



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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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: Yes

RULE NAME: Strengthening Career and Technical Education for the 21st Century Act (Perkins V) 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: 05/28/2021 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Angela S. Kerns

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

(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:

Procedural Rule for the division of Perkins V funds 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:

The rule was rewritten to comply with new federal legislation Strengthening Career and Technical Education for the 21st Century Act

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

NA

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

NA

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

NA

D. FISCAL NOTE DETAIL:

| Effect of Proposal | Fiscal Year | | |
|------------------------------------|--|--|--|
| | 2021 Increase/Decrease (use "-") | 2022 Increase/Decrease (use "-") | Fiscal Year (Upon Full Implementation) |
| 1. Estimated Total Cost | 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 |
| 2. Estimated Total Revenues | 0 | 0 | 0 |

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

NA

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
STRENGTHENING CAREER AND TECHNICAL EDUCATION FOR THE 21ST CENTURY ACT
(PERKINS V) 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 Perkins V funds 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 -- .

1.4. Effective Date -- .

1.5. Repeals and Replaces Title 135, Series 1, dated August 15, 2020.

§135-1-2. Definitions.

2.1. Council: West Virginia Council for Community and Technical College Education.

2.2. Board: West Virginia State Board of Education.

2.3. Strengthening Career and Technical Education for the 21st Century Act (Perkins V): Federal legislation creating funding for career and technical education and guidelines for expenditure of such funds.

2.4. Local educational agency (LEA): As defined in ESEA, a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district,

2.5. CTE Program of Study: coordinated, nonduplicative sequence of academic and technical content at the secondary and postsecondary level that— (A) incorporates challenging State academic standards; (B) addresses both academic and technical knowledge and skills, including employability skills; (C) is aligned with the needs of industries in the economy of the State, region, or local area; (D) progresses in specificity (beginning with all aspects of an industry or career cluster and leading to more occupation-specific instruction); (E) has multiple entry and exit points that incorporate credentialing; and (F) culminates in the attainment of a recognized postsecondary credential. A CTE program of study must demonstrate a complete career pathway into post-secondary or workforce as determined within the Consortia Planning District.

2.6. Consortia Planning District: As defined in West Virginia Code §18B-3C-4 Community and Technical College CTE Consortia Planning Districts.

2.7. Academic Year: Academic year, for the purposes of the Perkins grant, July 1 of one year to June 30 of the following year.

2.8. Local Formula Funds: 85 percent of the total state award is granted to community and technical colleges and LEA's.

2.9. State Reserve Funds: From amounts made available in Local Formula Funds, up to 15% may be set aside for the Council and Board to any Community and Technical College and LEA partners from the Community and Technical College CTE consortia planning districts (WV §18B-3C-4) to award grants in rural areas; in order to (A) foster innovation through the identification and promotion of promising and proven career and technical education programs, practices, and strategies, which may include programs, practices, and strategies that prepare individuals for nontraditional fields; or (B) promote the development, implementation, and adoption of programs of study or career pathways aligned with State-identified high-skill, high-wage, or in-demand occupations or industries.

2.10. State Leadership Funds: 10% to carry out State leadership activities including:

(A) an amount equal to not more than 2 percent of the amount allotted to the State under section 111 for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions, juvenile justice facilities, and educational institutions that serve individuals with disabilities;

(B) not less than \$60,000 and not more than \$150,000 shall be available for services that prepare individuals for non-traditional fields; and

(C) an amount shall be made available for the recruitment of special populations to enroll in career and technical education programs an amount equal to 1 percent of the total grant award.

2.11. State Administration Funds: 5% for administration of the State plan, which may be used for the costs of:

(A) developing the State plan;

(B) reviewing local applications;

(C) monitoring and evaluating program effectiveness;

(D) assuring compliance with all applicable Federal laws;

(E) providing technical assistance; and

(F) supporting and developing State data systems relevant to Perkins.

2.12. CTE Concentrator: at the secondary school level, a student served by an eligible recipient who has completed at least 2 courses in a single career and technical education program or program of study; and at the postsecondary level, a student enrolled in an eligible recipient who has— (i) earned at least 12 credits within a career and technical education program or program of study; or (ii) completed such a program if the program encompasses fewer than 12 credits or the equivalent in total.

2.13. CTE Participant: an individual who completes not less than one course in a career and technical education program or program of study of an eligible recipient.

2.14. West Virginia P-20W Statewide Longitudinal Data System (P-20W SLDS or P20): The information from this system is used for required annual postsecondary Perkins reporting. The P-20W SLDS is a collaboration between the West Virginia Department of Education, the West Virginia Higher Education Policy Commission, the West Virginia Community and Technical College System, and Workforce West Virginia. Data from all agencies are securely matched and combined into one system. FY 21 WVDE uses WVEIS reporting but by FY22 WVDE will transition needed WVEIS indicators to the P-20W SLDS for Perkins reporting too.

2.15. Consolidated Annual Report (CAR): Perkins requires States to submit all three required reporting components of the grant in the CAR by December 31st of each year: Narrative performance report pursuant to 2 CFR 200.328 and 34 CFR 76.720; Financial reports pursuant to 2 CFR 200.327 and 34 CFR 76.720;

and Performance data reports pursuant to section 113(b)(3)(C) of Perkins V.

§135-1-3. Formula Elements.

3.1. Fiscal Year: The enrollments used for the State formula and split of Perkins funds for secondary and postsecondary institutions (the secondary/postsecondary split) will be based on the total number of concentrators for each system as indicated in the prior year CAR report that is submitted by Council staff to the US Department of Education.

3.2. Postsecondary elements. A CTE concentrator is a student enrolled in an eligible recipient who has 1) earned at least 12 credits within a CTE program or program of study; or 2) completed such a program if the program encompasses fewer than 12 credits or the equivalent in total.

3.3. Secondary elements. A CTE concentrator is a student served by an eligible recipient who has completed at least two courses in a single career and technical education program or program of study.

§135-1-4. Formula Calculation.

4.1. The Board and the Council collaborate for several activities and those funds will be taken out of Administration and Leadership funds as indicated below before the balance of funds are split based on the number of concentrators as reported in the CAR. After those shared funds are set aside, the Local Formula Funds, State Reserve, Leadership, and Administration funds will be split between the secondary and postsecondary systems based on the prior year enrollment as reported in the concentrators in the CAR.

4.1.1. Leadership - 10% to carry out State leadership activities. For the state leadership funds that are set aside for corrections, individuals with disabilities, non-traditional preparation, and recruitment of special populations the secondary and postsecondary state Perkins Directors will develop a joint strategy with impacted partners so that these leadership activities impact both the secondary and postsecondary systems. For the remaining balance of leadership funds, the state secondary/postsecondary split will be applied and each system will leverage their funds to address unique Perkins leadership needs in each system.

4.1.2. Administration - 5% for administration of the State plan. The state will have 2 shared positions: secondary CTE director (WVDE) and a postsecondary CTE director (CTCS). The salary and fringe for these positions will be drawn from the state administration fund pool. For the remaining balance of administration funds, the state secondary/postsecondary split will be applied, and each system will leverage their funds to address unique Perkins administration needs in each system.

§135-1-5. Revision of Formula.

5.1. The Council is to review the secondary/postsecondary split 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.