WEST VIRGINIA CODE CHAPTER 18C ARTICLE 4

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§18C-4-1. Underwood-Smith Teaching Scholars Program Fund created; purposes; funding; effective date.

(a) It is the purpose of this article and §18C-4A-1 et seq. of this code to improve the quality of education in the public schools of West Virginia by encouraging and enabling individuals who have demonstrated outstanding academic abilities to pursue teaching careers in critical shortage fields at the elementary, middle or secondary levels in the public schools of this state. Particular efforts shall be made in the scholarship selection criteria and procedures to reflect the state's present and projected critical teacher shortage fields.

(b) In consultation with the State Board of Education and the State Superintendent of Schools, the commission shall propose legislative rules in accordance with the provisions of §29A-3A-1 et seq. of this code. The rules shall provide for the administration of the Underwood-Smith Teaching Scholars Program and the Teacher Education Loan Repayment Program by the Vice Chancellor for Administration in furtherance of the purposes of this article, and §18C-4A-1 et seq. of this code including, but not limited to, the following:

(1) Establishing scholarship selection criteria and procedures;

(2) Establishing criteria and procedures for identifying critical teacher shortage fields;

(3) Establishing and updating as necessary a list of critical teacher shortage fields in the public schools for which scholarships are available;

(4) Requiring scholarship recipients to teach in a public school in this state at the elementary, middle or secondary level in a critical teacher shortage field pursuant to the provisions of §18C-4-3 of this code;

(5) Awarding loan repayment assistance, including establishing conditions under which partial awards may be granted for less than a full year of teaching in a critical teacher shortage field;

(6) Determining eligibility for loan repayment assistance renewal;

(7) Establishing procedures ensuring that loan repayment assistance funds are paid directly to the proper lending entity;

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

(9) Developing model agreements.

(c) The commission and State Board of Education jointly shall ensure that Underwood-Smith Teaching Scholars award recipients receive additional academic support and training from mentors in their academic field beginning with the freshman year and continuing through

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degree completion and the teaching obligation.

(d) The Underwood-Smith Teacher Scholarship and Loan Assistance Fund is continued in the State Treasury as a special revolving fund and is hereafter to be known as the Underwood-Smith Teaching Scholars Program Fund. The fund shall be administered by the Vice Chancellor for Administration solely for granting scholarships and loan repayment assistance to teachers and prospective teachers in accordance with this article and §18C-4A-1 et seq. of this code. Any moneys which may be appropriated by the Legislature, or received by the Vice Chancellor for Administration from other sources, for the purposes of this article and §18C-4A-1 et seq. of this code shall be deposited in the fund. Any moneys remaining in the fund at the close of a fiscal year shall be carried forward for use in the next fiscal year. Any moneys repaid to the Vice Chancellor for Administration by reason of default of a scholarship or loan repayment assistance agreement under this article or §18C-4A-1 et seq. of this code also shall be deposited in the fund. Fund balances shall be invested with the state's consolidated investment fund, and any and all interest earnings on these investments shall be used solely for the purposes for which moneys invested were appropriated or otherwise received.

(e) The Vice Chancellor for Administration may accept and expend any gift, grant, contribution, bequest, endowment, or other money for the purposes of this article and §18C-4A-1 et seq. of this code and shall make a reasonable effort to encourage external support for the scholarship and loan repayment assistance programs.

(f) For the purpose of encouraging support for the scholarship and loan repayment assistance programs from private sources, the Vice Chancellor for Administration may set aside no more than half of the funds appropriated by the Legislature for Underwood-Smith Teaching Scholars Program and loan repayment assistance awards to be used to match two state dollars to each private dollar from a nonstate source contributed on behalf of a specific institution of higher education in this state.

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

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

(1) Moneys in the Underwood-Smith Teaching Scholars Program Fund may be used to satisfy loan repayment assistance agreements pursuant to §18C-4A-1 et seq. of this code and any renewals for which a recipient would be eligible pursuant to the prior enactment of §18C-4A-1 et seq. of this code for any student who is receiving such loan repayment assistance or fulfilling the requirements of an agreement on the effective date of this section;

(2) Moneys in the Underwood-Smith Teaching Scholars Program Fund may be used to fund Underwood-Smith teacher scholarships, and any renewals for which a recipient would be

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eligible pursuant to the prior enactment of this article, for those students receiving such scholarship on the effective date of this section; and

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

(i) The amendments to this article during the 2019 First Extraordinary Session of the Legislature shall be effective for school years beginning on or after July 1, 2020, and the provisions of this article existing immediately prior to the 2019 First Extraordinary Session of the Legislature remain in effect for school years beginning prior to July 1, 2020.

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

(a) Vice Chancellor for Administration shall appoint a selection panel comprised of individuals representing higher education, public education, and the community at large to select Underwood-Smith Teaching Scholars who meet the eligibility criteria set forth in subsection (b) of this section.

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

(1) Have graduated or are graduating from high school with a cumulative grade point average of at least 3.25 on a 4.0 scale;

(2) Have met the college algebra ready assessment standards and college readiness English, reading, and writing standards as established by the commission; and

(3) Agree to teach in a critical teacher shortage field at the elementary, middle or secondary level in a public school in the state pursuant to the provisions of §18C-4-3 of this code.

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

(d) In accordance with the rules of the commission, the Vice Chancellor for Administration shall develop criteria and procedures for the selection of scholarship recipients. The selection criteria shall reflect the purposes of this article and shall specify the areas in which particular efforts will be made in the selection of scholars as set forth in §18C-4-1 of this code. Selection procedures and criteria also may include, but are not limited to, the grade point average of the applicant, involvement in extracurricular activities, financial need, current academic standing and an expression of interest in teaching as demonstrated by an essay written by the applicant. These criteria and procedures further may require the applicant to furnish letters of recommendation from teachers and others. It is the intent of the Legislature that academic abilities be the primary criteria for selecting scholarship recipients.

(e) In developing the selection criteria and procedures to be used by the selection panel, the Vice Chancellor for Administration shall solicit the views of public and private education agencies and institutions and other interested parties. Input from interested parties shall be solicited by means of written and published selection criteria and procedures in final form for implementation and may be solicited by means of public hearings on the present and projected teacher needs of the state or any other methods the Vice Chancellor for Administration may determine to be appropriate to gather the information.

(f) The Vice Chancellor for Administration shall make application forms for Underwood-Smith Teaching Scholars available to public and private high schools in the state and in

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other locations convenient to applicants, parents and others, and shall make an effort to attract students from low-income backgrounds, ethnic or racial minority students, students with disabilities, and women or minority students who show interest in pursuing teaching careers in mathematics and science and who are under-represented in those fields.

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§18C-4-3. Scholarship agreement.

(a) Each recipient of an Underwood-Smith Teaching Scholars award shall enter into an agreement with the Vice Chancellor for Administration under which the recipient shall meet the following conditions:

(1) Provide the commission with evidence of compliance with §18C-4-4(a) of this code;

(2) Beginning within one year after completing the teacher education program for which the scholarship was awarded, teach full-time in a critical teacher shortage field at the elementary, middle or secondary level, under contract with a county board of education in a public education program in the state, for a period of not fewer than five consecutive years for the four academic years. Any teaching time accrued during the required five-year period as a substitute teacher for a county board of education in a critical teacher shortage field at the elementary, middle or secondary level shall be credited pro rata in accordance with rules promulgated by the commission; or

(3) Repay all or part of an Underwood-Smith Teaching Scholars award received under this article plus interest and, if applicable, reasonable collection fees in accordance with §18C-4-4 of this code.

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

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

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

(c) The scholarship terms, conditions, requirements, and agreements applicable to an Underwood-Smith teacher scholarship recipient prior to the effective date of this section shall continue in effect and are not altered by the reenactment of this section during the 2019 First Extraordinary Session of the Legislature.

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

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

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

(2) Is pursuing a program of study leading to teacher certification in a critical teacher shortage field at the elementary, middle or secondary level;

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

(4) Is maintaining a cumulative grade point average of at least 3.0 on a 4.0 scale; and

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

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

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

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

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

(3) Satisfying the provisions of any repayment exemptions that may be prescribed by the commission by rule; or

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

(d) The rules adopted by the commission may provide guidelines under which the Vice Chancellor for Administration may extend the time period for beginning or fulfilling the teaching obligation if extenuating circumstances exist.

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

(a) An Underwood-Smith Teaching Scholars award shall be used in preparation for becoming an elementary, middle or secondary teacher in a critical teacher shortage field in the public schools of this state. Each award shall be in the amount of $10,000 annually, and is available for a maximum of four academic years for the completion of a bachelor's degree.

(b) An individual may not receive a scholarship award under this article which exceeds the cost of attendance at the institution the individual is attending. The cost of attendance shall be based upon the actual cost of tuition and fees, and reasonable allowances for books, educational supplies, room and board and other expenses necessitated by individual circumstances, in accordance with the program guidelines. For the purposes of establishing an award amount, the Vice Chancellor for Administration shall take into account the amount of financial aid assistance the recipient has or will receive from all other sources. If the amount of the Underwood-Smith Teaching Scholars award and the amount of scholarship and grant awards which the recipient has received from all other sources exceed the cost of attendance, the institution's financial aid officer, in consultation with the scholar, will determine what aid is to be reduced and shall do so in a manner to the best advantage of the scholar.

(c) The amendments to this article during the 2019 First Extraordinary Session of the Legislature shall be effective for academic years beginning on or after July 1, 2019, and the provisions of this article existing immediately prior to the 2019 first extraordinary session of the Legislature remain in effect for academic years beginning prior to July 1, 2019.

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