

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 319

BY SENATORS RUCKER, AZINGER, DRENNAN, GAUNCH,
KARNES, SMITH, SYPOLT, TRUMP, UNGER, CLINE, BOSO,
PLYMALE, CLEMENTS, MARONEY, AND TAKUBO

[Originating in the Committee on Education; Reported
on February 9, 2018]

1 A BILL to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating
2 to allowing, in certain instances, individuals completing a secondary education program in
3 a public, private, or home school and individuals obtaining a GED or equivalent to be
4 eligible for the PROMISE scholarship.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 7. WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR MAXIMIZING
IN-STATE STUDENT EXCELLENCE SCHOLARSHIP PROGRAM.**

§18C-7-6. Promise scholarship program requirements; legislative rule.

1 (a) A PROMISE scholarship annual award shall meet the following conditions:

2 (1) For a student enrolled in a state institution of higher education, the annual award is
3 equal to the lesser of the cost of tuition or \$4,750, except that a student who was awarded and
4 used a PROMISE scholarship annual award prior to January 1, 2010, shall continue to receive
5 the annual award calculated under the same terms and conditions that applied on the day before
6 the effective date of this article;

7 (2) For a student enrolled in an eligible institution other than a state institution of higher
8 education, the annual award is equal to, but may not exceed, the lesser of the cost of tuition or
9 \$4,750, except that a student who was awarded and used a PROMISE scholarship annual award
10 prior to January 1, 2010, shall continue to receive the annual award calculated under the same
11 terms and conditions that applied on the day before the effective date of this article;

12 (3) The annual award may exceed \$4,750, if the commission determines that adequate
13 funds are available, but in any case, may not be greater than the actual cost of tuition;

14 (4) The annual award shall be used by an eligible institution to supplement, but may not
15 supplant, a tuition and fee waiver for which the individual is eligible pursuant to §18B-10-5, §18B-
16 10-6a, §18B-10-7, or §18B-10-7b of this code.

17 (b) The total cost of all scholarships awarded by the commission in any year may not

18 exceed the amount of funds available to the commission during that fiscal year.

19 (c) In order to be eligible to receive a PROMISE scholarship award, an individual shall:

20 (1) Submit a scholarship award application to the commission:

21 (A) Within two years of ~~graduating~~ completing a secondary education program in from a
22 public, private, or home high school or within two years of ~~acquiring a general equivalency degree~~
23 ~~if provided instruction in the home or other approved place pursuant to subsection (c), section~~
24 ~~one, article eight, chapter eighteen of this code~~ obtaining a GED or equivalent; or

25 (B) Within seven years of initially entering military service, and within one year of discharge
26 from military service, if the individual has entered the United States armed services within two
27 years after ~~graduating from high~~ completing a secondary education program in a public, private,
28 or home school or obtaining a GED or equivalent;

29 (2) Apply for and submit a Free Application for Federal Student Aid;

30 (3) Maintain a grade point average of at least 3.0 on a 4.0 grading scale in the required
31 core and elective course work necessary to prepare students for success in post-secondary
32 education at the associate and baccalaureate degree levels as determined by the commission, if
33 the individual has completed not more than one semester or term at an institution of higher
34 education, excluding credits earned in advanced placement, international baccalaureate, dual
35 credit and comparable courses while the student is enrolled in high school;

36 (4) Maintain appropriate academic progress toward the completion of a degree at the
37 undergraduate education level as determined by the commission if the individual has completed
38 more than one semester or term at an institution of higher education, excluding credits earned in
39 advanced placement, international baccalaureate, dual credit and comparable courses while the
40 student is enrolled in high school;

41 (5) Be a United States citizen or legal immigrant to the United States;

42 (6) Meet additional objective standards the commission considers necessary to promote
43 academic excellence and to maintain the financial stability of the fund; and

44 (7) Enroll in an eligible institution. A student enrolled at an eligible institution who receives
45 a PROMISE scholarship award may retain and renew the scholarship to complete his or her
46 undergraduate education at that institution or any other eligible institution under the following
47 circumstances:

48 (A) The institution at which the student is enrolled loses its status as an eligible institution
49 pursuant to the provisions of §18B-7-3(b)(1) of this code; and

50 (B) The student meets all other renewal requirements of this code and of commission
51 rules.

52 (d) It is the intent of the Legislature that the commission shall strongly encourage
53 prospective candidates for the PROMISE scholarship to perform at least 20 hours of unpaid
54 community service while in high school to help prepare them for success in post-secondary
55 education. The community service may include, but is not limited to, participation with nonprofit,
56 governmental or community-based organizations designed with any or all of the following
57 purposes:

58 (1) Improving the quality of life for community residents;

59 (2) Meeting the needs of community residents; or

60 (3) Fostering civic responsibility.

61 (e) The commission shall promulgate a legislative rule in accordance with the provisions
62 of §29A-3A-1 *et seq.* of this code.

63 (1) The rule shall include at least the following provisions:

64 (A) The amount of a PROMISE scholarship award in combination with aid from all other
65 sources may not exceed the cost of education at the institution the recipient is attending. This
66 provision does not apply to members of the West Virginia National Guard, recipients of an
67 Underwood-Smith teacher scholarship and recipients of a West Virginia engineering, science and
68 technology scholarship;

69 (B) Additional objective standards the commission considers necessary:

70 (i) To promote academic excellence;

71 (ii) To maintain the financial stability of the fund; and

72 (iii) To operate the program within the limits of available funds;

73 (C) Provisions for making the highest and best use of the PROMISE Scholarship Program
74 in conjunction with the West Virginia College Prepaid Tuition and Savings Program Act set forth
75 in §18-30-1 *et seq.* of this code;

76 (D) A provision defining the relationship of PROMISE scholarship awards to all other
77 sources of student financial aid to ensure maximum coordination. The provision shall include the
78 following:

79 (i) Methods to maximize student eligibility for federal student financial aid;

80 (ii) A requirement that PROMISE scholarship awards not supplant tuition and fee waivers;

81 and

82 (iii) Clarification of the relationship between the PROMISE Scholarship Program, tuition
83 savings plans and other state-funded student financial aid programs;

84 (E) A method for awarding scholarships within the limits of available appropriations,
85 including circumstances when program funds are not sufficient to provide awards to all eligible
86 applicants. The commission may not use any of the following methods:

87 (i) Providing for an annual PROMISE scholarship award that is less than the amounts
88 provided for in this section; or

89 (ii) Eliminating any current recipient from eligibility; and

90 (F) A method for applicants to appeal determinations of eligibility and renewal.

91 (2) The rule may provide for or require the following at the commission's discretion:

92 (A) Requiring repayment of the amount of the scholarship, in whole or in part, if a
93 scholarship recipient chooses to work outside the state after graduation. The rule may not require
94 a recipient to repay a scholarship, in whole or in part, unless the prospective recipient has been
95 informed of this requirement in writing before initial acceptance of the PROMISE scholarship

96 award;

97 (B) Targeting a portion of the scholarship funds to be used for applicants enrolled in an
98 engineering, science, technology or other designated program;

99 (C) Determining what other sources of funding for higher education are to be deducted
100 from the PROMISE scholarship award; and

101 (D) Providing additional criteria as determined by the commission.

102 (3) The Legislature finds that an emergency exists and, therefore, the commission shall
103 file a rule to implement the provisions of this section as an emergency rule pursuant to the
104 provisions of §29A-3A-1 *et seq.* of this code. The rule is subject to the prior approval of the
105 Legislative Oversight Commission on Education Accountability.

106 (4) Any rule promulgated by the commission pursuant to previous enactments of this
107 article in effect on the effective date of the amendment and reenactment of this article in the year
108 2009 remains in effect until amended, modified, repealed or replaced by the commission.