

# WEST VIRGINIA

## SECRETARY OF STATE

KEN HECHLER

### ADMINISTRATIVE LAW DIVISION

Form #4

FILED

JAN 28 8 47 AM '00

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

#### NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: University System of West Virginia TITLE NUMBER: 128

CITE AUTHORITY WV Code §18C-6-1 et. seq.

AMENDMENT TO AN EXISTING RULE: YES  NO

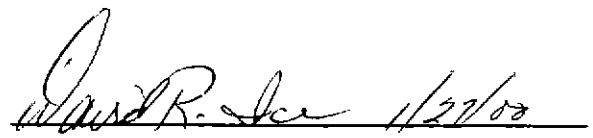
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 68

TITLE OF RULE BEING AMENDED: West Virginia Engineering, Science  
and Technology Scholarship Program

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_  
\_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

 1/27/00

**FILED**

**TITLE 128  
LEGISLATIVE RULE  
UNIVERSITY SYSTEM OF WEST VIRGINIA  
BOARD OF TRUSTEES  
SERIES 68**

**JAN 28 8 47 AM '00**

**OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE**

**TITLE: WEST VIRGINIA ENGINEERING, SCIENCE AND  
TECHNOLOGY SCHOLARSHIP PROGRAM**

**SECTION 1. GENERAL**

- 1.1 Scope - This rule clarifies and implements the West Virginia Engineering, Science and Technology Scholarship Program.
- 1.2 Authority - West Virginia Code §18C-6-1 *et seq.*
- 1.3 Filing Date -
- 1.4 Effective Date -

**SECTION 2. PURPOSE**

- 2.1 The intent of the legislation creating the Engineering, Science and Technology Scholarship Program is to:
  - 2.1.1 Attract talented students to West Virginia colleges and universities to major in engineering, science and technology, and
  - 2.1.2 Help West Virginia retain its education infrastructure in order to maintain economic growth.

**SECTION 3. FUNDING**

- 3.1 A special revenue fund known as the “Engineering, Science and Technology Scholarship Fund” will be created in the State Treasury to be administered by the senior administrator of the State College and University Systems Central Office solely for granting scholarships to students enrolling in qualifying educational programs in engineering, science and technology.
- 3.2 Monies appropriated by the Legislature, monies received from collections, interest earned on these monies, and monies received by the senior

administrator from other sources will be placed in this fund.

- 3.3 Monies remaining at the end of the fiscal year shall not expire or revert and will be used for future scholarships.
- 3.4 Additional funding may be received from gifts, grants, contributions, bequests, or endowments.
- 3.5 The senior administrator shall make a reasonable effort to encourage external support for the scholarship program.
- 3.6 Fund balances shall be invested with the state's consolidated investment fund.
- 3.7 In order to encourage support for the Engineering, Science and Technology Scholarship Program, the senior administrator may set aside up to one-half of the funds appropriated by the Legislature to match non-state source contributions on behalf of a specific institution of higher education in this state. Such match shall be at the rate of two state dollars to each one dollar contributed by a private source.

#### **SECTION 4. ADMINISTRATION**

- 4.1 The Engineering, Science and Technology Scholarship Program shall be administered by the senior administrator or her/his designee.
- 4.2 The senior administrator, in accordance with a rule promulgated by the higher education governing boards, shall establish appropriate guidelines for program operation.
- 4.3 A scholarship selection panel shall be appointed by the higher education governing boards to select the recipients of Engineering, Science and Technology Scholarship Program awards from among those applicants who meet the eligibility criteria set forth in this rule.
  - 4.3.1 The panel shall consist of seven persons:
    - 4.3.1.1 One member representing West Virginia engineering, science and technology professionals,
    - 4.3.1.2 One member representing community colleges, and
    - 4.3.1.3 Five members representative of West Virginia engineering, science and technology higher education

administrators and educators.

4.4 The senior administrator shall solicit the views of public and private engineering, science and technology agencies and institutions and other interested parties in developing the selection criteria and procedures to be used by the selection panel. These views may be solicited by means of written and published selection criteria and procedures in final form for implementation. Views may also be solicited by means of public hearings on the present and projected engineering, science and technology needs of the state.

4.4.1 Views may be solicited by such means as:

4.4.1.1 Contacting various engineering, scientific and technological organizations in the state with an invitation to contribute suggestions as to selection criteria.

4.4.1.2 Contacting educators in the fields of engineering, science and technology at state colleges and universities to solicit their views.

4.4.1.3 Inviting officials from selected industries to present their suggestions as to selection criteria.

## **SECTION 5. NUMBER AND AMOUNT OF AWARDS**

5.1 Engineering, Science and Technology Scholarship Program awards shall not exceed \$3,000 per year for a maximum of four academic years for a baccalaureate degree.

5.1.1 An award cannot exceed the actual cost of tuition and fees at the eligible institution the recipient is attending or \$3,000 whichever is less. If the recipient received other aid to be applied to tuition and fees, the Engineering, Science and Technology Scholarship Program award may be used for other education related expenses so long as the award does not exceed the amount of tuition and fees or \$3,000, whichever is less.

5.2 An Engineering, Science and Technology Scholarship Program award plus other financial assistance awarded to the recipient shall not exceed the cost of attendance as determined by the institution the student is attending. Cost of attendance will include the cost of tuition and fees, reasonable allowances for books, educational supplies, room and board, and other expenses necessitated

by individual circumstances such as a physical disability.

5.2.1 Should the scholarship award plus the amount of other financial awards exceed the cost of attendance, the institution's financial aid officer, in consultation with the recipient will determine what aid is to be reduced. This adjustment should be to the best advantage of the recipient.

5.3 No more than three hundred new scholarships shall be awarded per academic year.

5.4 There shall be no more than a total of one thousand outstanding scholarships during any academic year.

5.5 Not less than 20 percent of money appropriated may be awarded to students enrolled in certificate and associate degree programs.

## **SECTION 6. APPLICATION PROCESS**

6.1 Application forms will be made available to public and private high schools and institutions of higher education in the state and other locations convenient to potential applicants, parents and others. Also, application materials will be available on appropriate higher education websites.

6.2 Applications may be distributed and the program advertised to interested parties such as, but not limited to, the National Association for the Advancement of Colored People, the West Virginia Division of Rehabilitation Services, and the West Virginia Women's Commission in 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 engineering, science and technology and who are under-represented in those fields.

6.3 Applications will be submitted on an application form approved by the senior administrator.

6.4 Applications must be submitted by such deadline as may be designated by the senior administrator.

## **SECTION 7. ELIGIBILITY CRITERIA**

7.1 Academic ability shall be the primary criteria for selecting scholarship recipients.

- 7.2 To be eligible to receive an Engineering, Science and Technology Scholarship, applicants must meet the following conditions:
- 7.2.1 Be a United States citizen or resident alien who meets the definition of an eligible non-citizen under federal Title IV student aid requirements.
  - 7.2.2 Have a cumulative grade point average (GPA) of at least 3.0 on a 4.0 grading scale or its equivalent upon graduating from high school or have a cumulative average GPA of 3.0 on a 4.0 grading scale after completing two semesters of course work at an eligible institution of higher education.
  - 7.2.3 Be enrolled or accepted for enrollment in an engineering, science or technology program leading to a certificate or an associate or baccalaureate degree at an eligible institution of higher education. The program must be:
    - 7.2.3.1 An Accrediting Board of Engineering Technology (ABET) approved technology major;
      - 7.2.3.1.1 This is defined as a major approved by the Technology Accreditation Commission of the ABET;
    - 7.2.3.2 An ABET approved engineering major;
      - 7.2.3.2.1 This is defined as a major approved by the Engineering Accreditation Commission of the ABET;
    - 7.2.3.3 A science major;
    - 7.2.3.4 An engineering or technology program or major that has been approved by the senior administrator; or
    - 7.2.3.5 A program leading directly to specialized certification as established by appropriate industry standards.
  - 7.2.4 Be enrolled or accepted for enrollment at an eligible institution of higher education.
    - 7.2.4.1 Eligible institutions include all state institutions of higher education as defined in Section Two, Article One, Chapter Eighteen-b of the State Code of West Virginia, Alderson-Broadus College, Appalachian Bible College, Bethany

College, College of West Virginia, Davis and Elkins College, Ohio Valley College, Salem-Teikyo University, The University of Charleston, West Virginia Wesleyan College, Wheeling Jesuit University, all in West Virginia, and any other institution of higher education, public or private, approved by the senior administrator.

7.2.4.1.1 Only those institutions that are regionally accredited shall be eligible to participate in the Engineering, Science and Technology Scholarship Program.

7.3 Awarding preference shall be given to applicants who are West Virginia residents.

7.4 Recipients must be willing to sign a scholarship agreement which shall fully disclose the terms and conditions under which an employment obligation, of one year's work in West Virginia for each full year of scholarship award or community service relating to engineering, science or technology as approved in advance by the senior administrator, must be met or repayment will be required.

7.5 In addition to academic criteria, the senior administrator, in consultation with parties as identified in Section 4.4 of these rules, may consider the following in the selection of Engineering, Science and Technology Scholarship recipients: established statewide need for workers in engineering, science and technology-related fields; student's current academic standing, involvement in extra-curricular activities and financial need; a written essay in which the applicant expresses her/his interest in a career in engineering, science or technology; and reference letters from faculty members.

7.6 To be eligible for scholarship renewal, the recipient must be:

7.6.1 Enrolled as a full-time student in an eligible institution of education;

7.6.2 Pursuing a course of study leading to a certificate, an associate or baccalaureate degree in engineering, science or technology, or leading to specialized certification as established by industry-based standards;

7.6.3 Maintaining satisfactory progress as determined by the institution being attended; and

7.6.4 Maintaining a cumulative GPA of at least 3.0.

**SECTION 8. SERVICE OBLIGATION**

- 8.1 Each recipient of the Engineering, Science and Technology Scholarship shall enter into an agreement with the senior administrator. This agreement shall disclose fully the terms and conditions under which the scholarship is provided and under which repayment of the scholarship may be required. Under this agreement, the recipient shall:
  - 8.1.1 Unless granted a deferment as set forth in Section 10, agree that within one year after ceasing to be a full time student at an eligible institution in a program of engineering, science or technology for which the scholarship was awarded she or he will:
    - 8.1.1.1 Begin working full-time in an engineering, science or technology-related field in this state for a duration of not less than one year for each year the scholarship was received,
    - 8.1.1.2 Begin a program of community service relating to engineering, science or technology as approved in advance by the senior administrator, or
    - 8.1.1.3 Begin repayment of all or part of the Engineering, Science and Technology Scholarship Program award(s) received plus interest and, if applicable, reasonable collection fees.
- 8.3 The obligation of this program shall be met within a ten year period. If extenuating circumstances exist, as determined by the senior administrator, the period for fulfilling the obligation may be extended to fifteen years.
- 8.4 It is the responsibility of the recipient to provide the senior administrator with evidence of compliance with the in-state employment or community service requirements.

**SECTION 9. MONETARY REPAYMENT**

- 9.1 If a recipient does not fulfill the service obligation, she/he will be required to make monetary repayment of the scholarship.
- 9.2 In addition to the repayment of the scholarship, interest will be charged at a rate prescribed by the senior administrator and will begin to accrue at the time the repayment period begins.

- 9.3 As permitted by federal law, applicable state regulations, and the terms of the scholarship agreement, reasonable collection costs, late charges and attorney fees may be assessed in the collection of delinquent accounts.
- 9.4 In instances where repayment of scholarship is necessary, the length of the repayment period shall not exceed ten years; provided, however, if extenuating circumstances exist, the senior administrator, upon receipt of appropriate documentation, may extend the period for fulfilling the obligation to fifteen years. Extenuating circumstances include, but are not limited to, a temporary disability, inability to secure a full-time position in an engineering, science or technology field, or serious family illness.
- 9.5 When, due to poor health, monetary hardship, or other acceptable reasons, a recipient is unable to make payments, a forbearance may be allowed if the senior administrator or her/his designee has reason to believe, and so documents in the scholar's file, that the recipient does intend to fulfill the monetary obligation.
- 9.6 If a recipient fulfils a portion of her/his employment obligation, the amount to be repaid will be pro-rated based upon number of full months worked. Interest will accrue from the day on which the recipient ceases to fulfil the obligation.

## **SECTION 10. DEFERMENT PROVISIONS**

- 10.1 A recipient is not considered in violation of the agreement entered into and is eligible for consideration of deferment of fulfilling the obligation, including the cessation of interest accrual, provided she/he is:
- 10.1.1 Pursuing a full-time course of study at an accredited institution of higher education. The student must provide documentation of enrollment on a semester basis.
  - 10.1.2 Serving on active duty, not in excess of four years, as a member of the armed services of the United States. The scholar must provide documentation from an authorized military official of the start date of active duty and discharge date.
- 10.2 Deferments may also be considered for other conditions and circumstances as may be approved by the senior administrator.

**SECTION 11. CANCELLATION OF OBLIGATION**

11.1 A recipient's service and monetary obligation is excused in the event the recipient:

11.1.1 Becomes permanently and totally disabled as established by sworn affidavit of a qualified physician. The senior administrator may require additional evidence of the disability.

11.1.2 Is deceased. A copy of the death certificate must be submitted.

**SECTION 12. APPEAL PROCESS**

12.1 A recipient may appeal any determination of non-compliance with provisions of the scholarship agreement by submitting a written appeal of the specific complaint within 30 days of notification of non-compliance. Such appeal will be submitted to the senior administrator of the Central Office or her/his designee for a decision.

**SUMMARY**

**Title 128  
Legislative Rule  
University System of West Virginia  
Board of Trustees  
Series 68**

**WEST VIRGINIA ENGINEERING, SCIENCE, AND  
TECHNOLOGY SCHOLARSHIP PROGRAM**

The intent of the legislation creating the program is to attract talented students to West Virginia colleges and universities to major in engineering, science and technology, and help West Virginia retain its education infrastructure in order to maintain economic growth. This rule clarifies and implements the West Virginia Engineering, Science and Technology Scholarship Program.

## FISCAL NOTE FOR PROPOSED RULES

Rule Title: Engineering, Science and Technology Scholarship Program

Type of Rule:  Legislative       Interpretive       Procedural

Agency University System of West Virginia Board of Trustees

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$500,000	\$900,000	\$1,800,000
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other - Grants			\$500,000	\$900,000	\$1,800,000*

\* Estimated that funding required will be approximately \$1.8 million by the third year, with funding need eventually totaling approximately \$3.0 million if total authorized awards of 1,000 are awarded after a multi-year phase-in.

2. Explanation of above estimates

The Legislature provided \$500,000 in its FY 1999-2000 budget. Implementation of the program can follow approval of the legislative rule during the Year 2000 Legislative Session. Funding in an amount of \$900,000 would be required to assist some 300 students in FY 2000-2001, \$1,800,000 for 600 awards in FY 2001-2002, and eventually \$3,000,000 for 1,000 awards.

3. Objectives of these rules

To provide scholarships of up to \$3,000 per year for academically gifted students pursuing majors in the fields of engineering, science, and technology.

4. Explanation of Overall Economic Impact of Proposed Rule

A. Economic Impact on State Government

Program has the potential to increase the supply of highly educated workers in the fields of engineering, science, and technology which should expand productivity within the economy and also encourage businesses to locate and remain in West Virginia.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

Program has the potential to increase the supply of highly educated workers in the fields of engineering, science, and technology which should expand productivity within the economy and also encourage businesses to locate and remain in West Virginia.

C. Economic Impact on Citizens/Public at Large

Program has the potential to increase the supply of highly educated workers in the fields of engineering, science, and technology which should expand productivity within the economy and also encourage businesses to locate and remain in West Virginia.

Date: September 8, 1999



\_\_\_\_\_  
Signature of Agency Head or Authorized Representative

*Executive Assistant to the Chancellor*

# DEPARTMENT OF EDUCATION AND THE ARTS

## Office of the Secretary

State Capitol Bldg. 5, Room 205  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305  
Telephone: (304) 558-2440  
Fax No.: (304) 558-1311



David R. Ice  
Cabinet Secretary

Cecil H. Underwood  
Governor

January 27, 2000

The Honorable Ken Hechler  
Secretary of State  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Dear Secretary Hechler:

Having gone to a public comment period, I am hereby approving for filing with your office the following legislative rule of the University System Board of Trustees. This rule has been revised, based upon comments of the Legislative Oversight Commission on Education Accountability. The rule is:

**Title 128, Series 68: West Virginia Engineering, Science and Technology  
Scholarship Program.**

The rule is attached.

Sincerely,

A handwritten signature in black ink that reads "David R. Ice".

David R. Ice  
Cabinet Secretary

cc Chancellor Manning

Enclosure

# The University System of West Virginia

1018 Kanawha Boulevard, East • Suite 700  
Charleston, West Virginia 25301-2827  
Telephone 304-558-2736 Facsimile 304-558-3264

**Charles W. Manning**  
Chancellor

**Cathy M. Armstrong**  
Chairman, Board of Trustees



January 26, 2000

Mr. David Ice  
Secretary, Education and the Arts  
Building 5, Room 205  
Capitol Complex  
Charleston, West Virginia 25305

Dear Mr. Ice:

On behalf of the University System Board of Trustees, I am forwarding the proposed legislative rule for the WV Engineering, Science, and Technology Program, Title 128, Series 68. This has been revised, based upon comments of LOCEA, and approved in this form by the Board of Trustees at the January 14 meeting.

Could you please review the attached and, if you approve, forward to the Secretary of State for filing and submission for Legislative approval. Thank you for your assistance.

Sincerely,

Charles W. Manning  
Chancellor

Enclosure  
/jd