

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Introduced**

## **Senate Bill 654**

BY SENATOR ROBERTS

[Introduced February 16, 2022; referred  
to the Committee on Education]

1 A BILL to amend and reenact §18C-9-5 of the Code of West Virginia, 1931, as amended, relating  
 2 to creating exceptions to the West Virginia Invests Grant eligibility requirement; and  
 3 providing that the applicant has not been previously awarded a post-secondary degree.

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

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

**§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, subject to the following:

7 (A) If the individual became unemployed due to his or her employer closing or leaving the  
 8 state within the last year, the eligibility requirement set forth in this subdivision does not apply to  
 9 that individual; and

10 (B) A post-secondary degree from a post-secondary institution that has closed shall not  
 11 be considered a post-secondary degree for the purposes of this subdivision;

12 (4) Be at least 18 years of age: *Provided*, That individuals younger than 18 years of age  
 13 may qualify for the grant upon completion of a secondary education program in a public, private,  
 14 or home school;

15 (5) Meet the admission requirements of, and be admitted into, an eligible institution;

16 (6) Satisfactorily meet any additional qualifications of enrollment, academic promise, or  
 17 achievement as established by the council through rule;

18 (7) Have filed a completed free application for federal student aid for the academic year in  
 19 which the grant award is sought;

20 (8) Be enrolled in an eligible post-secondary program;

21 (9) Be enrolled in at least six credit hours per semester;

22 (10) Have completed a WV Invests Grant application as provided by the council in  
23 accordance with a schedule established by the council; and

24 (11) Have, prior to the start of each academic year or prior to the initial academic period  
25 for which the student is enrolled if that period for which the student is enrolled is not the beginning  
26 of the academic year, taken a drug test administered by the eligible institution. If the individual  
27 tests positive, he or she shall take another drug test prior to the beginning of the next academic  
28 period. If the results of the second test are positive, the individual shall complete a drug  
29 rehabilitation program as prescribed by the Vice Chancellor for Administration as a condition of  
30 continued eligibility for a WV Invests Grant. The applicant shall be responsible for the actual cost  
31 of any drug tests required by this subdivision.

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

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

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

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

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

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

46 and

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

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

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

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to create exceptions to the West Virginia Invests Grant eligibility requirement requiring that the applicant has not been previously awarded a post-secondary degree, one for an individual that becomes unemployed due to his or her employer closing or leaving the state and the other for an individual whose post-secondary degree is from an institution that has closed.

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