



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-07  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes  
RULE NAME: West Virginia Providing Real Opportunities for  
Maximizing In-State Student Excellence  
(PROMISE) Scholarship Program  
CITE STATUTORY AUTHORITY: 18B-1-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 547

Section 18B-17-2(xx) Passed On 2/12/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 29, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

**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 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. – February 29, 2024.

1.4. Effective Date. – March 29, 2024.

1.5. Sunset Provision. – This rule shall terminate and have no further force or effect 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 shall be eligible for the award both at the time of application and at the time of receipt of the award by meeting all criteria outlined in this rule at the time of application and award; and

2.1.1. Shall complete graduation requirements at a West Virginia 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

2.1.2. Shall complete at least one-half of the credits required for graduation through attendance at a 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

2.1.3. 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

2.1.4. Shall have attained a cumulative grade point average of at least 3.0 on a 4.0 scale, based on high school grading policies, in both core courses and overall coursework required for graduation by the State Board or the appropriate person at the applicant's high school, while enrolled in a high school; and

2.1.5. Shall meet standardized test score criteria on an ACT or SAT national test as established by the Commission; and

2.1.6. The applicant and his or her parent or legal guardian shall have resided in West Virginia continuously for a minimum of 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

2.1.7. 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; *Provided*, That 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 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 as late as after the eighth semester.

2.3. The applicant's high school may use weighted grades in the computation of an applicant's core and overall grade point average based on the high school's grading policies.

2.4. An applicant who was deemed eligible for a PROMISE award shall enroll for the first regularly scheduled enrollment period after being selected unless granted a leave of absence pursuant to Section 9.6. and 9.7. below.

2.5. An applicant who was deemed eligible for a PROMISE award but elects not to enroll at an eligible institution may regain eligibility 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. The re-enrolling student 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. Upon approval of the Vice Chancellor, an applicant who successfully completed an alternative educational program, such as the Mountaineer Challenge Academy, is eligible for a PROMISE award if he or she has passed a State Board–approved high school equivalency examination with a minimum score determined by the Commission.

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

3.3. The parents or legal guardian and the applicant shall meet the residency requirements set out in Section 2 of this rule.

3.4. A student passing a State Board approved high school 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 Veterans of Armed Services.**

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

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

4.3. The applicant shall meet the residency requirements set out in Section 2 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 eligible for a PROMISE award if he or she leaves the military academy and meets the requirements of Section 2 of this rule.

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

5.1. The Commission shall waive the credit hour and residency requirements established in Section 2 of this rule if:

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

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

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

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

5.1.5. The parent or legal guardian maintained legal residence in West Virginia while stationed in 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 of this rule if:

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

6.1.2. The parent or legal guardian and the applicant meet the residency requirements set out in Section 2 of this rule; and

6.1.3. The applicant commuted from 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

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

6.1.5. The applicant has not established domicile in another state; and

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. [Reserved]**

**§133-7-8. Awards.**

8.1. Recipients of a PROMISE Scholarship shall receive an award equal to the lesser of the actual amount of tuition and mandatory fees 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.

8.2. The Commission may award PROMISE for summer school. To be eligible for a summer award, an applicant shall be academically eligible for PROMISE continuation at the end of the spring semester preceding the summer term for which the applicant is applying. Any summer award under this section is dependent upon the availability of funds as determined by the Commission.

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

8.2.2. Recipients, other than those graduating at the end of the summer term of enrollment, shall be enrolled for at least 12 credit hours unless the Commission grants a waiver of the full-time.

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

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

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

9.1.1. Be continuously enrolled as a full-time undergraduate student; *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 recipient may be enrolled less than full-time and remain eligible for renewal; and

9.1.2. Maintain at least a 2.75 grade point average on a 4.0 scale by the end of each academic year; and

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

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

9.1.3.b. For calculating renewal, the academic year 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.

9.2. A 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.

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

9.4. A recipient enrolled in a summer term to attain the minimum credit hours required by Subsection 9.1.3. or achieve the grade point average required by Subsection 9.1.2. may not receive a PROMISE award for that summer term. The recipient shall successfully complete the summer term before commencement of the home institution's regular semester. Upon approval of the recipient's home institution, the recipient may obtain summer term credits from an out-of-state institution.

9.4.1. In determining PROMISE Scholarship eligibility, eligible institutions shall count all college credit hours and corresponding grades regardless of whether or not the institution accepts these credits. 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.

9.5. PROMISE 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 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.

9.6. Recipients shall submit other requests for leaves of absence in writing to the Vice Chancellor. "Other leave of absence requests" include, but are not limited to, issues directly related to the recipient's educational program, study abroad, extreme financial hardships of the recipient or the recipient's immediate family, service or volunteerism, or other extraordinary circumstances beyond the recipient's control when continued attendance would result in substantial hardship for the recipient.

9.7. A recipient granted a leave of absence pursuant to Section 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 until any of the following occurs:

9.7.1. The recipient received four semesters of PROMISE while enrolled in an associate degree program or graduated from the associate degree program; or

9.7.2. The recipient received eight semesters of PROMISE while enrolled in an associate or baccalaureate program or graduated from the baccalaureate degree program; or

9.7.3. The sum of the number of academic years from the date of the 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 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 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 with other financial aid and grant programs in the following manner:

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

12.1.2. Eligible institutions and recipients shall use PROMISE Scholarship awards only for tuition and fees.

12.2. Eligible institutions 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 may not exceed the cost of attendance at the recipient's home institution. This restriction does not apply to members of the West Virginia National Guard.

12.3. For recipients eligible for federal grant assistance, such as the Federal Pell Grant, the federal assistance shall be considered the first source of all scholarship or grant funding to the extent permissible under federal law. For 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 programs. Eligible institutions and recipients may combine West Virginia Higher Education Grants with PROMISE awards as provided for 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, shall determine what aid is to be reduced. This adjustment 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 to the Commission in accordance with the Commission's policy for issuing student financial aid refunds. If the recipient also received federal financial aid, the home institution 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 recipient does not request a refund from the home institution.

#### **§133-7-13. Appeals.**

13.1. 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. 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.

**§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 report shall include the following:

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

14.1.2. Information on recipients who graduate from college in West Virginia 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 shall reconcile its PROMISE Scholarship records with:

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

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

15.2. All participating institutions 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.