WEST VIRGINIA CODE CHAPTER 18C ARTICLE 5

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§18C-5-1. Grant program established; legislative purpose and intent; rule required.

(a) The Higher Education Grant Program is continued.

(b) It is the policy of the Legislature and the purpose of this article to continue the Higher Education Grant Program within the limits of appropriations made therefor from time to time for such purpose by the Legislature.

(1) The Grant Program is designed to guarantee that the most able and needy students from all sectors of the state are given the opportunity to continue their program of self-improvement in an approved institution of higher education of their choice located in this state.

(2) The Grant Program is a vitally important source of financial assistance for needy residents of the state; and

(3) The Grant Program aids lower income students to realize their full academic potential;

(c) Therefore, in recent years the state has substantially increased appropriations to need-based student financial aid programs.

(d) The commission, in consultation with the council and the advisory board, shall propose a legislative rule in accordance with the provisions of article three-a, chapter twenty-nine-a of this code, to implement the provisions of this article. The commission shall file the rule with the Legislative Oversight Commission on Education Accountability no later than September 1, 2006. The rule shall address administration of the grant program, including, but not limited to, the following:

(1) Eligibility criteria for awards;

(2) Coordination with other student financial aid programs; and

(3) Appeal procedures.

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§18C-5-2. Definitions.

(a) "Approved institution of higher education" means:

(1) A state institution of higher education as defined in section two, article one, chapter eighteen-b of this code; Alderson-Broaddus College, Appalachian Bible College, Bethany College, Mountain State University, Davis and Elkins College, Ohio Valley University, Salem International University, the University of Charleston, West Virginia Wesleyan College and Wheeling Jesuit University, all in West Virginia; and

(2) Any other regionally or nationally accredited institution of higher education in this state, public or private, approved by the vice chancellor if the institution has been licensed for a minimum of fifteen years subject to the provisions of section nine, article two-b, chapter eighteen-b of this code and section six, article two-b of said chapter.

(b) "Grant" or "grant program" means a higher education grant or the higher education grant program authorized and established by the provisions of this article.

(c) "Senior administrator" and "vice chancellor" mean the Vice Chancellor for Administration, as provided in section two, article four, chapter eighteen-b of this code.

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§18C-5-3. Grant program administered by Vice Chancellor for Administration; Higher Education Grant Fund created.

(a) The grant program established in this article is administered by the Vice Chancellor for Administration.

(b) There is hereby created a special revenue fund in the state Treasury which is designated and known as the "Higher Education Grant Fund".

(1) The fund consists of:

(A) All appropriations by the Legislature for the higher education grant program;

(B) Any gifts, grants or contributions received for the higher education grant program; and

(C) All interest or other income earned from investment of the fund.

(2) The fund does not consist of federal funds received nor higher education resource assessment funds received pursuant to section two, article ten, chapter eighteen-b of this code.

(3) Any moneys remaining in the fund at the close of the fiscal year are carried forward for use in the next fiscal year.

(4) The allocations to the fund are subject to appropriation by the Legislature.

(5) Nothing in this article requires any specific level of funding by the Legislature nor guarantees nor entitles any individual to any benefit or grant of funds.

(c) For the fiscal year beginning July 1, 2006, it is the intent of the Legislature to appropriate $25,000,000 for the grant program. For each fiscal year thereafter until and including the fiscal year ending June 30, 2011, it is the intent of the Legislature to appropriate two percent more than each prior year's appropriation for the grant program. For the fiscal year beginning July 1, 2011, and in each fiscal year thereafter, it is the intent of the Legislature to appropriate an amount for the grant program equal to the amount appropriated for the fiscal year beginning July 1, 2011.

(d) The vice chancellor may expend the moneys in the fund to implement the provisions of this article.

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§18C-5-4. Powers and duties of Vice Chancellor for Administration.

Subject to the provisions of this article and within the limits of appropriations made by the Legislature, the vice chancellor may:

(1) Prepare and supervise the issuance of public information concerning the grant program;

(2) Prescribe the form and regulate the submission of applications for grants;

(3) Select qualified recipients of grants;

(4) Award grants;

(5) Accept grants, gifts, bequests and devises of real and personal property for the purposes of the grant program;

(6) Administer federal and state financial loan programs;

(7) Cooperate with approved institutions of higher education in the state and their governing boards in the administration of the grant program;

(8) Make the final decision pertaining to residency of an applicant for grant or renewal of grant;

(9) Employ, fix the duties of and compensate such employees as may be necessary to assist the vice chancellor in the performance of his or her duties; and

(10) Administer the higher education adult part-time student grant program established in section seven of this article.

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§18C-5-5. Eligibility for a grant.

A person is eligible for consideration for a grant if the person:

(1) Is a citizen of the United States;

(2) Has been a resident of the state for one year immediately preceding the date of application for a grant;

(3) Meets the admission requirements of, and is admitted into, the approved institution of higher education to which admission is sought; and

(4) Satisfactorily meets the qualifications of financial need, academic promise and academic achievement established by the vice chancellor.

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§18C-5-6. Recipients, awards and distribution of grant awards; authority of vice chancellor to enter into reciprocal agreements with other states concerning grants.

(a) A grant recipient may attend any approved institution of higher education. An institution is not required to accept a grant recipient for enrollment, but may exact compliance with its own admission requirements, standards and policies.

(b) Grants may only be awarded to undergraduate students that are enrolled full-time or part-time at an approved institution of higher education.

(c) Each grant may be awarded and renewed up to a lifetime total of eight full-time equivalent semesters, or until a recipient obtains a bachelor’s degree, whichever occurs first.

(d) Qualifications for renewal include the following, as determined by the vice chancellor:

(1) Maintaining satisfactory academic standing;

(2) Making normal progress toward completion of the course of study; and

(3) Continued eligibility.

(e) Grants are awarded:

(1) Without regard to the applicant's race, creed, color, sex, national origin or ancestry; and

(2) In accordance with the provisions of this article.

(f) The vice chancellor shall treat all approved institutions of higher education in a fair and equitable manner when awarding grants.

(g) The vice chancellor periodically shall identify areas of professional, vocational and technical expertise that are, or will become, of critical need in this state. To the extent feasible the vice chancellor may direct grants to students who are pursuing instruction in those areas.

(h) The vice chancellor may enter into reciprocal agreements with state grant and grant program agencies in other states which provide financial assistance to their residents attending institutions of higher education located in West Virginia. In connection therewith, the vice chancellor may authorize residents of West Virginia to use financial assistance under this article to attend institutions of higher education in such other states. Residents of West Virginia requesting financial assistance to attend institutions of higher education located in any such state must meet all of the eligibility standards set forth in section five of this article.

(i) Grant awards may not exceed the cost of the tuition and those related compulsory fees

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charged by an institution to all West Virginia undergraduate students.

(j) Grant payments are made directly to the institution.

(k) In the event that a grant recipient transfers from one approved institution of higher education to another, the grant is transferable only with the approval of the vice chancellor.

(l) If a recipient terminates enrollment for any reason during the academic year, the unused portion of the grant shall be returned by the institution to the commission in accordance with the commission's policy for issuing refunds. The commission shall transfer such funds to the appropriate account for allocation and expenditure pursuant to the provisions of this article.

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§18C-5-7. Higher education future workforce grant program.

(a) There is established the Higher Education Future Workforce Grant Program. The Future Workforce grant program established and authorized by this section is administered by the vice chancellor for administration. Moneys appropriated or otherwise available for the Future Workforce grant program shall be allocated by line item to an appropriate account. Any moneys remaining in the fund at the close of a fiscal year shall be carried forward for use in the next fiscal year.

(b) As used in this section, the following terms have the meanings ascribed to them:

(1) "Approved distance education" means a course of study offered via electronic access that has been approved for inclusion in the applicant's program of study by the eligible institution of higher education at which the applicant is enrolled or has been accepted for enrollment;

(2) "Satisfactory academic progress" means, in the case of postsecondary certificate, industry recognized credential and other skill development programs, continuous advancement toward completion of the program on the normal schedule established for the program in which enrolled;

(3) "Eligible institution" has the same meaning as approved institution of higher education as defined in §18C-5-2 of this code;

(4) "Eligible program or programs" or "eligible course or courses" means, in addition to programs and courses offered by eligible institutions as defined in subdivision (3) of this subsection:

(A) Programs and courses offered by any nationally accredited degree granting institution of higher learning approved by the vice chancellor for administration; and

(B) Any postsecondary certificate, industry recognized credential and other skill development programs of study as defined in this section in a demand occupation in this state;

(5) "State resident" means a student who has lived in West Virginia continuously for a minimum of twelve months immediately preceding the date of application for a Future Workforce grant or renewal of a grant;

(6) "Postsecondary certificate program" means an organized program of study, approved by the vice chancellor for administration, with defined competencies or skill sets that may be offered for credit or noncredit and which culminates in the awarding of a certificate: *Provided*, That postsecondary certificate programs offered by eligible institutions as defined in subdivision (3) of this subsection do not require the approval of the vice chancellor for administration;

(7) "Demand occupation" means any occupation having documented verification from

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employers that job opportunities in that occupation are currently available or are projected to be available within a year within the state or regions of the state. The vice chancellor for administration shall prepare and update annually a list of occupations that they determine meet the requirements of this definition;

(8) "Industry-recognized credential program" means an organized program that meets nationally recognized standards in a particular industry, is approved by the vice chancellor for administration and which culminates in the awarding of a certification or other credential commonly recognized in that industry: *Provided*, That industry recognized credential programs offered by eligible institutions as defined in subdivision (4) of this subsection do not require the approval of the vice chancellor for administration; and

(9) "Skill development program" means a structured sequence or set of courses, approved by the vice chancellor for administration, with defined competencies that are designed to meet the specific skill requirements of an occupation and which culminates in the awarding of a certificate of completion that specifically lists the competencies or skills mastered: *Provided*, That skill development programs offered by eligible institutions as defined in subdivision (4) of this subsection do not require the approval of the vice chancellor for administration.

(c) A person is eligible for consideration for a Future Workforce grant if the person:

(1) Demonstrates that he or she has applied for, accepted, or both, other student financial assistance in compliance with federal financial aid rules, including the federal Pell grant;

(2) Demonstrates financial need for funds, as defined by legislative rule;

(3) Is a state resident and may not be considered a resident of any other state;

(4) Is a United States citizen or permanent resident thereof;

(5) Is not incarcerated in a correctional facility;

(6) Is not in default on a higher education loan; and

(7) Is enrolled in short-term training programs of twelve months or less in a postsecondary certificate, industry-recognized credential, or other skill development programs in a demand occupation in the state and is making satisfactory academic progress at the time of application: *Provided*, That the requirement that the student be making satisfactory academic progress may not preclude a Future Workforce grant award to a student who has been accepted for enrollment in an eligible institution or program of study but has not yet been enrolled.

(d) Each Future Workforce grant award is eligible for renewal until the course of study is completed, but not to exceed an additional three years beyond the first year of the award.

(e) The Higher Education Policy Commission shall propose a legislative rule pursuant to

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§29A-3A-1 *et seq*. of this code to implement the provisions of this section and §18C-5-6 of this code which shall be filed with the Legislative Oversight Commission on Education Accountability by October 1, 2026. The Legislature finds that an emergency exists and, therefore, the commission shall propose an emergency rule to implement the provisions of this section and §18C-5-6 of this code in accordance with §29A-3A-1 *et seq*. of this code by October 1, 2026. Any rule promulgated by the commission pursuant to previous enactments of this article and in effect on the effective date of the amendment and reenactment of this section in the year 2026 remains in effect until amended, modified, repealed, or replaced by the commission.

(f) The legislative rule shall provide at least the following:

(1) That consideration of financial need, as required by subdivision (2), subsection (c) of this section, include the following factors:

(A) Whether the applicant has dependents as defined by federal law;

(B) Whether the applicant has any personal hardship as determined at the discretion of the vice chancellor for administration; and

(C) Whether the applicant will receive any other source of student financial aid during the award period.

(2) That an appropriate allocation process be provided for distribution of funds directly to the eligible institutions or programs based on the part-time enrollment figures of the prior year;

(3) That funds appropriated in any one fiscal year may be used to make grants to students enrolled in postsecondary certificate, industry recognized credential and other skill development programs of study;

(4) That funds appropriated in any one fiscal year may be used to make grants to state community and technical colleges by the council for community and technical college education in accordance with a process specified in the rule for noncredit and customized training programs which further the economic development goals of the state, help meet the training and skill upgrade needs of employers in the state, and for which funds are not available from other sources;

(5) That any funds not expended by an eligible institution or program at the end of each fiscal year shall be returned to the vice chancellor for administration for distribution under the provisions of this section;

(6) That grants under this section shall be available throughout the calendar year, subject only to the availability of funds; and

(7) That the amount of each Future Workforce grant award be determined using the

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following guidelines:

(A) The amount of any Future Workforce grant awarded to a student per semester, term hour or program for those students who are enrolled in eligible institutions or programs operated under the jurisdiction of an agency of the state or a political subdivision thereof shall be based upon the following:

(i) Actual cost of tuition and fees;

(ii) The portion of the costs determined to be appropriate by the commission; and

(iii) In addition to factors (I) and (II) above, in determining the amount of the award, the vice chancellor may consider the demand for the program pursuant to subdivision (8), subsection (b) of this section; and

(B) The amount of any Future Workforce grant awarded to a student who is enrolled in any other eligible institution, program or course shall be no greater than the average amount for comparable programs or courses as determined pursuant to the provisions of paragraph (A) above.

(g) The Future Workforce grant program is subject to any provision of this article not inconsistent with the provisions of this section.

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§18C-5-8.

Repealed.

Acts, 2006 Reg. Sess., Ch. 79.

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