

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 546

By Senator Grady

[Introduced January 25, 2024; referred
to the Committee on Education]

1 A BILL to amend and reenact §18C-6-1, §18C-6-2, §18C-6-3, §18C-6-4, §18C-6-5, and §18C-6-6
2 of the Code of West Virginia, 1931, as amended, all relating to the engineering, science,
3 and technology scholarship; expanding scholarship to include science, technology,
4 engineering, and mathematics; removing obsolete language; updating obsolete
5 references to senior administrator; removing authorization for rule to provide for
6 satisfaction of the work requirement through certain community service; updating name of
7 the scholarship fund; removing limits on new scholarships and outstanding scholarships;
8 removing and revising definitions; updating obsolete references to governing boards;
9 requiring Vice Chancellor for Administration to select the scholarship recipients rather than
10 an agency or panel; replacing term "resident alien"; reducing requirements for the program
11 an applicant must be enrolled in or accepted for enrollment in; removing language
12 pertaining to collection and gathering of information on the views of interested parties;
13 expanding to whom educational programs application forms are to be made available;
14 removing requirement that not less than 20 percent of appropriated funds be awarded to
15 students enrolled in certificate and associate degree programs; revising conditions for
16 members of the United States armed forces to be considered as meeting employment
17 requirement; revising exception for recipient being in violation of agreement pertaining to
18 pursuing full-time course of study; and allowing submission of death certificate for
19 purposes of forgiving repayment.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 6. WEST VIRGINIA ~~ENGINEERING, SCIENCE, AND TECHNOLOGY,~~
ENGINEERING, AND MATHEMATICS SCHOLARSHIP PROGRAM.**

**§18C-6-1. Scholarship fund created; purposes; funding; limit on number of new
scholarships per year.**

1 (a) The purpose of this article is to attract talented students to West Virginia colleges and
2 universities to major in ~~engineering, science, and technology,~~ engineering, and mathematics
3 (STEM). The Legislature recognizes that a larger pool of ~~engineering, science and technology~~
4 STEM talent in West Virginia will build the state's economy and businesses. In addition, long-term
5 population increases for West Virginia will develop a strong economic base. The new economy
6 requires that West Virginia retain its education infrastructure in order to maintain economic growth.

7 (b) The Higher Education ~~governing boards~~ Policy Commission shall propose a joint
8 legislative rule in accordance with the provisions of ~~article three-a, chapter twenty-nine-a~~ §29A-
9 3A-1, et seq. of this code, to implement the provisions of this article ~~and shall file the rule with the~~
10 ~~Legislative Oversight commission on education accountability no later than December 1, 1999.~~
11 The rule shall provide for the administration of the West Virginia ~~engineering, science and~~
12 ~~technology~~ STEM scholarship program by the ~~senior administrator~~ vice chancellor for
13 administration in furtherance of the purposes of this article, including, but not limited to, an
14 expression of legislative intent that academic ability be the primary criteria for selecting
15 scholarship recipients, scholarship selection criteria and procedures, renewal, compliance,
16 noncompliance, ~~and~~ repayment, deferral, ~~and~~ excusal. The rules also shall provide for appeal
17 procedures under which a recipient may appeal any determination of noncompliance. ~~The rules~~
18 ~~may provide for satisfaction of the work requirement provided in paragraph (A), subdivision (2),~~
19 ~~subsection (a), section four of this article through community service relating to engineering,~~
20 ~~science or technology. In accordance with the~~ The rules, ~~the senior administrator~~ shall establish
21 appropriate guidelines for program operation.

22 (c) There is hereby created in the State Treasury a special revolving fund known as the
23 "West Virginia ~~Engineering, Science, and Technology,~~ Engineering, and Mathematics (STEM)
24 Scholarship Fund" to be administered by the ~~senior administrator~~ commission solely for granting
25 scholarships to prospective ~~engineers, scientists, and technologists,~~ engineers, and
26 mathematicians in accordance with this article. Any moneys which may be appropriated by the

27 Legislature, or received by the ~~senior administrator~~ commission from other sources, for the
 28 purposes of this article shall be deposited in the fund. Any moneys remaining in the fund at the
 29 close of the fiscal year shall be carried forward for use in the next fiscal year. Any moneys repaid to
 30 the ~~senior administrator~~ commission by reason of default of a scholarship agreement under this
 31 article also shall be deposited in the fund. Fund balances shall be invested with the state's
 32 consolidated investment fund, and any and all interest earnings on these investments shall be
 33 used solely for the purposes for which moneys invested were appropriated or otherwise received.

34 (d) The ~~senior administrator~~ commission may accept and expend any gift, grant,
 35 contribution, bequest, endowment, or other money for the purposes of this article and shall make a
 36 reasonable effort to encourage external support for the scholarship program.

37 (e) For the purpose of encouraging support for the scholarship program from private
 38 sources, the ~~senior administrator~~ commission may set aside no more than half of the funds
 39 appropriated by the Legislature for West Virginia engineering, science and technology STEM
 40 scholarships to be used to match two state dollars to each private dollar from a nonstate source
 41 contributed on behalf of a specific institution of higher education in this state.

42 (f) ~~West Virginia engineering, science and technology scholarships are limited to three~~
 43 ~~hundred new scholarships per year and a maximum of one thousand outstanding scholarships~~
 44 ~~during any year.~~

45 (g) Nothing in this article requires any specific level of funding by the Legislature.

§18C-6-2. Definitions.

1 When used in this article the following terms have the following meanings, unless the
 2 context clearly indicates a different meaning:

3 (a) ~~"ABET" means the accrediting board for engineering and technology.~~

4 (b) ~~"ABET approved engineering major" means a major approved by ABET's engineering~~
 5 ~~accreditation commission.~~

6 ~~(c) "ABET approved technology major" means a major approved by ABET's technology~~
7 ~~accreditation commission.~~

8 (d) "Eligible institution of higher education" means:

9 (1) A state institution of higher education as defined in ~~section two, article one, chapter~~
10 ~~eighteen-b §18B-1-2~~ of this code; and ~~(2) Alderson-Broaddus College, Appalachian Bible College,~~
11 ~~Bethany College, the College of West Virginia, Davis and Elkins College, Ohio Valley College,~~
12 ~~Salem-Teikyo College, the University of Charleston, West Virginia Wesleyan College, and~~
13 ~~Wheeling Jesuit College University, all in West Virginia, and any other institution of higher~~
14 ~~education in this state, public or private, approved by the senior administrator~~ commission:
15 *Provided*, That if any institution listed in this paragraph is not ~~regionally accredited,~~ by an
16 accreditor approved by the United States Department of Education, it shall not be included as an
17 eligible institution;

18 (e) ~~"Engineering, science and technology-related field" means any position for which the~~
19 ~~employer provides a written statement that engineering, science, or technology skill, knowledge~~
20 ~~and ability, as evidenced by the attainment of a certificate, associate or baccalaureate degree in~~
21 ~~engineering, science or technology are preferred or required or where an industry-based~~
22 ~~certification requirement exists.~~

23 (f) "Industry-based certification" means any special certification required, necessary or
24 deemed preferred for employment in the field.

25 (g) "Science "STEM" or "STEM-related field" means a major in ~~biology~~ biological sciences,
26 chemistry, computer science, physics, engineering, physical sciences, or mathematics at an
27 eligible institution of higher education or any other major ~~as approved by the higher education~~
28 ~~governing boards by rule~~ academic program identified as a "STEM field" by the federal
29 Department of Homeland Security or other appropriate federal agency.

§18C-6-3. Selection criteria and procedures.

1 (a) ~~The higher education governing boards~~ vice chancellor for administration shall
2 ~~designate an existing scholarship selection agency or panel to~~ select the recipients of West
3 Virginia ~~engineering, science and technology~~ STEM scholarships from among those applicants
4 who meet eligibility criteria set forth in subsection (b) of this section. ~~If no such agency or panel~~
5 ~~exists, the higher education governing boards shall appoint a scholarship selection panel for this~~
6 ~~purpose which shall consist of seven persons representative of West Virginia engineering, science~~
7 ~~and technology higher education administrators and educators, with a minimum of one voting~~
8 ~~member representing community colleges, and one member representing West Virginia~~
9 ~~engineering, science and technology professionals.~~

10 (b) To be eligible to receive a scholarship under the provisions of this article, applicants
11 must meet the following conditions:

12 (1) Be a United States citizen or ~~resident-alien~~ person who meets the definition of an
13 "eligible noncitizen" under federal Title IV requirements;

14 (2) Have a cumulative grade point average of 3.0 on a 4.0 grading scale upon graduation
15 from high school or the equivalent or have a cumulative grade point average of at least 3.0 on a 4.0
16 grading scale after completing ~~two~~ one semesters of course work at an eligible institution of higher
17 education; and

18 (3) Be enrolled or accepted for enrollment in an ~~engineering, science or technology~~
19 accredited STEM or STEM-related program leading to a certificate, associate or baccalaureate
20 degree at an eligible institution of higher education. ~~The program must be:~~

21 (A) ~~An ABET approved technology major;~~

22 (B) ~~An ABET approved engineering major;~~

23 (C) ~~A science major;~~

24 (D) ~~An engineering or technology program or major that has been approved by the senior~~
25 ~~administrator; or~~

26 ~~(E) A program leading directly to specialized certification as established by appropriate~~
27 ~~industry standards.~~

28 (c) In accordance with the rules of the governing boards, and the intent of this article, in the
29 rule authorized by §18C-6-1 of this code, the senior administrator Vice Chancellor for
30 Administration shall develop criteria and procedures for the selection of scholarship recipients that
31 reflect the purposes of this article and the areas in which the Vice Chancellor for Administration
32 shall make particular efforts ~~will be made~~ in the selection of recipients as set forth in section one of
33 this article and which may include, but not be limited to:

34 (1) The grade point average of the applicant;

35 (2) Involvement in extracurricular activities;

36 (3) Financial need;

37 (4) Current academic standing; and

38 (5) An expression of interest in a career in ~~engineering, science or technology~~ a STEM or
39 STEM-related field as demonstrated in an essay written by the applicant.

40 The criteria and procedures further may require the applicant to furnish letters of
41 recommendation from teachers and others.

42 (d) In developing the rule regarding selection criteria and procedures ~~to be used by the~~
43 ~~panel for the West Virginia STEM scholarship~~, the senior administrator commission shall solicit the
44 views of public and private ~~engineering, science, and technology~~, engineering, and mathematics
45 agencies and institutions and other interested parties. ~~The senior administrator shall collect this~~
46 ~~information by means of written and published selection criteria and procedures in final form for~~
47 ~~implementation. The senior administrator may call public hearings on the present and projected~~
48 ~~engineering, science and technology needs of the state or may use other appropriate methods to~~
49 ~~gather such information.~~

50 (e) The senior administrator commission shall make application forms for West Virginia
51 ~~engineering, science and technology~~ STEM scholarships available to public and private high

52 schools, charter schools, home schools, learning pods, microschools, and other educational
 53 programs authorized by the Legislature that encompass education commonly received in grades 9
 54 through 12, in the state and other locations convenient to applicants, parents, and others and shall
 55 make an effort to attract students from low-income backgrounds, ethnic or racial minority students,
 56 students with disabilities, and women or minority students who show interest in pursuing careers in
 57 ~~engineering, science and technology~~ STEM or STEM-related fields and who are under-
 58 represented in those fields.

59 (f) In awarding the scholarships, the ~~panel~~ Vice Chancellor for Administration shall give
 60 preference to applicants who are West Virginia residents.

61 ~~(g) In awarding scholarships, not less than twenty percent of appropriated funds may be~~
 62 ~~awarded to students enrolled in certificate and associate degree programs. Further~~ The
 63 commission shall awards will be determined scholarships based on established statewide need.

§18C-6-4. Scholarship agreement.

1 (a) Each recipient of a West Virginia ~~engineering, science and technology~~ STEM
 2 scholarship shall enter into an agreement with the ~~senior administrator~~ commission under which
 3 the recipient shall:

4 (1) Provide the ~~governing boards~~ commission with evidence of compliance with ~~subsection~~
 5 ~~(a)~~, section five §18C-6-5(a) of this article code;

6 (2) Agree that within one year following the date the recipient ceases to be a full-time
 7 student at an eligible institution in a STEM program ~~of engineering, science or technology~~
 8 ~~education~~ for which the scholarship was awarded he or she will:

9 (A) Begin working full-time in ~~an engineering, science or technology~~ STEM-related field in
 10 this state for a duration of not less than one year for each year the scholarship was received;
 11 Provided, That recipients who are serving as members of the United States armed forces in a
 12 STEM-related field and maintaining legal residency in West Virginia while posted to a different
 13 location shall be considered as meeting this employment requirement; or

14 (B) Begin repayment of all or part of the West Virginia ~~engineering, science and technology~~
15 STEM scholarship received under this article plus interest and, if applicable, reasonable collection
16 fees, in accordance with ~~subsection (b), section five-b of this article §18C-6-5(b) of this code,~~
17 except as provided in subsections ~~(c) and (d), section five of this article §18C-6-5(c) and (d) of this~~
18 code.

19 (b) A scholarship agreement shall disclose fully the terms and conditions of this article
20 under which the scholarship is provided and under which repayment of the scholarship may be
21 required.

§18C-6-5. Renewal conditions; noncompliance; deferral; excusal.

1 (a) The recipient of a West Virginia ~~engineering, science and technology~~ STEM
2 scholarship is eligible for scholarship renewal if the recipient is:

3 (1) Enrolled as a full-time student in an eligible institution of higher education;

4 (2) Pursuing a course of study leading to a certificate, associate or baccalaureate degree in
5 ~~engineering, science or technology or leading to specialized certification as established by~~
6 ~~industry-based standards~~ a STEM-related field;

7 (3) Maintaining satisfactory progress as determined by the eligible institution of higher
8 education the recipient is attending; and

9 (4) Complying with any other standards established by the ~~governing boards~~ by rule
10 authorized by §18C-6-1 of this code.

11 (b) A recipient who violates a scholarship agreement ~~is required to~~ shall repay the amount
12 of any scholarship award received, plus interest, and, where applicable, reasonable collection
13 fees, on a schedule and at a rate of interest prescribed in the ~~guidelines of the senior administrator~~
14 rule authorized by §18C-6-1 of this code. The legislative rules ~~required in section one of this article~~
15 shall also provide for a method of prorating repayment amounts against any amount of the work
16 requirement that has been fulfilled by the recipient.

17 (c) A recipient is not in violation of the agreement entered into under ~~section three of this~~
 18 ~~article §18C-6-3 of this code~~ during any period in which the recipient is:

19 (1) Pursuing a full-time course of study in a STEM or STEM-related field at an accredited
 20 institution of higher education;

21 (2) ~~Serving as a member of the armed services of the United States for a period not in~~
 22 ~~excess of four years; or~~

23 (3) ~~Satisfying the provisions of additional repayment exemptions that may be prescribed~~
 24 ~~are established by the governing boards by commission's rule.~~

25 (d) ~~A recipient is excused from~~ The commission may forgive repayment of a West Virginia
 26 ~~engineering, science and technology STEM~~ scholarship received under this article if the recipient
 27 dies or becomes permanently and totally disabled as established by submission of a death
 28 certificate or sworn affidavit of a physician qualified to make such a determination as ~~determined~~
 29 by set out in the rules established by the governing boards authorized by §18C-6-1 of this code.

30 (e) The commission's ~~rules adopted by the governing boards~~ shall provide that the length
 31 of the repayment period may not exceed ~~ten~~ 10 years: *Provided*, That the rules may include
 32 provisions under which the ~~senior administrator~~ commission may, if extenuating circumstances
 33 exist, extend the period for fulfilling the obligation to ~~fifteen~~ 15 years.

§18C-6-6. Amount and duration of scholarship; relation to other assistance.

1 (a) Subject to subsection (b) of this section, each recipient of a West Virginia ~~engineering,~~
 2 ~~science and technology STEM~~ scholarship is eligible to receive an award of up to \$3,000 for each
 3 academic year of higher education. No individual may receive a scholarship award for more than
 4 four academic years for the completion of a baccalaureate degree.

5 (b) No individual may receive a scholarship award under this article which exceeds the cost
 6 of attendance at the institution the individual is attending. The cost of attendance shall be based
 7 upon the actual cost of tuition and fees. If the amount of the West Virginia ~~engineering, science~~
 8 ~~and technology STEM~~ scholarship award and the amount of financial assistance which the

9 recipient has received from all other sources exceed the cost of attendance, the institution's
10 financial aid officer, in consultation with the recipient, ~~will~~ shall determine which source of financial
11 aid ~~is to be reduced~~ and shall do so in a manner to the best advantage of the recipient.