

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3411

By Delegate Hornbuckle

[Introduced February 13, 2023; Referred to the
Committee on Education then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-2-44; to amend said code by adding thereto a new section, designated
3 §18-5-50; and to amend said code by adding thereto a new article, designated §18C-10-1,
4 §18C-10-2, §18C-10-3, §18C-10-4, and §18C-10-5, all relating to creating a statewide
5 initiative to promote teacher preparation programs aimed at underrepresented groups;
6 providing that the West Virginia State Board of Education will create an initiative for this
7 purpose; providing that county boards of education in this state will create initiatives for this
8 purpose; establishing a scholarship fund and providing for funding; providing for
9 definitions; setting forth criteria for the scholarship; and enacting the scholarship.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-44. Statewide initiative to promote teacher preparation programs aimed at underrepresented groups.

1 (a) Legislative findings. – The Legislature finds that there are underrepresented portions of
2 the population serving as public educators in this state. Minorities, males, and those persons in
3 rural, isolated, or impoverished areas have had increased difficulty finding employment in the field
4 of public education. Some of these individuals may not be aware of opportunities available to them
5 to become educators, while others may not know the process to become a teacher. For this
6 reason, it is necessary for the West Virginia State Board of Education to create an initiative to
7 provide minorities, males, and those in isolated areas with an incentive to join the public education
8 field and become teachers in this state. Surrounding states have implemented similar initiatives
9 with success, and the teacher shortage in West Virginia could be alleviated by employing more
10 persons in these underrepresented groups.

11 (b) Definitions. – For purposes of this initiative, "underrepresented groups" as educators

12 includes the following:

13 (1) Minorities;

14 (2) Males; or

15 (3) Those persons in rural, isolated, or impoverished areas.

16 (c) *Enactment.* – The West Virginia State Board of Education shall develop an initiative to
17 attract underrepresented groups to become educators. The board shall develop literature to
18 distribute and may place information for these teacher preparation programs on their website for
19 informational purposes. This initiative shall also include information relating to the scholarship
20 opportunity set forth in §18C-10-1 *et seq.* of this code.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-50. County initiative to promote teacher preparation programs aimed at
underrepresented groups.

1 (a) *Legislative findings.* – The Legislature finds that there are underrepresented portions of
2 the population serving as public educators in this state. Minorities, males, and those persons in
3 rural, isolated, or impoverished areas have had increased difficulty finding employment in the field
4 of public education. Some of these individuals may not be aware of opportunities available to them
5 to become educators, while others may not know the process to become a teacher. For this
6 reason, it is necessary for county boards of education in this state to create an initiative to provide
7 minorities, males, and those in isolated areas with an incentive to join the public education field
8 and become teachers in this state. Surrounding states have implemented similar initiatives with
9 success, and the teacher shortage in West Virginia could be alleviated by employing more
10 persons in these underrepresented groups.

11 (b) *Definitions.* – For purposes of this initiative, "underrepresented groups" as educators
12 includes the following:

13 (1) Minorities;

14 (2) Males; or

15 (3) Those persons in rural, isolated, or impoverished areas.

16 (c) *Enactment.* – County boards of education in this state shall develop an initiative to
17 attract underrepresented groups to become educators. The county boards shall develop literature
18 to distribute and may place information for these teacher preparation programs on their respective
19 websites for informational purposes. This initiative shall also include information relating to the
20 scholarship opportunity set forth in §18C-10-1 *et seq.* of this code.

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

ARTICLE 6. SCHOLARSHIP PROGRAM FOR UNDERREPRESENTED GROUPS AS
EDUCATORS.

§18C-10-1. Scholarship fund created; purposes; funding.

1 (a) The purpose of this article is to attract minorities, males, or those persons in rural,
2 isolated, or impoverished areas to become teachers in this state. The Legislature recognizes that
3 a teacher shortage exists, and that incentivizing individuals in these three groups to become
4 educators in this state would increase the workforce, while also providing new opportunities to
5 those who want a career in public education and who may not have previously been aware of the
6 opportunity to become a licensed educator.

7 (b) The higher education governing boards shall propose a joint legislative rule in
8 accordance with the provisions of §29A-3A-1 *et seq.* of this code, to implement the provisions of
9 this article and shall file the rule with the Legislative Oversight commission on education
10 accountability no later than December 1, 2023. The rule shall provide for the administration of the
11 scholarship for underrepresented groups as educators by the senior administrator in furtherance
12 of the purposes of this article, including, but not limited to, an expression of legislative intent that
13 academic ability be the primary criteria for selecting scholarship recipients, scholarship selection
14 criteria and procedures, renewal, compliance, noncompliance and repayment, deferral and
15 excusal. The rules also shall provide for appeal procedures under which a recipient may appeal

16 any determination of noncompliance. The rules may provide for satisfaction of the work
17 requirement provided in paragraph (A), subdivision (2), subsection (a), section four of this article
18 through community service relating to public education. In accordance with the rules, the senior
19 administrator shall establish appropriate guidelines for program operation.

20 (c) There is hereby created in the State Treasury a special fund known as the "Scholarship
21 Fund for Underrepresented Groups as Educators" to be administered by the senior administrator
22 for granting scholarships to prospective minorities, males, or those in rural, isolated, or
23 impoverished areas to become educators, in accordance with this article. The Legislature shall
24 appropriate the amount of \$10 million per year from the state general revenue fund to the special
25 treasury fund. Scholarships shall be distributed in the following manner:

26 (1) 1/3 of the scholarships shall go to male applicants;

27 (2) 1/3 of the scholarships shall go to minority applicants; and

28 (3) 1/3 of the scholarships shall go to applicants from isolated, rural, or impoverished areas
29 of this state.

30 (d) Any moneys which may be appropriated by the Legislature, or received by the senior
31 administrator from other sources, for the purposes of this article shall be deposited in the fund. Any
32 moneys remaining in the fund at the close of the fiscal year shall be carried forward for use in the
33 next fiscal year. Any moneys repaid to the senior administrator by reason of default of a
34 scholarship agreement under this article also shall be deposited in the fund. Fund balances shall
35 be invested with the state's consolidated investment fund, and any and all interest earnings on
36 these investments shall be used solely for the purposes for which moneys invested were
37 appropriated or otherwise received.

38 (e) The senior administrator may accept and expend any gift, grant, contribution, bequest,
39 endowment or other money for the purposes of this article and shall make a reasonable effort to
40 encourage external support for the scholarship program.

1 When used in this article the following terms have the following meanings, unless the
2 context clearly indicates a different meaning:

3 (a) "Eligible institution of higher education" means a state institution of higher education as
4 defined in §18B-1-2 of this code, and any other institution of higher education in this state, public or
5 private, approved by the senior administrator: *Provided*, That if any institution listed in this
6 paragraph is not regionally accredited, it shall not be included as an eligible institution.

7 (b) "Underrepresented groups" means students who are a member of a minority class,
8 including, but not limited to, the following:

9 (A) "African American" means a person having origins in any of the original peoples of
10 Africa and who is regarded as such by the community of which this person claims to be a part.

11 (B) "Asian American" means a person having origins in any of the original peoples of the
12 Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands, including, but not limited
13 to, Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana, the Philippines, a
14 U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such
15 by the community of which this person claims to be a part.

16 (C) "Hispanic American" means a person having origins in any of the Spanish-speaking
17 peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or
18 Portuguese cultures and who is regarded as such by the community of which this person claims to
19 be a part.

20 (D) "Native American" means a person having origins in any of the original peoples of
21 North America and who is regarded as such by the community of which this person claims to be a
22 part or who is recognized by a tribal organization.

23 (2) Males; or

24 (3) Those students in rural, isolated, or impoverished areas. The definition includes, but is
25 not limited to, individuals who come from any region of the state with a poverty rate greater than
26 the average statewide poverty rate as determined by the U. S. Census Bureau's most recently

27 published data.

§18C-10-3. Selection criteria and procedures.

1 (a) The higher education governing boards shall designate an existing scholarship
2 selection agency or panel to select the recipients of the Scholarship Program for
3 Underrepresented Groups as Educators from among those applicants who meet eligibility criteria
4 set forth in subsection (b) of this section. If no such agency or panel exists, the higher education
5 governing boards shall appoint a scholarship selection panel for this purpose.

6 (b) To be eligible to receive a scholarship under the provisions of this article, applicants
7 must meet the following conditions:

8 (1) Be a member of an underrepresented group; and

9 (2) Be enrolled in a program leading directly to specialized certification in the education
10 field.

11 (c) In accordance with the rules of the governing boards, and the intent of this article, the
12 senior administrator shall develop criteria and procedures for the selection of scholarship
13 recipients that reflect the purposes of this article and the areas in which particular efforts will be
14 made in the selection of recipients as set forth in section one of this article and which may include,
15 but not be limited to:

16 (1) The grade point average of the applicant;

17 (2) Involvement in extracurricular activities;

18 (3) Financial need;

19 (4) Current academic standing; and

20 (5) An expression of interest in education as demonstrated in an essay written by the
21 applicant.

22 The criteria and procedures further may require the applicant to furnish letters of
23 recommendation from teachers and others.

24 (e) The senior administrator shall make application forms for these scholarships available

25 to public and private high schools in the state and other locations convenient to applicants, parents
26 and others and shall make an effort to attract students from low-income backgrounds, ethnic or
27 racial minority students, or male students who show interest in pursuing careers in education in
28 this state and who are underrepresented in those fields.

29 (f) In awarding the scholarships, the panel shall give preference to applicants who are
30 West Virginia residents.

§18C-10-4. Scholarship agreement.

31 (a) Each recipient of the Scholarship for Underrepresented Groups as Educators shall
32 enter into an agreement with the senior administrator under which the recipient shall:

33 (1) Provide the governing boards with evidence of compliance with subsection (a), section
34 five of this article;

35 (2) Agree that within one year following the date the recipient ceases to be a full-time
36 student at an eligible institution in an education program for which the scholarship was awarded he
37 or she will:

38 (A) Begin working full-time in an education related field in this state for a duration of not
39 less than one year for each year the scholarship was received; or

40 (B) Begin repayment of all or part of the Scholarship for Underrepresented Groups as
41 Educators received under this article plus interest and, if applicable, reasonable collection fees, in
42 accordance with subsection (b), section five-b of this article, except as provided in subsections (c)
43 and (d), section five of this article.

44 (b) A scholarship agreement shall disclose fully the terms and conditions of this article
45 under which the scholarship is provided and under which repayment of the scholarship may be
46 required.

§18C-10-5. Renewal conditions; noncompliance; deferral; excusal.

1 (a) The recipient of a Scholarship for Underrepresented Groups as Educators is eligible for
2 scholarship renewal if the recipient is:

3 (1) Enrolled as a full-time student in an eligible institution of higher education;

4 (2) Pursuing a course of study leading to a certificate, associate or baccalaureate degree in
5 public education as established by industry-based standards;

6 (3) Maintaining satisfactory progress as determined by the eligible institution of higher
7 education the recipient is attending; and

8 (4) Complying with any other standards established by the governing boards by rule.

9 (b) A recipient who violates a scholarship agreement is required to repay the amount of any
10 scholarship award received, plus interest, and, where applicable, reasonable collection fees, on a
11 schedule and at a rate of interest prescribed in the guidelines of the senior administrator. The
12 legislative rules required in section one of this article shall provide for a method of prorating
13 repayment amounts against any amount of the work requirement that has been fulfilled by the
14 recipient.

15 (c) A recipient is not in violation of the agreement entered into under section three of this
16 article during any period in which the recipient is:

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

18 (2) Serving as a member of the armed services of the United States for a period not in
19 excess of four years; or

20 (3) Satisfying the provisions of additional repayment exemptions that may be prescribed by
21 the governing boards by rule.

22 (d) A recipient is excused from repayment of a scholarship received under this article if the
23 recipient dies or becomes permanently and totally disabled as established by sworn affidavit of a
24 physician qualified to make such a determination as determined by the rules established by the
25 governing boards.

26 (e) The rules adopted by the governing boards shall provide that the length of the
27 repayment period may not exceed ten years: *Provided*, That the rules may include provisions
28 under which the senior administrator may, if extenuating circumstances exist, extend the period for

29 fulfilling the obligation to fifteen years.

NOTE: The purpose of this bill is to create a statewide initiative to promote teacher preparation programs aimed at underrepresented groups. The bill provides that the West Virginia State Board of Education will create an initiative for this purpose. The bill provides that county boards of education in this state will create initiatives for this purpose. The bill establishes a scholarship fund and provides for funding. The bill provides for definitions. The bill sets forth criteria for the scholarship. Finally, the bill enacts the scholarship.

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