

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 3078**

BY DELEGATES ROWE, MILEY, ESPINOSA, COOPER,  
BALDWIN, PUSHKIN, WAGNER, FLEISCHAUER, ROWAN,  
HORNBUCKLE AND ROBINSON

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

1 A BILL to amend and reenact §18C-1-1, §18C-1-3 and §18C-1-5 of the Code of West Virginia,  
 2 1931, as amended; and to amend said code by adding thereto a new article, designated  
 3 §18C-7A-1, §18C-7A-2, §18C-7A-3, §18C-7A-4, §18C-7A-5 and §18C-7A-6, all relating  
 4 to creation of a merit-based scholarship program for tuition and fee payments for certain  
 5 students at state community and technical colleges.

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

1 That §18C-1-1, §18C-1-3 and §18C-1-5 of the Code of West Virginia, 1931, as amended,  
 2 be amended and reenacted; and that said code be amended by adding thereto a new article,  
 3 designated §18C-7A-1, §18C-7A-2, §18C-7A-3, §18C-7A-4, §18C-7A-5 and §18C-7A-6, all to  
 4 read as follows:

**CHAPTER18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.**

**ARTICLE 1. FINANCIAL ASSISTANCE GENERALLY.**

**§18C-1-1. Legislative findings; purpose; administration generally; reporting.**

1 (a) The Legislature makes the following findings:

2 (1) The Legislature recognizes and celebrates the determination, work and success of  
 3 Katherine Johnson, who is a native of White Sulphur Springs in Greenbrier County. Katherine  
 4 Johnson is an internationally acclaimed physicist and mathematician who in 1937 graduated from  
 5 the college that is today West Virginia State University. Following graduation, she became the  
 6 first female African-American graduate student to attend West Virginia University and began a  
 7 career of accomplishment as a lead mathematician for the national space program of the National  
 8 Aeronautics and Space Administration. The State of West Virginia salutes Katherine Johnson for  
 9 her success with the national space program and as an example of a woman, mother and African-  
 10 American who excelled in her career in a time when women, mothers and African-Americans  
 11 were limited in their opportunities for employment.

12 (2) Although enrollments in institutions of higher education in this state and throughout the

13 nation continue to drop at a rapid pace, West Virginia has not developed sufficiently the state's  
14 human talent and resources because many able, but needy, students are not able to finance a  
15 higher education program.

16 (3) The costs of tuition and fees for community and technical colleges continue to climb  
17 and create a barrier to many students especially those in new college families who are in the first  
18 generation of family members to graduate from a two-year or four-year institution of higher  
19 education.

20 (4) The state can achieve its full economic and social potential only when the following  
21 elements are in place:

22 (A) Every individual has the opportunity to contribute to the full extent of his or her  
23 capability, especially students in new college families;

24 (B) The state assists in removing financial barriers to the individual's education goals that  
25 remain after he or she has used all resources and work opportunities available; and

26 (C) The state assists in changing the culture in many communities and families  
27 discouraging higher education.

28 (b) The ultimate state goal in providing student financial aid is to create a culture that  
29 values education in all levels of instruction, to improve the quality of the workforce and to enhance  
30 the quality of life for the citizens of West Virginia.

31 (c) The Vice Chancellor for Administration has a ministerial duty to administer, oversee  
32 and monitor all state and federal student financial aid programs administered at the state level in  
33 accordance with established rules under the direction of the commission and council and in  
34 consultation with the Higher Education Student Financial Aid Advisory Board.

35 (d) These programs include, but are not limited to, the following programs:

36 (1) The Guaranteed Student Loan Program, which may be administered by a private  
37 nonprofit agency;

38 (2) The Medical Student Loan Program;

- 39           (3) The Underwood-Smith Teacher Scholarship Program;
- 40           (4) The Engineering, Science and Technology Scholarship Program;
- 41           (5) The West Virginia Higher Education Grant Program;
- 42           (6) The Higher Education Adult Part-Time Student Grant Program;
- 43           (7) The West Virginia Providing Real Opportunities for Maximizing In-State Student  
44 Excellence (PROMISE) Scholarship Program;
- 45           (8) The Higher Education Student Assistance Loan Program established pursuant to  
46 article twenty-two-d, chapter eighteen of this code;
- 47           (9) The West Virginia College Prepaid Tuition and Savings Program established pursuant  
48 to article thirty, chapter eighteen of this code, which is administered by the State Treasurer;
- 49           (10) The state aid programs for students of optometry, pursuant to article three of this  
50 chapter;
- 51           (11) The state aid programs for students of veterinary medicine pursuant to section six-a,  
52 article eleven, chapter eighteen of this code;
- 53           (12) Any reciprocal program and contract program for student aid established pursuant to  
54 sections three and four, article four, chapter eighteen-b of this code;
- 55           (13) Any other state-level student aid programs in this code;
- 56           (14) Any federal grant or contract student assistance or support programs administered at  
57 the state level; and
- 58           (15) The Katherine Johnson Hope Scholarship Program, to pay tuition and fees for  
59 qualified students attending community and technical colleges in the state.
- 60           (e) Notwithstanding any provision of this chapter to the contrary, the Vice Chancellor for  
61 Administration shall prepare a single, comprehensive report regarding the implementation of the  
62 financial aid programs identified in subsection (d) of this section which are administered under his  
63 or her supervision. The report shall be provided to the commission and the council and shall be  
64 presented to the Legislative Oversight Commission on Education Accountability no later than

65 November 30, 2017, and annually thereafter. The report shall address all financial aid issues for  
66 which reports are required in this code, as well as any findings and recommendations.

**§18C-1-3. Additional legislative findings; purpose of financial aid programs.**

1 (a) *Legislative findings:*

2 (1) Education attainment is inextricably linked to economic development, and, in the  
3 current global economy, the state is competing not only with other states, but also with other  
4 countries;

5 (2) The federal government no longer funds student financial aid as generously as it has  
6 in the past. Therefore, the state must commit to increase both access and affordability to higher  
7 education opportunities for its citizens;

8 (3) In ~~recent~~ past years the state ~~has~~ substantially increased appropriations to both merit-  
9 based and need-based student financial aid programs;

10 (4) The ultimate state goal in providing student financial aid is to create a culture that  
11 values education and improves the quality of the state's workforce, thereby enhancing the quality  
12 of life for its citizens;

13 (5) The state can provide a successful system of student financial aid only by balancing  
14 the needs of students from all levels of financial need and academic ability;

15 (6) A comprehensive system of student financial aid will yield the maximum return on the  
16 state's investment by increasing the skills, qualifications and education achievement of citizens  
17 from all backgrounds; and

18 (7) Sources of student financial aid can be distinguished as providing either access or  
19 affordability to higher education opportunities;

20 (8) Access refers to a student's financial ability to pursue post-secondary education.  
21 Affordability refers a student's freedom to choose where to attend college based on available  
22 resources;

23 (9) West Virginia is committed to making post-secondary education both accessible and

24 affordable for its citizens. To this end, it is essential that the state provide multiple financial aid  
25 programs which accomplish different goals;

26 (b) *Purposes of financial aid programs:*

27 (1) The West Virginia Higher Education Grant Program is a need-based program that  
28 provides funding primarily to traditional college-age students who do not have sufficient financial  
29 resources to attempt post-secondary education. This grant program is a vitally important source  
30 of financial assistance for needy residents of the state and should continue to receive strong  
31 financial support.

32 (2) The HEAPS Grant Program is a need-based program that provides funding primarily  
33 to nontraditional college students, including:

34 (A) Adult students who desire to pursue post-secondary education on a part-time basis  
35 and who do not qualify for other forms of financial assistance;

36 (B) Place-bound students, often parents employed full-time, who require evening and  
37 weekend access to college courses; and

38 (C) Individuals pursuing workforce training or skill development training necessary to enter  
39 the job market quickly.

40 (3) The Underwood-Smith Teacher Scholarship Program is a merit-based program that  
41 encourages students who have demonstrated outstanding academic abilities to pursue teaching  
42 careers. This program serves to meet West Virginia's statewide, geographic and discipline-  
43 specific needs for highly qualified teachers.

44 (4) The West Virginia Engineering, Science and Technology Scholarship Program is a  
45 merit-based program that encourages talented students to pursue baccalaureate degrees in  
46 engineering, science and technology-related disciplines. This program serves to increase the size  
47 and quality of the pool of individuals pursuing careers in engineering, science and technology-  
48 related fields.

49 (5) The PROMISE Scholarship Program is a merit-based program that enhances student

50 achievement by encouraging high school students to work harder to attain the necessary grades  
51 and test scores to qualify for a PROMISE scholarship and provides an incentive for the most  
52 capable students to attend college in the state. PROMISE provides affordability to traditional  
53 college-age students.

54 (6) The Katherine Johnson Hope Scholarship is a merit-based scholarship like the  
55 PROMISE scholarship offering supplemental funds to help pay tuition and fees at community and  
56 technical colleges in the state for up to four semesters for certain students graduating from high  
57 school in this state with a composite score of sixteen or better on an ACT or similar standardized  
58 college entrance test, and for adults age twenty-four or older who had a grade point average from  
59 a state high school of at least 2.5 on a 4.0 scale and a composite score of 16 on an ACT or similar  
60 standardized college entrance test, or who can present a feasible work plan with three years of  
61 experience in the state before college, and at least two years of work in the state after graduation  
62 from a two-year or one-year program at a community and technical college for which the adult  
63 student has the necessary skills to succeed or can have a plan for remedial education to obtain  
64 such skills as needed to succeed with their work plan.

65 (c) An appropriate blend of student financial aid programs provides the state with the  
66 necessary tools to educate its citizenry for a broad range of economic opportunities:

67 (1) Without proper funding for need-based programs, lower income students may not be  
68 able to realize their full potential;

69 (2) Adults may not obtain the training they need to compete in the current and future job  
70 market;

71 (3) High-achieving students may not pursue rigorous courses in high school or attend  
72 college in West Virginia, all of which contribute to devaluing post-secondary education and  
73 perpetuating the culture of educational underachievement, especially in communities and families  
74 with traditionally low college-going rates; and

75 (4) By assisting students interested in entering the workforce after one or two years of

76 specialized training in the state, through tuition and fee support for community and technical  
77 college classes, the state will more rapidly provide to employers trained employees required to  
78 meet the needs of business and industry; and

79 (4) (5) The state must continue to strive to support equally the need-based and merit-  
80 based student financial aid programs.

**§18C-1-5. Higher Education Student Financial Aid Advisory Board.**

1 (a) The Higher Education Student Financial Aid Advisory Board is established.

2 (b) The purpose of the board is to provide financial aid expertise and policy guidance to  
3 the commission, the council and the Vice Chancellor for Administration on all matters related to  
4 federal, state and private student financial aid resources and programs.

5 (c) It is the intent of the Legislature that the advisory board:

6 (1) Recommend methods to balance the needs of state students from all levels of financial  
7 need and academic ability;

8 (2) Recommend methods for achieving a comprehensive system of student financial aid  
9 to maximize the return on the state's investment in student financial aid programs by increasing  
10 the skills, qualifications and education achievement of the citizens receiving the benefits;

11 (3) Recommend methods to coordinate state-funded student financial aid programs so  
12 that the state achieves the appropriate blend of programs to expand the range of economic  
13 opportunities available to state citizens;

14 (4) Recommend ways to improve state-level administration of financial aid programs for  
15 the benefit of students and institutions;

16 (5) Recommend ways to improve financial aid outreach activities;

17 (6) Make recommendations, consistent with the nature of the PROMISE scholarship  
18 program and the Katherine Johnson Hope Scholarship program as a merit-based student financial  
19 aid program ~~program~~ programs;

20 (7) Study feasibility of including for-profit institutions as eligible institutions for PROMISE



21 scholarship awards and requirements, if any, for inclusion; and

22 (8) Recommend rules that align with the goals, objectives and priorities set forth in section  
 23 one-a, article one, chapter eighteen-b of this code and article one-d of said chapter and with other  
 24 state and system public policy goals, objectives and priorities.

25 (d) *Advisory board membership.* --

26 (1) The advisory board shall consist of seven members selected as follows:

27 (A) ~~Three~~ Two members appointed by the ~~commission~~ Higher Education Policy  
 28 Commission;

29 (B) Two members appointed by the ~~council~~ West Virginia Council for Community and  
 30 Technical College Education;

31 (C) One member appointed by the West Virginia Independent Colleges and Universities;  
 32 and

33 (D) One member appointed by the West Virginia School Counselor Association; and

34 (E) One middle school or junior high school principal to be appointed by the Council for  
 35 Community and Technical College Education. The middle school or junior high school principal  
 36 shall be added to the advisory board at the end of the first term of a member representing the  
 37 Higher Education Policy Commission appointed under paragraph (A) in this subdivision.

38 (2) Members appointed by the commission and the council ~~shall~~ should possess a broad  
 39 knowledge of state and federal higher education student financial aid programs and the  
 40 challenges of students who may need financial help for a pathway to a college education based  
 41 on the merit performance of students, and have experience in administering these programs,  
 42 preferably at the school, campus or system level.

43 (3) ~~The initial appointments of members shall be made as follows:~~

44 ~~(A) The commission shall appoint one member to a one-year term, one member to a two-~~  
 45 ~~year term and one member to a three-year term;~~

46 ~~(B) The council shall appoint one member to a one-year term and one member to a three-~~

47 ~~year term;~~

48 ~~(C) The West Virginia Independent Colleges and Universities shall appoint one member~~  
49 ~~to a one-year term; and~~

50 ~~(D) The West Virginia School Counselor Association shall appoint one member to a two-~~  
51 ~~year term.~~

52 ~~(4)~~(3) After the initial terms are completed, appointments shall be made as follows:

53 (A) Members shall be appointed for three-year terms; and

54 (B) Members are eligible to succeed themselves for one additional consecutive term.

55 ~~(5)~~(4) The term of each member begins on July 1 of the year in which the appointment is  
56 made and ends on June 30 of the year in which the appointment expires.

57 ~~(e) The first meeting of the advisory board shall be called by the Vice Chancellor for~~  
58 ~~Administration, at which time the members shall elect a chairperson for an initial term ending on~~  
59 ~~July 31, 2010. The chairperson may succeed himself or herself for an additional one-year term~~  
60 ~~as chairperson. Thereafter, The term of the chairperson is for one year beginning on August 1 of~~  
61 ~~the year in which elected and ending on July 31 of the following year. A member may not serve~~  
62 ~~more than two consecutive terms as chairperson.~~

63 (f) In the event of a vacancy, a successor shall be appointed by the entity which appointed  
64 the vacating member for the unexpired term of the vacating member. A person appointed to fill a  
65 vacancy is eligible for reappointment for one additional consecutive term unless the time  
66 remaining in the unexpired term is less than six months in which case the person filling the  
67 vacancy is eligible for reappointment for two additional terms.

68 (g) Members of the advisory board serve without compensation, but are entitled to  
69 reimbursement by the commission for expenses, including travel expenses, which are actually  
70 incurred by the member in the official conduct of the business of the advisory board.

## **ARTICLE 7A. KATHERINE JOHNSON HOPE SCHOLARSHIP PROGRAM.**

### **§18C-7A-1. Title.**

1           This article shall be known and may be cited as the Katherine Johnson Hope Scholarship  
2 Act, providing funds to supplement other sources of financial aid available to pay tuition or fees  
3 for students meeting the criteria in section five of this article, to attend a West Virginia community  
4 and technical college for up to four consecutive semesters.

**§18C-7A-2. Legislative findings and purpose.**

1           (a) The Legislature finds and declares that:

2           (1) West Virginia must have an educated workforce in order to attract and retain the high  
3 wage, high skill jobs of the twenty-first century;

4           (2) A large percentage of West Virginia residents who graduate from the state's colleges  
5 and universities do not work in the state following graduation;

6           (3) Of all the states, West Virginia consistently has the lowest percentage of adults with  
7 college degrees. The most important factors leading to low rates of higher education attainment  
8 are known to be poverty and low parental education levels, along with low socio-economic  
9 influences in the community. Enabling students to attend college who are in new college families,  
10 which have never had a family member graduate from a two-year or four-year institution of higher  
11 education, is vitally important to lifting the overall education level of West Virginia's population  
12 and changing the culture against higher education which may exist in a number of communities  
13 and families;

14           (4) Higher levels of education attainment result in higher levels of personal income over a  
15 lifetime, which translates into an increased tax base and economic development for West Virginia  
16 and more discretionary income for its citizens;

17           (5) Students at all education levels should have an incentive to perform at a high academic  
18 level, including students in new college families, in all middle schools, junior high schools and  
19 high schools;

20           (6) There is a need to provide parents, teachers and school counselors with all tools  
21 possible to aid them in helping their children understand the importance of high academic

22 achievement in high school and college;

23 (7) The merit-based Katherine Johnson Hope Scholarship program is designed to:

24 (A) Provide an incentive for students to set higher academic standards in high school for  
25 themselves and their peers;

26 (B) Encourage students to increase their high school achievement levels and enroll in  
27 more rigorous courses;

28 (C) Encourage older students to enroll in more rigorous courses;

29 (D) Effect a culture change in many West Virginia communities and families toward  
30 increased educational attainment;

31 (E) Result in improved standard academic test scores in the state since inception of the  
32 program; and

33 (F) Encourage students who see no path to higher education for themselves and family  
34 members, absent a scholarship that grants merit-based student financial aid upon proven  
35 academic performance in high school or by work performance in the state after high school.

36 (b) Nothing in this article guarantees:

37 (1) A Katherine Johnson Hope Scholarship award or any specific amount of a scholarship  
38 award to any student; or

39 (2) That the requirements necessary for a student to qualify for a scholarship will not be  
40 changed by legislation or rule before the student is eligible to receive an award.

### **§18C-7A-3. Definitions.**

1 For the purposes of this article, terms have the meaning ascribed to them in section two,  
2 article one, chapter eighteen-b of this code, unless the context in which the term is used clearly  
3 requires a different meaning or a specific definition is provided in this section.

4 (1) "Eligible institution" means a state institution of higher education offering a community  
5 and technical college education program as defined in section two, article one, chapter eighteen-  
6 b of this code: *Provided*, That any institution identified in this subdivision ceases to be an eligible

7 institution if it loses its regional accreditation.

8 (2) "Tuition" or "tuition and fees" means the quarter, semester or term charges imposed  
 9 by an eligible state institution of higher education and, additionally, all mandatory fees required  
 10 as a condition of enrollment by all students.

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

**§18C-7A-4. Powers and duties of the West Virginia Council for Community and Technical**  
**College Education regarding the Katherine Johnson Hope Scholarship Program.**

1 (a) Powers of council. — In addition to the powers granted by any other provision of this  
 2 code, the West Virginia Council for Community and Technical College Education, in association  
 3 with the Higher Education Policy Commission and the Vice Chancellor for Administration, has the  
 4 powers necessary or convenient to carry out the purposes and provisions of this article including,  
 5 but not limited to, the following express powers:

6 (1) To promulgate legislative rules in accordance with the provisions of article three-a,  
 7 chapter twenty-nine-a of this code to effectuate the purposes of this article;

8 (2) To invest any of the funds of the scholarship program established in this article with  
 9 the West Virginia Investment Management Board in accordance with the provisions of article six,  
 10 chapter twelve of this code. Any investments made pursuant to this article shall be made with the  
 11 care, skill, prudence and diligence under the circumstances then prevailing that a prudent person  
 12 acting in a like capacity and familiar with such matters would use in conducting an enterprise of a  
 13 like character and with like aims. Fiduciaries shall diversify plan investments to the extent  
 14 permitted by law to minimize the risk of large losses, unless under the circumstances it is clearly  
 15 prudent not to do so;

16 (3) To execute contracts and other necessary instruments;

17 (4) To impose reasonable requirements for residency for students applying for the  
 18 scholarship. Except as provided in section four, article one of this chapter, a student shall have

19 met the following requirements to be eligible:

20 (A) Completed at least one half of the credits required for high school graduation in a  
21 public or private high school in this state; or

22 (B) Received instruction in the home or other approved place pursuant to subsection (c),  
23 section one, article eight, chapter eighteen of this code for the two years immediately preceding  
24 application;

25 (C) This subsection does not establish residency requirements for matriculation or fee  
26 payment purposes at state institutions of higher education;

27 (5) To contract for necessary goods and services, to employ necessary personnel and to  
28 engage the services of private persons for administrative and technical assistance in carrying out  
29 the responsibilities of the scholarship program. Any services provided or secured to implement or  
30 administer the provisions of this section remain under the direction and authority of the Vice  
31 Chancellor for Administration;

32 (6) To solicit and accept gifts, including bequests or other testamentary gifts made by will,  
33 trust or other disposition, grants, loans and other aid from any source and to participate in any  
34 federal, state or local governmental programs in carrying out the purposes of this article;

35 (7) To define the terms and conditions under which scholarships are awarded with the  
36 minimum requirements set forth in section five of this article; and

37 (8) To establish other policies, procedures and criteria necessary to implement and  
38 administer the provisions of this article.

39 (b) Duties of council. — In addition to any duty required by any other provision of this code,  
40 the council has the following responsibilities:

41 (1) To operate the program in a fiscally responsible manner and within the limits of  
42 available funds;

43 (2) To operate the program as a merit-based program;

44 (3) To adjust academic eligibility requirements or scholarship amounts should projections

45 indicate that available funds will not be sufficient to cover future costs; and

46 (4) To maintain contact with graduates who have received scholarships provided under  
47 this article and to provide a written statement of intent to recipients who are selected to receive a  
48 scholarship notifying them that acceptance of the scholarship entails a responsibility to supply the  
49 following:

50 (A) Information requested by the council to determine the number and percentage of  
51 recipients who shall:

52 (i) Continue to live in West Virginia after graduation;

53 (ii) Obtain employment in West Virginia after graduation; and

54 (iii) Enroll in post-graduate education programs;

55 (B) For a scholarship recipient who later enrolls in a four-year degree granting program,  
56 the name of the institution or program in which the scholar enroll; and

57 (C) Any other relevant information the council reasonably requests to implement the  
58 provisions of this subdivision.

**§18C-7A-5. Requirements for a Katherine Johnson Hope Scholarship.**

1 (a) A scholarship annual award pursuant to this article shall meet the following conditions:

2 (1) The annual award shall not exceed the actual cost of tuition and fees of the West  
3 Virginia state community or technical college in which the scholar is or is to be enrolled, with the  
4 award to be paid to that institution;

5 (2) The annual award shall be used by an eligible institution to supplement, but may not  
6 supplant, a tuition and fee waiver for which the individual is eligible pursuant to section seven or  
7 seven-b, article ten, chapter eighteen-b of this code, or any other financial aid available.

8 (b) The total cost of all scholarships awarded by the council in any year may not exceed  
9 the funds available to the council during that fiscal year.

10 (c) To be eligible to receive an award of a Katherine Johnson Hope Scholarship, an  
11 individual shall:

- 12           (1) Submit a scholarship award application to the council:
- 13           (A) Within one year of graduating from high school in the state or within one year of  
14 acquiring a general equivalency degree, or
- 15           (B) Within one year of discharge from military service, if the individual has entered the  
16 United States armed services within four years after graduating from high school and a score of  
17 at least sixteen on a standardized test at any time; or,
- 18           (C) For applicants who are twenty-four years of age or older, the grade or test score  
19 requirement may be waived in favor of a student work plan that includes at least three years work  
20 experience in West Virginia within the four-year period immediately preceding attendance at the  
21 community and technical college, along with at least two years of work in the state immediately  
22 after graduation. The student work plan shall set forth the skills needed to complete the student  
23 work plan, including any remedial education needed.
- 24           (2) Apply for and submit a Free Application for Federal Student Aid;
- 25           (3) Graduate with a grade point average of at least 2.5 on a 4.0 grading scale in high  
26 school, for students who will attend college immediately after graduation;
- 27           (4) Maintain appropriate academic progress toward the completion of a degree or  
28 certificate as determined by the council if the individual has completed more than one semester  
29 or term at a community or technical college in the state, excluding credits earned in advanced  
30 placement, international baccalaureate, dual credit and comparable courses while the student is  
31 enrolled in high school;
- 32           (5) Be a United States citizen or legal immigrant to the United States;
- 33           (6) Meet additional objective standards the council considers necessary to promote  
34 academic excellence and to maintain the financial stability of the fund;
- 35           (7) For those students just finishing high school, within one year of graduation from high  
36 school, enroll in a West Virginia community or technical college program as identified in section  
37 two, article one, chapter eighteen-b of this code. Any student enrolled in an eligible program who



38 receives a scholarship award pursuant to this article may retain and renew the scholarship to  
39 complete his or her education at that institution or any other eligible institution, including under  
40 the following circumstances:

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

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

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

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

50 (2) Meeting the needs of community residents;

51 (3) Fostering civic responsibility; or

52 (4) Encouraging entrepreneurship and responsible financial management skills.

53 (e) The council shall propose rules for legislative approval in accordance with the  
54 provisions of article three, chapter twenty-nine-a of this code.

55 (1) The rules shall include at least the following provisions:

56 (A) The amount of a scholarship award in combination with aid from all other sources may  
57 not exceed the cost of tuition and fees at the institution the recipient is attending. This provision  
58 does not apply to members of the West Virginia National Guard, recipients of an Underwood-  
59 Smith teacher scholarship and recipients of a West Virginia engineering, science and technology  
60 scholarship: *Provided*, That they are not receiving assistance through the West Virginia PROMISE  
61 Scholarship program or the Katherine Johnson Hope Scholarship program.

62 (B) Additional objective standards the council considers necessary:

63 (i) To promote academic excellence;

64 (ii) To encourage students in middle schools and junior high schools to understand the  
65 pathway which the Katherine Johnson Hope Scholarship provides for them to enter community  
66 and technical college education programs;

67 (iii) To maintain the financial stability of the fund; and

68 (iv) To operate the program within the limits of available funds.

69 (C) Provisions for making the highest and best use of the scholarship program in  
70 conjunction with other scholarships and acts including the West Virginia College Prepaid Tuition  
71 and Savings Program Act set forth in article thirty, chapter eighteen of this code;

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

74 (i) Methods to maximize student eligibility for federal and any other available student  
75 financial aid;

76 (ii) A requirement that scholarship awards pursuant to this article do not supplant tuition  
77 and fee waivers; and

78 (iii) Clarification of the relationship between the scholarship program, tuition savings plans  
79 and other state-funded student financial aid programs;

80 (E) A method for awarding scholarships within the limits of available appropriations,  
81 including circumstances when program funds are not sufficient to provide awards to all eligible  
82 applicants. The council may not eliminate any current recipient from eligibility; and

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

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

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

89 (B) Targeting a portion of the scholarship funds to be used for applicants enrolled in an

90 engineering, science, technology, teaching or other designated program, and those in new college  
 91 families who, on graduation from a two-year or four-year institution of higher education would be  
 92 in the first generation of their families to do so.

93 (C) Determining the amount of scholarship award needed after applying other sources of  
 94 funding available to the applicant; and

95 (D) Providing additional criteria as determined by the council.

**§18C-7A-6. West Virginia Community and Technical College Katherine Johnson Hope  
 Scholarship Fund established.**

1 There is hereby established in the State Treasury a nonexpiring special revenue fund  
 2 designated the Katherine Johnson Hope Scholarship Fund to be administered by the Vice  
 3 Chancellor for Administration of the Higher Education Policy Commission, solely for the purposes  
 4 provided in this article. All earnings shall accrue to and be retained by the fund unless otherwise  
 5 provided in this article. The fund may receive contributions from public or private sources. No  
 6 payments of awards from the Katherine Johnson Hope Scholarship Fund may be made until funds  
 7 are available.

NOTE: The purpose of this bill is to establish a merit-based Katherine Johnson Hope Scholarship program to provide tuition and fee payments for certain qualified students to attend state community and technical college education programs. No scholarship awards may be made until the program is funded.

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

§18C-1-1 has been rewritten; therefore it has been completely underscored.