

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3034

By Delegates Fehrenbacher, Crouse, Dittman, Hott,
and Young

[Introduced; referred
to the Committee on]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §18C-10-1, §18C-10-2, §18C-10-3, §18C-10-4, §18C-10-5, and §18C-10-6
3 relating generally to establishing the West Virginia TEACH Scholarship Program; defining
4 terms; authorizing the West Virginia Higher Education Policy Commission to award West
5 Virginia TEACH Scholarship Program scholarships under certain terms and conditions;
6 requiring the West Virginia Higher Education Policy Commission to report certain
7 information on the West Virginia TEACH Scholarship Program; requiring the West Virginia
8 Higher Education Policy Commission to propose legislative rules; providing eligibility and
9 renewal requirements for a West Virginia TEACH Scholarship Program scholarship;
10 requiring applicants enter into certain agreements; and establishing the West Virginia
11 TEACH Scholarship Program Fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. WEST VIRGINIA TEACH SCHOLARSHIP PROGRAM.

§18C-10-1. Short Title.

1 This article shall be known and cited as "The Education and Child-Care Help Scholarship
2 Program," the "West Virginia TEACH Scholarship Program," or "West Virginia TEACH."

§18C-10-2. Legislative findings; declaration of public policy.

1 (a) The Legislature finds and declares that:

2 (1) Every West Virginian should have access to education and training that will lead to
3 gainful employment opportunities within the state. For West Virginia to retain and attract a qualified
4 workforce, it must ensure that its workers have access to affordable and quality education and
5 training.

6 (2) West Virginia currently faces a child-care crisis, as the state is struggling to provide
7 access to affordable, high-quality child-care for all families. In turn, this lack of child-care is a
8 barrier to workforce participation.

9 (3) According to the United States Department of Labor’s Bureau of Labor Statistics, West
10 Virginia’s workforce participation rate was 54.9% in 2023, making it the second lowest
11 participation rate in the country. More specific, in 2022, West Virginia had a female workforce
12 participation rate of 49.5% -- the only state below 50%. The lack of affordable, quality child-care
13 contributes to this problem.

14 (4) One of the biggest barriers to child-care is the significant cost to both parents and
15 providers. Many parents struggle to pay the average rate of \$800/month – and as a result, many
16 families make the decision to have a parent leave the workforce to stay home. Providers are also
17 experiencing cost-related issues pertaining to staffing. Many providers are losing potential staff
18 members to other industries because of pay. As such, it is very difficult for providers to attract and
19 retain quality employees.

20 (5) Due to the aforementioned challenges, child-care providers are searching for ways to
21 enhance the wages and/or benefits of their employees while also providing better, high-standard
22 services for the children in their care.

23 (6) An investment by the state into increasing access to affordable higher education for
24 child-care workers will provide its citizens the opportunity for self-betterment and will provide the
25 state with an educated and inspired pipeline of early childhood-educated individuals to staff our
26 child-care facilities across the state in an effort to increase our workforce participation needed to
27 attract significant economic development.

28 (b) In enacting this legislation, it is the intention of the Legislature to provide West Virginia
29 with hope and quality child-care by offering opportunities to child-care workers and providers that
30 is needed to remedy the lack of affordable quality child-care and in turn, allow workers to return to
31 the workforce.

§18C-10-3.

Definitions.

1 (a) Definitions -- As used in this article, the term:

(1) "Commission" means the West Virginia Higher Education Policy Commission;

(2) "Eligible child-care facility" means an early childhood education (ECE) facility maintained by the state or any county or municipality thereof, or any agency or facility maintained by an individual, firm, corporation, association, or organization, public or private, for the care of six or more children for child care services in any setting, if the facility is open for more than 30 days per year per child;

(3) "Eligible institution" means:

(A) A state community and technical college institution under the authority of the West Virginia Commission for Community and Technical College Education; or

(B) A publicly supported four-year college or university in this state; and

(4) "Tuition" means the semester or term charges imposed by an eligible institution and, additionally, all mandatory fees required as a condition of enrollment by all students.

§18C-10-4. West Virginia TEACH Scholarship Program.

(a) There is hereby created a scholarship program known as "The Education and Child-Care Help Scholarship Program" or the West Virginia TEACH Scholarship Program, which shall be administered by the West Virginia Higher Education Policy Commission in accordance with this article.

(b) The Commission shall award West Virginia TEACH scholarships pursuant to the following terms and conditions:

(1) A West Virginia TEACH scholarship may only be awarded to applicants satisfying the requirements provided in §18C-10-5 of this code;

(2) The maximum amount of a West Virginia TEACH scholarship shall be the cost of tuition charged to all students for coursework leading to completion of the chosen associate degree or bachelor's degree, less all other state and federal scholarships and scholarships for which the student is eligible. All other state and federal scholarships and scholarships for which the recipient is eligible shall be deducted from the amount of the West Virginia TEACH scholarship for each

14 individual student. The amount of a West Virginia TEACH scholarship at an eligible institution shall
15 not exceed the average cost of tuition and mandatory fees of the eligible institution;

16 (3) Scholarship payments shall be made directly to the eligible institutions;

17 (4) If a scholarship recipient transfers from one eligible institution to another, the
18 scholarship is transferable only with approval of the Commission;

19 (5) A West Virginia TEACH scholarship may be used at any eligible institution to seek an
20 associate degree or bachelor's degree in an eligible early childhood education (ECE) program. An
21 institution is not required to accept a scholarship recipient for enrollment and may enforce its own
22 admission requirements, standards, and policies; and

23 (6) If a West Virginia TEACH scholarship recipient terminates enrollment for any reason
24 during the academic year, the unused portion of the scholarship shall be returned by the institution
25 to the Commission in accordance with the Commission's policy for issuing refunds. The
26 Commission shall transfer such funds to the West Virginia TEACH Scholarship Program Fund for
27 allocation and expenditure.

28 (c) On or before January 1 annually, the Commission shall provide to the Legislature and
29 the Governor a report on the West Virginia TEACH Scholarship Program, which shall include, but
30 not be limited to, research and data concerning student success and scholarship retention.

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

33 (1) Application requirements and deadlines fully implementing requirements of this article;

34 (2) Appeal procedures for the denial or revocation of the scholarship; and

35 (2) Any other provisions necessary to effectuate the purposes of this article.

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

§18C-10-5. Eligibility requirements; agreements.

1 (a) To be eligible for a West Virginia TEACH scholarship, an individual must satisfy the
2 following 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 scholarship;

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 currently employed at least 20 hours per week at an eligible child-care facility;

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

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

12 (7) Satisfactorily meet any additional qualifications of enrollment, academic promise, or
13 achievement as established by the Commission through rule;

14 (8) Have filed a completed free application for federal student aid (FAFSA) for the
15 academic year in which the scholarship award is sought;

16 (9) Be enrolled in an eligible post-secondary program;

17 (10) Be enrolled in at least six credit hours per semester;

18 (11) Have completed a West Virginia TEACH Scholarship Program application as provided
19 by the Commission in accordance with a schedule established by the Commission; and

20 (12) Have, prior to the start of each semester, satisfactorily passed a drug test
21 administered by the eligible institution: *Provided*, that the applicant shall be responsible for the
22 actual cost of the drug test.

23 (b) Each scholarship may be renewed until the course of study is completed as long as the
24 following qualifications, as determined by the Commission are satisfied:

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

27 (2) Making adequate progress toward completion of the eligible early childhood education
28 program;

29 (3) Maintaining employment at an eligible child-care facility until the course of study is
30 completed or until a recipient wishes to forfeit the scholarship. The Commission shall include in the
31 legislative rules, required by §18C-10-4 of this code, provisions for the employment requirements,
32 including, but not limited to, requiring employment of at least 20 hours per week at an eligible child-
33 care facility during the time of study;

34 (4) Continued satisfaction of eligibility requirements provided by §18C-10-5(a) of this code;
35 and

36 (5) Satisfaction of any additional eligibility criteria established by the Commission through
37 legislative rule.

38 (c) Each recipient of a West Virginia TEACH scholarship shall enter into an agreement with
39 the Commission, which shall require repayment of an amount of the scholarship or scholarships
40 awarded to the recipient, in whole or in part, if a recipient chooses to reside outside the state within
41 two years following obtainment of the degree for which the scholarship or scholarships were
42 awarded. The Commission may not require a recipient to repay scholarships, in whole or in part,
43 unless the prospective recipient has been informed of this requirement in writing before initial
44 acceptance of the scholarship award. Each West Virginia TEACH Scholarship agreement shall
45 include the following:

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

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

49 (d) West Virginia TEACH scholarship recipients found to be in noncompliance with the
50 agreement entered into under §18C-10-5(c) of this code shall be required to repay the amount of
51 the scholarship awards received, plus interest, and, where applicable, reasonable collection fees,
52 on a schedule and at a rate of interest prescribed in rules promulgated by the Commission. The

Commission shall also provide for proration of the amount to be repaid by a recipient who maintains employment in the state for a period of time within the time period required under §18C-10-5(c) of this code.

(e) A recipient is not in violation of an agreement entered into pursuant to §18C-10-5(c) of this code during any period in which the recipient is meeting any of the following conditions:

(1) Pursuing a half-time course of study at an accredited institution of higher education;

(2) Serving as a member of the armed services of the United States;

(3) Failing to comply with the terms of the agreement due to death or permanent or temporary disability as established by sworn affidavit of a qualified physician; or

(4) Satisfying the provisions of any additional repayment exemptions prescribed by the Commission through rule.

§18C-10-6. West Virginia TEACH Scholarship Program Fund; established.

(a) The West Virginia TEACH Scholarship Program Fund is hereby created in the State Treasury as a special revenue account. The fund shall be administered by the Commission and may consist of:

(1) All appropriations by the Legislature for the West Virginia TEACH Scholarship Program Fund;

(2) Any gifts, scholarships, or contributions received for the West Virginia TEACH Scholarship Program Fund; and

(3) All interest or other income earned from investment of the West Virginia TEACH Scholarship Program Fund.

(b) The West Virginia TEACH Scholarship Program Fund shall be expended for the purpose of administering the West Virginia TEACH Scholarship Program, including the awarding of scholarships authorized by this article. Any funds remaining in the fund at the close of the fiscal year are carried forward for use in the next fiscal year.

(c) Nothing in this section requires any specific level of funding by the Legislature nor

15 guarantees or entitles any individual to any benefit or scholarship of funds.

NOTE: The purpose of this bill is to increase the quality of child-care in this state and to reinvigorate the workforce participation rate by increasing access to, and the affordability of, higher education to child-care workers. In doing so, child-care facilities will be able to attract and retain a reliable staff, workers will have an opportunity to receive higher education, and child-care facilities will increase their capacity – allowing more people to enter the workforce in this state. In enacting this legislation, it is the intention of the Legislature to enable the West Virginia Higher Education Policy Commission to facilitate the implementation of the West Virginia TEACH Scholarship Program, and to administer program funds to achieve this purpose.

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