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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991



# ENROLLED

SENATE BILL NO. 420

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



PASSED March 9, 1991

In Effect July 1, 1991 Passage

**ENROLLED**

**Senate Bill No. 420**

(BY SENATORS BURDETTE, MR. PRESIDENT, AND BOLEY,  
BY REQUEST OF THE EXECUTIVE)

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[Passed March 9, 1991; to take effect July 1, 1991.]

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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article twenty-one, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section one, article one, chapter eighteen-c of said code be amended and reenacted; and that said chapter be further amended by adding thereto a new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 1. FINANCIAL ASSISTANCE GENERALLY.****§18C-1-1. Administration generally.**

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

10 Such programs include, but are not limited to: The  
11 guaranteed student loan program under this article,  
12 which may be administered by a private nonprofit  
13 agency; the medical student loan program under  
14 article three of this chapter; the Underwood-Smith  
15 teacher scholarship program under article four of this  
16 chapter; the state scholarship program, commonly  
17 known as the West Virginia higher education grant  
18 program, under article twenty-two-b, chapter eighteen  
19 of this code; the higher education student assistance  
20 loan program under article twenty-two-d, chapter  
21 eighteen of this code; the West Virginia higher educa-  
22 tion tuition trust act under article thirty, chapter  
23 eighteen of this code, which shall be administered by  
24 the state treasurer as provided in said article; the state  
25 aid programs for students of optometry, under article  
26 three of this chapter; the state aid programs for  
27 students of veterinary medicine under section six-a,  
28 article eleven, chapter eighteen of this code; any  
29 reciprocal program and contract program for student  
30 aid under sections three and four, article four of  
31 chapter eighteen-b of this code; any other state level  
32 student aid program under this code; and any federal  
33 grant or contract student assistance or support pro-  
34 grams administered at the state level.

**ARTICLE 4. UNDERWOOD-SMITH TEACHER SCHOLARSHIP PROGRAM.****§18C-4-1. Scholarship fund created; purposes; funding.**

1 (a) It is the purpose of this article to encourage and

2 enable individuals who have demonstrated outstand-  
3 ing academic abilities to pursue teaching careers at the  
4 preschool, elementary or secondary levels in the  
5 public schools of this state. The higher education  
6 governing boards may promulgate reasonable rules  
7 under this article for the administration of the  
8 Underwood-Smith teacher scholarship program by the  
9 senior administrator in furtherance of this purpose,  
10 including, but not limited to, scholarship selection,  
11 renewal, compliance, noncompliance and repayment,  
12 deferral and excusal. In accordance with such rules,  
13 the senior administrator may establish appropriate  
14 guidelines for program operation. All rules so promul-  
15 gated shall be filed with the secretary of state.

16 (b) There is hereby created in the state treasury a  
17 special revolving fund to be known as the  
18 "Underwood-Smith Teacher Scholarship Fund" to be  
19 administered by the senior administrator solely for  
20 granting scholarships to prospective teachers in accor-  
21 dance with this article. Any moneys which may be  
22 appropriated by the Legislature, or received by the  
23 senior administrator from other sources, for the  
24 purposes of this article shall be deposited in the fund.  
25 Any moneys remaining in the fund at the close of a  
26 fiscal year shall be carried forward for use in the next  
27 fiscal year. Any moneys repaid to the senior adminis-  
28 trator by reason of default of a scholarship agreement  
29 under this article shall also be deposited in the fund.  
30 Fund balances shall be invested with the state's  
31 consolidated investment fund, and any and all interest  
32 earnings on these investments shall be used solely for  
33 the purposes for which moneys invested were approp-  
34 riated or otherwise received.

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

40 (d) For the purpose of encouraging support for the  
41 scholarship program from private sources, the senior  
42 administrator may set aside no more than half of the

43 funds appropriated by the Legislature for Underwood-  
44 Smith teacher scholarships to be used to match two  
45 state dollars to each private dollar from a nonstate  
46 source contributed on behalf of a specific institution of  
47 higher education in this state.

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

1 (a) The senior administrator shall designate an  
2 existing scholarship selection agency or panel to select  
3 the recipients of Underwood-Smith teacher scholar-  
4 ships who meet the eligibility criteria set forth in  
5 subsection (b) of this section. If no such agency or  
6 panel exists, the governor shall appoint a scholarship  
7 selection panel for this purpose which shall consist of  
8 seven persons representative of public school adminis-  
9 trators, teachers, including preschool teachers, and  
10 parents.

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

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

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

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

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

34 The senior administrator shall develop criteria and  
35 procedures for the selection of recipients which may  
36 include, but not be limited to, the applicant's grade  
37 point average, involvement in extracurricular activi-  
38 ties, financial need, current academic standing, and an  
39 expression of interest in teaching as expressed in an  
40 essay written by the applicant. Such criteria and  
41 procedures may require the applicant to furnish  
42 letters of recommendation from teachers and others.  
43 The selection criteria and procedures shall also reflect  
44 the present and projected teacher needs of the state,  
45 including the demand for and supply of early child-  
46 hood, elementary and secondary teachers and teachers  
47 with training in specific academic disciplines.

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

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

### **§18C-4-3. Scholarship agreement.**

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

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

6 (2) Within a ten-year period after completing the  
7 teacher education for which the scholarship was  
8 awarded, teach full time under contract with a county

9 board of education (A) in a public education program  
10 in the state for a period of not less than two years for  
11 each year for which a scholarship was received, or (B)  
12 in this state in a teacher shortage area as determined  
13 by the state board of education, in an exceptional  
14 children program in this state, or in a school in an  
15 economically disadvantaged area of this state for not  
16 less than one year for each year for which a scholar-  
17 ship was received; or

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

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

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

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

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

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

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

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

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

12 (4) Complying with such other standards as the

13 boards may establish by rule.

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

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

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

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

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

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

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

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

1 (a) Subject to subsection (b) of this section, each  
2 recipient of an Underwood-Smith teacher scholarship  
3 is eligible to receive assistance of up to five thousand  
4 dollars for each academic year of higher education in  
5 preparation for becoming a preschool, elementary or



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. Moore*  
.....  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1991.

*Barrett E. Helms*  
.....  
Clerk of the Senate

*Donald L. Kapp*  
.....  
Clerk of the House of Delegates

*Bill Swadlow*  
.....  
President of the Senate

*Bob Zell*  
.....  
Speaker House of Delegates

The within is approved this the *27<sup>th</sup>*.....  
day of *March*....., 1991.

*Yaston Caperton*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/18/91

Time 3:00 pm