WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2002

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4054

(By Delegates Mezzatesta, Williams and Harrison)

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Passed March 9, 2002

In Effect July 1, 2002
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COMMITTEE SUBSTITUTE

FOR

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.

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

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

(1) “Teacher” has the meaning provided in section one, article one, chapter eighteen of this code.

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

(3) “Certification” and “certificate” mean a valid West Virginia:

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

(B) Provisional professional teaching, service or administrative certificate, or its equivalent.
“Requirements for certification renewal” are those requirements of the state department of education as provided in section three of this article.

“Requirements for additional endorsement” are those requirements of the state department of education as provided in section three of this article.

“State institution of higher education” has the meaning provided in section two, article one, chapter eighteen-b of this code.

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

1. Holds either a valid West Virginia:
   a. Certificate; or
   b. First class permit for full-time employment; and

2. Is seeking:
   a. An additional endorsement in a shortage area, and either resides in the state or is employed regularly for instructional purposes in a public school in the state; or
   b. Certification renewal, and has a continuing contract with a county board.

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

1. Any college or university within the state; or
(2) A college or university outside the state if prior approval is granted by the department.

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

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

(2) Certification renewal.

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

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

(h) Reimbursement for courses completed toward certification renewal is limited to fifteen semester hours of courses for any teacher.

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

(j) No provision of this section may be construed to require any appropriation or any specific amount of appropriation for 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
74 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;
(2) Any shortages in subject matter areas in the county; and

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

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

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

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

2. A procedure for allocating the funds if the funds appropriated are insufficient.

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

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

(h) This section shall expire on the first day of July, two 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

Chairman House Committee

Originating in the House.

In effect July 1, 2002.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor