

HB 2674 (veto)

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2015



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2674

(By Delegate(s) Kurcaba, Householder,
Pasdon, Statler, Ellington, Cooper,
Ambler and Moffatt)



Passed March 14, 2015

In effect from passage.

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for

H. B. 2674

(BY DELEGATE(S) KURCABA, HOUSEHOLDER,
PASDON, STATLER, ELLINGTON, COOPER,
AMBLER AND MOFFATT)

[Passed March 14, 2015;
in effect from passage.]

AN ACT to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to modifying eligibility requirements for the PROMISE scholarship.

Be it enacted by the Legislature of West Virginia:

That §18C-7-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 7. WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR
MAXIMIZING IN-STATE STUDENT EXCELLENCE
SCHOLARSHIP PROGRAM.**

**§18C-7-6. Promise scholarship program requirements; legislative
rule.**

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

3 (1) For a student enrolled in a state institution of higher
4 education, the annual award is equal to the lesser of the cost of
5 tuition or \$4,750, except that a student who was awarded and
6 used a PROMISE scholarship annual award prior to January 1,
7 2010, shall continue to receive the annual award calculated under
8 the same terms and conditions that applied on the day before the
9 effective date of this article;

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

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

21 (4) The annual award shall be used by an eligible institution
22 to supplement, but may not supplant, a tuition and fee waiver for
23 which the individual is eligible pursuant to section five, six-a,
24 seven or seven-b, article ten, chapter eighteen-b of this code.

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

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

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

32 (A) Within two years of completing a secondary education
33 program in a public, private or home school or within two years
34 of obtaining a high school equivalency certificate as approved by
35 the commission in compliance with subsection (c), section one,
36 article eight, chapter eighteen of this code; or

37 (B) Within seven years of initially entering military service,
38 and within one year of discharge from military service, if the
39 individual has entered the United States armed services within
40 two years after graduating from high school;

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

43 (3) Maintain a grade point average of at least 3.0 on a 4.0
44 grading scale in the required core and elective course work
45 necessary to prepare students for success in post-secondary
46 education at the associate and baccalaureate degree levels as
47 determined by the commission, if the individual has completed
48 not more than one semester or term at an institution of higher
49 education, excluding credits earned in advanced placement,
50 international baccalaureate, dual credit and comparable courses
51 while the student is enrolled in high school;

52 (4) Maintain appropriate academic progress toward the
53 completion of a degree at the undergraduate education level as
54 determined by the commission if the individual has completed
55 more than one semester or term at an institution of higher
56 education, excluding credits earned in advanced placement,

57 international baccalaureate, dual credit and comparable courses
58 while the student is enrolled in high school;

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

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

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

69 (A) The institution at which the student is enrolled loses its
70 status as an eligible institution pursuant to the provisions of
71 subdivision (1), subsection (b), section three of this article; and

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

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

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

83 (2) Meeting the needs of community residents; or

84 (3) Fostering civic responsibility.

85 (e) The commission shall promulgate a legislative rule in
86 accordance with the provisions of article three-a, chapter
87 twenty-nine-a of this code.

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

89 (A) The amount of a PROMISE scholarship award in
90 combination with aid from all other sources may not exceed the
91 cost of education at the institution the recipient is attending. This
92 provision does not apply to members of the West Virginia
93 National Guard, recipients of an Underwood-Smith teacher
94 scholarship and recipients of a West Virginia engineering,
95 science and technology scholarship;

96 (B) Additional objective standards the commission considers
97 necessary;

98 (i) To promote academic excellence;

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

100 (iii) To operate the program within the limits of available
101 funds.

102 (C) Provisions for making the highest and best use of the
103 PROMISE Scholarship Program in conjunction with the West
104 Virginia College Prepaid Tuition and Savings Program Act set
105 forth in article thirty, chapter eighteen of this code;

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

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

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

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

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

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

124 (ii) Eliminating any current recipient from eligibility; and

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

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

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

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

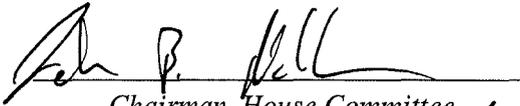
139 (C) Determining what other sources of funding for higher
140 education are to be deducted from the PROMISE scholarship
141 award; and

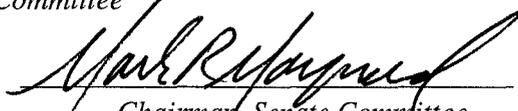
142 (D) Providing additional criteria as determined by the
143 commission.

144 (3) The Legislature finds that an emergency exists and,
145 therefore, the commission shall file a rule to implement the
146 provisions of this section as an emergency rule pursuant to the
147 provisions of article three-a, chapter twenty-nine-a of this code.
148 The rule is subject to the prior approval of the Legislative
149 Oversight Commission on Education Accountability.

150 (4) Any rule promulgated by the commission pursuant to
151 previous enactments of this article in effect on the effective date
152 of the amendment and reenactment of this article in the year
153 2009 remains in effect until amended, modified, repealed or
154 replaced by the commission.

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

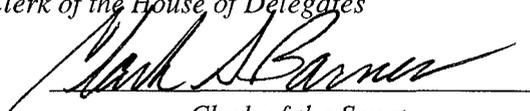

Chairman, House Committee

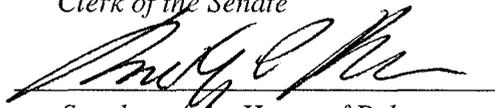

Chairman, Senate Committee

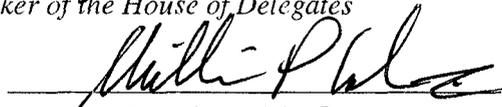
Originating in the House.

In effect from passage.


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates


President of the Senate

The within is disappeared this the 1st
day of April, 2015.


Governor

PRESENTED TO THE GOVERNOR

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