

H. B. 4597

(By Delegate Sobonya)

[Introduced February 17, 2012; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §18C-7-6 of the Code of West Virginia,
1931, as amended, relating to permitting volunteer
firefighters to automatically qualify for Promise
Scholarships; and waiving all other scholarship requirements.

Be it enacted by the Legislature of West Virginia:

That §18C-7-6 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

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

**§18C-7-6. Promise scholarship program requirements; legislative
rule.**

(a) A PROMISE scholarship annual award shall meet the
following conditions:

1 (1) For a student enrolled in a state institution of higher
2 education, the annual award is equal to the lesser of the cost of
3 tuition or \$4,750, except that a student who was awarded and used
4 a PROMISE scholarship annual award prior to January 1, 2010, shall
5 continue to receive the annual award calculated under the same
6 terms and conditions that applied on the day before the effective
7 date of this article;

8 (2) For a student enrolled in an eligible institution other
9 than a state institution of higher education, the annual award is
10 equal to, but may not exceed, the lesser of the cost of tuition or
11 \$4,750, except that a student who was awarded and used a PROMISE
12 scholarship annual award prior to January 1, 2010, shall continue
13 to receive the annual award calculated under the same terms and
14 conditions that applied on the day before the effective date of
15 this article;

16 (3) The annual award may exceed \$4,750, if the commission
17 determines that adequate funds are available, but in any case, may
18 not be greater than the actual cost of tuition;

19 (4) The annual award shall be used by an eligible institution
20 to supplement, but may not supplant, a tuition and fee waiver for
21 which the individual is eligible pursuant to section five, six-a,
22 seven or seven-b, article ten, chapter eighteen-b of this code.

23 (b) The total cost of all scholarships awarded by the
24 commission in any year may not exceed the amount of funds available

1 to the commission during that fiscal year.

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

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

5 (A) Within two years of graduating from high school or within
6 two years of acquiring a general equivalency degree if provided
7 instruction in the home or other approved place pursuant to
8 subsection (c), section one, article eight, chapter eighteen of
9 this code; or

10 (B) Within seven years of initially entering military service,
11 and within one year of discharge from military service, if the
12 individual has entered the United States armed services within two
13 years after graduating from high school;

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

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

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

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

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

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

18 (A) The institution at which the student is enrolled loses its
19 status as an eligible institution pursuant to the provisions of
20 subdivision (1), subsection (b), section three of this article; and

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

23 (d) It is the intent of the Legislature that the commission
24 shall strongly encourage prospective candidates for the PROMISE

1 scholarship to perform at least twenty hours of unpaid community
2 service while in high school to help prepare them for success in
3 post-secondary education. The community service may include, but
4 is not limited to, participation with nonprofit, governmental or
5 community-based organizations designed with any or all of the
6 following purposes:

- 7 (1) Improving the quality of life for community residents;
- 8 (2) Meeting the needs of community residents; or
- 9 (3) Fostering civic responsibility.

10 (e) The commission shall promulgate a legislative rule in
11 accordance with the provisions of article three-a, chapter
12 twenty-nine-a of this code.

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

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

21 (B) Additional objective standards the commission considers
22 necessary:

23 (i) To promote academic excellence;

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

1 (iii) To operate the program within the limits of available
2 funds.

3 (C) Provisions for making the highest and best use of the
4 PROMISE Scholarship Program in conjunction with the West Virginia
5 College Prepaid Tuition and Savings Program Act set forth in
6 article thirty, chapter eighteen of this code;

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (3) The Legislature finds that an emergency exists and,
21 therefore, the commission shall file a rule to implement the
22 provisions of this section as an emergency rule pursuant to the
23 provisions of article three-a, chapter twenty-nine-a of this code.
24 The rule is subject to the prior approval of the Legislative

1 Oversight Commission on Education Accountability.

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

7 (f) Notwithstanding any provision in the code to the contrary,
8 volunteer firefighters performing as members of volunteer fire
9 departments automatically qualify for PROMISE scholarships and all
10 other scholarship program requirements are waived.

NOTE: The purpose of this bill is to permit volunteer firefighters performing as members of volunteer fire departments to automatically qualify for PROMISE scholarships and waiving all other scholarship program requirements.

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