

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 290

BY SENATOR BEACH

[Introduced February 13, 2021; referred
to the Committee on Education]

1 A BILL to amend and reenact §18C-9-4 of the Code of West Virginia, 1931, as amended, relating
2 to a moratorium on the termination, cancellation, or suspension of courses by institutions
3 receiving WV Invests Grants.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. WEST VIRGINIA INVESTS GRANT PROGRAM.

§18C-9-4. WV Invests Grant Program.

1 (a) There is hereby created a grant program known as the WV Invests Grant Program,
2 which shall be administered by the vice chancellor for administration in accordance with this
3 article.

4 (b) The council shall award WV Invests Grants pursuant to the following terms and
5 conditions:

6 (1) A WV Invests Grant may only be awarded to applicants satisfying the requirements
7 provided in §18C-9-5 of this code;

8 (2) The maximum amount of a WV Invests Grant shall be the cost of tuition charged to all
9 students for coursework leading to completion of the chosen associate degree or certificate, less
10 all other state and federal scholarships and grants for which the student is eligible. All other state
11 and federal scholarships and grants for which the grant recipient is eligible shall be deducted from
12 the amount of the WV Invests Grant for each individual student. The amount of a WV Invests
13 Grant at an eligible public baccalaureate institution shall not exceed the average cost of tuition
14 and mandatory fees of the community and technical colleges.

15 (3) Grant payments shall be made directly to the eligible institutions: Provided, That an
16 institution receiving grant payments may not terminate, cancel or suspend a course within a
17 course of study pursued by a grant recipient for a period a 24 months from the effective dates of
18 the amendments to this section enacted during 2021 Regular Legislative Session;

19 (4) If a grant recipient transfers from one eligible institution to another, the grant is
20 transferable only with approval of the vice chancellor for administration;

21 (5) A WV Invests Grant may be used at any eligible institution to seek an associate degree
22 or certificate in an eligible post-secondary program. An institution is not required to accept a grant
23 recipient for enrollment and may enforce its own admission requirements, standards, and policies;
24 and

25 (6) If a WV Invests Grant recipient terminates enrollment for any reason during the
26 academic year, the unused portion of the grant shall be returned by the institution to the council
27 in accordance with the council's policy for issuing refunds. The council shall transfer such funds
28 to the WV Invests Fund for allocation and expenditure.

29 (c) On or before January 1 annually, the council shall provide to the Legislature and the
30 Governor a report on the WV Invests Grant Program, which shall include, but not be limited to,
31 research and data concerning student success and grant retention.

32 (d) The council shall propose legislative rules for legislative approval pursuant to §29A-
33 3A-1 *et seq.* of this code to implement the provisions of this article, which shall provide for:

- 34 (1) Application requirements and deadlines fully implementing requirements of this article;
35 (2) Appeal procedures for the denial or revocation of the grant; and
36 (3) Any other provisions necessary to effectuate the purposes of this article.

37 (e) The Legislature hereby declares that an emergency situation exists and, therefore, the
38 council may establish, by emergency rule, under the procedures of §29A-3A-1 *et seq.* of this code,
39 a rule to implement the provisions of this article.

40 (f) Beginning with the 2021 fiscal year, and for every fiscal year thereafter, any
41 appropriation by the Legislature to support and or alleviate the cost to citizens in this state to
42 obtain advanced certifications and associate degrees shall only be distributed to those community
43 and technical colleges or public baccalaureate institutions that form one or more partnerships to
44 establish ACE programs and pathways. Once distributed, such funds may be used to support any
45 eligible post-secondary program or pathway provided by an eligible institution leading to the award
46 of such degree or certification.

NOTE: The purpose of this bill is to place a 24-month moratorium on the termination, cancellation, or suspension of courses by institutions receiving WV Invests Grants.

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