

Senate Bill No. 229

(By Senators Kessler (Acting President) and Hall,

By Request of the Executive)

[Introduced January 21, 2011; referred to the Committee on
Education; and then to the Committee on Finance.]

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
25 selection criteria and procedures for loan assistance

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

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

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

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

10 **§18C-8-1. Loan assistance program created; purpose; funding.**

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

19 (b) There is hereby created in the State Treasury a special
20 revenue fund to be known as the "Math and Science Teacher Loan
21 Assistance Fund" to be administered by the Department of Education
22 solely for providing assistance to certified math and science
23 teachers who accept or retain positions in schools or geographic
24 areas designated as those being in critical need of math and
25 science teachers in accordance with this article. Any moneys

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

19 (c) The Department of Education shall, in consultation with
20 the State Superintendent of Schools, promulgate rules in accordance
21 with the provisions of article three-b, chapter twenty-nine-a of
22 this code, for the administration of the Math and Science Teacher
23 Loan Assistance Program by the Department of Education in
24 furtherance of the purposes of this article, to include, but not be
25 limited to, criteria and procedures for identifying schools or

1 geographic areas in critical need of math and science teachers,
2 awarding loan assistance, loan assistance renewal, compliance,
3 noncompliance, repayment, deferral and excusal and procedures to
4 ensure that loan assistance funds reach the proper lending entity,
5 and development of model loan assistance agreements. In accordance
6 with such rules, the Department of Education shall establish
7 appropriate guidelines for program operation. All rules so
8 promulgated shall be filed with the Secretary of State.

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

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

21 **§18C-8-2. Selection criteria and procedures.**

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

24 (1) Have earned a teaching degree in math or science and are
25 certified to teach math and science in West Virginia. Certified

1 math and science teachers who are enrolled in advanced degree
2 courses or who have earned advanced degrees may apply for the loan
3 assistance award to apply toward current or future education loans;

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

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

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

20 **§18C-8-3. Loan assistance agreement.**

21 (a) Each recipient of a math and science teacher loan
22 assistance award shall enter into a loan assistance agreement with
23 the Department of Education under which the recipient shall before
24 receiving any award:

25 (1) Provide the Department of Education with evidence of

1 compliance with subsection (a), section four of this article;

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

8 (3) Acknowledge that any loan assistance award is to be paid to
9 the recipient's educational loan institution only after the
10 Department of Education determines that the recipient has completed
11 all terms of the agreement;

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

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

19 (b) Loan assistance agreements shall fully disclose the terms
20 and conditions under which assistance under this article is provided
21 and under which repayment may be required and shall include the
22 conditions and procedures to be established under section four of
23 this article.

24 **§18C-8-4. Renewal conditions; noncompliance; deferral; excusal.**

25 (a) The recipient of a math and science teacher loan assistance

1 award is eligible for renewal only during such periods that the
2 recipient is: (1) Under contract with a county board of education
3 to teach math or science at a school or geographic area identified
4 as one with a critical need for math and science teachers and
5 complying with such other standards as the Department of Education
6 may establish by rule.

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

14 **§18C-8-5. Amount and duration of loan assistance.**

15 Each recipient of a math and science teacher loan assistance
16 award is eligible to receive assistance of up to \$2,000 for each full
17 school year of teaching math or science pursuant to a contract in a
18 school or geographic area identified as one with a critical need for
19 math and science teachers and otherwise comply with the agreement,
20 provisions of this article and any rules promulgated pursuant
21 thereto. Notwithstanding any other provision in this article,
22 partial loan assistance awards may be granted to math and science
23 teachers whose contract term is for less than a full school year with
24 approval of the Department of Education. No individual may receive
25 loan assistance under this article which accumulates in excess of

1 \$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, strike-throughs and underscores have been omitted.