WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1991

ENROLLED

SENATE BILL NO. 420

(By Senator Burdette, Mr. President, et al)

PASSED March 9, 1991
In Effect July 1, 1991
AN ACT to repeal article twenty-one, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section one, article one, chapter eighteen-c of said code; and to further amend said chapter by adding thereto a new article, designated article four, all relating to the Underwood-Smith teacher scholarship program; providing general eligibility in the program for outstanding resident college students; increasing the minimum grade point eligibility standard for public school aides; and updating provisions in accordance with the higher education reorganization act of 1989.

Be it enacted by the Legislature of West Virginia:

That article twenty-one, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section one, article one, chapter eighteen-c of said code be amended and reenacted; and that said chapter be further amended by adding thereto a new article, designated article four, all to read as follows:
ARTICLE I. FINANCIAL ASSISTANCE GENERALLY.

§18C-1-1. Administration generally.

The senior administrator jointly employed by the chancellors of the board of trustees and the board of directors shall, as provided in section two, article four, chapter eighteen-b of this code, have a ministerial duty to administer, oversee or monitor all state and federal student loan, scholarship and state aid programs which are administered at the state level in accordance with established guidelines, in consultation with and under the direction of the governing boards.

Such programs include, but are not limited to: The guaranteed student loan program under this article, which may be administered by a private nonprofit agency; the medical student loan program under article three of this chapter; the Underwood-Smith teacher scholarship program under article four of this chapter; the state scholarship program, commonly known as the West Virginia higher education grant program, under article twenty-two-b, chapter eighteen of this code; the higher education student assistance loan program under article twenty-two-d, chapter eighteen of this code; the West Virginia higher education tuition trust act under article thirty, chapter eighteen of this code, which shall be administered by the state treasurer as provided in said article; the state aid programs for students of optometry, under article three of this chapter; the state aid programs for students of veterinary medicine under section six-a, article eleven, chapter eighteen of this code; any reciprocal program and contract program for student aid under sections three and four, article four of chapter eighteen-b of this code; any other state level student aid program under this code; and any federal grant or contract student assistance or support programs administered at the state level.

ARTICLE 4. UNDERWOOD-SMITH TEACHER SCHOLARSHIP PROGRAM.

§18C-4-1. Scholarship fund created; purposes; funding.

(a) It is the purpose of this article to encourage and
enable individuals who have demonstrated outstanding academic abilities to pursue teaching careers at the preschool, elementary or secondary levels in the public schools of this state. The higher education governing boards may promulgate reasonable rules under this article for the administration of the Underwood-Smith teacher scholarship program by the senior administrator in furtherance of this purpose, including, but not limited to, scholarship selection, renewal, compliance, noncompliance and repayment, deferral and excusal. In accordance with such rules, the senior administrator may establish appropriate guidelines for program operation. All rules so promulgated shall be filed with the secretary of state.

(b) There is hereby created in the state treasury a special revolving fund to be known as the “Underwood-Smith Teacher Scholarship Fund” to be administered by the senior administrator solely for granting scholarships to prospective teachers in accordance with this article. Any moneys which may be appropriated by the Legislature, or received by the senior administrator from other sources, for the purposes of this article 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 senior administrator by reason of default of a scholarship agreement under this article shall also 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.

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

(d) For the purpose of encouraging support for the scholarship program from private sources, the senior administrator may set aside no more than half of the
funds appropriated by the Legislature for Underwood-Smith teacher scholarships 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.

§18C-4-2. Selection criteria and procedures.

(a) The senior administrator shall designate an existing scholarship selection agency or panel to select the recipients of Underwood-Smith teacher scholarships who meet the eligibility criteria set forth in subsection (b) of this section. If no such agency or panel exists, the governor shall appoint a scholarship selection panel for this purpose which shall consist of seven persons representative of public school administrators, teachers, including preschool teachers, and parents.

(b) Eligibility for an Underwood-Smith teacher scholarship award shall be limited to West Virginia resident students who:

(1) Have graduated or are graduating from high school, and rank in the top ten percent of their graduating class or the top ten percent statewide of those West Virginia students taking the American college test;

(2) Have a cumulative grade point average of at least three and twenty-five one hundredths on a possible scale of four after successfully completing two years of course work at an approved institution of higher education;

(3) Are public school aides as defined in section eight, article four of chapter eighteen-a of this code, and who have a cumulative grade point average of at least three and twenty-five one hundredths on a possible scale of four after successfully completing two years of course work at an approved institution of higher education; or

(4) Are graduate students at the master’s degree level who have graduated or are graduating in the top ten percent of their college graduating class.
The senior administrator shall develop criteria and procedures for the selection of recipients which may include, but not be limited to, the applicant’s grade point average, involvement in extracurricular activities, financial need, current academic standing, and an expression of interest in teaching as expressed in an essay written by the applicant. Such criteria and procedures may require the applicant to furnish letters of recommendation from teachers and others. The selection criteria and procedures shall also reflect the present and projected teacher needs of the state, including the demand for and supply of early childhood, elementary and secondary teachers and teachers with training in specific academic disciplines.

(c) In developing the selection criteria and procedures to be used by the panel, the senior administrator shall solicit the views of public and private education agencies and institutions and other interested parties. These views: (1) Shall be solicited by means of written and published selection criteria and procedures in final form for implementation; and (2) may be solicited by means of public hearings on the present and projected teacher needs of the state or such other methods as the senior administrator may determine to be appropriate to gather such information.

(d) The senior administrator shall make application forms for Underwood-Smith teacher scholarships available to public and private high schools in the state and in other locations convenient to applicants, parents and others.

§18C-4-3. Scholarship agreement.

(a) Each recipient of an Underwood-Smith teacher scholarship shall enter into an agreement with the senior administrator under which the recipient shall:

(1) Provide the board with evidence of compliance with subsection (a), section four of this article; and

(2) Within a ten-year period after completing the teacher education for which the scholarship was awarded, teach full time under contract with a county
board of education (A) in a public education program in the state for a period of not less than two years for each year for which a scholarship was received, or (B) in this state in a teacher shortage area as determined by the state board of education, in an exceptional children program in this state, or in a school in an economically disadvantaged area of this state for not less than one year for each year for which a scholarship was received; or

(3) Repay all or part of an Underwood-Smith teacher scholarship received under this article plus interest and, if applicable, reasonable collection fees, in accordance with subsection (b), section four of this article, except as provided in subsections (c) and (d) of said section four.

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

(1) A description of the conditions and procedures to be established under section four of this article; and

(2) A description of the appeals procedure required to be established under section four of this article.

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

(a) The recipient of an Underwood-Smith teacher scholarship is eligible for scholarship renewal only during such periods that the recipient is:

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

(2) Pursuing a course of study leading to teacher certification at the preschool, elementary or secondary level in this state;

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

(4) Complying with such other standards as the
boards may establish by rule.

(b) Recipients found to be in noncompliance with the agreement entered into under section three of this article 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. Such guidelines shall also provide for proration of the amount to be repaid by a recipient who teaches for part of the period required under subsection (a), section three of this article and for appeal procedures under which a recipient may appeal any determination of noncompliance.

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

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

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

(3) Seeking and being unable to find full-time employment as a teacher in a public education or exceptional children program in the state; or

(4) Satisfying the provisions of additional repayment exemptions that may be prescribed by the boards by rule.

(d) A recipient shall be excused from repayment of a teacher scholarship received under this article if the recipient dies or becomes permanently and totally disabled as established by sworn affidavit of a qualified physician.

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

(a) Subject to subsection (b) of this section, each recipient of an Underwood-Smith teacher scholarship is eligible to receive assistance of up to five thousand dollars for each academic year of higher education in preparation for becoming a preschool, elementary or
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6 secondary teacher in the public schools of this state. 
7 No individual may receive scholarship assistance for 
8 more than four academic years for the completion of 
9 a bachelor's degree and two academic years for 
10 completion of a master's degree. 

11 (b) No individual shall receive a scholarship award 
12 under this article which exceeds the cost of attendance 
13 at the institution the individual is attending. The cost 
14 of attendance shall be based upon the actual cost of 
15 tuition and fees, and reasonable allowances for books, 
16 educational supplies, room and board and other 
17 expenses necessitated by individual circumstances, in 
18 accordance with the program guidelines. For the 
19 purposes of establishing an award amount, the senior 
20 administrator shall take into account the amount of 
21 financial aid assistance the recipient has or will 
22 receive from all other sources. If the amount of the 
23 Underwood-Smith teacher scholarship assistance 
24 award and the amount of assistance awards which the 
25 recipient has received from all other sources exceed 
26 the cost of attendance, the Underwood-Smith teacher 
27 scholarship shall be reduced by the amount by which 
28 such combined assistance exceeds the cost of atten-
29 dance, except that when other assistance to be 
30 received by the recipient includes assistance from the 
31 West Virginia higher education grant program, the 
32 amount to be received from the higher education 
33 grant program shall first be reduced.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Homer Heck
Chairman Senate Committee

Ernest C. Mann
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1991.

Clerk of the Senate

President of the Senate

Speaker House of Delegates

The within is approved this the 27th day of , 1991.

Governor
PRESENTED TO THE
GOVERNOR
Date  3/18/91
Time  3:00 pm