

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENGROSSED

House Bill 3145

BY HAMRICK, WESTFALL, BUTLER, WAXMAN AND

ATKINSON

[Originating in the Committee on Education on

February 22, 2019.]

1 A BILL to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4, and §18C-4-5 of the
2 Code of West Virginia, 1931, as amended; and to amend and reenact §18C-4A-1, §18C-
3 4A-2, and §18C-4A-3 of said code, all relating to modifying certain student financial aid
4 resources available to students pursuing public school teaching careers; abolishing the
5 Underwood-Smith Teacher Loan Assistance Program; renaming the Underwood-Smith
6 Teacher Scholarship and Loan Assistance Fund as the Underwood-Smith Teaching
7 Scholars Program Fund; modifying program purpose to target certain academic disciplines
8 and emphasize the academic distinction of award recipients; modifying award eligibility,
9 renewal, and service agreement criteria to reflect modified program purpose; requiring
10 certain mentoring services be provided to award recipients; preserving eligibility and
11 service agreement criteria for current award recipients; modifying the amount of an award;
12 and limiting tuition and fee charges for program recipients.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.

ARTICLE 4. UNDERWOOD-SMITH TEACHER TEACHING SCHOLARSHIP SCHOLARS PROGRAM.

§18C-4-1. ~~Scholarship and loan assistance fund~~ Underwood-Smith Teaching Scholars Program Fund created; purposes; funding.

1 (a) It is the purpose of this article ~~and article four-a of this chapter~~ to improve the quality
2 of education in the public schools of West Virginia by encouraging and enabling individuals who
3 have demonstrated outstanding academic abilities to pursue teaching careers in the public
4 schools in this state in mathematics, science, special education, or music education or special
5 education at the ~~preschool~~ elementary, middle, or secondary levels. ~~in the public schools of this~~
6 ~~state. In addition, of those individuals who have demonstrated outstanding academic abilities to~~
7 ~~pursue teaching careers, for scholarships initially awarded for the fall semester, 2014, and~~

8 ~~thereafter~~ Particular efforts shall be made in the scholarship selection criteria and procedures to
9 reflect the state's present and projected ~~subject and~~ geographic areas of critical need.

10 (b) In consultation with the State Board of Education and the State Superintendent of
11 Schools the commission shall propose legislative rules in accordance with the provisions of ~~article~~
12 ~~three-a, chapter twenty-nine-a of this code~~ §29A-3A-1, *et seq.* The rules shall provide for the
13 administration of the Underwood-Smith ~~Teacher Scholarship and Loan Assistance programs~~
14 Teaching Scholars Program by the vice chancellor for administration in furtherance of the
15 purposes of this article, ~~and article four-a of this chapter~~ including, but not limited to, the following:

16 (1) Establishing scholarship selection criteria and procedures;

17 (2) Establishing criteria and procedures for identifying ~~subject areas~~ public schools or
18 geographic areas in critical need of teachers;

19 (3) Requiring scholarship recipients to teach in a public school in this state in mathematics,
20 science, special education, or music education or special education at the elementary, middle, or
21 secondary level in a geographic area of critical need pursuant to the provisions of §18C-4-3 of
22 this code;

23 ~~Awarding loan assistance, including establishing conditions under which partial awards~~
24 ~~may be granted for less than a full year of teaching in an area of critical need;~~

25 ~~(4) Determining eligibility for loan assistance renewal;~~

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

28 ~~(6)~~ (4) Establishing criteria for determining participant compliance or noncompliance with
29 terms of the agreement and establishing procedures to address noncompliance including, but not
30 limited to, repayment, deferral and excusal; and

31 ~~(7)~~ (5) Developing model agreements.

32 (c) The commission and State Board of Education jointly shall ensure that Underwood-
33 Smith Teaching Scholars recipients receive additional academic support and training from

34 mathematics, science, special education, or music education or special education mentors
35 beginning with the freshman year and continuing through degree completion and the teaching
36 obligation.

37 ~~(d)~~ There is created in the State Treasury a special revolving fund in the State Treasury
38 ~~to be known as~~ The Underwood-Smith Teacher Scholarship and Loan Assistance Fund is
39 continued in the State Treasury as a special revolving fund and is hereafter to be known as the
40 Underwood-Smith Teaching Scholars Program Fund. The fund shall ~~to~~ be administered by the
41 vice chancellor for administration solely for granting scholarships and loan assistance to teachers
42 and prospective teachers in accordance with this article. ~~and article four-a of this chapter.~~ Any
43 moneys which may be appropriated by the Legislature, or received by the vice chancellor for
44 administration from other sources, for the purposes of this article ~~and article four-a of this chapter~~
45 shall be deposited in the fund. Any moneys remaining in the fund at the close of a fiscal year shall
46 be carried forward for use in the next fiscal year. Any moneys repaid to the vice chancellor for
47 administration by reason of default of a scholarship ~~or loan assistance~~ agreement under this
48 article ~~or article four-a of this chapter~~ also shall be deposited in the fund. Fund balances shall be
49 invested with the state's consolidated investment fund, and any and all interest earnings on these
50 investments shall be used solely for the purposes for which moneys invested were appropriated
51 or otherwise received.

52 ~~(d)~~ (e) The vice chancellor for administration may accept and expend any gift, grant,
53 contribution, bequest, endowment, or other money for the purposes of this article ~~and article four-~~
54 ~~a of this chapter~~ and shall make a reasonable effort to encourage external support for the
55 scholarship ~~and loan assistance programs~~ program.

56 ~~(e)~~ (f) For the purpose of encouraging support for the scholarship ~~and loan assistance~~
57 ~~programs~~ program from private sources, the vice chancellor for administration may set aside no
58 more than half of the funds appropriated by the Legislature for Underwood-Smith ~~Teacher~~
59 ~~Scholarships and Loan Assistance~~ Teaching Scholar awards to be used to match two state dollars

60 to each private dollar from a nonstate source contributed on behalf of a specific institution of
61 higher education in this state.

62 (g) In recognition of the high academic achievement necessary to receive an award under
63 this article, each recipient shall be distinguished as an "Underwood-Smith Teaching Scholar" in a
64 manner befitting the distinction as determined by the commission.

65 (h) Notwithstanding the provisions of subsection (d) of this section, and §18C-4A-3 and
66 18C-4A-4 of this code:

67 (1) Moneys in the Underwood-Smith Teaching Scholars Program Fund may be used to
68 satisfy the loan assistance agreement pursuant to §18C-4A-3 of this code for any student who is
69 fulfilling the requirements of an agreement on the effective date of this section;

70 (2) Moneys in the Underwood-Smith Teaching Scholars Program Fund may be used to
71 fund Underwood-Smith teacher scholarships, and any renewals for which a recipient would be
72 eligible pursuant to the prior enactment of this article, for those students receiving such
73 scholarship on the effective date of this section; and

74 (3) The terms, conditions, requirements, and agreements applicable to an Underwood-
75 Smith teacher scholarship or loan assistance recipient prior to the effective date of this section
76 shall continue in effect and are not altered by the reenactment of this section during the 2019
77 regular session of the Legislature.

§18C-4-2. Selection criteria and procedures for awarding scholarships.

1 (a) ~~The Governor shall designate the Higher Education Student Financial Aid Advisory~~
2 ~~Board created by section five, article one of this chapter §18C-1-5 of this code to~~ shall ~~select the~~
3 ~~recipients of Underwood-Smith teacher scholarships~~ Teaching Scholars ~~who meet the eligibility~~
4 ~~criteria set forth in subsection (b) of this section.~~ In making the selection, the Board shall choose
5 from among applicants recommended by a group of individuals representing higher education,
6 public education and the community at large, as appointed by the vice chancellor for
7 administration.

8 (b) Eligibility for an Underwood-Smith ~~Teacher Scholarship~~ Teaching Scholars award shall
9 be limited to students who meet the following criteria:

10 (1) Have graduated or are graduating from high school and rank in the top ten percent of
11 their graduating class or the top ten percent statewide of those West Virginia students taking the
12 ACT test with a cumulative grade point average of at least 3.25 on a 4.0 scale, and:

13 (A) For mathematics and science majors, met the college algebra ready assessment
14 standards and college readiness English, reading, and writing standards as established by the
15 commission; or

16 (B) For special education majors, met the college statistics readiness standards and
17 college readiness English, reading, and writing standards as established by the commission;

18 (2) Agree to teach in the subject area of mathematics, science or special education in a
19 public school in the state in a geographic area of critical need pursuant to the provisions of §18C-
20 4-3 of this code; and

21 (3) In the case of a student pursuing a certificate in special education, have a cumulative
22 grade point average of at least 3.25 on a 4.0 scale ~~possible scale of four after successfully~~
23 ~~completing two years of course work~~ at an approved institution of higher education in West
24 Virginia; ~~are public school aides or paraprofessionals as defined in section eight, article four,~~
25 ~~chapter eighteen-a of this code and who have a cumulative grade point average of at least 3.25~~
26 ~~on a possible scale of four after successfully completing two years of course work at an approved~~
27 ~~institution of higher education in West Virginia; or~~

28 (4) ~~Are graduate students at the master's degree level; who have graduated or are~~
29 ~~graduating in the top ten percent of their college graduating class.~~

30 (c) To be eligible for an award, a non-citizen of the United States shall hold a valid
31 Employment Authorization Document (EAD), or work permit, issued by the United States
32 Citizenship and Immigration Services (USCIS).

33 (d) In accordance with the rules of the commission, the vice chancellor for administration
34 shall develop criteria and procedures for the selection of scholarship recipients. The selection
35 criteria shall reflect the purposes of this article and shall specify the areas in which particular
36 efforts will be made in the selection of scholars as set forth in ~~section one of this article~~ §18C-4-1
37 of this code. Selection procedures and criteria also may include, but are not limited to, the grade
38 point average of the applicant, involvement in extracurricular activities, financial need, current
39 academic standing and an expression of interest in teaching as demonstrated by an essay written
40 by the applicant. These criteria and procedures further may require the applicant to furnish letters
41 of recommendation from teachers and others. It is the intent of the Legislature that academic
42 abilities be the primary criteria for selecting scholarship recipients. ~~However, the qualified~~
43 ~~applicants with the highest academic abilities who intend to pursue teaching careers in areas of~~
44 ~~critical need and shortage pursuant to section one of this article shall be given priority.~~

45 ~~(d)~~ (e) In developing the selection criteria and procedures to be used by the Higher
46 Education Student Financial Aid Advisory Board, the vice chancellor for administration shall solicit
47 the views of public and private education agencies and institutions and other interested parties.
48 Input from interested parties shall be solicited by means of written and published selection criteria
49 and procedures in final form for implementation and may be solicited by means of public hearings
50 on the present and projected teacher needs of the state or any other methods the vice chancellor
51 for administration may determine to be appropriate to gather the information.

52 ~~(e)~~ (f) The vice chancellor for administration shall make application forms for Underwood-
53 Smith ~~Teacher Scholarships~~ Teaching Scholars available to public and private high schools in the
54 state and in other locations convenient to applicants, parents and others, and shall make an effort
55 to attract students from low-income backgrounds, ethnic or racial minority students, students with
56 disabilities, and women or minority students who show interest in pursuing teaching careers in
57 mathematics, ~~and science~~ and special education and who are under-represented in those fields.

§18C-4-3. Scholarship agreement.

1 (a) Each recipient of an Underwood-Smith ~~teacher scholarship~~ Teaching Scholars award
2 shall enter into an agreement with the vice chancellor for administration under which the recipient
3 shall meet the following conditions:

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

6 (2) Beginning within a ten-year period one year after completing the teacher education
7 program for which the scholarship was awarded, ~~(A)~~ teach full-time in the subject area of
8 mathematics, science, special education, or music education or special education at the
9 elementary, middle, or secondary level, or special education at the elementary, middle or
10 secondary level, in a geographic area of critical need, under contract with a county board of
11 education in a public education program in the state, for a period of not fewer than ~~two~~ five
12 consecutive years for each year the four academic years for which a scholarship was received.

13 or

14 ~~(B) Teach full-time under contract for not less than one year for each year for which a~~
15 ~~scholarship was received with a county board of education in this state in a teacher shortage area~~
16 ~~pursuant to section one of this article, in an exceptional children program in this state, in a school~~
17 ~~having less than average academic results or in a school in an economically disadvantaged area~~
18 ~~of this state; or~~

19 ~~(C) Within the ten-year period, while seeking and unable to secure a full-time teaching~~
20 ~~position under contract with a county board of education which satisfies the conditions of~~
21 ~~paragraph (A) of this subdivision:~~

22 (i) ~~Teach full-time in a private school, parochial or other school approved for the instruction~~
23 ~~of students of compulsory school age pursuant to section one, article eight, chapter eighteen of~~
24 ~~this code; or~~

25 (ii) ~~Teach in an institution of higher education in this state as defined in section two, article~~
26 ~~one, chapter eighteen-b of this code or in a post-secondary vocational education program in this~~

27 ~~state for a period of not fewer than two years for each year for which a scholarship was received;~~
28 ~~or~~

29 ~~(iii) Perform alternative service or employment in this state pursuant to rules promulgated~~
30 ~~by the commission, in federal, state, county or local supported programs with an educational~~
31 ~~component, including mental or physical health care, or with bona fide tax exempt charitable~~
32 ~~organizations dedicated to the above, for a period of not fewer than two years for each year for~~
33 ~~which a scholarship was received. Any teaching time accrued during the required five-year period~~
34 ~~as a substitute teacher for a county board of education under paragraph (A) or (B) of this~~
35 ~~subdivision in the subject area of mathematics, science, special education, or music education or~~
36 ~~special education at the elementary, middle, or secondary level, or special education at the~~
37 ~~elementary, middle or secondary level, shall be credited pro rata in accordance with rules~~
38 ~~promulgated by the commission; or~~

39 (3) ~~Repay all or part of an Underwood-Smith teacher scholarship~~ Teaching Scholars
40 award received under this article plus interest and, if applicable, reasonable collection fees in
41 accordance with ~~subsection (c), section four of this article, except as provided in subsection (d)~~
42 ~~of section four of this article~~ §18C-4-4 of this code.

43 (b) Scholarship agreements shall disclose fully the terms and conditions under which
44 assistance under this article is provided and under which repayment may be required. The
45 agreements shall include the following:

46 (1) A description of the conditions and procedures to be established under ~~section four of~~
47 ~~this article~~ §18C-4-4 of this code; and

48 (2) A description of the appeals procedure required to be established under ~~section four~~
49 ~~of this article~~ §18C-4-4 of this code.

50 (c) ~~Individuals who were~~ The scholarship terms, conditions, requirements, and
51 agreements applicable to awarded an Underwood-Smith teacher scholarship recipient prior to the
52 effective date of this section ~~may apply the provisions of paragraph (A), (B) or (C), subdivision~~

53 ~~(2), subsection (a) of this section to teaching or other service performed by them after July 1, 1997~~
54 shall continue in effect and are not altered by the reenactment of this section during the 2019
55 regular session of the Legislature.

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

1 (a) The recipient of an Underwood-Smith ~~Teacher Scholarship~~ Teaching Scholars award
2 is eligible for scholarship renewal only during those periods when the recipient meets the following
3 conditions:

4 (1) Is enrolled as a full-time student in an accredited institution of higher education in this
5 state;

6 (2) Is pursuing a ~~course~~ program of study leading to teacher certification in mathematics,
7 science, or special education at the ~~preschool~~ elementary, middle or secondary level; ~~in this state~~

8 (3) Is maintaining satisfactory progress as determined by the institution of higher education
9 the recipient is attending; and

10 (4) Is maintaining a cumulative grade point average of at least 3.25 on a 4.0 scale; and

11 (5) Is complying with such other standards as the commission may establish by rule.

12 (b) Recipients found to be in noncompliance with the agreement entered into under ~~section~~
13 ~~three of this article~~ §18C-4-3 of this code shall be required to repay the amount of the scholarship
14 awards received, plus interest, and, where applicable, reasonable collection fees, on a schedule
15 and at a rate of interest prescribed in the program guidelines. Guidelines also shall provide for
16 proration of the amount to be repaid by a recipient who teaches for part of the period required
17 under subsection (a), ~~section three of this article~~ §18C-4-3 of this code and for appeal procedures
18 under which a recipient may appeal any determination of noncompliance.

19 (c) A recipient is not in violation of the agreement entered into under ~~section three of this~~
20 ~~article~~ §18C-4-3 of this code during any period in which the recipient is meeting any of the
21 following conditions:

22 (1) Pursuing a full-time course of study at an accredited institution of higher education;

23 (2) Serving, not in excess of four years, as a member of the armed services of the United
24 States;

25 (3) ~~Seeking and unable to find full-time employment in accordance with paragraph (A),~~
26 ~~subdivision (2), subsection (a), section three of this article and is fulfilling any of the alternatives~~
27 ~~specified in paragraph (B) or (C) of that subdivision;~~

28 (4) Satisfying the provisions of ~~additional~~ any repayment exemptions that may be
29 prescribed by the commission by rule; or

30 (5) ~~(4)~~ Failing to comply with the terms of the agreement due to death or permanent or
31 temporary disability as established by sworn affidavit of a qualified physician.

32 (d) The rules adopted by the commission may provide guidelines under which the vice
33 chancellor for administration may extend the time period for beginning or fulfilling the teaching
34 obligation to fifteen years if extenuating circumstances exist.

§18C-4-5. Amount and duration of scholarship; relation to other assistance.

1 (a) ~~Subject to subsection (b) of this section, each recipient of An Underwood-~~
2 ~~Smith teacher scholarship is eligible to receive assistance of up to \$5,000 for each academic year~~
3 ~~of higher education. Teaching Scholars award shall be used in preparation for becoming a~~
4 ~~preschool an elementary, middle or secondary mathematics, science, special education, or music~~
5 ~~education or special education teacher in the public schools of this state. No individual may~~
6 ~~receive scholarship assistance for more than~~

7 (1) Each award shall be in an amount equal to the lesser of the actual cost of tuition
8 charged to all students at that institution, or the average cost of tuition among all baccalaureate
9 state institutions of higher education on the effective date of this section. The average cost shall
10 be calculated according to the annual undergraduate tuition and mandatory fee rates charged to
11 state resident students. The commission may recalculate the average in future years, and
12 increase awards accordingly, but any such increase may not exceed the percentage increase in

13 the consumer price index as calculated by the United States Department of Labor, Bureau of
14 Statistics, for the preceding year.

15 (2) An institution may not charge an Underwood-Smith Teaching Scholar any tuition or
16 mandatory fees above that covered by this award and other federal, state and institutional
17 scholarships and grants. An award under this article shall supplement, and may not supplant,
18 any institutional aid otherwise available to the scholar.

19 (b) An Underwood-Smith Teaching Scholars award is available for a maximum of four
20 academic years for the completion of a bachelor's degree and two additional academic years for
21 completion of a master's degree certification in special education that meets the requirements set
22 by the State Board of Education.

23 ~~(b) No individual shall~~

24 (c) An individual may not receive a scholarship award under this article which exceeds the
25 cost of attendance at the institution the individual is attending. The cost of attendance shall be
26 based upon the actual cost of tuition and fees, and reasonable allowances for books, educational
27 supplies, room and board and other expenses necessitated by individual circumstances, in
28 accordance with the program guidelines. For the purposes of establishing an award amount,
29 the ~~senior administrator~~ vice chancellor for administration shall take into account the amount of
30 financial aid assistance the recipient has or will receive from all other sources. If the amount of
31 the Underwood-Smith ~~teacher scholarship assistance~~ Teaching Scholars award and the amount
32 of assistance awards which the recipient has received from all other sources exceed the cost of
33 attendance, the institution's financial aid officer, in consultation with the scholar, will determine
34 what aid is to be reduced and shall do so in a manner to the best advantage of the scholar.

35 (d) The amendments to this article during the 2019 regular session of the Legislature shall
36 be effective for academic years beginning on or after July 1, 2020, and the provisions of this article
37 existing immediately prior to the 2019 regular session of the Legislature remain in effect for
38 academic years beginning prior to July 1, 2020.

ARTICLE 4A. UNDERWOOD-SMITH TEACHER LOAN ASSISTANCE PROGRAM.

§18C-4A-1. Selection criteria and procedures for loan assistance.

1 (a) The Governor shall designate the Higher Education Student Financial Aid Advisory
2 Board created by section five, article one of this chapter to select recipients to receive Underwood-
3 Smith Teacher Loan Assistance Awards.

4 (b) To be eligible for a loan award, a teacher shall agree to teach, or shall currently be
5 teaching, a subject area of critical need or in a school or geographic area of the state identified
6 as an area of critical need. The advisory board shall make decisions regarding loan assistance
7 pursuant to section one, article four of this chapter.

8 (c) In accordance with the rule promulgated pursuant to section one, article four of this
9 chapter, the Vice Chancellor for Administration shall develop additional eligibility criteria and
10 procedures for the administration of the loan program.

11 (d) The Vice Chancellor for Administration shall make available program application forms
12 to public and private schools in the state via the website of the commission and the State
13 Department of Education and in other locations convenient to potential applicants.

14 (e) The provisions of this section expire effective July 1, 2020.

§18C-4A-2. Loan assistance agreement.

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

3 (1) Provide the commission with evidence of compliance with subsection (b), section four,
4 article four of this chapter;

5 (2) Teach in a subject area of critical need or in a school or geographic area of critical
6 need full time under contract with a county board for a period of two school years for each year
7 for which loan assistance is received pursuant to this article. The Vice Chancellor for
8 Administration may grant a partial award to an eligible recipient whose contract term is for less
9 than a full school year pursuant to criteria established by commission rule.

10 (3) Acknowledge that an award is to be paid to the recipient's student loan institution, not
11 directly to the recipient, and only after the commission determines that the recipient has complied
12 with all terms of the agreement; and

13 (4) Repay all or part of an award received pursuant to this article if the award is not paid
14 to the student loan institution or if the recipient does not comply with the other terms of the
15 agreement.

16 (b) Each loan agreement shall disclose fully the terms and conditions under which an
17 award may be granted pursuant to this article and under which repayment may be required. The
18 agreement also is subject to and shall include the terms and conditions established by section
19 five, article four of this chapter.

20 (c) The provisions of this section expire effective July 1, 2020.

§18C-4A-3. Amount and duration of loan assistance; limits.

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

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

5 (2) If the recipient otherwise has complied with the terms of the agreement and with
6 applicable provisions of this article and article four of this chapter, and any rules promulgated
7 pursuant thereto.

8 (b) The recipient is eligible for renewal of loan assistance only during periods when the
9 recipient is under contract with a county board to teach in a subject area of critical need or in a
10 school or geographic area of critical need and complies with other criteria and conditions
11 established by rule, except that a teacher who is teaching under a contract in a position that no
12 longer meets the definition of critical need under rules established in accordance with section one,
13 article four of this chapter is eligible for renewal of loan assistance until the teacher leaves his or
14 her current position.

- 15 (c) A recipient may not receive loan assistance pursuant to this article which accumulates
16 in excess of \$15,000.
- 17 (d) The provisions of this section expire effective July 1, 2020.

NOTE: The purpose of this bill is to establish the Underwood-Smith Teaching Scholars Program.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.