

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

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**FILED**

2004 DEC -7 P 4: 26

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Form #3

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

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

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

AMENDMENT TO AN EXISTING RULE: YES  NO

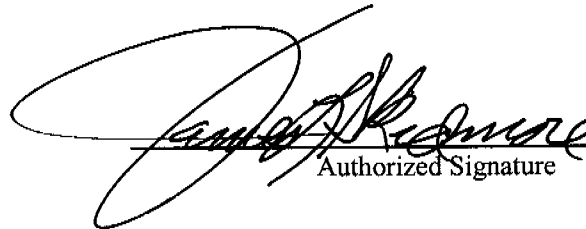
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

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

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

TITLE OF RULE BEING PROPOSED: Performance Indicators

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
Authorized Signature



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.

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

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(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.

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

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NA

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

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

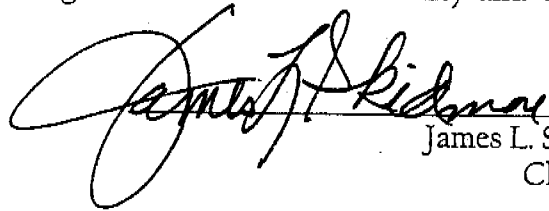
AGENCY: Council for Community and Technical College Education

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

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.

**18B-1A-2 (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.**

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: PERFORMANCE INDICATORS

Type of Rule: X 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
<b>ESTIMATED TOTAL COST</b>	0	0	0	0	0
<b>PERSONAL SERVICES</b>	0	0	0	0	0
<b>CURRENT EXPENSE</b>	0	0	0	0	0
<b>REPAIRS &amp; ALTERATIONS</b>	NA	NA	NA	NA	NA
<b>EQUIPMENT</b>	NA	NA	NA	NA	NA
<b>OTHER</b>	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:

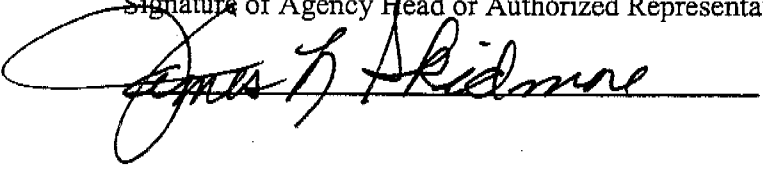
A. Economic Impact on State Government:  
NA

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:

  
\_\_\_\_\_

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: December 7, 2004

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

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

558-0265

LEGISLATIVE RULE TITLE: Performance Indicators

1. Authorizing statute(s) citation WV Code 18B-1A-2

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
September 29, 2004

b. What other notice, including advertising, did you give of the hearing?  
Notification to constituent groups -- Community and Technical College  
Advisory Council, Community and Technical College Presidents, Advisory Council of Faculty

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
November 1, 2004

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached     X                          No comments received

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

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- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

James L. Skidmore, Chancellor

Community and Technical College System

1018 Kanawha Boulevard East, Suite 700

Charleston, WV 25301

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

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3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

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b. Date of hearing or comment period:

September 29, 2004 to November 1, 2004

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

December 7, 2004

d. Attach findings and determinations and reasons:

Attached yes

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

**FILED**

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**SERIES 6  
PERFORMANCE INDICATORS**

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      December 7, 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, skill enhancement courses 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, and skill enhancement courses delivered to employers, the number offered at employer 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.

#### 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 or certification 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 percentage 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.

**WV Council for Community and Technical College Education  
Meeting of December 2, 2004**

**ITEM:** Final Approval of Legislative Rule:  
Series 6, *Performance Indicators*

**INSTITUTION:** Community and Technical Colleges

**RECOMMENDED RESOLUTION:** *Resolved*, That the WV Council for Community and Technical College Education approves Legislative Rule Series 6, *Performance Indicators*, to be filed with the Secretary of State's Office and the Legislative Oversight Commission on Education Accountability.

**STAFF MEMBER:** James L. Skidmore

**BACKGROUND:**

Senate Bill 448 requires the Council to develop a legislative rule that establishes performance indicators to measure the degree that West Virginia's community and technical colleges are meeting the goals for the delivery of comprehensive community and technical college education as identified in statute. This proposed rule was approved by the Council on September 17, 2004, for filing with the Secretary of State's office for the mandatory 30-day comment period. The recommendation is to approve the rule with the respective changes as submitted.

Below is a summary of comments received with additions of the rule indicated by underscores in Sections 4.3.1, 4.3.3. and 4.4.6:

- a. Comment: *The Performance Indicators could be more stringent and concerned with the quality of the certificates and associate degrees awarded by the community and technical colleges rather than just "the total number of certificate and associate degrees awarded". Section 4.4.1 should also count the number of specialized national programmatic accreditations held by community and technical colleges.*

Response: The intent of Section 4.4.1 is to measure the extent that community and technical colleges are implementing new associate and certificate programs to meet the needs of the region. Section 3, Student Success, measures the quality of academic programs.

- b. Comment: *Section 4.4.6 should include the percentage of students successfully passing professional **certification** examinations.*

Response: Section 4.4.6 will be revised to read, "*The percentage of students successfully passing professional licensure or certification examinations.*"

c. Comment: *Section 4.4 should include recognition for those “casual students” who attend community and technical colleges with individualized and limited educational goals.*

Response: These students are not included in the cohort to determine retention and graduation rates unless they are first-time, full-time freshmen. This particular group is counted in headcount and FTE enrollment and included in the participation rate. Discussion will be initiated with community and technical college presidents to determine a methodology and measurement to gage the success of this student group.

d. Comment: *There is a “salvage” function at the center of the community college mission, which cannot be easily recognized under these kinds of indicators. For example, we serve many students who drop out of West Liberty or WVU and come to us in order to get back on track. The fact that they are gone at the end of the year should be not counted as a negative.*

Response: The transfer students described are not included in the cohort group utilized to determine retention and graduation rates and are in no way counted as a negative. These students are counted in the college headcount and FTE enrollment.

e. Comment: *Workforce Development should not be limited to skill sets, certificates, and associate degrees as many employers want only one or two courses. Some continuing education courses are offered strictly for workforce development but are not offered to or through employers. For example, we offer a course in medical transcription on the web that is strictly for enhancing workforce skills, but is not directly tied to any employer. Enrollments in this course might not be included if there were a strict interpretation of the language in the performance indicators.*

Response: Sections 4.3.1 and 4.3.3 will be revised to include “skill enhancement courses”. Those workforce development courses offered to employers that do not culminate in a skill set, certificate or associate degree will be counted in these sections.

f. Comment: *Section 4.4.1, total number of certificate and associate degrees awarded, does not take into consideration the fact that many students may not be degree-seeking, but instead attend school for job skills enhancement or personal growth.*

Response: It is recognized that all community and technical colleges enroll students that are not degree-seeking, but one of the state-level goals is to increase the number of citizens with a college credential. These students may be counted as participants in skill set certificates or skill enhancement courses and will be counted in headcount and FTE enrollment.

g. Comment: *Section 4.4.2, retention and graduation rates of first-time, full-time students, do not take into consideration the fact that many students may not be degree-seeking, but instead attend school for job skills enhancement or personal growth.*

Response: Those part-time, non-degree seeking students are not included in the cohort group to determine graduation and retention rates.

h. Comment: *Section 4.4.3, transfer rates of those students entering a community and technical college and transferring to a baccalaureate institution, does not take into consideration the fact that many students may not be degree-seeking, but instead attend school for job skills enhancement or personal growth.*

Response: The transfer rate is determined by counting credit students who were enrolled in a community and technical college full-time during a given fall semester and enrolled as a degree-seeking student in a baccalaureate program or above the following fall semester. Non-degree seeking students will not affect the transfer rate calculation.

i. Comment: *Section 4.4.4, the percentage of students successfully completing developmental education courses, the percentage of developmental education completers successfully completing the next college-level math 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 does not take into consideration the fact that many students may not be degree-seeking, but instead attend school for job skills enhancement or personal growth.*

Response: Data collection in future years will be generated by the college, not the Central Office. The data elements to be reported will be defined and clarified to include all students enrolled in developmental education courses to determine a successful completion rate and only degree-seeking students will be utilized to determine the graduation rate.