

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2451

**FISCAL
NOTE**

BY DELEGATE ROWE AND PYLES

[Introduced January 16, 2019; Referred
to the Committee on Education then Finance.]

1 A BILL to amend and reenact §18C-1-1, §18C-1-3 and §18C-1-5 of the Code of West Virginia,
 2 1931, as amended; and to amend said code by adding thereto a new article, designated
 3 §18C-7A-1, §18C-7A-2, §18C-7A-3, §18C-7A-4, §18C-7A-5, §18C-7A-6, §18C-7A-7, and
 4 §18C-7A-8, all relating to creation of a merit-based scholarship program for tuition and fee
 5 payments for certain students attending state community and technical college education
 6 and public career and technical education centers programs; establishing the Katherine
 7 Johnson Hope Scholarship Program; providing that the program is merit based that
 8 provided funding up to four semesters of the equivalent for certain students; providing
 9 legislative findings and purpose; providing eligibility requirements and conditions; defining
 10 terms; providing that the West Virginia Higher Education Policy Commission administer
 11 the program; authorizing legislative rulemaking by the commission; authorizing the
 12 Commission to enter into contracts and take other necessary actions to implement and
 13 administer the program; and establishing a special revenue fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. FINANCIAL ASSISTANCE GENERALLY.

§18C-1-1. Legislative findings; purpose; administration generally; reporting.

1 (a) The Legislature makes the following findings:
 2 (1) Although enrollments in institutions of higher education in this state and throughout the
 3 nation continue to increase at a rapid pace, West Virginia has not developed sufficiently the state's
 4 human talent and resources because many able, but needy, students are not able to finance a
 5 higher education program;
 6 (2) The state can achieve its full economic and social potential only when the following
 7 elements are in place:
 8 (A) Every individual has the opportunity to contribute to the full extent of his or her
 9 capability; and
 10 (B) The state assists in removing financial barriers to the individual's education goals that

11 remain after he or she has used all resources and work opportunities available;

12 (b) The ultimate state goal in providing student financial aid is to create a culture that
13 values education, to improve the quality of the workforce and to enhance the quality of life for the
14 citizens of West Virginia.

15 (c) The Vice Chancellor for Administration has a ministerial duty to administer, oversee
16 and monitor all state and federal student financial aid programs administered at the state level in
17 accordance with established rules under the direction of the commission and council and in
18 consultation with the Higher Education Student Financial Aid Advisory Board.

19 (d) These programs include, but are not limited to, the following programs:

20 (1) ~~The Guaranteed Student Loan Program, which may be administered by a private~~
21 ~~nonprofit agency;~~ (2) The Medical Student Loan Program;

22 ~~(3)~~ (2) The Underwood-Smith Teacher Scholarship Program;

23 ~~(4)~~ (3) The Engineering, Science and Technology Scholarship Program;

24 ~~(5)~~ (4) The West Virginia Higher Education Grant Program;

25 ~~(6)~~ (5) The Higher Education Adult Part-Time Student Grant Program;

26 ~~(7)~~ (6) The West Virginia Providing Real Opportunities for Maximizing In-State Student
27 Excellence (PROMISE) Scholarship Program;

28 ~~(8)~~ (7) The Higher Education Student Assistance Loan Program established pursuant to
29 §18-22d-1 *et seq.* of this code;

30 ~~(9)~~ (8) The West Virginia College Prepaid Tuition and Savings Program established
31 pursuant to §18-30-1 *et seq.* of this code, which is administered by the State Treasurer;

32 ~~(10)~~ (9) The state aid programs for students of optometry, pursuant to §18C-3-1 *et seq.* of
33 this chapter;

34 ~~(11)~~ (10) The state aid programs for students of veterinary medicine pursuant to §18-11-
35 6a of this code;

36 ~~(12)~~ (11) Any reciprocal program and contract program for student aid established

37 pursuant to §18B-4-3 and §18B-4-4 of this code;

38 ~~(13)~~ (12) Any other state-level student aid programs in this code;

39 (13) The Katherine Johnson Hope Scholarship Program, to pay tuition and fees for
 40 qualified students attending community and technical college education programs at West Virginia
 41 community and technical colleges or public career and technical education centers in the state;
 42 and

43 (14) Any federal grant or contract student assistance or support programs administered at
 44 the state level.

45 (e) Notwithstanding any provision of this chapter to the contrary, the Vice Chancellor for
 46 Administration shall prepare a single, comprehensive report regarding the implementation of the
 47 financial aid programs identified in §18C-1-1(d) of this code which are administered under his or
 48 her supervision. The report shall be provided no later than November 30 annually to the
 49 commission, ~~and the council and shall be presented to the Legislative Oversight Commission on~~
 50 ~~Education Accountability no later than November 30, 2009, and annually thereafter.~~ The report
 51 shall address all financial aid issues for which reports are required in this code, as well as any
 52 findings and recommendations.

§18C-1-3. Additional legislative findings; purpose of financial aid programs.

1 (a) *Legislative findings:*

2 (1) Education attainment is inextricably linked to economic development, and, in the
 3 current global economy, the state is competing not only with other states, but also with other
 4 countries;

5 (2) The federal government no longer funds student financial aid as generously as it has
 6 in the past. Therefore, the state must commit to increase both access and affordability to higher
 7 education opportunities for its citizens;

8 (3) In ~~recent~~ past years the state ~~has~~ substantially increased appropriations to both merit-
 9 based and need-based student financial aid programs;

10 (4) The ultimate state goal in providing student financial aid is to create a culture that
11 values education and improves the quality of the state's workforce, thereby enhancing the quality
12 of life for its citizens;

13 (5) The state can provide a successful system of student financial aid only by balancing
14 the needs of students from all levels of financial need and academic ability;

15 (6) A comprehensive system of student financial aid will yield the maximum return on the
16 state's investment by increasing the skills, qualifications and education achievement of citizens
17 from all backgrounds;

18 (7) Sources of student financial aid can be distinguished as providing either access or
19 affordability to higher education opportunities;

20 (8) Access refers to a student's financial ability to pursue post-secondary education.
21 Affordability refers to a student's freedom to choose where to attend college based on available
22 resources; and

23 (9) West Virginia is committed to making post-secondary education both accessible and
24 affordable for its citizens. To this end, it is essential that the state provide multiple financial aid
25 programs which accomplish different goals;

26 (b) *Purposes of financial aid programs:*

27 (1) The West Virginia Higher Education Grant Program is a need-based program that
28 provides funding primarily to traditional college-age students who do not have sufficient financial
29 resources to attempt post-secondary education. This grant program is a vitally important source
30 of financial assistance for needy residents of the state and should continue to receive strong
31 financial support.

32 (2) The HEAPS Grant Program is a need-based program that provides funding primarily
33 to nontraditional college students, including:

34 (A) Adult students who desire to pursue post-secondary education on a part-time basis
35 and who do not qualify for other forms of financial assistance;

36 (B) Place-bound students, often parents employed full-time, who require evening and
37 weekend access to college courses; and

38 (C) Individuals pursuing workforce training or skill development training necessary to enter
39 the job market quickly.

40 (3) The Underwood-Smith Teacher Scholarship Program is a merit-based program that
41 encourages students who have demonstrated outstanding academic abilities to pursue teaching
42 careers. This program serves to meet West Virginia's statewide, geographic and discipline-
43 specific needs for highly qualified teachers.

44 (4) The West Virginia Engineering, Science and Technology Scholarship Program is a
45 merit-based program that encourages talented students to pursue baccalaureate degrees in
46 engineering, science and technology-related disciplines. This program serves to increase the size
47 and quality of the pool of individuals pursuing careers in engineering, science and technology-
48 related fields.

49 (5) The PROMISE Scholarship Program is a merit-based program that enhances student
50 achievement by encouraging high school students to work harder to attain the necessary grades
51 and test scores to qualify for a PROMISE scholarship and provides an incentive for the most
52 capable students to attend college in the state. PROMISE provides affordability to traditional
53 college-age students.

54 (6) The Katherine Johnson Hope Scholarship is a merit-based scholarship offering
55 supplemental funds to help pay tuition and fees for community and technical college education
56 programs at West Virginia public community and technical colleges and state public career and
57 technical education centers for up to four semesters or equivalent period for certain students as
58 identified in §18C-7A-3 and §18C-7A-7 of this code.

59 (c) An appropriate blend of student financial aid programs provides the state with the
60 necessary tools to educate its citizenry for a broad range of economic opportunities:

61 (1) Without proper funding for need-based programs, lower income students may not be

62 able to realize their full potential;

63 (2) Adults may not obtain the training they need to compete in the current and future job
64 market;

65 (3) High-achieving students may not pursue rigorous courses in high school or attend
66 college in West Virginia, all of which contribute to devaluing post-secondary education and
67 perpetuating the culture of educational underachievement, especially in communities and families
68 with traditionally low rates of college attendance; ~~and~~

69 (4) By assisting students interested in entering the workforce after completing programs
70 of specialized training scheduled to be finished in no more than four semesters or equivalent
71 period, through tuition and fee support for state community and technical college education
72 programs as defined in §18B-1-2(11), at community and technical colleges and public career and
73 technical education centers, the state will more rapidly provide to employers trained employees
74 required to meet the needs of business and industry; and

75 ~~(4)~~ (5) The state must continue to strive to support equally the need-based and merit-
76 based student financial aid programs.

§18C-1-5. Higher Education Student Financial Aid Advisory Board.

1 (a) The Higher Education Student Financial Aid Advisory Board is established.

2 (b) The purpose of the board is to provide financial aid expertise and policy guidance to
3 the commission, the council and the Vice Chancellor for Administration on all matters related to
4 federal, state and private student financial aid resources and programs.

5 (c) It is the intent of the Legislature that the advisory board:

6 (1) Recommend methods to balance the needs of state students from all levels of financial
7 need and academic ability;

8 (2) Recommend methods for achieving a comprehensive system of student financial aid
9 to maximize the return on the state's investment in student financial aid programs by increasing
10 the skills, qualifications and education achievement of the citizens receiving the benefits;

11 (3) Recommend methods to coordinate state-funded student financial aid programs so
12 that the state achieves the appropriate blend of programs to expand the range of economic
13 opportunities available to state citizens;

14 (4) Recommend ways to improve state-level administration of financial aid programs for
15 the benefit of students and institutions;

16 (5) Recommend ways to improve financial aid outreach activities;

17 (6) Make recommendations, consistent with the nature of the PROMISE scholarship
18 program and the Katherine Johnson Hope Scholarship program as a merit-based student financial
19 aid program programs;

20 (7) Study feasibility of including for-profit institutions as eligible institutions for PROMISE
21 scholarship awards and requirements, if any, for inclusion; and

22 (8) Recommend rules that align with the goals, objectives and priorities set forth in §18B-
23 1-1a of this code and article one-d of said chapter and with other state and system public policy
24 goals, objectives and priorities.

25 (d) *Advisory board membership.* --

26 (1) The advisory board shall consist of seven members selected as follows:

27 (A) Three members appointed by the commission;

28 (B) Two members appointed by the council;

29 (C) One member appointed by the West Virginia Independent Colleges and Universities;

30 and

31 (D) One member appointed by the West Virginia School Counselor Association.

32 (2) Members appointed by the commission and the council shall possess a broad
33 knowledge of state and federal higher education student financial aid programs and have
34 experience in administering these programs, preferably at the campus or system level.

35 (3) The initial appointments of members shall be made as follows:

36 (A) The commission shall appoint one member to a one-year term, one member to a two-

37 year term and one member to a three-year term;

38 (B) The council shall appoint one member to a one-year term and one member to a three-
39 year term;

40 (C) The West Virginia Independent Colleges and Universities shall appoint one member
41 to a one-year term; and

42 (D) The West Virginia School Counselor Association shall appoint one member to a two-
43 year term.

44 (4) After the initial terms are completed, appointments shall be made as follows:

45 (A) Members shall be appointed for three-year terms; and

46 (B) Members are eligible to succeed themselves for one additional consecutive term.

47 (5) The term of each member begins on July 1 of the year in which the appointment is
48 made and ends on June 30 of the year in which the appointment expires.

49 (e) The first meeting of the advisory board shall be called by the Vice Chancellor for
50 Administration, at which time the members shall elect a chairperson for an initial term ending on
51 July 31, 2010. The chairperson may succeed himself or herself for an additional one-year term
52 as chairperson. Thereafter, the term of the chairperson is for one year beginning on August 1 of
53 the year in which elected and ending on July 31 of the following year. A member may not serve
54 more than two consecutive terms as chairperson.

55 (f) In the event of a vacancy, a successor shall be appointed by the entity which appointed
56 the vacating member for the unexpired term of the vacating member. A person appointed to fill a
57 vacancy is eligible for reappointment for one additional consecutive term unless the time
58 remaining in the unexpired term is less than six months in which case the person filling the
59 vacancy is eligible for reappointment for two additional terms.

60 (g) Members of the advisory board serve without compensation but are entitled to
61 reimbursement by the commission for expenses, including travel expenses, which are actually
62 incurred by the member in the official conduct of the business of the advisory board.

ARTICLE 7A. KATHERINE JOHNSON HOPE SCHOLARSHIP PROGRAM.**§18C-7A-1. Title.**

1 This article shall be known and may be cited as the Katherine Johnson Hope Scholarship
2 Act, providing funds to supplement other sources of financial aid available to pay tuition and fees
3 for students meeting the criteria in §18C-7A-5 of this code, to attend West Virginia community
4 and technical college education programs, as defined in §18B-1-2 of this code, which programs
5 are scheduled to be completed in no more than four semesters or equivalent period.

§18C-7A-2. Katherine Johnson, space program mathematician, celebrated.

1 The Legislature recognizes and celebrates the determination, work and success of
2 Katherine Johnson, who is a native of White Sulphur Springs in Greenbrier County. Katherine
3 Johnson is an internationally acclaimed physicist and mathematician who in 1937 graduated from
4 the college that is today West Virginia State University. Following graduation, she became the
5 first African-American woman to attend graduate school at West Virginia University and began a
6 career of accomplishment as a lead mathematician for the national space program of the National
7 Aeronautics and Space Administration. The State of West Virginia salutes Katherine Johnson for
8 her success with the national space program and as an example of a woman, mother and African-
9 American who excelled in her career in a time when women, mothers and African-Americans
10 were limited in their opportunities.

18C-7A-3. The Katherine Johnson Hope Scholarship; eligibility requirements.

1 (a) The Katherine Johnson Hope Scholarship is a merit-based scholarship offering
2 supplemental funds to help pay tuition and fees for community and technical college education
3 programs at West Virginia community and technical colleges and public career and technical
4 education centers in the state for up to four semesters or equivalent period for high school
5 students and adult students who have graduated from high school with a grade point average
6 from a West Virginia public or private high school in this state of at least 2.5 on a 4.0 scale or the
7 equivalent for home school students.

8 (b) Subject to available funds after scholarships are awarded to eligible first-generation
9 college students and then to other high school students and adult students who meet the grade
10 point average requirement or its equivalent set forth in §18C-7A-3(a) of this code, in the following
11 order of priority based on funds available:

12 (1) Eligible students with a high school diploma, General Equivalency Diploma, or the
13 equivalent who can present a feasible work plan to the Vice Chancellor of Administration of Higher
14 Education, which plan includes two years of experience in the state before college, and at least
15 two years of planned work in the state after completion of a community and technical college
16 education program at a state community and technical college or state public career and technical
17 education center for which the student has the necessary skills to succeed or can have a plan for
18 remedial education to obtain such skills as needed to succeed with their work plan.

19 (2) Eligible high school students and adult students for whom a principal, guidance
20 counselor or other appropriate education professional has submitted, at the request of the
21 student, directly to the Vice Chancellor for Administration, a letter of recommendation stating that
22 it is the opinion of the person providing the recommendation letter that the student likely will be
23 able to complete successfully the academic program as planned and scheduled, with any special
24 or remedial services as may be needed, which are to be listed by the person providing the
25 recommendation.

26 (c) Eligibility and application requirements under this section shall be defined by rules
27 promulgated by the commission.

§18C-7A-4. Legislative findings and purpose.

1 (a) The Legislature finds and declares that:

2 (1) West Virginia must have an educated workforce in order to attract and retain the high
3 wage, high skill jobs of the 21st century;

4 (2) A number of West Virginia residents who graduate from the state's colleges and
5 universities do not work in the state following graduation;

6 (3) Of all the states, West Virginia consistently has the lowest percentage of adults with
7 higher education degrees. The most important factors leading to low rates of higher education
8 attainment are known to be poverty and low parental education levels, along with low socio-
9 economic influences in the community. Enabling those students who are first-generation college
10 students, whose parents have not completed college, to attain higher education, is vitally
11 important to lifting the overall education level of West Virginia's population and changing the
12 culture against post high school education which may exist in a number of communities and
13 families;

14 (4) Higher levels of education attainment result in higher levels of personal income over a
15 lifetime, which translates into an increased tax base and economic development for West Virginia
16 and more discretionary income for its citizens;

17 (5) Students at all education levels should have an incentive to perform at a high academic
18 level, including first-generation college students, in all middle schools, junior high schools and
19 high schools;

20 (6) There is a need to provide parents, teachers and school counselors with all tools
21 possible to aid them in helping their children understand the importance of high academic
22 achievement in high school and college;

23 (7) The merit-based Katherine Johnson Hope Scholarship program is designed to:

24 (A) Provide an incentive for students to set higher academic standards in high school for
25 themselves and their peers;

26 (B) Encourage students to increase their high school achievement levels and enroll in
27 more rigorous courses;

28 (C) Encourage older students to enroll in more rigorous courses;

29 (D) Effect a culture change in many West Virginia communities and families toward
30 increased educational attainment;

31 (E) Result in improved standard academic test scores in the state since inception of the

32 program; and

33 (F) Encourage students who see no path to higher education for themselves and family
34 members, absent a scholarship that grants merit-based student financial aid upon proven
35 academic performance in high school or by work performance in the state after high school, or by
36 the recommendation of a school principal, guidance counselor or other appropriate education
37 professional.

38 (b) Nothing in this article guarantees:

39 (1) A Katherine Johnson Hope Scholarship award or any specific amount of a scholarship
40 award to any student; or

41 (2) That the requirements necessary for a student to qualify for a scholarship will not be
42 changed by legislation or rule before the student is eligible to receive a full award.

§18C-7A-5. Definitions.

1 For the purposes of this article, terms have the meaning ascribed to them in §18B-1-2 of
2 this code, unless the context in which the term is used clearly requires a different meaning or a
3 specific definition is provided in this section.

4 (1) “Eligible institution” means a state institution offering community and technical college
5 education programs as defined in §18B-1-2 of this code.

6 (2) “First-generation college student” means a student whose parents have not completed
7 college.

8 (3) “Tuition” or “tuition and fees” means the quarter, semester or term charges imposed
9 by an eligible state institution of higher education and, additionally, all mandatory fees required
10 as a condition of enrollment by all students.

11 (4) “Enrolled” means either currently enrolled or in the process of enrolling in an eligible
12 institution.

§18C-7A-6. Powers and duties of the West Virginia Higher Education Policy Commission
regarding the Katherine Johnson Hope Scholarship Program.

1 (a) Powers of commission. — In addition to the powers granted by any other provision of
2 this code, the West Virginia Higher Education Policy Commission in association with the Vice
3 Chancellor for Administration, has the powers necessary or convenient to carry out the purposes
4 and provisions of this article including, but not limited to, the following express powers:

5 (1) To propose legislative rules in accordance with the provisions of §29A-3A-1 et seq. of
6 this code to effectuate the purposes of this article;

7 (2) To invest any of the funds of the scholarship program established in this article with
8 the West Virginia Investment Management Board in accordance with the provisions of §12-6-1 et
9 seq. of this code. Any investments made pursuant to this article shall be made with the care, skill,
10 prudence and diligence under the circumstances then prevailing that a prudent person acting in
11 a like capacity and familiar with such matters would use in conducting an enterprise of a like
12 character and with like aims. Fiduciaries shall diversify plan investments to the extent permitted
13 by law to minimize the risk of large losses, unless under the circumstances it is clearly prudent
14 not to do so;

15 (3) To execute contracts and other necessary instruments;

16 (4) To impose reasonable requirements for residency for students applying for the
17 scholarship. Except as provided in §18C-1-4 of this code, a student shall have met the following
18 requirements to be eligible:

19 (A) Completed at least one half of the credits required for high school graduation in a
20 public or private high school in this state; or

21 (B) Received instruction in the home or other approved place pursuant to §18-8-1(c) of
22 this code for the two years immediately preceding application;

23 (C) Except as it relates to eligibility for this scholarship program, this subsection does not
24 establish residency requirements for matriculation or fee payment purposes at state institutions
25 of higher education;

26 (5) To contract for necessary goods and services, to employ necessary personnel and to

27 engage the services of private persons for administrative and technical assistance in carrying out
28 the responsibilities of the scholarship program. Any services provided or secured to implement or
29 administer the provisions of this section remain under the direction and authority of the Vice
30 Chancellor for Administration;

31 (6) To solicit and accept gifts, including bequests or other testamentary gifts made by will,
32 trust or other disposition, grants, loans and other aid from any source and to participate in any
33 federal, state or local governmental programs in carrying out the purposes of this article;

34 (7) To define the terms and conditions under which scholarships are awarded with the
35 minimum requirements set forth in §18C-7A-5 of this code; and

36 (8) To establish other policies, procedures and criteria necessary to implement and
37 administer the provisions of this article.

38 (b) Duties of commission. — In addition to any duty required by any other provision of this
39 code, the commission has the following responsibilities:

40 (1) To operate the program in a fiscally responsible manner and within the limits of
41 available funds. A maximum amount for awards, applicable to any or all institutions, may be
42 imposed, as is found to be appropriate to operate the funds in a fiscally responsible manner and
43 to prevent unnecessary tuition or fee increases on account of the scholarship program.

44 (2) To operate the program as a merit-based program;

45 (3) To adjust academic eligibility requirements or scholarship amounts should projections
46 indicate that available funds will not be sufficient to cover future costs;

47 (4) To maintain contact with school counselors from schools with students who have
48 received scholarships under this article within the past five years and to provide a written
49 statement estimating the number and percentage of those recipients who shall continue to live in
50 West Virginia after graduation and a statement estimating the number and percentage of those
51 recipients who shall either obtain employment in West Virginia after graduation or enroll in post-
52 graduate education programs;

53 (5) For a scholarship recipient who later enrolls in a four-year degree granting program,
54 collect, if available, the name of the institution or program in which the scholar enrolls; and

55 (6) Maintain other available information the commission considers important to implement
56 the provisions of this subdivision and evaluate the scholarship program's success.

§18C-7A-7. Additional requirements for a Katherine Johnson Hope Scholarship.

1 (a) A scholarship annual award pursuant to this article shall meet the following conditions:

2 (1) The annual award shall not exceed the actual cost of tuition and fees of the West
3 Virginia State Community and Technical College or state public career and technical education
4 center in which the scholar is or is to be enrolled, with the award to be paid to that institution;

5 (2) The annual award shall be used by an eligible institution to supplement, but may not
6 supplant, a tuition and fee waiver for which the individual is eligible pursuant to §18B-10-7 or
7 §18B-10-7b of this code, or any other financial aid available.

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

10 (c) To be eligible to receive an award of a Katherine Johnson Hope Scholarship, an
11 individual shall:

12 (1) Submit a scholarship award application to the Vice Chancellor for Administration and
13 shall meet the eligibility requirements set forth in §18C-7A-3 of this code;

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

15 (3) Maintain appropriate institutional academic progress toward the completion of a degree
16 or certificate;

17 (4) Be a United States citizen or legal resident of the United States; and

18 (5) Meet additional objective standards the commission considers necessary to promote
19 academic excellence and to maintain the financial stability of the fund.

20 (d) Any student enrolled in an eligible program who receives a scholarship award pursuant
21 to this article may retain and renew the scholarship to complete his or her education at that

22 institution or any other eligible institution if the student meets all other renewal requirements of
23 this code and legislative rules.

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

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

30 (2) Meeting the needs of community residents;

31 (3) Fostering civic responsibility; or

32 (4) Encouraging entrepreneurship and responsible financial management skills.

33 (f) The commission shall propose rules for legislative approval in accordance with the
34 provisions of §29A-3A-1 et seq. of this code and may promulgate emergency rules pursuant to
35 the provisions of §29A-3A-16 of this code.

36 (1) The rules shall include at least the following provisions:

37 (A) The amount of a scholarship award in combination with aid from all other sources may
38 not exceed the cost of attendance at the institution the recipient is attending.

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

40 (i) To promote academic excellence;

41 (ii) To encourage students in middle schools and junior high schools to understand the
42 pathway which the Katherine Johnson Hope Scholarship provides for them to enter community
43 and technical college education programs;

44 (iii) To maintain the financial stability of the fund; and

45 (iv) To operate the program within the limits of available funds.

46 (C) Provisions for making the highest and best use of the scholarship program in
47 conjunction with other scholarships and acts including the West Virginia College Prepaid Tuition

48 and Savings Program Act set forth in §18-30-1 et seq. of this code;

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

51 (i) Methods to maximize student eligibility for federal and any other available student
52 financial aid;

53 (ii) A requirement that scholarship awards pursuant to this article do not supplant tuition
54 and fee waivers except as provided in §18C-7A-7(a) of this code; and

55 (iii) Clarification of the relationship between the scholarship program, tuition savings plans
56 and other state-funded student financial aid programs;

57 (E) A method for awarding scholarships within the limits of available appropriations,
58 including circumstances when program funds are not sufficient to provide awards to all eligible
59 applicants. The commission may not eliminate any current recipient from eligibility; and

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

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

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

66 (B) Targeting a portion of the scholarship funds to be used for applicants enrolled in an
67 engineering, science, technology, teaching or other designated program, and those first-
68 generation college students whose parents have not completed college.

69 (C) Determining the amount of scholarship award needed after applying other sources of
70 funding available to the applicant; and

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

§18C-7A-8. West Virginia Community and Technical College Katherine Johnson Hope
Scholarship Fund established.

1 There is hereby established in the State Treasury a nonexpiring special revenue fund
2 designated the Katherine Johnson Hope Scholarship Fund to be administered by the Vice
3 Chancellor for Administration of the Higher Education Policy Commission, solely for the purposes
4 provided in this article. All earnings shall accrue to and be retained by the fund unless otherwise
5 provided in this article. The fund may receive contributions from public or private sources. No
6 payments of awards from the Katherine Johnson Hope Scholarship Fund may be made until funds
7 are available.

NOTE: The purpose of this bill is to establish a merit-based Katherine Johnson Hope Scholarship program to provide tuition and fee payments for certain qualified students to participate in community and technical college education programs at state community and technical colleges or state public career and technical education centers. High school students and adults can qualify with a 2.5 grade point average or a work plan or a recommendation letter from a principal or guidance counselor with any special remedial services specified in the letter. No scholarship awards may be made until the program is funded.

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