

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 335

FISCAL
NOTE

BY SENATORS NELSON, GRADY, UNGER, AND ROMANO

[Introduced February 18, 2021; referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating
 2 to making PROMISE scholarships available for students pursuing certificates or degrees
 3 through an accredited community and technical college education program.

Be it enacted by the Legislature of West Virginia:

**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;

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 a grade point average of at least 3.0 on a 4.0 grading scale in the required
29 core and elective course work necessary to prepare students for success in post-secondary
30 education at the associate and baccalaureate degree levels as determined by the commission, if
31 the individual has completed not more than one semester or term at an institution of higher
32 education, excluding credits earned in advanced placement, international baccalaureate, dual
33 credit, and comparable courses while the student is enrolled in high school: Provided, That a
34 student desiring to pursue a certificate or degree in a West Virginia accredited community and
35 technical college education program, as defined in §18B-1-2 of this code, may be awarded a
36 Promise scholarship for as many as four semesters in such a program if the student has a
37 composite ACT score of at least 18 and a high school grade point average of 2.5, and maintains
38 a 2.2 grade point average in the chosen program.

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

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

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

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

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

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

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

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

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

63 (3) Fostering civic responsibility.

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

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

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

71 technology scholarship;

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

73 (i) To promote academic excellence;

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

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

76 (C) Provisions for making the highest and best use of the PROMISE Scholarship Program

77 in conjunction with the West Virginia College Prepaid Tuition and Savings Program Act set forth

78 in §18-30-1 *et seq.* of this code;

79 (D) A provision defining the relationship of PROMISE scholarship awards to all other

80 sources of student financial aid to ensure maximum coordination. The provision shall include the

81 following:

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

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

84 and

85 (iii) Clarification of the relationship between the PROMISE Scholarship Program, tuition

86 savings plans and other state-funded student financial aid programs;

87 (E) A method for awarding scholarships within the limits of available appropriations,

88 including circumstances when program funds are not sufficient to provide awards to all eligible

89 applicants. The commission may not use any of the following methods:

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

91 provided for in this section; or

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

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

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

95 (A) Requiring repayment of the amount of the scholarship, in whole or in part, if a

96 scholarship recipient chooses to work outside the state after graduation. The rule may not require

97 a recipient to repay a scholarship, in whole or in part, unless the prospective recipient has been
98 informed of this requirement in writing before initial acceptance of the PROMISE scholarship
99 award;

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

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

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

105 (3) The Legislature finds that an emergency exists and, therefore, the commission shall
106 file a rule to implement the provisions of this section as an emergency rule pursuant to the
107 provisions of §29A-3A-1 *et seq.* of this code. The rule is subject to the prior approval of the
108 Legislative Oversight Commission on Education Accountability.

109 (4) Any rule promulgated by the commission pursuant to previous enactments of this
110 article in effect on the effective date of the amendment and reenactment of this article in the year
111 2009 remains in effect until amended, modified, repealed, or replaced by the commission.

NOTE: The purpose of this bill is to make Promise scholarships available to students who wish to pursue a vocational certificate or degree in a community and technical college education program.

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