

WEST VIRGINIA LEGISLATURE
2019 FIRST EXTRAORDINARY SESSION

Introduced

Senate Bill 1035

BY SENATORS PREZIOSO, BEACH, BALDWIN, FACEMIRE,
HARDESTY, IHLENFELD, JEFFERIES, LINDSAY, PALUMBO,
PLYMALE, ROMANO, STOLLINGS, UNGER, AND WOELFEL

[Introduced May 20, 2019; Referred
to the Committee on Education]

1 A BILL to amend and reenact §18-5A-5 of the Code of West Virginia, 1931, as amended; to amend
2 and reenact §18-9A-9 of said code; to amend and reenact §18C-4-1, §18C-4-2, §18C-4-
3 3, §18C-4-4, and §18C-4-5 of said code; to amend and reenact §18C-4A-1, §18C-4A-2,
4 and §18C-4A-3 of said code; and to amend said code by adding thereto a new section,
5 designated §18A-4-2d, all relating to high-quality education; increasing the amount that a
6 faculty senate of a public school may allocate to a classroom teacher or librarian for
7 academic materials, supplies, or equipment which, in the judgment of the teacher or
8 librarian, will assist in providing instruction; increasing the amount of foundation expenses
9 for academic or instructional materials; creating a mathematics teacher incentive;
10 authorizing a one-time payment up to \$2,000 to mathematics teachers completing an
11 approved course; creating the Mathematics Incentive Program Fund; establishing
12 minimum requirements for mathematics teachers to be eligible for the one-time payment
13 for successful completion of an approved mathematics course; requiring recipients of the
14 Underwood-Smith programs to be teachers pursuing mathematics, science, or special
15 education; placing additional public school teaching requirements on Underwood-Smith
16 program recipients to teach in this state's public schools; allocating additional academic
17 support and mentors to Underwood-Smith program recipients; creating the Underwood-
18 Smith Teaching Scholars Program Fund; establishing criteria necessary to be an
19 Underwood-Smith Teaching Scholar Program scholarship recipient; establishing criteria
20 to accept an Underwood-Smith Teaching Scholars Program award; establishing
21 conditions for Underwood-Smith recipients to retain and renew awards; establishing
22 limitations for an Underwood-Smith Teaching Scholars Program award in relation to time
23 and outside financial aid; and establishing an expiration date of July 1, 2019, for the
24 Underwood-Smith Teacher Loan Assistance Program provisions.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 5A. LOCAL SCHOOL INVOLVEMENT.

§18-5A-5. Public school faculty senates established; election of officers; powers and duties.

1 (a) There is established at every public school in this state a faculty senate which is
2 comprised of all permanent, full-time professional educators employed at the school who shall all
3 be voting members. "Professional educators", as used in this section, means "professional
4 educators" as defined in chapter 18A of this code. A quorum of more than one half of the voting
5 members of the faculty shall be present at any meeting of the faculty senate at which official
6 business is conducted. Prior to the beginning of the instructional term each year, but within the
7 employment term, the principal shall convene a meeting of the faculty senate to elect a chair, vice
8 chair and secretary and discuss matters relevant to the beginning of the school year. The vice
9 chair shall preside at meetings when the chair is absent. Meetings of the faculty senate shall be
10 held during the times provided in accordance with subdivision (12), subsection (b) of this section
11 as determined by the faculty senate. Emergency meetings may be held during noninstructional
12 time at the call of the chair or a majority of the voting members by petition submitted to the chair
13 and vice chair. An agenda of matters to be considered at a scheduled meeting of the faculty
14 senate shall be available to the members at least two employment days prior to the meeting. For
15 emergency meetings the agenda shall be available as soon as possible prior to the meeting. The
16 chair of the faculty senate may appoint such committees as may be desirable to study and submit
17 recommendations to the full faculty senate, but the acts of the faculty senate shall be voted upon
18 by the full body.

19 (b) In addition to any other powers and duties conferred by law, or authorized by policies
20 adopted by the state or county board or bylaws which may be adopted by the faculty senate not
21 inconsistent with law, the powers and duties listed in this subsection are specifically reserved for

22 the faculty senate. The intent of these provisions is neither to restrict nor to require the activities
23 of every faculty senate to the enumerated items except as otherwise stated. Each faculty senate
24 shall organize its activities as it considers most effective and efficient based on school size,
25 departmental structure and other relevant factors.

26 (1) Each faculty senate shall control funds allocated to the school from legislative
27 appropriations pursuant to §18-9A-9 of this code. From those funds, each classroom teacher and
28 librarian shall be allotted ~~\$100~~ \$200 for expenditure during the instructional year for academic
29 materials, supplies or equipment which, in the judgment of the teacher or librarian, will assist him
30 or her in providing instruction in his or her assigned academic subjects or shall be returned to the
31 faculty senate: *Provided*, That nothing contained herein prohibits the funds from being used for
32 programs and materials that, in the opinion of the teacher, enhance student behavior, increase
33 academic achievement, improve self-esteem and address the problems of students at risk. The
34 remainder of funds shall be expended for academic materials, supplies or equipment in
35 accordance with a budget approved by the faculty senate. Notwithstanding any other provisions
36 of the law to the contrary, funds not expended in one school year are available for expenditure in
37 the next school year: *Provided, however*, That the amount of county funds budgeted in a fiscal
38 year may not be reduced throughout the year as a result of the faculty appropriations in the same
39 fiscal year for such materials, supplies and equipment. Accounts shall be maintained of the
40 allocations and expenditures of such funds for the purpose of financial audit. Academic materials,
41 supplies, or equipment shall be interpreted broadly, but does not include materials, supplies, or
42 equipment which will be used in or connected with interscholastic athletic events.

43 (2) A faculty senate may establish a process for members to interview or otherwise obtain
44 information regarding applicants for classroom teaching vacancies that will enable the faculty
45 senate to submit recommendations regarding employment to the principal. To facilitate the
46 establishment of a process that is timely, effective, consistent among schools and counties, and
47 designed to avoid litigation or grievance, the state board shall promulgate a rule pursuant to §29A-

48 3B-1 *et seq.* of this code to implement the provisions of this subdivision. The rule may include the
49 following:

50 (A) A process or alternative processes that a faculty senate may adopt;

51 (B) If determined necessary, a requirement and procedure for training for principals and
52 faculty senate members or their designees who may participate in interviews and provisions that
53 may provide for the compensation based on the appropriate daily rate of a classroom teacher
54 who directly participates in the training for periods beyond his or her individual contract;

55 (C) Timelines that will assure the timely completion of the recommendation or the forfeiture
56 of the right to make a recommendation upon the failure to complete a recommendation within a
57 reasonable time;

58 (D) The authorization of the faculty senate to delegate the process for making a
59 recommendation to a committee of no less than three members of the faculty senate; and

60 (E) Such other provisions as the state board determines are necessary or beneficial for
61 the process to be established by the faculty senate.

62 (3) A faculty senate may nominate teachers for recognition as outstanding teachers under
63 state and local teacher recognition programs and other personnel at the school, including parents,
64 for recognition under other appropriate recognition programs and may establish such programs
65 for operation at the school.

66 (4) A faculty senate may submit recommendations to the principal regarding the
67 assignment scheduling of secretaries, clerks, aides and paraprofessionals at the school.

68 (5) A faculty senate may submit recommendations to the principal regarding establishment
69 of the master curriculum schedule for the next ensuing school year.

70 (6) A faculty senate may establish a process for the review and comment on sabbatical
71 leave requests submitted by employees at the school pursuant to §18-2-11 of this code.

72 (7) Each faculty senate shall elect three faculty representatives to the local school
73 improvement council established pursuant to §18-5A-2 of this code.

74 (8) Each faculty senate may nominate a member for election to the county staff
75 development council pursuant to §18A-3-8 of this code.

76 (9) Each faculty senate shall have an opportunity to make recommendations on the
77 selection of faculty to serve as mentors for beginning teachers under beginning teacher internship
78 programs at the school.

79 (10) A faculty senate may solicit, accept and expend any grants, gifts, bequests, donations
80 and any other funds made available to the faculty senate: *Provided*, That the faculty senate shall
81 select a member who has the duty of maintaining a record of all funds received and expended by
82 the faculty senate, which record shall be kept in the school office and is subject to normal auditing
83 procedures.

84 (11) Any faculty senate may review the evaluation procedure as conducted in their school
85 to ascertain whether the evaluations were conducted in accordance with the written system
86 required pursuant to §18A-2-12 of this code or pursuant to §18A-3C-2 of this code, as applicable,
87 and the general intent of this Legislature regarding meaningful performance evaluations of school
88 personnel. If a majority of members of the faculty senate determine that such evaluations were
89 not so conducted, they shall submit a report in writing to the State Board of Education: *Provided*,
90 That nothing herein creates any new right of access to or review of any individual's evaluations.

91 (12) A local board shall provide to each faculty senate at least six two-hour blocks of time
92 for faculty senate meetings with at least one two-hour block of time scheduled in the first month
93 of the employment term, one two-hour block of time scheduled in the last month of the
94 employment term and at least one two-hour block of time scheduled in each of the months of
95 October, December, February and April. A faculty senate may meet for an unlimited block of time
96 during noninstructional days to discuss and plan strategies to improve student instruction and to
97 conduct other faculty senate business. A faculty senate meeting scheduled on a noninstructional
98 day shall be considered as part of the purpose for which the noninstructional day is scheduled.
99 This time may be used and determined at the local school level and includes, but is not limited to,

100 faculty senate meetings.

101 (13) Each faculty senate shall develop a strategic plan to manage the integration of special
102 needs students into the regular classroom at their respective schools and submit the strategic
103 plan to the superintendent of the county board periodically pursuant to guidelines developed by
104 the State Department of Education. Each faculty senate shall encourage the participation of local
105 school improvement councils, parents and the community at large in developing the strategic plan
106 for each school.

107 Each strategic plan developed by the faculty senate shall include at least: (A) A mission
108 statement; (B) goals; (C) needs; (D) objectives and activities to implement plans relating to each
109 goal; (E) work in progress to implement the strategic plan; (F) guidelines for placing additional
110 staff into integrated classrooms to meet the needs of exceptional needs students without
111 diminishing the services rendered to the other students in integrated classrooms; (G) guidelines
112 for implementation of collaborative planning and instruction; and (H) training for all regular
113 classroom teachers who serve students with exceptional needs in integrated classrooms.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-9. Foundation allowance for other current expense and substitute employees and faculty senates.

1 The total allowance for other current expense and substitute employees is the sum of the
2 following:

3 (1) For current expense:

4 (A) The nonsalary related expenditures for operations and maintenance, exclusive of
5 expenditures reported in special revenue funds, for the latest available school year, in each
6 county, divided by the total square footage of school buildings in each county is used to calculate
7 a state average expenditure per square foot for operations and maintenance;

8 (B) The total square footage of school buildings in each county divided by each county's
9 net enrollment for school aid purposes is used to calculate a state average square footage per

10 student;

11 (C) Each county's net enrollment for school aid purposes multiplied by the state average
12 expenditure per square foot for operations and maintenance as calculated in paragraph (A) of this
13 subdivision and multiplied by the state average square footage per student as calculated in
14 paragraph (B) of this subdivision is that county's state average costs per square footage per
15 student for operations and maintenance;

16 (D) Where two or more counties join together in support of a vocational or comprehensive
17 high school or any other program or service, the allowance for current expense may be prorated
18 among the participating counties by adjusting the net enrollment for school aid purposes utilized
19 in the calculation by the number of students enrolled therein for each county; and

20 (E) Each county's allowance for current expense is 70.25 percent of the county's state
21 average costs per square footage per student for operations and maintenance amount as
22 calculated in paragraph (C) of this subdivision; plus

23 (2) For professional educator substitutes or current expense, two and five-tenths percent
24 of the computed state allocation for professional educators and professional student support
25 personnel as determined in §18-9A-4 and §18-9A-8 of this code. Distribution to the counties is
26 made proportional to the number of professional educators and professional student support
27 personnel authorized for the county in compliance with §18-9A-4 and §18-9A-8 of this code; plus

28 (3) For service personnel substitutes or current expense, two and five-tenths percent of
29 the computed state allocation for service personnel as determined in §18-9A-5 of this code.
30 Distribution to the counties is made proportional to the number of service personnel authorized
31 for the county in compliance with §18-9A-5 of this code; plus

32 (4) For academic materials, supplies and equipment for use in instructional programs,
33 ~~\$200~~ \$300 multiplied by the number of professional instructional personnel and professional
34 student support personnel employed in the schools of the county. Distribution is made to each
35 county for allocation to the faculty senate of each school in the county on the basis of ~~\$200~~ \$300

36 per professional instructional personnel employed at the school. "Faculty Senate" means a faculty
37 senate created pursuant to §18-5A-5 of this code. Decisions for the expenditure of such funds are
38 made at the school level by the faculty senate in accordance with the provisions of ~~said section~~
39 ~~five, article five-a~~ that section and may not be used to supplant the current expense expenditures
40 of the county. Beginning on September 1, 1994, and every September thereafter, county boards
41 shall forward to each school for the use by faculty senates the appropriation specified in this
42 section. Each school shall be responsible for keeping accurate records of expenditures.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-2d. Mathematics teacher incentive.

1 (a) The Legislature recognizes that receiving quality math instruction is vital to a student's
2 post-secondary success and that there is a shortage of certified math teachers to provide such
3 instruction.

4 (b) To ensure that students are receiving the appropriate level of math instruction that will
5 enable post-secondary success, the Department of Education shall develop or approve
6 specialized mathematics courses and make the courses available to classroom teachers.

7 (c) Effective July 1, 2019, a classroom teacher who completes a specialized mathematics
8 course established or approved pursuant to this section by May 1 of the fiscal year shall receive
9 a one-time payment of \$2,000 from the Mathematics Incentive Program line item established for
10 the Department of Education for this purpose, subject to appropriation by the Legislature. If the
11 appropriations to the Department of Education for this purpose are insufficient to compensate all
12 applicable teachers, the Department of Education shall request a supplemental appropriation in
13 an amount sufficient to compensate all such teachers. Additionally, if funds are still insufficient to
14 compensate all applicable teachers, each applicable teacher shall receive their proportionate
15 share of the funding available for the year. This one-time payment may not be counted as part of

16 the teacher’s average final salary for the purpose of calculating retirement and no retirement
17 contribution will be withheld from the payment.

18 (d) A classroom teacher who completes the mathematics enrichment course established
19 or approved by the Department of Education after May 1 of the fiscal year shall receive the one-
20 time payment described in subsection (a) of this section during the subsequent fiscal year, subject
21 to appropriation by the Legislature.

22 (e) The one-time payment provided for in this section may only be paid to a classroom
23 teacher providing math instruction in the teacher’s certified area of study for at least 60 percent
24 of the time the teacher is providing instruction to students.

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, or special education at the ~~preschool~~ elementary,
5 middle, or secondary levels. ~~in the public schools of this state. In addition, of those individuals~~
6 ~~who have demonstrated outstanding academic abilities to pursue teaching careers, for~~
7 ~~scholarships initially awarded for the fall semester, 2014, and thereafter~~ Particular efforts shall be
8 made in the scholarship selection criteria and procedures to reflect the state's present and
9 projected ~~subject and geographic~~ areas of critical need: *Provided*, That nothing in this article shall
10 prohibit any individual who has demonstrated outstanding academic abilities from eligibility for an
11 award from the Underwood-Smith Teacher Scholarship and Loan Assistance Fund under the

12 provisions of this article as they existed prior to reenactment of this article during the 2019 Regular
 13 Session of the Legislature to pursue a teaching career in the field of music education.

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

20 (1) Establishing scholarship selection criteria and procedures;

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

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

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

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

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

31 ~~(6) (4) Establishing criteria for determining participant compliance or noncompliance with~~
 32 ~~terms of the agreement and establishing procedures to address noncompliance including, but not~~
 33 ~~limited to, repayment, deferral and excusal; and~~

34 ~~(7) (5) Developing model agreements.~~

35 (c) The commission and state board of education jointly shall ensure that Underwood-
 36 Smith Teaching Scholars recipients receive additional academic support and training from
 37 mathematics, science, or special education mentors beginning with the freshman year and

38 continuing through degree completion and the teaching obligation.

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

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

58 ~~(e)~~ (f) For the purpose of encouraging support for the scholarship ~~and loan assistance~~
59 ~~programs~~ program from private sources, the vice chancellor for administration may set aside no
60 more than half of the funds appropriated by the Legislature for Underwood-Smith ~~Teacher~~
61 ~~Scholarships and Loan Assistance~~ Teaching Scholar awards to be used to match two state dollars
62 to each private dollar from a nonstate source contributed on behalf of a specific institution of
63 higher education in this state.

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

67 (h) Notwithstanding the provisions of subsection (d) of this section, and §18C-4A-3 and
 68 18C-4A-4 of this code:

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

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

76 (3) The terms, conditions, requirements, and agreements applicable to an Underwood-
 77 Smith teacher scholarship or loan assistance recipient, prior to the effective date of this section
 78 shall continue in effect and are not altered by the reenactment of this section during the 2019
 79 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.

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

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

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

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

15 (2) Agree to teach in the subject area of mathematics, science, or special education in a
16 public school in the state in a geographic area of critical need pursuant to the provisions of §18C-
17 4-3 of this code; and

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

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

27 (c) To be eligible for an award, a noncitizen of the United States shall hold a valid
28 Employment Authorization Document (EAD), or work permit, issued by the United States
29 Citizenship and Immigration Services (USCIS).

30 ~~(e)~~(d) In accordance with the rules of the commission, the vice chancellor for
31 administration shall develop criteria and procedures for the selection of scholarship recipients.
32 The selection criteria shall reflect the purposes of this article and shall specify the areas in which
33 particular efforts will be made in the selection of scholars as set forth in ~~section one of this article~~
34 §18C-4-1 of this code. Selection procedures and criteria also may include, but are not limited to,
35 the grade point average of the applicant, involvement in extracurricular activities, financial need,

36 current academic standing, and an expression of interest in teaching as demonstrated by an
 37 essay written by the applicant. These criteria and procedures further may require the applicant to
 38 furnish letters of recommendation from teachers and others. It is the intent of the Legislature that
 39 academic abilities be the primary criteria for selecting scholarship recipients. ~~However, the~~
 40 ~~qualified applicants with the highest academic abilities who intend to pursue teaching careers in~~
 41 ~~areas of critical need and shortage pursuant to section one of this article shall be given priority~~

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

49 ~~(e)~~ (f) The vice chancellor for administration shall make application forms for Underwood-
 50 Smith ~~Teacher Scholarships~~ Teaching Scholars available to public and private high schools in the
 51 state and in other locations convenient to applicants, parents and others, and shall make an effort
 52 to attract students from low-income backgrounds, ethnic or racial minority students, students with
 53 disabilities, and women or minority students who show interest in pursuing teaching careers in
 54 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, or special education at the elementary, middle, or secondary level, or
9 special education at the elementary, middle or secondary level, in a geographic area of critical
10 need, under contract with a county board of education in a public education program in the state,
11 for a period of not fewer than ~~two~~ five consecutive years for ~~each year~~ the four academic years
12 for which a scholarship was received. ~~or~~

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

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

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

24 ~~(ii) Teach in an institution of higher education in this state as defined in section two, article~~
25 ~~one, chapter eighteen-b of this code or in a post-secondary vocational education program in this~~
26 ~~state for a period of not fewer than two years for each year for which a scholarship was received;~~
27 ~~or~~

28 ~~(iii) Perform alternative service or employment in this state pursuant to rules promulgated~~
29 ~~by the commission, in federal, state, county or local supported programs with an educational~~
30 ~~component, including mental or physical health care, or with bona fide tax exempt charitable~~
31 ~~organizations dedicated to the above, for a period of not fewer than two years for each year for~~
32 ~~which a scholarship was received. Any teaching time accrued during the required five-year period~~

33 as a substitute teacher for a county board of education ~~under paragraph (A) or (B) of this~~
 34 ~~subdivision~~ in the subject area of mathematics, science, or special education at the elementary,
 35 middle, or secondary level, or special education at the elementary, middle or secondary level,
 36 shall be credited pro rata in accordance with rules promulgated by the commission; or

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

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

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

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

48 (c) ~~Individuals who were~~ The scholarship terms, conditions, requirements, and
 49 agreements applicable to awarded an Underwood-Smith teacher scholarship recipient prior to the
 50 effective date of this section may ~~apply the provisions of paragraph (A), (B) or (C), subdivision~~
 51 ~~(2), subsection (a) of this section to teaching or other service performed by them after July 1, 1997~~
 52 shall continue in effect and are not altered by the reenactment of this section during the 2019 first
 53 extraordinary 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 ~~(4)~~(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-Smith
2 teacher scholarship is eligible to receive assistance of up to \$5,000 for each academic year of
3 higher education Teaching Scholars award shall be used in preparation for becoming a preschool,
4 an elementary, middle or secondary mathematics, science, or special education teacher in the
5 public schools of this state. The annual award is equal to the lesser of the cost of tuition or \$7,800
6 and an institution may not charge a scholar any tuition and mandatory fees above that covered
7 by this award and other federal, state, and institutional scholarships and grants.

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

12 ~~(b) No individual shall~~

13 (c) An individual may not receive a scholarship award under this article which exceeds the
14 cost of attendance at the institution the individual is attending. The cost of attendance shall be
15 based upon the actual cost of tuition and fees, and reasonable allowances for books, educational
16 supplies, room and board and other expenses necessitated by individual circumstances, in
17 accordance with the program guidelines. For the purposes of establishing an award amount, the
18 senior administrator vice chancellor for administration shall take into account the amount of
19 financial aid assistance the recipient has or will receive from all other sources. If the amount of
20 the Underwood-Smith teacher scholarship assistance Teaching Scholars award and the amount
21 of assistance awards which the recipient has received from all other sources exceed the cost of

22 attendance, the institution's financial aid officer, in consultation with the scholar, will determine
 23 what aid is to be reduced and shall do so in a manner to the best advantage of the scholar.

24 (d) The amendments to this article during the 2019 first extraordinary session of the
 25 Legislature shall be effective for school years beginning on or after July 1, 2019, and the
 26 provisions of this article existing immediately prior to the 2019 first extraordinary session of the
 27 Legislature remain in effect for school years beginning prior to July 1, 2019.

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 §18C-1-5 of this code to select recipients to receive Underwood-Smith Teacher
 3 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 §18C-4-1 of this code.

8 (c) In accordance with the rule promulgated pursuant to §18C-4-1 of this code, the Vice
 9 Chancellor for Administration shall develop additional eligibility criteria and procedures for the
 10 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, 2019.

§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 §18C-4-4(b) of this code;

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

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

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

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

19 (c) The provisions of this section expire effective July 1, 2019.

§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 §18C-4-1
13 of this code is eligible for renewal of loan assistance until the teacher leaves his or her current
14 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, 2019.

NOTE: The purpose of this bill is to authorize a mathematics teacher incentive, reforms the Underwood-Smith programs and increases the amount that a faculty senate of a public school may allocate to a classroom teacher or librarian for academic materials, supplies or equipment which, in the judgment of the teacher or librarian, will assist providing instruction.

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