

HB 2821

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

HOUSE BILL No. 2821

Mr. Speaker, Mr. Kiss, and Ashley
(By Delegate _____ [By Request of the Executive] _____)



Passed _____ April 12, _____ 1997

In Effect _____ July 1, 1997 _____ Passage

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H. B. 2821

(BY MR. SPEAKER, MR. KISS, AND DELEGATE ASHLEY)
[BY REQUEST OF THE EXECUTIVE]

[Passed April 12, 1997; in effect July 1, 1997.]

AN ACT to amend and reenact sections one, two, three, four and five, article four, chapter eighteen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the Underwood-Smith teacher scholarship program; requiring particular efforts in scholarship selection to reflect present and projected teacher needs; requiring the higher education governing boards to promulgate rules for the program in consultation with the state superintendent; providing for designation of a selection panel by the governor; clarifying that the program includes middle school teaching; providing eligibility for paraprofessionals; requiring the senior administrator to make an effort to attract certain under represented classes of students; revising the terms of the scholarship agreement with respect to loan forgiveness for teaching in the public schools and providing additional alternatives; allowing for extension of the obligation period for extenuating circumstances; and providing for institution financial aid officers in consultation with scholarship recipients to determine assistance package when amounts from different sources exceed cost of attendance.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four and five, article four, chapter eighteen-c of the code of West Virginia, one thousand

nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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 improve the
2 quality of education in the public schools of West Virginia
3 by encouraging and enabling West Virginia resident
4 individuals who have demonstrated outstanding academic
5 abilities to pursue teaching careers at the preschool,
6 elementary, middle or secondary levels in the public
7 schools of this state. In addition, of those individuals who
8 have demonstrated outstanding academic abilities to
9 pursue teaching careers, for scholarships initially awarded
10 for the fall semester, one thousand nine hundred ninety-
11 eight, and thereafter, particular efforts will be made in the
12 scholarship selection criteria and procedures to reflect the
13 state's present and projected teacher needs, including
14 needs statewide and in different geographic areas and for
15 teachers with education and training in specific disciplines.

16 (b) The higher education governing boards shall, in
17 consultation with the state superintendent of schools,
18 promulgate reasonable legislative rules in accordance with
19 the provisions of article three-a, chapter twenty-nine-a of
20 this code, for the administration of the Underwood-Smith
21 teacher scholarship program by the senior administrator in
22 furtherance of the purposes of this article, including, but
23 not limited to, scholarship selection criteria and
24 procedures, renewal, compliance, noncompliance and
25 repayment, deferral and excusal. In accordance with such
26 rules, the senior administrator shall establish appropriate
27 guidelines for program operation.

28 (c) There is hereby created in the state treasury a
29 special revolving fund to be known as the
30 "Underwood-Smith Teacher Scholarship Fund" to be
31 administered by the senior administrator solely for
32 granting scholarships to prospective teachers in
33 accordance with this article. Any moneys which may be
34 appropriated by the Legislature, or received by the senior

35 administrator from other sources, for the purposes of this
36 article shall be deposited in the fund. Any moneys
37 remaining in the fund at the close of a fiscal year shall be
38 carried forward for use in the next fiscal year. Any
39 moneys repaid to the senior administrator by reason of
40 default of a scholarship agreement under this article shall
41 also be deposited in the fund. Fund balances shall be
42 invested with the state's consolidated investment fund, and
43 any and all interest earnings on these investments shall be
44 used solely for the purposes for which moneys invested
45 were appropriated or otherwise received.

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

51 (e) For the purpose of encouraging support for the
52 scholarship program from private sources, the senior
53 administrator may set aside no more than half of the funds
54 appropriated by the Legislature for Underwood-Smith
55 teacher scholarships to be used to match two state dollars
56 to each private dollar from a nonstate source contributed
57 on behalf of a specific institution of higher education in
58 this state.

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

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

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

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

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

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

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

31 (c) In accordance with the rules of the governing
32 boards, the senior administrator shall develop criteria and
33 procedures for the selection of scholarship recipients that
34 reflect the purposes of this article and the areas in which
35 particular efforts will be made in the selection of scholars
36 as set forth in section one of this article and which also
37 may include, but not be limited to, the grade point average
38 of the applicant, involvement in extracurricular activities,
39 financial need, current academic standing and an
40 expression of interest in teaching as expressed in an essay
41 written by the applicant. Such criteria and procedures
42 further may require the applicant to furnish letters of
43 recommendation from teachers and others. It is the intent
44 of the Legislature that academic abilities be the primary
45 criteria for selecting scholarship recipients.

46 (d) In developing the selection criteria and
47 procedures to be used by the panel, the senior
48 administrator shall solicit the views of public and private
49 education agencies and institutions and other interested
50 parties. These views: (1) Shall be solicited by means of
51 written and published selection criteria and procedures in

52 final form for implementation; and (2) may be solicited
53 by means of public hearings on the present and projected
54 teacher needs of the state or such other methods as the
55 senior administrator may determine to be appropriate to
56 gather such information.

57 (e) The senior administrator shall make application
58 forms for Underwood-Smith teacher scholarships available
59 to public and private high schools in the state and in other
60 locations convenient to applicants, parents and others, and
61 shall make an effort to attract students from low income
62 backgrounds, ethnic or racial minority students, students
63 with disabilities, and women or minority students who
64 show interest in pursuing teaching careers in mathematics
65 and science and who are under represented in those fields.

§18C-4-3. Scholarship agreement.

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

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

6 (2) Within a ten-year period after completing the
7 teacher education for which the scholarship was awarded:
8 and

9 (A) Teach full-time under contract with a county
10 board of education in a public education program in the
11 state for a period of not less than two years for each year
12 for which a scholarship was received, or teach full-time
13 under contract with a county board of education in this
14 state in a teacher shortage area as determined by the state
15 board of education, in an exceptional children program in
16 this state, in a school having less than average academic
17 results, or in a school in an economically disadvantaged
18 area of this state for not less than one year for each year
19 for which a scholarship was received; or

20 (B) Within such ten-year period while seeking and
21 unable to secure a full-time teaching position under
22 contract with a county board of education which satisfies
23 the conditions of paragraph (A) of this subdivision: (i)

24 teach full-time in a private school, parochial or other
25 school approved under exemptions (A) or (K) for the
26 instruction of students of compulsory school age pursuant
27 to section one, article eight, chapter eighteen of this code,
28 or in a higher educational institution in this state or post-
29 secondary vocational education program in this state as
30 defined in section two, article one, chapter eighteen-b of
31 this code, for a period of not less than two years for each
32 year for which a scholarship was received; or (ii) perform
33 alternative service or employment in this state pursuant to
34 guidelines adopted in accordance with the rules of the
35 governing boards in federal, state, county or local
36 supported programs with an educational component,
37 including mental or physical health care, or with bona fide
38 tax exempt charitable organizations dedicated to the
39 above, for a period of not less than two years for each year
40 for which a scholarship was received.

41 Any teaching time accrued as a substitute teacher for
42 a county board of education under paragraphs (A) or (B)
43 of this subdivision shall be credited pro rata in accordance
44 with rules of the governing boards; or

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

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

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

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

58 (c) Individuals who were awarded an Underwood-
59 Smith teacher scholarship prior to the effective date of this
60 section may apply the provisions of paragraphs (A) or (B),
61 subdivision (2), subsection (a) of this section to teaching

62 or other service performed by them after the first day of
63 July, one thousand nine hundred ninety-seven.

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

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

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

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

32 (3) Seeking and unable to find full-time employment
33 in accordance with paragraphs (A), subdivision (2),
34 subsection (a), section three of this article and is fulfilling
35 any of the alternatives specified in paragraph (B) of said
36 subdivision; or

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

39 (d) A recipient shall be excused from repayment of a
40 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.

44 (e) The rules adopted by the governing boards may
45 provide guidelines under which the senior administrator
46 may, if extenuating circumstances exist, extend the period
47 for fulfilling the obligation to fifteen years.

**§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 is
3 eligible to receive assistance of up to five thousand dollars
4 for each academic year of higher education in preparation
5 for becoming a preschool, elementary, middle or
6 secondary teacher in the public schools of this state. No
7 individual may receive scholarship assistance for more
8 than four academic years for the completion of a
9 bachelor's degree and two academic years for completion
10 of a master's degree.

11 (b) No individual shall receive a scholarship award
12 under this article which exceeds the cost of attendance at
13 the institution the individual is attending. The cost of
14 attendance shall be based upon the actual cost of tuition
15 and fees, and reasonable allowances for books, educational
16 supplies, room and board and other expenses necessitated
17 by individual circumstances, in accordance with the
18 program guidelines. For the purposes of establishing an
19 award amount, the senior administrator shall take into
20 account the amount of financial aid assistance the

21 recipient has or will receive from all other sources. If the
22 amount of the Underwood-Smith teacher scholarship
23 assistance award and the amount of assistance awards
24 which the recipient has received from all other sources
25 exceed the cost of attendance, the institution's financial
26 aid officer, in consultation with the scholar, will determine
27 what aid is to be reduced and shall do so in a manner to
28 the best advantage of the scholar.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect July 1, 1997.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 5th
day of May, 1997.

[Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date 5/1/97

Time 3:47pm