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H. B. 2422

(By Delegates Overington, Butler, Espinosa, Rohrbach, Upson,
J. Nelson, Cooper, D. Evans, Border, Frich and Foster)

[Introduced January 27, 2015; referred to the
Committee on Education then the Judiciary.]

10 A BILL to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating
11 to removing the requirement that home schooled students have to acquire a general
12 equivalency degree (GED) in order to be eligible to receive a PROMISE scholarship.

13 *Be it enacted by the Legislature of West Virginia:*

14 That §18C-7-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted
15 to read as follows:

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

19 **§18C-7-6. Promise scholarship program requirements; legislative rule.**

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

21 (1) For a student enrolled in a state institution of higher education, the annual award is equal
22 to the lesser of the cost of tuition or \$4,750, except that a student who was awarded and used a
23 PROMISE scholarship annual award prior to January 1, 2010, shall continue to receive the annual

1 award calculated under the same terms and conditions that applied on the day before the effective
2 date of this article;

3 (2) For a student enrolled in an eligible institution other than a state institution of higher
4 education, the annual award is equal to, but may not exceed, the lesser of the cost of tuition or
5 \$4,750, except that a student who was awarded and used a PROMISE scholarship annual award prior
6 to January 1, 2010, shall continue to receive the annual award calculated under the same terms and
7 conditions that applied on the day before the effective date of this article;

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

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

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

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

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

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

22 (B) Within seven years of initially entering military service, and within one year of discharge

1 from military service, if the individual has entered the United States Armed Services within two
2 years after graduating from high school;

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

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

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

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

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

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

22 (A) The institution at which the student is enrolled loses its status as an eligible institution

1 pursuant to the provisions of subdivision (1), subsection (b), section three of this article; and

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

3 (d) It is the intent of the Legislature that the commission shall strongly encourage prospective

4 candidates for the PROMISE scholarship to perform at least twenty hours of unpaid community

5 service while in high school to help prepare them for success in post-secondary education. The

6 community service may include, but is not limited to, participation with nonprofit, governmental or

7 community-based organizations designed with any or all of the 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 accordance with the provisions of

12 article three-a, chapter twenty-nine-a of this code.

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

14 (A) The amount of a PROMISE scholarship award in combination with aid from all other

15 sources may not exceed the cost of education at the institution the recipient is attending. This

16 provision does not apply to members of the West Virginia National Guard, recipients of an

17 Underwood-Smith teacher scholarship and recipients of a West Virginia engineering, science and

18 technology scholarship;

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

20 (i) To promote academic excellence;

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

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

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

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

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

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

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

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

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

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

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

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

20 (A) Requiring repayment of the amount of the scholarship, in whole or in part, if a
21 scholarship recipient chooses to work outside the state after graduation. The rule may not require
22 a recipient to repay a scholarship, in whole or in part, unless the prospective recipient has been

1 informed of this requirement in writing before initial acceptance of the PROMISE scholarship
2 award;

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

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

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

8 (3) The Legislature finds that an emergency exists and, therefore, the commission shall file
9 a rule to implement the provisions of this section as an emergency rule pursuant to the provisions
10 of article three-a, chapter twenty-nine-a of this code. The rule is subject to the prior approval of the
11 Legislative Oversight Commission on Education Accountability.

12 (4) Any rule promulgated by the commission pursuant to previous enactments of this article
13 in effect on the effective date of the amendment and reenactment of this article in the year 2009
14 remains in effect until amended, modified, repealed or replaced by 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 be eligible to receive a PROMISE scholarship.

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