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2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 229**

5 (By Senators Kessler (Acting President) and Hall,  
6 By Request of the Executive)

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8 [Originating in the Committee on Education;  
9 reported February 9, 2011.]  
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13 A BILL to amend the Code of West Virginia, 1931, as amended, by  
14 adding thereto a new article, designated §18-2F-1, §18-2F-2,  
15 §18-2F-3, §18-2F-4, §18-2F-5 and §18-2F-6, all relating to  
16 creating the Math and Science Teacher Loan Assistance Program;  
17 providing legislative purpose; defining certain terms;  
18 creating a special revenue fund; requiring legislative rules;  
19 establishing procedures for identifying public schools or  
20 geographic areas in critical need of math and science  
21 teachers; administering loan assistance program; authorizing  
22 solicitation and certain match of private funds; providing  
23 selection criteria and procedures for candidates; requiring  
24 certain agreements and contracts; establishing conditions for  
25 addressing renewal, noncompliance, deferral and exceptions;  
26 and setting limits on amount of loan assistance per recipient.

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

2       That the Code of West Virginia, 1931, as amended, be amended  
3 by adding thereto a new article, designated §18-2F-1, §18-2F-2,  
4 §18-2F-3, §18-2F-4, §18-2F-5 and §18-2F-6, all to read as follows:

5 **ARTICLE 2F. MATH AND SCIENCE TEACHER LOAN ASSISTANCE PROGRAM.**

6 **§18-2F-1. Definitions.**

7       For the purposes of this article, the following words have the  
8 meanings ascribed to them unless the context clearly indicates a  
9 different meaning:

10       "Agreement" means the loan assistance contract between the  
11 department and the certified teacher seeking an award;

12       "Area of critical need" means a school or geographic area of  
13 West Virginia identified by the department where there exists a  
14 critical shortage of math and science teachers;

15       "Award" means a monetary amount paid from the Math and Science  
16 Teacher Loan Assistance Fund to an eligible recipient's educational  
17 loan institution pursuant to this article;

18       "Department" means the West Virginia Department of Education;

19       "Fund" or "loan fund" means the Math and Science Teacher Loan  
20 Assistance Fund created pursuant to this article;

21       "Program" means the Math and Science Teacher Loan Assistance  
22 Program created pursuant to this article; and

23       "Recipient" means a certified math or science teacher who is  
24 eligible to receive an award pursuant to the terms of this article  
25 and state board rule.

1 **§18-2F-2. Loan assistance program created; purpose; funding;**  
2 **legislative rule required.**

3 (a) There is hereby created the "Math and Science Teacher Loan  
4 Assistance Program". The purpose of the program is to improve the  
5 quality of education in the public schools of the state by  
6 attracting and retaining West Virginia teachers who are certified  
7 to teach math and science in areas of critical need.

8 (b) There is hereby created in the State Treasury a special  
9 revenue fund known as the "Math and Science Teacher Loan Assistance  
10 Fund" to be administered by the department solely for the purposes  
11 set forth in this article.

12 (1) Any moneys appropriated or otherwise designated or  
13 accruing to the fund and all earnings payable to it, including, but  
14 not limited to, those funds identified in subsection (e) of this  
15 section, shall be deposited into the fund.

16 (2) The loan fund shall operate as a special revenue fund  
17 whereby all deposits and payments to the loan fund do not expire to  
18 the General Revenue Fund, but remain in the loan fund and are  
19 available for expenditure in succeeding fiscal years. Balances in  
20 the loan fund shall be invested with the state's consolidated  
21 investment fund.

22 (3) Expenditures from the fund are authorized from  
23 collections.

24 (4) Any moneys repaid to the department by reason of default  
25 of an agreement made pursuant to this article also shall be  
26 deposited into the fund.

1 (c) The state board shall promulgate a legislative rule in  
2 accordance with the provisions of article three-b, chapter  
3 twenty-nine-a of this code for the administration of the program in  
4 furtherance of the purposes of this article. The rule shall  
5 include, but is not limited to, the following:

6 1. Establishing criteria and procedures for identifying  
7 public schools or geographic areas in critical need of math and  
8 science teachers;

9 2. Awarding loan assistance, including establishing  
10 conditions under which partial awards may be granted for less than  
11 a full year of teaching in an area of critical need;

12 3. Determining eligibility for loan assistance renewal;

13 4. Establishing criteria for determining participant  
14 compliance or noncompliance with terms of the agreement and  
15 establishing procedures to address noncompliance including, but not  
16 limited to, repayment, deferral and excusal;

17 5. Establishing procedures ensuring that loan assistance  
18 funds are paid directly to the proper lending entity; and

19 6. Developing model agreements.

20 (d) In accordance with the legislative rule promulgated  
21 pursuant to subsection (c) of this section, the department shall  
22 establish appropriate guidelines for program operation.

23 (e) The department may accept and deposit into the fund any  
24 gift, grant, contribution, bequest, endowment or other moneys  
25 designated to be used for the purposes of this article and may  
26 expend these funds as provided in this article and by state board

1 rule.

2 (f) The department shall encourage support for the program  
3 from private sources and may set aside up to one half of the funds  
4 appropriated by the Legislature to match two state dollars for each  
5 private dollar from a nonstate source deposited into the fund.

6 **§18-2F-3. Selection criteria and procedures.**

7 (a) Eligibility for an award is limited to a teacher who meets  
8 the following requirements:

9 (1) Has earned a teaching degree and is certified to teach  
10 math or science in the public schools of West Virginia. A  
11 certified math or science teacher who is enrolled in advanced  
12 degree courses or who has earned an advanced degree may apply for  
13 an award to be paid toward current or future education loans;

14 (2) Has agreed to teach, or currently is teaching, math or  
15 science in a state school or geographic area of the state  
16 identified as an area of critical need.

17 (b) In accordance with the rule promulgated pursuant to  
18 section two of this article, the department shall develop criteria  
19 and procedures for the administration of the program. These shall  
20 include, but are not limited to, ensuring that awards are given  
21 only on the condition that the recipient adheres to an agreement to  
22 teach math or science in the identified school or geographic area  
23 of critical need.

24 (c) The department shall make available program application  
25 forms to public and private schools in the state via the  
26 department's website and in other locations convenient to potential

1 applicants.

2 **§18-2F-4. Loan assistance agreement.**

3 (a) Before receiving an award, each eligible teacher shall  
4 enter into an agreement with the department and shall meet the  
5 following criteria:

6 (1) Provide the department with evidence of compliance with  
7 subsection (a), section five of this article;

8 (2) Teach math or science full-time under contract with a  
9 county board in an area of critical need for a period of one school  
10 year for each year for which loan assistance is received pursuant  
11 to this article. The department may grant a partial award to an  
12 eligible recipient whose contract term is for less than a full  
13 school year pursuant to criteria established by state board rule.

14 (3) Acknowledge that an award is to be paid to the recipient's  
15 educational loan institution, not directly to the recipient, only  
16 after the department determines that the recipient has complied  
17 with all terms of the agreement; and

18 (4) Repay all or part of an award received pursuant to this  
19 article if the award is not paid to the educational loan  
20 institution or if the recipient does not comply with the other  
21 terms of the agreement.

22 (b) Each agreement shall fully disclose the terms and  
23 conditions under which an award may be granted pursuant to this  
24 article and under which repayment may be required. The agreement  
25 also shall include the conditions and procedures established by  
26 section five of this article.

1 **§18-2F-5. Renewal conditions; noncompliance; deferral; excusal.**

2 (a) The recipient is eligible for renewal only during the  
3 periods when the recipient is under contract with a county board to  
4 teach math or science in a school or geographic area of critical  
5 need and complies with other criteria and conditions the state  
6 board establishes by rule.

7 (b) A recipient is not in violation of the agreement entered  
8 into under section four of this article during any period in which  
9 the recipient meets the following conditions:

10 (1) Serves as a member of the armed services of the United  
11 States for a period not to exceed four years; or

12 (2) Is unable to fulfill the agreement due to death, permanent  
13 or temporary disability or a condition covered under the Family and  
14 Medical Leave Act of 1993.

15 **§18-2F-6. Amount and duration of loan assistance; limits.**

16 (a) Each award recipient is eligible to receive assistance of  
17 up to \$2,000 annually subject to limits set forth in subsection (b)  
18 of this section:

19 (1) If the recipient has taught math or science for a full  
20 school year under contract with a county board in a school or  
21 geographic area of critical need; and

22 (2) If the recipient otherwise has complied with the terms of  
23 the agreement and with provisions of this article and any rules  
24 promulgated pursuant thereto.

25 (b) No recipient may receive loan assistance pursuant to this

1 article which accumulates in excess of \$10,000.