

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4556

BY DELEGATES SKINNER, PERDUE, FLEISCHAUER,
MANCHIN, SPONAUGLE, CAPUTO, LONGSTRETH,
HORNBUCKLE AND P. WHITE

[Introduced February 16, 2016; Referred
to the Committee on Education then Finance.]

1 A BILL to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating
 2 to the PROMISE scholarship program; limiting percentage of awards to private, not-for-
 3 profit institutions in the state; and terminating awards to students at private, not-for-profit
 4 institutions in the state in 2020.

Be it enacted by the Legislature of West Virginia:

1 That §18C-7-6 of the Code of West Virginia, 1931, as amended, be amended and
 2 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.

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

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

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

12 That notwithstanding any other provision of this code to the contrary, effective July 1, 2016, and
 13 continuing to December 31, 2019, the total annual awards for students enrolled in an eligible
 14 institution other than a state institution of higher education, as defined in paragraph (B),
 15 subdivision(1), subsection (b), section three of this article; may not exceed ten percent of the

16 funds available for scholarship awards under this article. Beginning January 1, 2020, PROMISE
17 scholarship awards may not be awarded to students enrolled in institutions other than a state
18 institution of higher education, as defined in paragraph (B), subdivision(1), subsection (b), section
19 three of this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

66 (3) Fostering civic responsibility.

67 (e) The commission shall promulgate a legislative rule in accordance with the provisions

68 of article three-a, chapter twenty-nine-a of this code.

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

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

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

76 (i) To promote academic excellence;

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

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

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

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

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

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

87 and

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

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

93 (i) Providing for an annual PROMISE scholarship award that is less than the amounts

94 provided for in this section; or

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

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

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

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

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

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

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

108 (3) The Legislature finds that an emergency exists and, therefore, the commission shall
109 file a rule to implement the provisions of this section as an emergency rule pursuant to the
110 provisions of article three-a, chapter twenty-nine-a of this code. The rule is subject to the prior
111 approval of the Legislative Oversight Commission on Education Accountability.

112 (4) 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.

NOTE: The purpose of this bill is to limit the percentage of PROMISE scholarship awards to students at private, not-for-profit institutions in the state to no more than 10% of the moneys available for these awards until 2020. And the bill terminates these awards to students at private, not-for-profit institutions in the state in 2020.

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