

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Engrossed**

**Committee Substitute**

**for**

**Committee Substitute**

**for**

**Senate Bill 335**

BY SENATORS NELSON, GRADY, UNGER, HAMILTON,

MARTIN, STOLLINGS, AND BALDWIN

[Originating in the Committee on Finance; reported on

March 29, 2021]



1 A BILL to amend and reenact §18C-9-4 of the Code of West Virginia, 1931, as amended, relating  
2 to the West Virginia Invests Grant Program; modifying the eligible costs for which the  
3 grants may be used; providing that program fees must be approved by Council for  
4 Community and Technical College Education; and providing that mandatory drug tests  
5 may be given at the beginning of the academic year or initial academic period.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 9. WEST VIRGINIA INVESTS GRANT PROGRAM.**

**§18C-9-3. Definitions.**

1 As used in this article:

2 “Academic fees” means fees charged to students for specific courses or programs to  
3 support such expenses such as lab or equipment costs.

4 “Council” means the West Virginia Council for Community and Technical College  
5 Education.

6 “Commission” means the West Virginia Higher Education Policy Commission.

7 “Eligible institution” means a public community and technical college under the authority  
8 of the West Virginia Council for Community and Technical College Education or a public  
9 baccalaureate institution that grants associate degrees satisfying the requirements of participating  
10 in Advanced Career Education (ACE) program partnerships in accordance with §18-2E-11 of this  
11 code.

12 “Eligible post-secondary program” means a curriculum of courses leading to a certificate  
13 or associate degree at an eligible institution which satisfies a course of study that has been  
14 deemed by the Department of Commerce to satisfy a workforce need as determined by the  
15 department in accordance with §18-2E-11(d) of this code.

16 “Tuition” means the semester or term charges imposed by an eligible institution and,  
17 additionally, all mandatory fees required as a condition of enrollment by all students.

**§18C-9-4. WV Invests Grant Program.**

1 (a) There is hereby created a grant program known as the WV Invests Grant Program,  
2 which shall be administered by the vice chancellor for administration in accordance with this  
3 article.

4 (b) The council shall award WV Invests Grants pursuant to the following terms and  
5 conditions:

6 (1) A WV Invests Grant may only be awarded to applicants satisfying the requirements  
7 provided in §18C-9-5 of this code;

8 (2) The maximum amount of a WV Invests Grant shall be the cost of tuition ~~charged to all~~  
9 ~~students~~ mandatory fees, and academic program fees for coursework leading to completion of  
10 the chosen associate degree or certificate, less all other state and federal scholarships and grants  
11 for which the student is eligible: Provided, That all academic program fees charged in addition to  
12 base tuition must be approved by the Council for Community and Technical College Education to  
13 be eligible for the West Virginia Invests Grant as set forth in this article. All other state and federal  
14 scholarships and grants for which the grant recipient is eligible shall be deducted from the amount  
15 of the WV Invests Grant for each individual student. The amount of a WV Invests Grant at an  
16 eligible public baccalaureate institution shall not exceed the average cost of tuition and mandatory  
17 fees of the community and technical colleges;

18 (3) Grant payments shall be made directly to the eligible institutions;

19 (4) If a grant recipient transfers from one eligible institution to another, the grant is  
20 transferable only with approval of the vice chancellor for administration;

21 (5) A WV Invests Grant may be used at any eligible institution to seek an associate degree  
22 or certificate in an eligible post-secondary program. An institution is not required to accept a grant  
23 recipient for enrollment and may enforce its own admission requirements, standards, and policies;  
24 and

25 (6) If a WV Invests Grant recipient terminates enrollment for any reason during the  
26 academic year, the unused portion of the grant shall be returned by the institution to the council  
27 in accordance with the council's policy for issuing refunds. The council shall transfer such funds  
28 to the WV Invests Fund for allocation and expenditure.

29 (c) On or before January 1 annually, the council shall provide to the Legislature and the  
30 Governor a report on the WV Invests Grant Program, which shall include, but not be limited to,  
31 research and data concerning student success and grant retention.

32 (d) The council shall propose legislative rules for legislative approval pursuant to §29A-  
33 3A-1 *et seq.* of this code to implement the provisions of this article, which shall provide for:

- 34 (1) Application requirements and deadlines fully implementing requirements of this article;
- 35 (2) Appeal procedures for the denial or revocation of the grant; and
- 36 (3) Any other provisions necessary to effectuate the purposes of this article.

37 (e) The Legislature hereby declares that an emergency situation exists and, therefore, the  
38 council may establish, by emergency rule, under the procedures of §29A-3A-1 *et seq.* of this code,  
39 a rule to implement the provisions of this article.

40 (f) Beginning with the 2021 fiscal year, and for every fiscal year thereafter, any  
41 appropriation by the Legislature to support and or alleviate the cost to citizens in this state to  
42 obtain advanced certifications and associate degrees shall only be distributed to those community  
43 and technical colleges or public baccalaureate institutions that form one or more partnerships to  
44 establish ACE programs and pathways. Once distributed, such funds may be used to support any  
45 eligible post-secondary program or pathway provided by an eligible institution leading to the award  
46 of such degree or certification.

**§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           (3) Have not been previously awarded a post-secondary degree;
- 7           (4) Be at least 18 years of age: *Provided*, That individuals younger than 18 years of age  
8 may qualify for the grant upon completion of a secondary education program in a public, private,  
9 or home school;
- 10          (5) Meet the admission requirements of, and be admitted into, an eligible institution;
- 11          (6) Satisfactorily meet any additional qualifications of enrollment, academic promise, or  
12 achievement as established by the council through rule;
- 13          (7) Have filed a completed free application for federal student aid for the academic year in  
14 which the grant award is sought;
- 15          (8) Be enrolled in an eligible post-secondary program;
- 16          (9) Be enrolled in at least six credit hours per semester;
- 17          (10) Have completed a WV Invests Grant application as provided by the council in  
18 accordance with a schedule established by the council; and
- 19          (11) Have, prior to the start of each academic year or prior to the initial academic period  
20 for which the student is enrolled if that period for which the student is enrolled is not the beginning  
21 of the academic year, taken a drug test administered by the eligible institution. If the individual  
22 tests positive, he or she shall take another drug test prior to the beginning of the next academic  
23 period. If the results of the second test are positive, the individual shall complete a drug  
24 rehabilitation program as prescribed by the Vice Chancellor for Administration as a condition of  
25 continued eligibility for a WV Invests Grant. The applicant shall be responsible for the actual cost  
26 of any drug tests required by this subdivision.

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

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

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

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

34 The council shall include in the legislative rules, required by §18C-9-4 of this code, provisions for  
35 the administration of community service requirements, including, but not limited to, requiring  
36 completion of at least eight hours of unpaid community service during the time of study, which  
37 may include, but is not limited to, participating with nonprofit, governmental, institutional, or  
38 community-based organizations designed to improve the quality of life for community residents,  
39 meet the needs of community residents, or foster civic responsibility;

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

41 and

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

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

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

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

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

60 (e) A recipient is not in violation of an agreement entered into pursuant to §18C-9-5(c) of  
61 this code during any period in which the recipient is meeting any of the following conditions:

62 (1) Pursuing a half-time course of study at an accredited institution of higher education;

63 (2) Serving as a member of the armed services of the United States;

64 (3) Failing to comply with the terms of the agreement due to death or permanent or  
65 temporary disability as established by sworn affidavit of a qualified physician; or

66 (4) Satisfying the provisions of any additional repayment exemptions prescribed by the  
67 council through rule.