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H. B. 2617

(By Delegates Kurcaba, Statler, McGeehan, Folk, Moffatt,
Pasdon, Zatezalo, Ashley, Wagner and E. Nelson)

[Introduced February 5, 2015; referred to the
Committee on Education then Finance.]

A BILL to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating
to lengthening the residency requirement necessary to be eligible for the PROMISE
Scholarship.

Be it enacted by the Legislature of West Virginia:

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

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

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

- (a) A PROMISE scholarship annual award shall meet the following conditions:
 - (1) For a student enrolled in a state institution of higher education, the annual award is equal
to the lesser of the cost of tuition or \$4,750, except that a student who was awarded and used a
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 high school or within two years of acquiring a
18 general equivalency degree if provided instruction in the home or other approved place pursuant to
19 subsection (c), section one, article eight, chapter eighteen of this code; or

20 (B) Within seven years of initially entering military service, and within one year of discharge
21 from military service, if the individual has entered the United States armed services within two years
22 after graduating from high school;

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

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

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

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

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

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

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

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

1 (8) Reside in West Virginia, with his or her parent or legal guardian, for twenty-four
2 consecutive months preceding the final date of application for a PROMISE Scholarship, unless the
3 applicant is a full-time member of the armed services or a military dependent. An applicant who is
4 a full-time, active duty member of the armed services must have entered military service from this
5 state, and not have established domicile in another state during the twenty-four consecutive months
6 preceding the application. A military dependent must have resided with his or her parent or legal
7 guardian while he or she served in the United States Armed Forces, was stationed outside this state,
8 and maintained legal residence in West Virginia during the twenty-four consecutive months
9 preceding the application.

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

- 15 (1) Improving the quality of life for community residents;
16 (2) Meeting the needs of community residents; or
17 (3) Fostering civic responsibility.

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

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

21 (A) The amount of a PROMISE scholarship award in combination with aid from all other
22 sources may not exceed the cost of education at the institution the recipient is attending. This

1 provision does not apply to members of the West Virginia National Guard, recipients of an
2 Underwood-Smith teacher scholarship and recipients of a West Virginia engineering, science and
3 technology scholarship;

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

5 (i) To promote academic excellence;

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

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

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

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

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

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

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

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

22 (i) Providing for an annual PROMISE scholarship award that is less than the amounts

1 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 eligibility and renewal.

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to lengthen residency requirements necessary for a student to be eligible for a PROMISE scholarship award.

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