

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

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

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

18 (4) The annual award shall be used by an eligible institution
19 to supplement, but may not supplant, a tuition and fee waiver for
20 which the individual is eligible pursuant to section five, six-a,
21 seven or seven-b, article ten, chapter eighteen-b of this code.

22 (b) The total cost of all scholarships awarded by the
23 commission in any year may not exceed the amount of funds available
24 to the commission during that fiscal year.

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

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

4 (A) Within two years of graduating from a public or private
5 high school; or within three years of completing eleventh grade in
6 a home school which operates pursuant to section one, article
7 eight, chapter eighteen of this code; or within two years of
8 acquiring a general equivalency degree ~~if provided instruction in~~
9 ~~the home~~ or other approved place pursuant to subsection (c),
10 section one, article eight, chapter eighteen of this code; or

11 (B) Within seven years of initially entering military service,
12 and within one year of discharge from military service, if the
13 individual has entered the United States Armed Services within two
14 years after graduating from high school;

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

17 (3) Maintain a grade point average of at least 3.0 on a 4.0
18 grading scale in the required core and elective course work
19 necessary to prepare students for success in post-secondary
20 education at the Associate and Baccalaureate Degree levels as
21 determined by the commission, if the individual has completed not
22 more than one semester or term at an institution of higher
23 education, excluding credits earned in advanced placement,
24 international baccalaureate, dual credit and comparable courses

1 while the student is enrolled in high school;

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

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

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

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

19 (A) The institution at which the student is enrolled loses its
20 status as an eligible institution pursuant to the provisions of
21 subdivision (1), subsection (b), section three of this article; and

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

24 (d) It is the intent of the Legislature that the commission

1 shall strongly encourage prospective candidates for the PROMISE
2 scholarship to perform at least twenty hours of unpaid community
3 service while in high school to help prepare them for success in
4 post-secondary education. The community service may include, but
5 is not limited to, participation with nonprofit, governmental or
6 community-based organizations designed with any or all of the
7 following purposes:

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

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

10 (3) Fostering civic responsibility.

11 (e) The commission shall promulgate a legislative rule in
12 accordance with the provisions of article three-a, chapter
13 twenty-nine-a of this code.

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

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

22 (B) Additional objective standards the commission considers
23 necessary:

24 (i) To promote academic excellence;

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

2 (iii) To operate the program within the limits of available
3 funds.

4 (C) Provisions for making the highest and best use of the
5 PROMISE Scholarship Program in conjunction with the West Virginia
6 College Prepaid Tuition and Savings Program Act set forth in
7 article thirty, chapter eighteen of this code;

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

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

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

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

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

24 (i) Providing for an annual PROMISE scholarship award that is

1 less than the amounts provided ~~for~~ in this section; or

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

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

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

7 (A) Requiring repayment of the amount of the scholarship, in
8 whole or in part, if a scholarship recipient chooses to work
9 outside the state after graduation. The rule may not require a
10 recipient to repay a scholarship, in whole or in part, unless the
11 prospective recipient has been informed of this requirement in
12 writing before initial acceptance of the PROMISE scholarship award;

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

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

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

21 (3) The Legislature finds that an emergency exists and,
22 therefore, the commission shall file a rule to implement the
23 provisions of this section as an emergency rule pursuant to the
24 provisions of article three-a, chapter twenty-nine-a of this code.

1 The rule is subject to the prior approval of the Legislative
2 Oversight Commission on Education Accountability.

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

NOTE: The purpose of this bill is to remove the requirement that home schooled students have to acquire a general equivalency degree (GED) in order to qualify for the promise scholarship.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.