

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4750**

BY DELEGATES SKAFF, HORNBUCKLE, LOVEJOY, COOPER,

FERRELL, WALKER, LINVILLE, BARRETT, TONEY, CAPITO,

AND HANNA

[Introduced February 15, 2022; Referred to the

Committee on Education then Finance]

1 A BILL to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended; and to  
 2 amend said code by adding thereto a new section, designated §18C-7-8, all relating to the  
 3 creation and administration of a scholarship program for college students who remain in-  
 4 state after graduation; providing for awards upon agreement for repayment of an amount  
 5 of the grant only if the recipient chooses not to live in the state after graduation;  
 6 establishing eligibility requirements; providing program requirements; granting rulemaking  
 7 authority; and creating a new special revenue account.

8 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) The annual award shall be used by an eligible institution to supplement, but may not

15 supplant, a tuition and fee waiver for which the individual is eligible pursuant to §18B-10-5, §18B-  
16 10-6a, §18B-10-7, or §18B-10-7b of this code.

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

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

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

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

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

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

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

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

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

40 (6) Meet additional objective standards the commission considers necessary to promote

41 academic excellence and to maintain the financial stability of the fund; and

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

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

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

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

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

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

58 (3) Fostering civic responsibility.

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

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

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

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

68 (i) To promote academic excellence;

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

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

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

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

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

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

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

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

79 and

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

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

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

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

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

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

90 ~~(A) Requiring repayment of the amount of the scholarship, in whole or in part, if a~~  
91 ~~scholarship recipient chooses to work outside the state after graduation. The rule may not require~~  
92 ~~a recipient to repay a scholarship, in whole or in part, unless the prospective recipient has been~~

93 ~~informed of this requirement in writing before initial acceptance of the PROMISE scholarship~~  
94 ~~award~~

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

97 ~~(C)~~ (B) Determining what other sources of funding for higher education are to be deducted  
98 from the PROMISE scholarship award; and

99 ~~(D)~~ (C) Providing additional criteria as determined by the commission.

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

104 (4) Any rule promulgated by the commission pursuant to previous enactments of this  
105 article in effect on the effective date of the amendment and reenactment of this article in the year  
106 2009 remains in effect until amended, modified, repealed, or replaced by the commission.

**ARTICLE 7. WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR MAXIMIZING  
IN-STATE STUDENT EXCELLENCE SCHOLARSHIP PROGRAM.**

**§18C-7-8. PROMISE PLUS Program.**

1 (a) The commission shall establish and administer a PROMISE Preventing the Leaving of  
2 University Students [PLUS] Program in accordance with the provisions of this section. The  
3 purpose of the PROMISE PLUS Program is to supplement the PROMISE Scholarship award of  
4 an individual so that the total of both scholarships received by that individual is equal to the actual  
5 cost of tuition. Subject to availability of funding, the PROMISE PLUS Program awards shall be  
6 distributed beginning with the 2023-2024 school year.

7 (b) The eligibility requirements for receiving a PROMISE PLUS Scholarship are the same  
8 as the eligibility requirements established pursuant to §18C-7-6 of this code for a PROMISE

9 Scholarship award.

10 (c) The commission shall promulgate legislative rules pursuant to §29A-3A-1 et seq. of  
11 this code, which while requiring the applicant meet all PROMISE requirements, also requires  
12 repayment of an amount of the grant or grants awarded to the recipient if the recipient chooses  
13 to reside outside the state within the number of years immediately after obtaining the degree or  
14 certificate that is equivalent to the number of years the scholarship was received. If the recipient  
15 resides outside of the state for only a portion of that time, the amount of the repayment shall be  
16 reduced proportionately. The commission may not require a recipient to repay the grants unless  
17 the prospective recipient has been informed of this requirement in writing before initial acceptance  
18 of the grant award. Each agreement entered into pursuant to this subsection shall include the  
19 following:

20 (1) Disclosure of the full terms and conditions under which assistance under this section  
21 is provided and under which repayment may be required;

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

23 (3) Instances in which the loan obligation is to be deferred or canceled. These instances  
24 shall at least include:

25 (A) Pursuing a full-time course of study at an accredited institution of higher education;

26 (B) Serving, not in excess of four years, as a member of the armed services of the United  
27 States;

28 (C) Extenuating circumstances exist as may be established by the commission by rule; or

29 (D) Death or permanent or temporary disability as established by sworn affidavit of a  
30 qualified physician.

31 (d) The annual award shall be used by an eligible institution to supplement, but may not  
32 supplant, a tuition and fee waiver for which the individual is eligible pursuant to §18B-10-5, §18B-  
33 10-6a, §18B-10-7, or §18B-10-7b of this code.

34 (e) Nothing in this section guarantees:

35 (1) A PROMISE PLUS scholarship award or any specific amount of a PROMISE PLUS  
36 scholarship award to any student; or

37 (2) That the requirements necessary for a student to qualify for a PROMISE PLUS  
38 scholarship will not be changed by legislation or rule before the student is eligible to receive an  
39 award.

40 (f) The total cost of all PROMISE PLUS scholarships awarded by the commission in any  
41 year may not exceed the amount of funds available to the commission during that fiscal year.

42 (g) A special revenue fund in the State Treasury is hereby established and designated as  
43 the PROMISE PLUS Scholarship Fund. The fund consists of moneys from the following sources:

44 (1) All appropriations by the Legislature for the PROMISE PLUS Scholarship Fund;

45 (2) Any gifts, grants, or contributions received for the PROMISE PLUS Program; and

46 (3) All interest or other income earned from investment of the fund.

47 (h) The allocations to the fund are subject to appropriation by the Legislature. Nothing in  
48 this section requires any specific level of funding by the Legislature nor guarantees nor entitles  
49 any individual to any benefit or grant of funds.

50 (1) The commission may expend moneys in the fund to implement the provisions of this  
51 section.

52 (i) The commission has all the same powers and duties with respect to the PROMISE  
53 PLUS Program as the commission has with the PROMISE Scholarship Program.

NOTE: The purpose of this bill is to create and administer the PROMISE PLUS Program to encourage post-high school in-state students to stay in West Virginia to establish their careers following obtaining their degree or certificate by creating a scholarship that is conditioned on the student living and working in the state a year for each year a scholarship was awarded.

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