal vocational education funding;

9 (B) For the fiscal years beginning on the first day of July,  
10 two thousand one and two thousand two, the percentage split of the  
11 federal allocation for vocational education between the West  
12 Virginia board of education and the commission shall remain the  
13 same as the percentage split that was distributed to the board of  
14 education and the commission for the fiscal year that began on the  
15 first day of July, two thousand;

16 (C) For the fiscal year beginning on the first day of July,  
17 two thousand three and thereafter, the percentage split between the  
18 board of education and the commission shall be determined by rule  
19 promulgated by the council under the provisions of article three-a,  
20 chapter twenty-nine-a of this code: *Provided*, That the council  
21 shall first obtain the approval of the board of education before  
22 proposing a rule;

23 (25) To collaborate, cooperate and interact with all secondary  
24 and post-secondary vocational-technical-occupational and adult

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

**FILED**

2003 MAY 22 P 3: 22

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

OFFICE WEST VIRGINIA  
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 – December 20, 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.

## **MINUTES**

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

**February 19, 2003**

The West Virginia Council for Community and Technical College Education met on February 19, 2003 at 9:30 a.m. by conference call. Council members present were Danny Aderholt, Judi Almond, Robert Brown, Rebecca McClure, Fred Oelschlager, and Nelson Robinson. Stanley Hopkins was absent due to the State Board meeting. Vice Chancellor James Skidmore, institutional presidents and provosts, and higher education staff attended the meeting.

#### **1. Call to Order**

Chairman Nelson Robinson called the meeting to order. Since the meeting was by conference call, agenda items III, IV, VII and VIII B will be taken up at this meeting and V and VI will be carried over to the next meeting.

#### **2. Minutes**

Mrs. McClure moved the approval of the minutes for the December 18, 2002 meeting. Mr. Oelschlager seconded the motion. Motion carried.

#### **3. Perkins Distribution Formula Rule**

At the December 18, 2002, meeting the Council approved a procedural rule for the Perkins monies split between the Higher Education Policy Commission and the State Board of Education. Three comments were received during the thirty day comment period. The comments were addressed by agreeing to collect data during the next year on the annualized enrollment and if necessary, the Council will revisit the rule next year. Mr. Oelschlager moved to approve the resolution as presented. Judi Almond seconded the motion. Motion carried. The Rule will be placed on the State Board of Education's agenda, and if approved, it will be filed with the Secretary of State's office.

#### **4. Institutional Compacts Update**

Mr. Oelschlager moved that the Council adopt the resolution as presented to approve the staff recommendations for the acceptance of the institutional compacts for 2002. Mrs. McClure seconded the motion. Motion carried.

## **5. Tech Prep Initiative**

This presentation will be given at the next meeting.

## **6. Community and Technical College Performance Indicator Report**

This item will be taken up at the next meeting.

## **7. Follow-Up Reports**

- A. Mr. Brown reported the next marketing committee meeting is February 26, and a public relations representative will speak. Members are to consider the best value for the marketing dollars, the target audience and the marketing locations. Chairman Robinson reiterated that the goal is to collectively communicate and identify areas where we have not been able to reach.
- B. The fifteen credit-hour survey information was presented. Written comments will be taken by the Council. Prior to the next meeting Vice Chancellor Skidmore will work with Chancellor Mullen, legal counsel and the Community College Advisory Council and come back with a recommendation.
- C. The data on full-time versus part-time faculty was presented.

## **8. Informational Items**

- A. Two changes are proposed in the Higher Education Adult-Part Time Students (HEAPS) Bill, HB 2051. Ten percent of the money can be used for non-credit customized classes and students can participate directly from high school. The bill has not passed.
- B. The Community and Technical College Independent Accreditation Fund is not in the Governor's budget recommendations.
- C. Updates will be provided on the Carl D. Perkins Technical and Adult Education Act reauthorization.
- D. Vice Chancellor Skidmore will request the status of filling the member vacancy on the Council.
- E. Dr. Linda Dunn, President, and Dr. Checkovich, Provost, gave a synopsis of the activities at their community and technical colleges.
- F. Putnam County Career and Technical Education Center received a grant from the State Department of Education for a feasibility study on a LPN program. A study regarding the delivery of associate degree nursing programs in the Kanawha

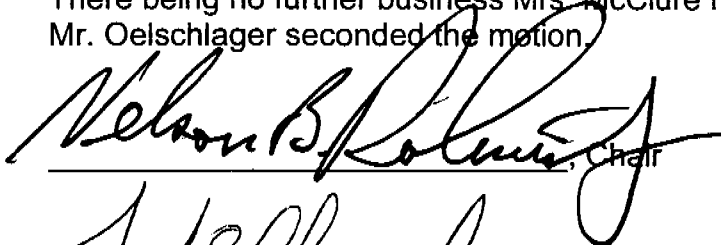
Valley was prepared by the Higher Education Policy Commission and a copy will be sent to Council members. Chairman Robinson requested that Dr. Griffin discuss coordination between WV State Community and Technical College and a LPN program at Putnam County Technical Center at the next meeting.

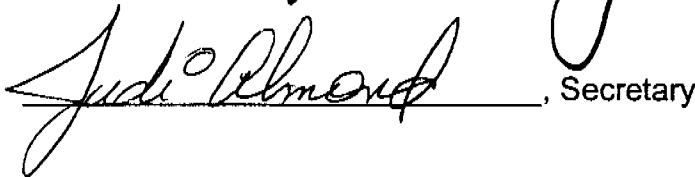
**10. Next Meeting**

The next meeting of the WV Council for Community and Technical College Education is March 26, 2003, 9:30 a.m. at the Erickson Alumni Center on the campus of West Virginia State College, Institute. The meeting is expected to adjourn at noon.

**11. Adjournment**

There being no further business Mrs. McClure moved to adjourn the meeting. Mr. Oelschlager seconded the motion.

  
\_\_\_\_\_, Chair

  
\_\_\_\_\_, Secretary

**Janene Seacrist**

---

**From:** dPerkins [dperkins@bluefield.wvnet.edu]  
**Sent:** Thursday, January 16, 2003 12:10 PM  
**To:** Janene Seacrist  
**Subject:** Re: Rule for Perkins Funding Split

Jim Skidmore  
Vice-Chancellor for Community & Technical Education

Jim...I have reviewed the proposed funding split for Perkins Vocational Funds. I strongly recommend that we seek to base the higher education portion of the funds on an ANNUALIZED ENROLLMENT formula rather than on a semester census date--e.g.(Fall Semester final FTE + Spring Semester final FTE / 2) + Summer / 2 = annualized enrollment-- I believe that this will result in a more accurate reflection of what community colleges do. The only draw back might be that summer "for credit" programs are sometimes severely limited by college budgets. On the other hand, receiving funding recognition for summer classes might encourage more summer offering, thus helping students to graduate at an earlier date.

David Perkins, Director and Assistant Provost GCCC/BSC

Janene Seacrist wrote:

Attached is the rule regarding the split of Perkins Vocational Funds between the Higher Education Policy Commission and the West Virginia Department of Education as approved by the West Virginia Council for Community and Technical College Education to be sent out for the required thirty-day comment period. Please review and send any comments that you may have to me.

Thanks.

Jim Skidmore

---

Janene Seacrist  
Administrative Assistant Senior to the Vice Chancellor  
for Community and Technical College Education  
Higher Education Policy Commission  
1018 Kanawha Boulevard, East - Suite 700  
Charleston, West Virginia 25301  
Phone: 304.558.0265 Fax: 304.558.1646  
Email: [seacrist@hepc.wvnet.edu](mailto:seacrist@hepc.wvnet.edu)

**Janene Seacrist**

---

**From:** Mary Rittling [MERittling@mail.wvu.edu]

**Sent:** Monday, January 06, 2003 4:20 PM

**To:** Janene Seacrist

**Subject:** Re: Rule for Perkins Funding Split

**Comments:**

Section3.1 says that full- time enrollments will be based on the first semester enrollments.

Section3.3.3 says that contact hours will be based on the most recent full fiscal year. The full fiscal year makes the most sense for noncredit courses/ programs especially those that target workforce development.

Thank You! Mary

**WV Council for Community and Technical College Education  
Meeting of February 19, 2003**

**ITEM:** Procedural Rule Title 135 Series 1 to determine a formula for the division of Carl D. Perkins Vocational and Technical Education Act funds between the Higher Education Policy Commission and the State Department of Education

**INSTITUTIONS:** All Community and Technical Colleges and County School Systems

**RECOMMENDED RESOLUTION:** *Resolved*, that the WV Council for Community and Technical College Education approves Procedural Rule Title 135 Series 1 to be submitted to the West Virginia State Board of Education. If approved by the Board of Education, approval is granted for final filing with the Secretary of State's office.

**STAFF MEMBER:** Jim Skidmore

**BACKGROUND:**

Senate Bill 703 gives the Council 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. 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.

During the December, 2002 meeting, the Council approved the Rule to be distributed for the mandatory thirty-day comment period. Comments received were evaluated for inclusion into the Rule, but no changes were made. The Rule now must go to the State Board of Education for acceptance. If accepted by the State Board, the Rule can be filed with the Secretary of State's office to become effective July 1, 2003.

## MINUTES

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

December 18, 2002

The West Virginia Council for Community and Technical College Education met on December 18, 2002, at 9:30 a.m. at the Erickson Alumni Center on the campus of West Virginia State College. Present at the meeting were Council members Judi Almond, Robert Brown, Stanley Hopkins, Rebecca McClure, Fred Oelschlager, and Nelson Robinson. Danny Aderholt was absent. Vice Chancellor James Skidmore, institutional presidents and provosts, legislative staff and higher education staff attended the meeting.

#### **1. Call to Order**

Chairman Nelson Robinson called the meeting to order.

#### **2. Minutes**

Mr. Oelschlager moved the approval of the minutes for the October 24, 2002 meeting. Mr. Brown seconded the motion. Motion carried.

#### **3. Council Participation in the Selection of Community and Technical College Chief Executive Officers**

Mr. Robinson asked for comments and stated that the Council was open for input and recommendations for the Community and Technical College chief executive officers selection process. Mr. Brown moved that once three final candidates for the position are selected, a committee of three Council members appointed by the Chairman, shall interview the candidates and make a final recommendation to the Higher Education Policy Commission. The Vice Chancellor is to be involved in the selection process and will keep the Council apprised during the interview process until the three candidates are selected. Mr. Oelschlager seconded the motion. Motion passed. The Council's recommendation will be communicated to the Policy Commission.

#### **4. Institutional Compacts Update**

Vice Chancellor Skidmore presented the background information on the institutional compact narratives and recommended approval. Ms. Almond moved to adopt the resolution as presented. Mr. Oelschlager seconded the motion. Motion carried. The Council recommended the format on page

WV Council for Community & Technical College Education  
December 18, 2002  
Minutes

seventeen of the agenda be used in future reports. Also, comparative data is forthcoming and Vice Chancellor Skidmore will provide it.

**5. Discussion**

- A. Council members discussed how to get information about community colleges into the hands of parents, county superintendents, high school counselors, adults, and students. Chairman Robinson appointed Mr. Brown to chair a committee, which includes Ms. Almond, Dr. Harris, Dr. Griffin, Dr. Hopkins and Vice Chancellor Skidmore and himself. The committee will meet in January and bring recommendations to the February meeting.
- B. It was suggested that the Education Alliance be asked to undertake a project on the value of a two-year degree and give publicity in a similar manner as they did for the four-year degree. Mr. Brown will see if the Education Alliance will do this.
- C. A fact sheet, "Education for the 21<sup>st</sup> Century: Facts for Students, Parents and Educators," was distributed to Council members and it will be mailed to the community college presidents/provosts.

**6. The Carl D. Perkins Vocational and Technical Education Act Formula**

A procedural rule regarding the split of the Carl D. Perkins Vocational and Technical Education Act funds between the Higher Education Policy Commission and the State Department of Education was presented. Mr. Brown moved to approve the recommendation for the Perkins distribution formula to be sent out for the mandatory thirty-day comment period. Mrs. McClure seconded the motion. Motion carried. The rule will be filed with the Secretary of States office for a thirty-day comment period. Vice Chancellor Skidmore will provide the information to the community colleges and Dr. Hopkins will convey the same information to the vocational directors. After comments are received and considered by Dr. Hopkins and Vice Chancellor Skidmore, the formula will be on the Council's February agenda and after approval will be taken to the State Board of Education.

**7. Reports**

- A. Council members requested a spreadsheet that shows activities of the community colleges and technical and adult education centers. Vice Chancellor Skidmore will request the information from the community colleges and prepare the matrix for the next meeting.

Dr. Hopkins presented all of the WIA enrollment numbers except for Region III for the technical and adult education centers. The Region III report will be sent to Senator Unger or Delegate Mezzatesta. A copy of today's handout will be sent to the community and technical college presidents/provosts.

B. Mr. Brown reported on the Workforce Investment Council activities and the following policies are out for review: 1. Labor Market Information, 2. Management Information System, 3. Benchmark Against Other States, 4. Grants and Incentives, 5. Role of State Council and 6. Encourage a One-Stop Delivery System.

Mr. McDaniel will get information on the WIA process and suggestions for improvement to Mr. Brown.

C. Vice Chancellor Skidmore reported on the Advantage Valley Legislative Study.

## **8. Community and Technical College Presentations**

The following individuals gave presentations on each community and technical college:

Dr. Mary Rittling, President, Potomac State College of WVU

Dr. Peter Checkovich, Provost, Community and Technical College of Shepherd

President Joann Tomblin, Southern WV Community and Technical College

Dr. Linda Dunn, President, Eastern WV Community and Technical College

Dr. Skip Sullivan, Provost, Glenville State College Community and Technical College

Dr. Ervin Griffin, Provost, WV State College Community and Technical College

## **9. Resolutions and Information**

A. Council received two resolutions from the Southern WV Community and Technical College Board of Governors regarding reimbursement of non-credit activity delivered by the community and technical colleges and the issue of community and technical college faculty teaching a minimum of fifteen credit hours per semester.

Ms. Almond moved to accept the resolution on non-credit course reimbursement. Mr. Brown seconded the motion. Motion carried.

Council members want input from other institutions on the fifteen credit-hours minimum resolution.

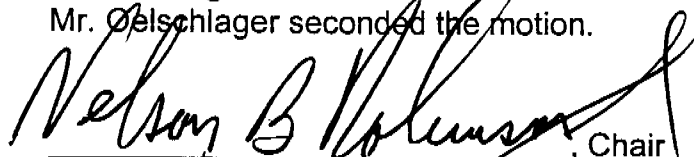
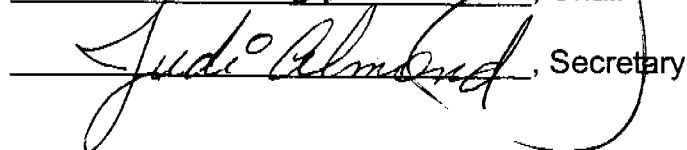
B. Mr. Brown requested information on a college-by-college basis regarding the number of full-time versus adjunct faculty. Vice Chancellor Skidmore will determine if the information is available on the central office database.

**10. Next Meeting**

The next meeting of the WV Council for Community and Technical College Education is February 19, 2003, 9:30 a.m. at the Carver Career and Technical Education Center, Charleston. A tour will precede the meeting. The meeting is expected to adjourn at noon.

**11. Adjournment**

There being no further business, Mrs. McClure moved to adjourn the meeting. Mr. Oelschlager seconded the motion.

  
\_\_\_\_\_, Chair  
  
\_\_\_\_\_, Secretary

**MINUTES**  
**WEST VIRGINIA BOARD OF EDUCATION**  
**Monroe County Schools Board Office**  
**P. O. Box 330**  
**Willow Bend Road**  
**Union, West Virginia**  
**April 17, 2003**

**I. Call to Order**

President H. M. Persinger Jr., called the meeting of the West Virginia Board of Education to order at 8:34 a.m. on April 17, 2003, in the Board Meeting Room at the Monroe County Board of Education, Union, West Virginia.

The following members were present: President Persinger, Vice-President Sandra M. Chapman, Delores W. Cook, Barbara N. Fish, Priscilla M. Haden, Sheila M. Hamilton, Lloyd G. Jackson II, Paul J. Morris, and David Stewart, State Superintendent of Schools. Members absent were: Secretary Ronald B. Spencer and J. Michael Mullen, Chancellor, the West Virginia Higher Education Policy Commission.

**II. Welcome and Introductions**

Lyn Guy, Superintendent of Monroe County Schools, welcomed the State Board to Monroe County and introduced her staff.

**III. Approval of Agenda**

Upon motion by Priscilla M. Haden, second by Sheila M. Hamilton, the State Board unanimously approved the agenda.

**IV. Draft Education Performance Audit for Spanishburg School, Mercer County**

An announced on-site review was conducted at Spanishburg School in Mercer County on March 26, 2003. The Office of Education Performance Audits (OEPA) conducted the review which was limited in scope to the performance and process standards relative to school and student achievement. The review also consisted of a resource evaluation.

Upon recommendation of the OEPA, a motion by Delores W. Cook and second by Sandra M. Chapman, the State Board unanimously continued Spanishburg School's Conditional Accreditation status and gave the school six (6) months to correct the Education Performance Audit findings of noncompliance listed in the report. (Copy appended to Official Minutes, Attachment A.)

Discussion ensued regarding testing dates for 2004, confidentiality, and test security and penalties for violators.

Upon motion by Paul J. Morris, second by Priscilla M. Haden, the State Board unanimously placed Policy 2340 on public comment until May 30, 2003. (Copy appended to Official Minutes, Attachment O.)

**XXII. Policy 2520.8 - Driver Education Content Standards and Objectives for West Virginia Schools**

Deborah Brown, Executive Director, Office of Instructional Services, presented Policy 2520.8 for the State Board's consideration. The current revision reflects the change to the new content standards, objectives and performance descriptors format and also establishes a separate policy for driver education.

Upon motion by Paul J. Morris, second by Sheila M. Hamilton, the State Board unanimously placed Policy 2520.8 on public comment until May 30, 2003. (Copy appended to Official Minutes, Attachment P.)

**XXIII. Carl D. Perkins Vocational and Technical Education Act Funding Formula**

Stanley Hopkins, Assistant State Superintendent, Division of Technical and Adult Education, presented the Carl D. Perkins Vocational and Technical Education Act funding formula for the State Board's consideration. Senate Bill 703 enacted by the 2001 Legislature required the redefinition of the funding formula used to allocate the Carl D. Perkins Vocational and Technical Education Act funding between the West Virginia Board of Education and the Higher Education Policy Commission. The attached West Virginia Higher Education Policy Commission procedural rule was negotiated between Department staff and the Vice Chancellor for Community-Technical Colleges. It represents a fair and equitable split of the funds, allowing the colleges, for the first time, to include enrollments in non-credit technical offerings.

This rule was placed on public comment by the West Virginia Higher Education Policy Commission on December 20, 2002. No revisions were made to the rule based upon the two comments that were received. Upon the State Board's approval of the formula, this rule will be filed by the West Virginia Higher Education Policy Commission with the Secretary of State's Office. W. Va. Code §18B-2B-6 requires State Board approval of the formula prior to its implementation on July 1, 2003.

Upon motion by Priscilla M. Haden, second by Barbara N. Fish, the State Board unanimously approved the Perkins formula. (Copy appended to Official Minutes, Attachment Q.)

**VIII. Superintendent's Information**

State Superintendent Stewart requested that Rebecca Tinder, General Counsel to the State Board and the Department, address the Board regarding the State Superintendent's authority relating to the school calendar. Attorney Tinder reported that, due to a recent change in W.Va. Code, the State Superintendent no longer has the authority to adjust the school calendar. The State Board indicated that they desired efforts to continue to increase meaningful instructional time.

**IX. Break**

President Persinger called for a break at 9:44 a.m.

**X. Call to Order**

President Persinger called the meeting back to order at 9:49 a.m.

**XI. Consent Agenda**

Upon motion by Sandra M. Chapman, second by Priscilla M. Haden, the State Board unanimously approved the consent agenda. (Copies appended to Official Minutes, Attachments E-M and addendum.)

**Minutes**

The State Board approved the March 12 and 13 minutes. (Attachment E.)

**County Boards of Education, RESAs, and Multi-County Vocational Centers  
Budget Supplement and Transfer Requests for the 2002-03 Year**

The State Board approved the budget supplement and transfer requests for the month of March 2003 as follows: Total Supplements = \$31,803,404 and Total Transfers = \$15,670,446. (Attachment F.)

**Hampshire County Closure/Consolidation**

The State Board approved the Hampshire County Board of Education request to close/consolidate Grassy Lick Elementary School into Augusta Elementary and Romney Elementary Schools at the conclusion of the 2002-2003 school year. (Attachment G and addendum.)

**McDowell County Closure/Consolidation**

The State Board approved the McDowell County closure of: Big Creek High School (grades 9-12 will attend proposed new high school at existing Bradshaw Elementary site); Iaeger High School (grades 9-12 students will attend proposed new high school at existing Bradshaw Elementary