

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2987

**FISCAL
NOTE**

BY DELEGATES FRICH, WARD, AMBLER AND MOYE

[Introduced March 14, 2017; referred
to the Committee on Education then Finance]

1 A BILL to amend and reenact §18C-7-3 and §18C-7-6 of the Code of West Virginia, as amended,
 2 all relating to making PROMISE Scholarship funds available for use at community and
 3 technical colleges; and making certain employees of the West Virginia Division of
 4 Corrections eligible for a PROMISE Scholarship after working for two consecutive years
 5 as a correctional officer.

Be it enacted by the Legislature of West Virginia:

1 That §18C-7-3 and §18C-7-6 of the Code of West Virginia, 1931, as amended, be
 2 amended and reenacted, all to read as follows:

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

§18C-7-3. Definitions.

3 (a) *General.* -- For the purposes of this article, terms have the meaning ascribed to them
 4 in section two, article one of this chapter, unless the context in which the term is used clearly
 5 requires a different meaning or a specific definition is provided in this section.

6 (b) *Definitions.* -- (1) "Eligible institution" means:

7 (A) A state institution of higher education as defined in section two, article one, chapter
 8 eighteen-b of this code;

9 (B) A community and technical college as defined in section two, article one, chapter
 10 eighteen-b of this code. This definition includes Blue Ridge Community and Technical College,
 11 Bridgemont Community and Technical College, Eastern West Virginia Community and Technical
 12 College, Kanawha Valley Community and Technical College, Mountwest Community and
 13 Technical College, New River Community and Technical College, Pierpont Community and
 14 Technical College, Southern West Virginia Community and Technical College, West Virginia
 15 Northern Community and Technical College and West Virginia University at Parkersburg;

16 ~~(B)~~ (C) Alderson-Broadus College, Appalachian Bible College, Bethany College, Davis

17 and Elkins College, Mountain State University, Ohio Valley University, the University of
 18 Charleston, West Virginia Wesleyan College and Wheeling Jesuit University, all in West Virginia.
 19 Any institution listed in this subdivision ceases to be an eligible institution if it meets either of the
 20 following conditions:

21 (i) It loses regional accreditation; or

22 (ii) It changes its status as a private, not-for-profit institution;

23 ~~(C)~~ (D) Any other public or private regionally accredited institution in this state approved
 24 by the commission.

25 (2) "Tuition" means the quarter, semester or term charges imposed by an eligible state
 26 institution of higher education and, additionally, all mandatory fees required as a condition of
 27 enrollment by all students. For the purposes of this article, the following conditions apply:

28 (A) West Virginia University, Potomac State College and West Virginia University Institute
 29 of Technology are considered separate institutions for purposes of determining tuition rates; and

30 (B) The tuition amount paid by undergraduate health sciences students at West Virginia
 31 University is considered to be the same as the amount of tuition paid by all other West Virginia
 32 University undergraduate students.

33 (3) "Enrolled" means either currently enrolled or in the process of enrolling in an eligible
 34 institution.

§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 pursuant
23 to subsection (c), section one, article eight, chapter eighteen of this code; ~~or~~

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

27 (C) Within five years of graduating high school, if the individual has worked for two
28 consecutive years as a correctional officer at any of the penal or correctional institutions set forth
29 in section three, article one, chapter twenty-five of this code.

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

31 (3) Maintain a grade point average of at least 3.0 on a 4.0 grading scale in the required
32 core and elective course work necessary to prepare students for success in post-secondary
33 education at the associate and baccalaureate degree levels as determined by the commission, if

34 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: Provided, That a
37 student that maintains a 2.0 on a 4.0 grading scale while the student is enrolled in high school is
38 eligible to receive a PROMISE Scholarship if the student satisfies the eligibility requirements for
39 correctional officers as set forth in paragraph (C), subdivision (1) of this subsection;

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

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

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

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

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

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

56 (d) It is the intent of the Legislature that the commission shall strongly encourage
57 prospective candidates for the PROMISE Scholarship to perform at least twenty hours of unpaid
58 community service while in high school to help prepare them for success in post-secondary
59 education. The community service may include, but is not limited to, participation with nonprofit,

60 governmental or community-based organizations designed with any or all of the following
61 purposes:

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

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

64 (3) Fostering civic responsibility.

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

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

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

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

74 (i) To promote academic excellence;

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

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

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

80 (D) A provision defining the relationship of PROMISE Scholarship awards to all other
81 sources of student financial aid to ensure maximum coordination. The provision shall include the
82 following:

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

84 (ii) A requirement that PROMISE Scholarship awards not supplant tuition and fee waivers;

85 and

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

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

91 (i) Providing for an annual PROMISE Scholarship award that is less than the amounts
92 provided for in this section; or

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

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

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

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

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

103 (C) Determining what other sources of funding for higher education are to be deducted
104 from the PROMISE Scholarship award; and

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

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

110 (4) Any rule promulgated by the commission pursuant to previous enactments of this
111 article in effect on the effective date of the amendment and reenactment of this article in the year

112 2009 remains in effect until amended, modified, repealed or replaced by the commission.

NOTE: The purpose of this bill is to make PROMISE Scholarship funds available for use at community and technical colleges; and to provide certain employees of the West Virginia Division of Corrections access to PROMISE Scholarship funding if they maintain a 2.0 grade point average in high school and work for two consecutive years as a correctional officer.

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