

FILED

2001 MAY -2 P 11: 54

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2897**

(By Delegates Fahey, Hubbard, Morgan,
Mathews, Fox, L. Smith and Swartzmiller)



Passed April 14, 2001

In Effect from Passage

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H. B. 2897

(BY DELEGATES FAHEY, HUBBARD, MORGAN,
MATHEWS, FOX, L. SMITH AND SWARTZMILLER)

[Passed April 14, 2001; in effect from passage.]

AN ACT to amend and reenact section seven, article five, chapter eighteen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing higher education adult part-time student grants to students enrolled in post-secondary certificate, industry recognized credential and other skill development programs of study in demand occupations; changing out-dated terms and references; clarifying definition for eligible institutions; adding definitions for eligible programs and courses, postsecondary certificate program, demand occupation, industry recognized credential program, and skill development program; modifying definitions, clarifying program parameters and eligibility requirements to accommodate newly authorized programs; requiring commission to develop a legislative rule for implementation including allocation of funds and guidelines for calculating grant amounts; and authorizing emergency rule.

FILED

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Be it enacted by the Legislature of West Virginia:

That section seven, article five, chapter eighteen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. HIGHER EDUCATION GRANT PROGRAM.

§18C-5-7. Higher education adult part-time student grant program.

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 vice chancellor for administra-
5 tion. Moneys appropriated or otherwise available for such
6 purpose shall be allocated by line item to an appropriate
7 account. Any moneys remaining in the fund at the close of a
8 fiscal year shall be carried forward for use in the next fiscal
9 year.

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

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

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

24 otherskill development programs in demand occupations in this
25 state, “part-time” means enrollment on such basis as is estab-
26 lished for the program in which enrolled.

27 (3) “Satisfactory academic progress” means maintaining a
28 cumulative grade point average of at least 2.0 on a 4.0 grading
29 scale with a goal of obtaining a certificate, associate degree or
30 bachelor’s degree. In the case of postsecondary certificate,
31 industry recognized credential and other skill development
32 programs, satisfactory academic progress means continuous
33 advancement toward completion of the program on the normal
34 schedule established for the program in which enrolled;

35 (4) “Eligible institution” means:

36 (A) Any community college; community and technical
37 college; adult technical preparatory education program or
38 training;

39 (B) Any state college or university, as those terms are
40 defined in section two, article one, chapter eighteen-b of this
41 code;

42 (C) Any approved institution of higher education as that
43 term is defined in section two of this article; and

44 (D) Any approved distance education, including world wide
45 web based courses;

46 (5) “Eligible program or programs” or “eligible course or
47 courses” means, in addition to programs and courses offered by
48 eligible institutions as defined in subdivision (4) of this
49 subsection:

50 (A) Programs and courses offered by any nationally
51 accredited degree granting institution of higher learning
52 permitted pursuant to section five, article three, chapter

53 eighteen-b of this code and approved by the joint commission
54 for vocational-technical occupational education; and

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

58 (6) "State resident" means a student who has lived in West
59 Virginia continuously for a minimum of twelve months
60 immediately preceding the date of application for a HEAPS
61 grant or renewal of a grant;

62 (7) "Postsecondary certificate program" means an orga-
63 nized program of study, approved by the joint commission for
64 vocational-technical occupational education, with defined
65 competencies or skill sets that may be offered for credit or non-
66 credit and which culminates in the awarding of a certificate:
67 *Provided*, That postsecondary certificate programs offered by
68 eligible institutions as defined in subdivision (4) of this
69 subsection do not require the approval of the joint commission
70 for vocational-technical occupational education;

71 (8) "Demand occupation" means any occupation having
72 documented verification from employers that job opportunities
73 in that occupation are currently available or are projected to be
74 available within a year within the state or regions of the state.
75 The joint commission for vocational-technical occupational
76 education shall prepare and update annually a list of occupa-
77 tions that they determine meet the requirements of this defini-
78 tion;

79 (9) "Industry recognized credential program" means an
80 organized program that meets nationally recognized standards
81 in a particular industry, is approved by the joint commission for
82 vocational-technical occupational education and which culmi-
83 nates in the awarding of a certification or other credential
84 commonly recognized in that industry: *Provided*, That industry

85 recognized credential programs offered by eligible institutions
86 as defined in subdivision (4) of this subsection do not require
87 the approval of the joint commission for vocational-technical
88 occupational education; and

89 (10) "Skill development program" means a structured
90 sequence or set of courses, approved by the joint commission
91 for vocational-technical occupational education, with defined
92 competencies that are designed to meet the specific skill
93 requirements of an occupation and which culminates in the
94 awarding of a certificate of completion that specifically lists the
95 competencies or skills mastered: *Provided*, That skill develop-
96 ment programs offered by eligible institutions as defined in
97 subdivision (4) of this subsection do not require the approval of
98 the joint commission.

99 (c) A person is eligible for consideration for a HEAPS grant
100 if the person:

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

104 (2) Qualifies as an independent student according to current
105 federal financial aid criteria, unless the person is enrolling in a
106 postsecondary certificate, industry recognized credential or
107 other skill development program in a demand occupation in the
108 state and has graduated from high school within the past two
109 years;

110 (3) Demonstrates financial need for funds, as defined by
111 legislative rule;

112 (4) Has not been enrolled in a high school diploma pro-
113 gram, other than general education development (GED), for at
114 least the two preceding years, unless the person applies the
115 grant toward the cost of enrolling in a postsecondary certificate,

116 industry recognized credential or other skill development
117 program of study in a demand occupation in this state;

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

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

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

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

123 (9) Is enrolled in a program of study at less than the
124 graduate level on a part-time basis in an eligible institution or
125 program of study and is making satisfactory academic progress
126 at the time of application: *Provided*, That the requirement that
127 the student be making satisfactory academic progress may not
128 preclude a HEAPS grant award to a student who has been
129 accepted for enrollment in an eligible institution or program of
130 study but has not yet been enrolled.

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

134 (e) The higher education policy commission shall propose
135 a legislative rule pursuant to article three-a, chapter twenty-
136 nine-a of this code to implement the provisions of this section
137 which shall be filed with the legislative oversight commission
138 on education accountability by the first day of September, two
139 thousand one. The Legislature hereby declares that an emer-
140 gency situation exists and, therefore, the policy commission
141 may establish, by emergency rule, under the procedures of
142 article three-a, chapter twenty-nine-a of this code, a rule to
143 implement the provisions of this section, after approval by the
144 legislative oversight commission on education accountability.

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

146 (1) That consideration of financial need, as required by
147 subdivision (3), subsection (c) of this section, include the
148 following factors:

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

151 (B) Whether the applicant has any personal hardship as
152 determined at the discretion of the vice chancellor for adminis-
153 tration; and

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

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

160 (3) That not less than twenty-five percent of the funds
161 appropriated in any one fiscal year be used to make grants to
162 students enrolled in postsecondary certificate, industry recog-
163 nized credential and other skill development programs of study:
164 *Provided*, That after giving written notice to the legislative
165 oversight commission on education accountability, the vice
166 chancellor for administration may allocate less than twenty-five
167 percent of the funds for such grants;

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

172 (5) That the amount of each HEAPS grant award be
173 determined using the following guidelines:

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

179 (i) Actual cost of tuition and fees;

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

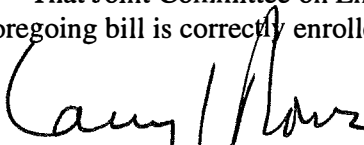
182 (iii) In addition to factors (i) and (ii) above, in determining
183 the amount of the award, the vice chancellor may consider the
184 demand for the program pursuant to subdivision (8), subsection
185 (b) of this section; and

186 (B) The amount of any HEAPS grant awarded to a student
187 who is enrolled in any other eligible institution, program or
188 course shall be no greater than the average amount for compara-
189 ble programs or courses as determined pursuant to the provi-
190 sions of paragraph (A) above.


191 (f) The vice chancellor for administration shall report
192 annually, by the first day of December, on the status of the
193 HEAPS grant program to the legislative oversight commission
194 on education accountability.

195 (g) The HEAPS grant program is subject to any provision
196 of this article not inconsistent with the provisions of this
197 section.

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




Chairman Senate Committee



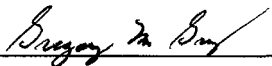
Chairman House Committee

Originating in the House.

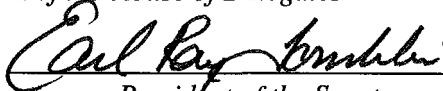
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates




President of the Senate



Speaker of the House of Delegates

The within is approved this the 2nd
day of May, 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/27/01

Time 4:30 pm