

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4360**

BY DELEGATES GRAVES, SMITH, WORRELL, HONAKER,  
LONGANACRE, WAMSLEY, STORCH, HAYNES, SUMMERS,  
ELLINGTON, AND HANSHAW (MR. SPEAKER)

[Introduced January 24, 2022; Referred to the  
Committee on Education]

1 A BILL to amend and reenact 18C-9-5 of the Code of West Virginia, 1931, as amended, relating  
2 to eligibility requirements for the West Virginia Invests Grant Program; providing that the  
3 community service requirement may be satisfied by certain military service; and providing  
4 for reimbursement to certain grant recipients that have repaid a grant and related  
5 expenses charged for failure to meet the community service requirement.

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

## **ARTICLE 9. WEST VIRGINIA INVESTS GRANT PROGRAM.**

### **§18C-9-5. Eligibility requirements; agreements.**

1 (a) To be eligible for a WV Invests Grant, an individual must satisfy the following  
2 requirements:

3 (1) Be a citizen or legal resident of the United States and have been a resident of West  
4 Virginia for at least one year immediately preceding the date of application for a grant;

5 (2) Have completed a secondary education program in a public, private, or home school;

6 (3) Have not been previously awarded a post-secondary degree;

7 (4) Be at least 18 years of age: *Provided*, That individuals younger than 18 years of age  
8 may qualify for the grant upon completion of a secondary education program in a public, private,  
9 or home school;

10 (5) Meet the admission requirements of, and be admitted into, an eligible institution;

11 (6) Satisfactorily meet any additional qualifications of enrollment, academic promise, or  
12 achievement as established by the council through rule;

13 (7) Have filed a completed free application for federal student aid for the academic year in  
14 which the grant award is sought;

15 (8) Be enrolled in an eligible post-secondary program;

16 (9) Be enrolled in at least six credit hours per semester;

17 (10) Have completed a WV Invests Grant application as provided by the council in  
18 accordance with a schedule established by the council; and

19 (11) Have, prior to the start of each academic year or prior to the initial academic period  
20 for which the student is enrolled if that period for which the student is enrolled is not the beginning  
21 of the academic year, taken a drug test administered by the eligible institution. If the individual  
22 tests positive, he or she shall take another drug test prior to the beginning of the next academic  
23 period. If the results of the second test are positive, the individual shall complete a drug  
24 rehabilitation program as prescribed by the Vice Chancellor for Administration as a condition of  
25 continued eligibility for a WV Invests Grant. The applicant shall be responsible for the actual cost  
26 of any drug tests required by this subdivision.

27 (b) Each grant may be renewed until the course of study is completed as long as the  
28 following qualifications, as determined by the vice chancellor for administration and the council,  
29 are satisfied:

30 (1) Maintaining satisfactory academic standing, including a cumulative grade point  
31 average of at least 2.0;

32 (2) Making adequate progress toward completion of the eligible post-secondary program;

33 (3) Satisfactory participation in a community service program authorized by the council.

34 The council shall include in the legislative rules, required by §18C-9-4 of this code, provisions for  
35 the administration of community service requirements, including, but not limited to, requiring  
36 completion of at least eight hours of unpaid community service during the time of study, which  
37 may include, but is not limited to, participating with nonprofit, governmental, institutional, or  
38 community-based organizations designed to improve the quality of life for community residents,  
39 meet the needs of community residents, or foster civic responsibility or completion of at least eight  
40 hours of military service as a member of the armed forces of the United States or the West Virginia  
41 National Guard during the time of study;

42 (4) Continued satisfaction of eligibility requirements provided by §18C-9-5(a) of this code;

43 and

44 (5) Satisfaction of any additional eligibility criteria established by the council through

45 legislative rule.

46 (c) Each recipient of a WV Invests Grant shall enter into an agreement with the vice  
47 chancellor for administration, which shall require repayment of an amount of the grant or grants  
48 awarded to the recipient, in whole or in part, if a recipient chooses to reside outside the state  
49 within two years following obtainment of the degree or certificate for which the grant or grants  
50 were awarded. The council may not require a recipient to repay grants, in whole or in part, unless  
51 the prospective recipient has been informed of this requirement in writing before initial acceptance  
52 of the grant award. Each WV Invests Grant agreement shall include the following:

53 (1) Disclosure of the full terms and conditions under which assistance under this article is  
54 provided and under which repayment may be required; and

55 (2) A description of the appeals procedure required to be established under this article.

56 (d) (1) WV Invests Grant recipients found to be in noncompliance with the agreement  
57 entered into under §18C-9-5(c) of this code shall be required to repay the amount of the grant  
58 awards received, plus interest, and, where applicable, reasonable collection fees, on a schedule  
59 and at a rate of interest prescribed in rules promulgated by the council. The council shall also  
60 provide for proration of the amount to be repaid by a recipient who maintains employment in the  
61 state for a period of time within the time period required under §18C-9-5(c) of this code.

62 (2) Notwithstanding the provisions of subdivision (1) of this subsection, if a recipient that  
63 was required to repay any of the amount of a grant award received for failure to meet the  
64 requirements of community service required in subdivision (3), subsection (b) of this section prior  
65 to the reenactment of this section in the 2022 regular session of the Legislature, and the recipient  
66 had completed at least eight hours of military service as a member of the armed forces of the  
67 United States or the West Virginia National Guard during the time of study, the council shall refund  
68 to the recipient the amount of the repayment, together with interest, and any collection fees paid  
69 by the recipient.

70 (e) A recipient is not in violation of an agreement entered into pursuant to §18C-9-5(c) of

- 71 this code during any period in which the recipient is meeting any of the following conditions:
- 72 (1) Pursuing a half-time course of study at an accredited institution of higher education;
- 73 (2) Serving as a member of the armed services of the United States;
- 74 (3) Failing to comply with the terms of the agreement due to death or permanent or
- 75 temporary disability as established by sworn affidavit of a qualified physician; or
- 76 (4) Satisfying the provisions of any additional repayment exemptions prescribed by the
- 77 council through rule.

NOTE: The purpose of this bill is to allow certain military service to satisfy the requirement of community service required to qualify for the for the West Virginia Invests Grant Program and requiring reimbursement to certain grant recipients that were required to repay a grant for failure to meet the community service eligibility requirement.

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