

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 654

BY SENATOR ROBERTS

[Originating in the Committee on Education; reported
on February 23, 2022]

1 A BILL to amend and reenact §18C-9-5 of the Code of West Virginia, 1931, as amended, relating
2 to the West Virginia Invests Grant; creating exceptions to the West Virginia Invests Grant
3 eligibility requirement that the individual has not been previously awarded a post-
4 secondary degree; requiring that the community service requirement for renewal be
5 waived for recipients who are members of the armed forces of the United States or the
6 West Virginia National Guard during the enrollment period; and providing for
7 reimbursement to certain grant recipients that have repaid a grant and related expenses
8 charged for failure to meet the community service requirement.

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 West Virginia 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 within one year of the individual becoming unemployed due to his or her employer
8 closing or leaving the state, the eligibility requirement set forth in this subdivision does not apply
9 to that individual. Workforce West Virginia shall provide information and documentation necessary
10 to verify job loss as requested by the vice chancellor for administration; and

11 (B) A post-secondary degree from an in-state post-secondary institution that had closed
12 shall not be considered a post-secondary degree for the purposes of this subdivision;

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

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

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

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

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

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

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

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

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

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

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

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

40 The council shall include in the legislative rules, required by §18C-9-4 of this code, provisions for
41 the administration of community service requirements, including, but not limited to, requiring

42 completion of at least eight hours of unpaid community service during the time of study, which
43 may include, but is not limited to, participating with nonprofit, governmental, institutional, or
44 community-based organizations designed to improve the quality of life for community residents,
45 meet the needs of community residents, or foster civic responsibility: Provided, That this
46 requirement shall be waived for recipients who are members of the armed forces of the United
47 States or the West Virginia National Guard during any such enrollment period;

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

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

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

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

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

62 (d) (1) West Virginia Invests Grant recipients found to be in noncompliance with the
63 agreement entered into under §18C-9-5(c) of this code shall be required to repay the amount of
64 the grant awards received, plus interest, and, where applicable, reasonable collection fees, on a
65 schedule and at a rate of interest prescribed in rules promulgated by the council. The council shall
66 also provide for proration of the amount to be repaid by a recipient who maintains employment in
67 the state for a period of time within the time period required under §18C-9-5(c) of this code.

68 (2) Notwithstanding the provisions of subdivision (1) of this subsection, if a recipient that
69 was required to repay any of the amount of a grant award received for failure to meet the
70 requirements of community service required in subdivision (3), subsection (b) of this section prior
71 to the reenactment of this section in the 2022, regular session of the Legislature, and the recipient
72 was a member of the armed forces of the United States or the West Virginia National Guard during
73 the time of study, the council shall ensure the institution that required repayment refunds to the
74 recipient the amount of the repayment, together with interest, and any collection fees paid by the
75 recipient.

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

- 78 (1) Pursuing a half-time course of study at an accredited institution of higher education;
- 79 (2) Serving as a member of the armed services of the United States;
- 80 (3) Failing to comply with the terms of the agreement due to death or permanent or
81 temporary disability as established by sworn affidavit of a qualified physician; or
- 82 (4) Satisfying the provisions of any additional repayment exemptions prescribed by the
83 council through rule.