

COMMITTEE SUBSTITUTE

for

H. B. 2674

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PASDON, STATLER, ELLINGTON, COOPER,
AMBLER AND MOFFATT)

[Originating in the Committee on Education.]
(February 20, 2015)

A BILL to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to making home schooled students eligible for a PROMISE scholarship without taking the GED test.

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 ~~graduating~~ completing a secondary
33 education program in from a public, private or home high school
34 ~~or within two years of acquiring a general equivalency degree if~~
35 ~~provided instruction in the home or other approved place~~
36 pursuant in compliance with to subsection (c), section one,
37 article eight, chapter eighteen of this code; or

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

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

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

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

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

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

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

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

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

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

75 (d) It is the intent of the Legislature that the commission
76 shall strongly encourage, prospective candidates for the
77 PROMISE scholarship to perform at least twenty hours of

78 unpaid community service while in high school to help prepare
79 them for success in post-secondary education. The community
80 service may include, but is not limited to, participation with
81 nonprofit, governmental or community-based organizations
82 designed with any or all of the following purposes:

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

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

85 (3) Fostering civic responsibility.

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

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

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

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

99 (i) To promote academic excellence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to make home schooled students eligible for a PROMISE scholarship without taking the GED test.

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

