

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4215

**FISCAL
NOTE**

BY DELEGATES KURCABA, FAIRCLOTH, STATLER,
ESPINOSA, WAGNER, WELD, ROWAN, MCGEEHAN, AZINGER,
HAMRICK AND UPSON

[Introduced January 21, 2016; Referred
to the Committee on Education then Finance]

1 A BILL to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating
 2 to removing the requirement that a home schooled student must acquire a general
 3 equivalency degree (GED) in order to qualify for a PROMISE scholarship; and adding
 4 another method by which a person is eligible for a PROMISE scholarship.

Be it enacted by the Legislature of West Virginia:

1 That §18C-7-6 of the Code of West Virginia, 1931, as amended, be amended and
 2 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 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 section five, six-

16 a, seven or seven-b, article ten, chapter eighteen-b 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 from high school or within two years of ~~acquiring a~~
22 ~~general equivalency degree if provided instruction in the home or other approved place~~
23 completing a secondary education program in the home of the child or other approved place
24 pursuant to subsection (c), section one, article eight, chapter eighteen of this code; ~~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 school; or

28 (C) Within two years of acquiring a general equivalency degree.

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 or
33 scores at or above the eighty-fifth percentile on a nationally recognized college admittance exam,
34 if the individual has completed not more than one semester or term at an institution of higher
35 education, excluding credits earned in advanced placement, international baccalaureate, dual
36 credit and comparable courses while the student is enrolled in high school;

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

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

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

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

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

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

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

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

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

61 (3) Fostering civic responsibility.

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

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

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

68 Underwood-Smith teacher scholarship and recipients of a West Virginia engineering, science and
69 technology scholarship;

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

71 (i) To promote academic excellence;

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

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

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

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

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

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

82 and

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

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

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

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

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

92 (2) The rule may provide for or require the following at the commissions discretion:

93 (A) Requiring repayment of the amount of the scholarship, in whole or in part, if a

94 scholarship recipient chooses to work outside the state after graduation. The rule may not require
95 a recipient to repay a scholarship, in whole or in part, unless the prospective recipient has been
96 informed of this requirement in writing before initial acceptance of the PROMISE scholarship
97 award;

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

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

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

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

107 (4) Any rule promulgated by the commission pursuant to previous enactments of this
108 article in effect on the effective date of the amendment and reenactment of this article in the year
109 2009 remains in effect until amended, modified, repealed or replaced by the commission.

NOTE: The purpose of this bill is to remove the requirement that a home schooled student must acquire a general equivalency degree (GED) in order to qualify for a PROMISE scholarship. The bill adds another method by which a person is eligible for a PROMISE scholarship.

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