

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1027

By Senators Willis, Grady, and Rucker

[Introduced February 20, 2026; referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend and reenact §18C-5-5, §18C-5-7, and §18C-9-5 of the Code of West Virginia,
 2 1931, as amended, relating to creating the High School Dual Enrollment Accessibility Act;
 3 modifying the West Virginia Invests Grant Program eligibility requirements; modifying the
 4 Higher Education Grant Program; and relating to modifying the HEAPS grant program.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. HIGHER EDUCATION GRANT PROGRAM.

§18C-5-5. Eligibility for a grant.

1 (a) A person is eligible for consideration for a grant if the person:

2 (1) Is a citizen of the United States;

3 (2) Has been a resident of the state for one year immediately preceding the date of
 4 application for a grant;

5 (3) Meets the admission requirements of, and is admitted into, the approved institution of
 6 higher education to which admission is sought; and

7 (4) Satisfactorily meets the qualifications of financial need, academic promise and
 8 academic achievement established by the vice chancellor. Program rules adopted under this
 9 article may not require possession of a high school diploma or high school equivalent credential for
 10 an applicant who is an eligible high school dual-enrollment student under subsection (b) of this
 11 section.

12 (b) High school dual-enrollment eligibility.— Notwithstanding any provision of this code or
 13 any rule to the contrary, an applicant who is enrolled in the eleventh or twelfth grade of a secondary
 14 school in West Virginia shall be eligible for a grant under this article for the purpose of dual
 15 enrollment. provided that:

16 The student meets the citizenship and state residency requirements of subdivisions (1)
 17 and (2) of subsection (a) of this section;

18 (1) The student is admitted to an approved institution of higher education as a dual-
 19 enrollment or early enrollment student for the coursework to be funded by the meeting any

20 minimum criteria jointly established by the secondary school and the institution;

21 (2) The student demonstrates financial need and academic promise consistent with the
22 standards of this article, except that possession of a high school diploma or equivalent is not
23 required so long as the student is in good academic standing and on track to graduate high school
24 as certified by the secondary school;

25 (3) The student satisfies all other general eligibility requirements of the program, including
26 timely filing of the Free Application for Federal Student Aid and any academic performance
27 standards for renewal apart from high school completion.

28 (c) The Higher Education Policy Commission shall propose rules for legislative approval in
29 accordance with the provisions of §29A-3A-1 et seq. of this code to implement the provisions of
30 this section. Including the provisions of subsection (b) of this section relating to high school dual-
31 enrollment students including any necessary coordination with the State Board of Education and
32 county boards.

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

1 (a) There is established the Higher Education Adult Part-time Student Grant Program,
2 referred to in this section as the HEAPS grant program. The grant program established and
3 authorized by this section is administered by the vice chancellor for administration. Moneys
4 appropriated or otherwise available for the grant program shall be allocated by line item to an
5 appropriate account. Any moneys remaining in the fund at the close of a fiscal year shall be carried
6 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) "Satisfactory academic progress" means maintaining a cumulative grade point average
16 of at least 2.0 on a 4.0 grading scale with a goal of obtaining a certificate, associate degree or
17 bachelor's degree. In the case of postsecondary certificate, industry recognized credential and
18 other skill development programs, satisfactory academic progress means continuous
19 advancement toward completion of the program on the normal schedule established for the
20 program in which enrolled;

21 (4) "Eligible institution" means:

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

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

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

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

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

32 (A) Programs and courses offered by any nationally accredited degree granting institution
33 of higher learning permitted pursuant to section five, article three, chapter eighteen-b of this code
34 and approved by the joint commission for vocational-technical-occupational education; and

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

37 (6) "State resident" means a student who has lived in West Virginia continuously for a
38 minimum of twelve months immediately preceding the date of application for a HEAPS grant or

39 renewal of a grant;

40 (7) "Postsecondary certificate program" means an organized program of study, approved
41 by the joint commission for vocational-technical-occupational education, with defined
42 competencies or skill sets that may be offered for credit or noncredit and which culminates in the
43 awarding of a certificate: *Provided*, That postsecondary certificate programs offered by eligible
44 institutions as defined in subdivision (4) of this subsection do not require the approval of the joint
45 commission for vocational-technical-occupational education;

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

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

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

64 (c) A person is eligible for consideration for a HEAPS grant if the person:

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

67 (2) Demonstrates financial need for funds, as defined by legislative rule;

68 (3) Is a state resident and may not be considered a resident of any other state;

69 (4) Is a United States citizen or permanent resident thereof;

70 (5) Is not incarcerated in a correctional facility;

71 (6) Is not in default on a higher education loan; and

72 (7) Is enrolled in a program of study at less than the graduate level on a part-time basis in
73 an eligible institution or program of study and is making satisfactory academic progress at the time
74 of application: *Provided*, That the requirement that the student be making satisfactory academic
75 progress may not preclude a HEAPS grant award to a student who has been accepted for
76 enrollment in an eligible institution or program of study but has not yet been enrolled.

77 (d) Each HEAPS grant award is eligible for renewal until the course of study is completed,
78 but not to exceed an additional nine years beyond the first year of the award.

79 (e) The Higher Education Policy Commission shall propose a legislative rule pursuant to
80 article three-a, chapter twenty-nine-a of this code to implement the provisions of this section which
81 shall be filed with the Legislative Oversight Commission on Education Accountability by
82 September 1, 2003. The Legislature hereby declares that an emergency situation exists and,
83 therefore, the policy commission may establish, by emergency rule, under the procedures of
84 article three-a, chapter twenty-nine-a of this code, a rule to implement the provisions of this
85 section, after approval by the Legislative Oversight Commission on Education Accountability.

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

87 (1) That consideration of financial need, as required by subdivision (3), subsection (c) of
88 this section, include the following factors:

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

90 (B) Whether the applicant has any personal hardship as determined at the discretion of the

91 vice chancellor for administration; and

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

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

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

101 (4) That ten percent of the funds appropriated in any one fiscal year shall be granted to
102 state community and technical colleges by the council for community and technical college
103 education in accordance with a process specified in the rule for noncredit and customized training
104 programs which further the economic development goals of the state, help meet the training and
105 skill upgrade needs of employers in the state, and for which funds are not available from other
106 sources;

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

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

112 (7) That the amount of each HEAPS grant award be determined using the following
113 guidelines:

114 (A) The amount of any HEAPS grant awarded to a student per semester, term hour or
115 program for those students who are enrolled in eligible institutions or programs operated under the
116 jurisdiction of an agency of the state or a political subdivision thereof shall be based upon the

117 following:

118 (i) Actual cost of tuition and fees;

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

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

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

126 (g) The HEAPS grant program is subject to any provision of this article not inconsistent with
127 the provisions of this section.

128 (h) High school dual-enrollment eligibility.— An individual who is enrolled in the 11th or
129 12th grade of a secondary school in West Virginia is eligible for a HEAPS grant award,
130 notwithstanding that the individual has not yet earned a high school diploma or high school
131 equivalency credential, if the following conditions are met:

132 (1) The student meets all of the eligibility criteria set forth in subsection (c) of this section,
133 apart from high school completion. For purposes of applying subdivision (7), subsection (c) of this
134 section, a high school student is considered "enrolled in a program of study" if the student has
135 been accepted by an eligible institution or program for concurrent enrollment in an approved post-
136 secondary certificate, industry-recognized credential course, or other skill development program;

137 (2) The student's part-time enrollment in the post-secondary program is approved by the
138 student's high school or county school system as an authorized dual-enrollment or career-
139 technical education experience;

140 (3) The administering entity may establish any additional reasonable requirements by rule
141 to assure the student's readiness for the intended program, including a recommendation from a
142 school counselor or a minimum high school grade point average.

143 (4) A high school student meeting the conditions of this subsection may receive a HEAPS
 144 grant for tuition and mandatory costs of the post-secondary courses or program on the same basis
 145 as any other HEAPS award recipient. The grant award shall be paid directly to the eligible
 146 institution or program on behalf of the student and shall cover no more than the actual cost of the
 147 part-time enrollment.

148 (5) The Council for Community and Technical College Education, in consultation with the
 149 State Board of Education, shall adapt any necessary administrative rules to implement this
 150 subsection. Priority for HEAPS grants shall continue to be given to adult learners and other
 151 traditional applicants.

ARTICLE 9. WEST VIRGINIA INVESTS GRANT PROGRAM.

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

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

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

5 ~~(2) Have completed a secondary education program in a public, private, or home school;~~
 6 Have completed a secondary education program in a public, private, or home school; or, if the
 7 individual is currently enrolled in high school, be enrolled in the 11th or 12th grade in a public,
 8 private, or home secondary, school program in West Virginia and making adequate academic
 9 progress toward high school graduation;

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

11 ~~(4) Be at least 18 years of age: *Provided*, That individuals younger than 18 years of age~~
 12 ~~may qualify for the grant upon completion of a secondary education program in a public, private, or~~
 13 ~~home school~~ Be at least 18 years of age, or be a secondary student meeting the enrollment criteria
 14 of subdivision (2) of this subsection;

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

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

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

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

21 (9) ~~Be enrolled in at least six credit hours per semester;~~ Be enrolled in at least six credit
22 hours per semester or equivalent term, except as otherwise provided by rule for high school dual-
23 enrollment students who may have a lower credit load per term;

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

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

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

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

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

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

41 The council shall include in the legislative rules, required by §18C-9-4 of this code, provisions for

42 the administration of community service requirements, including, but not limited to, requiring
43 completion of at least eight hours of unpaid community service during the time of study, which may
44 include, but is not limited to, participating with nonprofit, governmental, institutional, or community-
45 based organizations designed to improve the quality of life for community residents, meet the
46 needs of community residents, or foster civic responsibility;

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

48 and

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to create the High School Dual Enrollment Accessibility Act.

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