

# **E N R O L L E D**

COMMITTEE SUBSTITUTE

for

## **H. B. 2674**

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(BY DELEGATE(S) KURCABA, HOUSEHOLDER,  
PASDON, STATLER, ELLINGTON, COOPER,  
AMBLER AND MOFFATT)

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[Passed March 14, 2015;  
in effect from passage.]

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AN ACT to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to modifying eligibility requirements 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 and reenacted to read as follows:

**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  
2 following conditions:

3 (1) For a student enrolled in a state institution of higher  
4 education, the annual award is equal to the lesser of the cost of  
5 tuition or \$4,750, except that a student who was awarded and  
6 used a PROMISE scholarship annual award prior to January 1,  
7 2010, shall continue to receive the annual award calculated under  
8 the same terms and conditions that applied on the day before the  
9 effective date of this article;

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

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

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

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

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

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

32 (A) Within two years of completing a secondary education  
33 program in a public, private or home school or within two years  
34 of obtaining a high school equivalency certificate as approved by  
35 the commission in compliance with subsection (c), section one,  
36 article eight, chapter eighteen of this code; or

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

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

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

52 (4) Maintain appropriate academic progress toward the  
53 completion of a degree at the undergraduate education level as  
54 determined by the commission if the individual has completed  
55 more than one semester or term at an institution of higher  
56 education, excluding credits earned in advanced placement,

57 international baccalaureate, dual credit and comparable courses  
58 while the student is enrolled in high school;

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

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

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

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

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

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

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

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

84 (3) Fostering civic responsibility.

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

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

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

96 (B) Additional objective standards the commission considers  
97 necessary:

98 (i) To promote academic excellence;

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

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

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

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

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

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

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

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

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

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

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

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

129 (A) Requiring repayment of the amount of the scholarship,  
130 in whole or in part, if a scholarship recipient chooses to work  
131 outside the state after graduation. The rule may not require a  
132 recipient to repay a scholarship, in whole or in part, unless the  
133 prospective recipient has been informed of this requirement in  
134 writing before initial acceptance of the PROMISE scholarship  
135 award;

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

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

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

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

150 (4) Any rule promulgated by the commission pursuant to  
151 previous enactments of this article in effect on the effective date  
152 of the amendment and reenactment of this article in the year  
153 2009 remains in effect until amended, modified, repealed or  
154 replaced by the commission.





That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2015.

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*Governor*





