

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

Senate Bill 335

BY SENATORS NELSON, GRADY, UNGER, ROMANO,

HAMILTON, MARTIN, STOLLINGS, AND BALDWIN

[Originating in the Committee on Education; reported

on March 12, 2021]

1 A BILL to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating
2 to PROMISE scholarships; allowing a certain amount of the scholarship to be carried
3 forward for students enrolled in certain community and technical colleges if the cost of
4 tuition is less than \$4,750; allowing the amount carried forward to be applied to the cost
5 of tuition at a baccalaureate program beyond the eight semesters total for which the
6 student would otherwise be eligible to receive the award until the total amount carried
7 forward is depleted; prescribing certain qualifications applicable for PROMISE
8 scholarships for students pursuing certificates or degrees through an accredited
9 community and technical college education program; and adding drug testing as a
10 qualification for the 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) For a student enrolled in a certificate or degree program at a West Virginia accredited
15 community and technical college, if the cost of tuition is less than \$4,750, the amount of the
16 difference between the cost of tuition and \$4,750 may be carried forward and applied to the cost
17 of tuition at a baccalaureate program beyond the eight semesters total for which the student would
18 otherwise be eligible to receive the award until the total amount carried forward is depleted. The
19 amount carried forward that may be applied annually to tuition shall be the lesser of the cost of
20 tuition or \$4,750; and

21 ~~(4)~~ (5) The annual award shall be used by an eligible institution to supplement, but may
22 not supplant, a tuition and fee waiver for which the individual is eligible pursuant to §18B-10-5,
23 §18B-10-6a, §18B-10-7, or §18B-10-7b of this code.

24 (b) The total cost of all scholarships awarded by the commission in any year may not
25 exceed the amount of funds available to the commission during that fiscal year.

26 (c) In order to be eligible to receive a PROMISE scholarship award, an individual shall:

27 (1) Submit a scholarship award application to the commission:

28 (A) Within two years of completing a secondary education program in a public, private, or
29 home school or within two years of obtaining a GED or equivalent; or

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

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

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

38 the individual has completed not more than one semester or term at an institution of higher
39 education, excluding credits earned in advanced placement, international baccalaureate, dual
40 credit, and comparable courses while the student is enrolled in high school, subject to the
41 following:

42 (A) A student desiring to pursue a certificate or degree in a West Virginia accredited
43 community and technical college education program, as defined in §18B-1-2 of this code, may be
44 awarded a PROMISE scholarship for as many as four semesters in such a program if the student
45 has a composite ACT score of at least 18 and a high school grade point average of 2.5, and
46 maintains a 2.2 grade point average in the chosen program; and

47 (B) If the student subsequently decides to transition to a baccalaureate program, the
48 student shall maintain a 3.0 grade point average in the chosen community and technical college
49 education program as a condition for continued eligibility for the PROMISE scholarship after
50 transitioning to the baccalaureate program.

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

56 (5) Have, prior to the start of each school year, taken a drug test administered by the
57 eligible institution. If the individual tests positive, he or she shall take another drug test prior to the
58 beginning of the next semester. If the results of the second test are positive, the individual shall
59 complete a drug rehabilitation program as prescribed by the Vice Chancellor for Administration
60 as a condition of continued eligibility for the PROMISE scholarship. The applicant shall be
61 responsible for the actual cost of any drug tests and drug rehabilitation program required by this
62 subdivision;

63 ~~(5)~~ (6) Be a United States citizen or legal immigrant to the United States;

64 ~~(6)~~ (7) Meet additional objective standards the commission considers necessary to
65 promote academic excellence and to maintain the financial stability of the fund; and

66 ~~(7)~~ (8) Enroll in an eligible institution. A student enrolled at an eligible institution who
67 receives a PROMISE scholarship award may retain and renew the scholarship to complete his or
68 her undergraduate education at that institution or any other eligible institution under the following
69 circumstances:

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

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

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

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

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

82 (3) Fostering civic responsibility.

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

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

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

90 technology scholarship;

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

92 (i) To promote academic excellence;

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

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

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

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

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

98 (D) A provision defining the relationship of PROMISE scholarship awards to all other

99 sources of student financial aid to ensure maximum coordination. The provision shall include the

100 following:

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

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

103 and

104 (iii) Clarification of the relationship between the PROMISE Scholarship Program, tuition

105 savings plans and other state-funded student financial aid programs;

106 (E) A method for awarding scholarships within the limits of available appropriations,

107 including circumstances when program funds are not sufficient to provide awards to all eligible

108 applicants. The commission may not use any of the following methods:

109 (i) Providing for an annual PROMISE scholarship award that is less than the amounts

110 provided for in this section; or

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

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

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

114 (A) Requiring repayment of the amount of the scholarship, in whole or in part, if a

115 scholarship recipient chooses to work outside the state after graduation. The rule may not require

116 a recipient to repay a scholarship, in whole or in part, unless the prospective recipient has been
117 informed of this requirement in writing before initial acceptance of the PROMISE scholarship
118 award;

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

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

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

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

128 (4) Any rule promulgated by the commission pursuant to previous enactments of this
129 article in effect on the effective date of the amendment and reenactment of this article in the year
130 2009 remains in effect until amended, modified, repealed, or replaced by the commission.