

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Enrolled

Committee Substitute

for

Committee Substitute

for

Senate Bill 335

BY SENATORS NELSON, GRADY, UNGER, ROMANO,

HAMILTON, MARTIN, STOLLINGS, AND BALDWIN

[Passed April 8, 2021; to take effect July 1, 2021]

1 AN ACT to amend and reenact §18C-9-3, §18C-9-4, and §18C-9-5 of the Code of West Virginia,
2 1931, as amended, all relating to the West Virginia Invests Grant Program; defining terms;
3 modifying the eligible costs for which the grants may be used; providing program fees
4 must be approved by Council for Community and Technical College Education; and
5 revising requirement for drug testing as a condition of West Virginia Invests Grant
6 eligibility.

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

To take effect July 1, 2021.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the.....
Day of, 2021.

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Governor