

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 5212

By Delegates Ellington, Statler, Shamblin, Hornby, D.

Smith, Toney, Campbell, Miller, Martin, Mallow, and

Jennings

[Introduced in the Committee on Education on

February 16, 2026]

1 A BILL to repeal §18B-3D-6 of the Code of West Virginia, 1931, as amended; to amend and
2 reenact §18B-3D-1, §18B-3D-2, §18B-3D-3, §18B-3D-4, §18B-3D-5, and §18B-3D-6 of
3 said code; to amend and reenact §18C-3-1 and §18C-3-3 of said code; to amend and
4 reenact §18C-5-6 and §18C-5-7 of said code; to amend and reenact §18C-7-6 of said
5 code; and to amend and reenact §18C-9-3 and §18C-9-5, all relating generally to higher
6 education grants, scholarships, loans, and financial aid for postsecondary education
7 programs, workforce development initiatives, and workforce grants; amending the learn
8 and earn grant program to allow block grants and to redefine administrative costs;
9 amending the medical student loan program by amending definitions, clarifying amount of
10 award and service commitment, revising interest rate determinations and time period for
11 loan repayment; amending health sciences and mental health provider loan repayment
12 programs by replacing scholarship language with loan repayment language, amending
13 award preferences provisions, requiring the commission to pay awards directly to federal
14 loan service providers, removing provisions regarding licensure as it relates to repayment,
15 clarifying language regarding mental health provider student loan repayment program,
16 clarifying language regarding the mental health provider student loan repayment fund;
17 amending the higher education grant program by allowing part-time enrollment and
18 combining the higher education adult part-time student grant with the higher education
19 grant; amending the higher education adult part-time student grant program by renaming
20 and reorganizing it into the higher education workforce grant program; amending the
21 PROMISE scholarship program requirements; amending the WV invests grant program
22 requirements and eligibility requirements; and making technical changes.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 3D. WORKFORCE DEVELOPMENT INITIATIVE.

§18B-3D-1. Legislative findings and intent.

1 ~~(a) The Legislature finds that a recent statewide study of the workforce training needs of~~
2 ~~employers throughout the state provided a clear message from the business community:~~

3 ~~(1) The needs of employers are rapidly changing and training providers must be more~~
4 ~~responsive or the state economy will suffer;~~

5 ~~(2) Information specific to West Virginia, once again emphasizes the critical link between~~
6 ~~education and economic development that empowering youth and adults with the knowledge and~~
7 ~~skills they need to succeed in the competitive work world also results in a workforce which enables~~
8 ~~businesses and communities to prosper;~~

9 ~~(3) Although employers are generally satisfied with the quality of the West Virginia~~
10 ~~workforce and the study provides additional support that the measures adopted in the Jobs~~
11 ~~Through Education Act will bring continued improvement, workforce needs are not static, critical~~
12 ~~skill shortages currently exist, and the establishment of a workforce development system that~~
13 ~~responds more quickly to the evolving skill requirements of employers is needed.~~

14 ~~(b) The Legislature further finds that a study of community and technical education in West~~
15 ~~Virginia performed by the national center for higher education management systems called~~
16 ~~attention to problems in providing needed workforce education and found that there is a need to:~~

17 ~~(1) Jump-start development of community and technical college and post-secondary~~
18 ~~workforce development initiatives;~~

19 ~~(2) Provide incentives for existing public post-secondary providers to respond jointly to~~
20 ~~both short and long-term needs of employers and other clients;~~

21 ~~(3) Provide funding for explicit incentives for partnerships between employers and public~~
22 ~~post-secondary institutions to develop comprehensive community and technical college and~~
23 ~~workforce development services; and~~

24 ~~(4) Allocate funds competitively based on proposals submitted by providers.~~

25 ~~(c) It is further the intent of the Legislature that the granting of funds under this article will~~
26 ~~promote the development of comprehensive community and technical colleges as set forth in~~
27 ~~article three-c of this chapter.~~

28 ~~(d) It is the intent of the Legislature through the grant of funds under this article to provide~~
29 ~~limited seed money to address some of the specific areas where improvement is needed,~~
30 ~~including, but not limited to:~~

31 ~~(1) Improving employer awareness and access to services available through the state's~~
32 ~~education institutions;~~

33 ~~(2) Providing designated professionals and resources to support workforce education~~
34 ~~through the state's education institutions;~~

35 ~~(3) Increasing the capacity of the state's education institutions to respond rapidly to~~
36 ~~employer needs for workforce education and training on an on-going basis through the~~
37 ~~development of a client-focused, visible point of contact for program development and delivery,~~
38 ~~service referral and needs assessment, such as a workforce development center; and~~

39 ~~(4) Maximizing the use of available resources for workforce education and training~~
40 ~~through partnerships with public vocational, technical and adult education centers and private~~
41 ~~training providers.~~

42 ~~(e) It is further the intent of the Legislature that consideration and partnering opportunities~~
43 ~~be given to small businesses on an equal basis with larger businesses for the purposes of this~~
44 ~~article and that the seed money will assist providers in becoming self-sustaining through~~
45 ~~partnerships with business and industry which will include cost-sharing initiatives and fees~~
46 ~~charged for the use of services.~~

47 ~~(f) The Legislature intends that grants of funds made under the provisions of this article will~~
48 ~~be competitive among applicants who meet all of the criteria established in this article and such~~
49 ~~other criteria as may be specified by the Development Office. Subject to the availability of funds,~~
50 ~~more than one competition may be held during the same fiscal year and the dollar range of awards~~

51 ~~granted in successive competitions shall be prorated based on the number of months remaining in~~
52 ~~the fiscal year. Subject to annual review and justification, it is the intent of the Legislature to renew~~
53 ~~grant awards made under this article each year for not more than five years following the initial~~
54 ~~grant award.~~

55 The Legislature finds that community and technical colleges play a critical role in West
56 Virginia's economic development by providing the skilled workforce necessary for businesses and
57 industries to thrive in a competitive global economy. Rapid changes in technology, industry
58 practices, and employer needs require that these institutions have the flexibility and resources to
59 respond quickly and effectively to workforce demands.

60 It is the intent of the Legislature to provide funding that enables community and technical
61 colleges to develop and deliver workforce training programs that meet the evolving needs of West
62 Virginia employers, support economic growth, and provide pathways to high-wage employment
63 for West Virginia residents.

~~§18B-3D-2. Workforce Development Initiative Program continued; purpose; program~~
~~administration; rule required. Workforce Development Grant Program; purpose;~~
~~administration; funding.~~

1 ~~(a) The Workforce Development Initiative Program is continued under the supervision of~~
2 ~~the council. The purpose of the program is to administer and oversee grants to community and~~
3 ~~technical colleges to implement the provisions of this article in accordance with legislative intent.~~
4 The Workforce Development Grant Program is continued under the supervision of the West
5 Virginia Council for Community and Technical College Education. The purpose of the program is to
6 provide funding to community and technical colleges to develop and deliver workforce training
7 programs that respond to the needs of West Virginia businesses and industries.

8 ~~(b) It is the responsibility of the council to administer the state fund for community and~~
9 ~~technical college and workforce development, including setting criteria for grant applications,~~
10 ~~receiving applications for grants, making determinations on distribution of funds, and evaluating~~

11 ~~the performance of workforce development initiatives.~~ The program consists of the following grant
12 programs:

13 (1) Technical Program Development Grant Program;

14 (2) West Virginia Advance Grant Program;

15 (3) Learn and Earn Grant Program; and

16 (4) Skilled Trades Apprenticeship Nontraditional Degree (STAND) Program.

17 (c) The chancellor, under the direction of the council, shall ~~review and approve the~~
18 ~~expenditure of all grant funds, including development of application criteria, the review and~~
19 ~~selection of applicants for funding, and the annual review and justification of applicants for grant~~
20 ~~renewal.~~ administer the Workforce Development Grant Program, including:

21 ~~(1) When determining which grant proposals will be funded, the council shall give special~~
22 ~~consideration to proposals by community and technical colleges that involve businesses with~~
23 ~~fewer than fifty employees.~~

24 ~~(2) The council shall weigh each proposal to avoid awarding grants which will have the~~
25 ~~ultimate effect of providing unfair advantage to employers new to the state who will be in direct~~
26 ~~competition with established local businesses.~~

27 (1) Establishing application procedures and criteria;

28 (2) Reviewing and approving grant applications;

29 (3) Monitoring grant performance and compliance; and

30 (4) Evaluating program outcomes.

31 (d) The council may allocate a reasonable amount, not to exceed five percent ~~up to a~~
32 ~~maximum of \$50,000~~ of the funds available for grants on an annual basis, for general program
33 administration.

34 (e) Moneys appropriated or otherwise available for the Workforce Development Initiative
35 Grant Program shall be allocated by line item to an appropriate account. Any moneys remaining in
36 the fund at the close of a fiscal year are carried forward for use in the next fiscal year.

37 (f) Nothing in this article requires a specific level of appropriation by the Legislature.

§18B-3D-3. Mission of the Workforce Development Initiative Program. Technical Program Development Grant Program and West Virginia Advance Grant Program; purpose; eligible institutions; application procedures.

1 ~~(a) The statewide mission of the Workforce Development Initiative Program is to develop a~~
2 ~~strategy to strengthen the quality of the state's workforce by linking the existing post-secondary~~
3 ~~education capacity to the needs of business, industry and other employers. Available funding will~~
4 ~~be used to provide explicit incentives for partnerships between employers and community and~~
5 ~~technical colleges to develop comprehensive workforce development services. Funds will be~~
6 ~~granted on the basis of proposals developed according to criteria established by the council.~~

7 ~~(b) The mission of any community and technical college accepting a workforce~~
8 ~~development initiative grant is to:~~

9 ~~(1) Become client-focused and develop programs that meet documented employer needs;~~

10 ~~(2) Involve and collaborate with employers in the development of programs;~~

11 ~~(3) Develop customized training programs that provide for the changing needs of~~
12 ~~employers and that are offered at flexible times and locations to accommodate employer~~
13 ~~scheduling;~~

14 ~~(4) Develop partnerships with other public and private providers, including small business~~
15 ~~development centers and vocational, technical and adult education centers, and, with business~~
16 ~~and labor, to fulfill the workforce development needs of the service area;~~

17 ~~(5) Establish cooperative arrangements with the public school system for the seamless~~
18 ~~progression of students through programs of study that begin at the secondary level and conclude~~
19 ~~at the community and technical college level, particularly with respect to career and technical~~
20 ~~education certificates, associate of applied science and selected associate of science degree~~
21 ~~programs for students seeking immediate employment, individual entrepreneurship skills,~~
22 ~~occupational development, skill enhancement and career mobility; and~~

23 ~~(6) Assist in the on-going assessment of the workforce development needs of the service~~
24 ~~area.~~

25 (a) Purpose.

26 (1) The Technical Program Development Grant Program provides funding to community
27 and technical colleges to develop and implement new certificate and associate degree programs
28 that address workforce needs and support economic development.

29 (2) The West Virginia Advance Grant Program provides funding to community and
30 technical colleges to:

31 (A) Develop and deliver short-term, sub-certificate training programs that respond to
32 immediate workforce needs; and

33 (B) Purchase specialized equipment necessary for technical and workforce training
34 programs.

35 (b) Eligible institutions. Community and technical colleges, as defined in §18B-1-2 of this
36 code, are eligible to apply for grants under this section.

37 (c) Application procedures. The Chancellor shall establish application procedures that:

38 (1) Require applicants to demonstrate alignment with documented employer and
39 workforce needs;

40 (2) Require applicants to identify expected program outcomes, including anticipated
41 enrollment, completion rates, and employment outcomes;

42 (3) Provide appropriate levels of accountability; and

43 (4) Minimize unnecessary administrative burdens on institutions.

44 (d) Grant awards. The Chancellor shall review applications and make grant awards based
45 on criteria established pursuant to subsection (c) of this section.

**§18B-3D-4. Grant application procedures. Learn and Earn Grant Program; purpose; eligible
institutions; requirements.**

2 ~~(a) In order to participate in the workforce development initiative grant program, a~~
3 ~~community and technical college shall meet the following conditions:~~

4 ~~(1) Participate in a community and technical college consortia planning district as required~~
5 ~~by article three-c of this chapter. Consortia representatives participate in the development of and~~
6 ~~approve applications for funding grants under the provisions of this article and approve the~~
7 ~~workforce development initiative budget;~~

8 ~~(2) Develop, as a component of its institutional compact, a plan to achieve measurable~~
9 ~~improvements in the quality of the workforce within its service area over the period covered by the~~
10 ~~compact. The plan is developed in partnership with employers, local vocational schools and other~~
11 ~~workforce education providers; and~~

12 ~~(3) Establish a special revolving fund under the jurisdiction of the community and technical~~
13 ~~college dedicated solely to workforce development initiatives for the purposes provided in this~~
14 ~~article. Any fees or revenues generated from workforce development initiatives funded by a~~
15 ~~competitive grant are deposited into this fund.~~

16 ~~(b) To be eligible to receive a workforce development initiative grant, a community and~~
17 ~~technical college shall provide at least the following information in its application:~~

18 ~~(1) Identification of the specific business or business sector training needs that will be met~~
19 ~~if a workforce development initiative grant is received;~~

20 ~~(2) A commitment from the private or public sector partner or partners to provide a match of~~
21 ~~\$1, cash and in-kind, for each dollar of state grant money received: *Provided*, That the~~
22 ~~commitment required by this subdivision may be provided by a public sector partner using state or~~
23 ~~federal dollars to provide the required match if funding for this initiative in the fiscal year exceeds~~
24 ~~\$650,000 in which case, one-half the amount exceeding \$650,000 may be granted using a public~~
25 ~~sector match;~~

26 ~~(3) An agreement to share with other community and technical colleges any curricula~~
27 ~~developed using funds from a workforce development initiative grant;~~

28 ~~(4) A specific plan showing how the community and technical college will collaborate with~~
29 ~~local post-secondary vocational institutions to maximize the use of existing facilities, personnel~~
30 ~~and equipment; and~~

31 ~~(5) An acknowledgment that acceptance of a grant under the provisions of this article~~
32 ~~commits the community and technical college and its consortia committee to such terms,~~
33 ~~conditions and deliverables as specified by the council in the request for applications, including,~~
34 ~~but not limited to, the measures by which the performance of the workforce development initiative~~
35 ~~will be evaluated.~~

36 ~~(c) Applications submitted by community and technical colleges may be awarded funds for~~
37 ~~programs which meet the requirements of this article that are operated on a collaborative basis at~~
38 ~~facilities under the jurisdiction of the public schools and utilized by both secondary and post-~~
39 ~~secondary students.~~

40 (a) Legislative findings. The Legislature finds that cooperative education programs that
41 combine classroom instruction with paid work experience provide valuable pathways to career
42 success, enable students to earn income while pursuing their education, and provide employers
43 with a cost-effective tool for recruiting and training skilled workers.

44 (b) Purpose. The Learn and Earn Grant Program provides funding to support student
45 internships with employer partners in which grant funds are used to pay fifty percent of a student
46 intern's base wages during the internship.

47 (c) Eligible institutions. Community and technical colleges, as defined in §18B-1-2 of this
48 code, and Potomac State College of West Virginia University are eligible to apply for grants under
49 this section in cooperation with one or more employer partners.

50 (d) Program requirements. Learn and Earn programs shall:

51 (1) Provide students with paid work experience in their field of study;

52 (2) Require a dollar-for-dollar cash match from participating employers, which shall be
53 used to pay student intern wages; and

54 (3) Target high-demand occupations as documented through labor market data.

55 (e) Application procedures. The Chancellor shall establish application procedures that:

56 (1) Require applicants to demonstrate alignment with documented employer and
57 workforce needs;

58 (2) Require applicants to identify expected program outcomes, including anticipated
59 enrollment, completion rates, and employment outcomes;

60 (3) Provide appropriate levels of accountability; and

61 (4) Minimize unnecessary administrative burdens on institutions.

62 (f) Administration.

63 (1) At the discretion of the Chancellor, Learn and Earn grants may be awarded to
64 institutions as block grants to cover multiple student internships and employer partnerships.

65 (2) When awarding block grants under this subsection, the Chancellor shall establish a
66 system to ensure that:

67 (A) Funds are used in accordance with the requirements of this article and any applicable
68 legislative and emergency rules;

69 (B) Institutions maintain appropriate documentation of employer partnerships, student
70 internships, wage payments, and employer matching contributions; and

71 (C) Institutions report program performance and outcomes as required by the Chancellor.

§18B-3D-5. Legislative and emergency rules.

1 (a) The council shall propose a legislative rule pursuant to ~~article three a, chapter twenty-~~
2 ~~nine a~~ §18B-1-6 and §29A-3A-1 et seq. of this code to implement the provisions of this article and
3 shall file the rule with the Legislative Oversight Commission on Education Accountability no later
4 than October 1, 20112026.

5 (b) The Legislature finds that an emergency exists and, therefore, the council shall propose
6 an emergency rule to implement the provisions of this article in accordance with ~~section six, article~~

7 ~~one of this chapter and article three-a, chapter twenty-nine-a~~ §18B-1-6 and §29A-3A-1 et seq. of
8 this code by October 1, ~~2011~~2026.

9 (c) Any rule promulgated by the council pursuant to previous enactments of this section
10 and in effect on the effective date of the amendment and reenactment of this section in the year
11 ~~2011~~2026 remains in effect until amended, modified, repealed or replaced by the council.

§18B-3D-6. Learn and Earn Cooperative Education Program established.

1 [Repealed.]

CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.

ARTICLE 3. HEALTH PROFESSIONALS STUDENT LOAN PROGRAMS.

**§18C-3-1. Medical Student Loan Program; establishment; administration; eligibility; loan
repayment and collection; required report.**

1 (a) Definitions. – As used in this section, unless the context in which the term used clearly
2 requires a different meaning:

3 "Approved service commitment area" means a location in West Virginia that is both a
4 federally designated geographic, population, or facility-based health professions shortage area
5 and in a medical specialty in which there is a shortage of physicians, as determined by the state's
6 Department of Health, ~~at the time the loan was issued.~~

7 "Medical schools" means the Marshall University School of Medicine, the West Virginia
8 University School of Medicine, and the West Virginia School of Osteopathic Medicine.

9 "Person" means the recipient of a medical student loan issued in accordance with the
10 provisions of this section by a medical school as defined herein.

11 "West Virginia residents" means persons who are citizens or legal residents of the United
12 States and ~~have resided in West Virginia for at least one year immediately preceding the date of~~
13 ~~application for a medical student loan~~ are charged in-state tuition at the time of entry into the
14 medical school.

15 (b) There are established the medical student loan program at the Marshall University
16 School of Medicine, the West Virginia University School of Medicine, and the West Virginia School
17 of Osteopathic Medicine.

18 (c) Subject to the availability of funds as established in §18C-3-1(d) of this code, the
19 medical schools may make medical student loans in accordance with the provisions of this section
20 to students enrolled in or admitted to their respective medical schools in a course of instruction
21 leading to the degree of doctor of medicine or doctor of osteopathy who enter into a written
22 medical student loan agreement with the medical school in accordance with §18C-3-1(i) of this
23 code. The number of awards shall be determined by the availability of funds in this program at
24 each school in any given academic year: *Provided*, That the availability of funds does not require
25 the medical schools to issue or renew medical student loans.

26 (d) There are hereby continued the special revolving fund accounts at the Marshall
27 University School of Medicine, the West Virginia University School of Medicine, and the West
28 Virginia School of Osteopathic Medicine, which shall be used to carry out the purposes of this
29 section.

30 (1) The funds shall consist of all moneys currently on deposit in such accounts or which are
31 due or become due for deposit into such accounts as obligations made under the previous
32 enactment of this section; those funds provided for medical education pursuant to the provisions of
33 §18B-10-4 of this code; appropriations provided by the Legislature; repayment of any loans made
34 under this section; amounts provided by medical associations, hospitals, or other medical provider
35 organizations in this state, or by political subdivisions of the state, under an agreement which
36 requires the recipient to practice his or her health profession in this state or in the political
37 subdivision providing the funds for a predetermined period of time and in such capacity as set forth
38 in the agreement; and any other amounts which may be available from external sources.

39 (2) All expenditures from the medical schools' medical student loan repayment funds shall
40 be for medical student loans issued in accordance with the terms of this section and for the

41 medical schools' expenses incurred in administering their respective medical student loan
42 programs.

43 (3) These funds shall operate as special funds whereby all deposits and payments thereto
44 do not expire to the General Revenue Fund, but shall remain in the medical schools' funds and be
45 available for expenditure in succeeding fiscal years.

46 (e) In order to be eligible for a medical student loan as provided in this section, the person
47 applying therefor shall meet the following minimum requirements:

48 (1) Full-time enrollment in a medical school in a program leading to the degree of doctor of
49 medicine or doctor of osteopathy: *Provided*, That the person has not previously obtained such a
50 degree;

51 (2) Demonstrated financial need as determined by the medical schools' individual financial
52 aid offices;

53 (3) Demonstrated credit-worthiness by not being in default of any previous student loan or
54 medical student loan issued by any lender; and

55 (4) United States citizenship as either born or naturalized.

56 (f) Medical student loans shall be awarded on a priority basis first to qualified applicants
57 who are West Virginia residents ~~at the time of entry into the medical school~~, and second to
58 qualified applicants who are not West Virginia residents ~~at the time of entry into the medical~~
59 ~~school~~.

60 (g) In order to be eligible for renewal of a medical student loan as provided in this section,
61 the person applying therefor shall meet the minimum requirements established in §18C-3-1(e) of
62 this code, as well as maintain good academic standing and make satisfactory progress toward
63 degree completion in accordance with the issuing medical school's policy for awarding Title IV
64 financial aid funds.

65 (h) Each medical student loan issued by a medical school shall be made pursuant to the
66 provisions of this section and shall provide to the recipient of the medical student loan a maximum

67 ~~annual~~ amount of ~~\$10,000~~ up to \$20,000 per academic year. The medical school and the person
68 may renew the medical student loan annually for a period not to exceed four years: *Provided*, That
69 the person is eligible for such renewal in accordance with §18C-3-1(g) of this code.

70 (i) Each medical student loan issued by a medical school shall be memorialized in a written
71 medical student loan agreement, which shall require, at a minimum, that the person receiving the
72 loan:

73 (1) Complete the required course of instruction and receive the degree of doctor or
74 medicine (M.D.) or doctor of osteopathy (D.O.);

75 (2) Apply for and obtain a license to practice medicine in West Virginia;

76 (3) Engage in the full-time practice of medicine for a period of 12 months within an
77 approved service commitment area;

78 (4) Commence the full-time practice of medicine within nine months after completion of an
79 approved post-graduate residency training program and licensure in an approved service
80 commitment area and continue full-time practice in the approved service commitment area for a
81 consecutive period of ~~months~~ years equal to the total number of ~~months~~ years for which the
82 medical student loan was provided;

83 (5) Agree that the service commitment for each agreement entered into under the
84 provisions of this section is in addition to any other service commitment contained in any other
85 agreement the person has entered or may enter into for the purpose of obtaining any other
86 financial aid;

87 (6) Maintain records and make reports to the issuing medical school and the Commission
88 to document the person's satisfaction of the obligations under the agreement to engage in the full-
89 time practice of medicine in an approved service commitment area and to continue the full-time
90 practice of medicine in the approved service commitment area for a consecutive period of ~~months~~
91 years equal to the total number of ~~months~~ years the student received the medical student loan.

92 Persons practicing in a federally designated population-based health professions shortage area

93 shall provide documentation that more than 50 percent of their service is provided to the
94 designated population; and

95 (7) Upon failure to satisfy the requirements of the agreement that the person engage in the
96 full-time practice of medicine within an approved service commitment area for the required period
97 of time under the medical student loan agreement, the person receiving a medical student loan
98 pursuant to the provisions of this section shall repay amounts to his or her issuing medical school
99 in accordance with the provisions of §18C-3-1(k) of this code.

100 (j) Upon the selection of an approved service commitment area for the purpose of
101 satisfying a service obligation under a medical student loan agreement entered into pursuant to
102 the provisions of this section, the person so selecting shall inform the issuing medical school and
103 the Commission of the service area selected. Such person may serve all or part of the commitment
104 in the approved service commitment area initially selected or in a different approved service
105 commitment area: *Provided*, That the person notifies his or her issuing medical school and the
106 Commission of his or her change of approved service commitment areas. Service in any such
107 service commitment area shall be deemed to be continuous for the purpose of satisfying the
108 medical student loan agreement.

109 (k) Upon the person's presentation of the report required by subdivision (i)(6) of this section
110 to the issuing medical school evidencing his or her satisfaction of the terms of the medical student
111 loan agreement provided for herein, the issuing medical school shall ~~cancel \$10,000 of the~~
112 ~~outstanding loan~~ cancel one year of award for every twelve full consecutive months of service as
113 required in the agreement.

114 (l) Upon the failure of any person to satisfy the obligation to engage in the full-time practice
115 of medicine within an approved service commitment area of this state for the required period of
116 time under any medical student loan agreement, such person shall repay to his or her issuing
117 medical school an amount equal to the total of the amount of money received by the person
118 pursuant to the medical student loan agreement plus annual interest at a rate of ~~9.5 percent~~ as

119 ~~determined by the Vice Chancellor of Administration~~ from the date the person ~~first received the~~
120 ~~medical student loan~~ begins repayment or fails to work full-time in an approved service
121 commitment area. For any such repayment, the following provisions shall apply:

122 (1) The person shall repay an amount totaling the entire amount to be repaid under all
123 medical student loan agreements for which such obligations are not satisfied, including all
124 amounts of interest at the rate prescribed. The repayment period ~~shall be made either in a lump~~
125 ~~sum or in not more than 12 equal monthly installment payments~~ not exceed ten years.

126 (2) All installment payments shall commence six months after the date of the action or
127 circumstance that causes the person's failure to satisfy the obligations of the medical student loan
128 agreement, as determined by the issuing medical school based upon the circumstances of each
129 individual case. In all cases, if an installment payment becomes 91 days overdue, the entire
130 amount outstanding shall become immediately due and payable, including all amounts of interest
131 at the rate prescribed.

132 (3) If a person becomes in default of his or her medical student loan repayment obligations,
133 the medical school shall make all reasonable efforts to collect the debt, in accordance with the
134 provisions of §14-1-1 *et seq.* of this code.

135 (m) If, during the time a person is satisfying the service requirement of a medical student
136 loan agreement, such person desires to engage in less than the full-time practice of medicine
137 within an approved service commitment area and remain in satisfaction of the service
138 requirement, such person may apply to the medical school that issued the medical student loan for
139 permission to engage in less than the full-time practice of medicine. Upon a finding of exceptional
140 circumstances made by the medical school that issued the medical student loan, the medical
141 school may authorize the person to engage in less than the full-time practice of medicine within an
142 approved service commitment area for the remaining required period of time under the medical
143 student loan agreement and for an additional period of time that shall be equal to the length of time

144 originally required multiplied by two: *Provided*, That in no event shall such person be allowed to
145 practice medicine less than half-time.

146 (n) By July 31 each year, each medical school shall prepare and submit a report on the
147 operations of their respective medical student loan programs to the commission for inclusion in the
148 commission's data publication and reporting required by §18C-1-1(f) of this code. At a minimum,
149 this report shall include the following information:

150 (1) The number of medical student loans awarded during the preceding academic year;

151 (2) The total amount of medical student loans awarded;

152 (3) The total amount of any unexpended moneys remaining in their medical student loan
153 funds at the end of the fiscal year;

154 (4) The rate of default on the repayment of previously awarded loans during the previous
155 fiscal year;

156 (5) The number of doctors practicing medicine in the state in accordance with their service
157 obligations; and

158 (6) The total amount of medical student loans cancelled in accordance with subsection (k)
159 of this section.

**§18C-3-3. Health Sciences Service Loan Repayment Program; Mental Health Provider Loan
Repayment Program; establishment; administration; eligibility.**

1 (a) There is continued a special revolving fund account under the Higher Education Policy
2 Commission in the State Treasury ~~formerly~~ known as the Health Sciences ~~Scholarship~~ Loan
3 Repayment Fund. The fund shall be used to accomplish the purposes of this section. The fund
4 consists of any of the following:

5 (1) All unexpended health sciences ~~scholarship~~ loan repayment program funds on deposit
6 in the State Treasury on the effective date of reenactment of this section;

7 (2) Appropriations as may be provided by the Legislature;

8 (3) Repayments, including interest as set by the vice chancellor for ~~Health Sciences~~
9 administration, collected from program award recipients who fail to practice or teach in West
10 Virginia under the terms of an award agreement or the former health sciences scholarship
11 program previously established by this section; and

12 (4) Amounts that may become available from other sources.

13 **(b)** Balances remaining in the fund at the end of the fiscal year do not expire or revert to the
14 general revenue. All costs associated with the administration of this section shall be paid from the
15 health sciences ~~Service loan repayment Program~~ fund under the direction of the Vice Chancellor
16 for ~~Health Sciences~~ Administration.

17 ~~(b)(c)~~ Award preference is given to West Virginia residents. An individual is eligible for
18 consideration for a health sciences ~~Service loan repayment Program~~ award if the individual:

19 (1) Either:

20 (A) Is a ~~fourth-year~~ medical student at the Marshall University School of Medicine, the
21 West Virginia School of Osteopathic Medicine, or the West Virginia University School of Medicine
22 ~~who has been accepted in~~ who has participated in the match process and has been offered an
23 internship or residency in a primary care or emergency medicine ~~internship/residency~~ program in
24 West Virginia; or

25 (B) Is enrolled in the last year of an approved education program at a public or private, non-
26 profit West Virginia institution of higher education leading to a degree or certification in the field of
27 nurse practitioner, nurse educator, nurse midwife, physician assistant, dentist, pharmacist,
28 physical therapist, doctoral clinical psychologist, licensed independent clinical social worker, or
29 other disciplines identified as shortage fields by the Vice Chancellor for ~~Health Sciences~~
30 Administration; and

31 (2) Signs an agreement to practice for at least two years in an underserved area of West
32 Virginia or, if pursuing a master's degree in nursing, signs an agreement to teach at least two years

33 for a school of nursing located in West Virginia, ~~as may be determined by the Vice Chancellor for~~
34 ~~Health Sciences~~, after receiving the master's degree.

35 ~~(e)~~(d) Program awards shall be in an amount set by the Higher Education Policy
36 Commission of at least \$20,000 for medical and dental students and at least \$10,000 for all others
37 and ~~may~~ shall be awarded by the Vice Chancellor for ~~Health Sciences~~ Administration, with who
38 may seek the advice of an advisory panel, from the pool of all applicants with a commitment to
39 practice in an underserved area of West Virginia. This ~~section~~ subsection does not grant or
40 guarantee any applicant any right to a program award. Upon completion of the requirements
41 stated in the service agreement, the Higher Education Policy Commission shall pay the award
42 directly to the participant's federal student loan servicer.

43 ~~(d)~~(e) A if a program award recipient ~~who~~ fails to practice in an underserved area of West
44 Virginia within six months of the completion of his or her training, or ~~who~~ if a program award
45 recipient fails to complete his or her training or required teaching, ~~is in breach of contract and is~~
46 ~~liable for repayment of~~ the Vice Chancellor for Administration shall cancel the program award. and
47 ~~any accrued interest. The granting or renewal of a license to practice in West Virginia or to~~
48 ~~reciprocal licensure in another state based upon licensure in West Virginia is contingent upon~~
49 ~~beginning payment and continuing payment until complete repayment of the award and any~~
50 ~~accrued interest. A license, renewal, or reciprocity may not be granted to any person whose~~
51 ~~repayment is in arrears. The appropriate regulatory board shall inform all other states where a~~
52 ~~recipient has reciprocated based upon West Virginia licensure of any refusal to renew licensure in~~
53 ~~West Virginia as a result of failure to repay the award. This provision shall be explained in bold type~~
54 ~~in the award contract. Repayment terms, not inconsistent with this section, shall be established by~~
55 ~~the Vice Chancellor for Health Sciences pursuant to the rule required by this section.~~

56 ~~(e)~~(f) (1) There is created a mental health provider student loan repayment program to be
57 administered by the Higher Education Policy Commission. The loan repayment program shall help
58 repay the federal student loans for mental health providers who provide therapy and counseling

59 services and who reside in West Virginia and work in an underserved area of West Virginia for up
60 to three years beginning January 1, 2020. Individuals participating in the loan repayment program
61 may be eligible to receive up to \$30,000 to be dispersed as follows:

62 (A) A participant may receive a loan repayment program award of up to \$10,000 each year
63 in exchange for the participant completing one year of practice in an underserved area.

64 (B) A participant may not receive a program award for more than three years of practice.

65 (C) ~~A participant must direct each award received toward the repayment of his or her~~
66 ~~educational loans~~ Upon completion of the requirements stated in the service agreement, the
67 Higher Education Policy Commission will pay the award directly to the participant's federal student
68 loan servicer.

69 (2) There is created a special revenue fund account under the Higher Education Policy
70 Commission in the State Treasury known as the Mental Health Provider Student Loan Repayment
71 Fund. The fund shall be used to accomplish the purposes of this subsection. The fund shall consist
72 of appropriations ~~as may be provided by the Legislature. Any moneys remaining in the fund at the~~
73 ~~close of a fiscal year shall be carried forward for use in the next fiscal year~~ any of the following:

74 (A) All unexpended funds in the Mental Health Provider Student Loan Repayment fund on
75 deposit in the State Treasury on the effective date of the reenactment of this section;

76 (B) Appropriations as may be provided by the Legislature;

77 (C) Repayments, including interest as set by the Vice Chancellor for Administration,
78 collected from program award recipients who fail to practice in West Virginia under the terms of the
79 practice agreement or the mental health provider loan repayment program previously established
80 by this section; and

81 (D) Amounts that may become available from other sources.

82 (3) Balances remaining in the fund at the end of the fiscal year do not expire or revert to the
83 general revenue.

84 ~~(f)~~(g) *Rule.* — The Higher Education Policy Commission shall promulgate a rule pursuant
85 to §29A-3A-1 *et seq.* of this code to implement and administer this section.

86 ~~(g)~~(h) As used in this section:

87 (1) "Training" means:

88 (A) The entire degree program or certification program for nurse midwives, nurse
89 practitioners, nurse educators, physician assistants, dentists, pharmacists, physical therapists,
90 doctoral clinical psychologists, licensed independent clinical social workers, and other disciplines
91 identified as shortage fields by the Vice Chancellor for ~~Health Sciences~~ Administration; or

92 (B) Completion of a degree program and an approved residency/internship program for
93 students pursuing a degree in medicine or osteopathy, or as otherwise may be designated for such
94 students in the rule required by this section.

95 (2) "Underserved area" means any primary care health professional shortage area located
96 in the state as determined by the Bureau for Public Health or any additional health professional
97 shortage area, including an emergency medicine professional, determined by the Vice Chancellor
98 for ~~Health Sciences~~ Administration.

ARTICLE 5. HIGHER EDUCATION GRANT PROGRAM.

§18C-5-6. Recipients, awards and distribution of grant awards; authority of vice chancellor to enter into reciprocal agreements with other states concerning grants.

1 (a) A grant recipient may attend any approved institution of higher education. An institution
2 is not required to accept a grant recipient for enrollment, but may exact compliance with its own
3 admission requirements, standards and policies.

4 (b) Grants may only be awarded to undergraduate students that are enrolled full-time or
5 part-time at an approved institution of higher education.

6 (c) Each grant may be awarded and renewed up to a lifetime total of eight full-time
7 equivalent semesters, or until a recipient obtains a bachelor's degree, whichever occurs first. ~~is~~
8 ~~renewable until the course of study is completed, but not to exceed an additional three academic~~

9 ~~years beyond the first year of the award. The academic years are not required to be consecutive~~
10 ~~years, and the grant will be terminated if the student receives a bachelor's degree in a shorter~~
11 ~~period of time.~~

12 (d) Qualifications for renewal include the following, as determined by the vice chancellor:

13 (1) Maintaining satisfactory academic standing;

14 (2) Making normal progress toward completion of the course of study; and

15 (3) Continued eligibility.

16 (e) Grants are awarded:

17 (1) Without regard to the applicant's race, creed, color, sex, national origin or ancestry; and

18 (2) In accordance with the provisions of this article.

19 (f) The vice chancellor shall treat all approved institutions of higher education in a fair and
20 equitable manner when awarding grants.

21 (g) The vice chancellor periodically shall identify areas of professional, vocational and
22 technical expertise that are, or will become, of critical need in this state. To the extent feasible the
23 vice chancellor may direct grants to students who are pursuing instruction in those areas.

24 (h) The vice chancellor may enter into reciprocal agreements with state grant and grant
25 program agencies in other states which provide financial assistance to their residents attending
26 institutions of higher education located in West Virginia. In connection therewith, the vice
27 chancellor may authorize residents of West Virginia to use financial assistance under this article to
28 attend institutions of higher education in such other states. Residents of West Virginia requesting
29 financial assistance to attend institutions of higher education located in any such state must meet
30 all of the eligibility standards set forth in section five of this article.

31 (i) Grant awards may not exceed the cost of the tuition and those related compulsory fees
32 charged by an institution to all West Virginia undergraduate students.

33 (j) Grant payments are made directly to the institution.

34 (k) In the event that a grant recipient transfers from one approved institution of higher
35 education to another, the grant is transferable only with the approval of the vice chancellor.

36 (l) If a recipient terminates enrollment for any reason during the academic year, the unused
37 portion of the grant shall be returned by the institution to the commission in accordance with the
38 commission's policy for issuing refunds. The commission shall transfer such funds to the
39 appropriate account for allocation and expenditure pursuant to the provisions of this article.

§18C-5-7. Higher education adult ~~part-time student~~ future workforce grant program.

1 (a) There is established the Higher Education Adult ~~Part-time Student~~ Future Workforce
2 Grant Program, ~~referred to in this section as the HEAPS grant program.~~ The Future Workforce
3 grant program established and authorized by this section is administered by the vice chancellor for
4 administration. Moneys appropriated or otherwise available for the Future Workforce grant
5 program shall be allocated by line item to an appropriate account. Any moneys remaining in the
6 fund at the close of a fiscal year shall be carried forward for use in the next fiscal year.

7 (b) As used in this section, the following terms have the meanings ascribed to them:

8 (1) "Approved distance education" means a course of study offered via electronic access
9 that has been approved for inclusion in the applicant's program of study by the eligible institution of
10 higher education at which the applicant is enrolled or has been accepted for enrollment;

11 ~~(2) "Part-time" means, enrollment for not less than three nor more than eleven semester or~~
12 ~~term hours: *Provided*, That in the case of enrollment in postsecondary certificate, industry~~
13 ~~recognized credential and other skill development programs in demand occupations in this state,~~
14 ~~"part-time" means enrollment on such basis as is established for the program in which enrolled;~~

15 ~~(3)(2) "Satisfactory academic progress" means, maintaining a cumulative grade point~~
16 ~~average of at least 2.0 on a 4.0 grading scale with a goal of obtaining a certificate, associate~~
17 ~~degree or bachelor's degree. In in the case of postsecondary certificate, industry recognized~~
18 ~~credential and other skill development programs, satisfactory academic progress means~~

19 continuous advancement toward completion of the program on the normal schedule established
20 for the program in which enrolled;

21 (4)(3) "Eligible institution" ~~means~~ has the same meaning as approved institution of higher
22 education as defined in §18C-5-2 of this code:

23 (A) ~~Any community college; community and technical college; adult technical preparatory~~
24 ~~education program or training;~~

25 (B) ~~Any state college or university, as those terms are defined in section two, article one,~~
26 ~~chapter eighteen-b of this code;~~

27 (C) ~~Any approved institution of higher education as that term is defined in section two of~~
28 ~~this article; and~~

29 (D) ~~Any approved distance education, including world wide web based courses;~~

30 (5)(4) "Eligible program or programs" or "eligible course or courses" means, in addition to
31 programs and courses offered by eligible institutions as defined in subdivision (4) of this
32 subsection:

33 (A) Programs and courses offered by any nationally accredited degree granting institution
34 of higher learning permitted pursuant to ~~section five, article three, chapter eighteen-b~~ §18B-3-5 of
35 this code and approved by the ~~joint commission for vocational technical occupational education~~
36 vice chancellor for administration; and

37 (B) Any postsecondary certificate, industry recognized credential and other skill
38 development programs of study as defined in this section in a demand occupation in this state;

39 (6)(5) "State resident" means a student who has lived in West Virginia continuously for a
40 minimum of twelve months immediately preceding the date of application for a ~~HEAPS-Future~~
41 Workforce grant or renewal of a grant;

42 (7)(6) "Postsecondary certificate program" means an organized program of study,
43 approved by the ~~joint commission for vocational technical occupational education~~ vice chancellor
44 for administration, with defined competencies or skill sets that may be offered for credit or

45 noncredit and which culminates in the awarding of a certificate: *Provided*, That postsecondary
46 certificate programs offered by eligible institutions as defined in subdivision (4) of this subsection
47 do not require the approval of the ~~joint commission for vocational-technical-occupational~~
48 ~~education~~ vice chancellor for administration;

49 (8)(7) "Demand occupation" means any occupation having documented verification from
50 employers that job opportunities in that occupation are currently available or are projected to be
51 available within a year within the state or regions of the state. The ~~Joint Commission for~~
52 ~~Vocational-Technical-Occupational Education~~ vice chancellor for administration shall prepare and
53 update annually a list of occupations that they determine meet the requirements of this definition;

54 (9)(8) "Industry-recognized credential program" means an organized program that meets
55 nationally recognized standards in a particular industry, is approved by the ~~joint commission for~~
56 ~~vocational-technical-occupational-education~~ vice chancellor for administration and which
57 culminates in the awarding of a certification or other credential commonly recognized in that
58 industry: *Provided*, That industry recognized credential programs offered by eligible institutions as
59 defined in subdivision (4) of this subsection do not require the approval of the ~~Joint Commission for~~
60 ~~Vocational-Technical-Occupational Education~~ vice chancellor for administration; and

61 (10)(9) "Skill development program" means a structured sequence or set of courses,
62 approved by the ~~joint commission for vocational-technical-occupational-education~~ vice chancellor
63 for administration, with defined competencies that are designed to meet the specific skill
64 requirements of an occupation and which culminates in the awarding of a certificate of completion
65 that specifically lists the competencies or skills mastered: *Provided*, That skill development
66 programs offered by eligible institutions as defined in subdivision (4) of this subsection do not
67 require the approval of the ~~joint commission~~ vice chancellor for administration.

68 (c) A person is eligible for consideration for a ~~HEAPS~~ Future Workforce grant if the person:

69 (1) Demonstrates that he or she has applied for, accepted, or both, other student financial
70 assistance in compliance with federal financial aid rules, including the federal Pell grant;

- 71 (2) Demonstrates financial need for funds, as defined by legislative rule;
- 72 (3) Is a state resident and may not be considered a resident of any other state;
- 73 (4) Is a United States citizen or permanent resident thereof;
- 74 (5) Is not incarcerated in a correctional facility;
- 75 (6) Is not in default on a higher education loan; and
- 76 (7) Is enrolled in ~~a program of study at less than the graduate level on a part-time basis in~~
77 an eligible institution or program of study short-term training programs of twelve months or less in
78 a postsecondary certificate, industry-recognized credential, or other skill development programs in
79 a demand occupation in the state and is making satisfactory academic progress at the time of
80 application: *Provided*, That the requirement that the student be making satisfactory academic
81 progress may not preclude a HEAPS Future Workforce grant award to a student who has been
82 accepted for enrollment in an eligible institution or program of study but has not yet been enrolled.
- 83 (d) Each HEAPS Future Workforce grant award is eligible for renewal until the course of
84 study is completed, but not to exceed an additional ~~nine~~ three years beyond the first year of the
85 award.
- 86 (e) The Higher Education Policy Commission shall propose a legislative rule pursuant to
87 ~~article three-a, chapter twenty-nine-a~~ §29A-3A-1 et seq. of this code to implement the provisions of
88 this section and §18C-5-6 of this code which shall be filed with the Legislative Oversight
89 Commission on Education Accountability by ~~September 1, 2003~~ October 1, 2026. The Legislature
90 ~~hereby declares finds~~ that an emergency situation exists and, therefore, the policy commission
91 ~~may shall propose establish, by an emergency rule, under the procedures of article three-a,~~
92 ~~chapter twenty-nine-a of this code, a rule to implement the provisions of this section~~ and §18C-5-6
93 of this code in accordance with §29A-3A-1 et seq. of this code by October 1, 2026, ~~after approval~~
94 ~~by the Legislative Oversight Commission on Education Accountability. Any rule promulgated by~~
95 the commission pursuant to previous enactments of this article and in effect on the effective date of

96 the amendment and reenactment of this section in the year 2026 remains in effect until amended,
97 modified, repealed, or replaced by the commission.

98 (f) The legislative rule shall provide at least the following:

99 (1) That consideration of financial need, as required by subdivision ~~(3)~~(2), subsection (c) of
100 this section, include the following factors:

101 (A) Whether the applicant has dependents as defined by federal law;

102 (B) Whether the applicant has any personal hardship as determined at the discretion of the
103 vice chancellor for administration; and

104 (C) Whether the applicant will receive any other source of student financial aid during the
105 award period.

106 (2) That an appropriate allocation process be provided for distribution of funds directly to
107 the eligible institutions or programs based on the part-time enrollment figures of the prior year;

108 (3) That ~~not less than twenty-five percent of the funds~~ appropriated in any one fiscal year
109 may be used to make grants to students enrolled in postsecondary certificate, industry recognized
110 credential and other skill development programs of study: ~~Provided, That after giving written notice~~
111 ~~to the Legislative Oversight Commission on Education Accountability, the vice chancellor for~~
112 ~~administration may allocate less than twenty-five percent of the funds for such grants;~~

113 (4) That ~~ten percent of the funds~~ appropriated in any one fiscal year may be used to make
114 grants ~~shall be granted~~ to state community and technical colleges by the council for community
115 and technical college education in accordance with a process specified in the rule for noncredit
116 and customized training programs which further the economic development goals of the state,
117 help meet the training and skill upgrade needs of employers in the state, and for which funds are
118 not available from other sources;

119 (5) That any funds not expended by an eligible institution or program at the end of each
120 fiscal year shall be returned to the vice chancellor for administration for distribution under the
121 provisions of this section;

122 (6) That grants under this section shall be available ~~for approved distance education~~
123 throughout the calendar year, subject only to the availability of funds; and

124 (7) That the amount of each ~~HEAPS~~ Future Workforce grant award be determined using
125 the following guidelines:

126 (A) The amount of any ~~HEAPS~~ Future Workforce grant awarded to a student per semester,
127 term hour or program for those students who are enrolled in eligible institutions or programs
128 operated under the jurisdiction of an agency of the state or a political subdivision thereof shall be
129 based upon the following:

130 (i) Actual cost of tuition and fees;

131 (ii) The portion of the costs determined to be appropriate by the commission; and

132 (iii) In addition to factors (i) and (ii) above, in determining the amount of the award, the vice
133 chancellor may consider the demand for the program pursuant to subdivision (8), subsection (b) of
134 this section; and

135 (B) The amount of any ~~HEAPS~~ Future Workforce grant awarded to a student who is
136 enrolled in any other eligible institution, program or course shall be no greater than the average
137 amount for comparable programs or courses as determined pursuant to the provisions of
138 paragraph (A) above.

139 (g) The ~~HEAPS~~ Future Workforce grant program is subject to any provision of this article
140 not inconsistent with the provisions of this section.

**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 the
5 annual award calculated under the same terms and conditions that applied on the day before the
6 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 an overall grade point average of at least 3.0 on a 4.0 grading scale in the
29 required ~~core and elective~~ course work necessary to prepare students for success in post-

30 secondary education at the associate and baccalaureate degree levels as determined by the
31 commission, if the individual has completed not more than one semester or term at an institution of
32 higher education, excluding credits earned in advanced placement, international baccalaureate,
33 dual 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; *school: Provided*, That a recipient of the PROMISE scholarship
39 award who does not meet the requirements of this subdivision and loses the award may petition
40 the institution to reinstate the award upon successfully reattaining the credit hour and minimum
41 overall grade point qualifications set out in the commission's rule governing eligibility for receipt of
42 the PROMISE scholarship: *Provided, however*, That a student who has lost the PROMISE
43 scholarship award is only eligible to be reinstated one time; if the student becomes ineligible for
44 the PROMISE scholarship award a second time, the student may not again petition the institution
45 for reinstatement of the award nor again be reinstated: *Provided further*, That the student forfeits a
46 term of eligibility for each term in which the student is enrolled to meet the renewal requirements
47 as authorized by this subdivision: *And provided further*, That upon a finding that the student
48 successfully reattained the credit hour and minimum overall grade point qualifications set out in
49 the commission's rule governing eligibility for receipt of the PROMISE scholarship award as
50 required by this subdivision, the institution shall reinstate the award;

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

52 (6) Meet additional objective standards the commission considers necessary to promote
53 academic excellence and to maintain the financial stability of the fund; and

54 (7) Enroll in an eligible institution. A student enrolled at an eligible institution who receives a
55 PROMISE scholarship award may retain and renew the scholarship to complete his or her

56 undergraduate education at that institution or any other eligible institution under the following
57 circumstances:

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

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

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

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

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

70 (3) Fostering civic responsibility.

71 (e) The commission shall promulgate a legislative rule in accordance with the provisions of
72 §29A-3A-1 *et seq.* of this code.

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

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

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

80 (i) To promote academic excellence;

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

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

83 (C) Provisions for making the highest and best use of the PROMISE Scholarship Program
84 in conjunction with the West Virginia College Prepaid Tuition and Savings Program Act set forth in
85 §18-30-1 *et seq.* of this code;

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

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

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

91 and

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

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

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

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

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

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

102 (A) Requiring repayment of the amount of the scholarship, in whole or in part, if a
103 scholarship recipient chooses to work outside the state after graduation. The rule may not require
104 a recipient to repay a scholarship, in whole or in part, unless the prospective recipient has been
105 informed of this requirement in writing before initial acceptance of the PROMISE scholarship
106 award;

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

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

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

112 (3) Any rule promulgated by the commission pursuant to previous enactments of this
113 article in effect on the effective date of the amendment and reenactment of this article in the year
114 2009 remains in effect until amended, modified, repealed, or replaced by the commission.

ARTICLE 9. WEST VIRGINIA INVESTS GRANT PROGRAM.

§18C-9-3. Definitions.

1 As used in this article:

2 "Academic fees" means fees charged to students for specific courses or programs to
3 support such expenses such as lab or equipment costs.

4 "Council" means the West Virginia Council for Community and Technical College
5 Education.

6 "Commission" means the West Virginia Higher Education Policy Commission.

7 "Eligible institution" means a public community and technical college under the authority of
8 the West Virginia Council for Community and Technical College Education, or a public or not-for-
9 profit private baccalaureate institution authorized by the Higher Education Policy Commission that
10 grants associate degrees satisfying the requirements of participating in Advanced Career
11 Education (ACE) program partnerships in accordance with §18-2E-11 of this code, or a not-for-
12 profit, hospital-based allied health program authorized by the West Virginia Council for Community
13 and Technical College Education.

14 "Eligible post-secondary program" means a curriculum of courses leading to a certificate or
15 associate degree at an eligible institution which satisfies a course of study that has been deemed

16 by the ~~Department of Commerce council~~ to satisfy a workforce need. ~~as determined by the~~
17 ~~department in accordance with §18-2E-11(d) of this code.~~

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

§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~~ bachelor's degree: *Provided*,
7 That individuals who have previously been awarded a bachelor's degree may qualify for the grant
8 if they are seeking an associate degree or certificate in an eligible post-secondary program for
9 emergency medical services;

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

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

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

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

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

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

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

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

30 (b) Each grant may be awarded and renewed up to a lifetime total of six full-time equivalent
31 semesters, until the course of study is completed as long as the following qualifications, as
32 determined by the vice chancellor for administration and the council, are satisfied:

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

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

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

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

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

44 and

45 (5) Satisfaction of any additional eligibility criteria established by the council through
46 legislative rule.

47 (c) Each recipient of a WV Invests Grant shall enter into an agreement with the vice
48 chancellor for administration, which shall require repayment of an amount of the grant or grants
49 awarded to the recipient, in whole or in part, if a recipient chooses to reside outside the state within
50 two years following either obtainment of the degree or certificate for which the grant or grants were
51 awarded or enrollment at an eligible institution ends, whichever occurs later: *Provided, That while*
52 enrolled out-of-state for further post-secondary education, the recipient may request deferment of
53 the two-year residency requirement. The council may not require a recipient to repay grants, in
54 whole or in part, unless the prospective recipient has been informed of this requirement in writing
55 before initial acceptance of the grant award. Each WV Invests Grant agreement shall include the
56 following:

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

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

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

66 (e) A recipient is not in violation of an agreement entered into pursuant to §18C-9-5(c) of
67 this code during any period in which the recipient is meeting any of the following conditions:

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

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

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

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