

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

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: Provided, That this
40 requirement shall be waived for recipients who are members of the armed forces of the United
41 States or the West Virginia National Guard during any such enrollment period;

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 was a member of the armed forces of the United States or the West Virginia National Guard during
67 the time of study, the council shall ensure the institution that required repayment refunds to the
68 recipient the amount of the repayment, together with interest, and any collection fees paid by the
69 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.