



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

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

AGENCY: Community And Technical College Education TITLE-SERIES: 135-06
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 135-06 Performance Indicators

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §18B-1-6, §18B-1A-2

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2023

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Revisions to this rule include the incorporation of elements of Title 135, Series 49 which is being repealed and meets requirements of W. Va. Code 188-1-1 a.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Performance indicators used to measure goals for West Virginia's community and technical colleges.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

NA

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

NA

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

NA

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 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.

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

SERIES 6
PERFORMANCE INDICATORS HIGHER EDUCATION ACCOUNTABILITY SYSTEM

§135-6-1. 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 West Virginia 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.~~ This rule sets forth an accountability system for community and technical colleges under the jurisdiction of the West Virginia Council for Community and Technical College Education.

1.2. Authority. -- W. Va. Code ~~§18B1-6 and 18B-1A-2~~ 18B-2B-6(b).

1.3. Filing Date. -- ~~April 17, 2009.~~

1.4. Effective Date. -- ~~April 20, 2009.~~

1.5. ~~Repeal of former Rule. -- Repeals and replaces former rule dated April 22, 2005~~ 1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2029.

§135-6-2. Purpose.

2.1. ~~This rule sets 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.~~ This rule describes the responsibilities of the Council and the public community and technical colleges under its jurisdiction to West Virginia taxpayers for the performance of the State public higher education system.

2.2. The rule sets forth an accountability system for the Council and institutions under its jurisdiction.

2.3. The rule defines requirements for a public reporting system that facilitates the dissemination of higher education accountability data through internet-based data tools and published reports. At a minimum, the public reporting system shall:

2.3.1. Provide thorough and consistent data and other relevant information to be used in assessing progress of the Council and the institutions under its jurisdiction toward the goals and objectives as stated in W. Va. Code §18B-1-1a;

2.3.2. Provide a basis for comparing institutional and system performance with regional and national norms toward accomplishing the goals and objectives as stated in W. Va. Code §18B-1-1a;

2.3.3. Provide information to assist the Council in assessing institutional and system progress toward statewide and institutional higher education goals;

2.3.4. Provide additional information to assist the Council in assessing institutional and system progress relative to historical, regional, and national trends;

2.3.5. Serve students, parents, faculty, staff, policymakers and the public as a neutral and credible source of information about the overall quality and performance of public higher education in West Virginia.

§135-6-3. Definitions.

~~3.1. Adult Literacy—The ability to read at a level necessary for success in college-level courses as determined by approved college reading placement examinations, successful completion of required developmental education courses or scoring at an appropriate level on the reading assessment of the WorkKeys examination. Unless the context in which used clearly requires a different meaning, the definitions contained in W. Va. Code § 18B-1-2 apply to this rule in addition to the definitions set forth below.~~

~~3.2. Adult Student—Individual aged twenty-five and older. “Accountability System.” All research, reports, documents, data, and any other materials the collection, analysis, and dissemination of which are necessary to accomplish the purpose of this rule. The system includes goals, objectives and priorities, public policy agendas, implementation plans, institutional mission statements and master plans, the Statewide Annual Report, and the Statewide data reporting system.~~

~~3.3. Advanced Skill Sets—A series of courses or competencies that prepare individuals for a specific skill and carry a value of 12 or more but less than 30 credit hours or non-credit contact hours equivalent to 12 or more but less than 30 credit hours. “Goal.” A long-term public purpose that is a desired and expected result for which public higher education is established.~~

~~3.4. Associate of Applied Science Degree—A program of study consisting of a minimum of sixty credit hours of which twenty hours must be general education and whose primary focus is to prepare individuals for technician or higher skill level occupations and direct entry into the workforce. “Key Performance Indicator.” A quantifiable measure used to evaluate the success of an organization in meeting objectives for performance.~~

~~3.5. Associate Degree—A program of study consisting of a minimum of sixty credit hours and referred to as Associate of Arts, Associate of Science or Associate of Applied Science. “Objective.” End to be accomplished or attained within a specified period of time for the purpose of meeting established goals.~~

~~3.6. Basic Skills—Fundamental academic skills deemed necessary for success in college-level programs or employment and generally encompassing written and oral communications, reading and mathematics. “Priority.” The order in which objectives are to be addressed for the purpose of achieving state goals.~~

~~3.7. Brokered Courses—Courses delivered in a community and technical college consortium district from external education providers through the facilitation of local community and technical colleges. “State Compact.” A formal written agreement between the Council and at least one other external entity to achieve State goals and objectives where significant collaboration and commitment of resources between the partners to the agreement is required in order to achieve the desired results.~~

~~3.8. Career Pathway Program of Study—A sequence of courses incorporating a non-duplicative progression of both public school and community and technical college elements which include both academic and technical content leading to a certificate or career technical associate degree. “Statewide Annual Report.” A report or series of reports that outlines significant trends, identifies major areas of concern, and assesses the progress of Council and the institutions under its jurisdiction toward achieving state, system or institution goals or objectives.~~

~~3.9. Career Technical Programs—A general category of community and technical college programs designed to prepare individuals for direct entry into the workforce. “Statewide Data Reporting System.”~~

A collection of information management tools that provide public access to data on the performance of the Council and institutions under its jurisdiction.

~~3.10. Certificate Degree Program—A program of study consisting of a minimum of thirty credit hours of which six credit hours must be general education with the primary focus being to prepare individual for direct entry into the workforce. “Council.” The Council for Community and Technical College Education established by W. Va. Code § 18B-2B-3.~~

~~3.11. Collaborative Program—Programs in which community and technical colleges and another education or training provider, through formal agreement, both deliver instruction. “Chancellor.” The Chancellor for Community and Technical College Education as defined in W. Va. Code § 18B-1-2 or his or her designee.~~

~~3.12. Contact Hours—A measure of instruction productivity determined by multiplying the number of students times the number of session hours (example: 10 students x 3 hour session = 30 contact hours).~~

~~3.13. Credit Course—A community and technical college course that carries a designated number of credit hours and generally counts toward meeting graduation or program completion requirements.~~

~~3.14. Developmental Education—Community and technical college courses, generally in areas of mathematics, reading and writing, offered to those that lack the fundamental education competencies to be successful in college-level course work.~~

~~3.15. Dual Credit Courses—College-level courses in which an early admission student is receiving both high school and college credit for the course.~~

~~3.16. Early Admission Students—High school students enrolled in a college-level course.~~

~~3.17. Entrepreneurship Education—The delivery of instruction that assists individuals in understanding the concepts and operation of business ownership or to be self-employed.~~

~~3.18. Full Time Student—A student enrolled in twelve or more credit hours during the current semester.~~

~~3.19. Integrated Programs—A sequence of courses delivered seamlessly from public school career-technical education through certificate and associate degree programs at the community and technical college level.~~

~~3.20. Licensure Rate—The passage percentage rate of those students completing professional licensure or certifications examinations during the reporting period.~~

~~3.21. Momentum Points—A level of student achievement that makes it more likely that a student will be successful in earning a college credential or obtaining employment at a living wage.~~

~~3.22. Non-Credit Course—A community and technical college course that has no designated number of credit hours that count toward degree or program requirements, but may carry continuing education units or be measured in contact hours.~~

~~3.23. Part-Time Student—A student enrolled in fewer than 12 credit hours during the current semester.~~

~~3.24. Placement Rate—Education or training program completers working in West Virginia at least one quarter or enrolled in additional education during the year following program completion.~~

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~~3.25. Pre-Baccalaureate Preparation Program—A program of study whose primary focus is to prepare individuals for transfer into baccalaureate level programs and is referred to as an Associate of Arts (AA) or Associate of Science (AS) degree.~~

~~3.26. Retention Rate—The percentage of first-time, full- or part-time students enrolled during the fall semester and enrolled for the next fall semester at any West Virginia public higher education institution.~~

~~3.27. Skill Set—A series of courses or competencies that prepare individuals for a specific skill and carry a value fewer than 12 credit hours or non-credit contact hours equivalent to fewer than 12 credit hours.~~

~~3.28. Student Graduation Rate—The percentage of full- and part-time students enrolled in the fall semester and completing a certificate or associate degree within six years.~~

~~3.29. Student Retention Rate—The percentage of first-time, full- and part-time students enrolled during the fall semester returning to the same institution or transferring to another public higher education institution in West Virginia for the following fall semester.~~

~~3.30. Transfer Rate—Percentage of credit students enrolled in community and technical colleges in a given fall semester and enrolled in a baccalaureate institution the next fall semester.~~

~~3.31. WorkKeys Assessment—An assessment instrument developed by America College Testing (ACT) that measures levels of foundational skills attainment necessary to be successful in specific occupations.~~

~~§135-6-4. Reporting Period: General Guidelines for Data Collection and Reporting~~

~~4.1. The reporting period for collecting performance indicator data will be on a fiscal year calendar of July 1 to June 30. The following will guide the further development of the existing higher education database and the collection of data which will comprise the Statewide Data Reporting System and the Statewide Annual Report:~~

~~4.1.1. All data reported by institutions shall be based on uniform and consistent definitions as established by the Council.~~

~~4.1.2. The Council shall minimize, to the extent allowed by statute, institutional requirements for additional record keeping and reporting.~~

~~4.1.3. The Council shall establish data element collection procedures and report timelines.~~

~~4.2. The Council shall maintain for a reasonable time, as determined by best practices, all detailed background data used in compiling the Statewide Annual Report.~~

~~§135-6-5. Key Performance Indicators and Goal Setting.~~

~~5.1. Performance indicators will provide concise data and other information that effectively measure the degree of success in achieving, on an institutional and system basis, statewide goals for the delivery of community and technical college education. Performance levels in the areas of access, workforce development, student access and collaboration will be measured. The Council shall adopt a set of key performance indicators to measure institutional and system progress toward achieving State, system and institutional objectives. These indicators will focus on institution- and system-level performance in the areas of finance, admissions, enrollment, academics, student outcomes, and other areas as deemed necessary and appropriate by the Council.~~

~~5.2. Performance Indicators for Access: In cooperation with the institutions under its jurisdiction, the Council shall set State, system, and institutional goals for each of the adopted key performance indicators.~~

~~5.2.1. *Total Enrollment:* Non-duplicated headcount enrollment in credit and non-credit courses for all students and full-time equivalent enrollment in credit courses.~~

~~5.2.2. *Traditional Age Student Participation:* Non-duplicated headcount and full-time equivalent enrollment of students ages 18 through 24 (excluding early entrance, dual enrollment and “Earn a Degree – Graduate Early” enrollees) enrolled in credit courses.~~

~~5.2.3. *Adult Student Participation:*~~

~~5.2.3.1. Non-duplicated headcount and full-time equivalent enrollment of students ages 25 and older participating in credit courses.~~

~~5.2.3.2. Non-duplicated headcount enrollment of students ages 25 and older participating in non-credit programs or courses.~~

~~5.2.3.3. The number of students ages 25 and older enrolling in college for the first time.~~

~~5.2.4. *Costs:* Tuition and required fees charged by each community and technical college.~~

5.3. Performance Indicators for Workforce Development: The Council shall develop and update at least annually a public internet-based data tool that will display system and institutional progress toward meeting established goals.

~~5.3.1. *Range of Educational and Training Opportunities:* The number of skill sets, advanced skill set, certificates, skills enhancement courses, and career technical associate degrees offered by community and technical colleges; and the student enrollment and completers of these programs.~~

~~5.3.2. *Innovation:* The number of new programs implemented in the Certificate and Associate in Applied Science in Technical Studies and the Certificate and Associate in Applied Science in Occupational Development, and the number and types of programs modularized, offered in condensed formats, offered totally or particularly through distance education, or re-packaged and delivered in non-traditional ways.~~

~~5.3.3. *Direct Employer Services:* The total number of skills sets, advanced skill sets, certificates, associate degrees, and skills enhancement courses delivered directly to employers, the number offered at employer sites, the number of participants in such programs and the total number of training contact hours delivered.~~

~~5.3.4. *Employer Feedback:* Statistical measure(s) of employer satisfaction regarding job related knowledge and performance of graduates of skill sets, collegiate certifications, certificates, and career technical associate degree programs.~~

~~5.3.5. *Entrepreneurship Education:* The total number of focused courses and workshops offered in the area of entrepreneurship and the total number of contact hours generated.~~

~~5.3.6. *Placement:* The placement rate for students completing skill sets, collegiate certifications, certificates and career technical associate degree programs.~~

~~5.3.7. *Aid to Workforce Development Students:* The number of participants receiving a grant through the Higher Education Adult Part-Time Student (HEAPS) Grant Program workforce development component.~~

5.4. Performance Indicators for Student Success and Adult Literacy The Chancellor shall present an annual report to the Council about progress made toward meeting established goals.

~~5.4.1. *Productivity:* The total number of certificate and associate degrees awarded.~~

~~5.4.2. *Efficiency:* Retention and graduation rates of first time, full and part time students.~~

~~5.4.3. *Pre Baccalaureate Preparation:* The transfer rate of those students who enter a community and technical college and transfer to a baccalaureate institution.~~

~~5.4.4. *Licensure Rate:* The percentage of students successfully passing professional licensure or certification examinations.~~

~~5.4.5. *Basic Skills Enhancement:* The number and percentage of students successfully completing developmental education courses; the number and percentage of developmental education completers successfully completing the next college-level mathematics and English courses; and the number and percentage of developmental education completers receiving a certificate or associate degree within six years of the completion of developmental courses.~~

~~5.4.6. *Job Related Basic Skills Attainment:* The percentage of certificate and associate degree graduates meeting the prescribed WorkKeys levels for the occupational field of preparation.~~

~~5.4.7. *Momentum Points of Completion:*~~

~~5.4.7.1. The number of students successfully completing thirty credit hours of instruction.~~

~~5.4.7.2. The number of students earning a certificate or associate degree.~~

~~5.4.7.3. The number of adult students successfully completing thirty credit hours of instruction.~~

~~5.4.7.4. The number of adult students earning a certificate or associate degree.~~

~~5.5. Performance Indicators for Collaboration:~~

~~5.5.1. *Brokered Courses:* The number of courses and/or programs brokered into the community and technical college consortium district from other higher education institutions, public school career-technical education centers or other education providers.~~

~~5.5.2. *Collaborative Programs:* The number of programs delivered in collaboration with employers, private education, private agencies and other education or training providers.~~

~~5.5.3. *Integrated Programs:* The number of Tech Prep 4 + 2 or similarly integrated formal programs or career pathway programs of study implemented between community and technical colleges and public schools.~~

~~5.5.4. *Early Entrance Enrollment:* The total headcount enrollment in early admission and/or dual credit courses delivered by community and technical colleges for high school students.~~

§135-6-6. Statewide Annual Report and Statewide Data Reporting System.

6.1. Purpose.

6.1.1. A primary purpose of the Statewide data reporting system and Statewide Annual Report is to make information available to students, parents, faculty, staff, State policymakers, and the public on the quality and performance of public higher education.

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6.1.2. A primary purpose of the Statewide Annual Report is to provide a mechanism to evaluate the annual progress of the Council and institutions under its jurisdiction in achieving State and system goals and objectives.

6.2. Contents.

6.2.1. The Statewide Annual Report shall provide information on the performance of community and technical colleges, including health sciences education, in relation to the State and system goals, objectives and priorities.

6.2.2. When possible, the Statewide Annual Report shall be based upon information for the current academic year or for the most recent academic year for which information is available, in which case the year shall be clearly noted.

6.2.3. When possible, the Statewide Data Reporting System shall break down data by institution.

6.2.4. When possible, the Statewide Annual Report shall provide regional and/or national comparison data.

6.2.5. When possible, the information contained in the Statewide Annual Report and the Statewide Data Reporting System shall allow for easy comparison with higher education-related data collected and disseminated by the Southern Regional Education Board, the United States Department of Education, and other education data-gathering and data-disseminating organizations.

6.2.6. The information contained in the Statewide Annual Report and the Statewide Data Reporting System shall be consistent and comparable between and among higher education institutions.

6.2.7. To the extent practicable, the Statewide Annual Report shall be analysis-driven, rather than solely data-driven, and present information in a format that will help inform higher education policymaking.

6.3. Implementation.

6.3.1. The Council shall provide technical assistance to each institution and governing board in data collection and reporting.

6.3.2. The president or chief executive officer of each higher education institution shall prepare and submit all requested data to the Council at the times established by the Council.

6.3.3. The Council is responsible for maintaining the Statewide Data Reporting System and developing the Statewide Annual Report using data and information submitted by each institution.

6.3.4. The Council shall complete the Statewide Annual Report no later than January 1 annually with printed copies provided to the public and the Legislative Oversight Commission on Education Accountability. The Council shall also publish the Report in electronic format to its official website.

135-6-7. State Compacts.

7.1. The Council may identify important State and system goals, objectives, and priorities that it and institutions under its jurisdiction acting alone will be unable to accomplish. In such cases, the Council may authorize the Chancellor to enter into State compacts, or contracts, with external entities.

7.2. In determining whether a State compact may be appropriate, the Chancellor shall consider:

7.2.1. Whether significant collaboration with an external entity or entities is necessary or advantageous to increase the likelihood of accomplishing a goal, objective, or priority;

7.2.2. Whether an external entity or entities would need to make a significant commitment of resources to accomplish a goal, objective, or priority; and

7.2.3. Whether an external entity is or entities are receptive to entering into a State compact.

7.3. At a minimum, a State compact shall:

7.3.1. Identify the parties to the compact;

7.3.2. Identify the term of the compact;

7.3.3. Set forth measurable outcomes the parties seek to achieve by entering into the compact;

7.3.4. Identify what each party will contribute in terms of resources as part of the compact;

7.3.5. Set forth a system for evaluating the success or failure of the compact to achieve the outcomes sought; and

7.3.6. Provide that the failure of one party to the compact to perform excuses the Council from performance under the compact.

7.4. Before a proposed State compact becomes operative and binding on the Council and the institutions under its jurisdiction, the Council shall approve it.