

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #3

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OFFICE 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 NUMBER: 133

CITE AUTHORITY: WV Code §18C-7-6

AMENDMENT TO AN EXISTING RULE: YES NO


IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 7

TITLE OF RULE BEING AMENDED: West Virginia Providing Real Opportunities for Maximizing
In-State Student Excellence (PROMISE) Scholarship Program

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



Authorized Signature

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

FILED

2007 MAY 10 PM 3: 32

SERIES 7

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**TITLE: WEST VIRGINIA PROVIDING REAL OPPORTUNITIES FOR
MAXIMIZING IN-STATE STUDENT EXCELLENCE (PROMISE) SCHOLARSHIP
PROGRAM**

SECTION 1: GENERAL

- 1.1. Scope – This rule establishes guidelines and procedures for establishing eligibility for the West Virginia Providing Real Opportunities for Maximizing In-State Student Excellence Program, hereinafter referred to as PROMISE.
- 1.2. Authority – West Virginia Code § 18C-7-6
- 1.3. Filing Date –
- 1.4. Effective Date –
- 1.5. Repeals and replaces Title 133, Series 7, dated April 9, 2002

**SECTION 2: ELIGIBILITY OF HIGH SCHOOL GRADUATES FOR INITIAL
AWARD**

- 2.1. To be eligible for consideration for an initial PROMISE Scholarship, a high school applicant must be eligible for the award at the time of application and at the time the award is received; and
 - 2.1.1. Must complete high school graduation requirements; and
 - 2.1.2. Must complete at least one half of the credits required for high school graduation through attendance at a public or private high school in this state, unless he or she was a military dependent under Section 6 of this rule, or commuted to an out-of-state school pursuant to Section 7 of this rule; and
 - 2.1.3. Must apply within two years of graduation from high school unless the applicant entered the United States armed services pursuant to Section 5 of this rule; and
 - 2.1.4. Must, while enrolled in high school, have attained a cumulative grade point average of at least 3.0 on a 4.0 scale in both the core courses and

overall coursework required for graduation by the State Board of Education; and

- 2.1.5. Must meet other criteria established by the PROMISE Board, including required scores on national standardized test;

- 2.1.5.1 Minimum scores on the ACT including a composite score of 22 with sub-scores of 20 in English, math, science and reading; or

- 2.1.5.2 Minimum scores on the SAT including a combined score of 1020 in critical reading and math, with minimum sub-scores of 490 in critical reading and 480 in math; and

- 2.1.6. Must have resided in West Virginia continuously for a minimum of twelve months immediately preceding the final date of application for a PROMISE Scholarship unless a military dependent pursuant to Section 6 of this rule or a member of the Armed Services pursuant to Section 5 of this rule; and

- 2.1.7. Must submit both the Free Application for Federal Student Aid and any application form required by the PROMISE Board by March 1 or other deadline established by the Board; however:

- 2.1.7.1. Any student who misses the deadline for application in the spring of any year for a fall award may apply in the fall for spring enrollment and may then be eligible for a spring award if he or she meets the fall deadline. A student missing the spring deadline may enroll in the fall semester at his or her own cost. This option is contingent upon the availability of funding for the PROMISE program.

- 2.2. The grade point average required in Section 2.1.4 will be determined by the appropriate school official at the end of the seventh high school semester. However, 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. Weighted grades may be used in the computation of a student's core and overall grade point average.

- 2.4. A student who applied for and was deemed eligible for a PROMISE award but enrolled as a first-time freshman at an institution not set out as an eligible institution by Section 8 of this rule may, if the student completed only one semester or less at that institution, enroll at an eligible institution and retain eligibility for the PROMISE award.

SECTION 3: ELIGIBILITY FOR A GED RECIPIENT

- 3.1. A person who has earned a GED is eligible for a PROMISE award but only if he or she has passed the GED examination, with a minimum score of 2500 as determined by the PROMISE Board. Eligibility must occur within two years of the date the student's high school class would normally have graduated and apply within that two-year period for a PROMISE award and meet all other criteria established by the PROMISE Board, including required scores on national standardized tests as stated in section 2.1.5.
- 3.2 The applicant must meet the residency requirements set out in Section 2.1.6 of this rule.

SECTION 4: ELIGIBILITY FOR THE HOME-SCHOOLED

- 4.1. A person who has been home-schooled pursuant to the exemption allowed by W.Va. Code § 18-8-1 is eligible for a PROMISE award, but only if he or she has passed the GED examination with a minimum score as determined by the PROMISE Board, set out in section 3.1, within two years of the completion of the home-schooling, but not later than twenty years of age.
- 4.2. The home-schooled student must apply for a PROMISE award within two years of attaining the GED and meet all other criteria established by the PROMISE Board, including required scores on national standardized tests.
- 4.3. The applicant must meet the residency requirements set out in Section 2.1.6 of this rule.

SECTION 5: ELIGIBILITY OF MEMBERS OF ARMED SERVICES

- 5.1. A person who entered full-time, active duty with the United States armed services within two years of his or her high school graduation is eligible to apply for 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.
- 5.2 The applicant must meet all other criteria established by the PROMISE Board for eligible high school graduates at the time of the application, including high school grade point average and required scores on national standardized tests.
- 5.3. The applicant must meet the residency requirements set out in Section 2.1.6 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.
- 5.4 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 2.4 of this award.

SECTION 6: ELIGIBILITY OF MILITARY DEPENDENTS

- 6.1. The credit hour requirements in Section 2.1.2 and the residency requirements of Section 2.1.6 of this rule shall be waived if:
 - 6.1.1. The applicant resided and attended high school in another state or a United States territory, United States possession or foreign country; and
 - 6.1.2. Resided with his or her parent or legal guardian; and
 - 6.1.3. The applicant's parent or legal guardian served in the United States armed forces while the student attended high school in such state, territory, possession or country; and
 - 6.1.4. The parent or legal guardian was stationed for military purposes in such state, territory, possession or country; and
 - 6.1.5. The parent or legal guardian maintained legal residence in West Virginia while stationed in such state, territory, possession or country.

SECTION 7: ELIGIBILITY OF COMMUTING STUDENTS

- 7.1. The credit hour requirements in Section 2.1.2 of this rule shall be waived if:
 - 7.1.1. The applicant resided in West Virginia while attending high school in another state; and
 - 7.1.2. Resided with his or her parent or legal guardian; and
 - 7.1.3. The parent or legal guardian had been a resident of this state for at least two years immediately preceding the student's attendance at the out-of-state school; and
 - 7.1.4. The student commuted from this state on a daily basis; and
 - 7.1.5. The student was a dependent of the parent or legal guardian with whom the student resided; and
 - 7.1.5.1 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.

- 7.1.6. The student has not established domicile in another state; and
- 7.1.7. The school to which the student commuted was fully accredited to a degree acceptable to West Virginia's State Superintendent of Schools; and
- 7.1.8. The school's curriculum requirements for graduation are equivalent, or sufficiently similar to, those required for high school graduation in this state.

SECTION 8: ELIGIBLE INSTITUTIONS

- 8.1. 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 PROMISE Board, are eligible to participate in the PROMISE Scholarship program.

SECTION 9: AWARDS

- 9.1. The PROMISE award for a student enrolled in a state institution of higher education shall be equal to the actual tuition and mandatory fee charges for resident students at the institution.
- 9.2. "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.
 - 9.2.1 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.
- 9.3. Students enrolled in other eligible institutions shall receive an award based upon the average undergraduate tuition and mandatory fees at comparable state institutions of higher education for the previous year as determined by the PROMISE Board.
- 9.4. Awards will not be made for summer school.
- 9.5. 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 2.1.7.1.

SECTION 10: ELIGIBILITY FOR RENEWAL OF AWARDS

- 10.1. For a student to retain or have the PROMISE award renewed each year the student must be continuously enrolled as a full-time student; and
- 10.2. 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; and
- 10.3. Complete and earn a minimum of 30 credit hours in each 12 month period.
- 10.4. A student seeking an associate degree is eligible to receive a PROMISE award for no more than four semesters of a two year degree program.
 - 10.4.1. If a student seeking an associate degree cannot complete the two year program within four semesters but wishes to complete it during a third year and then pursue a baccalaureate degree, the student may fund the third year him or her self. The student would then be eligible for four additional semesters of PROMISE awards to enroll in and complete the four year baccalaureate degree program.
 - 10.4.2. Students funding the third year themselves do not need to maintain full-time status during this third year.
 - 10.4.3. The student must maintain the 3.0 cumulative grade point average to receive a PROMISE award for the baccalaureate program.
- 10.5. A student seeking a baccalaureate degree is eligible to receive a PROMISE award for no more than eight semesters of a four year degree program.
- 10.6. If a student enrolls in summer school to attain the minimum 30 credit hours required by Section 10.3, they shall not receive a PROMISE award for that summer school enrollment. The summer school credits may be obtained from an out-of-state institution with approval of the home institution.
 - 10.6.1 In determining the acceptance of grade point averages, institutional policy will govern which course grades will be accepted and counted towards the cumulative GPA for PROMISE eligibility.
- 10.7. The requirement of continuous enrollment may be waived by the institution of higher education or by the Executive Director of the PROMISE Board for a student with a medical leave of absence, or who has been called to active military service, or has demonstrated a compelling reason requiring a leave of absence. Waivers will not be granted for merely personal leaves of absence related to such purposes as travel, competition, vacations, or volunteerism, however, with prior written approval of the institution or Executive Director, waivers may be granted for internships, study abroad, or other programs directly related to the student's

degree program.

SECTION 11: DUTY OF PROMISE RECIPIENT GRADUATES

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

SECTION 12: COMMUNITY SERVICE FOR APPLICANTS

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

SECTION 13: COORDINATION WITH OTHER FINANCIAL AID

- 13.1. PROMISE Scholarship awards shall be coordinated with other financial aid/grant programs in the following manner:
 - 13.1.1. PROMISE awards must be utilized in a manner that maximizes federal scholarship/grant funding (e.g. Pell Grant) and should not be administered in a manner that would result in the loss of federal grant/scholarship funds to a student or to the State of West Virginia.
 - 13.1.2. PROMISE scholarship awards must be used for tuition and fees;
 - 13.1.3. Institutions are strongly encouraged to allow maximum flexibility in the use of institution based financial awards so that they can be used in conjunction with the PROMISE award.
 - 13.1.4. For those students eligible for both a PROMISE award and a need-based grant through the West Virginia Higher Education Grant program, PROMISE Scholarship funds shall be considered the first source of scholarship/grant funding. Higher Education Grants may be combined with PROMISE awards.
- 13.2. The amount of a PROMISE award in combination with aid from all other sources shall not exceed the cost of the attendance at the institution the recipient is

attending. This restriction does not apply to those members of the West Virginia National Guard, recipients of an Underwood-Smith Teacher Scholarship, and recipients of a West Virginia Engineering, Science and Technology Scholarship.

- 13.3 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.

SECTION 14: APPEALS

- 14.1. An applicant for an initial PROMISE Scholarship award may appeal the denial of eligibility for the award with the person or persons designated by the executive director to hear first-level appeals.
- 14.2. Any appeal must be filed within ten (10) 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, the grounds supporting the appeal and a finding of eligibility. The designee hearing the appeal may require additional evidence or materials from the applicant or any other individual is submitted.
- 14.3. If the appeal is denied by the designee hearing first-level appeals, the reasons for the denial shall be communicated in writing to the applicant with an explanation of the reason for the denial.
- 14.4. An applicant may appeal the denial of an appeal to a review committee.
- 14.5. 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 for 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.
- 14.6. A student granted an initial PROMISE Scholarship may appeal a non-renewal of the award. Any such appeal must be filed within fifteen (15) days of notification to the student that he or she is not eligible for renewal of the award. The appeal is to be filed 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.
- 14.7. If the appeal of the non-renewal is denied by the institution, the student may appeal that decision to the review committee of the PROMISE Board. 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.

- 14.8. If a student with a PROMISE Scholarship is not eligible for renewal of the award because of failure to maintain academic progress, they 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 appeal, and the changing of the grade makes him or her eligible once again for renewal, he or she may petition the PROMISE Board for a renewal of the award retroactively.

SECTION 15: REPORTS

- 15.1 The PROMISE Board shall report findings about recipients of the scholarships each year to the Joint Standing Committee on Education. Such reports will include the following:
 - 15.1.1 Information on the recipients' demographics including race, income and other variables gathered by the PROMISE Board.
 - 15.1.2 Information on students who graduate from college in West Virginia having utilized the PROMISE Scholarship as indicated in section 11.1 of this rule.

**West Virginia Higher Education Policy Commission
Meeting of April 26, 2007**

ITEM: Approval of Series 7, *PROMISE Scholarship Program* (Revised)

INSTITUTIONS: All

COMMITTEE: Academic Policy Committee

RECOMMENDED RESOLUTION: *Resolved*, That the West Virginia Higher Education Policy Commission approves Series 7, *PROMISE Scholarship Program* as revised.

STAFF MEMBER: Dennis Taylor

BACKGROUND:

The West Virginia Higher Education Policy Commission at its February 2, 2007, meeting approved revisions to Series 7, *PROMISE Scholarship Program*, for dissemination for the thirty-day comment period. No comments were received during that period; therefore, staff recommends adoption of the final rule as proposed. A copy of the final rule is attached on the following pages.