

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #3

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OFFICE OF THE SECRETARY OF STATE

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

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

CITE AUTHORITY: 18B-3D-2

AMENDMENT TO AN EXISTING RULE: YES NO

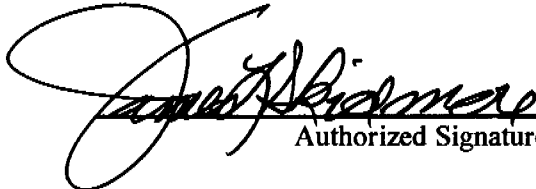
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 27

TITLE OF RULE BEING PROPOSED: Workforce Development Initiative Program

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

\$4.60

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OFFICE OF WEST VIRGINIA
SCHOOL FOR THE STATE

**TITLE 135
LEGISLATIVE RULE**

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

**SERIES 27
WORKFORCE DEVELOPMENT INITIATIVE PROGRAM**

SECTION 1. GENERAL

- 1.1 Scope - The West Virginia Council for Community and Technical College Education (Council) consistent with provisions of West Virginia Code §18B-3D-2, adopts the procedures and guidelines for the administration of the Workforce Development Initiative Program.
- 1.2 Authority - West Virginia Code §18B-3D-2
- 1.3 Filing Date - October 30, 2006
- 1.4 Effective Date -

SECTION 2. PURPOSE

- 2.1 The purpose of this rule is to set forth provisions for the administration of grant funding, criteria for applications, determination and distribution of funds, and performance evaluation for the Workforce Development Initiative Program that was created by the West Virginia Legislature with a mission to develop a strategy to strengthen the quality of the state's workforce by linking the existing postsecondary education capacity to the needs of business, industry and other employers by utilizing available funding to provide explicit incentives for partnerships between employers and community and technical colleges to develop comprehensive workforce development services.

SECTION 3. GRANT ELIGIBILITY

- 3.1 Under the provisions of this rule, the following community and technical colleges, and any other institution so designated by the West Virginia Code as a community and technical college, are eligible to apply for grant funding:

- 3.1.1 Blue Ridge Community and Technical College
 - 3.1.2 Community and Technical College at WVU Institute of Technology
 - 3.1.3 Eastern West Virginia Community and Technical College
 - 3.1.4 Marshall Community and Technical College
 - 3.1.5 New River Community and Technical College
 - 3.1.6 Pierpont Community and Technical College
 - 3.1.7 Southern West Virginia Community and Technical College
 - 3.1.8 West Virginia Northern Community College
 - 3.1.9 West Virginia State Community and Technical College
 - 3.1.10 West Virginia University at Parkersburg
- 3.2 To be eligible for a grant under this program, a community and technical college must:
- 3.2.1 Develop programs that meet documented employer needs;
 - 3.2.2 Involve and collaborate with employers in the development of programs;
 - 3.2.3 Develop customized training programs that provide for the changing needs of employers and are offered at flexible times and locations to accommodate employer scheduling;
 - 3.2.4 Develop partnerships with other public and private providers;
 - 3.2.5 Establish cooperative arrangements with public school systems for the seamless progression of students from the secondary level through the community and technical college level, particularly in the area of career-technical education;
 - 3.2.6 Assist with the ongoing assessment of workforce development needs of the community and technical college consortia district;
 - 3.2.7 Actively participate in a community and technical college consortia planning district and facilitate the involvement of consortia members in the development of applications for funding through this program;
 - 3.2.8 Include in its institutional compact a plan to achieve measurable improvements in the quality of the workforce in the community and technical college consortia planning district;
 - 3.2.9 Establish a special revolving fund under the jurisdiction of the community and technical college dedicated solely to workforce development initiatives;
 - 3.2.10 Agree to put curricula developed with funding through this program into an electronic format for inclusion on a state-level database for sharing with other community and technical colleges;

3.2.11 Develop a specific plan outlining how the community and technical college will collaborate with local postsecondary institutions to maximize the use of existing facilities, personnel and equipment; and

3.2.12 Agree to adhere to all terms, conditions and deliverables as specified in the application for proposals and this rule.

SECTION 4. GRANT REVIEW

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

4.2 The Chancellor shall appoint an Advisory Committee consistent with the provisions of West Virginia Code to review applications and make recommendations to the Council for funding.

4.3 At the call of the Chancellor, the Advisory Committee may meet as often as necessary to review grant proposals.

4.4 In evaluating grant proposals, the Advisory Committee shall give priority to proposals involving businesses with fewer than fifty employees, and grants will not be awarded that provide unfair advantage to employers new to the state that will be in direct competition with established local businesses.

SECTION 5. APPLICATION CONTENT

5.1 Each proposal for a Workforce Development Initiative Program grant shall:

5.1.1 Identify the goals and objectives of the program, the specific business sector training needs, and the job market demand to be addressed;

5.1.2 Identify the number of participants to be served during the grant period, anticipated placement rate, and wage benefit of completers;

5.1.3 Identify private and public sector partners including those with public school career-technical education which minimizes duplication of programming and maximizes the use of existing facilities;

5.1.4 Provide a letter of support for the proposal from the local Workforce Investment Board;

5.1.5 Provide a detailed work plan, a budget and an evaluation plan to gauge the progress of the program;

- 5.1.6 Provide letters of commitment from private or public sector partners confirming actual funding amount provided for the match requirement; and
- 5.1.7 Provide a plan for sustaining the program after grant funding is exhausted.

SECTION 6. FINANCIAL MATCH REQUIREMENTS

- 6.1 Each proposal must provide a commitment letter from private or public sector partners for a match of one dollar, cash and in-kind, for each dollar of state grant funding awarded.
- 6.2 An in-kind match shall not constitute more than fifty percent (50%) of the required match.
- 6.3 In cases where it can be documented that it is a hardship for a private sector partner to provide a dollar to dollar match, the required match may be reduced to one dollar for each three dollars of state funding awarded. Such cases meriting a reduction in the match requirement may include but are not limited to:
 - 6.3.1 Private sector employers whose operations are located in rural areas of West Virginia;
 - 6.3.2 Employers with fewer than fifty employees;
 - 6.3.3 New start-up businesses operating five years or less in the state; and
 - 6.3.4 Employers developing new or expanding operations in the state resulting in a minimum investment of two million dollars;
- 6.4 If previously used equipment is committed, the current market value of the equipment must be used in determining an in-kind match amount.
- 6.5 New equipment may be committed to meet cash match requirements based on the actual documented purchase price of the equipment.
- 6.6 If the grant award is solely for the purpose of modernizing equipment, the match requirement is one dollar for each two dollars in state funding awarded.
- 6.7 Match requirements may be provided by public sector partners utilizing state or federal dollars if funding for the Workforce Development Initiative Program for the current fiscal year exceeds six hundred and fifty-thousand dollars, and in which case one-half of the funded amount exceeding six hundred and fifty-thousand dollars may be granted utilizing a public sector match.

SECTION 7. ACCOUNTABILITY AND REPORTING REQUIREMENTS

- 7.1 A community and technical college receiving a grant under the provisions of this program shall submit to the Chancellor all requested programmatic accountability data and budgetary reports including but not limited to:
- 7.1.1 Semi-annual and final reports detailing program expenditures;
 - 7.1.2 Semi-annual and annual reports on activities conducted and dates completed; and
 - 7.1.3 A final report on goals achieved, number of participants served, number of completers, number of completers placed in employment or obtaining a wage increase, cost of training per participant, and other information deemed necessary by the Council.
- 7.2 Equipment purchased or upgraded with grant funds under this program may not be sold, disposed of, or used for purposes other than those specified in the grant proposal without approval of the Council.

SECTION 8. GRANT EXTENSION AND RENEWAL

- 8.1 Grants will be awarded on a one-year basis.
- 8.2 The Chancellor may authorize the expenditure of carry-forward funds upon written request by the institution.
- 8.3 Subject to meeting stated goals, timeframes, cash match requirements, and with the recommendation of the Advisory Committee, the Council may renew a grant up to five years following the initial grant award.

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: October 30, 2006

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* WV Council for Community & Technical College Education

1018 Kanawha Blvd., East, Suite 700

Charleston, WV 25301

LEGISLATIVE RULE TITLE: Title 135, Series 27
Workforce Development Initiative Program

1. Authorizing statute(s) citation 18B-3D-2

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
September 26, 2006

b. What other notice, including advertising, did you give of the hearing?
Notice via email to Community and Technical College presidents and constituent groups.
Placed on Council web site in Council meeting agenda.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
October 26, 2006

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

Attached _____ No comments received X

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

October 30, 2006

- 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

WV Council for Community and Technical College Education

1018 Kanawha Blvd., East, Suite 700

Charleston, WV 25301

(304)558-0265

~~(304)558-1646 fax~~

skidmore@wvctcs.org

- 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)

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.

b. Date of hearing or comment period:

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

d. Attach findings and determinations and reasons:

Attached



WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION
Nelson B. Robinson Jr., Chair • James L. Skidmore, Chancellor

SUMMARY

Title 135
Legislative Rule
WV Council for Community and Technical College Education

Series 27
Workforce Development Initiative Program

House Bill 4690, passed during the 2006 legislative session, transferred the administration of the Workforce Development Initiative from the West Virginia Development Office to the WV Council for Community and Technical College Education. The purpose of the program is to increase the quality of the workforce and build capacity at community and technical colleges to deliver workforce programs through the development of partnerships with employers. The program requires a financial match from participating employers.

The purpose of the rule is to set forth the provisions for receiving, reviewing and awarding grant proposals. Major components of the rule are:

- 1) Grant Eligibility
- 2) Application Process
- 3) Grant Review Process
- 4) Financial Match Requirements
- 5) Accountability and Reporting Requirements

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 135-27 Workforce Development Initiative 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

Contact: James L. Skidmore, Chancellor 558-0265

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.

There are no direct costs or revenues associated with this rule.

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

Rule Title: _____

Rule Title:

135-27 Workforce Development Initiative Program

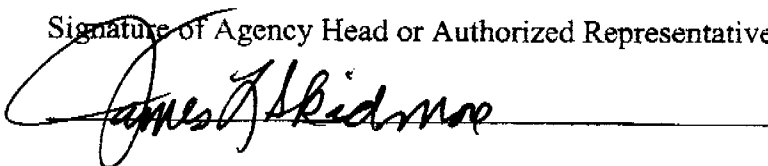
3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

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.

Date: 9/25/06

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

October 30, 2006

The Honorable Betty Ireland
Secretary of State
State Capitol
Charleston, WV 25305

Dear Secretary Ireland:

The WV Council for Community and Technical College Education filed Title 135, Series 27, *Workforce Development Initiative Program*, as a legislative rule for written comments on September 26, 2006. No comments were received and there were no substantive changes.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Skidmore". The signature is fluid and cursive.

James L. Skidmore
Chancellor

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