



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-07

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: 133-07 West Virginia Providing Real Opportunities for Maximizing In-State Student
Excellence (PROMISE) Scholarship Program

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 18B-1-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY
OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY
PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

N/A

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN
EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/21/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/21/2023

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO
COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

E-mail notification sent to constituents

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Establishes guidelines and procedures for achieving and maintaining eligibility for the PROMISE Scholarship.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Providing guidance for the administration and operation of the PROMISE Scholarship Program.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 7
WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR MAXIMIZING IN-STATE
STUDENT EXCELLENCE (PROMISE) SCHOLARSHIP PROGRAM

§133-7-1. General.

1.1. Scope. -- This rule establishes guidelines and procedures for ~~establishing~~ achieving and maintaining eligibility for the West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence Scholarship Program, hereinafter referred to as PROMISE.

1.2. Authority. -- West Virginia Code §18B-1-6 and §18C-7-6.

1.3. Filing Date. -- ~~April 1, 2019.~~

1.4. Effective Date. -- ~~May 1, 2019.~~

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect ~~upon May 1, 2024 on~~ August 1, 2029.

§133-7-2. Eligibility of High School Graduates for Initial Award.

2.1. To be eligible for an initial PROMISE Scholarship, a high school applicant ~~must~~ shall be eligible for the award both at the time of application and at the time ~~the award is received~~ of receipt of the award by meeting all ~~academic~~ criteria in place outlined in this rule at the time of application and award; and

~~2.1.a.~~ 2.1.1. Must Shall complete ~~high school~~ graduation requirements at a West Virginia ~~public, private or home school~~ high school, as defined in Section 16 below, unless he or she qualified as a military dependent under Section 5 of this rule or has commuted to an out-of-state high school pursuant to Section 6 of this rule; and

~~2.1.b.~~ 2.1.2. Must Shall complete at least one-half of the credits required for ~~high school~~ graduation through attendance at a ~~public, private or home~~ high school in this State, unless he or she qualified as a military dependent under Section 5 of this rule or has commuted to an out-of-state school pursuant to Section 6 of this rule; and

~~2.1.c.~~ 2.1.3. Must Shall apply for the scholarship within two years of graduation from high school or within two years of obtaining a GED or equivalent unless the applicant entered the United States Armed Services pursuant to Section 4 of this rule; and

~~2.1.d.~~ 2.1.4. Must Shall have attained a cumulative grade point average of at least 3.0 on a 4.0 scale, based on ~~county board~~ high school grading policies, in both core courses and overall coursework required for graduation by the State Board ~~of Education~~ or the appropriate person at the applicant's high school, while enrolled in a ~~public or private~~ high school. ~~If home schooled pursuant to the exemption allowed by W.Va. Code §18-8-1 as documented by the county school board system, the applicant must have completed in both the 11th and 12th grades the required core and elective coursework necessary to prepare students for success in postsecondary education at the associate and baccalaureate levels by attaining a cumulative grade point average of at least 3.0 on a 4.0 grading scale in both core courses and overall coursework as determined by the Commission;~~ and

~~2.1.e. 2.1.5. Must Shall~~ meet standardized test score criteria on an ACT or SAT national test as established by the ~~West Virginia Higher Education Policy Commission (Commission);~~ and

~~2.1.f. 2.1.6.~~ The applicant and his or her parent or legal guardian shall have resided in West Virginia continuously for a minimum of ~~twelve~~ 12 consecutive months immediately preceding the final date of application for a PROMISE Scholarship, unless the applicant or the applicant's parent or legal guardian was, at all relevant times, a member of the United States Armed Services pursuant to Section 4 of this rule or a military dependent pursuant to Section 5 of this rule, and be a United States citizen, a U.S. permanent resident, or an eligible non-citizen who meets the residency requirements for Federal Student Aid; and

~~2.1.g. 2.1.7. Must Shall~~ submit both the Free Application for Federal Student Aid and any application form required by the Commission by the deadline established by the Commission; ~~however: Provided, That~~

~~2.1.g.1.~~ Any student who misses the deadline for application may apply by a later date established by the Commission for a spring semester award. This option is contingent upon the availability of funding for late awards.

2.2. The applicant's high school shall determine the grade point average required ~~in Section 2.1.d. will be determined by the appropriate school official by Subsection 2.4.1. of this rule~~ at the end of the applicant's sixth high school semester. However, the high school may determine the final calculation of the grade point average and eligibility for the award ~~may be determined~~ as late as after the eighth semester.

2.3. The applicant's high school may use weighted grades ~~may be used~~ in the computation of ~~a student's~~ an applicant's core and overall grade point average based on ~~county board~~ the high school's grading policies.

2.4. ~~A student who applied for and~~ An applicant who was deemed eligible for a PROMISE award ~~must shall~~ enroll for the first regularly scheduled enrollment period after being selected unless granted a ~~deferment under the leave of absence provisions of~~ pursuant to Section 9.6. and 9.7. or 9.8. below.

2.5. ~~A student~~ An applicant who was deemed eligible for a PROMISE award but elects not to enroll at an eligible institution ~~set forth in Section 7 of this rule~~ may regain eligibility ~~providing the student if he or she~~ discontinues enrollment at the ineligible institution no later than one academic year after high school graduation and re-enrolls at an eligible institution. ~~Any such~~ The re-enrolling student must shall meet the eligibility standards for a PROMISE award renewal set out in Section 9 of this rule.

2.6. Only full-time, first-year students are eligible to receive initial awards. Students already enrolled at a higher education institution are not eligible to apply for a PROMISE award except as provided in Subsection 2.1.7. above.

§133-7-3. Eligibility for Graduates of Alternative Educational Programs.

3.1. ~~A person~~ Upon approval of the Vice Chancellor, an applicant who successfully completed an alternative educational program, such as the Mountaineer Challenge Academy, ~~approved by the Director of State Financial Aid Programs,~~ is eligible for a PROMISE award, ~~but only~~ if he or she has passed a State Board approved high school equivalency examination with a minimum score determined by the Commission.

3.2. ~~A graduate of such programs must~~ An applicant from an alternative education program shall apply for a PROMISE award within two years of ~~the earlier of~~ passing a State Board approved high school equivalent equivalency examination or the date the ~~student's~~ applicant's home high school class ~~would normally have graduated, whichever is earlier,~~ and meet all other criteria established by the Commission at the time of application ~~established by the Commission,~~ including required scores on national standardized tests.

3.3. The parents or legal guardian and the applicant ~~must~~ shall meet the residency requirements set out in Section 2.4.f. of this rule.

3.4. A student passing a State Board approved high school ~~equivalent~~ equivalency examination under other exceptional circumstances may appeal for scholarship consideration under the provisions of Section 13 of this rule.

§133-7-4. Eligibility of ~~Members~~ Veterans of Armed Services.

4.1. A person who entered full-time, active duty with the United States Armed Services within two years of ~~his or her~~ graduating from high school graduation or obtaining a GED or equivalent and is discharged with a status other than dishonorable is eligible to apply ~~or claim for and receive~~ a PROMISE award within seven years of the time he or she ~~has~~ initially entered military service. However, this eligibility ends one year after discharge from ~~such~~ military service.

4.2. The applicant ~~must shall, at the time of the application,~~ meet all other criteria established by the Commission for eligible high school graduates ~~at the time of the application,~~ including high school grade point average and required scores on national standardized tests.

4.3. The applicant ~~must shall~~ meet the residency requirements set out in Section 2.4.f. of this rule, or have entered military service from this State, and not have established domicile in another state at any time during that military service.

4.4. A student attending a United States military academy is ~~only~~ eligible for a PROMISE award if he or she leaves the military academy and meets the requirements of Section 2.5 of this rule.

§133-7-5. Eligibility of Military Dependents.

5.1. The Commission shall waive the credit hour ~~requirements in Section 2.1.b.~~ and ~~the~~ residency requirements ~~of established in~~ Section 2.4.f. of this rule ~~shall be waived~~ if:

~~5.1.a.~~ 5.1.1. The applicant both resided in a state other than West Virginia and attended high school in another state or in a United States territory, United States possession, or foreign country; and

~~5.1.b.~~ 5.1.2. Resided with his or her parent or legal guardian; and

~~5.1.c.~~ 5.1.3. The applicant's parent or legal guardian served in the United States Armed Forces while the student attended high school in ~~such another~~ state, a United States territory or possession or a foreign country; and

~~5.1.d.~~ 5.1.4. The parent or legal guardian was stationed for military purposes in ~~such another~~ state, a United States territory or possession, or a foreign country; and

~~5.1.e.~~ 5.1.5. The parent or legal guardian maintained legal residence in West Virginia while stationed in ~~such another~~ state, a United States territory or possession or a foreign country.

§133-7-6. Eligibility of Commuting Resident Students Attending High School Out-of-State.

6.1. The Commission shall waive the credit hour requirements in Section 2.4.b. of this rule ~~shall be waived~~ if:

~~6.1.a.~~ 6.1.1. The applicant resided with his or her parent or legal guardian full time in West Virginia while attending high school in another state; and

~~6.1.b. Resided with his or her parent or legal guardian; and~~

~~6.1.c. 6.1.2. The parent or legal guardian and the applicant ~~must have met~~ meet the residency requirements set out in Section 2.4.f. of this rule; and~~

~~6.1.d. 6.1.3. The ~~student~~ applicant commuted from ~~this state~~ and returned to West Virginia on a daily basis while attending the out-of-state high school; Provided, That overnight school activities or social activities or visitation with a noncustodial parent in another state may not vitiate an applicant's residency status; Provided, however, That in order to meet the residency requirements of this rule, an applicant and his or her parent or legal guardian must reside, both physically and legally, in West Virginia; and~~

~~6.1.e. 6.1.4. The ~~student~~ applicant was a dependent of the parent or legal guardian with whom ~~the student~~ he or she resided in West Virginia; and~~

~~6.1.e.1. A dependent student is one who is required to provide parental information on the Free Application for Federal Student Aid because the student does not meet the criteria to be classified an independent student contained in the Higher Education Act of 1965 as amended and implementing regulations.~~

~~6.1.f. 6.1.5. The ~~student~~ applicant has not established domicile in another state; and~~

~~6.1.g. The school to which the student commuted was fully accredited to a degree acceptable to West Virginia's State Superintendent of Schools; and~~

~~6.1.h. 6.1.6. The high school's curriculum requirements for graduation are equivalent, or sufficiently similar to, those required for high school graduation in this State.~~

§133-7-7. Eligible Institutions. [Reserved]

~~7.1. Only those institutions specified in W. Va. Code §18C-7-3, or any other regionally accredited, not-for-profit institution in this state approved by the Commission, are eligible to participate in the PROMISE Scholarship Program.~~

§133-7-8. Awards.

~~8.1. "Tuition and mandatory fees" means the quarter, semester or term charges imposed by a state institution of higher education upon all students as a required condition of enrollment.~~

~~8.1.a. For purposes of this rule, West Virginia University's undergraduate health sciences students shall be treated as paying the same amount of tuition and mandatory fees as all other West Virginia University undergraduate students.~~

~~8.1.b. West Virginia University, Potomac State College of West Virginia University and West Virginia University Institute of Technology are considered separate institutions for purposes of determining tuition rates.~~

~~8.2. 8.1. ~~Students awarded a~~ Recipients of a PROMISE Scholarship shall receive an award equal to the lesser of \$4,750 ~~or the actual amount of tuition and mandatory fees charges~~ for resident students at the home institution or an amount determined by the Commission based on the availability of adequate funding; Provided, That in no event shall the amount of the award be greater than the actual cost of tuition and mandatory fees charged by the home institution.~~

~~8.3. 8.2. The Commission may ~~A~~awards ~~may be made~~ PROMISE for summer school. To be eligible for~~

a summer award, a ~~student must~~ an applicant shall be academically eligible for ~~scholarship~~ PROMISE continuation at the end of the spring semester preceding the summer ~~that assistance is requested~~ term for which the applicant is applying. Any summer award under this ~~provision~~ section is dependent upon the availability of funds as determined by the Commission.

~~8.3.a.~~ 8.2.1. Priority for summer awards ~~will~~ shall be based on class rank, with the highest priority given to ~~students~~ recipients closest to graduation.

~~8.3.b.~~ 8.2.2. ~~Students~~ Recipients, other than those graduating at the end of the summer term of enrollment, ~~must~~ shall be enrolled for at least 12 credit hours unless ~~granted~~ the Commission grants a waiver of the full-time requirement ~~by the Commission~~.

~~8.3.c.~~ 8.2.3. A summer award counts as a semester of utilization toward the maximum number of available semesters.

~~8.2.~~ Only full-time, first-year students may receive initial awards. ~~Students already enrolled at a higher education institution are not eligible to apply for a PROMISE award except as outlined in Section 2.1.g.1.~~

~~8.3.~~ If the Commission determines that adequate funds are available it may make PROMISE awards greater than \$4,750, but not in excess of actual resident tuition and mandatory fees.

§133-7-9. Eligibility for Renewal of Awards.

9.1. For a ~~student~~ recipient to retain or ~~have~~ renew the PROMISE award ~~renewed~~ each year, the ~~student~~ recipient shall:

~~9.1.1.~~ 9.1.1. Be continuously enrolled as a full-time undergraduate student; ~~except~~ Provided, That during the last academic year of scholarship eligibility or if the institution does not offer enough degree pursuant courses during a term to allow the recipient to be considered full-time, the ~~student~~ recipient may be enrolled less than full-time and remain eligible for renewal; and

~~9.2.~~ 9.1.2. Maintain at least a 2.75 grade point average on a 4.0 scale ~~the first year and a 3.0 cumulative grade point average in subsequent years~~ by the end of each academic year; and

~~9.3.~~ 9.1.3. Complete and earn a minimum of 30 credit hours in each academic year for a ~~student~~ recipient who receives a two-semester award in an academic year. ~~If a student receives~~ For a single-semester award, the ~~student must~~ recipient shall complete and earn a minimum of 15 credit hours in the academic year.

~~9.3.a.~~ 9.1.3.a. Upon approval of the home institution, the recipient may use College-Level Examination Program (CLEP) credits ~~may be used~~ to meet the minimum credit hours requirement.

~~9.3.b.~~ 9.1.3.b. ~~Credit for a course taken again during the same award year, including the summer, to improve a grade or for any other purpose, may only be counted once in meeting the credit hour requirement.~~

~~9.3.c.~~ 9.1.3.c. ~~For calculating renewal, the academic year for calculating renewal begins with the fall semester and ends with the summer semester.~~

9.1.4. If the recipient's home institution does not offer enough degree pursuant courses during the academic year to allow the recipient to meet the credit hour requirement of this subsection, the recipient remains eligible for renewal of the PROMISE award if he or she successfully completes all available degree pursuant courses during the home institution's regular terms in the academic year, excluding the summer term, and meets all other renewal requirements set forth in this rule.

~~9.4. 9.2.~~ A student recipient seeking an associate's degree is eligible to receive a PROMISE award for no more than a total of four semesters of a two-year degree program. Recipients who received a PROMISE award to obtain an associate's degree shall meet the renewal requirements of this section in order to receive a PROMISE award to pursue a bachelor's degree.

~~9.4.a.~~ ~~The student must meet the renewal requirements to receive a PROMISE award for a baccalaureate program.~~

~~9.5. 9.3.~~ A student recipient seeking a baccalaureate degree is eligible to receive a PROMISE award for no more than eight semesters of a four-year degree program.

~~9.6. 9.4.~~ ~~If a student enrolls~~ A recipient enrolled in a summer school term to attain the minimum credit hours required by ~~Section 9.3~~ Subsection 9.1.3. or achieve the grade point average required by ~~Section 9.2~~ Subsection 9.1.2., ~~he or she shall~~ may not receive a PROMISE award for that summer school enrollment term. ~~The recipient shall successfully complete the summer school enrollment must be completed term~~ before the commencement of the home institution's regular semester ~~of the PROMISE-eligible institution the student is attending.~~ Summer school Upon approval of the recipient's home institution, the recipient may obtain summer term credits ~~may be obtained~~ from an out-of-state institution with approval of the home institution.

~~9.6.a. 9.4.1.~~ All college credit hours and corresponding grades must be counted in In determining PROMISE Scholarship eligibility, eligible institutions shall count all college credit hours and corresponding grades regardless of whether or not the college institution accepts these credits. ~~Any~~ In determining eligibility for PROMISE renewal, eligible institutions may not count toward the credit hour requirement any college credit hours the recipient earned prior to the first semester of fall or spring enrollment ~~may not be counted toward the credit hour requirement in determining eligibility for award renewal.~~

~~9.7. 9.5.~~ PROMISE Scholarship ~~students are expected to~~ recipients shall maintain continuous enrollment in addition to the other renewal requirements set forth in this section. However, a home institution may waive this requirement ~~may be waived by an institution of higher education~~ for a recipient's medical or family bereavement absence consistent with the home institution's program policies. The home institution may also grant a leave of absence for students entering or being called to military active duty or enrolling in a study abroad program, internship, or co-op program.

~~9.8. 9.6.~~ ~~Other~~ Recipients shall submit other requests for leaves of absence ~~must be submitted~~ in writing by the student to the Director of State Financial Aid Programs to the Vice Chancellor. ~~Student~~ "Other leave of absence requests" ~~submitted to the director may include, but are not limited to, programs issues~~ directly related to the ~~student's~~ recipient's educational program, study abroad, extreme financial hardships of the ~~student recipient~~ or the ~~student's~~ recipient's immediate family, service or volunteerism, or other extraordinary circumstances beyond the ~~student's~~ recipient's control when continued attendance would ~~create a result in~~ substantial hardship for the student recipient.

~~9.9. 9.7.~~ A student recipient granted a leave of absence ~~under the provisions of~~ pursuant to Section ~~10.7~~ 9.5. or 9.6. above and who resumes his or her education at an eligible institution, assuming he or she meets all other eligibility requirements at the time the leave of absence was granted, shall retain PROMISE eligibility ~~for a PROMISE Scholarship until the first any~~ of the following events occurs:

~~9.9.a. 9.7.1.~~ The student recipient received four semesters of PROMISE Scholarship assistance while enrolled in an associate degree program or graduated from the associate degree program; or

~~9.9.b. 9.7.2.~~ The student recipient received eight semesters of PROMISE Scholarship assistance while enrolled in an associate ~~and~~ or baccalaureate program or graduated from the baccalaureate degree program; or

~~9.9.e.~~ 9.7.3. The sum of the number of academic years from the date of the ~~student's~~ recipient's selection as a PROMISE Scholarship recipient equals six years, except for the military service provisions of Section 4.

§133-7-10. Duty of PROMISE Recipient Graduates.

10.1. By accepting a PROMISE award, the recipient agrees to provide ~~the~~ any information the Commission may request regarding the recipient's address after graduation, employment after graduation, whether and where the recipient is enrolled in post-graduate programs, and ~~such~~ other relevant information as the Commission may deem necessary to assess the effectiveness of the PROMISE Scholarship Program.

§133-7-11. Community Service for Applicants.

11.1. Applicants for and recipients of PROMISE awards are strongly urged to perform at least 20 hours of unpaid community service while in high school and college. The community service may include, but is not limited to, participation with non-profit, governmental, institutional, or community-based organizations designed to improve the quality of life for community residents, meet the needs of community residents, or foster civic responsibility.

§133-7-12. Coordination with Other Financial Aid.

12.1. Eligible institutions and recipients shall coordinate PROMISE Scholarship awards ~~shall be coordinated~~ with other financial aid ~~and~~ and grant programs in the following manner:

~~12.1.a.~~ 12.1.1. Eligible institutions and recipients shall use PROMISE awards ~~must be utilized~~ in a manner that maximizes federal scholarship ~~and~~ grant funding (e.g. Pell Grant), ~~and should~~ Eligible institutions may not be administered their PROMISE programs in a manner that would result in the loss of federal grant ~~or~~ scholarship funds to a ~~student~~ recipient or to the State of West Virginia.

~~12.1.b.~~ 12.1.2. Eligible institutions and recipients shall use PROMISE Scholarship awards ~~must be used~~ only for tuition and fees.

12.2. Eligible ~~institutions are strongly encouraged to~~ shall allow maximum flexibility in the use of institution-based financial aid awards so that they can be used in conjunction with the PROMISE award. The amount of a PROMISE award in combination with student financial aid from all other sources ~~shall~~ may not exceed the cost of ~~the~~ attendance at the recipient's home institution ~~the recipient is attending~~. This restriction does not apply to members of the West Virginia National Guard.

12.3. For ~~those students~~ recipients eligible for federal grant assistance, such as the Federal Pell Grants, the federal assistance ~~should~~ shall be considered the first source of all scholarship ~~or~~ grant funding to the extent permissible under federal law. For ~~students~~ recipients awarded both a PROMISE Scholarship and a need-based grant through the West Virginia Higher Education Grant Program, the PROMISE Scholarship awards shall be considered the first source for these two ~~scholarship/grant~~ programs. Eligible institutions and recipients may combine West Virginia Higher Education Grants ~~may be combined~~ with PROMISE awards as provided for ~~annually by program policies in this rule and the West Virginia Higher Education Grant Program rule, 133 C.S.R. 42.~~

12.4. Should the PROMISE Scholarship award plus the amount of other financial awards exceed the cost of attendance, the home institution's financial aid administrator, in consultation with the recipient, ~~will~~ shall determine what aid is to be reduced. This adjustment ~~should~~ shall be to the best advantage of the recipient.

12.5. If a PROMISE-recipient terminates enrollment for any reason during the academic year, the home institution shall return the unused portion of the scholarship ~~shall be returned~~ to the Commission ~~by the~~

institution in accordance with the Commission's rule policy for issuing student financial aid refunds pursuant to the provisions of West Virginia Code §18C-5-1 et seq. If the recipient also received federal financial aid, the home institution must shall abide by the refund policy associated with Title IV funds. The home institution is responsible for returning the unused portion of the scholarship even if the student recipient does not request a refund from the home institution.

§133-7-13. Appeals.

13.1. ~~An applicant for an initial PROMISE Scholarship award may appeal the denial of eligibility for the award with the Director of State Financial Aid Programs. An applicant may appeal in writing to the Vice Chancellor the denial of an application for an initial or renewal award of a PROMISE Scholarship within 15 days of receiving notification of the decision. The Vice Chancellor shall issue a written decision upholding or reversing the initial decision within 15 days of receipt of the appeal. The Vice Chancellor's decision is final.~~

13.2. ~~Any appeal must be filed within fifteen (15) days of the applicant receiving notice that he or she is not eligible for an initial award. The appeal must detail in writing, and with specificity, including the grounds supporting the appeal and a finding of eligibility. The director may require additional evidence or materials from the applicant or other parties. The Vice Chancellor shall refer to the home institution any appeal of a decision concerning satisfactory academic progress that relates to grade earned or credit hour completion for resolution consistent with the home institution's procedures established for that purpose.~~

13.3. ~~If the appeal is denied by the director, the reasons for the denial shall be communicated in writing to the applicant with an explanation of the reason for the denial. All appeals shall be in writing and set forth in detail the grounds for the appeal. The decisions issued by the Vice Chancellor or the home institution, as appropriate, shall address in writing each ground raised by the applicant.~~

13.4. ~~An applicant may appeal the director's decision to a review committee appointed by the Commission.~~

13.5. ~~Any appeal to the review committee must be filed within fifteen (15) days of notification to the applicant that his or her initial appeal was denied. The appeal must be in writing and detail, with specificity, the grounds supporting the appeal. The review committee may require additional evidence or materials be submitted. If the review committee denies the appeal, the reasons for the denial shall be communicated in writing to the applicant with an explanation of the reason for the denial. The decision of the review committee is final.~~

13.6. ~~A student granted an initial PROMISE Scholarship may appeal a non-renewal of the award with the person designated at the institution of higher education where the student is enrolled. The appeal process at the institution shall be governed by an established procedure designated by the institution.~~

13.7. ~~If the appeal of the non-renewal is denied by the institution, the student may appeal that decision to the Director of State Financial Aid Programs. The appeal must be filed within fifteen (15) days of notification to the student of denial of the institutional appeal and shall be heard in the same manner as appeals of denials of initial awards.~~

13.8. ~~If a student with a PROMISE Scholarship is not eligible for renewal of the award because of failure to maintain academic progress, he or she may not utilize the procedure set out herein to challenge any grade assigned them. Challenges to grades must be brought under established institutional procedures for grade appeals. The process set out above may only be utilized to challenge the application of the eligibility requirements to the grade or grades assigned. If a student is successful on a grade or other appeal and the changing of the grade makes him or her eligible once again for renewal, he or she may petition the Commission for a renewal of the award retroactively.~~

§133-7-14. Reports.

14.1. The Commission shall report findings about recipients of the scholarships each year to the Legislative Oversight Commission on Education Accountability. Such reports ~~will~~ shall include the following:

~~14.1.a.~~ 14.1.1. Information on the recipients' demographics including race, income, and other variables gathered by the Commission;

~~14.1.b.~~ 14.1.2. Information on ~~students~~ recipients who graduate from college in West Virginia ~~having utilized the PROMISE Scholarship as indicated in Section 10.1 of this rule and continue to live in West Virginia after graduation, obtain employment in West Virginia after graduation, and Enroll in post-graduate education programs;~~ and

14.1.3. Any other information deemed necessary by the Commission to assess the effectiveness of the PROMISE Scholarship Program.

§133-7-15. Accounting, Reporting, and Auditing Requirements.

15.1. Before the end of each fiscal year, each institution's financial aid office ~~must~~ shall reconcile its PROMISE Scholarship records with:

~~15.1.a.~~ 15.1.1. The Commission's records of PROMISE Scholarship awards and disbursements; and

~~15.1.b.~~ 15.1.2. The institution's business office records of PROMISE Scholarship disbursements.

15.2. All participating institutions ~~may be~~ are subject to financial aid audits.

§133-7-16. Definitions.

16.1. Unless the context in which used clearly requires a different meaning, the definitions contained in §§ 18B-1-2 and 18C-7-3 apply to this rule in addition to the definitions set forth below.

16.2. "Applicant" means a student who has applied for an initial award or renewal reward of a PROMISE Scholarship, but has not yet been awarded the scholarship.

16.3. "Commission" means the West Virginia Higher Education Policy Commission as defined in W. Va. Code § 18B-1-2.

16.4. "Degree pursuant courses" means those classes prescribed by the course program of study that are required to earn a degree in the recipient's chosen field.

16.5. "Dependent student" means a student who is required to provide parental information on the Free Application for Federal Student Aid because the student does not meet the criteria established by the U.S. Department of Education to be classified as an independent student.

16.6. "High school" includes traditional public or private high school, charter school, home school, learning pod, microschool, or other educational program authorized by the Legislature that encompasses education commonly received in grades 9 through 12.

16.7. "Home institution" means the eligible institution, as defined in W. Va. Code § 18C-7-3, attended by the recipient of a PROMISE Scholarship.

16.8. "Recipient" means a person who has been awarded a PROMISE Scholarship in accordance with W. Va. Code § 18C-7-1, et seq. and this rule.

16.9. "State Board" means the State Board of Education created by W. Va. Const. Art. XII, § 2 and defined in W. Va. Code § 18-1-1.

16.10. "Title IV" means the section of the federal Higher Education Act of 1965, as amended, that pertains to federal student financial aid programs.

16.11. "Vice Chancellor" means the Vice Chancellor for Administration, who is statutorily charged with administrating the State's student financial aid programs, or his or her designee.