

HB 2482

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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2482

(By Delegates Mezzatesta, Michael, Doyle,
Williams, Stemple, Manuel and Harrison)



Passed March 13, 1999

In Effect July 1, 1999

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SECRETARIAT OF THE HOUSE OF DELEGATES

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FOR

H. B. 2482

(BY DELEGATES MEZZATESTA, MICHAEL, DOYLE,
WILLIAMS, STEMPLE, MANUEL AND HARRISON)

[Passed March 13, 1999; in effect July 1, 1999.]

AN ACT to amend and reenact sections three, four and six, article five, chapter eighteen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section seven, all relating to the higher education grant program; administration by the senior administrator; powers and duties of the senior administrator; recipients, awards and distribution of awards of grants; renewal of grant awards; creation of the higher education adult part-time student grant program; defined terms; eligibility criteria; legislative rules; authority of governing boards to promulgate emergency rules; and report to legislative oversight commission on education accountability.

Be it enacted by the Legislature of West Virginia:

That sections three, four and six, article five, chapter eighteen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be

further amended by adding thereto a new section, designated section seven, all to read as follows:

ARTICLE 5. HIGHER EDUCATION GRANT PROGRAM.

§18C-5-3. Grant program to be administered by senior administrator; higher education grant fund created.

1 The grant program established and authorized by this article
2 shall be administered by the senior administrator. Moneys
3 appropriated or otherwise available for this purpose, shall be
4 allocated by line item to an appropriate account.

§18C-5-4. Powers and duties of senior administrator.

1 Subject to the provisions of this article and within the limits
2 of appropriations made by the Legislature, the senior adminis-
3 trator is authorized and empowered to: (1) Prepare and super-
4 vise the issuance of public information concerning the grant
5 program; (2) prescribe the form and regulate the submission of
6 applications for grants; (3) administer or contract for the
7 administration of such examinations as may be prescribed by
8 the senior administrator; (4) select qualified recipients of
9 grants; (5) award grants; (6) accept grants, gifts, bequests and
10 devises of real and personal property for the purposes of the
11 grant program; (7) administer federal and state financial loan
12 programs; (8) cooperate with approved institutions of higher
13 education in the state and their governing boards in the adminis-
14 tration of the grant program; (9) make the final decision
15 pertaining to residency of an applicant for grant or renewal of
16 grant; (10) employ or engage such professional and administra-
17 tive employees as may be necessary to assist the senior adminis-
18 trator in the performance of the duties and responsibilities,
19 who shall serve at the will and pleasure and under the direction
20 and control of the senior administrator; (11) employ or engage
21 such clerical and other employees as may be necessary to assist
22 the senior administrator in the performance of the duties and
23 responsibilities, who shall be under the direction and control of
24 the senior administrator; (12) prescribe the duties and fix the
25 compensation of all such employees; (13) administer the adult
26 part-time student higher education grant program established
27 under section seven of this article; and (14) propose legislative

28 rules in accordance with the provisions of article three-a,
29 chapter twenty-nine-a of this code, not inconsistent with the
30 provisions of this article relating to the administration of the
31 higher education grant program.

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

1 The grant recipient is free to attend any approved institution
2 of higher education in this state or any three-year registered
3 nurse diploma program which is approved by the West Virginia
4 board of examiners for registered professional nurses and which
5 is offered at a nonprofit West Virginia hospital.

6 The institution is not required to accept the grant recipient
7 for enrollment, but is free to exact compliance with its own
8 admission requirements, standards and policies.

9 Grants may only be made to undergraduate students and to
10 students enrolled in approved three-year registered nurse
11 diploma programs, as provided in this article.

12 Each grant is renewable until the course of study is com-
13 pleted, but not to exceed an additional three academic years
14 beyond the first year of the award. These may not necessarily
15 be consecutive years, and the grant will be terminated if the
16 student receives a degree in a shorter period of time. Qualifica-
17 tions for renewal will include maintaining satisfactory academic
18 standing, making normal progress toward completion of the
19 course of study and continued eligibility, as determined by the
20 senior administrator.

21 Grant awards shall be made without regard to the appli-
22 cant's race, creed, color, sex, national origin or ancestry; and in
23 making grant awards, the senior administrator shall treat all
24 approved institutions of higher education in a fair and equitable
25 manner.

26 The senior administrator from time to time shall identify
27 areas of professional, vocational and technical expertise that

28 are, or will be, of critical need in this state and, to the extent
29 feasible, may direct grants to students that are pursuing
30 instruction in those areas.

31 The senior administrator may enter into reciprocal agree-
32 ments with state grant and grant program agencies in other
33 states which provide financial assistance to their residents
34 attending institutions of higher education located in West
35 Virginia. In connection therewith, the senior administrator may
36 authorize residents of West Virginia to use financial assistance
37 under this article to attend institutions of higher education in
38 such other states. Residents of West Virginia requesting
39 financial assistance to attend institutions of higher education
40 located in any such states must meet all of the eligibility
41 standards set forth in section five of this article.

42 Grant awards are limited to the lesser of the payment of
43 tuition and those related compulsory fees charged by an
44 institution to all West Virginia undergraduate students or an
45 amount equal to the average state general fund support for each
46 full-time equivalent student at state institutions of higher
47 education for the preceding academic year as calculated by the
48 senior administrator. Payments of grants shall be made directly
49 to the institution.

50 In the event that a grant recipient transfers from one
51 approved institution of higher education or approved three-year
52 registered nurse diploma program, to another approved institu-
53 tion of higher education or approved three-year registered nurse
54 diploma program, the grant is transferable only with the
55 approval of the senior administrator.

56 Should the recipient terminate enrollment for any reason
57 during the academic year, the unused portion of the grant shall
58 be returned by the institution to the appropriate governing board
59 in accordance with the governing board's policy for issuing
60 refunds, for transfer to the appropriate account and allocation
61 for expenditure pursuant to the provisions of this article.

**§18C-5-7. Higher education adult part-time student grant pro-
gram.**

1 (a) There is established the higher education adult part-time
2 student grant program, hereafter referred to as the HEAPS grant
3 program. The grant program established and authorized by this
4 section is administered by the senior administrator. Moneys
5 appropriated or otherwise available for such purpose shall be
6 allocated by line item to an appropriate account. Any moneys
7 remaining in the fund at the close of a fiscal year shall be
8 carried forward for use in the next fiscal year.

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

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

16 (2) "Part-time" means enrollment for not less than six nor
17 more than eleven semester or term hours: *Provided*, That for no
18 more than two semesters during the recipient's ten years of
19 eligibility, the recipient may be considered to be enrolled part-
20 time if he or she is enrolled for three or more semester or term
21 hours;

22 (3) "Satisfactory academic progress" means maintaining a
23 cumulative grade point average of at least 2.0 on a 4.0 grading
24 scale with a goal of obtaining a certificate, associate degree or
25 bachelor's degree;

26 (4) "Eligible institution of higher education" means any
27 community college; community and technical college; adult
28 technical preparatory education program or training, as that
29 term is defined in section one-b, article three-a, chapter
30 eighteen-b of this code; state college or university, as those
31 terms are defined in section two, article one, chapter eighteen-b
32 of this code; approved institution of higher education as that
33 term is defined in section two of this article; or any approved
34 distance education, including world wide web based courses;
35 and

36 (5) "State resident" means a student who has lived in West
37 Virginia continuously for a minimum of twelve months

37 immediately preceding the date of application for a HEAPS
38 grant or renewal of a grant.

39 (c) A person is eligible for consideration for a HEAPS grant
40 if the person:

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

44 (2) Qualifies as an independent student according to current
45 federal financial aid criteria;

46 (3) Demonstrates financial need for funds, as defined by
47 legislative rule;

48 (4) Has not been enrolled in a high school diploma pro-
49 gram, other than general education development (GED), for at
50 least the two preceding years;

51 (5) Is a state resident and may not be considered a resident
52 of any other state;

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

54 (7) Is not incarcerated in a correctional facility;

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

56 (9) Is enrolled in a program of study as an undergraduate on
57 a part-time basis at an eligible institution of higher education
58 and is making satisfactory academic progress at the time of
59 application: *Provided*, That the requirement that the student be
60 making satisfactory academic progress may not preclude a
61 HEAPS grant award to a student who has been accepted for
62 enrollment in a program of study but has not yet been enrolled.

63 (d) Each HEAPS grant award is eligible for renewal until
64 the course of study is completed, but not to exceed an additional
65 nine years beyond the first year of the award.

66 (e) The governing boards shall propose a joint legislative
67 rule pursuant to article three-a, chapter twenty-nine-a to
68 implement the provisions of this section which shall be filed
69 with the legislative oversight commission on education ac-

70 countability by the first day of September, one thousand nine
71 hundred ninety-nine. The Legislature hereby declares that an
72 emergency situation exists and, therefore, the governing boards
73 jointly may establish by emergency rule, under the procedures
74 of article three-a, chapter twenty-nine-a of this code, legislative
75 rules to implement the provisions of this section, after approval
76 by the legislative oversight commission on education account-
77 ability.

78 (1) The joint legislative rules shall provide that consider-
79 ation of financial need, as required by subdivision (3), subsec-
80 tion (c) of this section, include the following factors:

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

83 (B) Whether the applicant has any personal hardship as
84 determined at the discretion of the senior administrator; and

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

87 (2) The joint legislative rule shall provide for an appropri-
88 ate allocation process for distribution of funds directly to the
89 eligible institutions of higher education, and may include a
90 provision for making allocations directly to the community
91 college components of four-year institutions where appropriate,
92 based on the part-time enrollment figures of the prior year. The
93 rules shall further provide for any funds not expended by an
94 institution at the end of each fiscal year to be returned to the
95 senior administrator for distribution under the provisions of this
96 section.

97 (f) The amount of any HEAPS grant awarded per semester
98 or term hour to a student enrolled at a public institution of
99 higher education under the jurisdiction of the governing boards,
100 as defined in section two, article one, chapter eighteen-b of this
101 code, shall be based upon the actual per credit hour tuition and
102 fees charged. The amount of any HEAPS grant awarded per
103 semester or term hour to a student enrolled in any other
104 institution that qualifies under the provisions of this section
105 shall be based upon the average per credit or term hour tuition

106 and fee charges assessed by all public undergraduate institu-
107 tions of higher education, under the jurisdiction of the govern-
108 ing boards, during the previous year.

109 (g) The senior administrator shall report annually, by the
110 first day of December, on the status of the HEAPS grant
111 program to the legislative oversight commission on education
112 accountability.

113 (h) The HEAPS grant program is subject to any provision
114 of this article not inconsistent with the provisions of this
115 section.

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



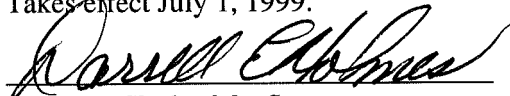
Chairman Senate Committee



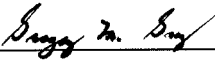
Chairman House Committee

Originating in the House.

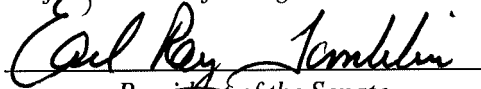
Takes effect July 1, 1999.



Clerk of the Senate



Clerk of the House of Delegates

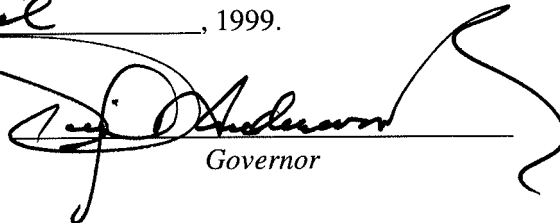


President of the Senate



Speaker of the House of Delegates

The within approved this the 7th
day of April, 1999.



Governor

PRESENTED TO THE

GOVERNOR

Date

4/6/99

Time

2:35 pm