

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

Form #2

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FILED

2004 SEP 29 P 2:50

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Council for Community & Technical College Education TITLE NUMBER: 135

RULE TYPE: Legislative CITE AUTHORITY: WV Code 18B-1A-2

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 6

TITLE OF RULE BEING PROPOSED: PERFORMANCE INDICATORS

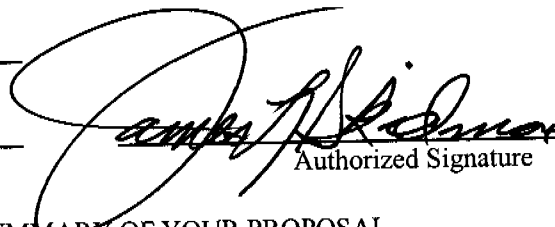
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON November 1, 2004 AT 5:00 P.M. EST ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

James L. Skidmore, Chancellor

Community & Technical College
Education
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

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

Form #7

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Filing Date

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: Council for Community & Technical College Education TITLE NUMBER: 135

CITE AUTHORITY: WV Code 18B-1A-2

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

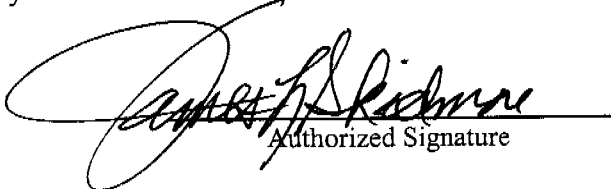
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____ Series 6

TITLE OF RULE BEING PROPOSED: PERFORMANCE INDICATORS

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Senate Bill 448 requires the WV Council for Community and Technical College Education to file an emergency rule on or before October 1, 2004, that establishes performance indicators used to measure the degree that West Virginia's community and technical colleges are meeting the goals for the delivery of community and technical college education as identified in statute. The emergency rule is necessary to comply with a time limitation established by the state code.


Authorized Signature

Use additional sheets if necessary



WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

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

September 28, 2004

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

Dear Ms. Cooper,

Senate Bill 448 gives the West Virginia Council for Community and Technical College Education the responsibility for promulgating a rule to measure the degree to which the goals and objectives for the delivery of community and technical college education as identified in state statute are being met. At the September 17 meeting, the Council adopted a motion to file the Performance Indicators Rule as an Emergency Rule with the Secretary of State and to file for the mandatory thirty-day comment period as required by the regular Legislative rule-making process.

This rule is a result of discussion and input from community and technical college presidents and advisory groups. The Performance Indicators rule will not generate any additional expenditure. If I can be of assistance, please contact me at 558.0265.

Sincerely,

A handwritten signature in black ink that reads "James L. Skidmore". The signature is written in a cursive, flowing style.

James L. Skidmore
Chancellor

BSS

EMERGENCY RULE QUESTIONNAIRE

DATE: September 28, 2004

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* James L. Skidmore, Chancellor
Council for Community & Technical College Education
1018 Kanawha Boulevard East, Suite 700
Charleston, WV 25301

EMERGENCY RULE TITLE: PERFORMANCE INDICATORS

1. Date of filing September 29, 2004

2. Statutory authority for promulgating emergency rule:
State Code 18B-1A-2

3. Date of filing of proposed legislative rule: September 30, 2004

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? Adopts new language

5. Has the same or similar emergency rule previously been filed and expired?
No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.
N/A

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

ARTICLE 1A. 18B-1A-2. Institutional compacts with state institutions of higher education; establishment and review process.

(f)(1) The Legislature finds that an emergency exists; therefore, not later than the first day of October, two thousand four, the council shall file as an emergency rule a legislative rule pertaining to benchmarks and indicators in accordance with the provisions of articles three-a, chapter twenty-nine-a of this code.

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

NA



WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION

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

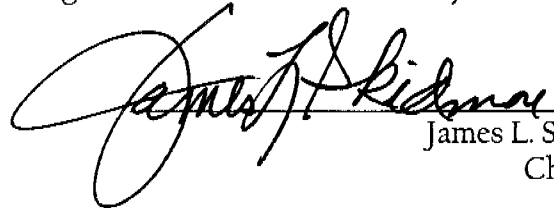
AGENCY: Council for Community and Technical College Education

AUTHORITY: WV Code 18B-1A-2

SUMMARY of the EMERGENCY RULE:

The rule provides concise data that can effectively measure the degree that progress is being made in achieving the statewide goals for the delivery of community and technical college education.

The Legislature requires an Emergency Rule to be filed with the Secretary of State on or before October 1, 2004, by the West Virginia Council for Community and Technical College Education.


James L. Skidmore
Chancellor

ARTICLE 1A. COMPACT WITH HIGHER EDUCATION FOR THE FUTURE OF WEST VIRGINIA.

§18B-1A-2. Institutional compacts with state institutions of higher education; establishment and review process.

(a) Each state college and university shall prepare an institutional compact for submission to the commission. Each community and technical college shall prepare an institutional compact for submission to the council. When the process herein provided is completed, the institutional compacts shall form the agreements between the institutions of higher education and the commission or council, respectively, and, ultimately, between the institutions of higher education and the people of West Virginia on how the institutions will use their resources to address the intent of the Legislature and the goals set forth in section one-a, article one of this chapter. The compacts shall contain the following:

(1) A step-by-step process to accomplish the intent of the Legislature and the goals set forth in section one-a, article one of this chapter as organized by the commission and council. The step-by-step process shall be delineated by objectives and shall set forth a time line for achieving the objectives which shall, where applicable, include benchmarks to measure institutional progress as defined in subsection (e) of this section.

(2) A determination of the mission of the institution which specifically addresses changes, as applicable, in the areas of research, graduate education, baccalaureate education, revised admission requirements, community and technical colleges and such other areas as the commission or council determines appropriate. In the determination of mission, the institutions and the commission or council shall consider the report completed by the national center for higher education management systems pursuant to the legislative study as provided in section seven, article three of this chapter;

(3) A plan which is calculated to make any changes in institutional mission and structure within a six-year period;

(4) A statement of the geographic areas of responsibility, where applicable, for each goal to be accomplished as provided in subsection (d) of this section;

(5) A detailed statement of how the compact is aligned with and will be implemented in conjunction with the master plan of the institution;

(6) Such other items, requirements or initiatives, required by the commission or council, designed to accomplish the intent of the Legislature and the goals set forth in section one-a, article one of this chapter or other public policy goals established by the commission or council.

(b) Each institutional compact shall be updated annually and shall follow the same general guidelines contained in subsection (a) of this section.

(c) Development and updating of the institutional compacts is subject to the following:

(1) The ultimate responsibility for developing and updating the institutional compacts at the institutional level resides with the institutional board of advisors or the board of governors, as appropriate;

(2) The ultimate responsibility for developing and adopting the final version of the state college and university institutional compacts resides with the commission. The

ultimate responsibility for developing and adopting the final version of the community and technical college institutional compacts resides with the council;

(3) Each institution shall submit its compact to the commission or council annually by the fifteenth day of November;

(4) The commission and council shall review each compact of the institutions under their respective jurisdictions and either adopt the compact or return it with specific comments for change or improvement. The commission and council shall continue this process as long as each considers advisable;

(5) By the first day of May annually, if the institutional compact of any institution as presented by that institution is not adopted by the commission or council, then the commission or council is empowered and directed to develop and adopt the institutional compact for the institution and the institution is bound by the compact so adopted; and

(6) As far as practicable, the commission and council each shall establish uniform processes and forms for the development and submission of the institutional compacts by the institutions under their respective jurisdictions. As a part of this function, the commission and council shall organize the statements of legislative intent and goals contained in section one-a, article one of this chapter in a manner that facilitates the purposes of this subdivision and the purposes of this section.

(d) The commission and council shall assign geographic areas of responsibility to the state institutions of higher education under their respective jurisdictions as a part of their institutional compacts to ensure that all areas of the state are provided necessary programs and services to achieve the public policy agenda. The benchmarks established in the institutional compacts shall include measures of programs and services by geographic area throughout the assigned geographic area of responsibility.

(e) The compacts shall contain benchmarks used to determine progress toward meeting the goals established in the compacts. The benchmarks shall meet the following criteria:

(1) They shall be as objective as possible;

(2) They shall be directly linked to the goals in the compacts;

(3) They shall be measured by the indicators described in subsection (f) of this section; and

(4) Where applicable, they shall be used to measure progress in geographic areas of responsibility.

(f) The commission and council each shall establish by legislative rule indicators which measure the degree to which the goals and objectives set forth in section one-a, article one of this chapter are being addressed and met by the institutions under their respective jurisdictions. The benchmarks established in subsection (e) of this section shall be measured by the indicators.

(1) The Legislature finds that an emergency exists; therefore, not later than the first day of October, two thousand four, the council shall file as an emergency rule a legislative rule pertaining to benchmarks and indicators in accordance with the provisions of article three-a, chapter twenty-nine-a of this code. The rule pertaining to benchmarks and indicators in effect for the commission at the time of the effective date of this section remains in effect for the institutions under its jurisdiction.

(2) The legislative rules shall set forth at the least the following as pertains to all state institutions of higher education:

(A) The indicators used to measure the degree to which the goals and objectives are being met;

(B) Uniform definitions for the various data elements to be used in establishing the indicators;

(C) Guidelines for the collection and reporting of data; and

(D) Sufficient detail within the benchmarks and indicators to:

(i) Provide measurable evidence that the pursuits of the institution are targeting the educational needs of the citizens of the state and the components of the compacts and master plans;

(ii) Delineate the goals and benchmarks for an institution so that the commission or council can precisely measure the degree to which progress is being made toward achieving the goals for post-secondary education provided in section one-a, article one of this chapter; and

(iii) Distinctly identify specific goals within the master plan or compact of an institution that are not being met or toward which sufficient progress is not being made.

(3) In addition to any other requirement, the legislative rule established by the council shall set forth at the least the following as pertains to community and technical college education:

(A) Benchmarks and indicators which are targeted to identify:

(i) The degree to which progress is being made by institutions toward meeting the goals for post-secondary education and the essential conditions provided in section three, article three-c of this chapter;

(ii) Information and data necessary to be considered by the council in making the determination required by section three, article two-c of this chapter;

(iii) The degree to which progress is being made in the areas considered by the council for the purpose of making the determination required by section three, article two-c of this chapter; and

(B) Sufficient detail within the benchmarks and indicators to provide clear evidence to support an objective determination by the council that an institution's progress toward achieving the goals for post-secondary education and the essential conditions is so deficient that implementation of the provisions of section four, article two-c of this chapter is warranted and necessary.

(g) The commission or the council, as appropriate, shall approve the master plans developed by the boards of governors and the institutional boards of advisors pursuant to section four, article two-a of this chapter or section one, article six of this chapter, as appropriate.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: PERFORMANCE INDICATORS

Type of Rule: Legislative Interpretive Procedural

Agency: WV Council for Community & Technical College Education

Address: 1018 Kanawha Boulevard East Suite 700

Charleston, WV 25301

Contact: James L. Skidmore, Chancellor
558-0265

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	NA	NA	NA	NA	NA
EQUIPMENT	NA	NA	NA	NA	NA
OTHER	NA	NA	NA	NA	NA

2. Explanation of Above Estimates:

The community and technical colleges will not incur new costs due to this rule.

3. Objectives of These Rules:

Standardize the performance measures for the community and technical colleges.

Rule Title: PERFORMANCE INDICATORS

4. Explanation of Overall Economic Impact of Proposed Rule:

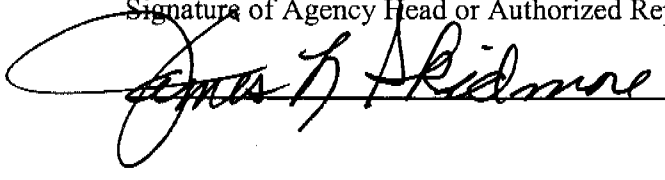
A. Economic Impact on State Government:
NA

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:
NA

C. Economic Impact on Citizens/Public at Large.
NA

Date: 9/29/04

Signature of Agency Head or Authorized Representative:



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

**SERIES 6
PERFORMANCE INDICATORS**

FILED

2004 SEP 29 P 2:50

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Section 1. General

- 1.1. Scope The West Virginia Council for Community and Technical College education, (hereinafter referred to as the Council) consistent with the provisions of WV Code 18B-1A-2, hereby adopts the following performance indicators that will be used to measure the degree to which West Virginia's Community and Technical Colleges are meeting the goals for the delivery of community and technical college education.
- 1.2. Authority WV Code 18B-1A-2
- 1.3. Filing Date _____, 2004
- 1.4. Effective Date _____, 2004

Section 2. Purpose

- 2.1. It is the purpose of this rule to set forth performance indicators that will be utilized to measure the degree to which the goals and objectives for the delivery of community and technical college education, as identified in state statute and approved by the Council, are being met.

Section 3. Reporting Period

- 3.1 The reporting period for collecting performance indicator data will be on a fiscal year calendar of July 1 to June 30.

Section 4. Performance Indicators

4.1 Use of Performance Indicators

- 4.1.1 The performance indicators will provide concise data that can effectively measure the degree that progress is being made in achieving the statewide goals for the delivery of community and technical college education.

4.2 Performance Indicators for Access

- 4.2.1 The participation rate is based on citizens aged 18 to 54 residing in the community and technical college consortia district.
- 4.2.2 The number of adults, aged 25 to 44, enrolled in credit and non-credit community and technical college programs.
- 4.2.3 Tuition and fee rates.

4.3 Performance Indicators for Workforce Development

- 4.3.1 The number of career-technical skill sets, certificates and associate degrees offered by community and technical colleges; student enrollment and completers of these programs.
- 4.3.2 The number of new programs implemented in the Certificate and Associate in Applied Science in Technical Studies and the Associate in Applied Science in Occupational Development.
- 4.3.3 The total number of skill sets, certificates, or associate degrees delivered to employers, the number offered at employer's sites, the number of participants in such programs and the total number of training contact hours delivered.
- 4.3.4 The total number of focused courses and workshops offered in the area of entrepreneurship.
- 4.3.5 The job placement rate for students completing career-technical programs.
- 4.3.6 The number of participants receiving a grant from the Higher Education Adult Part-Time Student (HEAPS) grant workforce development component (25%).

4.4 Performance Indicators For Student Success

- 4.4.1 The total number of certificate and associate degrees awarded.
- 4.4.2 Retention and graduation rates of first-time, full time students.
- 4.4.3 The transfer rate of those students entering a community and technical college and transferring to a baccalaureate institution.
- 4.4.4 The percentage of students successfully completing developmental education courses, the percentage of developmental education completers successfully completing the next college-level mathematics and English courses and the percentage of developmental education completers receiving a certificate or associate degree within five years of the completion of developmental courses.
- 4.4.5 The percentage of certificate and associate degree graduates meeting the prescribed WorkKeys levels for the occupational field of preparation.
- 4.4.6 The percentage of students successfully passing professional licensure examinations.

4.5 Performance Indicators For Collaboration

- 4.5.1 The number of courses brokered into the community and technical college consortia district from other higher education institutions and public school career-technical education centers.
- 4.5.2 The number of programs delivered in collaboration with employers, private education, other training providers and public agencies.
- 4.5.3 The number of new Tech Prep 4 + 2 programs implemented between community and technical colleges and public schools.
- 4.5.4 The number of Earn a Degree – Graduate Early (EDGE) students matriculating to postsecondary education.
- 4.5.5 The total enrollment in early admission and dual credit courses delivered by community and technical colleges for high school students.
- 4.5.6 The college-going rate for each community and technical college consortia district.