

**H. B. 2738**

(By Mr. Speaker, (Mr. Thompson) and Delegate Armstead)  
[By Request of the Executive]  
[Introduced January 21, 2011; referred to the  
Committee on Education then Finance.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new article, designated §18C-8-1, §18C-8-2,  
12 §18C-8-3, §18C-8-4 and §18C-8-5, all relating to creating the  
13 math and science teacher loan assistance program; providing  
14 legislative purposes of the loan assistance program; creating  
15 a special revenue fund to administer the loan assistance  
16 program; requiring the state Department of Education to  
17 promulgate legislative rules for administering the loan  
18 assistance program; identifying geographic areas or schools in  
19 critical need of math and science teachers; administering the  
20 application and award process and other aspects of the loan  
21 assistance program; providing loan assistance to math and  
22 science teachers who agree to teach in critical needs areas or  
23 schools; permitting the state Department of Education to  
24 solicit funds for the loan assistance program; providing

1 selection criteria and procedures for loan assistance  
2 recipients; providing conditions for renewal, noncompliance,  
3 deferral and exceptions within the loan assistance program;  
4 and providing the amount of loan assistance per teacher and  
5 the duration of the loan assistance program.

6 *Be it enacted by the Legislature of West Virginia:*

7 That the Code of West Virginia, 1931, as amended, be amended  
8 by adding thereto a new article, designated §18C-8-1, §18C-8-2,  
9 §18C-8-3, §18C-8-4 and §18C-8-5, all to read as follows:

10 **ARTICLE 8. MATH AND SCIENCE TEACHER LOAN ASSISTANCE PROGRAM.**

11 **§18C-8-1. Loan assistance program created; purpose; funding.**

12 (a) It is the purpose of this article to create the Math and  
13 Science Teacher Loan Assistance Program to improve the quality of  
14 education in the public schools of West Virginia by attracting and  
15 retaining West Virginia teachers certified to teach math and  
16 science in the public schools of this state in areas of our state  
17 facing critical shortages of math and science teachers. To  
18 effectuate the purpose of this article, there is hereby created the  
19 "Math and Science Teacher Loan Assistance Program."

20 (b) There is hereby created in the State Treasury a special  
21 revenue fund to be known as the "Math and Science Teacher Loan  
22 Assistance Fund" to be administered by the Department of Education  
23 solely for providing assistance to certified math and science  
24 teachers who accept or retain positions in schools or geographic

1 areas designated as those being in critical need of math and  
2 science teachers in accordance with this article. Any moneys  
3 deposited into, otherwise designated or accruing to the fund and  
4 all earnings payable to it, including, but not limited to, those  
5 funds identified in subsection (d) of this section for the purposes  
6 of this article, shall be deposited into the fund. The fund shall  
7 operate as a special revenue fund whereby all deposits and payments  
8 to the Math and Science Teacher Loan Assistance Fund do not expire  
9 to the General Revenue Fund but shall remain in the fund and be  
10 available for expenditure in succeeding fiscal years. Expenditures  
11 from the fund shall be for the purposes set forth in this article,  
12 are authorized from collections and shall not revert to the General  
13 Fund. Any moneys repaid to the Department of Education by reason of  
14 default of a loan assistance agreement under this article shall  
15 also be deposited in the Math and Science Teacher Loan Assistance  
16 Fund. Balances in the Math and Science Teacher Loan Assistance Fund  
17 shall be invested with the state's consolidated investment fund,  
18 and any and all interest earnings on these investments shall be  
19 used solely for the purposes that moneys deposited in the fund may  
20 be used pursuant to this article.

21 (c) The Department of Education shall, in consultation with  
22 the State Superintendent of Schools, promulgate rules in accordance  
23 with the provisions of article three-b, chapter twenty-nine-a of  
24 this code, for the administration of the Math and Science Teacher

1 Loan Assistance Program by the Department of Education in  
2 furtherance of the purposes of this article, to include, but not be  
3 limited to, criteria and procedures for identifying schools or  
4 geographic areas in critical need of math and science teachers,  
5 awarding loan assistance, loan assistance renewal, compliance,  
6 noncompliance, repayment, deferral and excusal and procedures to  
7 ensure that loan assistance funds reach the proper lending entity,  
8 and development of model loan assistance agreements. In accordance  
9 with such rules, the Department of Education shall establish  
10 appropriate guidelines for program operation. All rules so  
11 promulgated shall be filed with the Secretary of State.

12 (d) The Department of Education may accept and deposit into  
13 the Math and Science Teacher Loan Assistance Fund any gift, grant,  
14 contribution, bequest, endowment or other money designated to be  
15 used for the purposes of this article and may be expended as  
16 provided in this article.

17 (e) The Department of Education shall encourage support for  
18 the loan assistance program from private sources and may set aside  
19 no more than half of the funds appropriated by the Legislature for  
20 the loan assistance program to be used to match two state dollars  
21 to each private dollar from a nonstate source contributed to  
22 further the purposes of this article to be deposited into the Math  
23 and Science Teacher Loan Assistance Fund.

24 **§18C-8-2. Selection criteria and procedures.**

1       (a) Eligibility for a math and science teacher loan assistance  
2 award shall be limited to West Virginia certified teachers who:

3       (1) Have earned a teaching degree in math or science and are  
4 certified to teach math and science in West Virginia. Certified  
5 math and science teachers who are enrolled in advanced degree  
6 courses or who have earned advanced degrees may apply for the loan  
7 assistance award to apply toward current or future education loans;

8       (2) Have agreed to teach, or currently teach, math or science  
9 in geographic areas of the state identified as areas of critical  
10 need of math and science teachers.

11       (b) In accordance with the rules promulgated according to this  
12 article, the Department of Education shall develop criteria and  
13 procedures consistent with the rule for the administration of the  
14 loan assistance program which shall include, but not be limited to,  
15 ensuring that loan assistance awards are given only on the  
16 condition that the loan assistance recipient adheres to an  
17 agreement to teach math or science in the identified school or  
18 geographic area.

19       (c) The Department of Education shall make application forms  
20 for math and science teacher loan assistance awards available to  
21 public and private schools in the state, via the Department of  
22 Education's website, and in other locations convenient to potential  
23 applicants.

24 **§18C-8-3. Loan assistance agreement.**

1       (a) Each recipient of a math and science teacher loan  
2 assistance award shall enter into a loan assistance agreement with  
3 the Department of Education under which the recipient shall before  
4 receiving any award:

5       (1) Provide the Department of Education with evidence of  
6 compliance with subsection (a), section four of this article;

7       (2) Teach math or science full-time under contract with a county  
8 board of education in a public education program in the state for a  
9 period of one school year for each year for which loan assistance  
10 under this article was received in a school or geographic area  
11 identified by the board of education as one with a critical need or  
12 shortage for math or science teachers;

13       (3) Acknowledge that any loan assistance award is to be paid to  
14 the recipient's educational loan institution only after the  
15 Department of Education determines that the recipient has completed  
16 all terms of the agreement;

17       (4) Acknowledge that any loan assistance award received is to  
18 be paid to the recipient's educational loan institution and not  
19 directly to the recipient; and

20       (5) Repay all or part of a teacher loan assistance award  
21 received under this article if the loan assistance award has not been  
22 paid to the educational loan institution or the recipient does not  
23 comply with the other terms of the loan assistance agreement.

24       (b) Loan assistance agreements shall fully disclose the terms

1 and conditions under which assistance under this article is provided  
2 and under which repayment may be required and shall include the  
3 conditions and procedures to be established under section four of  
4 this article.

5 **§18C-8-4. Renewal conditions; noncompliance; deferral; excusal.**

6 (a) The recipient of a math and science teacher loan assistance  
7 award is eligible for renewal only during such periods that the  
8 recipient is: (1) Under contract with a county board of education  
9 to teach math or science at a school or geographic area identified  
10 as one with a critical need for math and science teachers and  
11 complying with such other standards as the Department of Education  
12 may establish by rule.

13 (b) A recipient shall not be considered in violation of the  
14 agreement entered into under section three of this article during any  
15 period in which the recipient is: (1) Serving, not in excess of four  
16 years, as a member of the armed services of the United States; or  
17 (2) Unable to fulfill the contract to teach math or science due to  
18 death, permanent or temporary disability or a condition covered under  
19 the Family and Medical Leave Act of 1993.

20 **§18C-8-5. Amount and duration of loan assistance.**

21 Each recipient of a math and science teacher loan assistance  
22 award is eligible to receive assistance of up to \$2,000 for each full  
23 school year of teaching math or science pursuant to a contract in a  
24 school or geographic area identified as one with a critical need for

1 math and science teachers and otherwise comply with the agreement,  
2 provisions of this article and any rules promulgated pursuant  
3 thereto. Notwithstanding any other provision in this article,  
4 partial loan assistance awards may be granted to math and science  
5 teachers whose contract term is for less than a full school year with  
6 approval of the Department of Education. No individual may receive  
7 loan assistance under this article which accumulates in excess of  
8 \$10,000.

NOTE: The purpose of this bill is to provide loan assistance for math and science teachers who agree to teach in areas and schools in critical need of such teachers.

§18C-8-1, §18C-8-2, §18C-8-3, §18C-8-4 and §18C-8-5 are new; therefore, it has been completely underscored.