West Virginia Council for Community & Technical College Education

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AGENDA
April 22, 2021
9:30 am

Members

Robert Brown, Chair
Christina Cameron, Vice Chair
Steve Roberts, Secretary
William Baker
Kenneth Boggs
Clinton Burch

Michael Farrell
Michael Graney
Tracy Miller
John Sorrenti
Harry Keith White

Sarah Armstrong Tucker, Chancellor
CONFERENCE CALL/ZOOM
AGENDA

April 22, 2021
9:30 am

Phone: 1-301-715-8592   ID: 99747683662#
(NO Participant ID or Password—When Prompted Press #)

https://wvcolleges.zoom.us/j/99747683662?pwd=Zkh1TmlyYellDN3hUWG5PeThjVlNyUT09
(Copy and Paste into your Web Browser)

I. Call to Order
A. *Approval of Minutes for March 26, 2021, Council Meeting.................................................. pg 4

II. Advisory Council of Students Update

III. Academic Affairs
A. *Program Review at Southern West Virginia Community and Technical College ............pg 6

B. *Series 59, Awarding Undergraduate College Credit for Prior Learning, Advanced Placement Credit, And College-Level Examination Program, for Public Comment ...... pg 8

IV. General
A. *Sunset Date Extension Request for Series 35, Business, Occupational, and Trade Schools and Series 52, Annual Reauthorization of Degree-Granting Institutions .................pg 15

B. *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 for Public Comment ......................................................................................................................... pg 40

C. *Technical Program Development Award ........................................................................... pg 45
D. *WV Council for Community and Technical College Education 2022 Meeting Schedule............................................................... pg 46

E. *Appointment of WV Council for Community and Technical College Education Officer Nominating Committee

V. **Possible Executive Session Under the Authority of WV Code §6-9A-4 for the Following:**

A. *Presidential Appointment and Compensation at Eastern WV Community and Technical College

B. *Presidential Appointment and Compensation at Mountwest Community and Technical College

VI. **Additional Board Action and Comments**

VII. **Upcoming Meetings**

   Location: Zoom/Conference Call Meeting  
   Date: June 3, 2021  
   Time: 9:30 a.m.

VIII. **Adjournment**
A meeting of the West Virginia Council for Community and Technical College Education, was held via Zoom and conference call on March 26, 2021, beginning at 11:00 am. Council members present were: Bill Baker, Robert Brown, Kenneth Boggs, Clinton Burch, Christina Cameron, Mike Farrell, Michael Graney, Tracy Miller, Steve Roberts, and John Sorrenti. Absent was: Harry Keith White. Also in attendance were Chancellor Tucker, Council staff, community and technical college presidents, faculty, staff, students, and guests.

Call to Order

Robert Brown, Chairman, called the meeting to order, and noted that a quorum was present.

1. Approval of Minutes

Ms. Cameron moved the adoption of the minutes from the January 21, 2021, meeting of the West Virginia Council for Community and Technical College Education.

Mr. Sorrenti seconded the motion. Motion carried.

Executive Session

It was noted for the record that the Council elected to remain in open session for the following items:

2. Presidential Contract Extension at Eastern WV Community and Technical College

Mr. Sorrenti moved the adoption of the following resolution:

RESOLVED, That the West Virginia Council for Community and Technical College Education approves compensation for Dr. Charles Terrell as President of Eastern West Virginia Community and Technical College as proposed by the institutional board of governors.

Ms. Miller seconded the motion. Motion carried.
Adjournment

There being no further business the meeting was adjourned.

Upcoming Meeting

Location: Zoom/Conference Call Meeting
Date: April 22, 2021
Time: 9:30 a.m.

______________________________
Robert Brown, Chairman

______________________________
Steve Roberts, Secretary
ITEM: Program Review for 2019-2020

INSTITUTION: Southern West Virginia Community and Technical College

RECOMMENDED RESOLUTION: Resolved, That the West Virginia Council for Community and Technical College Education accept the program review actions of the institutional governing board.

STAFF MEMBER: Nikki Bryant

BACKGROUND:

In accordance with West Virginia Code and Council Policy Series 10, Policy Regarding Program Review, the institutions through their respective governing boards conducted academic program reviews for 2019-2020 and submitted summary reports and actions taken. A summary of program enrollments and graduates as well as a few highlights is provided in the table that follows.

Note that it was incorrectly reported by Council staff at the December 2020 meeting that Southern West Virginia Community and Technical College had not submitted its program review. Southern submitted its review; however, an oversight by staff resulted in the incorrect statement.
2019-2020 Program Review Summary

Southern West Virginia Community and Technical College

<table>
<thead>
<tr>
<th>Program</th>
<th>Average Enrollment</th>
<th>Total Graduates</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAS/AAS Criminal Justice</td>
<td>CAS- / AAS-</td>
<td>CAS- / AAS-</td>
</tr>
<tr>
<td>AAS Medical Assisting</td>
<td>22</td>
<td>87</td>
</tr>
<tr>
<td>AAS Medical Laboratory Technology</td>
<td>53</td>
<td>60</td>
</tr>
<tr>
<td>AAS Nursing</td>
<td>113</td>
<td>231</td>
</tr>
<tr>
<td>AAS Radiology Technology</td>
<td>10</td>
<td>37</td>
</tr>
<tr>
<td>AAS Health Care Professional</td>
<td>760</td>
<td>116</td>
</tr>
</tbody>
</table>

**Highlights:**

- All programs are recommended for continuation by the institution’s Board of Governors. The AAS Health Care Professional program was recommended for continuation with corrective action.
- The AAS Health Care Professional program has embedded four certifications and numerous skills courses within the program, allowing students to obtain stackable credentials and employment while pursuing this degree. Graduates of this program have obtained employment as Central Sterile Technicians, Emergency Medical Technicians, Medical Coders, and Phlebotomists.
- Over the last five years, the AAS Medical Laboratory Technology program has a 95 percent job placement rate for students who have completed the program.
- Over the last five years, the AAS Nursing program has had a 99.4 percent job placement rate for students who have completed the program.
- Ten graduates of the AAS Radiology Technology program have gone on to earn a baccalaureate degree in Imaging Sciences from Bluefield State College by way of the 2+2 articulation agreement.
WV Council for Community and Technical College Education  
Meeting of April 22, 2021

ITEM: Revisions to Series 59, Awarding Undergraduate College Credit for Prior Learning, Advanced Placement Credit, College-Level Examination Program, and Nursing Career Pathways

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Resolved, That the West Virginia Council for Community and Technical College Education approves revisions to Series 59, Awarding Undergraduate College Credit for Prior Learning, Advanced Placement Credit, College-Level Examination Program, and Nursing Career Pathways, to be filed with the Secretary of State for the 30-day public comment period and if no substantive comments are received that the Council extends its final approval.

STAFF MEMBER: Cynthia Persily

BACKGROUND:

The passage of SB707 amended West Virginia Code 18-2E-11A to establish a career pathway for nursing students, starting with dual credit and or early enrollment courses in high school, to a seamless transition for completion of a nursing degree in a community and technical college and on to completion of a bachelor’s degree.

Student course credit earned through dual credit and or early enrollment as part of the Nursing Career Pathway must be accepted by institutions as higher education credits counting toward specific credits to the major of nursing or nursing science. Completion of the nursing pathway shall be identified on the high school transcript. Students completing the nursing pathway shall also be in possession of the Therapeutic Services Certificate.

Dual credit and or early enrollment courses in the nursing pathway are developed as required course credit according to West Virginia Department of Education Policy 2150 and 2520.13. These courses include college-level English, college algebra or statistics, anatomy and physiology and general psychology.

Students may also earn college-level credit for the Nursing Career Pathway and specific to the major of nursing or nursing science through Advanced Placement courses (AP).

1.1. Scope. -- This rule establishes guidelines for West Virginia public colleges and universities for the awarding of college credit for prior college-level learning through prior learning assessment, for acceptance of advanced placement credit, and awarding of credit for the College-Level Examination Program, and awarding of credit for completion of the Nursing Career Pathway.

1.2. Authority. -- West Virginia W. Va. Code §18B-1-1A, 18B-1-6, 18B-1B-4, 18B-2A-4, 18-2E-11A.

1.3. Filing Date. – September 28, 2018

1.4. Effective Date. – October 28, 2018


§135-59-2. Purpose for Prior Learning Credit.

2.1. Legislative goals established for West Virginia state colleges and universities provide that higher education in West Virginia should contribute fully to the growth, development, and quality of life of the state and its citizens. This policy details the responsibilities of the state higher education institutions regarding the awarding of college credit for prior college-level learning gained outside the higher education academic environment.

2.2. The West Virginia Council for Community and Technical College Education (Council)/ West Virginia Higher Education Policy Commission (Commission) recognizes that some students, particularly adults and non-traditional students, may have acquired prior college-level learning through the development of skills or knowledge that closely parallel those outcomes taught in college-level courses. It is important that colleges and universities have the opportunity to evaluate learning that has taken place outside the higher education academic environment and to award academic credit when appropriate.

2.3. The purpose of this rule is to outline the terms and conditions under which West Virginia public colleges and universities award and/or transfer credits toward a degree or certificate based upon Prior Learning Assessment (PLA) and to provide consistent and accessible methods for students to earn these credits.

2.4. It is the intent of the Council/Commission to permit the awarding of undergraduate academic credit for prior learning through a variety of assessment methodologies that will ensure the academic credibility of such credit. Under these guidelines, in accordance with institutional policies and procedures, each institution shall award academic credit for prior learning that is equivalent to coursework which satisfies the requirements for the degree program in which the student is enrolled.
2.5. The Board of Governors Associate of Applied Science degree program and the Regents Bachelor of Arts degree program maintain specific guidelines and requirements for the use of credit for prior learning. This policy does not replace existing guidelines.


3.1. Prior Learning Assessment (PLA) is defined as the assessment of college-level learning for college credit gained outside the higher education academic environment. For example, individuals may acquire college-level knowledge or skills through work, employee training programs, military service, independent study, non-credit courses, or community service. Only documented and demonstrated college-level learning will be awarded college credit.

3.2. In support of providing opportunities for students to earn college-level credit for college-level learning that has been acquired outside the higher education academic environment, the assessment of prior college-level learning can be accomplished through a variety of assessment methods including, but not limited to the following:

   3.2.a1. Advanced Placement Exams
   3.2.b2. American Council on Education (ACE) Guides
   3.2.c3. College Level Examination Program (CLEP) Exams
   3.2.d4. DANTES Subject Standardized Test (DSST)
   3.2.e5. Excelsior College Examination Program (ECE)
   3.2.f6. Institutional Course Challenge Examination Credit
   3.2.g7. International Baccalaureate Program (IB)
   3.2.h8. Institutional Evaluation of Industry and Workforce Training such as apprenticeships, certifications, and licensure
   3.2.i9. Portfolio Assessment/Review Credit
   3.2.j10. Prior Military Training Credit
   3.2.k11. Nursing Career Pathway


4.1. West Virginia public colleges and universities value the diversity of their students. This diversity includes the unique experiences, interests, and intellectual pursuits that may lead to the acquisition of college-level learning. The acquisition of college-level learning is validated by assessment methods that are academically sound and rigorous.

4.2. West Virginia public colleges and universities shall employ prior learning assessment aligned with their respective missions, the principles of academic integrity, resources, and student educational attainment and success.

5.1. State colleges and universities shall develop institutional policies for evaluating prior learning and for awarding credit consistent with this policy.

5.1.a1. Each institution shall develop appropriate policies and procedures for awarding credit for a student’s prior college-level learning in accordance with this policy, accrediting bodies’ guidelines for prior learning assessment, and principles of good educational practice.

5.1.b2. Institutional policy will apply to all academic programs.

5.1.e3. The institutional policy on Credit for Prior Learning must be filed with the Council for Community and Technical College Education and the Higher Education Policy Commission.

5.2. Institutions shall identify the forms of PLA credits that the institution will award, the processes for acquiring such credit, and make that information publicly available to students, faculty, and other stakeholders.

5.3. Institutions shall have discretionary authority to award academic credit for prior learning that is equivalent to coursework which meets the requirements for the degree program in which the student is enrolled.

5.4. Credit for prior learning can apply toward majors, minors, general education requirements, and electives that count toward the student’s chosen degree or certificate. Prior Learning Assessment credit may also satisfy prerequisite requirements. College credit awarded through PLA shall not be treated differently in its application and use than its course equivalencies or appropriate block credit.

5.5. Credit for prior learning shall only be awarded to students who are admitted to the institution and have declared a major field of study.

5.6. Credit awarded through PLA shall not count toward institutional residency requirements.

5.7. The evaluation of a portfolio must be completed by faculty with appropriate professional credentials. Course-specific examinations must be designed and evaluated by faculty with appropriate professional credentials. A recommendation for credit shall be made to the appropriate academic officer at the institution and in accordance with the institution’s PLA guidelines.

5.8. Institutions must accept PLA credit up to 30 credits for bachelor’s degrees, up to 15 credits for associate’s degrees, and up to 6 credits for certificate programs.

5.8.a1. Institutions may set a higher limit not to exceed 60 credits for bachelor’s degrees, not to exceed 30 credits for associate’s degrees, and not to exceed 15 credits for certificate programs.

5.8.b2. If a program accrediting body has a specific maximum for PLA credit, then that maximum should be honored by that particular program.

5.9. Credit awarded through Prior Learning Assessment must be clearly identified as such on a student’s official transcript according to institutional PLA guidelines, but it should be evident that the credits are PLA. Such credit shall not be used to determine a student’s grade point average or used in the calculation of graduation honors. The credit should be recorded as “Credit” only.
5.10. Student requests for awards of academic credit for prior learning shall be submitted in accordance with the guidelines established by the institution. Institutions must establish a written record of their decisions and the basis for that decision in accepting or declining a Prior Learning Assessment (whether it is portfolio evaluation or other type of assessment) for academic credit. Institutional policies should ensure the transparency of the award or denial of PLA credit. Additionally, institutions must develop and communicate a process for appealing PLA decisions.

5.11. Prior Learning Assessment fees may vary based upon the type of assessment performed. Prior Learning Assessment credit and transcripting fees to students must be clearly published and made available to the student.

5.12. Institutions will regularly review their PLA policies to ensure that they are consistent with accreditation PLA guidelines and state, regional, and national practices.

§135-59-6. Transferability of Prior Learning Assessment Credits.

6.1. Credits earned through PLA will be transferable in accordance with Series 17: Transferability of Credits and Grades at West Virginia Colleges and Universities. Once on a student’s transcript, credits earned through prior learning shall be treated no differently that other credit coursework on a student’s transcript.

6.2. PLA credit awarded at one institution, which meets the West Virginia Core Coursework Transfer Agreement or other statewide articulation agreements, must be accepted as transfer credit toward the degree if the student transfers to another West Virginia public college or university in accordance with the guidelines of that particular policy or agreement.

§135-59-7. Reporting the Awarding of Prior Learning Assessment Credits.

7.1. Each institution shall maintain records of the number of students awarded credit for prior learning, number of credits for prior learning awarded, type of assessment method(s) used, and other recipient data, which will be reported to the Council for Community and Technical College Education/ Higher Education Policy Commission on an annual basis. Council/Commission staff will develop specific reporting guidelines and advise each institution of those guidelines.


8.1. West Virginia state colleges and universities shall accept advanced placement credits according to the following guidelines:

8.1.a1. High school students completing advanced placement examinations of the College Board with a minimum score of 3 will receive credit at any state college or university, as indicated in the list of advanced placement exams offered by the College Board. The Central Office of the Community and Technical College System of WV maintains a list of all College Board advanced placement exams and the minimum number of credits that each institution shall grant. Credit is to be awarded solely on the basis of satisfactory performance of a score of 3 or higher on the advanced placement examinations.

8.1.b2. When the examination is in the area of the student's major, the institution will award credit toward the major or the core curriculum.
8.1.c3. An academic department within the institution may, upon approval of the institutional faculty, require a higher score than 3 on an advanced placement test if the credit is to be used toward meeting a course requirement for a major in the department.

8.1.d4. Credits awarded by regionally or nationally accredited institutions of higher education in West Virginia for successful completion of advanced placement exams are transferable to West Virginia state colleges and universities in accordance with the advanced placement policy of the receiving institution.


9.1. Each institution shall develop guidelines for acceptance of advanced placement credits that are consistent with the provisions of this rule and publish the guidelines in the college or university bulletin and/or other appropriate institutional publications.

§1335-59-10. Policy for the College-Level Examination Program.

10.1. This policy shall serve as a rule for the College-Level Examination Program (CLEP) of the College Entrance Examination Board in West Virginia state colleges and universities. Credit awarded by an institution in conformity with this policy shall be transferable to all West Virginia state colleges and universities. Further, credit shall be awarded only once to recognize mastery of course content. Credit shall not be awarded for equivalent courses in which students have already earned such credit through course work, CLEP, institutional challenge examinations, life experience, or other mechanisms.


11.1. Students may be awarded credit for the successful completion of any or all of the CLEP Subject Examinations presently offered or developed in the future. They must achieve a score equal to or above the required score of the Commission on Educational Credit and Credentials of the American Council on Education for CLEP Exams current at the time the examination was taken. Credit shall be awarded in an amount not exceeding the number of semesters for which the examination was designed. A grade shall not be assigned, and the credit will not be included in the computation of the student's grade-point average. The institution shall equate the CLEP credit earned with existing course offerings. If no equivalent course is offered by the institution, the credit earned by CLEP examination shall be considered elective credit. Students shall not receive CLEP Subject Examination credit for equivalent courses in which they have already earned credit.


12.1. As of the effective date of this policy, an institution may award credit within the limits of the most recent recommended CLEP scores posted by The College Board. At the time of this rule, The College Board chart is found at the following URL: located at https://clep.collegeboard.org/pdf/what-your-score-means.pdf.

12.2. It should be made clear to students that such credit in general education may not meet specific program requirements of the institution awarding the credit or of other institutions to which the student may later transfer. The credit shall then be used as elective credit. Students shall not receive CLEP General Examination credit for equivalent courses in which they have already earned credit.

12.3. An institution awarding credit through CLEP may establish scores higher than specified above for Subject and General Examinations if it is established that the higher scores equate to a satisfactory level of performance by students actually enrolled in the equivalent course(s) at that institution.

13.1. The permanent academic record of the student shall indicate which credit was earned by CLEP examination.


14.1. Students must be enrolled in an institution in order to receive credit from the institution. Students who have taken CLEP examinations prior to enrollment must submit an official CLEP transcript.


15.1. Nursing continues to offer multiple ways for students to enter the profession and has consistently advocated for creative and innovative opportunities for academic progression that meet the needs of a student population that is diverse along numerous dimensions. While it is certainly possible to change goals and directions, early consideration of the desired end point can provide helpful direction in selecting the most efficient and effective path to reaching career goals. The goal is to give students a clear picture of how to enter the profession and a shorter, more affordable way to progress through the education they need. The pathway includes dual or advanced placement credit for high school students when admitted to nursing programs in community and technical colleges or baccalaureate institutions, seamless transition to bachelor’s completion degrees in nursing as needed, and employment opportunities as nursing assistants, licensed practical nurses and registered nurses along the pathway.

15.2. Student course credit earned through dual credit and/or early enrollment as part of the Nursing Pathway Program must be accepted by institutions as higher education credits counting toward credits specific to the major of nursing or nursing science. Completion of the nursing pathway shall be identified on the high school transcript. Students completing the nursing pathway shall also be in possession of the Therapeutic Services Certificate.

15.3. Dual credit or early enrollment courses in the Nursing Career Pathway are developed as required course credit according to West Virginia Department of Education (WVDE) Policy 2150 and WVDE Policy 2520.13. These courses include college-level freshmen English, college algebra or statistics, anatomy and physiology and general psychology. A list of approved dual credit/early enrollment courses may be found on the West Virginia Department of Education’s website.

15.4. Students may also earn college-level credit for the Nursing Career Pathway and specific to the major of nursing or nursing science through Advanced Placement courses (AP) as stipulated under Section 8 of this rule.

15.5. Nothing in this rule shall prevent institutions from awarding additional dual credit/early enrollment/AP credit toward the Nursing Career Pathway as allowed under the institution’s approved policies for awarding such credit.
ITEM: Sunset Date Extension for Series 35, Business, Occupational, and Trade Schools, and Series 52, Annual Reauthorization of Degree-Granting Institutions

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Resolved, That the West Virginia Council for Community and Technical College Education approves a five-year Sunset Date Extension for Series 35, Business, Occupational, and Trade Schools, and Series 52, Annual Reauthorization of Degree-Granting Institutions.

STAFF MEMBER: Kristin Boggs

BACKGROUND:

In 2016 the Legislature declared that all new or revised legislative rules would require a 5-year sunset provision for the purpose of promoting agency review to either revise, renew, or revoke rules. Both Series 35 and Series 52 have been reviewed by CTCS staff who have concluded that the rules need no revision and remain necessary. Therefore, staff advises the Council to file the rules for Sunset date extension for a period of 5 years.

1.1. Scope. -- Rule regarding the issuance, renewal, and revocation of permits to business, occupational, and trade schools.

1.2. Authority. -- West Virginia Code §18B-2B-9

1.3. Filing Date. -- July 19, 2017

1.4. Effective Date. -- July 19, 2017

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on July 19, 2022


2.1. Accredited School

A school that is accredited by a regional or national accrediting agency that is recognized by the United States Department of Education.

2.2. Associate Degree

A degree that may be awarded by accredited schools pursuant to a program of not less than two (2) academic years as authorized by West Virginia Code 18B-2B-9.

2.3. Council

The West Virginia Council for Community and Technical College Education.

2.4. Campus

A permanent facility where instruction takes place, or a facility where courses are taught for more than ten (10) days per calendar year.

2.5. Chancellor

The Chancellor of the West Virginia Council for Community and Technical College Education or his or her designee.

2.6. Financially Sound

Meeting two of the following: a current ratio of at least 1:1 regarding total current assets compared to total current liabilities, positive total equity, or current year profitability.

2.7. Immediate Family
Spouse, parent, sibling, child, or grandchild.

2.8. Ownership Change

When the change of ownership results in a change in control of the school outside the immediate family.

2.9. Person

Any individual, group of individuals, partnership, association, organization, business, trust, corporation, or other business entity.

2.10. Business, Occupational, or Trade School

An institution, organization, or entity no matter how titled, maintaining or conducting classes or instruction for a consideration, remuneration, or tuition, designed to prepare an individual for employment or enhance employment skills.

2.11. Representative

Any person representing a school, whether such school is located within or outside of the State of West Virginia, or acting as an agent, solicitor, procurer, broker, or independent contractor to produce students or enrollees for any such school by solicitation in any form at any place in this state.

2.12. School

Business, occupational, or trade, school.

2.13. Specialized Associate Degree

Degree that may be awarded by accredited schools pursuant to a degree program of not less than two (2) academic years.

2.14. State

The State of West Virginia.

2.17. Terms

Regularly established divisions of the academic school year, each with an established starting and ending date, which is normally referred to as modules, quarters, trimesters, or semesters.


3.1. For the purpose of this rule, the following are not defined as a correspondence, business, occupational, or trade school:

3.1.a. Any school or person licensed or approved to offer education or training by any other statutory licensing or accrediting agency pursuant to statutes of the West Virginia Code other than18B-2B-9.

3.1.b. Any school or organization whose courses of instruction offered are solely for the purpose of teaching preparation of tax returns.
3.1.c. Any school conducted by any person, solely on a contractual basis with private or governmental organizations where obtaining a permit is not a condition of the contract and students are not charged tuition or other fees, and no advertisement of courses takes place.

3.1.d. Any training or apprenticeship program conducted by a company, union, or other organization in which students, members, or employees enrolled in the training or educational programs are not charged tuition or other fees.

3.1.e. Schools that offer courses which are conducted solely for personal development or information, do not prepare or represent themselves as preparing, an individual for a career or enhancing employment opportunities, are not offering sequential courses comprising an entire program and are not offering courses for more than twenty-four (24) weeks per calendar year.

3.1.f. Tutorial instruction given in a private home or elsewhere as supplemental to regular classes for students enrolled in public or private schools.

3.1.g. Non-profit independent colleges, universities, and other non-profit entities that are accredited by a regional accrediting agency recognized by the United States Department of Education.

3.1.h. Public colleges, universities, and schools under the jurisdiction of the West Virginia Council for Community and Technical College Education, or the West Virginia Board of Education.


4.1. Unless exempted as defined in Section 3 of this rule, a person or corporation shall not solicit students or operate any business, occupational, trade school, or branch campus in the state without first applying for or obtaining a permit issued by the Council. A permit shall be issued authorizing the solicitation of students and/or authorizing the operation of a school if all conditions of the laws and regulations of this state pertaining to correspondence, business, occupational, and trade schools are met.

4.2. If a person as defined in Section 2 of this rule wishes to operate or continue to operate a school or branch campus or to solicit students in the state, that person shall submit an original application for a permit to do so on forms provided by the Council.

4.3. As a condition of the issuance of a permit, a school shall submit with the application:

4.3.a. A copy of the curriculum and description of courses for each program being offered;

4.3.b. A copy of the student enrollment contract;

4.3.c. A copy of the school's tuition refund policy and schedule;

4.3.d. A fully executed surety bond in the appropriate amount;

4.3.e. The appropriate permit fee;

4.3.f. A list of all representatives of the school who will be soliciting students; and

4.3.g. If accredited, documentation from the accrediting agency regarding accreditation status.

4.4. Persons shall not be deemed to have submitted an initial application for a permit to operate a school or solicit students in this state unless a properly completed application, the application fee, the required surety bond, and all other information and documentation required by this rule has been submitted to the Council.
and the following has been provided:

4.4.a. A listing of the individual's or organization's prior school operation history in this state, other states, or other countries.

4.4.b. Information detailing the involvement in, or relationship to, any school that lost its accreditation, lost its authorization to operate because of violation of state or federal laws, was terminated from participation in the federal financial aid programs, closed without arranging a teach-out for students or arranging refunds, or other discharge of the school's contractual obligation to the student.

4.4.c. Proof at the time of filing an initial application that adequate facilities are available and ready for occupancy and that all instructional equipment, books, supplies, and personnel are in place and ready for operation and verified by an on-site visit by a representative of the Council.

4.5. As a condition of permit renewal, all schools shall make annual reports to the Council on forms furnished by the Council.

4.6. In addition to the requirements set forth above, all out-of-state schools shall annually provide evidence of authority to operate or accreditation by the regulatory agency of each state in which the school is located or conducts business.

4.7. A permit shall be valid for one year corresponding to the effective date of the surety bond as required herein.

4.8. Any information of a confidential or proprietary nature provided to the Council by a school for the purpose of obtaining or renewing a permit, and exempted from public disclosure pursuant to the terms of West Virginia Code §29B-1-4, shall not be disclosed for any purposes inconsistent with this rule or statute.

§135-35-5. Approval to Offer Degrees.

5.1. All schools planning to offer a degree at the specialized associate’s degree, associate’s degree, or higher must receive approval from the Council and/or the West Virginia Higher Education Policy Commission prior to offering the degree. Schools seeking approval to offer the degree shall submit the following for review:

5.1.a. All degree requirements and the course curriculum

5.1.b. Faculty credentials and experience

5.1.c. A description of all available student support services

5.1.d. A description of available library and instructional materials

5.1.e. A description of program learning objectives and assessment methodology

5.2. Once a school is approved to offer the degree, that school is subject to annual reauthorization as provided in Legislative Rule, Title 135 (Council) or 135 (Commission), Series 52, Annual Reauthorization of Degree-Granting Institutions.

§135-35-6. Permit Application Fee.

6.1. Any person applying for a permit to solicit students or operate a school, as defined by this rule, or branch campus in this state shall submit an initial application fee in the amount of two thousand dollars.
6.2. Any person applying for renewal of a permit shall submit an annual fee of five hundred dollars ($500) with the renewal application for each campus operated by the school.

6.3. Any person submitting a permit renewal application and surety bond more than sixty (60) days after the last effective date of the applicant's previous surety bond shall be considered a new applicant for the purpose of paying the initial application fee.

§135-35-7. Surety Bond Requirements.

7.1. A school located in the state shall submit with its initial or renewal application, the original fully executed continuous surety bond written by a company authorized to do business in this state in the sum of fifty thousand dollars ($50,000) unless required otherwise by a provision of this section.

7.2. Any school which has its physical facilities located in this state and has operated in this state under the present ownership, or ownership control within the immediate family, for at least ten (10) years is required to submit with its renewal application the original copy of a fully executed continuous surety bond written by a company authorized to do business in this state in the sum of thirty-five thousand dollars ($35,000).

7.3. Schools having branch campuses within this state shall provide one fully executed surety bond in the appropriate amount providing coverage for all campuses.

7.4. In the event of notice of cancellation of the surety bond by a bonding company, the school shall furnish a fully executed replacement to the Council within sixty (60) days of the school's receipt of the notice of cancellation. But in no event may a school solicit or enroll new students until the appropriate surety bond is in effect.

7.5. The termination of a school's surety bond coverage shall be grounds for revocation of its permit if the school fails to replace the bond within the required time.

7.6. A school whose physical facilities are located outside this state, and which applies for a permit to solicit students in this state, shall submit a fully executed surety bond in the sum of fifty thousand dollars ($50,000).

7.7. The Council may increase the bond requirement of any school to one hundred fifty thousand dollars ($150,000) if the school has its accreditation terminated or its institutional eligibility under the Higher Education Act of 1965, as amended, is terminated for cause.

7.8. If, in accordance with the standards of the American Institute of Certified Public Accountants, the school's audited financial statements are qualified because the school's continued financial viability as an ongoing concern is in doubt, and the school is not financially sound as defined in Section 2 of this rule, the Council may require the surety bond be increased up to an amount not to exceed four hundred thousand dollars ($400,000) if the Council determines an increased bond is reasonably necessary to protect the financial obligations legally due to the students then enrolled at the institution.

7.9. Confidentiality Statement - any financial information submitted to the Council by a school covered under this rule shall be used by the Council only for purposes of this rule.


8.1. A school shall maintain records at a central location and have them available for inspection by a representative of the Council.
8.2. A school shall maintain academic records suitable for transcript purposes for each student for fifty (50) calendar years after the student has departed the school, or until the student becomes 65 years of age. The records shall include, as a minimum:

8.2.a. The name and address of the school;
8.2.b. The full name and address of the student;
8.2.c. The starting and completion or separation dates;
8.2.d. The course of instruction or subject;
8.2.e. The amount of credit, if any;
8.2.f. The grade for each subject; and
8.2.g. A statement indicating whether the student graduated or completed the course.

8.3. A school shall develop and enforce security measures to protect student records from damage or destruction for the required period of time.


9.1. A school must notify the Council at least thirty (30) days in advance of the change of ownership control. Within thirty (30) days of such notification, the Council will notify the school of permit status.

9.2. When a school is located in this state and has a change of ownership control and the new ownership control is outside of the immediate family of the previous owner, the school may continue to operate under the present permit. However, before the solicitation of students can continue, the school shall submit to the Council the following:

9.2.a. A fully executed surety bond in the amount of fifty thousand dollars ($50,000).
9.2.b. The names, addresses, and corporate titles of all persons or other entities having a financial interest in the school, and the names and addresses of any other schools in which these persons or entities have or have had a financial interest.
9.2.c. A revised listing of all programs to be offered if changes were made with new ownership.
9.2.d. An application for each representative of the school who will be soliciting students.

9.3. If the school is located outside this state, the school must show evidence of compliance with the laws and regulations in the state where the school is located. In addition, before the solicitation of students continues in this state, the school must submit the following:

9.3.a. A fully executed surety bond in the amount of fifty thousand dollars ($50,000);
9.3.b. An application for each representative of the school that will be soliciting students in West Virginia;
9.3.c. A revised listing of all programs to be offered if changes are made with new ownership; and
9.3.d. The names, addresses, and corporate titles of all persons or other entities having a financial interest in the school.

§135-35-10. School Closing.

10.1. A school which is closing, either voluntarily or involuntarily, shall:

10.1.a. Inform the Council of this action immediately by certified mail;

10.1.b. Supply the Council with the name, address, and telephone number of the person responsible for closing arrangements;

10.1.c. Supply the Council with the name, address, telephone number, and the course of study for each student who has not completed his or her course of study;

10.1.d. Supply the Council with information on the dates of enrollment, the amount of class time left for each student to complete the course, and the amount of entitled refund, if any, for which each student is eligible;

10.1.e. Inform currently enrolled students by written notice of the appropriate procedures they are to follow to secure refunds due if suitable teachouts have not been arranged, or to continue their education and supply the Council with a copy of this notice; and

10.1.f. Inform the Council and currently enrolled students of plans to store the permanent student records and the procedure to obtain copies.


11.1. Before the schooling begins, all students shall receive a completed, signed and dated enrollment contract specifying both the school’s and student's legal rights and obligations. The agreement may incorporate into the contract by reference information in the school's catalog, student handbook, or other school publication without printing such information or publication in the contract itself. The enrollment contract must contain, but is not limited to, the following:

11.1.a. The name and address of the school;

11.1.b. The name of the course of study or program, including the number of credit or clock hours of classroom instruction, home study lessons, or other study units required;

11.1.c. The total cost of the course, term or program for which the student is obligated under the contract including tuition, fees, books, and any other charges the student will incur shall be clearly stated;

11.1.d. The school's cancellation and refund policy including an explanation of the procedures a student will follow to cancel the contract or enrollment agreement; and

11.1.e. The signature of the student applicant, a parent or other sponsor if the student is under the age of eighteen (18), and the appropriate school officials, plus the date signed.

11.2. An application for admission is not to be construed as binding on the student, therefore limiting total student financial obligation to the payment of an application fee.

11.3. The school shall provide the student with a copy of the completed enrollment agreement that is signed and dated.
11.4. Those schools that are accredited by a national or regional accrediting agency recognized by the United States Department of Education may adhere to the accrediting agency's criteria regarding student enrollment contracts to satisfy the requirements of this section. However, in the event that enrollment contracts are not addressed by accrediting agency criteria, the provisions of this section must be followed.


12.1. To obtain a permit a school shall have a cancellation and refund policy that incorporates the following provisions:

12.1.a. A statement relative to the unused portion of tuition, fees, and other charges if the student does not begin classes, withdraws, or is dismissed.

12.1.b. All fees and payments remitted to a school by a prospective student shall be refunded, minus any stated application fee not to exceed fifty dollars ($50), if the student is not admitted due to ineligibility.

12.1.c. An admitted student applicant may cancel, by written notice, his or her enrollment any time prior to the first class day of the session for which the application was made, and the school shall refund all tuition paid by the student minus an application fee not to exceed fifty dollars ($50).

12.1.d. For the purposes of refund calculations, an individual's status as a student shall be considered terminated by the school not later than seven (7) calendar days after the last day on which the student actually attended the school. Termination may be effected earlier by proper notification. A home study program of instruction shall be terminated if a school does not receive a lesson or an appropriate response from the student within six months after receipt of the last lesson, and the date of withdrawal shall be the date of the last lesson received. The date of withdrawal initiated by a student shall be the date a letter is postmarked or proper notification is given. The school shall provide a receipt for the letter or withdrawal notice received.

12.1.e. Schools are required to submit refunds to individuals or the appropriate agency within twenty (20) days after receipt of a proper notification of termination from a student.

12.1.f. The student refund policy for withdrawals and terminations for schools not accredited by an accrediting agency recognized by the United States Department of Education must at a minimum comply with the following:

12.1.f.1. A student who begins a term and withdraws after completing up to one (1) week or ten percent (10%) of the term is entitled to a refund of ninety percent (90%) of the charges less the application fee.

12.1.f.2. A student who begins a term and withdraws after completing more than ten percent (10%) through twenty-five percent (25%) of the term is entitled to a refund of seventy-five percent (75%) of the charges less the application fee.

12.1.f.3. A student who withdraws after completing more than twenty-five percent (25%) through fifty percent (50%) of the term is entitled to a refund of fifty percent (50%) of the charges less the application fee.

12.1.f.4. A student who withdraws after completing more than fifty percent (50%) of the term is not entitled to a refund.

12.2. Refunds shall be calculated for a specific term as defined in Section 2 of this rule, or the total cost of programs not exceeding one year. In the event that students are financially obligated for a year-long
program, the refund policy shall be on a weekly prorata basis through the first sixty percent (60%) of the program. The student's financial commitment shall not be for more than one year at any given time.

12.3. Those schools that are accredited by a national or regional accrediting agency recognized by the United States Department of Education, may use the accrediting agency's refund policy to meet the requirements of this section. However, student refunds must be made within twenty (20) days after receipt of a proper notification of termination.

12.4. Those schools having their physical facilities located outside this state must comply with the cancellation and refund policies of their home state. If there is no state cancellation and refund policy in their home state, Section 11 of this policy must be followed.


13.1. Each school and its representatives shall not make or cause to be made any oral, written, or visual presentation in connection with the offering or publicizing of a subject or course of instruction which is false or misleading.

13.2. In its advertising, a school shall:

13.2.a. Limit reference to its authority to operate to "Permit to Operate Issued by the West Virginia Council for Community and Technical College Education;

13.2.b. Disclose that it is a home study school if it provides such instruction;

13.2.c. Advertise starting or average salaries of its former students only if these claims can be documented for the most recent twelve- (12) month period preceding the advertisement for more than fifty percent (50%) of the graduating class.

13.3. In its advertising, a school shall not:

13.3.a. Advertise that it is "supervised," "recommended," "endorsed," "approved," or "accredited" by the Council;

13.3.b. Describe its courses of instruction and subjects in a misleading manner.

13.3.c. Use photographs or other illustrations in ways which misrepresent the size and location of the school, its equipment and facilities for the career for which the student is being trained;

13.3.d. Represent that it is endorsed by or affiliated with a college or university, unless such statements can be documented;

13.3.e. Advertise or indicate in any manner the transferability, or possibility of transferability, of its credits to colleges and universities unless it has written evidence on file of current acceptability of such credits from said colleges or universities;

13.3.f. Advertise that it is endorsed by manufacturers, business establishments, or organizations engaged in the line of work for which the school gives training unless written documentation regarding the endorsement is on file;

13.3.g. Advertise accredited status unless such status has been received from an accrediting body currently listed as recognized by the United States Department of Education and such accrediting body must be named if used in any advertisement or promotional material;
13.3.h. Advertise as an employment agency, or under the same or similar name as such an agency, or advertise training courses in the "Help Wanted" section of any newspaper;

13.3.i. Advertise any tuition, fees, or other charges in amounts other than those currently on file in the chancellor's office or advertise them without showing the total costs;

13.3.j. Falsely guarantee job placement or employment at a certain wage; or

13.3.k. Use endorsements, commendations, or recommendations by students without their written consent.

13.4. A school eligible to offer a course of instruction or program leading to an associate degree or specialized associate degree shall, in any advertisement, promotional material, or the school catalogue refer to this degree designation as an "Associate Degree" or a "Specialized Associate Degree."

13.5. Those schools that are accredited by a national or regional accrediting agency recognized by the United States Department of Education may adhere to the accrediting agency's criteria regarding advertising to satisfy the requirements of this section. However, in the event that advertising is not addressed by accrediting agency criteria, the provisions of this section must be followed.


14.1. A school shall attempt to resolve student complaints promptly and fairly and shall not subject a student to punitive action as a result of a written complaint having been filed with the school or Council.

14.2. The school shall have written procedures that describe in detail how a student may register a complaint with the school and Council, and how the school will investigate and attempt to resolve the complaint.

14.3. The Council will begin the investigation of a written complaint within thirty (30) days of the date of receipt of the complaint unless it is a complaint regarding a matter over which the Council has no jurisdiction or it is intrinsically not credible. The initial investigation should be completed within sixty (60) days of the filing of the complaint.

14.4. The school shall provide all enrolled students with a written copy of the student complaint procedures and make prospective students aware that such procedures exist and provide copies upon request.

14.5. Each school that is being investigated, as a result of a written student complaint, will be notified by the Council that such an investigation is being conducted, and a copy of the written complaint will be forwarded to the school. The name of the complainant may be withheld if so requested.

14.6. The school being investigated must respond to any inquiry by the Council relating to the investigation within ten (10) work days of its receipt of the inquiry.

14.7. Any school refusing to cooperate with an investigation of a written student complaint by the Council or any other governmental agency shall have its permit to operate or solicit students in West Virginia revoked in accordance with the due process provisions of Section 14 of these rules.

14.8. The Council, upon completion of the investigation of a written student complaint, will supply the school by certified mail with a written report of the findings and any proposed corrective action. The school will have twenty (20) work days to reply to the Council before any action may be taken.
14.9. The school has a right to request a hearing regarding any findings or action proposed by the Council resulting from an investigation involving student complaints.

14.10. The Council may forward any information pertaining to a written complaint found to have merit involving student financial aid to the United States Department of Education.

§135-35-15. Warning, Suspension, Withdrawal, or Revocation of Accreditation, License, and/or Approval To Operate.

15.1. A school shall provide the Council with a copy of any notice of warning, suspension, revocation, or other adverse action received from any national, regional, or state accrediting and/or approval agency or the United States Department of Education within five (5) days of receipt of such notice. The school shall at the same time inform the Council in writing of activities being taken to correct the deficiencies.

15.2. The Council may for good cause, suspend, withdraw, or revoke the authorization of a school to operate within this state or to solicit students within the state. Good cause shall consist of:

15.2.a. Loss of accreditation by a nationally or regionally recognized accrediting agency;

15.2.b. Cancellation of the school's bond by the bonding company and failure to secure a replacement in accordance with this rule;

15.2.c. A final determination that the school has engaged in conduct prohibited by this rule, and the conduct warrants suspension, withdrawal, or revocation of the approval to operate a school or solicit students in this state, and corrective action has not been taken within the required time;

15.2.d. Closure of the school without adequately providing for the completion of students' classes or course work, without refunding students' unearned tuition or otherwise discharged the institutions contractual obligations to the students;

15.2.e. Conviction of the owner of a school for a felony or crime involving administration of the school or involving Federal Student Assistance programs; or

15.2.f. Refusal to cooperate with an investigation pursuant to Section 13 of this rule.

15.3. Upon receipt by the Council of information constituting any of the above grounds for suspension, withdrawal, revocation, or other adverse action, the Council shall notify the school and its owner in writing of its intent to recommend suspension, withdrawal, revocation, or other adverse action and the grounds for such recommendation.

15.3.a. The owner of the school may, within ten (10) work days of receipt of such notice, request a hearing upon the recommended action. Such hearing, if requested, shall be commenced within twenty (20) work days of such request at the chancellor's office or at such other location convenient to the parties and witnesses as may be designated by the chancellor.

15.3.b. The hearing shall be conducted by the Chancellor of the West Virginia Council for Community and Technical College Education or the chancellor's designee, pursuant to the procedures set forth in Chapter 29A, Article 5 of the Code of West Virginia.

15.3.c. The chancellor or the chancellor's designee may continue the hearing at the request of the school for good cause shown. Continuances shall not be granted as a matter of right.
15.3.d. If the owner or a representative of the school does not request a hearing within the requisite time period, the recommendation of the chancellor shall be deemed unchallenged by the school and reported to the Council for final action.

15.4. At the hearing, the grounds for suspension, withdrawal, or revocation of authorization to operate the school or other adverse action must be established by clear and convincing evidence.

15.4.a. The owner of the school or its designated representative may appear to defend the interests of the school, may present witnesses and evidence on behalf of the school, and may cross-examine witnesses against the school. The school may retain legal counsel to represent its interests at the hearing.

15.4.b. The Council does not have the power to issue subpoenas, but the chancellor or the school may request the appearance of witnesses at the hearing, who shall be notified of such request by the chancellor or the chancellor's designee with the date, time, and location of the hearing in writing.

15.4.c. The rules of evidence shall not strictly apply, and evidence may be admitted if it is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs. Objections to evidence offered by either party shall be ruled upon by the chancellor or the chancellor's designee who conducts the hearing.

15.4.d. The hearing shall be recorded by mechanical means or by a certified court reporter retained by the chancellor.

15.5. The chancellor shall make written findings of fact and conclusions of law as to whether or not the school or its representative has committed acts in violation of the law or these rules which would justify the suspension, withdrawal, or revocation of its authorization to operate. Such findings and conclusions shall be reported to the Council, and a copy of same shall be provided to the school on the same date it is filed with the Council and placed upon its agenda for action.

15.6. The Council shall act upon the report at its next regularly scheduled business meeting to accept or reject the findings of the chancellor or the chancellor's designee, and to suspend, withdraw, or revoke the authority of the school or its representative to operate and/or solicit students within this state. Notification of the Council's action shall be given to the school and/or its representative in writing within two (2) business days following such action of the Council, by certified mail, or by personal delivery. For good cause shown in the minutes of the Council's action upon the chancellor's report may be deferred to a date not later than the next regularly scheduled business meeting of the Council.

15.7. A school or its representative may appeal an adverse action of the Council to a court of competent jurisdiction within the time period specified by state law.
§135-52-1. General.

1.1. Scope. -- This rule establishes the policy regarding annual reauthorization of degree-granting institutions which offer degrees not above the associate level.

1.2. Authority. -- West Virginia Code §18B-4-7

1.3. Filing Date. -- July 19, 2017

1.4. Effective Date. -- July 19, 2017

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect July 19, 2022

§135-52-2. Purpose.

2.1. The West Virginia Council for Community and Technical College Education (Council), through a process of granting authorization and annual reauthorization of education institutions operating in West Virginia that provide instruction up to and including the associate degree level, has the responsibility of protecting consumers and ensuring students are offered quality education by postsecondary providers to West Virginia residents. An institution authorized by the Council shall be required to operate in accordance with fair consumer practices to ensure that students can make appropriate decisions concerning their investment of time and money.

2.2. Fair consumer practices means honesty, fairness, and disclosure to students in the areas of recruitment, admission, contractual agreements, student financial assistance, obligations to repay student loans, placement assistance and job placement rates, advertising, refund policies, the meaning and recognition of different types of accreditation, the transferability of the institution’s credits to other postsecondary institutions, the offering of quality instructional programs, and other appropriate performance measures.

2.3. Authorization is required for all postsecondary providers that offer certificates, degrees, or instruction at the associate degree level or below, and entities that use the term “academy,” “college,” “institution,” “university” or similar title, hereafter referred to as “institution,” unless otherwise exempt.

2.4. The Council is responsible for the annual reauthorization of any private, proprietary, or out-of-state postsecondary institution that has physical presence in West Virginia and offers degree programs at or below the associate degree level. The process of conferring reauthorization by the Council includes the monitoring of standards for degrees awarded, the collection and dissemination of pertinent institutional data, the conduct of certain reviews and audits, and the imposition of certain sanctions including revocation of degree-granting authority.

2.5. Existing institutions of higher education authorized to operate in West Virginia prior to the effective date of this rule are subject to the reauthorization provisions of this rule and shall report annually to the Council on all items related to reauthorization prescribed in this rule.

2.6. While the provisions of this rule apply directly to the annual reauthorization of any private institution
in West Virginia which offers degrees at or below the associate level, the criteria for annual reauthorization also apply to public higher education institutions that offer degrees at or below the associate level in the state, and are under the purview of the Council.

2.7. The Council shall make available information on institutional performance of all public institutions located in West Virginia on the Council’s website and through other appropriate venues.


3.1. “Accreditation” means a status attained by the institution through voluntarily meeting standards set by a nongovernmental entity recognized by the U.S. Secretary of Education.

3.2. “Authorization” means the status attained by the institution that allows the institution to offer programs and courses within the State of West Virginia. This status is granted by the Council for Community and Technical College Education when the institution demonstrates compliance with the requirements for such status.


3.4. “Council” means the West Virginia Council for Community and Technical College Education.

3.5. "Degree" means any earned award conferred by a higher education institution which represents satisfactory completion of the requirements of a program at the associate level.

3.6. "Distance education" means the delivery of any course or degree programs by synchronous or asynchronous technology. Asynchronous or synchronous technology via distance delivery includes all forms of internet, electronic, digital, online, video, and any other technology driven delivery system.

3.7. "Institution" means any person, firm, corporation, association, agency, institute, trust or other entity of any nature whatsoever offering education beyond the secondary level which:

3.7.a. offers courses or programs of study or instruction which lead to or which may reasonably be understood to be applicable toward an associate or other specialized certification/degree designation at or below the associate level; or

3.7.b. operates a facility as a college or university or other entity in the State of West Virginia which offers degrees or other indicia of a level of educational attainment beyond the secondary school level; or

3.7.c. uses the term "college" or "university," or words of like meaning, in its name or in any manner in connection with its academic affairs or business.

3.8. “Physical presence” means an actual presence in the state, online or on-site, for the purpose of conducting activity related to: a postsecondary educational institution; educational service; dissemination of educational credentials; enrollment, solicitation or advertising. Physical presence as further outlined for purposes of authorization shall include but not be limited to:

3.8.a. An instructional site within the state.

3.8.b. Dissemination of an educational credential from a location within the state.

3.8.c. An agent, whether compensated or not, who is utilized for the purpose of administering, coordinating, teaching, training, tutoring, counseling, advising, recruiting, or any other activity on behalf of the sponsoring institution.
3.8.d. Advertising, promotional material or public solicitation in any form that targets West Virginia residents through distribution or advertising in the state.

3.8.e. Instructional delivery that receives assistance from any other organization within the state in that delivery.

3.8.f. Clinical experiences, internships, or other similar curricular requirement.

Activities exempt from this definition include: online instructors residing in West Virginia but having no direct, in-person contact with students and individuals participating in college fairs coordinated by the Council and local school districts.

3.9. “Reauthorization” is the process by which an institution annually renews its status as an institution authorized to offer programs and courses for West Virginia residents. This status is granted by the Council when the institution demonstrates compliance with the requirements for such status.

3.10. “Religious, theological, or faith-based institution” means a postsecondary institution that offers no degree programs other than those specifically related to the institution’s doctrine. Institutions that offer general degree programs cannot be exempted by this rule as religious, theological, or faith-based.

3.11. “Unearned tuition” means the anticipated amount of tuition revenue minus refunds that will be generated within a one-year time frame of the institution’s authorized operation in West Virginia. “Unearned tuition” for the application of annual reauthorization is the amount of tuition revenue minus refunds that was received during the previous year.

§135-52-4. Exemptions.

4.1. Institutional exemption is subject to annual review and/or revocation any time the activity deviates from the original determination factors for exemption. An institution which claims to be exempt under the provisions of this section must submit such information as may be required by the Council to determine whether the institution is exempt from reauthorization.

4.2. Any institution fully authorized to operate in West Virginia prior to the effective date of this rule is subject to the provisions of this rule pertaining to reauthorization.

4.3. The following institutions shall be exempt from the provision of this rule:

4.3.a. Out-of-state institutions:

4.3.a.1. offering courses through brokering or other collaborative arrangements with a West Virginia public institution of higher education and which support programmatic offerings of the state institution;

4.3.a.2. offering a short course or seminar in which the instruction for the segment takes no more than twenty classroom hours, and is not for college credit;

4.3.a.3. offering courses or programs on a military installation solely for military personnel or civilians employed on such installation;

4.3.a.4. offering courses or programs at a location in West Virginia by the authority of the Council for a designated period of time; or
4.3.a.5. offering online courses or programs with Council approval for a specified period of time.

4.3.b. Non-Degree granting institutions whose programs are designed primarily for job entry or upgrading of skills and are described in clock (contact) hours. These programs typically prepare individuals for employment and do not require courses beyond those specific to the job or its field with program length sufficient to effect outcomes.

4.3.c. A religious, theological, or faith-based institution which meets the criteria for exemption outlined in Series 20, Initial Authorization of Degree-Granting Institutions, and offers no degree programs other than those specifically related to the institution’s doctrine.

§135-52-5. Annual Reauthorization.

5.1. All institutions authorized by the Council at the associates level must annually submit a reauthorization application report in a format prescribed by Council staff. The annual reauthorization year will be from July 1 through June 30, with the 2012-2013 year being the initial reporting year. The annual application is due each November 1 and must be accompanied by an annual fee as provided in section 9 of this rule.

5.2. Reauthorization applications postmarked after November 1 or other due date will be assessed a late renewal fee as prescribed in section 9 of this rule.

5.3. Upon request by the Council, authorized institutions must provide documentation necessary to assess the performance of the institution.

5.4. The reauthorization application must include the following:

5.4.a. Name and address of the institution of higher education.

5.4.b. Chief executive officer’s name, title, address, phone number, fax number, and email address.

5.4.c. Institutional liaison’s name, title, address, phone number, fax number, and email address.

5.4.d. Verification of current accreditation status and copy of latest annual HLC/NCA Institutional Update Report or other USDE-recognized regional accrediting agency.

5.4.e. Full and part-time student enrollments of resident and non-resident students for each term and/or period of instruction during the most recent reporting year.

5.4.f. A current schedule of fees and charges for tuition.

5.4.g. First to second year retention rates for first-time, full-time certificate and degree-seeking students for the most recent year.

5.4.h. Graduation rates for undergraduate degree-seeking first-time, full-time students for the most recent graduating three-year cohort year.

5.4.i. Data on student transfers in to and out of the institution for the most recent year.

5.4.j. Licensure pass rates for completion of all professional programs, e.g., allied health, for the most recent year.

5.4.k. Student loan cohort default rates for the most recent year available.
5.4.1. Campus crime statistics for the most recent reporting year available.

5.4.m. Number of student, staff, and faculty grievances filed during the most recent reporting year.

5.5. The Council shall provide definitions of requested data elements. When appropriate, prior data submissions may be utilized to fulfill specific data requirements. Guidance will be provided by Council staff.

5.6. Upon receipt of the annual reauthorization application, Council staff shall convene a compliance review committee to review the submitted documentation. The compliance review committee shall be composed of:

5.6.a. Persons who are qualified by academic training or professional experience to verify the institution’s compliance with Council standards for authorization.

5.6.b. Persons who are representative of both public and private institutions.

5.6.c. Members of the Council staff. The Vice Chancellor for Academic Affairs or designee shall serve as chair of the committee.

5.7. Upon review of documentation and recommendation of the compliance review committee, institutions that are found to be in compliance with generally accepted parameters of operation are recommended to the Council for reauthorization.

5.8. If the compliance review committee finds, after review of required documentation, that the institution is not in compliance with generally accepted parameters of operation, the committee may request additional documentation for review.

5.9. Each institution shall provide, at the request of the compliance review committee, all information the committee considers necessary to assess the performance of the institution and determine whether the institution continues to meet the minimum standards for conferring certificates and degrees. Information may include but is not limited to the following:

5.9.a. Institutional information.

5.9.a.1. Copies of articles of incorporation, charter, constitution, and by-laws for the initial reporting year, and changes only for reporting in subsequent years.

5.9.a.2. Copy of any articulation agreement the institution has with a West Virginia higher education institution entered into or changed within the last year.

5.9.a.3. Copy of the institution’s current mission and goals statement for the initial reporting year, and changes only for reporting in subsequent years.

5.9.a.4. Copy of the current institutional catalog.

5.9.a.5. Copies of current promotional and recruitment materials and advertisements provided or distributed to West Virginia residents.

5.9.b. Accreditation information.

5.9.b.1. If the institution is accredited by a regional accrediting agency, verification of the accreditation status, including any correspondence within the last year.
5.9.b.2. If the institution is accredited by a national accrediting agency or any of its academic programs is accredited by a program accrediting agency, verification of the accreditation status.

5.9.c. Program information.

5.9.c.1. A list of current degree and certificate programs offered in West Virginia by the institution.

5.9.c.2. Results of any external degree program evaluation during the last year, if any.

5.9.c.3. A list of any degree or certificate programs that have ceased to be offered during the previous year.

5.9.c.4. Identification of methods used to assess student achievement.

5.9.c.5. Results of the most recent assessment of student achievement.

5.9.d. Faculty information.

5.9.d.1. A list of current full-time and part-time faculty with highest degree held, degree field(s), and institution conferring highest degree.

5.9.e. Financial information.

5.9.e.1. The latest financial statement for the most recent fiscal year compiled or audited by an independent certified public accountant, including any management letters provided by the independent auditor.

5.9.f. Facilities information, if applicable.

5.9.f.1. Verification of compliance with all applicable local, state, and federal safety and fire codes.

5.9.g. Student information.

5.9.g.1. The institution’s policies about student admissions, evaluation, suspension, and dismissal for the initial reporting year, and changes only for reporting in subsequent years.

5.9.g.2. A current schedule of fees, charges for tuition, required supplies, student activities, and all other student charges.

5.9.g.3. The institution’s policy about tuition and fee refunds and adjustments for the initial reporting year, and changes only for reporting in subsequent years.

5.9.g.4. The institution’s policy about granting credit for experiential learning, including prior education, training, and experience for the initial reporting year, and changes only for reporting in subsequent years.

5.9.g.5. The institution’s policy on post-graduation placement, if any, and data on placements for the most recent year.

5.9.g.6. A list of all student grievances for the most recent year as well as the nature and
disposition of each.

5.9.h. Other information.

5.9.h.1. Information related to compliance with federal or state laws and regulations that require reporting to the public, students, employees or federal or state agencies.

5.9.h.2. Information on how the institution ensures accuracy in its usual publications such as the catalog and institutional brochures and fair representation by recruiters and agents.

5.9.i. The Council shall provide definitions of requested data elements. When appropriate, prior data submissions may be utilized to fulfill specific data requirements. Guidance will be provided by Council staff.

5.10. On-site review.

5.10.a. The compliance review committee, at its discretion, may conduct on-site reviews to assess institutional compliance with the minimum standards for conferring degrees as outlined in Series 20, Initial Authorization for Degree-Granting Institutions. The committee may evaluate maintenance of adequate academic and performance standards, conduct financial audits, or require the institution to perform such audits and provide detailed data to the committee. The visit will be scheduled at a time which is mutually convenient to the institution and the committee. The institution shall pay the reasonable expenses associated with the compliance review visit.

5.10.b. Following review of submitted documentation and/or site visit, the compliance review committee will prepare an analysis of the findings.

5.10.c. A draft of a staff report prepared in accordance with this section will be provided to the institution for correction of factual errors and comment. The institution may provide the Council a response to the report within ten (10) working days of receipt of the report. The institutional comments will be included with the compliance review committee report presented to the Council.

5.10.d. The compliance review committee will develop a recommendation for the Council regarding the institutional reauthorization application. Only those institutions which meet generally accepted higher education state standards of quality will be recommended for reauthorization.

5.10.e. An institution which is not found to meet the generally accepted higher education state standards of quality will be recommended to the Council for denial of reauthorization. Once reauthorization is denied, the institution is subject to the authorization requirements, process and review in Series 20, Initial Authorization of Degree-Granting Institutions, in order to seek authorization to operate within West Virginia.

5.10.f. An institution submitting an annual reauthorization report adjudged by the Council as meeting the standards for reauthorization shall retain its authorized status for the current year.

§135-52-6. Public Institutions and Annual Reauthorization.

6.1. All public institutions under the purview of the Council shall apply for annual reauthorization and shall meet the conditions for reauthorization as provided in section 5 of this rule.

6.2. The Council shall make available to the public information on matters of institutional performance for all public institutions under its purview, as provided in section 2 of this rule.

§135-52-7. Dissemination of Institutional Information.
7.1. The Council shall make available to the public, information on matters of institutional performance that are not confidential and not restricted by federal or state laws or regulations. Such information may be posted on the Council’s website or disseminated through other appropriate venues.

7.2. The Council office shall maintain a list of institutions authorized to grant certificates and degrees and shall make such list available to the public.


8.1. Authorization of an institution terminates at the time when a change in ownership resulting in a change of control of the institution changes from that indicated on the institution’s most recent reauthorization application unless the institution files an application within ten (10) business days after the change of ownership that resulted in a change of control. Such institution shall submit an application reflecting the change in ownership and control and a fee of $500.

8.1.a. If an institution files an application requesting approval of a change of ownership and control more than ten (10) business days after the change of ownership resulting in a change of control takes effect, the authorization terminates and such an application will be considered as an application for authorization and the institution shall pay the fees specified in Series 20, Initial Authorization for Degree-Granting Institutions.

8.1.b. An authorized institution shall notify the Council of any anticipated change in ownership that results in a change of control at least thirty (30) days prior to the change in ownership and control.


9.1. A non-refundable fee of $500 shall accompany the submission of the annual application report for reauthorization.

9.2. Failure to file the annual report or to pay the report fee shall be sufficient grounds for denial of reauthorization, suspension, or revocation of degree granting authority. An institution filing a report that is postmarked after the November 1 due date will be assessed a late fee of $300.

9.3. The annual fee and annual report requirements shall be applicable for all years of authorization through the Council. The Council may adjust all fee charges as deemed necessary.

9.4. Public institutions located in West Virginia are exempt from the requirement of payment of reauthorization fees as provided in this section.


10.1. Intermediate sanctions.

10.1.a. If an institution fails to comply with the provisions for reauthorization in this rule, the Council may progressively impose one or more of the following sanctions.

10.1.a.1. Require the submission and implementation of an improvement plan to address or correct problems identified by the Council.

10.1.a.2. Suspend the ability of an institution to enroll students for one or more of the approved programs offered by the institution.

10.2. Termination of state authorization.
10.2.a. An institution shall provide the Council with a copy of any notice of warning, suspension, revocation or other adverse action received from any national or regional accrediting agency within five (5) business days of receipt of such notice.

10.2.b. The Council may for good cause, suspend, withdraw or revoke the authorization of an institution to generate or solicit students within the state, place an institution on probation, order refunds to students, forfeit the institution’s surety bonds, revoke an institution’s degree granting authority, or take any other appropriate action per Series 20, *Initial Authorization of Degree-Granting Institutions*.

10.2.c. The Council may terminate state authorization if the institution fails to submit an acceptable annual reauthorization application or an incomplete or unsatisfactory reauthorization application, as determined by Council staff and referenced in Section 5 of this rule.

10.2.d. The Council shall revoke the authority of an institution to confer degrees at any time when the institution’s governing body, chief executive officer, or both have done any one or more of the following:

10.2.d.1. Failed to maintain the minimum standards for conferring degrees.

10.2.d.2. Refused or willingly failed to provide information to the Council in a manner and within a reasonable timeframe as established by the Council.

10.2.d.3. Willfully provided false, misleading or incomplete information to the Council.

10.2.e. An institution authorized as a religious, theological or faith-based college that fails to continue to meet the criteria for a religious institution shall have its authorization terminated. The institution shall be so notified in writing. A phase-out period of not more than one additional academic term shall be permitted. An appeal to the Council may be filed within ten (10) business days. In the absence of a timely appeal, the termination shall be final.

10.3. Notification to Cease Offering Degrees or Degree Credits

Institutions that are not authorized but offer degrees and/or degree credits in West Virginia shall be notified by certified mail that they shall cease immediately to offer degrees and/or degree credits. The Council shall initiate appropriate legal action if institutions fail to comply.


11.1. If an authorized institution, branch campus, or extension program of an authorized institution discontinues operation in this state, its chief executive officer shall notify the Council of the date of discontinuance and the name and address of the agency where records will be maintained.

11.2. Records shall be permanently maintained and copies may be obtained by authorized parties. Such records shall include but not be limited to information pertaining to the admission of each student and former student and the educational record of each student and former student.

Financial aid records of each student and former student shall be retained consistent with state and federal regulations.

11.3. When an institution decides to cease postsecondary education operations, it must assist students to find alternative means to complete their studies with a minimum of disruption, and inform the Council of the following:
11.3.a. the planned date of termination of postsecondary education operations;

11.3.b. the planned date for the transfer of student records;

11.3.c. confirmation of the name and address of the organization to receive and hold the student records; and

11.3.d. the official at the organization receiving the student records who is designated to provide official copies of records or transcripts upon request.

§135-52-12. Notification: Appeals:

12.1. Once the Council has received and verified the accuracy of information constituting any of the grounds identified in section 10 of this rule, the Council shall notify the institution and its owner in writing of its intent to recommend denial or suspension of reauthorization or other adverse action and the grounds for such recommendation.

12.1.a. The owner of the institution may, within ten (10) business days of receipt of such notice, request a hearing upon the recommended action. Such hearing, if requested, shall be commenced within twenty (20) business days of such request at the Chancellor’s office or at such other location convenient to the parties and witnesses as may be designated by the Chancellor.

12.1.b. The hearing shall be conducted by the Chancellor or his/her designee, pursuant to the procedures set forth in Chapter 29A, Article 5 of the Code of West Virginia.

12.1.c. The Chancellor or his/her designee may continue the hearing at the request of the institution for good cause shown. Continuance shall not be granted as a matter of right.

12.1.d. If the owner or a representative of the institution does not request a hearing within the requisite time period, the recommendation of the Chancellor or his/her designee shall be deemed unchallenged by the institution and reported to the Council for final action.

12.2. During the hearing, the grounds for denial, suspension, withdrawal, or revocation of authorization to operate the institution or other adverse action must be established by clear and convincing evidence.

12.3. Irrelevant, immaterial, or unduly repetitious evidence may be excluded from the hearing. Formal rules of evidence as applied in civil cases in the circuit courts of this state shall not be applied. When necessary to ascertain facts not reasonably susceptible of proof under those formal rules evidence not admissible there under may be admitted, except where precluded by statute, if it is a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

12.4. The rules of privilege recognized by the law of this state shall be followed.

12.5. Objections to evidentiary offers shall be noted in the record. Any party to the hearing may vouch the record as to any excluded testimony or other evidence.

12.6. Any party to a hearing may appear with witnesses to testify on his or her behalf; may be heard in person, by counsel or both; may present such other evidence in support of his or her position as deemed appropriate by the Chancellor or his/her designee; and, may cross-examine witnesses called by the Council in support of the charges.

12.7. The hearing shall be open to the general public.
12.8. A record of the hearing, including the complaint(s), if applicable, the notice of hearing, all pleadings, motions, rulings, stipulations, exhibits, documentary evidence, evidentiary depositions and the stenographic report of the hearing, shall be made and a transcript thereof maintained in the Council’s files. All recorded materials shall be transcribed. The Council shall have the responsibility to make arrangements for the transcription and provision of the reported testimony and evidence to the parties. Upon request, a copy of the transcript shall be furnished to any party at his or her expense.

12.9. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

12.10. The Council may call witnesses to testify in support of charges and may present such other evidence to support its position; and, may cross-examine witnesses called by the charged party in support of its position.

12.11. All parties shall have the right to offer opening and closing arguments.

12.12. Hearings may be continued or adjourned to a later date or different place by the Chancellor or his/her designee by appropriate notice to all parties.

12.13. All motions related to a case set for hearing, except motions for continuance and those made during the hearing, shall be in writing and shall be received in the office of the Chancellor at least ten (10) business days before the hearing. Pre-hearing motions shall be heard at a pre-hearing conference or at the hearing prior to the commencement of testimony.

12.14. Any party may submit proposed findings of fact and conclusions of law at a time and manner designated by the Chancellor or his/her designee.

12.15. At any time prior to the hearing or thereafter, the Chancellor or his/her designee may hold conferences for the following purposes:

   12.15.a. To dispose of procedural requests, pre-hearing motions or similar matters;

   12.15.b. To simplify or settle issues by consent of the parties; or,

   12.15.c. To provide for the informal disposition of cases by stipulation or agreement.

12.16. The Chancellor or his/her designee may cause such conferences to be held on its own motion or by the request of a party.

12.17. Evidentiary depositions may be taken and read or otherwise included into evidence as in civil actions in the circuit courts of this state.

12.18. Subpoenas to compel the attendance of witnesses and subpoenas duces tecum to compel the production of documents may be issued by the Chancellor pursuant to West Virginia Code §29A-5-1(b).

12.19. Written requests by a party for the issuance of subpoenas duces tecum as provided in section 12.18 of this rule must be received by the Council no later than ten (10) business days before a scheduled hearing. Any party requesting the issuance of subpoenas duces tecum shall see that they are properly served in accordance with West Virginia Code §29A-5-1(b).

12.20. Any final order entered by the Council following a hearing conducted pursuant to these rules shall be made pursuant to the provisions of West Virginia Code §29A-5-3. Such orders shall be entered within sixty (60) days following the submission of all documents and materials necessary for the proper disposition.
of the case, including transcripts, and shall contain findings of fact and conclusions of law unless good cause exists to extend such time or by agreement of the parties.

12.21. Findings of fact and conclusions of law shall be recommended to the Council by the Chancellor or his/her designee and must be approved by a majority of the Council by vote at a regular meeting, before a final order is entered. A copy of the final order approved by a majority of the Council shall be served upon the institution and/or his or her attorney of record, if any, within ten (10) business days after entry by the Council by personal service or by registered or certified mail.

12.22. The final order may suspend, withdraw or revoke the authorization of the institution; place an institution on probation; order refunds to students; order forfeiture of the institution’s surety bond and disbursement of the funds forfeited disbursed to students injured by the institution’s violation of this rule or its enabling statute; or order any other action deemed appropriate by the Council, up to and including payment of loans, interest and other charges in connection with institution loans caused a student by the institution’s violation of this rule.

12.23. All proceedings pursuant to this rule shall be conducted pursuant to and comply with applicable statute, including, but not limited to, West Virginia Code §29A-5-1, et seq.

12.24. Any relief a student believes he or she was not rightfully awarded by the Council pursuant to this rule may be pursued in any other appropriate forum.
ITEM: Revisions to Series 1, Strengthening Career and Technical Education for the 21wst Century Act (Perkins V) funding formula for West Virginia Council for Community and Technical College Education and the West Virginia State Board of Education

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Resolved, That the West Virginia Council for Community and Technical College Education approves revisions to Series 1, Strengthening Career and Technical Education for the 21wst Century Act (Perkins V) funding formula for West Virginia Council for Community and Technical College Education and the West Virginia State Board of Education to be filed with the Secretary of State for the 30-day public comment period and if no substantive comments are received that the Council extends its final approval.

STAFF MEMBER: Richard Goff

BACKGROUND:
The revisions to Series 1, Strengthening Career and Technical Education for the 21wst Century Act (Perkins V) funding formula for West Virginia Council for Community and Technical College Education and the West Virginia State Board of Education, involve a number of changes to align this Series with the federal Perkins legislation that was reauthorized by Congress in 2018. These revisions will help streamline reporting and make the secondary/postsecondary split of grant funds more transparent to both the participating K-12 schools and community and technical colleges. Due to extensive revisions, this rule will replace the existing rule.

Changes to Series 1 are as follows:

- Definitions have been amended to mirror the federal Act.

- Data used to identify student outcomes will be pulled from the statewide longitudinal data system and data pull procedures will mirror the federal act.
- Required reporting for Perkins, the Consolidated Annual Report, will now be the basis of information for the secondary/postsecondary split of grant funds and the number of concentrators in both systems will be the basis for the split of funds.

- Where the secondary and postsecondary systems were duplicating some grant leadership and administration functions those activities will now be shared between the two systems.
§135-1-1. General.


1.3. Filing Date -- .

1.4. Effective Date -- .

§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


2.4. 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.
ITEM: Technical Program Development Grant Award

INSTITUTION: BridgeValley Community and Technical College

RECOMMENDED RESOLUTION: Resolved, that the West Virginia Council for Community and Technical College Education approves the Technical Program Development grant award as proposed.

STAFF MEMBER: Nancy Ligus

BACKGROUND:

Technical Program Development funding in the amount of $1.8 million was allocated in the Council’s FY 2021 budget.

Each community and technical college has an opportunity to submit a proposal requesting funds for programs that need to be developed. A committee comprised of Council staff reviews the proposals and makes recommendations about approval:

PROPOSALS RECOMMENDED FOR APPROVAL

<table>
<thead>
<tr>
<th>Program</th>
<th>Degree</th>
<th>Institution</th>
<th>Anticipated Enrollment Per Year</th>
<th>Industry support</th>
<th>Recommended Award</th>
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<tbody>
<tr>
<td>CAMC Apprenticeships</td>
<td>CAS</td>
<td>BridgeValley CTC</td>
<td>80</td>
<td>Charleston Area Medical Center Apprenticeships</td>
<td>$ 371,200</td>
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Total Recommended Awards: $ 371,200
ITEM: 2022 Council Meeting Schedule

INSTITUTIONS: All

RECOMMENDED RESOLUTION: Resolved, That the West Virginia Council for Community and Technical College Education adopts the recommended meeting schedule for calendar year 2022 as presented.

STAFF MEMBER: Sarah Tucker

BACKGROUND:

Although consideration was given to currently scheduled, statewide and national conferences, we understand that it is difficult to avoid all scheduling conflicts. The recommended meeting schedule was also developed in consideration of joint staff whose responsibilities include preparing agenda items for both the West Virginia Council for Community and Technical College Education and Higher Education Policy Commission meetings and their attendance at these meetings.

Therefore, the following meeting schedule for calendar year 2022, is recommended for adoption by the West Virginia Council for Community and Technical College Education, with the understanding that additional meetings may be necessary for emergency or time-sensitive issues.
# Meeting Schedule

## January – December 2022

<table>
<thead>
<tr>
<th>DATE</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 20, 2022</td>
<td>To Be Determined</td>
</tr>
<tr>
<td>April 21, 2022</td>
<td>To Be Determined</td>
</tr>
<tr>
<td>June 9, 2022</td>
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<tr>
<td>August 18, 2022</td>
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<tr>
<td>October 13, 2022</td>
<td>To Be Determined</td>
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<tr>
<td>December 8, 2022</td>
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