



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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6/2/2020 3:17:17 PM

Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-26
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes
RULE NAME: Underwood-Smith Teaching Scholars Program
and Teacher Education Loan Repayment Program
CITE STATUTORY AUTHORITY: 18B-1-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) House Bill 4480

Section 18B-17-2(jj) Passed On 3/3/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 2, 2020

This rule shall terminate and have no further force or effect from the following date:

July 02, 2025

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Cindy L Anderson -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

SERIES 26
UNDERWOOD-SMITH TEACHING SCHOLARS PROGRAM AND TEACHER EDUCATION
LOAN REPAYMENT PROGRAM

§133-26-1. General.

1.1. Scope. This rule establishes guidelines and procedures which will direct the operation of the Underwood-Smith Teaching Scholars Program and Teacher Education Loan Repayment Program.

1.2. Authority. West Virginia Code §18C-4 et seq.

1.3. Filing Date. -- June 2, 2020.

1.4. Effective Date. – July 2, 2020.

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect upon July 2, 2025.

§133-26-2. Purpose.

2.1. The intent of the legislation creating the Underwood-Smith Teaching Scholars Program is to:

2.1.a. Improve the quality of education in the public schools of West Virginia by encouraging and enabling individuals who have demonstrated outstanding academic abilities to pursue teaching careers in critical shortage fields at the elementary, middle or secondary levels in the public schools of West Virginia.

2.1.b. Make particular efforts to encourage those individuals who have demonstrated outstanding academic abilities to pursue teaching careers by developing selection criteria and procedures to reflect the state's present and projected critical teacher shortage fields.

§133-26-3. Funding.

3.1. A special revolving fund known as the Underwood-Smith Teaching Scholars Program Fund has been created in the State Treasury and is administered by the Vice Chancellor for Administration of the West Virginia Higher Education Policy Commission (Commission) solely to grant scholarships for prospective teachers and loan repayment assistance to teachers and school counselors. Monies received from collections, monies appropriated by the Legislature, interest earned on these monies, and monies received by other sources will be placed in this fund.

3.2. Carry-forward monies shall not expire or revert and will be used for future scholarships.

3.3. Additional funding may be received from gifts, grants, contributions, bequests, or endowments.

3.4. The Vice Chancellor for Administration shall make a reasonable effort to encourage external support for the scholarship program.

3.5. Fund balances shall be invested with the state's consolidated investment fund and interest on these investments shall be used solely for the use that they were appropriated.

3.6. In order to encourage support for the Underwood-Smith Teaching Scholars Program and loan repayment programs, the Vice Chancellor for Administration may set aside up to one-half of the funds appropriated by the Legislature to match non-state source contributions on behalf of a specific institution of higher education in this state. Such match shall be at the rate of two state dollars to each one dollar contributed by a private source.

§133-26-4. Administration.

4.1. The Underwood-Smith Teaching Scholars Program shall be administered by the Vice Chancellor for Administration or her/his designee.

4.2. The Commission, in consultation with the State Superintendent of Schools, shall promulgate reasonable legislative rules for the administration of the program and the Vice Chancellor for Administration, in accordance with such rules, shall establish appropriate guidelines for program operation.

4.3. Recipient awards shall not exceed \$10,000.00 per year for a maximum of four academic years for a baccalaureate degree.

4.4. The Vice Chancellor for Administration shall solicit the views of public and private education agencies and institutions and other interested parties in developing the selection criteria and procedures to be used by the selection panel. These views may be solicited by means of written and published selection criteria and procedures in final form for implementation. Views may also be solicited by means of public hearings on the present and projected teacher needs of the state or any other means the Vice Chancellor may deem appropriate to gather information.

4.5. The Commission and the West Virginia Board of Education jointly shall ensure that Underwood-Smith Teaching Scholar award recipients receive additional academic support and training from mentors in their academic field beginning with the freshman year and continuing through degree completion and the teaching obligation.

4.6. Model agreements between public education and higher education will be developed by Commission staff in collaboration with West Virginia Department of Education staff.

4.7. Critical teacher shortage fields will be identified by the West Virginia Department of Education annually and provided to the Commission.

4.8. Only those institutions that are regionally accredited and offer West Virginia Department of Education approved programs that lead to teacher certification and West Virginia licensure are eligible to participate in the Underwood-Smith Teacher Scholars Program.

4.9. An institution otherwise eligible to participate in Underwood-Smith Teaching Scholars Program under Section 4.8 of this rule shall be excluded from participating by the Vice Chancellor for Administration if:

4.9.a. The institution does not have a signed participation agreement in place; or

4.9.b. The institution has been deemed ineligible to participate in federal student financial aid programs by the United States Department of Education; or

4.9.c. The Commission determines, based upon audits and/or administrative site visits by Commission staff, that the institution has seriously mismanaged the Underwood-Smith Teaching Scholars Program or other state financial aid funds or lacks adequate institutional controls to manage such funds properly.

§133-26-5. Panel Selection Criteria and Procedures.

5.1. The Vice Chancellor for Administration shall appoint a selection panel.

5.1.a. The selection panel shall be comprised of individuals representing higher education, public education, and the community at large.

5.1.b. The selection panel is charged with selecting individuals who meet the eligibility requirements for the Underwood-Smith Teaching Scholars Program.

§133-26-6. Application Process.

6.1. Application forms will be made available to public and private high schools in the state and to public and private colleges in the state.

6.2. Applications may be distributed and the program advertised in locations convenient to applicants, parents and others in an effort to attract students from low income backgrounds, ethnic or racial minority students, students with disabilities, and women or minority students who show interest in pursuing teaching careers in critical teacher shortage areas and who are under represented in those fields. Applications may also be distributed and the program advertised in campus newspapers, agency exhibits, and publications directed at interested parties.

§133-26-7. Eligibility Criteria.

7.1. Academic ability shall be the primary criteria for selecting scholarship recipients.

7.2. The Underwood-Smith Teaching Scholars Program award shall be limited to students who:

7.2.a. Have graduated or are graduating from high school with a cumulative grade point average of at least 3.25 on a 4.0 scale.

7.2.b. Have met the college algebra ready assessment standards and college readiness English, reading, and writing standards as established by the Commission.

7.2.c. Meet any and all selection criteria established by the Vice Chancellor for Administration which may include, but is not limited to, grade point average, involvement in extracurricular activities, financial need, current academic standing, expression of interest as demonstrated in a self-written essay, and letters of recommendation.

7.2.d. Agree to teach in a critical teacher shortage field at the elementary, middle, or secondary level in a public school in the state.

7.3. To be eligible for an award, the applicant must be a citizen of the United States or if a non-citizen, that individual must hold a valid Employment Authorization Document (EAD), or work permit, issued by the United States Citizenship and Immigration Services (USCIS).

7.4. Recipients must be willing to sign a scholarship agreement which shall fully disclose the terms and conditions under which a teaching obligation must be met or repayment may be required.

7.4.a. A recipient may appeal any determination of non-compliance with provisions of the scholarship agreement or provisions of the award by submitting a written appeal of the specific complaint within 30 days of notification of non-compliance. Such appeal will be submitted to the Higher Education Student Financial Aid Advisory Board.

7.4.b. No Underwood-Smith funds will be disbursed until a signed agreement has been received by the Vice Chancellor for Administration.

§133-26-8. Renewal Conditions.

8.1. The recipient of an Underwood-Smith Teaching Scholars award is eligible for scholarship renewal only during those periods when the recipient meets the following conditions:

8.1.a. Is enrolled as a full-time student in a regionally accredited institution of higher education in West Virginia;

8.1.b. Is pursuing a West Virginia Department of Education approved program of study leading to teacher certification and West Virginia licensure in a critical teacher shortage field at the elementary, middle, or secondary level;

8.1.c. Is maintaining satisfactory academic progress as determined by the institution of higher education the recipient is attending;

8.1.d. Is maintaining a grade point average of at least 3.0 on a 4.0 scale; and

8.1.e. Is in compliance with any other standards the Commission may establish.

§133-26-9. Service Obligation.

9.1. Each recipient of the Underwood-Smith Teaching Scholars Program scholarship shall enter into an agreement with the Vice Chancellor for Administration that within one year after completing the teacher education program, the recipient agrees to:

9.1.a. Teach full-time in a critical teacher shortage field under contract with a county board of education in a public education program in West Virginia for a period of five consecutive years.

9.1.b. Perform substitute teaching duties with a county board of education in West Virginia in a critical teacher shortage field at the elementary, middle, or secondary level. Credit received will be pro-rated based on the number of days in the public school system year. A minimum of 60 days of substitute teaching is required to earn any credit toward the teaching obligation.

9.2. If extenuating circumstances exist (see Section 10.4), the Vice Chancellor for Administration may extend the period for fulfilling the obligation.

9.3. It is the responsibility of the recipient to provide the Vice Chancellor for Administration with evidence of compliance with teaching requirements.

§133-26-10. Provisions of Repayment.

10.1. If a recipient does not fulfill the service obligation, he/she will be required to make monetary repayment of the scholarship.

10.2. In addition to the repayment of the scholarship, interest will be charged at a rate prescribed by the Vice Chancellor for Administration and will begin to accrue at the time the repayment period begins.

10.3. If a recipient fulfills a portion of the obligation, interest will accrue from the day on which the recipient ceased to fulfill the obligation. If a recipient is substitute teaching but does not earn enough credit to fulfill any of the obligation, interest will accrue from the beginning of the deferment period.

10.4. In the event of non-compliance, payment in full will normally be expected 60 days from the date of non-compliance. In the event of extenuating circumstances the Vice Chancellor for Administration may approve an alternate payment plan or extend the time period for beginning or fulfilling the teaching obligation.

10.5. A recipient is not in violation of the scholarship agreement during the period in which the recipient meets the following conditions:

10.5.a. Pursuing a full-time course of study at an accredited institution of higher education;

10.5.b. Serving, not in excess of four years, as a member of the armed services of the United States;

10.5.c. Satisfying the provisions of the repayment exemptions that are prescribed by the Commission.

10.3.d. Failing to comply with the terms of the agreement due to death or permanent or temporary disability as established by sworn affidavit of a qualified physician.

10.6. As permitted by federal law, applicable state regulations, and the terms of the scholarship agreement, reasonable collection costs, late charges and attorney fees may be assessed in the collection of delinquent accounts.

10.7. If extenuating circumstances exist, the Vice Chancellor for Administration, upon receipt of appropriate documentation, may extend the period for fulfilling the obligation. Extenuating circumstances include, but are not limited to, a temporary disability, inability to secure a full-time teaching position, or serious family illness.

10.8. When the Commission is advised of a recipient's application for bankruptcy, such application will be considered by the Vice Chancellor for Administration or her/his designee in consultation with the Attorney General's Office.

10.9. When, due to poor health, monetary hardship, or other acceptable reasons, a recipient is unable to make payments, a forbearance may be allowed if the Vice Chancellor for Administration or her/his designee has reason to believe, and so documents in the scholar's file, that the recipient does intend to fulfill the monetary obligation.

10.10. Deferments may also be considered for other conditions and circumstances as may be approved by the Vice Chancellor for Administration.

§133-26-11. Cancellation of Obligation.

11.1. A recipient's service and monetary obligation is excused in the event the recipient:

11.1.a. Becomes permanently and totally disabled as established by sworn affidavit of a qualified physician. The Vice Chancellor for Administration may require additional evidence of the disability.

11.1.b. Is deceased. A copy of the death certificate must be submitted.

§133-26-12. Relationship to Other Financial Assistance.

12.1. Underwood-Smith Teaching Scholars Program awards plus other financial assistance shall not exceed the cost of attendance at the institution the student is attending. Cost of attendance will be provided by a financial aid officer at the school of attendance. Cost of attendance will include the cost of tuition and fees, reasonable allowances for books, educational supplies, room and board, and other expenses necessitated by individual circumstances such as a physical disability.

12.2. Should the scholarship award plus the amount of other financial awards exceed the cost of attendance, the institution's financial aid officer, in consultation with the recipient will determine what aid is to be reduced. This adjustment should be to the best advantage of the recipient.

12.3. Institutions are strongly encouraged to allow flexibility in the use of institution based financial aid awards so that they can be used in conjunction with the Underwood-Smith Teaching Scholar award.

§133-26-13. Collections.

13.1. Institutions' and Commission staff shall exercise due diligence in collecting monetary repayments from scholarship recipients.

13.2. Institutional due diligence means:

13.2.a. Conducting and documenting an entrance interview (individually or in groups) with the scholarship recipient before disbursing funds in an academic year. This requirement may be met by correspondence if the institution determines that a face-to-face meeting is not practical.

13.2.b. Conducting and documenting an exit interview with the scholarship recipient in which the institution provides the borrower with information necessary to carry out the terms of repayment, reminds the recipient of the rights and responsibilities associated with the scholarship funds and updates the recipient's personal information to assist in locating the recipient if he or she fails to keep the institution or the Commission informed of his or her current address.

13.3. Commission due diligence means:

13.3.a. Notifying the scholarship recipient of his/her obligations at least twice annually during any grace or deferment period.

13.3.b. Performing regular billing.

13.3.c. Following up past due payments with a series of at least four documented and reasonably spaced attempts to contact the borrower, at least three of which must be in writing at not more than 30-day intervals, before the obligation becomes 150 days past due, provided that the Commission has a current address for the borrower.

13.3.d. Performing address searches when necessary.

13.3.e. Referring defaulted scholarships more than 150 days past due to the Secretary of the Department of Administration or to a collection agent.

13.4. In place of one or more of the procedures outlined above, institutions and Commission staff may substitute collection techniques that are equally or more effective.

§133-26-14. Teacher Education Loan Repayment Program Eligibility.

14.1. The Higher Education Student Financial Aid Advisory Board or those designated by the Higher Education Student Financial Aid Advisory Board shall select recipients to receive Underwood-Smith Teacher Education Loan Repayment Program award.

14.2. Eligibility for an award is limited to an individual who is currently employed in a public school in West Virginia as a teacher in a critical teacher shortage field or as a school counselor at the elementary, middle, or secondary level in a school or geographic area of critical need.

14.3. Priority shall be given to new teachers and teachers who have previously received a loan assistance award that shall agree to teach or shall currently be teaching: a subject area of critical need in a state public school, or a school counselor at the elementary, middle, or secondary level currently employed in a geographic area of the state identified as an area of critical need for such a field. The Vice Chancellor for Administration may develop additional eligibility criteria.

14.4. The Commission shall consult with the State Department of Education annually to determine the subject areas of critical need and the geographic areas of the state in critical need.

§133-26-15. Loan Repayment Program Application.

15.1. Application forms shall be made available to public and private schools in the state via the Commission and the State Department of Education's websites and in other locations convenient to potential applicants.

15.2. Applications will be submitted on an application form approved by the Vice Chancellor for Administration.

15.3. Applications must be submitted by such deadline as may be designated by the Vice Chancellor for Administration.

§133-26-16. Loan Repayment Program Agreement.

16.1. Before receiving an award, each eligible teacher shall enter into an agreement with the Vice Chancellor for Administration.

16.2. Recipients shall be employed full-time as a teacher or school counselor in a public school in West Virginia in a subject area or geographic area of critical need under contract with a county board for a period of two school years for each year for which loan assistance is received.

16.3. The Vice Chancellor for Administration may grant a partial award to an eligible recipient whose contract term is for less than a full school year. A partial award is calculated by prorating the full award amount based upon the number of days taught in the school's calendar year.

§133-26-17. Loan Repayment Program Awards.

17.1. Each award recipient is eligible to receive loan assistance not less than \$3,000 annually.

17.1.a. The loan amount will be determined annually by the Vice Chancellor for Administration.

17.1.b. The loan amount is based upon funding availability.

17.2. Awards will be paid to the recipient's educational loan institution, not directly to the recipient, only after the Commission determines that the recipient has complied with all the terms of the agreement.

17.3. Recipients may have their award terminated or may be required to repay all or part of an award according to the terms of Section 10 of this rule if the recipient does not comply with the terms of the agreement.

17.4. Award amounts shall not exceed the applicant's outstanding loan balance.

17.5. Loans eligible for loan repayment assistance are federal student loans in the applicant's name that were used for educational costs associated with obtaining a degree in school counseling, teaching or a teaching credential. Parent PLUS Loans are not eligible for loan repayment assistance.

17.6. Loan repayment assistance shall not reimburse applicants for payments to loans already made.

17.7. Federal teacher loan forgiveness programs shall be considered when awards are calculated.

17.8. Recipients shall annually submit proof of fulfillment of the terms of the loan assistance agreement to the Commission in accordance with the loan assistance agreement. The award may be canceled if the recipient does not submit proof of fulfillment of the terms of the loan assistance agreement by the required deadline.

17.9. Half of the annual award will be paid after fulfilling the first year of the agreement; the second half of the annual award will be paid after fulfilling the second year of the agreement.

§133-26-18. Loan Repayment Program Renewals.

18.1. The recipient is eligible for renewal of loan assistance only during the periods when the recipient is under contract with a county board to teach in a critical teacher shortage field or serve as a school counselor at the elementary, middle, or secondary level in a school or geographic area of critical need.

18.2. An applicant must have completed the terms of previous loan assistance awards before being renewed.

18.3. A renewal applicant who is teaching or serving as a school counselor under a contract in a position that no longer meets the definition of critical need defined in Section 14.4 above is eligible for renewal of loan assistance until the teacher leaves his or her current position.

18.4. No recipient may receive loan assistance which accumulates in excess of an amount established by the Commission.

§133-26-19. Loan Repayment Program Cancellation.

19.1. A recipient's service and monetary obligation is excused in the event the recipient meets the terms of Section 12 of this rule.

§133-26-20. Loan Assistance Deferment.

20.1. A recipient is not considered in violation of the agreement entered into and is eligible for consideration of deferment of fulfilling the obligation if the recipient meets the terms of Section 11 of this rule.