WEST VIRGINIA CODE CHAPTER 18C

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§18C-1-1. Legislative findings; purpose; administration generally; reporting.

(a) The Legislature makes the following findings:

(1) Although enrollments in institutions of higher education in this state and throughout the nation continue to increase at a rapid pace, West Virginia has not developed sufficiently the state's human talent and resources because many able, but needy, students are not able to finance a higher education program;

(2) The state can achieve its full economic and social potential only when the following elements are in place:

(A) Every individual has the opportunity to contribute to the full extent of his or her capability; and

(B) The state assists in removing financial barriers to the individual's education goals that remain after he or she has used all resources and work opportunities available;

(b) The ultimate state goal in providing student financial aid is to create a culture that values education, to improve the quality of the workforce, and to enhance the quality of life for the citizens of West Virginia.

(c) The vice chancellor for administration has a ministerial duty to administer, oversee, and monitor all state and federal student financial aid programs administered at the state level in accordance with established rules under the direction of the commission and council and in consultation with the Higher Education Student Financial Aid Advisory Board.

(d) These programs include, but are not limited to, the following programs:

(1) The Guaranteed Student Loan Program, which may be administered by a private nonprofit agency;

(2) The Medical Student Loan Program;

(3) The Underwood-Smith Teacher Scholarship Program;

(4) The Engineering, Science and Technology Scholarship Program;

(5) The West Virginia Higher Education Grant Program;

(6) The Higher Education Adult Part-Time Student Grant Program;

(7) The West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program;

(8) The Higher Education Student Assistance Loan Program established pursuant to §18-22D-1 *et seq.* of this code;

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(9) The West Virginia College Prepaid Tuition and Savings Program established pursuant to §18-30-1 *et seq.* of this code, which is administered by the State Treasurer;

(10) The state aid programs for students of optometry, pursuant to §18C-3-1 *et seq.* of this code;

(11) The state aid programs for students of veterinary medicine pursuant to §18-11-6a of this code;

(12) Any reciprocal program and contract program for student aid established pursuant to §18B-4-3 and §18B-4-4 of this code;

(13) Any other state-level student aid programs in this code; and

(14) Any federal grant or contract student assistance or support programs administered at the state level.

(e) Notwithstanding any provision of this code to the contrary, the qualifications for state financial aid are separate and apart from the requirements for federal financial aid, and the inability of a student to complete the Free Application for Federal Student Aid (FAFSA) because of extenuating family circumstances, as determined by the vice chancellor for administration in consultation with the student's high school, shall not affect the student's eligibility for state financial aid. This provision in no way determines the student's compliance with federal rules or eligibility relating to federal student financial aid programs.

(f) The vice chancellor for administration shall publish comprehensive data to the official websites of the commission and council regarding the implementation of the financial aid programs identified in subsection (d) of this section which are administered under his or her supervision, including data regarding how many students had to avail themselves of the provisions of subsection (e) above. A concise summary report shall be provided to the commission and the council and shall be presented to the Legislative Oversight Commission on Education Accountability no later than January 1 annually. The report shall address all financial aid issues for which reports are required in this code, as well as any findings and recommendations.

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§18C-1-2. Definitions.

Definitions for terms used in this chapter have the meanings ascribed to them in section two, article one, chapter eighteen-b of this code unless the context clearly indicates a different meaning:

(a) "Board" or "governing board" in the singular or plural means the vice chancellor for administration employed pursuant to section two, article four, chapter eighteen-b of this code when a power or duty assigned to a governing board is delegated by it to the senior administrator. In other instances as used in this chapter, "board" or "governing board" in the singular or plural means the Higher Education Policy Commission or the Council for Community and Technical College Education, as appropriate.

(b) "Senior administrator" means the vice chancellor for administration employed pursuant to section two, article four, chapter eighteen-b of this code.

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§18C-1-3. Additional legislative findings; purpose of financial aid programs.

(a) Legislative findings:

(1) Education attainment is inextricably linked to economic development, and, in the current global economy, the state is competing not only with other states, but also with other countries;

(2) The federal government no longer funds student financial aid as generously as it has in the past. Therefore, the state must commit to increase both access and affordability to higher education opportunities for its citizens;

(3) In recent years the state has substantially increased appropriations to both merit-based and need-based student financial aid programs;

(4) The ultimate state goal in providing student financial aid is to create a culture that values education and improves the quality of the state's workforce, thereby enhancing the quality of life for its citizens;

(5) The state can provide a successful system of student financial aid only by balancing the needs of students from all levels of financial need and academic ability;

(6) A comprehensive system of student financial aid will yield the maximum return on the state's investment by increasing the skills, qualifications and education achievement of citizens from all backgrounds; and

(7) Sources of student financial aid can be distinguished as providing either access or affordability to higher education opportunities;

(8) Access refers to a student's financial ability to pursue post-secondary education. Affordability refers a student's freedom to choose where to attend college based on available resources;

(9) West Virginia is committed to making post-secondary education both accessible and affordable for its citizens. To this end, it is essential that the state provide multiple financial aid programs which accomplish different goals;

(b) Purposes of financial aid programs:

(1) The West Virginia Higher Education Grant Program is a need-based program that provides funding primarily to traditional college-age students who do not have sufficient financial resources to attempt post-secondary education. This grant program is a vitally important source of financial assistance for needy residents of the state and should continue to receive strong financial support.

(2) The HEAPS Grant Program is a need-based program that provides funding primarily to

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nontraditional college students, including:

(A) Adult students who desire to pursue post-secondary education on a part-time basis and who do not qualify for other forms of financial assistance;

(B) Place-bound students, often parents employed full-time, who require evening and weekend access to college courses; and

(C) Individuals pursuing workforce training or skill development training necessary to enter the job market quickly.

(3) The Underwood-Smith Teacher Scholarship Program is a merit-based program that encourages students who have demonstrated outstanding academic abilities to pursue teaching careers. This program serves to meet West Virginia's statewide, geographic and discipline-specific needs for highly qualified teachers.

(4) The West Virginia Engineering, Science and Technology Scholarship Program is a merit-based program that encourages talented students to pursue baccalaureate degrees in engineering, science and technology-related disciplines. This program serves to increase the size and quality of the pool of individuals pursuing careers in engineering, science and technology-related fields.

(5) The PROMISE Scholarship Program is a merit-based program that enhances student achievement by encouraging high school students to work harder to attain the necessary grades and test scores to qualify for a PROMISE scholarship and provides an incentive for the most capable students to attend college in the state. PROMISE provides affordability to traditional college-age students.

(c) An appropriate blend of student financial aid programs provides the state with the necessary tools to educate its citizenry for a broad range of economic opportunities:

(1) Without proper funding for need-based programs, lower income students may not be able to realize their full potential; (2) Adults may not obtain the training they need to compete in the current and future job market;

(3) High-achieving students may not pursue rigorous courses in high school or attend college in West Virginia, all of which contribute to devaluing post-secondary education and perpetuating the culture of educational underachievement; and

(4) The state must continue to strive to support equally the need-based and merit-based student financial aid programs.

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§18C-1-4. Eligibility of commuting students and children of military personnel for state funded student financial aid, grants and scholarships.

(a) Notwithstanding any other provision of this code or rule to the contrary, a student who attended a public or private high school outside the state is eligible for state funded student financial aid, grants and scholarships if:

(1) The student meets all other eligibility requirements for the aid, grant or scholarship; and

(2) The student resided in West Virginia while attending high school in another state, and:

(A) The student resided with his or her parent or legal guardian who:

(i) Was a resident of this state; and

(ii) Had been a resident of this state for at least two years immediately preceding the student's attendance at the school;

(B) The student commuted during the school term on a daily basis from this state to the school;

(C) The student is a dependent of the parent or legal guardian upon which eligibility is based;

(D) The student has not established domicile outside the state; and

(E) At the discretion of the state Superintendent of Schools, as defined in section one, article one, chapter eighteen of this code:

(i) The school is fully accredited in that state to the degree acceptable to the state Superintendent of Schools; and

(ii) The school's curriculum requirements for graduation are equivalent to the curriculum requirements for graduation in this state, or sufficiently similar to those requirements, as determined by the state Superintendent of Schools; or

(3) The student resided and attended high school in another state or a United States territory, United States possession or foreign country and:

(A) The student resided with his or her parent or legal guardian; and

(B) The student's parent or legal guardian:

(i) Served in the United States Armed Forces while the student attended high school in such state, territory, possession or country;

(ii) Was stationed for military purposes in such state, territory, possession or country; and

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(iii) Maintained legal residence in West Virginia while stationed in such state, territory, possession or country.

(b) This section does not alter, amend or extend any application deadlines or other requirements established by law or policy.

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§18C-1-5. Higher Education Student Financial Aid Advisory Board.

(a) The Higher Education Student Financial Aid Advisory Board is established.

(b) The purpose of the board is to provide financial aid expertise and policy guidance to the commission, the council and the Vice Chancellor for Administration on all matters related to federal, state and private student financial aid resources and programs.

(c) It is the intent of the Legislature that the advisory board:

(1) Recommend methods to balance the needs of state students from all levels of financial need and academic ability;

(2) Recommend methods for achieving a comprehensive system of student financial aid to maximize the return on the state's investment in student financial aid programs by increasing the skills, qualifications and education achievement of the citizens receiving the benefits;

(3) Recommend methods to coordinate state-funded student financial aid programs so that the state achieves the appropriate blend of programs to expand the range of economic opportunities available to state citizens;

(4) Recommend ways to improve state-level administration of financial aid programs for the benefit of students and institutions;

(5) Recommend ways to improve financial aid outreach activities;

(6) Make recommendations, consistent with the nature of the PROMISE scholarship program as a merit-based student financial aid program;

(7) Study feasibility of including for-profit institutions as eligible institutions for PROMISE scholarship awards and requirements, if any, for inclusion; and

(8) Recommend rules that align with the goals, objectives and priorities set forth in section one-a, article one, chapter eighteen-b of this code and article one-d of said chapter and with other state and system public policy goals, objectives and priorities.

(d) Advisory board membership. --

(1) The advisory board shall consist of seven members selected as follows:

(A) Three members appointed by the commission;

(B) Two members appointed by the council;

(C) One member appointed by the West Virginia Independent Colleges and Universities; and

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(D) One member appointed by the West Virginia School Counselor Association.

(2) Members appointed by the commission and the council shall possess a broad knowledge of state and federal higher education student financial aid programs and have experience in administering these programs, preferably at the campus or system level.

(3) The initial appointments of members shall be made as follows:

(A) The commission shall appoint one member to a one-year term, one member to a two-year term and one member to a three-year term;

(B) The council shall appoint one member to a one-year term and one member to a three-year term;

(C) The West Virginia Independent Colleges and Universities shall appoint one member to a one-year term; and

(D) The West Virginia School Counselor Association shall appoint one member to a two-year term.

(4) After the initial terms are completed, appointments shall be made as follows:

(A) Members shall be appointed for three-year terms; and

(B) Members are eligible to succeed themselves for one additional consecutive term.

(5) The term of each member begins on July 1 of the year in which the appointment is made and ends on June 30 of the year in which the appointment expires.

(e) The first meeting of the advisory board shall be called by the Vice Chancellor for Administration, at which time the members shall elect a chairperson for an initial term ending on July 31, 2010. The chairperson may succeed himself or herself for an additional one-year term as chairperson. Thereafter, the term of the chairperson is for one year beginning on August 1 of the year in which elected and ending on July 31 of the following year. A member may not serve more than two consecutive terms as chairperson.

(f) In the event of a vacancy, a successor shall be appointed by the entity which appointed the vacating member for the unexpired term of the vacating member. A person appointed to fill a vacancy is eligible for reappointment for one additional consecutive term unless the time remaining in the unexpired term is less than six months in which case the person filling the vacancy is eligible for reappointment for two additional terms.

(g) Members of the advisory board serve without compensation, but are entitled to reimbursement by the commission for expenses, including travel expenses, which are actually incurred by the member in the official conduct of the business of the advisory board.

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§18C-2-1. Purpose of provisions of article relating to guaranteed student loan program; loan program to be administered by senior administrator of governing boards.

The Legislature enacts the provisions of this article which relate to the establishment of the guaranteed student loan program to continue and encourage education of citizens of this state who are in need of financial assistance, such assistance and education being for the welfare of this state, and the Legislature hereby declares such to be a public purpose.

The guaranteed student loan program established and authorized by this article shall be administered by the senior administrator of the board of trustees and board of directors acting under their direction.

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§18C-2-2. "Act," "undertaking" and "obligations" defined.

As used in this article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The words "act" or "undertaking" shall mean the official act of the governing boards, or senior administrator acting under the direction of the boards, in connection with the acquisition or disposition of all or any part of obligations or interest therein which the governing boards are authorized to buy or sell hereunder.

(b) The word "obligations" shall mean those evidences of debt which the governing boards may buy, sell, endorse, or guarantee under the provisions of this article.

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§18C-2-3. Authority to buy and sell certain student obligations; undertakings not to constitute state debt; undertakings limited to available funds.

In order to facilitate the education of residents in this state and promote the industrial and economic development of the state, the governing boards are hereby authorized and empowered to buy and sell obligations of students who are residents of West Virginia, and who have been residents of this state for at least one year and are students or have been accepted as students at state supported or private institutions of higher education, or vocational schools accredited by a nationally recognized accrediting agency or by a state agency designated by the Governor and representing loans made to such students who have met the requirement of financial need as determined by the governing boards, such loans having been made for the purpose of an education.

No act or undertaking of the governing boards shall be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, and shall be payable solely from the funds of the governing boards specifically appropriated for the guaranteed student loan program. All such acts and undertakings shall contain on the face thereof a statement to the effect that neither the state nor the governing boards shall be obligated to pay the same or the interest thereon except from revenues of the governing boards and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such acts and undertakings.

All expenses incurred in carrying out the provisions of this article dealing with the guaranteed student loan program shall be payable solely from funds provided for the purpose and no liability or obligation shall be incurred by the governing boards hereunder beyond the extent to which money shall have been provided under the applicable provisions of this article for the guaranteed student loan program.

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§18C-2-4. Powers and duties of senior administrator regarding loan program.

The senior administrator acting under direction of the governing boards is hereby authorized and empowered:

(1) To fix and revise from time to time and charge and collect fees for its acts and undertakings;

(2) To establish rules concerning the acts and undertakings;

(3) To acquire, hold and dispose of personal property in the exercise of its powers and the performance of its duties;

(4) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article;

(5) To employ in its discretion such employees as it may deem necessary to carry out its powers and duties as enumerated in this article;

(6) To receive and accept from any federal or private agency, corporation, association or person, grants to be expended in accomplishing the objectives of this article and to receive and accept from the state, from any municipality, county or other political subdivision thereof and from any other source, aid or contributions of either money, property, or other things of value to be held, used and applied only for the purposes for which such grants and contributions may be made;

(7) To sue and be sued as provided by law;

(8) To do all other acts and things necessary or convenient to carry out the powers expressly granted by the provisions of this article which relate to the guaranteed student loan program. Nothing in this article shall be construed to empower the governing boards to engage in the business of banking or insurance.

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§18C-2-5. Title to property.

Title to any property acquired by the governing boards under the provisions of this article which relate to the guaranteed student loan program shall be taken and held in the name of the governing boards.

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§18C-2-6. Acquisition of contingent interests in obligations from lending institutions; collection of delinquent obligations.

With funds available to the governing boards for purposes other than the payment of compensation to personnel and the lease or rental of offices or equipment, the governing boards may acquire from any bank or other lending institution of this state a contingent interest in student obligations. The total contingent interest of the governing boards on all such obligations shall not exceed at any one time a sum of twelve and one-half times the total funds which the governing boards can employ to acquire such contingent interests. When a governing board acquires any such contingent interest, it may require the payment to it of a portion of the interest payable upon any such obligation. In each such acquisition, the governing board shall provide that at such time as the obligation becomes delinquent, the bank or other lending institution shall notify the governing board forthwith and shall transfer forthwith to the governing board, by assignment or otherwise, an interest in such obligation equal to the contingent interest of the governing board therein. The bank or other lending institution and the governing board shall forthwith take such steps as may be necessary to recover the balance due upon any such obligation, and such recovery shall be apportioned between the governing board and the bank or other lending institution as their respective interests may appear.

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§18C-2-7. Terms of acquisitions.

Each governing board shall prescribe the terms, conditions and limitations upon which it will acquire a contingent or direct interest in any obligation and such terms, conditions and limitations shall include, but without limiting the generality thereof, the terms for payment of principal and interest, applicable life or other insurance which may be required in connection with any such obligation and who shall pay the premiums thereon, the safekeeping of assets pledged to secure any such undertaking, and any and all matters in connection with the foregoing as will protect the assets of the governing board.

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§18C-2-8. Trust fund established; limitations on use of fund; duties of treasurer in connection therewith; special account created.

The appropriation made to the governing boards under the provisions of this article which relate to the guaranteed student loan program shall be used exclusively for the purpose of acquiring contingent or vested rights in obligations which it may acquire under this article, and such appropriation, payments, revenue and interest, as well as other income received in connection with such obligations, is hereby established as a trust fund. Such fund shall be used for the purposes of the governing boards other than for maintenance and operation.

The maintenance and operating expenses of the governing board shall be paid from funds specifically appropriated for such purposes. No part of the trust fund established under this section shall be expended for such purposes.

The governing board shall be the trustee of the trust fund hereby created, and all investments to be made from the assets of such trust shall be made by the state Treasurer in the manner provided by law. For the purposes of this article, there is hereby created in the treasury of this state a special revolving account for deposits and withdrawals as herein provided. The State Treasurer shall be the custodian of the assets of the board. All payments from the accounts thereof shall be made by the treasurer upon warrants issued by the Auditor and upon vouchers signed by such persons as are designated by the governing board. A duly attested copy of a resolution of the governing board designating such persons shall be filed with the state Treasurer as the authority for issuing warrants upon such vouchers.

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§18C-2-9. Construction of provisions of article relating to loan program.

The provisions of this article which relate to the guaranteed student loan program shall be liberally construed to the end that its beneficial purposes may be effectuated.

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§18C-3-1. Medical Student Loan Program; establishment; administration; eligibility; loan repayment and collection; required report.

(a) Definitions. – As used in this section, unless the context in which the term used clearly requires a different meaning:

"Approved service commitment area" means a location in West Virginia that is both a federally designated geographic, population, or facility-based health professions shortage area and in a medical specialty in which there is a shortage of physicians, as determined by the state's Department of Health.

"Medical schools" means the Marshall University School of Medicine, the West Virginia University School of Medicine, and the West Virginia School of Osteopathic Medicine.

"Person" means the recipient of a medical student loan issued in accordance with the provisions of this section by a medical school as defined herein.

"West Virginia residents" means persons who are citizens or legal residents of the United States and are charged in-state tuition at the time of entry into the medical school.

(b) There are established the medical student loan program at the Marshall University School of Medicine, the West Virginia University School of Medicine, and the West Virginia School of Osteopathic Medicine.

(c) Subject to the availability of funds as established in §18C-3-1(d) of this code, the medical schools may make medical student loans in accordance with the provisions of this section to students enrolled in or admitted to their respective medical schools in a course of instruction leading to the degree of doctor of medicine or doctor of osteopathy who enter into a written medical student loan agreement with the medical school in accordance with §18C-3-1(i) of this code. The number of awards shall be determined by the availability of funds in this program at each school in any given academic year: *Provided*, That the availability of funds does not require the medical schools to issue or renew medical student loans.

(d) There are hereby continued the special revolving fund accounts at the Marshall University School of Medicine, the West Virginia University School of Medicine, and the West Virginia School of Osteopathic Medicine, which shall be used to carry out the purposes of this section.

(1) The funds shall consist of all moneys currently on deposit in such accounts or which are due or become due for deposit into such accounts as obligations made under the previous enactment of this section; those funds provided for medical education pursuant to the provisions of §18B-10-4 of this code; appropriations provided by the Legislature; repayment of any loans made under this section; amounts provided by medical associations, hospitals, or other medical provider organizations in this state, or by political subdivisions of the state, under an agreement which requires the recipient to practice his or her health profession in

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this state or in the political subdivision providing the funds for a predetermined period of time and in such capacity as set forth in the agreement; and any other amounts which may be available from external sources.

(2) All expenditures from the medical schools' medical student loan repayment funds shall be for medical student loans issued in accordance with the terms of this section and for the medical schools' expenses incurred in administering their respective medical student loan programs.

(3) These funds shall operate as special funds whereby all deposits and payments thereto do not expire to the General Revenue Fund, but shall remain in the medical schools' funds and be available for expenditure in succeeding fiscal years.

(e) In order to be eligible for a medical student loan as provided in this section, the person applying shall meet the following minimum requirements:

(1) Full-time enrollment in a medical school in a program leading to the degree of doctor of medicine or doctor of osteopathy: *Provided*, That the person has not previously obtained such a degree;

(2) Demonstrated financial need as determined by the medical schools' individual financial aid offices;

(3) Demonstrated credit-worthiness by not being in default of any previous student loan or medical student loan issued by any lender; and

(4) United States citizenship as either born or naturalized.

(f) Medical student loans shall be awarded on a priority basis first to qualified applicants who are West Virginia residents, and second to qualified applicants who are not West Virginia residents.

(g) In order to be eligible for renewal of a medical student loan as provided in this section, the person applying therefor shall meet the minimum requirements established in §18C-3-1(e) of this code, as well as maintain good academic standing and make satisfactory progress toward degree completion in accordance with the issuing medical school's policy for awarding Title IV financial aid funds.

(h) Each medical student loan issued by a medical school shall be made pursuant to the provisions of this section and shall provide to the recipient of the medical student loan a maximum amount of up to $20,000 per academic year. The medical school and the person may renew the medical student loan annually for a period not to exceed four years: *Provided*, That the person is eligible for such renewal in accordance with §18C-3-1(g) of this code.

(i) Each medical student loan issued by a medical school shall be memorialized in a written medical student loan agreement, which shall require, at a minimum, that the person

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receiving the loan:

(1) Complete the required course of instruction and receive the degree of doctor or medicine (M.D.) or doctor of osteopathy (D.O.);

(2) Apply for and obtain a license to practice medicine in West Virginia;

(3) Engage in the full-time practice of medicine for a period of 12 months within an approved service commitment area;

(4) Commence the full-time practice of medicine within nine months after completion of an approved post-graduate residency training program and licensure in an approved service commitment area and continue full-time practice in the approved service commitment area for a consecutive period of years equal to the total number of years for which the medical student loan was provided;

(5) Agree that the service commitment for each agreement entered into under the provisions of this section is in addition to any other service commitment contained in any other agreement the person has entered or may enter into for the purpose of obtaining any other financial aid;

(6) Maintain records and make reports to the issuing medical school and the Commission to document the person's satisfaction of the obligations under the agreement to engage in the full-time practice of medicine in an approved service commitment area and to continue the full-time practice of medicine in the approved service commitment area for a consecutive period of years equal to the total number of years the student received the medical student loan. Persons practicing in a federally designated population-based health professions shortage area shall provide documentation that more than 50 percent of their service is provided to the designated population; and

(7) Upon failure to satisfy the requirements of the agreement that the person engage in the full-time practice of medicine within an approved service commitment area for the required period of time under the medical student loan agreement, the person receiving a medical student loan pursuant to the provisions of this section shall repay amounts to his or her issuing medical school in accordance with the provisions of §18C-3-1(k) of this code.

(j) Upon the selection of an approved service commitment area for the purpose of satisfying a service obligation under a medical student loan agreement entered into pursuant to the provisions of this section, the person so selecting shall inform the issuing medical school and the Commission of the service area selected. Such person may serve all or part of the commitment in the approved service commitment area initially selected or in a different approved service commitment area: *Provided*, That the person notifies his or her issuing medical school and the Commission of his or her change of approved service commitment areas. Service in any such service commitment area shall be deemed to be continuous for the purpose of satisfying the medical student loan agreement.

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(k) Upon the person's presentation of the report required by subdivision (i)(6) of this section to the issuing medical school evidencing his or her satisfaction of the terms of the medical student loan agreement provided for herein, the issuing medical school shall cancel one year of award for every twelve full consecutive months of service as required in the agreement.

(l) Upon the failure of any person to satisfy the obligation to engage in the full-time practice of medicine within an approved service commitment area of this state for the required period of time under any medical student loan agreement, such person shall repay to his or her issuing medical school an amount equal to the total of the amount of money received by the person pursuant to the medical student loan agreement plus annual interest at a rate as determined by the Vice Chancellor of Administration from the date the person begins repayment or fails to work full-time in an approved service commitment area. For any such repayment, the following provisions shall apply:

(1) The person shall repay an amount totaling the entire amount to be repaid under all medical student loan agreements for which such obligations are not satisfied, including all amounts of interest at the rate prescribed. The repayment period shall not exceed ten years.

(2) All installment payments shall commence six months after the date of the action or circumstance that causes the person's failure to satisfy the obligations of the medical student loan agreement, as determined by the issuing medical school based upon the circumstances of each individual case. In all cases, if an installment payment becomes 91 days overdue, the entire amount outstanding shall become immediately due and payable, including all amounts of interest at the rate prescribed.

(3) If a person becomes in default of his or her medical student loan repayment obligations, the medical school shall make all reasonable efforts to collect the debt, in accordance with the provisions of §14-1-1 *et seq*. of this code.

(m) If, during the time a person is satisfying the service requirement of a medical student loan agreement, such person desires to engage in less than the full-time practice of medicine within an approved service commitment area and remain in satisfaction of the service requirement, such person may apply to the medical school that issued the medical student loan for permission to engage in less than the full-time practice of medicine. Upon a finding of exceptional circumstances made by the medical school that issued the medical student loan, the medical school may authorize the person to engage in less than the full-time practice of medicine within an approved service commitment area for the remaining required period of time under the medical student loan agreement and for an additional period of time that shall be equal to the length of time originally required multiplied by two: *Provided*, That in no event shall such person be allowed to practice medicine less than half-time.

(n) By July 31 each year, each medical school shall prepare and submit a report on the operations of their respective medical student loan programs to the commission for inclusion in the commission's data publication and reporting required by §18C-1-1(f) of this code. At a

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minimum, this report shall include the following information:

(1) The number of medical student loans awarded during the preceding academic year;

(2) The total amount of medical student loans awarded;

(3) The total amount of any unexpended moneys remaining in their medical student loan funds at the end of the fiscal year;

(4) The rate of default on the repayment of previously awarded loans during the previous fiscal year;

(5) The number of doctors practicing medicine in the state in accordance with their service obligations; and

(6) The total amount of medical student loans cancelled in accordance with subsection (k) of this section.

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§18C-3-2. State aid for students of optometry.

The board of trustees is hereby authorized to enter into a contract with an educational institution or institutions outside the state that offer training in optometry, by the terms of which the board of trustees may obligate itself to pay the institution, within the limits of any appropriation made for the purpose, a stated amount per year for each West Virginia student the institution will agree to accept for training in optometry.

The board of trustees shall each year send to any such institution a certified list of all persons applying to the trustees for training in optometry who are bona fide citizens and residents of this state prior to the filing of their applications, and who have completed either within or without the state the course of study required by the institution as a prerequisite to the study of optometry.

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§18C-3-3. Health Sciences Loan Repayment Program; Mental Health Provider Loan Repayment Program; establishment; administration; eligibility.

(a) There is continued a special revolving fund account under the Higher Education Policy Commission in the State Treasury known as the Health Sciences Loan Repayment Fund. The fund shall be used to accomplish the purposes of this section. The fund consists of any of the following:

(1) All unexpended health sciences loan repayment program funds on deposit in the State Treasury on the effective date of reenactment of this section;

(2) Appropriations as may be provided by the Legislature;

(3) Repayments, including interest as set by the vice chancellor for administration, collected from program award recipients who fail to practice or teach in West Virginia under the terms of an award agreement or the former health sciences scholarship program previously established by this section; and

(4) Amounts that may become available from other sources.

(b) Balances remaining in the fund at the end of the fiscal year do not expire or revert to the general revenue. All costs associated with the administration of this section shall be paid from the health sciences loan repayment fund under the direction of the Vice Chancellor for Administration.

(c) Award preference is given to West Virginia residents. An individual is eligible for consideration for a health sciences loan repayment award if the individual:

(1) Either:

(A) Is a medical student at the Marshall University School of Medicine, the West Virginia School of Osteopathic Medicine, or the West Virginia University School of Medicine who has participated in the match process and has been offered an internship or residency in a primary care or emergency medicine program in West Virginia; or

(B) Is enrolled in the last year of an approved education program at a public or private, non-profit West Virginia institution of higher education leading to a degree or certification in the field of nurse practitioner, nurse educator, nurse midwife, physician assistant, dentist, pharmacist, physical therapist, doctoral clinical psychologist, licensed independent clinical social worker, or other disciplines identified as shortage fields by the Vice Chancellor for Administration; and

(2) Signs an agreement to practice for at least two years in an underserved area of West Virginia or, if pursuing a master’s degree in nursing, signs an agreement to teach at least two years for a school of nursing located in West Virginia after receiving the master’s degree.

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(d) Program awards shall be in an amount set by the Higher Education Policy Commission of at least $20,000 for medical and dental students and at least $10,000 for all others and shall be awarded by the Vice Chancellor for Administration, who may seek the advice of an advisory panel, from the pool of all applicants with a commitment to practice in an underserved area of West Virginia. This subsection does not grant or guarantee any applicant any right to a program award. Upon completion of the requirements stated in the service agreement, the Higher Education Policy Commission shall pay the award directly to the participant's federal student loan servicer.

(e) If a program award recipient fails to practice in an underserved area of West Virginia within six months of the completion of his or her training, or if a program award recipient fails to complete his or her training or required teaching, the Vice Chancellor for Administration shall cancel the program award.

(f) (1) There is created a mental health provider student loan repayment program to be administered by the Higher Education Policy Commission. The loan repayment program shall help repay the federal student loans for mental health providers who provide therapy and counseling services and who reside in West Virginia and work in an underserved area of West Virginia for up to three years beginning January 1, 2020. Individuals participating in the loan repayment program may be eligible to receive up to $30,000 to be dispersed as follows:

(A) A participant may receive a loan repayment program award of up to $10,000 each year in exchange for the participant completing one year of practice in an underserved area.

(B) A participant may not receive a program award for more than three years of practice.

(C) Upon completion of the requirements stated in the service agreement, the Higher Education Policy Commission will pay the award directly to the participant's federal student loan servicer.

(2) There is created a special revenue fund account under the Higher Education Policy Commission in the State Treasury known as the Mental Health Provider Student Loan Repayment Fund. The fund shall be used to accomplish the purposes of this subsection. The fund shall consist of any of the following:

(A) All unexpended funds in the Mental Health Provider Student Loan Repayment fund on deposit in the State Treasury on the effective date of the reenactment of this section;

(B) Appropriations as may be provided by the Legislature;

(C) Repayments, including interest as set by the Vice Chancellor for Administration, collected from program award recipients who fail to practice in West Virginia under the terms of the practice agreement or the mental health provider loan repayment program previously established by this section; and

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(D) Amounts that may become available from other sources.

(3) Balances remaining in the fund at the end of the fiscal year do not expire or revert to the general revenue.

(g) Rule. — The Higher Education Policy Commission shall promulgate a rule pursuant to §29A-3A-1 *et seq*. of this code to implement and administer this section.

(h) As used in this section:

(1) "Training" means:

(A) The entire degree program or certification program for nurse midwives, nurse practitioners, nurse educators, physician assistants, dentists, pharmacists, physical therapists, doctoral clinical psychologists, licensed independent clinical social workers, and other disciplines identified as shortage fields by the Vice Chancellor for Administration; or

(B) Completion of a degree program and an approved residency/internship program for students pursuing a degree in medicine or osteopathy, or as otherwise may be designated for such students in the rule required by this section.

(2) "Underserved area" means any primary care health professional shortage area located in the state as determined by the Bureau for Public Health or any additional health professional shortage area, including an emergency medicine professional, determined by the Vice Chancellor for Administration.

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§18C-3-4. Nursing Scholarship Program; Nursing Scholarship and Workforce Fund; administration, scholarship awards; service requirements.

(a) There is continued in the State Treasury a special revolving fund account known as the "Nursing Scholarship and Workforce Fund" to be administered by the commission to implement the provisions of this section and §18B-16-6 of this code. Any moneys in the account on the effective date of this section are continued under the commission's administrative authority. Balances remaining in the fund at the end of the fiscal year do not expire or revert to the general revenue. All costs associated with the administration of this section and §18B-16-6 of this code shall be paid from the Nursing Scholarship and Workforce Fund under the direction of the chancellor or his or her designee. Administrative costs are to be minimized and the maximum amount feasible is to be used to fund awards for students in nursing programs.

(b) The account is funded from the following sources:

(1) All moneys currently on deposit in the account or which are due or become due for deposit into the account as obligations made under the previous enactment of this section;

(2) Repayments, including interest as set by the chancellor or his or her designee, collected from recipients who fail to practice or teach in West Virginia under the terms of the scholarship agreement;

(3) Appropriation provided by the Legislature;

(4) Amounts provided by nursing or medical associations, hospitals, or other nursing or medical provider organizations in this state, or by a political subdivision of the state under an agreement that requires the recipient to practice nursing in this state or in the political subdivision providing the funds for a predetermined period of time and in such capacity as set forth in the agreement; and

(5) Any other funds from any source as may be added to the account.

(c) The commission shall administer a scholarship, designated the Nursing Scholarship Program, designed to benefit nurses who practice in hospitals and other health care institutions in West Virginia or teach in state nursing programs.

(1) Awards are available for students enrolled in accredited nursing programs in West Virginia. A recipient shall execute an agreement to fulfill a service requirement or repay the amount of any award received.

(2) Awards are made as follows, subject to the rule required by this section:

(A) An award for any student may not exceed the full cost of education for program completion.

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(B) An award of up to $3,000 is available for a student in a licensed practical nurse education program. A recipient is required to practice nursing in West Virginia for one year following program completion.

(C) An award of up to $7,500 is available for a student in a registered nurse education program: *Provided*, That students enrolled in pre-licensure programs must have completed half of the required nursing credits for that program to be eligible for an award. A recipient is required to teach or practice nursing in West Virginia for two years following program completion.

(D) An award of up to $15,000 is available to a student in a nursing master's degree program or a doctoral nursing or education program. A recipient is required to teach in West Virginia for two years following program completion.

(E) An award of up to $1,000 per year is available for a student obtaining a licensed practical nurse teaching certificate. A recipient is required to teach in West Virginia for one year per award received.

(d) An award recipient shall satisfy one of the following conditions:

(1) Fulfill the service requirement pursuant to this section and the legislative rule authorized in subsection (e) below; or

(2) Repay the commission for the amount awarded, together with accrued interest as stipulated in the service agreement.

(e) The commission shall promulgate a rule for legislative approval pursuant to §29A-3A-1 *et seq*. of this code to implement and administer this section. The rule shall provide for the following:

(1) Eligibility and selection criteria for program participation;

(2) Terms of a service agreement which a recipient shall execute as a condition of receiving an award;

(3) Repayment provisions for a recipient who fails to fulfill the service requirement;

(4) Forgiveness options for death or disability of a recipient;

(5) An appeal process for students denied participation or ordered to repay awards; and

(6) Additional provisions as necessary to implement this section.

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§18C-3-5. Nonresident Medical Student Tuition Regularization Program.

(a) The Legislature finds as follows:

(1) There is a critical need for additional primary care physicians practicing in West Virginia;

(2) West Virginia has an aging population and an increasing need for recruiting primary care physicians, and placing primary care physicians in rural areas of the state;

(3) West Virginia has a historically low retention rate of state resident medical students following graduation;

(4) Efforts by the medical schools in West Virginia to increase class sizes as a means of increasing the number of physicians practicing in the state have been largely ineffective;

(5) The primary care field of practice yields a lower wage than other medical specialties and maintains an extreme shortage of practicing physicians, particularly in rural areas of the state;

(6) The high cost of nonresident medical education tuition, and resulting high level of debt incurred by students, often prohibit nonresident graduates who remain in the state from entering a primary care practice;

(7) Many nonresident medical students in West Virginia have indicated that they would be willing to remain in the state as a practicing physician if it was affordable;

(8) A waiver of the state resident to nonresident tuition rate differential would offset the significant student debt load incurred by nonresident medical school graduates;

(9) Beginning a medical practice with up to four years committed to practicing medicine in a specific area has a strong likelihood of influencing a nonresident medical school graduate to remain in that area following the service commitment;

(10) Investing resources, developing professional networks, and creating community ties all serve to create permanent connections to an area for an individual who is not originally from that area; and

(11) Attracting practicing physicians to rural and medically underserved areas of the state will further attract related health care professionals that support a medical practice or facility and will expand the economic and job-growth potential of such areas.

(b) It is the purpose of this section to offer nonresident medical students a partial tuition waiver as a means of recruiting practicing physicians to underserved areas, and to primary care and practitioner shortage fields in West Virginia.

(c) There is created the Nonresident Medical Student Tuition Regularization Program to be

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administered by the Vice Chancellor for Health Sciences in cooperation with the deans of the three medical schools in the state.

(1) Four nonresident medical students from each medical school in the state are selected annually to participate in the program subject to the exception provided in subsection (f) of this section.

(2) Each student selected is charged the state resident tuition rate for each academic year he or she is enrolled in the program and has the cost differential between the resident and nonresident rates waived by the institution at which he or she is enrolled.

(3) For each academic year that a medical student participates in the program, he or she shall commit to render services for one calendar year as a medical doctor or a doctor of osteopathy in this state in a medically underserved area and in a primary care or specialty practice or field in which there is a shortage of physicians, as determined by the Division of Health at the time the application for the program is submitted. The service commitment begins within six months after graduation from an accredited residency program.

(4) Once selected to participate in the program, a student may continue in the program for as long as he or she continues to meet the eligibility criteria in subsection (d) of this section, for a maximum of four academic years.

(d) An individual is eligible for enrollment or continuation in the program if he or she meets the following criteria:

(1) Is enrolled or accepted for enrollment at the West Virginia University School of Medicine, the Marshall University School of Medicine, or the West Virginia School of Osteopathic Medicine in a program leading to the degree of Medical Doctor (M.D.) or Doctor of Osteopathy (D.O.);

(2) Has not yet received one of the degrees provided in subdivision (1) of this subsection;

(3) Satisfies the academic standards established by the program rule;

(4) Is not in default of any previous student loan;

(5) Is a nonresident student who is charged nonresident tuition rates;

(6) Commits to render services for one calendar year as a Medical Doctor or a Doctor of Osteopathy in this state in a medically underserved area and in a primary care or specialty practice or field in which there is a shortage of physicians for each academic year for which he or she participates in the program;

(7) Submits to the commission:

(A) An application for enrollment in the program as provided by the commission; and

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(B) A sworn statement of commitment to service on a form provided by the commission for that purpose; and

(8) Other criteria as established by the program rule.

(e) (1) A program participant violates the service commitment if he or she:

(A) Fails to render services as a Medical Doctor or Doctor of Osteopathy in accordance with the sworn statement he or she submitted to the commission. This includes failure to begin serving within six months of completing an accredited residency program, or failure to complete each one-year term to which he or she committed to serve; or

(B) Fails to complete or remain enrolled in the medical education program for which he or she obtained the tuition waiver.

(2) A program participant who violates the service commitment is subject to the following:

(A) He or she shall repay the amount of nonresident tuition charges waived plus interest at a rate of five percent per annum;

(B) The granting or renewal of a license to practice medicine in West Virginia or to reciprocal licensure in another state based upon licensure in West Virginia is contingent upon commencing payment and continuing payment until full repayment of the obligation if the recipient fails to complete the required practice commitment. A license, renewal, or reciprocity may not be granted to an individual whose repayments are in arrears. The West Virginia Board of Medicine shall inform all other states where a recipient has reciprocated based upon West Virginia licensure of any refusal to renew licensure in West Virginia as a result of failure to repay the tuition amount.

(f) The commission shall develop policy to provide for:

(1) A method for selecting annually the 12 new students to be enrolled in the program, with priority consideration to applicants in the earliest academic years of the medical education program;

(2) A method for selecting greater or fewer than four participants from a single medical school in any year where four suitable applicants are not available at each school;

(3) A method for the applicant to select the service area and specialty to which he or she commits to practice medicine;

(4) A method for developing a mutually agreeable modification to the terms of a participant's service commitment regarding the medically underserved area and primary care or specialty practice or field in which he or she committed to serve under circumstances where the Division of Health determines at the time the participant's service commitment is scheduled to commence that the area is no longer medically underserved or that primary care or

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service specialty is no longer experiencing a physician shortage;

(5) Provisions for enforcing sanctions against a participant who fails to satisfy the service commitment; and

(6) Such other provisions as the commission considers necessary to administer the program.

(g) There is continued in the State Treasury a special revenue account to be designated the Nonresident Medical Student Tuition Regularization Fund which is an interest-bearing account that may be invested and retain all earnings. Expenditures from the fund shall be for the purposes set forth in this section and are to be made only in accordance with appropriation by the Legislature and in accordance with §11B-2-1 *et seq*. of this code.

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§18C-4-1. Underwood-Smith Teaching Scholars Program Fund created; purposes; funding; effective date.

(a) It is the purpose of this article and §18C-4A-1 et seq. of this code to improve the quality of education in the public schools of West Virginia by encouraging and enabling individuals who have demonstrated outstanding academic abilities to pursue teaching careers in critical shortage fields at the elementary, middle or secondary levels in the public schools of this state. Particular efforts shall be made in the scholarship selection criteria and procedures to reflect the state's present and projected critical teacher shortage fields.

(b) In consultation with the State Board of Education and the State Superintendent of Schools, the commission shall propose legislative rules in accordance with the provisions of §29A-3A-1 et seq. of this code. The rules shall provide for the administration of the Underwood-Smith Teaching Scholars Program and the Teacher Education Loan Repayment Program by the Vice Chancellor for Administration in furtherance of the purposes of this article, and §18C-4A-1 et seq. of this code including, but not limited to, the following:

(1) Establishing scholarship selection criteria and procedures;

(2) Establishing criteria and procedures for identifying critical teacher shortage fields;

(3) Establishing and updating as necessary a list of critical teacher shortage fields in the public schools for which scholarships are available;

(4) Requiring scholarship recipients to teach in a public school in this state at the elementary, middle or secondary level in a critical teacher shortage field pursuant to the provisions of §18C-4-3 of this code;

(5) Awarding loan repayment assistance, including establishing conditions under which partial awards may be granted for less than a full year of teaching in a critical teacher shortage field;

(6) Determining eligibility for loan repayment assistance renewal;

(7) Establishing procedures ensuring that loan repayment assistance funds are paid directly to the proper lending entity;

(8) Establishing criteria for determining participant compliance or noncompliance with terms of the agreement and establishing procedures to address noncompliance including, but not limited to, repayment, deferral and excusal; and

(9) Developing model agreements.

(c) The commission and State Board of Education jointly shall ensure that Underwood-Smith Teaching Scholars award recipients receive additional academic support and training from mentors in their academic field beginning with the freshman year and continuing through

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degree completion and the teaching obligation.

(d) The Underwood-Smith Teacher Scholarship and Loan Assistance Fund is continued in the State Treasury as a special revolving fund and is hereafter to be known as the Underwood-Smith Teaching Scholars Program Fund. The fund shall be administered by the Vice Chancellor for Administration solely for granting scholarships and loan repayment assistance to teachers and prospective teachers in accordance with this article and §18C-4A-1 et seq. of this code. Any moneys which may be appropriated by the Legislature, or received by the Vice Chancellor for Administration from other sources, for the purposes of this article and §18C-4A-1 et seq. of this code shall be deposited in the fund. Any moneys remaining in the fund at the close of a fiscal year shall be carried forward for use in the next fiscal year. Any moneys repaid to the Vice Chancellor for Administration by reason of default of a scholarship or loan repayment assistance agreement under this article or §18C-4A-1 et seq. of this code also shall be deposited in the fund. Fund balances shall be invested with the state's consolidated investment fund, and any and all interest earnings on these investments shall be used solely for the purposes for which moneys invested were appropriated or otherwise received.

(e) The Vice Chancellor for Administration may accept and expend any gift, grant, contribution, bequest, endowment, or other money for the purposes of this article and §18C-4A-1 et seq. of this code and shall make a reasonable effort to encourage external support for the scholarship and loan repayment assistance programs.

(f) For the purpose of encouraging support for the scholarship and loan repayment assistance programs from private sources, the Vice Chancellor for Administration may set aside no more than half of the funds appropriated by the Legislature for Underwood-Smith Teaching Scholars Program and loan repayment assistance awards to be used to match two state dollars to each private dollar from a nonstate source contributed on behalf of a specific institution of higher education in this state.

(g) In recognition of the high academic achievement necessary to receive an award under this article, each recipient shall be distinguished as an "Underwood-Smith Teaching Scholar" in a manner befitting the distinction as determined by the commission.

(h) Notwithstanding the provisions of subsection (d) of this section, and §18C-4A-3 of this code:

(1) Moneys in the Underwood-Smith Teaching Scholars Program Fund may be used to satisfy loan repayment assistance agreements pursuant to §18C-4A-1 et seq. of this code and any renewals for which a recipient would be eligible pursuant to the prior enactment of §18C-4A-1 et seq. of this code for any student who is receiving such loan repayment assistance or fulfilling the requirements of an agreement on the effective date of this section;

(2) Moneys in the Underwood-Smith Teaching Scholars Program Fund may be used to fund Underwood-Smith teacher scholarships, and any renewals for which a recipient would be

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eligible pursuant to the prior enactment of this article, for those students receiving such scholarship on the effective date of this section; and

(3) The terms, conditions, requirements, and agreements applicable to an Underwood-Smith teacher scholarship or loan repayment recipient prior to the effective date of this section shall continue in effect and are not altered by the reenactment of this section during the 2019 First Extraordinary Session of the Legislature.

(i) The amendments to this article during the 2019 First Extraordinary Session of the Legislature shall be effective for school years beginning on or after July 1, 2020, and the provisions of this article existing immediately prior to the 2019 First Extraordinary Session of the Legislature remain in effect for school years beginning prior to July 1, 2020.

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§18C-4-2. Selection criteria and procedures for awarding scholarships.

(a) Vice Chancellor for Administration shall appoint a selection panel comprised of individuals representing higher education, public education, and the community at large to select Underwood-Smith Teaching Scholars who meet the eligibility criteria set forth in subsection (b) of this section.

(b) Eligibility for an Underwood-Smith Teaching Scholars award shall be limited to students who meet the following criteria:

(1) Have graduated or are graduating from high school with a cumulative grade point average of at least 3.25 on a 4.0 scale;

(2) Have met the college algebra ready assessment standards and college readiness English, reading, and writing standards as established by the commission; and

(3) Agree to teach in a critical teacher shortage field at the elementary, middle or secondary level in a public school in the state pursuant to the provisions of §18C-4-3 of this code.

(c) To be eligible for an award, a non-citizen of the United States shall hold a valid Employment Authorization Document (EAD), or work permit, issued by the United States Citizenship and Immigration Services (USCIS).

(d) In accordance with the rules of the commission, the Vice Chancellor for Administration shall develop criteria and procedures for the selection of scholarship recipients. The selection criteria shall reflect the purposes of this article and shall specify the areas in which particular efforts will be made in the selection of scholars as set forth in §18C-4-1 of this code. Selection procedures and criteria also may include, but are not limited to, the grade point average of the applicant, involvement in extracurricular activities, financial need, current academic standing and an expression of interest in teaching as demonstrated by an essay written by the applicant. These criteria and procedures further may require the applicant to furnish letters of recommendation from teachers and others. It is the intent of the Legislature that academic abilities be the primary criteria for selecting scholarship recipients.

(e) In developing the selection criteria and procedures to be used by the selection panel, the Vice Chancellor for Administration shall solicit the views of public and private education agencies and institutions and other interested parties. Input from interested parties shall be solicited by means of written and published selection criteria and procedures in final form for implementation and may be solicited by means of public hearings on the present and projected teacher needs of the state or any other methods the Vice Chancellor for Administration may determine to be appropriate to gather the information.

(f) The Vice Chancellor for Administration shall make application forms for Underwood-Smith Teaching Scholars available to public and private high schools in the state and in

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other locations convenient to applicants, parents and others, and shall make an effort to attract students from low-income backgrounds, ethnic or racial minority students, students with disabilities, and women or minority students who show interest in pursuing teaching careers in mathematics and science and who are under-represented in those fields.

WV Legislature

§18C-4-3. Scholarship agreement.

(a) Each recipient of an Underwood-Smith Teaching Scholars award shall enter into an agreement with the Vice Chancellor for Administration under which the recipient shall meet the following conditions:

(1) Provide the commission with evidence of compliance with §18C-4-4(a) of this code;

(2) Beginning within one year after completing the teacher education program for which the scholarship was awarded, teach full-time in a critical teacher shortage field at the elementary, middle or secondary level, under contract with a county board of education in a public education program in the state, for a period of not fewer than five consecutive years for the four academic years. Any teaching time accrued during the required five-year period as a substitute teacher for a county board of education in a critical teacher shortage field at the elementary, middle or secondary level shall be credited pro rata in accordance with rules promulgated by the commission; or

(3) Repay all or part of an Underwood-Smith Teaching Scholars award received under this article plus interest and, if applicable, reasonable collection fees in accordance with §18C-4-4 of this code.

(b) Scholarship agreements shall disclose fully the terms and conditions under which assistance under this article is provided and under which repayment may be required. The agreements shall include the following:

(1) A description of the conditions and procedures to be established under §18C-4-4 of this code; and

(2) A description of the appeals procedure required to be established under §18C-4-4 of this code.

(c) The scholarship terms, conditions, requirements, and agreements applicable to an Underwood-Smith teacher scholarship recipient prior to the effective date of this section shall continue in effect and are not altered by the reenactment of this section during the 2019 First Extraordinary Session of the Legislature.

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§18C-4-4. Renewal conditions; noncompliance; deferral; excusal.

(a) The recipient of an Underwood-Smith Teaching Scholars award is eligible for scholarship renewal only during those periods when the recipient meets the following conditions:

(1) Is enrolled as a full-time student in an accredited institution of higher education in this state;

(2) Is pursuing a program of study leading to teacher certification in a critical teacher shortage field at the elementary, middle or secondary level;

(3) Is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending;

(4) Is maintaining a cumulative grade point average of at least 3.0 on a 4.0 scale; and

(5) Is complying with such other standards as the commission may establish by rule.

(b) Recipients found to be in noncompliance with the agreement entered into under §18C-4-3 of this code shall be required to repay the amount of the scholarship awards received, plus interest, and, where applicable, reasonable collection fees, on a schedule and at a rate of interest prescribed in the program guidelines. Guidelines also shall provide for proration of the amount to be repaid by a recipient who teaches for part of the period required under §18C-4-3(a) of this code and for appeal procedures under which a recipient may appeal any determination of noncompliance.

(c) A recipient is not in violation of the agreement entered into under §18C-4-3 of this code during any period in which the recipient is meeting any of the following conditions:

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

(2) Serving, not in excess of four years, as a member of the armed services of the United States;

(3) Satisfying the provisions of any repayment exemptions that may be prescribed by the commission by rule; or

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

(d) The rules adopted by the commission may provide guidelines under which the Vice Chancellor for Administration may extend the time period for beginning or fulfilling the teaching obligation if extenuating circumstances exist.

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§18C-4-5. Amount and duration of scholarship; relation to other assistance.

(a) An Underwood-Smith Teaching Scholars award shall be used in preparation for becoming an elementary, middle or secondary teacher in a critical teacher shortage field in the public schools of this state. Each award shall be in the amount of $10,000 annually, and is available for a maximum of four academic years for the completion of a bachelor's degree.

(b) An individual may not receive a scholarship award under this article which exceeds the cost of attendance at the institution the individual is attending. The cost of attendance shall be based upon the actual cost of tuition and fees, and reasonable allowances for books, educational supplies, room and board and other expenses necessitated by individual circumstances, in accordance with the program guidelines. For the purposes of establishing an award amount, the Vice Chancellor for Administration shall take into account the amount of financial aid assistance the recipient has or will receive from all other sources. If the amount of the Underwood-Smith Teaching Scholars award and the amount of scholarship and grant awards which the recipient has received from all other sources exceed the cost of attendance, the institution's financial aid officer, in consultation with the scholar, will determine what aid is to be reduced and shall do so in a manner to the best advantage of the scholar.

(c) The amendments to this article during the 2019 First Extraordinary Session of the Legislature shall be effective for academic years beginning on or after July 1, 2019, and the provisions of this article existing immediately prior to the 2019 first extraordinary session of the Legislature remain in effect for academic years beginning prior to July 1, 2019.

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§18C-4A-1. Selection criteria and procedures for loan assistance; effective date.

(a) The Higher Education Student Financial Aid Advisory Board created by §18C-1-5 of this code shall select recipients to receive Teacher Education Loan Repayment Program awards. The advisory board shall make decisions regarding loan repayment awards pursuant to §18C-4-1 of this code and rules of the commission.

(b) To be eligible for a loan repayment award, an applicant shall currently be employed in a public school in this state as a teacher in a critical teacher shortage field or as a school counselor at the elementary, middle or secondary level in a school or geographic area of the state identified as an area of critical need for such field.

(c) In accordance with the rule promulgated pursuant to §18C-4-1 of this code, the Vice Chancellor for Administration shall develop additional eligibility criteria and procedures for the administration of the loan repayment program.

(d) The Vice Chancellor for Administration shall make available program application forms to public and private schools in the state via the website of the commission and the State Department of Education and in other locations convenient to potential applicants.

(e) The amendments to this article during the 2019 First Extraordinary Session of the Legislature shall be effective for school years beginning on or after July 1, 2020, and the provisions of this article existing immediately prior to the 2019 First Extraordinary Session of the Legislature remain in effect for school years beginning prior to July 1, 2020.

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§18C-4A-2. Teacher Education Loan Repayment agreement.

(a) Before receiving a loan repayment award, each eligible applicant shall enter into an agreement with the Vice Chancellor for Administration and shall meet the following criteria:

(1) Provide the commission with evidence of compliance with §18C-4-4 of this code;

(2) Agree to be employed full time under contract with a county board of education for a period of two school years as a teacher in a critical teacher shortage field or as a school counselor at the elementary, middle or secondary level in a school or geographic area of critical need for such field for each year for which a loan repayment assistance award is received pursuant to this article. The Vice Chancellor for Administration may grant a partial award to an eligible recipient whose contract term is for less than a full school year pursuant to criteria established by commission rule;

(3) Acknowledge that an award is to be paid to the recipient's student loan institution, not directly to the recipient, and only after the commission determines that the recipient has complied with all terms of the agreement; and

(4) Agree to repay all or part of an award received pursuant to this article if the award is not paid to the student loan institution or if the recipient does not comply with the other terms of the agreement.

(b) Each loan repayment agreement shall disclose fully the terms and conditions under which an award may be granted pursuant to this article and under which repayment may be required. The agreement also is subject to and shall include the terms and conditions established by §18C-4-5 of this code.

WV Legislature

§18C-4A-3. Amount and duration of loan repayment awards; limits.

(a) Each award recipient is eligible to receive loan assistance in an amount determined annually by the commission based upon available funds, but not less than $3,000 annually in an amount determined annually by the commission based upon available funds, and subject to limits set forth in subsection (b) of this section, if the recipient:

(1) Has been employed for a full school year under contract with a county board of education as a teacher in a critical teacher shortage field or as a school counselor at the elementary, middle or secondary level in a school or geographic area of critical need; and

(2) Otherwise has complied with the terms of the agreement and with applicable provisions of this article and §18C-4-1 et seq. of this code, and any rules promulgated pursuant thereto.

(b) The recipient is eligible for renewal of a loan repayment assistance award only during periods when the recipient complies with other criteria and conditions established by rule, and is under contract with a county board of education as a teacher in a critical teacher shortage field or as a school counselor at the elementary, middle or secondary level, in a school or geographic area of critical need in such field.

WV Legislature

§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.

WV Legislature

§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.

WV Legislature

§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.

WV Legislature

§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.

WV Legislature

§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.

WV Legislature

§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

WV Legislature

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.

WV Legislature

§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

WV Legislature

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

WV Legislature

§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

WVLegislature

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.

WV Legislature

§18C-5-8.

Repealed.

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

WV Legislature

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

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

(b) The Higher Education Policy Commission shall propose a legislative rule in accordance with the provisions of §29A-3A-1, *et seq*. of this code, to implement the provisions of this article. The rule shall provide for the administration of the West Virginia STEM scholarship program by the vice chancellor for administration in furtherance of the purposes of this article, including, but not limited to, an expression of legislative intent that academic ability be the primary criteria for selecting scholarship recipients, scholarship selection criteria and procedures, renewal, compliance, noncompliance, repayment, deferral, and excusal. The rule also shall provide for appeal procedures under which a recipient may appeal any determination of noncompliance. The rule shall establish appropriate guidelines for program operation.

(c) There is hereby created in the State Treasury a special revolving fund known as the "West Virginia Science, Technology, Engineering, and Mathematics (STEM) Scholarship Fund" to be administered by the commission solely for granting scholarships to prospective scientists, technologists, engineers, and mathematicians in accordance with this article. Any moneys which may be appropriated by the Legislature, or received by the commission from other sources, for the purposes of this article shall be deposited in the fund. Any moneys remaining in the fund at the close of the fiscal year shall be carried forward for use in the next fiscal year. Any moneys repaid to the commission by reason of default of a scholarship agreement under this article also shall be deposited in the fund. Fund balances shall be invested with the state's consolidated investment fund, and any and all interest earnings on these investments shall be used solely for the purposes for which moneys invested were appropriated or otherwise received.

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

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

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

WV Legislature

§18C-6-2. Definitions.

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

"Eligible institution of higher education" means a state institution of higher education as defined in §18B-1-2 of this code; and Appalachian Bible College, Bethany College, Davis and Elkins College, the University of Charleston, West Virginia Wesleyan College, and Wheeling University, all in West Virginia, and any other institution of higher education in this state, public or private, approved by the commission: *Provided*, That if any institution listed in this paragraph is not accredited by an accreditor approved by the United States Department of Education, it shall not be included as an eligible institution.

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

" "STEM" or STEM-related field" means a major in biological sciences, chemistry, computer science, physics, engineering, physical sciences, or mathematics at an eligible institution of higher education or any other academic program identified as a "STEM field" by the federal Department of Homeland Security or other appropriate federal agency.

WV Legislature

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

(a) The vice chancellor for administration shall select the recipients of West Virginia STEM scholarships from among those applicants who meet eligibility criteria set forth in subsection (b) of this section.

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

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

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

(3) Be enrolled or accepted for enrollment in an accredited STEM or STEM-related program leading to a certificate, associate or baccalaureate degree at an eligible institution of higher education.

(c) In accordance with the intent of this article, in the rule authorized by §18C-6-1 of this code, the commission shall develop criteria and procedures for the selection of scholarship recipients that reflect the purposes of this article and the areas in which the commission shall make particular efforts in the selection of recipients as set forth in section one of this article and which may include, but not be limited to:

(1) The grade point average of the applicant;

(2) Involvement in extracurricular activities;

(3) Financial need;

(4) Current academic standing; and

(5) An expression of interest in a career in a STEM or STEM-related field as demonstrated in an essay written by the applicant.

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

(d) In developing the rule regarding selection criteria and procedures for the West Virginia STEM scholarship, the commission shall solicit the views of public and private science, technology, engineering, and mathematics agencies and institutions and other interested parties.

WV Legislature

(e) The commission shall make application forms for West Virginia STEM scholarships available to public and private high schools, charter schools, home schools, learning pods, microschools, and other educational programs authorized by the Legislature that encompass education commonly received in grades 9 through 12, in the state and other locations convenient to applicants, parents, and others and shall make an effort to attract students from low-income backgrounds, ethnic or racial minority students, students with disabilities, and women or minority students who show interest in pursuing careers in STEM or STEM-related fields and who are under-represented in those fields.

(f) In awarding the scholarships, the commission shall give preference to applicants who are West Virginia residents.

(g) The commission shall award scholarships based on established statewide need.

WV Legislature

§18C-6-4. Scholarship agreement.

(a) Each recipient of a West Virginia STEM scholarship shall enter into an agreement with the commission under which the recipient shall:

(1) Provide the commission with evidence of compliance with §18C-6-5(a) of this code;

(2) Agree that within one year following the date the recipient ceases to be a full-time student at an eligible institution in a STEM program for which the scholarship was awarded he or she will:

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

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

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

WV Legislature

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

(a) The recipient of a West Virginia STEM scholarship is eligible for scholarship renewal if the recipient is:

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

(2) Pursuing a course of study leading to a certificate, associate or baccalaureate degree in a STEM-related field;

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

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

(b) A recipient who violates a scholarship agreement shall repay the amount of any scholarship award received, plus interest, and, where applicable, reasonable collection fees, on a schedule and at a rate of interest prescribed in the rule authorized by §18C-6-1 of this code. The rule shall also provide for a method of prorating repayment amounts against any amount of the work requirement that has been fulfilled by the recipient.

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

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

(2) Satisfying the provisions of additional repayment exemptions that are established by the commission's rule.

(d) The commission may forgive repayment of a West Virginia STEM scholarship received under this article if the recipient dies or becomes permanently and totally disabled as established by submission of a death certificate or sworn affidavit of a physician qualified to make such a determination as set out in the rule authorized by §18C-6-1 of this code.

(e) The commission's rule shall provide that the length of the repayment period may not exceed 10 years: *Provided*, That the rule may include provisions under which the commission may, if extenuating circumstances exist, extend the period for fulfilling the obligation to 15 years.

WV Legislature

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

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

(b) No individual may receive a scholarship award under this article which exceeds the cost of attendance at the institution the individual is attending. The cost of attendance shall be based upon the actual cost of tuition and fees. If the amount of the West Virginia STEM scholarship award and the amount of financial assistance which the recipient has received from all other sources exceed the cost of attendance, the institution's financial aid officer, in consultation with the recipient, shall determine which source of financial aid to reduce and shall do so in a manner to the best advantage of the recipient.

WV Legislature

§18C-7-1. Title.

This article shall be known and may be cited as the "West Virginia providing real opportunities for maximizing in-state student excellence (PROMISE) scholarship program".

WV Legislature

§18C-7-2. Legislative findings and purpose.

(a) The Legislature finds and declares that:

(1) West Virginia must have an educated work force in order to attract and retain the high wage, high skill jobs of the twenty-first century;

(2) A large percentage of West Virginia residents who graduate from the state's colleges and universities do not work in the state following graduation;

(3) The percentage of West Virginia's adult population over the age of twenty-five with at least a baccalaureate degree is less than fifteen percent and does not compare favorably with the member states of the Southern Regional Education Board average nor with the national average of twenty-five percent;

(4) Higher levels of education attainment result in higher levels of personal income over a lifetime;

(5) Students who acquire a baccalaureate degree will earn an estimated $1 million more over their lifetimes than those who attain only a high school diploma. This translates into an increased tax base and economic development for West Virginia and more discretionary income for its citizens;

(6) Students at all education levels should have an incentive to perform at a high academic level;

(7) There is a need to provide parents with all tools possible to aid them in helping their children understand the importance of high academic achievement in high school and college;

(8) The PROMISE Scholarship Program is highly successful and should be maintained with merit as its strongest component. The merit component:

(A) Provides an incentive for students to set high academic standards in high school;

(B) Encourages students to increase their high school achievement levels;

(C) Encourages students to enroll in more rigorous courses;

(D) Effects a culture change in West Virginia towards increased education attainment;

(E) Results in improved ACT scores in the state since the inception of the program; and

(F) Influences increased numbers of students, including those students who are the highest academic achievers, to remain in West Virginia to attend college.

(b) It is the purpose of this article to continue the West Virginia PROMISE Scholarship

WV Legislature

Program to deal effectively with the findings set forth in this section.

(c) Nothing in this article guarantees:

(1) A PROMISE scholarship award or any specific amount of a PROMISE scholarship award to any student; or

(2) That the requirements necessary for a student to qualify for a PROMISE scholarship will not be changed by legislation or rule before the student is eligible to receive an award.

WV Legislature

§18C-7-3. Definitions.

(a) General. — For the purposes of this article, terms have the meaning ascribed to them in §18C-1-2 of this code, unless the context in which the term is used clearly requires a different meaning or a specific definition is provided in this section.

(b) Definitions. — (1) "Eligible institution" means:

(A) A state institution of higher education as defined in §18B-1-2 of this code;

(B) Appalachian Bible College, Bethany College, Davis and Elkins College, the University of Charleston, West Virginia Wesleyan College, and Wheeling University, all in West Virginia. Any institution listed in this subdivision ceases to be an eligible institution if it meets either of the following conditions:

(i) It loses regional accreditation; or

(ii) It changes its status as a private, not-for-profit institution;

(C) West Virginia Junior College and Salem University; and

(D) Any other public or private regionally accredited institution in this state approved by the commission.

(2) "Tuition" means the quarter, semester or term charges imposed by an eligible state institution of higher education and, additionally, all mandatory fees required as a condition of enrollment by all students. For the purposes of this article, the following conditions apply:

(A) West Virginia University, Potomac State College, and West Virginia University Institute of Technology are considered separate institutions for purposes of determining tuition rates; and

(B) The tuition amount paid by undergraduate health sciences students at West Virginia University is considered to be the same as the amount of tuition paid by all other West Virginia University undergraduate students.

(3) "Enrolled" means either currently enrolled or in the process of enrolling in an eligible institution.

WV Legislature

§18C-7-4. Dissolution of the PROMISE Scholarship Board; transfer of funds.

(a) The West Virginia PROMISE Scholarship Board is hereby dissolved.

(b) All funds administered by the former PROMISE Scholarship Board shall be administered by the Higher Education Policy Commission.

WV Legislature

§18C-7-5. Powers and duties of the West Virginia Higher Education Policy Commission regarding the PROMISE Scholarship.

(a) Powers of commission. — In addition to the powers granted by any other provision of this code, the commission has the powers necessary or convenient to carry out the purposes and provisions of this article including, but not limited to, the following express powers:

(1) To promulgate legislative rules in accordance with the provisions of article three-a, chapter twenty-nine-a of this code to effectuate the purposes of this article;

(2) To invest any of the funds of the West Virginia PROMISE Scholarship Fund established in section seven of this article with the West Virginia Investment Management Board in accordance with the provisions of article six, chapter twelve of this code. Any investments made pursuant to this article shall be made with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in conducting an enterprise of a like character and with like aims. Fiduciaries shall diversify plan investments to the extent permitted by law to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so;

(3) To execute contracts and other necessary instruments;

(4) To impose reasonable requirements for residency for students applying for the PROMISE scholarship. Except as provided in section four, article one of this chapter, a student shall have met the following requirements to be eligible:

(A) Completed at least one half of the credits required for high school graduation in a public or private high school in this state; or

(B) Received instruction in the home or other approved place pursuant to subsection (c), section one, article eight, chapter eighteen of this code for the two years immediately preceding application;

(C) This subsection does not establish residency requirements for matriculation or fee payment purposes at state institutions of higher education;

(5) To contract for necessary goods and services, to employ necessary personnel and to engage the services of private persons for administrative and technical assistance in carrying out the responsibilities of the scholarship program. Any services provided or secured to implement or administer the provisions of this section remain under the direction and authority of the Vice Chancellor for Administration;

(6) To solicit and accept gifts, including bequests or other testamentary gifts made by will, trust or other disposition, grants, loans and other aid from any source and to participate in any federal, state or local governmental programs in carrying out the purposes of this article;

WV Legislature

(7) To define the terms and conditions under which scholarships are awarded with the minimum requirements being set forth in section six of this article; and

(8) To establish other policies, procedures and criteria necessary to implement and administer the provisions of this article.

(b) Duties of commission. — In addition to any duty required by any other provision of this code, the commission has the following responsibilities:

(1) To operate the program in a fiscally responsible manner and within the limits of available funds;

(2) To operate the program as a merit-based program;

(3) To adjust academic eligibility requirements should projections indicate that available funds will not be sufficient to cover future costs; and

(4) To maintain contact with graduates who have received PROMISE scholarships and to provide a written statement of intent to recipients who are selected to receive a PROMISE scholarship notifying them that acceptance of the scholarship entails a responsibility to supply the following:

(A) Information requested by the commission to determine the number and percentage of recipients who shall:

(i) Continue to live in West Virginia after graduation;

(ii) Obtain employment in West Virginia after graduation; and

(iii) Enroll in post-graduate education programs;

(B) For PROMISE scholars who enroll in post-graduate education programs, the name of the state in which each post-graduate institution is located; and

(C) Any other relevant information the commission reasonably requests to implement the provisions of this subdivision.

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§18C-7-6. PROMISE Scholarship Program requirements; legislative rule.

(a) A PROMISE scholarship annual award shall meet the following conditions:

(1) For a student enrolled in a state institution of higher education, the annual award is equal to the lesser of the cost of tuition or $4,750, except that a student who was awarded and used a PROMISE scholarship annual award prior to January 1, 2010, shall continue to receive the annual award calculated under the same terms and conditions that applied on the day before the effective date of this article;

(2) For a student enrolled in an eligible institution other than a state institution of higher education, the annual award is equal to, but may not exceed, the lesser of the cost of tuition or $4,750, except that a student who was awarded and used a PROMISE scholarship annual award prior to January 1, 2010, shall continue to receive the annual award calculated under the same terms and conditions that applied on the day before the effective date of this article;

(3) The annual award may exceed $4,750, if the commission determines that adequate funds are available, but in any case may not be greater than the actual cost of tuition;

(4) The annual award shall be used by an eligible institution to supplement, but may not supplant, a tuition and fee waiver for which the individual is eligible pursuant to §18B-10-5, §18B-10-6a, §18B-10-7, or §18B-10-7b of this code.

(b) The total cost of all scholarships awarded by the commission in any year may not exceed the amount of funds available to the commission during that fiscal year.

(c) In order to be eligible to receive a PROMISE scholarship award, an individual shall:

(1) Submit a scholarship award application to the commission:

(A) Within two years of completing a secondary education program in a public, private, or home school or within two years of obtaining a GED or equivalent; or

(B) Within seven years of initially entering military service, and within one year of discharge from military service, if the individual has entered the United States armed services within two years after completing a secondary education program in a public, private, or home school or obtaining a GED or equivalent;

(2) Apply for and submit a Free Application for Federal Student Aid;

(3) Maintain an overall grade point average of at least 3.0 on a 4.0 grading scale in the required course work necessary to prepare students for success in post-secondary education at the associate and baccalaureate degree levels as determined by the commission, if the individual has completed not more than one semester or term at an institution of higher education, excluding credits earned in advanced placement, international baccalaureate,

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dual credit, and comparable courses while the student is enrolled in high school;

(4) Maintain appropriate academic progress toward the completion of a degree at the undergraduate education level as determined by the commission if the individual has completed more than one semester or term at an institution of higher education, excluding credits earned in advanced placement, international baccalaureate, dual credit and comparable courses while the student is enrolled in high school; school: *Provided*, That a recipient of the PROMISE scholarship award who does not meet the requirements of this subdivision and loses the award may petition the institution to reinstate the award upon successfully reattaining the credit hour and minimum overall grade point qualifications set out in the commission's rule governing eligibility for receipt of the PROMISE scholarship: *Provided, however*, That a student who has lost the PROMISE scholarship award is only eligible to be reinstated one time; if the student becomes ineligible for the PROMISE scholarship award a second time, the student may not again petition the institution for reinstatement of the award nor again be reinstated: *Provided further*, That the student forfeits a term of eligibility for each term in which the student is enrolled to meet the renewal requirements as authorized by this subdivision: *And provided further*, That upon a finding that the student successfully reattained the credit hour and minimum overall grade point qualifications set out in the commission's rule governing eligibility for receipt of the PROMISE scholarship award as required by this subdivision, the institution shall reinstate the award;

(5) Be a United States citizen or legal immigrant to the United States;

(6) Meet additional objective standards the commission considers necessary to promote academic excellence and to maintain the financial stability of the fund; and

(7) Enroll in an eligible institution. A student enrolled at an eligible institution who receives a PROMISE scholarship award may retain and renew the scholarship to complete his or her undergraduate education at that institution or any other eligible institution under the following circumstances:

(A) The institution at which the student is enrolled loses its status as an eligible institution pursuant to the provisions of §18B-7-3(b)(1) of this code; and

(B) The student meets all other renewal requirements of this code and of commission rules.

(d) It is the intent of the Legislature that the commission shall strongly encourage prospective candidates for the PROMISE scholarship to perform at least 20 hours of unpaid community service while in high school to help prepare them for success in post-secondary education. The community service may include, but is not limited to, participation with nonprofit, governmental or community-based organizations designed with any or all of the following purposes:

(1) Improving the quality of life for community residents;

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(2) Meeting the needs of community residents; or

(3) Fostering civic responsibility.

(e) The commission shall promulgate a legislative rule in accordance with the provisions of §29A-3A-1 *et seq*. of this code.

(1) The rule shall include at least the following provisions:

(A) The amount of a PROMISE scholarship award in combination with aid from all other sources may not exceed the cost of education at the institution the recipient is attending;

(B) Additional objective standards the commission considers necessary:

(i) To promote academic excellence;

(ii) To maintain the financial stability of the fund; and

(iii) To operate the program within the limits of available funds;

(C) Provisions for making the highest and best use of the PROMISE Scholarship Program in conjunction with the West Virginia College Prepaid Tuition and Savings Program Act set forth in §18-30-1 *et seq*. of this code;

(D) A provision defining the relationship of PROMISE scholarship awards to all other sources of student financial aid to ensure maximum coordination. The provision shall include the following:

(i) Methods to maximize student eligibility for federal student financial aid;

(ii) A requirement that PROMISE scholarship awards not supplant tuition and fee waivers; and

(iii) Clarification of the relationship between the PROMISE Scholarship Program, tuition savings plans and other state-funded student financial aid programs;

(E) A method for awarding scholarships within the limits of available appropriations, including circumstances when program funds are not sufficient to provide awards to all eligible applicants. The commission may not use any of the following methods:

(i) Providing for an annual PROMISE scholarship award that is less than the amounts provided for in this section; or

(ii) Eliminating any current recipient from eligibility; and

(F) A method for applicants to appeal determinations of eligibility and renewal.

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(2) The rule may provide for or require the following at the commission's discretion:

(A) Requiring repayment of the amount of the scholarship, in whole or in part, if a scholarship recipient chooses to work outside the state after graduation. The rule may not require a recipient to repay a scholarship, in whole or in part, unless the prospective recipient has been informed of this requirement in writing before initial acceptance of the PROMISE scholarship award;

(B) Targeting a portion of the scholarship funds to be used for applicants enrolled in an engineering, science, technology or other designated program;

(C) Determining what other sources of funding for higher education are to be deducted from the PROMISE scholarship award; and

(D) Providing additional criteria as determined by the commission.

(3) Any rule promulgated by the commission pursuant to previous enactments of this article in effect on the effective date of the amendment and reenactment of this article in the year 2009 remains in effect until amended, modified, repealed, or replaced by the commission.

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§18C-7-7. West Virginia PROMISE Scholarship Fund continued.

(a) The special revenue fund in the state Treasury designated and known as the PROMISE Scholarship Fund is continued. The fund consists of moneys from the following sources:

(1) All appropriations to the fund from the West Virginia Lottery, video lottery and taxes on amusement devices;

(2) All appropriations by the Legislature for the PROMISE Scholarship Fund;

(3) Any gifts, grants or contributions received for the PROMISE Scholarship Program; and

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

(b) The allocations to the fund are subject to appropriation by the Legislature. 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 that the aggregate of the amount of moneys transferred to the fund pursuant to section eighteen-a, article twenty-two, chapter twenty-nine of this code, and any other amounts of public moneys that may be transferred to the fund by appropriation of the Legislature, shall equal, but may not exceed, $40 million. For each fiscal year thereafter until and including the fiscal year ending June 30, 2009, it is the intent of the Legislature that this aggregate be an amount two percent greater than the aggregate established by this subsection for the prior fiscal year. For the fiscal year beginning July 1, 2009, it is the intent of the Legislature that the aggregate of the amount of moneys transferred to the fund pursuant to section eighteen-a, article twenty-two, chapter twenty-nine of this code and any other amounts of public moneys that may be transferred to the fund by appropriation of the Legislature shall equal $45 million. For the fiscal year beginning July 1, 2010, it is the intent of the Legislature that the aggregate of the amount of moneys transferred to the fund shall equal $48 million. For the fiscal year beginning July 1, 2011, and every fiscal year thereafter, it is the intent of the Legislature that the aggregate of the amount of moneys transferred to the fund shall equal $47,500,000.

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

WVLegislature

§18C-7-8.

Repealed.

Acts, 2009 Reg. Sess., Ch. 84.

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§18C-7-9.

Repealed.

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

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§18C-8-1.

Repealed.

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

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§18C-8-2.

Repealed.

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

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§18C-8-3.

Repealed.

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

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§18C-9-1. Short title.

This article shall be known and may be cited as the WV Invests Grant Program.

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§18C-9-2. Legislative findings and purpose.

(a) The Legislature hereby finds and declares that:

(1) Every West Virginian should have access to education and training that will lead directly to quality employment opportunities within the state. In order for West Virginia to retain and attract business and industry, it must ensure that its workforce has such education and training;

(2) West Virginia currently faces a human capital crisis, as the state regularly ranks amongst the lowest states in the nation in workforce participation rates. Improving the state's workforce participation rates and the level of the workforce's career education is critical to economic development and making West Virginia a more prosperous state;

(3) The 2017 West Virginia Forward Report, a strategy for economic development and job growth, found that "investments in improving human capital are considered the most significant opportunity for improvement in West Virginia, especially because access to a specialized workforce is a significant factor for investment attraction…";

(4) According to the United States Department of Labor's Bureau of Labor Statistics, the median yearly earnings of an individual with an associate's degree is approximately $6,604 more than an individual with only a high school diploma. Therefore, any investment by the state into a citizen obtaining such a degree would be repaid multiple times over through the citizen's increased contributions to the economy and tax base;

(5) West Virginia is currently facing a devastating drug epidemic, and the hope that comes with increased access to career education and higher quality employment opportunities is an indispensable tool against the spread of drug addiction; and

(6) An investment by the state into increasing access to post-secondary career education will provide its citizens the hope and opportunity for better career opportunities, and provide the state with the trained workforce needed to attract significant economic development.

(b) The purpose of this article is to provide West Virginians with hope and economic prosperity by increasing access to a higher level of career education that is needed to fulfill the needs of today's workforce and provide for further economic development.

WV Legislature

§18C-9-3. Definitions.

As used in this article:

"Academic fees" means fees charged to students for specific courses or programs to support such expenses such as lab or equipment costs.

"Council" means the West Virginia Council for Community and Technical College Education.

"Commission" means the West Virginia Higher Education Policy Commission.

"Eligible institution" means a public community and technical college under the authority of the West Virginia Council for Community and Technical College Education, or a public or not-for-profit private baccalaureate institution authorized by the Higher Education Policy Commission that grants associate degrees satisfying the requirements of participating in Advanced Career Education (ACE) program partnerships in accordance with §18-2E-11 of this code, or a not-for-profit, hospital-based allied health program authorized by the West Virginia Council for Community and Technical College Education.

"Eligible post-secondary program" means a curriculum of courses leading to a certificate or associate degree at an eligible institution which satisfies a course of study that has been deemed by the council to satisfy a workforce need.

"Tuition" means the semester or term charges imposed by an eligible institution and, additionally, all mandatory fees required as a condition of enrollment by all students.

WV Legislature

§18C-9-4. WV Invests Grant Program.

(a) There is hereby created a grant program known as the WV Invests Grant Program, which shall be administered by the vice chancellor for administration in accordance with this article.

(b) The council shall award WV Invests Grants pursuant to the following terms and conditions:

(1) A WV Invests Grant may only be awarded to applicants satisfying the requirements provided in §18C-9-5 of this code;

(2) The maximum amount of a WV Invests Grant shall be the cost of tuition mandatory fees, and academic program fees for coursework leading to completion of the chosen associate degree or certificate, less all other state and federal scholarships and grants for which the student is eligible: *Provided*, That all academic program fees charged in addition to base tuition must be approved by the Council for Community and Technical College Education to be eligible for the West Virginia Invests Grant as set forth in this article. All other state and federal scholarships and grants for which the grant recipient is eligible shall be deducted from the amount of the WV Invests Grant for each individual student. The amount of a WV Invests Grant at an eligible public or not-for-profit private baccalaureate institution shall not exceed the average cost of tuition and mandatory fees of the community and technical colleges;

(3) Grant payments shall be made directly to the eligible institutions;

(4) If a grant recipient transfers from one eligible institution to another, the grant is transferable only with approval of the vice chancellor for administration;

(5) A WV Invests Grant may be used at any eligible institution to seek an associate degree or certificate in an eligible post-secondary program. An institution is not required to accept a grant recipient for enrollment and may enforce its own admission requirements, standards, and policies; and

(6) If a WV Invests Grant recipient terminates enrollment for any reason during the academic year, the unused portion of the grant shall be returned by the institution to the council in accordance with the council's policy for issuing refunds. The council shall transfer such funds to the WV Invests Fund for allocation and expenditure.

(c) On or before January 1 annually, the council shall provide to the Legislature and the Governor a report on the WV Invests Grant Program, which shall include, but not be limited to, research and data concerning student success and grant retention.

(d) The council shall propose legislative rules for legislative approval pursuant to §29A-3A-1 *et seq*. of this code to implement the provisions of this article, which shall provide for:

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(1) Application requirements and deadlines fully implementing requirements of this article;

(2) Appeal procedures for the denial or revocation of the grant; and

(3) Any other provisions necessary to effectuate the purposes of this article.

(e) The Legislature hereby declares that an emergency situation exists and, therefore, the council may establish, by emergency rule, under the procedures of §29A-3A-1 *et seq*. of this code, a rule to implement the provisions of this article.

(f) Beginning with the 2021 fiscal year, and for every fiscal year thereafter, any appropriation by the Legislature to support and or alleviate the cost to citizens in this state to obtain advanced certifications and associate degrees shall only be distributed to those community and technical colleges or public or not-for-profit private baccalaureate institutions that form one or more partnerships to establish ACE programs and pathways. Once distributed, such funds may be used to support any eligible post-secondary program or pathway provided by an eligible institution leading to the award of such degree or certification.

WV Legislature

§18C-9-5. Eligibility requirements; agreements.

(a) To be eligible for a WV Invests Grant, an individual must satisfy the following requirements:

(1) Be a citizen or legal resident of the United States and have been a resident of West Virginia for at least one year immediately preceding the date of application for a grant;

(2) Have completed a secondary education program in a public, private, or home school;

(3) Have not been previously awarded a bachelor's degree: *Provided*, That individuals who have previously been awarded a bachelor's degree may qualify for the grant if they are seeking an associate degree or certificate in an eligible post-secondary program for emergency medical services;

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

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

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

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

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

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

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

(b) Each grant may be awarded and renewed up to a lifetime total of six full-time equivalent semesters, until the course of study is completed as long as the following qualifications, as determined by the vice chancellor for administration and the council, are satisfied:

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

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

(3) Satisfactory participation in a community service program authorized by the council. The council shall include in the legislative rules, required by §18C-9-4 of this code, provisions for the administration of community service requirements, including, but not limited to,

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requiring completion of at least eight hours of unpaid community service during the time of study, which may include, but is not limited to, participating with nonprofit, governmental, institutional, or community-based organizations designed to improve the quality of life for community residents, meet the needs of community residents, or foster civic responsibility;

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

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

(c) Each recipient of a WV Invests Grant shall enter into an agreement with the vice chancellor for administration, which shall require repayment of an amount of the grant or grants awarded to the recipient, in whole or in part, if a recipient chooses to reside outside the state within two years following either obtainment of the degree or certificate for which the grant or grants were awarded or enrollment at an eligible institution ends, whichever occurs later: *Provided*, That while enrolled out-of-state for further post-secondary education, the recipient may request deferment of the two-year residency requirement. The council may not require a recipient to repay grants, in whole or in part, unless the prospective recipient has been informed of this requirement in writing before initial acceptance of the grant award. Each WV Invests Grant agreement shall include the following:

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

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

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

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

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

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

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

(4) Satisfying the provisions of any additional repayment exemptions prescribed by the

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council through rule.

WV Legislature

§18C-9-6. WV Invests Fund; established.

(a) The WV Invests Fund is hereby created in the State Treasury as a special revenue account. The fund shall be administered by the vice chancellor for administration and may consist of:

(1) All appropriations by the Legislature for the WV Invests Fund;

(2) Any gifts, grants, or contributions received for the WV Invests Fund; and

(3) All interest or other income earned from investment of the WV Invests Fund.

(b) The WV Invests Fund shall be expended for the purpose of administering the WV Invests Grant Program, including the awarding of grants authorized by this article. Any funds remaining in the fund at the close of the fiscal year are carried forward for use in the next fiscal year.

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

WV Legislature