

New Economy Workforce Credential Grant Program Regulations
APPROVED BY COUNCIL 7/19/2016

8VAC40-160-10. Purpose

The New Economy Workforce Credential Grant Program is established for the purpose of (i) creating and sustaining a demand-driven supply of credentialed workers for high-demand occupations in the Commonwealth by addressing and closing the gap between the skills needed by workers in the Commonwealth and the skills of the available workforce in the Commonwealth; (ii) expanding the affordability of workforce training and credentialing; and (iii) increasing the interest of current and future Virginia workers in technician, technologist, and trade-level positions to fill the available and emerging jobs in the Commonwealth that require less than a bachelor's degree but more than a high school diploma.

8VAC40-160-20. Definitions

"Board" means the Virginia Board of Workforce Development.

"Competency-based" means awarded on the basis of demonstrated knowledge and skills rather than completion of instructional hours or participation in an instructional course or program.

"Council" means the State Council of Higher Education for Virginia.

"Eligible institution" means a comprehensive Virginia community college, the Institute for Advanced Learning and Research, New College Institute, Richard Bland College, Roanoke Higher Education Center, Southern Virginia Higher Education Center, or Southwest Virginia Higher Education Center.

"Eligible student" means any Virginia student enrolled at an eligible institution who is domiciled in the Commonwealth as provided in § 23-7.4, as determined by the eligible institution.

"Fund" means the New Economy Workforce Credential Grant Fund.

"Grant" means a New Economy Workforce Credential Grant.

"High-demand field" means a discipline or field in which there is a shortage of skilled workers to fill current job vacancies or anticipated additional job openings.

"Industry-recognized" means demonstrating competency or proficiency in the technical and occupational skills identified as necessary for performing functions of an occupation based on standards developed or endorsed by employers and industry organizations.

"Noncredit workforce credential" means a competency-based, industry-recognized, portable, and third-party-validated certification or occupational license in a high-demand field.

"Noncredit workforce training program" means a program at an eligible institution that leads to an occupation or a cluster of occupations in a high-demand field, which may include the attainment of a noncredit workforce credential. A "noncredit workforce training program" may include a program that receives funding pursuant to the Carl D. Perkins Career and Technical

Education Improvement Act of 2006, P.L. 109-270. A "noncredit workforce training program" shall not include certificates of completion.

"Portable" means recognized by multiple employers or educational institutions and, where appropriate, across geographic areas.

"Program" means the New Economy Workforce Credential Grant Program.

"Third-party-validated" means having an external process in place for determining validity and relevance in the workplace and for continuous alignment of demonstrated knowledge and skills with industry workforce needs.

"Cost of the program" refers to the cost of the workforce training program. Costs may include direct and indirect costs of the training program to the student. Institutions that charge additional fees that are not included in the costs of the program, such as books, supplies or the cost of a workforce credential should list these fees with the cost of the program to ensure that students are aware of the full cost of the workforce training program.

"Completion of a noncredit workforce training program" means that the student has satisfactorily completed the instructional program based on the criteria developed by the eligible institution and is prepared to complete a workforce credential.

"Satisfactory proof of completion of a workforce credential" means that an institution validates that an individual received a workforce credential as a result of completing an approved noncredit workforce training program. Validated sources include: (1) a copy of the workforce credential, (2) a credential identification number that can be searched and validated by an individual through a website link or written confirmation from the organization that issues the credential or (3) a record match from the designated entity authorized to issue the workforce credential. Other sources are subject to approval by the Council prior to claiming satisfactory completion of a workforce credential.

8VAC40-160-30. Council Responsibilities

- A. Administer the grant program: The Council is responsible for the overall administration of the Grant Program to ensure alignment with the goals and purpose set forth in sections 23-38.10:14 through 23-38:20 of the Code of Virginia.
- B. Conduct periodic program assessments: The Council staff is responsible for conducting periodic assessments of the overall success of the program and recommending modifications, interventions, and other actions based on such assessments. These assessments will include a review for both adherence to the regulations and legislative intent of the Grant program and the overall success of the program. These assessments can include: an onsite review of records related to the program, interviews with individuals responsible for the administration of the program, surveys of students and staff, and analysis of data.

Upon completion of such assessments, the Council staff will issue a report that provides a summary of findings, recommendations, and appropriate actions to improve the success of the program. Institutions will be asked to submit a corrective action plan within 30 days of receipt of report for any findings that do not comply with existing regulations and recommendations to improve the program. The corrective action plan shall describe

actions the institution will take and included expected completion dates. If an institution does not complete the proposed actions within an agreed upon time period or is found to be noncompliant with a similar finding in a subsequent review, then the Council staff may take action to reduce or eliminate funding to a program or the institution.

C. Allocate and disburse funds: On a monthly basis or agreed upon time with Council staff, eligible institutions shall submit student record data based on the requirements set forth in the Reporting section of these regulations. Upon verification of the data by Council staff, funds will be:

- 1) Allocated to an eligible institution based on the total number of students enrolled and the total cost of the noncredit workforce training program. The maximum amount of allocated funds shall be two-thirds of the cost of the program but shall not exceed \$3,000.

The allocated funds will be retained by the Council until institutions submit data to validate that the students have completed the training program and provided satisfactory proof of completion of a workforce credential as described in items 2) and 3) below.

Funds will be allocated on a first-come, first-served basis as eligible institutions enroll and approve applications of students.

If monies in the Fund are expected to be expended prior to the end of fiscal year, Council staff will notify eligible institutions through regular reporting of the remaining amounts in the Fund and work with eligible institutions to manage the remaining disbursements of funds through the end of the fiscal year. In addition, institutions should provide expected enrollments and cost data when available to allow adequate planning and notification to institutions and students when funds are limited.

- 2) Reimbursed for students who complete the eligible training program. Council staff will reimburse eligible institutions for one-third of the cost of the program up to \$1,500 per eligible program per student.
- 3) Reimbursed for students who complete the workforce credential. Council staff will reimburse eligible institutions for the remaining one-third of the cost of the program up to \$1,500 per eligible program per student.
- 4) Reduced from the initial allocation based on those students who do not complete the eligible program or the workforce training credential. Allocated funds will be reduced by one-third, up to \$1,500 per student, for those who do not successfully complete the eligible training program. Allocated funds will be reduced by one-third of the cost of the training program up to \$1,500 per student, for those who do not complete the workforce training credential and provide satisfactory proof of completion. These recovered funds will be allocated to other eligible students under subsection 1) within this section.

Council staff shall not disburse more than one-quarter of the money in the Fund to any one eligible institution in a fiscal year.

- D. Administer an appeals process. The Council staff shall make final decisions on any dispute between eligible institutions and grant recipients related to the administration of the Program.

8VAC40-160-40. Virginia Board of Workforce Development Responsibilities

- A. Maintain a list of high-demand fields. The Board shall maintain and annually update a list of high-demand occupational fields based on the criteria established by the Board. This list shall be updated annually. For the initial year of the Program, this list shall be approved by June 30, 2016. For subsequent years, the list shall be updated by January 31 for the upcoming fiscal year. In addition, the Board shall establish a procedure for updating the list outside of the annual review process based additional demand.
- B. Upon establishing and updating the list, the Board shall post this list on its website within 15 calendar days.
- C. Provide recommendations to eligible institutions to help determine high-demand fields for which noncredit workforce training programs may be offered. Upon updating the high-demand list, the Board may make recommendations to institutions of the high-demand fields for which noncredit programs may be offered. These recommendations shall be posted along with the updated list.
- D. Maintain a list of related noncredit workforce training programs and credentials. Each year, by July 1, eligible institutions shall submit their list of governing board approved noncredit workforce training programs and related workforce credentials considering alignment with the high-demand fields to the Board. If additional high-demand fields are identified outside of the annual review process by the Board, then eligible institutions may submit approved updates to the Board. The noncredit workforce training programs and credentials list shall be updated within 15 calendar days of receiving the updated list from the eligible institution.

8VAC40-160-50. Institution Governing Board Responsibilities

- A. Determine a list of noncredit workforce training programs and workforce credentials considering alignment with the Board's list of high-demand fields. For the initial year of the program, this list shall be determined by July 1 and submitted within 15 calendar days to the Board and the Council. For subsequent years, the list shall be approved by June 1. If additional noncredit workforce training programs are identified during the program year are identified, the eligible institution must notify the Board within 15 days.
- B. Adopt a policy for the award of academic credit to any eligible student who has earned a noncredit workforce credential that is applicable to the student's certificate or degree program requirements. If the eligible institution is a higher education center and does not award academic credit, then the policy should identify how the institution will develop an agreement with at least one institution to articulate the workforce credential aligned with the noncredit training program for academic credit. If the institution is unable to develop an agreement, then it may request assistance from the Council.

8VAC40-160-60. Eligible Institution Responsibilities

- A. Submit an intent to participate to the State Council of Higher Education and attest that the institution agrees to be in compliance with the requirements and procedures set forth in

program regulations (8VAC40-160) prior to offering the grant program to students enrolled into noncredit workforce training programs.

- B. Develop and implement procedures for determining domicile in Virginia.
- C. Develop and maintain procedures for noncredit workforce training programs that address the following:
 - 1) withdrawal from a program
 - 2) refunds in whole or in part for the cost of the program
 - 3) repeating a program or portion thereof
 - 4) completion and non-completion of a program, including how the student will be notified of satisfactory completion or non-completion of the program
 - 5) expected time period for completion of a workforce training program and workforce credential
 - 6) payment policies including expected time to submit payment if the student does not complete the program and the processes collection of funds if the account is in arrears
 - 7) satisfactory proof of completion of a workforce credential
 - 8) complaint process for students
- D. Develop an agreement and the required procedures for a student to complete for each approved noncredit workforce training program that addresses the following:
 - 1) Consent that the grant is awarded to the eligible student with the condition that the individual must complete the approved workforce training program. If the individual does not complete the approved training program within a specified time period, then the individual is obligated to reimburse the institution for one-third of the cost of the program.
 - 2) Consent that the individual agrees to the withdrawal, refund, repeat, completion and non-completion procedures identified by the eligible institution for the workforce training program.
 - 3) Consent that the individual agrees to provide proof of satisfactory completion of the workforce credential.
 - 4) Procedures for filing a complaint if the student disputes the terms of the agreement.

The procedures for the agreement should identify the application period for which agreements may be accepted and completed for the approved workforce training program.

- E. Submit electronic student level records to the Council staff for those students enrolling in workforce training programs, the completion status of the workforce training program, and the completion status of the workforce credential. These records should be submitted monthly to Council staff unless an alternative schedule and submission is agreed upon by both the eligible institution and the Council staff.
- F. Retain all records regarding the application and award process for at least three years after the last award year for the student unless directed otherwise by the Library of Virginia's Virginia Records Retention and Disposition, Schedule GS-111.

8VAC40-160-70. Awards of Student Grants

- A. In order for an individual to receive a student grant for an eligible noncredit workforce training program, the individual must:
 - 1) be enrolled in an approved noncredit workforce training program at an eligible institution that begins after the fiscal year (July 1-June 30) for which it is approved unless otherwise stated by the eligible institution.
 - 2) be domiciled in the Commonwealth as provided in § 23-7.4. This determination is made by the eligible institution.
 - 3) submit a completed agreement during the eligible institution's published application period for the program based on the criteria outlined in section 8VAC40-160-60 item C.
 - 4) provide initial payment of one-third of the cost of the workforce training program.
- B. Students shall be funded on a first-come / first-served basis, within the institution's published application period, based upon the application receipt date. Students shall be funded in this order until all allocated funds are obligated.
 - 1) If a student fails to provide all requested information necessary for determination of eligibility by the first day of class, the next eligible applicant shall receive the grant.
 - 2) Due to the first-come / first-served nature of this program, the application period must specify both the first and last date an application will be accepted.
- C. Students may use other forms of financial assistance to pay for their responsible cost of the program, which includes the initial one-third cost of the program and an additional one-third cost if it is determine that he or she has not complete the program in accordance with the institution's policies. Forms of financial assistance may include financial aid, employer assistance, vouchers through other training assistance programs or other third party payers, such as the Workforce Innovation and Opportunity Act (WIOA).
- D. Grants may be reduced or eliminated if moneys in the Fund are fully allocated prior to the end of the fiscal year.

8VAC40-160-80. Reporting Requirements

- A. No later than January 1 of each year, each eligible institution shall submit to the Council a report with data from the previous fiscal year on noncredit workforce training program completion and noncredit workforce credential attainment by eligible students participating in the Program that includes:
 - 1) A list of the noncredit workforce credentials offered, by name and certification entity; (even if no student enrolled benefits from this grant)
 - 2) The number of eligible students who enrolled in noncredit workforce credentials programs;
 - 3) The number of eligible students who completed noncredit workforce credentials programs;
 - 4) The number of eligible students who attained noncredit workforce credentials after completing noncredit workforce training programs, by credential name and relevant industry sector;
 - 5) The average cost per noncredit workforce credential attained, by credential name and relevant industry sector.
- B. Eligible institutions also shall submit student record data to the Council based on the data field requirements, submission process and submission timeframes developed by Council

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staff to: (1) verify the data submitted in the reports outlined in item A above, (2) to determine the allocation of funds as described in 8VAC40-160-30 item C, and (3) to assess the program as per 8VAC40-160-30 item B.