

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 229

(By Senators Kessler (Acting President) and Hall,
By Request of the Executive)

[Originating in the Committee on Finance;
reported February 23, 2011.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2F-1, §18-2F-2, §18-2F-3, §18-2F-4, §18-2F-5 and §18-2F-6, all relating to creating the Math and Science Teacher Loan Assistance Program; providing legislative purpose; defining certain terms; creating a special revenue fund; requiring legislative rules; establishing procedures for identifying public schools or geographic areas in critical need of math and science teachers;

administering loan assistance program; authorizing solicitation and certain match of private funds; providing selection criteria and procedures for candidates; requiring certain agreements and contracts; establishing conditions for addressing renewal, noncompliance, deferral and exceptions; and setting limits on amount of loan assistance per recipient.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2F. MATH AND SCIENCE TEACHER LOAN ASSISTANCE PROGRAM.

§18-2F-1. Definitions.

1 For the purposes of this article, the following words have
2 the meanings ascribed to them unless the context clearly
3 indicates a different meaning:

4 “Agreement” means the loan assistance contract between
5 the department and the certified teacher seeking an award;

6 “Area of critical need” means a school or geographic area
7 of West Virginia identified by the department where there
8 exists a critical shortage of math and science teachers;

9 “Award” means a monetary amount paid from the Math and
10 Science Teacher Loan Assistance Fund to an eligible recipi-
11 ent’s educational loan institution pursuant to this article;

12 “Department” means the West Virginia Department of
13 Education;

14 “Fund” or “loan fund” means the Math and Science
15 Teacher Loan Assistance Fund created pursuant to this
16 article;

17 “Program” means the Math and Science Teacher Loan
18 Assistance Program created pursuant to this article; and

19 “Recipient” means a certified math or science teacher who
20 is eligible to receive an award pursuant to the terms of this
21 article and state board rule.

**§18-2F-2. Loan assistance program created; purpose; funding;
legislative rule required.**

1 (a) There is hereby created the “Math and Science Teacher
2 Loan Assistance Program”. The purpose of the program is to
3 improve the quality of education in the public schools of the
4 state by attracting and retaining West Virginia teachers who
5 are certified to teach math and science in areas of critical
6 need.

7 (b) There is hereby created in the State Treasury a special
8 revenue fund known as the "Math and Science Teacher Loan
9 Assistance Fund" to be administered by the department
10 solely for the purposes set forth in this article.

11 (1) Any moneys appropriated or otherwise designated or
12 accruing to the fund and all earnings payable to it, including,
13 but not limited to, those funds identified in subsection (e) of
14 this section, shall be deposited into the fund.

15 (2) The loan fund shall operate as a special revenue fund
16 whereby all deposits and payments to the loan fund do not
17 expire to the General Revenue Fund, but remain in the loan
18 fund and are available for expenditure in succeeding fiscal
19 years. Balances in the loan fund shall be invested with the
20 state's consolidated investment fund.

21 (3) Expenditures from the fund are authorized from
22 collections.

23 (4) Any moneys repaid to the department by reason of
24 default of an agreement made pursuant to this article also
25 shall be deposited into the fund.

26 (c) The state board shall promulgate a legislative rule in
27 accordance with the provisions of article three-b, chapter
28 twenty-nine-a of this code for the administration of the

29 program in furtherance of the purposes of this article. The
30 rule shall include, but is not limited to, the following:

31 (1) Establishing criteria and procedures for identifying
32 public schools or geographic areas in critical need of math
33 and science teachers;

34 (2) Awarding loan assistance, including establishing
35 conditions under which partial awards may be granted for
36 less than a full year of teaching in an area of critical need;

37 (3) Determining eligibility for loan assistance renewal;

38 (4) Establishing criteria for determining participant
39 compliance or noncompliance with terms of the agreement
40 and establishing procedures to address noncompliance
41 including, but not limited to, repayment, deferral and
42 excusal;

43 (5) Establishing procedures ensuring that loan assistance
44 funds are paid directly to the proper lending entity; and

45 (6) Developing model agreements.

46 (d) In accordance with the legislative rule promulgated
47 pursuant to subsection (c) of this section, the department
48 shall establish appropriate guidelines for program operation.

49 (e) The department may accept and deposit into the fund
50 any gift, grant, contribution, bequest, endowment or other

51 moneys designated to be used for the purposes of this article
52 and may expend these funds as provided in this article and
53 by state board rule.

54 (f) The department shall encourage support for the pro-
55 gram from private sources and may set aside up to one half
56 of the funds appropriated by the Legislature to match two
57 state dollars for each private dollar from a nonstate source
58 deposited into the fund.

§18-2F-3. Selection criteria and procedures.

1 (a) Eligibility for an award is limited to a teacher who
2 meets the following requirements:

3 (1) Has earned a teaching degree and is certified to teach
4 math or science in the public schools of West Virginia. A
5 certified math or science teacher who is enrolled in advanced
6 degree courses or who has earned an advanced degree may
7 apply for an award to be paid toward current or future
8 education loans;

9 (2) Has agreed to teach, or currently is teaching, math or
10 science in a state school or geographic area of the state
11 identified as an area of critical need.

12 (b) In accordance with the rule promulgated pursuant to
13 section two of this article, the department shall develop

14 criteria and procedures for the administration of the pro-
15 gram. These shall include, but are not limited to, ensuring
16 that awards are given only on the condition that the recipi-
17 ent adheres to an agreement to teach math or science in the
18 identified school or geographic area of critical need.

19 (c) The department shall make available program applica-
20 tion forms to public and private schools in the state via the
21 department's website and in other locations convenient to
22 potential applicants.

§18-2F-4. Loan assistance agreement.

1 (a) Before receiving an award, each eligible teacher shall
2 enter into an agreement with the department and shall meet
3 the following criteria:

4 (1) Provide the department with evidence of compliance
5 with subsection (a), section five of this article;

6 (2) Teach math or science full-time under contract with a
7 county board in an area of critical need for a period of one
8 school year for each year for which loan assistance is
9 received pursuant to this article. The department may grant
10 a partial award to an eligible recipient whose contract term
11 is for less than a full school year pursuant to criteria estab-
12 lished by state board rule.

13 (3) Acknowledge that an award is to be paid to the recipi-
14 ent's educational loan institution, not directly to the recipi-
15 ent, only after the department determines that the recipient
16 has complied with all terms of the agreement; and

17 (4) Repay all or part of an award received pursuant to this
18 article if the award is not paid to the educational loan
19 institution or if the recipient does not comply with the other
20 terms of the agreement.

21 (b) Each agreement shall fully disclose the terms and
22 conditions under which an award may be granted pursuant
23 to this article and under which repayment may be required.
24 The agreement also shall include the conditions and proce-
25 dures established by section five of this article.

§18-2F-5. Renewal conditions; noncompliance; deferral; excusal.

1 (a) The recipient is eligible for renewal only during the
2 periods when the recipient is under contract with a county
3 board to teach math or science in a school or geographic area
4 of critical need and complies with other criteria and condi-
5 tions the state board establishes by rule.

6 (b) A recipient is not in violation of the agreement entered
7 into under section four of this article during any period in
8 which the recipient meets the following conditions:

9 (1) Serves as a member of the armed services of the United
10 States for a period not to exceed four years; or

11 (2) Is unable to fulfill the agreement due to death, perma-
12 nent or temporary disability or a condition covered under the
13 Family and Medical Leave Act of 1993.

§18-2F-6. Amount and duration of loan assistance; limits.

1 (a) Each award recipient is eligible to receive assistance of
2 up to \$2,000 annually subject to limits set forth in subsection
3 (b) of this section:

4 (1) If the recipient has taught math or science for a full
5 school year under contract with a county board in a school
6 or geographic area of critical need; and

7 (2) If the recipient otherwise has complied with the terms
8 of the agreement and with provisions of this article and any
9 rules promulgated pursuant thereto.

10 (b) No recipient may receive loan assistance pursuant to
11 this article which accumulates in excess of \$10,000.