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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4054**

(By Delegates Mezzatesta, Williams and Harrison)



Passed March 9, 2002

In Effect July 1, 2002

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## H. B. 4054

(BY DELEGATES MEZZATESTA, WILLIAMS AND HARRISON)

[Passed March 9, 2002; in effect July 1, 2002.]

AN ACT to amend and reenact section three-a, article three, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article four of said chapter by adding thereto a new section, designated section twenty, all relating generally to reimbursement of teachers' expenses; school personnel; definitions; disbursement of funds and limitations thereof; reimbursement of tuition and fees for certain courses completed by teachers; providing moving expenses for teachers who meet certain criteria; and requiring certain reports to be made by state board and county boards of education.

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

That section three-a, article three, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended,

be amended and reenacted; and that article four of said chapter be amended by adding thereto a new section designated section twenty, all to read as follows:

**ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.**

**§18A-3-3a. Payment of tuition, registration and other fees for teachers; maximum payment per teacher.**

1 (a) The West Virginia department of education shall  
2 promulgate rules to administer the reimbursement of tuition,  
3 registration and other required fees for coursework completed  
4 by teachers in accordance with the provisions of this section.  
5 The rules shall provide for reimbursement for courses com-  
6 pleted toward both certification renewal, and additional  
7 endorsement in a shortage area.

8 (b) As used in this section, the following words and phrases  
9 have the meanings ascribed to them.

10 (1) "Teacher" has the meaning provided in section one,  
11 article one, chapter eighteen of this code.

12 (2) "Shortage area" shall be defined by state board policy  
13 to indicate the subject areas for which an insufficient number of  
14 teachers are available.

15 (3) "Certification" and "certificate" mean a valid West  
16 Virginia:

17 (A) Professional teaching, service or administrative  
18 certificate, or its equivalent; or

19 (B) Provisional professional teaching, service or adminis-  
20 trative certificate, or its equivalent.

21 (4) "Requirements for certification renewal" are those  
22 requirements of the state department of education as provided  
23 in section three of this article.

24 (5) "Requirements for additional endorsement" are those  
25 requirements of the state department of education as provided  
26 in section three of this article.

27 (6) "State institution of higher education" has the meaning  
28 provided in section two, article one, chapter eighteen-b of this  
29 code.

30 (c) To the extent of funds appropriated for the purposes  
31 specified in this section, payment shall be made to any teacher  
32 who:

33 (1) Holds either a valid West Virginia:

34 (A) Certificate; or

35 (B) First class permit for full-time employment; and

36 (2) Is seeking:

37 (A) An additional endorsement in a shortage area, and  
38 either resides in the state or is employed regularly for instruc-  
39 tional purposes in a public school in the state; or

40 (B) Certification renewal, and has a continuing contract  
41 with a county board.

42 (d) The payment shall be made as reimbursement for the  
43 tuition, registration and other required fees for any course  
44 completed at:

45 (1) Any college or university within the state; or

46 (2) A college or university outside the state if prior ap-  
47 proval is granted by the department.

48 (e) A course is eligible for reimbursement if it meets the  
49 requirements for:

50 (1) An additional endorsement in a shortage area; or

51 (2) Certification renewal.

52 (f) In the fiscal year beginning the first day of July, two  
53 thousand two, funds appropriated for the purposes specified in  
54 this section shall be disbursed evenly between courses com-  
55 pleted toward certification renewal and courses completed  
56 toward additional endorsement in a shortage area. Thereafter,  
57 funds shall be divided between renewal and endorsement in the  
58 same proportion that the number of applications for each was  
59 made toward the total number of applications received, except  
60 that reimbursement toward either may not exceed seventy-five  
61 percent of total funds appropriated.

62 (g) Payment made for any single fee may not exceed the  
63 amount of the highest corresponding fee charged at a state  
64 institution of higher education.

65 (h) Reimbursement for courses completed toward certifica-  
66 tion renewal is limited to fifteen semester hours of courses for  
67 any teacher.

68 (i) The West Virginia department of education shall seek  
69 funding from sources other than general revenue appropriation,  
70 including, but not limited to, workforce investment funds.

71 (j) No provision of this section may be construed to require  
72 any appropriation or any specific amount of appropriation for  
73 the purposes specified in this section, or to require the depart-

74 ment to expend funds for those purposes from any other  
75 amounts appropriated for expenditure by the department.

**ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.**

**§18A-4-20. Moving expenses allowed for teachers laid off in  
counties due to lack of need.**

1 (a) From funds appropriated, the department of education  
2 may pay the moving expenses for a teacher who meets the  
3 following criteria:

4 (1) The teacher's position was eliminated as part of a  
5 reduction in force by a West Virginia county school board;

6 (2) The teacher has secured employment for a West  
7 Virginia county school board in another county;

8 (3) The teacher has moved his or her residence to the West  
9 Virginia county in which he or she has gained employment or  
10 to an adjacent county in West Virginia;

11 (4) The teacher is to be employed in a county where  
12 shortages exist either in numbers of teachers or in subject  
13 matter areas as determined by the state board; and

14 (5) As a result of the new employment, it would be imprac-  
15 tical for the teacher to maintain his or her previous residence.

16 (b) The reimbursement shall be for actual expenses and  
17 shall not exceed two thousand five hundred dollars, subject to  
18 the availability of funds.

19 (c) Each county board of education shall send the state  
20 board by the first day of May, annually, a report that includes:

21 (1) The available teacher positions in the county;

22 (2) Any shortages in subject matter areas in the county; and

23 (3) The name of all teachers reduced in force: *Provided*,  
24 That the teacher has permitted the county board to submit his or  
25 her name.

26 (d) The state board shall compile a report including all  
27 information submitted to the state board based on the reports  
28 provided in subsection (c) of this section. The state board shall  
29 send this report to each county board of education. Addition-  
30 ally, the state board shall send a letter to all teachers reduced in  
31 force. This letter shall identify all teacher positions available in  
32 West Virginia and identify those counties where shortages exist  
33 either in numbers of teachers or in subject matter areas.

34 (e) The state board shall promulgate a rule pursuant to the  
35 provisions of article three-b, chapter twenty-nine-a of this code  
36 that implements the provisions of this section. The rule shall  
37 include, but is not limited to:

38 (1) Standards sufficient to define and measure the criteria  
39 set forth in subsection (a) of this section; and

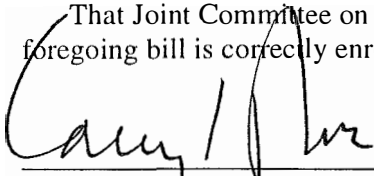
40 (2) A procedure for allocating the funds if the funds  
41 appropriated are insufficient.

42 (f) Nothing in this section shall require any level of  
43 appropriation by the Legislature.

44 (g) The state board shall report to the Legislature by the  
45 first day of January of each year on the number of teachers  
46 being reimbursed.

47 (h) This section shall expire on the first day of July, two  
48 thousand five, unless continued by the Legislature.

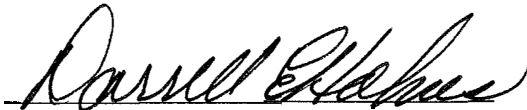
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
\_\_\_\_\_  
Chairman Senate Committee

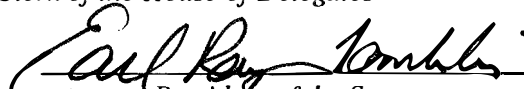
  
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Chairman House Committee

Originating in the House.

In effect July 1, 2002.

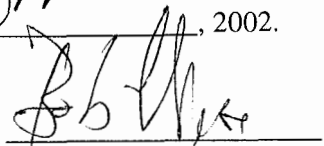
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 3rd  
day of April, 2002.

  
\_\_\_\_\_  
Governor



DATE 10/11/01

BY

DATE

3/27/02

BY

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