



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Community And Technical College Education TITLE-SERIES: 135-01

RULE TYPE: Procedural Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Carl D. Perkins Vocational and Technical Education Act Funding Formula for West Virginia Council for Community and Technical College Education and West Virginia State Board of Education

CITE STATUTORY AUTHORITY: 18B-2B-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/13/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sarah Armstrong Tucker, Chancellor

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Charleston, WV 25301

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

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 Council for Community and Technical College Education for any given fiscal year.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Addition of section 2.16. defining "Academic Year"

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2020 Increase/Decrease (use "-")	2021 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
<b>2. Estimated Total Revenues</b>	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

Angela S Kerns -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

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

SERIES 1  
CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT FUNDING FORMULA FOR  
WEST VIRGINIA COUNCIL FOR COMMUNITY AND TECHNICAL COLLEGE EDUCATION AND  
WEST VIRGINIA STATE BOARD OF EDUCATION

**§135-1-1. 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 Council for Community and Technical College Education for any given fiscal year.

1.2. Authority -- W. Va. Code §18B-2B-6.

1.3. Filing Date -- ~~May 22, 2003.~~

1.4. Effective Date -- ~~July 1, 2003.~~

**§135-1-2. 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. Council: West Virginia Council for Community and Technical College Education

2.10. 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.

2.11. Non-Credit Program: Those programs delivered by West Virginia Council for Community and Technical College Education 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.

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2.12. Occupational Course: A content course contained in an occupational program and is not classified as a general education course.

2.13. Occupational Program: Those programs delivered by West Virginia Council for Community and Technical College Education institutions that are for credit, are two years or less in length and are intended to prepare individuals for employment.

2.14. 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.

2.15. Title I Programs: All vocational programs and services offered by West Virginia Council for Community and Technical College Education institutions and State Board of Education schools other than Tech Prep, which is authorized under Title II of the Perkins Act.

2.16. Academic Year: Academic year, for the purposes of the Perkins grant, means July 1 of one year to September 30 of the following year, a period of 15 months.

### **§135-1-3. Formula Elements.**

3.1. Fiscal Year: The full-time equivalent enrollments generated by Board institutions and Council 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. West Virginia Council for Community and Technical College Education 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.

**§135-1-4. Formula Calculation.**

4.1. The Board and the Council 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.

**§135-1-5. 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.