

**WEST VIRGINIA LEGISLATURE**  
**2019 FIRST EXTRAORDINARY SESSION**

**Introduced**

**House Bill 196**

BY DELEGATES HANSHAW (MR. SPEAKER) AND MILEY

[BY REQUEST OF THE EXECUTIVE]

[Introduced June 17, 2019; Referred  
to the Select Committee on Education Reform D]

1 A BILL to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4 of the Code of West  
 2 Virginia, 1931, as amended, all relating to the Underwood-Smith Teaching Scholars  
 3 Program; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance  
 4 programs as the Underwood-Smith Teaching Scholars Program; renaming the  
 5 Underwood-Smith Teacher Scholarship and Loan Assistance programs as the  
 6 Underwood-Smith Teaching Scholars Program; modifying program purpose to  
 7 target certain disciplines in geographic areas of critical need; requiring recipients  
 8 to receive additional academic support and training from certain mentors; requiring  
 9 each recipient to be distinguished as an “Underwood-Smith Teaching Scholar”;  
 10 modifying award eligibility, service agreement, and renewal criteria to reflect  
 11 modified program purpose; preserving eligibility and service agreement criteria for  
 12 current award recipients; and modifying the amount of an award and limiting tuition  
 13 and fee charges for program recipients.

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

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

**§18C-4-1. Scholarship and loan assistance fund created; purposes; funding.**

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

8 Particular efforts shall be made in the scholarship selection criteria and procedures to reflect the  
9 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~~ §29A-3A-1 et seq. of this code. 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) ~~Awarding loan assistance, including establishing conditions under which partial awards~~  
20 ~~may be granted for less than a full year of teaching in an area of critical need;~~

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

22 (5) ~~Establishing procedures ensuring that loan assistance funds are paid directly to the~~  
23 ~~proper lending entity; and~~ Requiring scholarship recipients to teach in a public school in this state  
24 in mathematics, science, special education, or music education at the elementary, middle, or  
25 secondary level in a geographic area of critical need pursuant to the provisions of §18C-4-3 of  
26 this code;

27 (6) (4) Establishing criteria for determining participant compliance or noncompliance with  
28 terms of the agreement and establishing procedures to address noncompliance including, but not  
29 limited to, repayment, deferral and excusal; and

30 (7) (5) Developing model agreements.

31 (c) The commission and State Board of Education jointly shall ensure that Underwood-  
32 Smith Teaching Scholars recipients receive additional academic support and training from  
33 mathematics, science, special education, or music education mentors beginning with the

34 freshman year and continuing through degree completion and the teaching obligation.

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

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

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

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

62 (h) Notwithstanding the provisions of subsection (d) of this section, and §18C-4A-3 and  
 63 18C-4A-4 of this code:

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

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

71 (3) The terms, conditions, requirements, and agreements applicable to an Underwood-  
 72 Smith teacher scholarship or loan assistance recipient prior to the effective date of this section  
 73 shall continue in effect and are not altered by the reenactment of this section during the 2019  
 74 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 §18C-1-5 of this code ~~to~~ shall select the recipients of Underwood-Smith teacher  
 3 scholarships who meet the eligibility criteria set forth in subsection (b) of this section.

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

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

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; or

15 (C) For music education majors, met the college readiness English, reading, and writing  
16 standards as established by the commission.

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

20 ~~(2)~~ (3) Have In the case of a student pursuing a certificate in special education, have a  
21 cumulative grade point average of at least 3.25 on a possible scale of four after successfully  
22 completing two years of course work 4.0 scale at an approved institution of higher education in  
23 West Virginia.

24 ~~(3)~~ 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 noncitizen 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 ~~(e)~~ (d) In accordance with the rules of the commission, the vice chancellor for  
34 administration shall develop criteria and procedures for the selection of scholarship recipients.  
35 The selection criteria shall reflect the purposes of this article and shall specify the areas in which

36 particular efforts will be made in the selection of scholars as set forth in §18C-4-1 of this code.  
 37 Selection procedures and criteria also may include, but are not limited to, the grade point average  
 38 of the applicant, involvement in extracurricular activities, financial need, current academic  
 39 standing and an expression of interest in teaching as demonstrated by an essay written by the  
 40 applicant. These criteria and procedures further may require the applicant to furnish letters of  
 41 recommendation from teachers and others.

42 It is the intent of the Legislature that academic abilities be the primary criteria for selecting  
 43 scholarship recipients. ~~However, the qualified applicants with the highest academic abilities who~~  
 44 ~~intend to pursue teaching careers in areas of critical need and shortage pursuant to section one~~  
 45 ~~of this article shall be given priority~~

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

53 ~~(e)~~ (f) The vice chancellor for administration shall make application forms for Underwood-  
 54 Smith Teacher Scholarships Teaching Scholar awards available to public and private high schools  
 55 in the state and in other locations convenient to applicants, parents and others, and shall make  
 56 an effort to attract students from low-income backgrounds, ethnic or racial minority students,  
 57 students with disabilities, and women, or minority students who show interest in pursuing teaching  
 58 careers in mathematics, ~~and science,~~ and special education and who are underrepresented in  
 59 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 §18C-4-4(a) of this code;

5 (2) ~~Within a ten-year period~~ Beginning within one year after completing the teacher  
6 education program for which the scholarship was awarded

7 ~~(A) Teach~~ teach full time in the subject area of mathematics, science, special education,  
8 or music education at the elementary, middle, or secondary level, or special education at the  
9 elementary, middle or secondary level, in a geographic area of critical need, under contract with  
10 a county board of education in a public education program in the state for a period of not fewer  
11 than ~~two~~ five consecutive years for each ~~year~~ the four academic years for which a  
12 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~~

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

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

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

45 (1) A description of the conditions and procedures to be established under §18C-4-4 of  
46 this code; and

47 (2) A description of the appeals procedure required to be established under §18C-4-4 of  
48 this code.

49 ~~Individuals who were awarded~~ The scholarship terms, conditions, requirements, and  
50 agreements applicable to an Underwood-Smith teacher scholarship recipient prior to the effective  
51 date of this section ~~may apply the provisions of paragraph (A), (B) or (C), subdivision (2),~~  
52 ~~subsection (a) of this section to teaching or other service performed by them after July 1, 1997~~

53 shall continue in effect and are not altered by the reenactment of this section during the 2019  
54 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  
2 award is eligible for scholarship renewal only during those periods when the recipient meets the  
3 following 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 mathematics,  
7 science, special education, or music education at the ~~preschool,~~ elementary, middle or secondary  
8 level ~~in this state;~~

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

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

12 ~~(4)~~ (5) Is complying with such other standards as the commission may establish by rule.

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

20 (c) A recipient is not in violation of the agreement entered into under §18C-4-3 of this code  
21 during any period in which the recipient is meeting any of the 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) (3) 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 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 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 teacher in the public schools of this state. No individual may~~  
 5 ~~receive scholarship assistance for more than four academic years for the completion of a~~  
 6 ~~bachelor's degree and two academic years for completion of a master's degree. The amount of~~  
 7 ~~each award shall be equal to \$10,000 for each academic year of higher education. An institution~~  
 8 ~~that accepts any moneys from the Underwood-Smith Teaching Scholars Fund may not charge an~~  
 9 ~~Underwood-Smith Teaching Scholar any tuition or fees in excess of the amount of the scholarship~~  
 10 ~~award.~~

11 (b) An Underwood-Smith Teaching Scholars award is available for a maximum of four  
 12 academic years for the completion of a bachelor's degree and two additional academic years for

13 completion of a certification in special education that meets the requirements set by the State  
14 Board of Education.

15 ~~(b)~~ (c) ~~No individual shall~~ An individual may not receive a scholarship award under this  
16 article which exceeds the cost of attendance at the institution the individual is attending. The cost  
17 of attendance shall be based upon the actual cost of tuition and fees, and reasonable allowances  
18 for books, educational supplies, room and board and other expenses necessitated by individual  
19 circumstances, in accordance with the program guidelines. For the purposes of establishing an  
20 award amount, the ~~senior administrator~~ vice chancellor for administration shall take into account  
21 the amount of financial aid assistance the recipient has or will receive from all other sources. If  
22 the amount of the Underwood-Smith ~~teacher scholarship assistance~~ Teaching Scholars award  
23 and the amount of assistance awards which the recipient has received from all other sources  
24 exceed the cost of attendance, the institution's financial aid officer, in consultation with the scholar,  
25 will determine what aid is to be reduced and shall do so in a manner to the best advantage of the  
26 scholar.

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

NOTE: The purpose of this bill is to reform the Underwood-Smith Teacher Scholarship program as the Underwood-Smith Teaching Scholars Program, modifying program purpose to target certain disciplines in geographic areas of critical need and changing the terms to qualify for an award and to satisfy award requirements.

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