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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. *2512*

(By Mr. *Debs Ashcraft and Mezzatesta*)

— ● —

Passed *March 9,* 1991

In Effect *From* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2512
(By DELEGATES ASHCRAFT AND MEZZATESTA)

[Passed March 9, 1991; in effect from passage.]

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-f, relating to creating the West Virginia share in your future act; setting forth legislative findings; creating a share in your future commission and providing for the membership thereof; meetings and report of the commission; establishment of a non-profit fund; commission to contract to provide scholarship grants; powers of the commission; registration requirements; promulgation of rules; eligibility for shares; conversion of shares; creation of share certificate; duties of county boards; and termination of commission.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-f, to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 2F. INCENTIVES AND RESULTS BASED SCHOLARSHIP PROGRAM.

§18-2F-1. Title.

1 This article shall be known and may be cited as the
2 “West Virginia Share in Your Future Act”.

§18-2F-2. Legislative findings.

1 The Legislature hereby finds and declares that an
2 educated and informed citizenry is essential to a
3 democratic society. Opportunities for higher education
4 and post-secondary vocational education should be
5 expanded, made affordable and made available to all
6 residents.

7 In order to ensure that continued access to higher
8 education and post-secondary vocational education is
9 available to the state’s citizens, an incentive to secondary
10 education students must be developed and funded
11 through private and public entities as well as any other
12 available sources.

**§18-2F-3. Share in your future commission established;
composition of commission; duties and
responsibilities.**

1 There is hereby created in state government, under
2 the supervision of the state board, a commission on
3 educational incentives to secondary education students
4 to be known as the share in your future commission.

5 The share in your future commission shall be com-
6 posed of nine members, who shall serve without salary
7 or expenses, as follows:

8 (a) The state superintendent, the chancellor of the
9 state college system and the chancellor of the university
10 of West Virginia system, ex officio, or their designees;

11 (b) A member of the joint commission on vocational
12 education, ex officio, or his or her designee; and

13 (c) Five members to be appointed by the governor as
14 follows:

15 (1) A representative of the business community with
16 a demonstrated interest in education;

17 (2) A representative of labor with a demonstrated

18 interest in education; and

19 (3) Three representatives of the general public.

20 Of the five members appointed by the governor, no
21 more than three may be members of the same political
22 party and all shall serve at the will and pleasure of the
23 governor.

24 The share in your future commission shall meet no
25 later than the first day of July, one thousand nine
26 hundred ninety-one. The commission shall conduct a
27 study and report to the Legislature on the first day of
28 the regular session in the year one thousand nine
29 hundred ninety-two. The commission's report shall
30 include any further legislative recommendations neces-
31 sary to carry out the provisions of this article, whereby
32 students in grade seven through grade eleven may earn
33 shares, through appropriate conduct and accomplish-
34 ment, in a scholarship fund to be used to pay student
35 costs at accredited state institutions of higher education,
36 post-secondary vocational education programs and
37 higher educational institutions, all as defined in section
38 two, article one, chapter eighteen-b of this code, and
39 other approved and accredited participating post-
40 secondary educational programs located in West
41 Virginia.

42 The share in your future commission shall encourage
43 contributions to the program and encourage private,
44 proprietary educational institutions, accredited by a
45 national or regional accrediting agency or association
46 recognized by the United States department of educa-
47 tion and which provide training at a campus located in
48 this state to participate.

§18-2F-4. Nonprofit fund.

1 The share in your future commission shall identify a
2 nonprofit corporation or other charitable organization
3 which is suitable to collect, invest, hold, manage, and
4 disburse scholarship funds under the provisions of this
5 article. At an appropriate time, the commission may
6 contract with said corporation or organization to provide
7 scholarship grants under this article. The commission is

8 empowered to publicize the program and to solicit
9 donations, grants, bequests and gifts from any source.
10 The state board may seek appropriations from the
11 Legislature for the cost of operating this program and
12 to match private scholarship funds.

13 The nonprofit corporation shall, under the terms of
14 any contract entered into hereunder, make available to
15 the commission on a yearly basis, the amount of money
16 available to meet the requirements of the incentives-
17 based share program and upon request, shall transfer
18 funds necessary for implementing the provisions of this
19 article.

§18-2F-5. Registration requirements.

1 Any student choosing to enter the program must
2 complete and sign a registration form. The student's
3 parent or guardian shall also sign the registration form
4 in order for the student to be eligible for the program.
5 The registration form shall be made available through
6 the commission to the local boards of education. A copy
7 of the completed form shall be kept on file at the board
8 office in the county in which the student is enrolled. The
9 original registration form shall be kept on file with the
10 share in your future commission.

11 The registration form shall clearly state the eligibility
12 requirements for the program as well as all applicable
13 rules and regulations regarding continued eligibility in
14 the program.

§18-2F-6. Incentives-based shares program.

1 On or before the first day of July, one thousand nine
2 hundred ninety-two, the share in your future commis-
3 sion shall promulgate legislative rules pursuant to
4 section nine, article three-b, chapter twenty-nine-a of
5 this code regarding the criteria to be used in awarding
6 shares. When the commission determines that adequate
7 funding is available, these rules shall be forwarded to
8 each county board to be used in awarding shares to
9 participants. Shares in the fund may be awarded for
10 performance by students in grades seven through eleven
11 in the following areas:

- 12 (a) Attendance or improved attendance over the
13 previous school year;
- 14 (b) Successful completion of an advance placement
15 course and passage of the national advanced placement
16 exam;
- 17 (c) An improvement in quality point average over the
18 previous school year;
- 19 (d) Completion of all courses with a specified quality
20 point average;
- 21 (e) Signing a drug free, alcohol free pledge;
- 22 (f) Completion of an advanced course in specified
23 subject areas;
- 24 (g) Demonstrated participation in extracurricular
25 activities; and
- 26 (h) Such other areas and criteria as the share in your
27 future commission may establish.

§18-2F-7. Conversion of shares.

1 Shares are cumulative from one school year to the
2 next school year and may be converted to a pro rata
3 share of the total fund available upon graduation from
4 an accredited West Virginia high school. The share in
5 your future commission shall promulgate rules in
6 accordance with article three-b, chapter twenty-nine-a
7 of this code, to determine the pro rata share of the total
8 fund that each share represents.

9 Upon graduation from an accredited West Virginia
10 high school, each student has the right to cash in his or
11 her respective shares for a voucher that may be spent
12 at any accredited state institutions of higher education,
13 post-secondary vocational education programs or higher
14 educational institutions, all as defined in section two,
15 article one, chapter eighteen-b of this code, and other
16 approved and accredited post-secondary educational
17 programs located in West Virginia participating in the
18 program: *Provided*, That the share in your future
19 commission may implement the conversion of shares to
20 vouchers at the close of the school year ending in the

21 year one thousand nine hundred ninety-five.

22 The share in your future commission may have a
23 share certificate designed, which is similar in design to
24 stock certificates, which shall include the student's
25 name, the number of shares and certification by the
26 governor of West Virginia and the superintendent of
27 schools that the shares were earned. Upon receipt by the
28 share in your future commission of the report provided
29 for in section eight of this article, the commission may
30 complete share certificates based upon the report and
31 forward the certificates to the appropriate county board.
32 The county board shall notify the student and at an
33 appropriate time shall deliver the certificate to the
34 student.

§18-2F-8. Duties of county boards.

1 Each county board which has a student participating
2 in the incentive program shall, at the end of each school
3 year, report in writing to the share in your future
4 commission the number of shares earned by each
5 participant. A copy of such report shall be retained by
6 the county board. Accumulated shares earned shall be
7 reported to each student at the end of each school year:
8 *Provided*, That the appropriate information shall be
9 collected by the school counselor who will then forward
10 the same to the local county board.

§18-2F-9. Termination of commission.

1 The share in your future commission shall be termi-
2 nated on the first day of July, one thousand nine
3 hundred ninety-four, unless review of its functions shall
4 be undertaken pursuant to the provisions of sections
5 nine, ten and eleven, article ten, chapter four of this
6 code. If such commission is terminated pursuant to this
7 section, all contractual obligations of the commission
8 including any shares earned, shall be assumed by the
9 state board.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Homer Heck
Chairman Senate Committee

Ernest C Moore
Chairman House Committee

Originating in the House.

Takes effect from passage.

Ferris E. Adams
Clerk of the Senate

Donald L. Goff
Clerk of the House of Delegates

Walter Brantley
President of the Senate

Robert C. Bell
Speaker of the House of Delegates

The within *is approved* this the *1st* day of *April*, 1991.

Yaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date

3/28/91

Time

10:10am