

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Committee Substitute

for

Committee Substitute

for

Senate Bill 319

SENATORS RUCKER, AZINGER, DRENNAN, GAUNCH, KARNES, SMITH,

SYPOLT, TRUMP, UNGER, CLINE, BOSO, PLYMALE, CLEMENTS,

MARONEY, AND TAKUBO, *original sponsors*

[Passed March 7, 2018; to take effect July 1, 2018]

1 AN ACT to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating
2 to allowing, in certain instances, individuals completing a secondary education program in
3 a public, private, or home school and individuals obtaining a GED or equivalent to be
4 eligible for the PROMISE scholarship.

Be it enacted by the Legislature of West Virginia:

**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 §18B-10-5, §18B-
16 10-6a, §18B-10-7, or §18B-10-7b 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 completing a secondary education program in a public, private, or
22 home school or within two years of obtaining a GED or equivalent; or

23 (B) Within seven years of initially entering military service, and within one year of discharge
24 from military service, if the individual has entered the United States armed services within two
25 years after completing a secondary education program in a public, private, or home school or
26 obtaining a GED or equivalent;

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

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

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

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

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

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

46 (A) The institution at which the student is enrolled loses its status as an eligible institution
47 pursuant to the provisions of §18B-7-3(b)(1) of this code; and

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

50 (d) It is the intent of the Legislature that the commission shall strongly encourage
51 prospective candidates for the PROMISE scholarship to perform at least 20 hours of unpaid
52 community service while in high school to help prepare them for success in post-secondary
53 education. The community service may include, but is not limited to, participation with nonprofit,
54 governmental or community-based organizations designed with any or all of the following
55 purposes:

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

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

58 (3) Fostering civic responsibility.

59 (e) The commission shall promulgate a legislative rule in accordance with the provisions
60 of §29A-3A-1 *et seq.* of this code.

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

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

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

68 (i) To promote academic excellence;

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

70 (iii) To operate the program within the limits of available funds;

71 (C) Provisions for making the highest and best use of the PROMISE Scholarship Program

72 in conjunction with the West Virginia College Prepaid Tuition and Savings Program Act set forth

73 in §18-30-1 *et seq.* of this code;

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

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

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

79 and

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

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

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

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

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

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

90 (A) Requiring repayment of the amount of the scholarship, in whole or in part, if a
91 scholarship recipient chooses to work outside the state after graduation. The rule may not require
92 a recipient to repay a scholarship, in whole or in part, unless the prospective recipient has been

93 informed of this requirement in writing before initial acceptance of the PROMISE scholarship
94 award;

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

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

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

100 (3) The Legislature finds that an emergency exists and, therefore, the commission shall
101 file a rule to implement the provisions of this section as an emergency rule pursuant to the
102 provisions of §29A-3A-1 *et seq.* of this code. The rule is subject to the prior approval of the
103 Legislative Oversight Commission on Education Accountability.

104 (4) Any rule promulgated by the commission pursuant to previous enactments of this
105 article in effect on the effective date of the amendment and reenactment of this article in the year
106 2009 remains in effect until amended, modified, repealed, or replaced by the commission.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

To take effect July 1, 2018.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the.....
Day of, 2018.

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Governor