

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Higher Education Policy Commission TITLE NUMBER: 133

RULE TYPE: Legislative CITE AUTHORITY: § 18C-4 et seq.

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 26

TITLE OF RULE BEING PROPOSED: Underwood-Smith Teacher Scholarship Program

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON May 24, 2002 AT 10:00 AM ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Office of the Chancellor
Higher Education Policy Commission
1018 Kanawha Blvd. East
Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

J. Michael Mullen, Jr.
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

4.20

TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION

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SERIES 26
UNDERWOOD-SMITH TEACHER SCHOLARSHIP PROGRAM

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes guidelines and procedures which will direct the operation of the Underwood-Smith Teacher Scholarship Program.
- 1.2 Authority - West Virginia Code §18C-4 et seq.
- 1.3 Filing Date –
- 1.4 Effective Date –
- 1.5 Repeals and replaces Title 128, Series 52 and Title 131, Series 52

SECTION 2. PURPOSE

- 2.1 The intent of the legislation creating the Underwood-Smith Teacher Scholarship Program is to:
 - 2.1.1 Improve the quality of education in the public schools of West Virginia by encouraging and enabling West Virginia residents who have demonstrated outstanding academic abilities to pursue teaching careers at the pre-school, elementary, middle or secondary levels in the public schools of West Virginia.
 - 2.1.2 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 teacher needs, including needs statewide and in different geographic areas and for teachers with education and training in specific disciplines.

SECTION 3. FUNDING

- 3.1 A special revolving fund known as the Underwood-Smith Teacher Scholarship Fund has been created in the State Treasury and is administered by Vice Chancellor for Administration of the West Virginia Higher Education Policy Commission solely to grant scholarships for prospective teachers. Monies received from collections, monies

appropriated by the Legislature, interest earned on these monies, and monies received by the from 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.
- 3.6 In order to encourage support for the Underwood-Smith Teacher Scholarship Program, 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.

SECTION 4. ADMINISTRATION

- 4.1 The Underwood-Smith Teacher Scholarship Program shall be administered by the Vice Chancellor for Administration or her/his designee.
- 4.2 The Higher Education Policy 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 Scholar awards shall not exceed \$5,000.00 per year for a maximum of four academic years for a baccalaureate degree and/or two academic years for a master's 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.

SECTION 5. PANEL SELECTION CRITERIA AND PROCEDURES

- 5.1 The Governor will designate an existing scholarship selection agency or panel to select Underwood-Smith Teacher Scholarship recipients or, if no such agency or panel exists, will appoint a scholarship selection panel consisting of seven persons representative of public school administrators, teachers, including pre-school teachers, and parents.

SECTION 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 to interested parties such as, but not limited to, the National Association for the Advancement of Colored People, Division of Rehabilitation Services, and West Virginia's Women's Commission 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 mathematics and science 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.
- 6.3 In times of limited funding or limited teaching jobs in West Virginia, priority will be given to upper division college applicants.

SECTION 7. ELIGIBILITY CRITERIA

- 7.1 Academic ability shall be the primary criteria for selecting scholarship recipients.
- 7.2 To be eligible to receive an Underwood-Smith Teacher Scholarship, applicants/renewals must be West Virginia residents who are or will be enrolled on a full-time basis in an accredited institution of higher education in West Virginia pursuing a course of study leading to teacher certification at the preschool, elementary, middle or secondary level in West Virginia who:
 - 7.2.1 Have graduated or are graduating from high school in the top 10 percent of their graduating class or the top ten percent statewide of those West Virginia students taking the American College Test or the Scholastic Assessment Test as determined by the Vice Chancellor for Administration.

- 7.2.2 Have completed less than two years of college and have at least a 3.25 cumulative grade point average on a possible 4.0 scale; or
 - 7.2.3 Are public school aides, paraprofessionals or other applicants who have completed two years of college work and have a cumulative grade point average of at least 3.25 on a possible 4.0 scale; or
 - 7.2.4 Are graduate students who have graduated or will be graduating with at least a 3.5 grade point average on a possible 4.0 scale from their undergraduate institution.
- 7.3 Recipients must be willing to sign a scholarship agreement which shall fully disclose the terms and conditions under which teaching obligation must be met or repayment may be required.
- 7.3.1 A scholar may appeal any determination of non-compliance with provisions of the scholarship agreement by submitting a written appeal of the specific complaint within 30 days of notification of non-compliance. Such appeal will be submitted to the Vice Chancellor for Administration or her/his designee for a decision.
 - 7.3.2 No Underwood-Smith funds will be disbursed until a signed agreement has been received by the Vice Chancellor for Administration.
- 7.4 In addition to academic criteria, the following may be considered in the selection of the Underwood-Smith Teacher Scholarship recipients: Pursuit of a degree in a teaching need area as determined by the State Board of Education, grade point average, involvement in extra-curricular activities, financial need, a written essay in which the applicant expresses her/his interest in teaching, and reference letters from faculty members

SECTION 8. SERVICE OBLIGATION

- 8.1 Each recipient of the Underwood-Smith Teacher Scholarship shall enter into an agreement with the Vice Chancellor for Administration that within a ten-year period after completing the teacher education program, the recipient agrees to:
- 8.1.1 Teach full-time under contract with a county board of education in a public education program in West Virginia for two years for each year for which the scholarship was received; or
 - 8.1.2 Teach full-time in West Virginia, one year for each year for which the scholarship was received, under contract with a county board of education in West Virginia in a teacher shortage area, in an

exceptional children program, in a school having less than average academic results or in a school in an economically disadvantaged area as determined by the State Board of Education; or

8.1.3 Perform substitute teaching duties with a county board of education in West Virginia for two years for each year for which the scholarship was received or if teaching in West Virginia in a teacher shortage area, in an exceptional children program, in a school having less than average academic results or in a school in an economically disadvantaged area as determined by the State Board of Education teach one year for each year the scholarship was received. 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.

8.2 If a recipient is seeking and unable to secure a position as set out in Section 8.1 of this rule following completion of the teacher education program, he/she may be considered for additional options to fulfill the service obligation. Qualifying optional service will be credited at the rate of two years of service for each year the scholarship was received. Such service must be certified in writing by an appropriate employing official and be approved in advance by the Vice Chancellor for Administration or her/his designee. Additional options include:

8.2.1 Teach full-time or permanent part-time in a private school, parochial or other school approved under exemptions (A) or (K) for the instruction of students of compulsory school age pursuant to section one, article eight, chapter eighteen of the West Virginia state code or in an accredited higher education institution or accredited post-secondary vocational education program in West Virginia; or

8.2.2 Perform alternative service or employment in West Virginia in federal, state, county or local supported program with an educational component, including mental or physical health care. A minimum of seventy-five percent of the work assignments must involve the educational component to be considered for credit through alternative service or employment. This may include, but not be limited to, those employed as librarians, guidance counselors, instructors at prisons or juvenile correctional facilities, and certain federal early outreach and student services employees; or

8.2.3 Perform alternative service with a bona fide tax exempt charitable organization dedicated to the above. Any such employee must

meet the education component criteria and percentage as set out in Section 8.2.2.

- 8.3 If extenuating circumstances exist (see Section 9.4), the Vice Chancellor for Administration may extend the period for fulfilling the obligation to fifteen years.
- 8.4 It is the responsibility of the recipient to provide the Vice Chancellor for Administration with evidence of compliance with teaching requirements.

SECTION 9. MONETARY REPAYMENT

- 9.1 If a recipient does not fulfill the service obligation, he/she will be required to make monetary repayment of the scholarship.
- 9.2 In addition to the repayment of the scholarship, interest will accrue at a rate set at the greater of the new borrower rates for either the federal Stafford or PLUS loan programs. Interest rates will be adjusted annually on July 1 from the time the interest begins to accrue to the time the repayment period begins.
- 9.3 In the event of non-compliance, interest will accrue from the date of the first scholarship disbursement. If a scholar fulfills a portion of the obligation, interest will accrue from the day on which the scholar ceased to fulfill the obligation. If a scholar is substitute teaching but does not earn enough credit to fulfill any of the obligation, interest will accrue from the date of graduation.
- 9.4 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.
- 9.5 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.
- 9.6 If extenuating circumstances exist, the Vice Chancellor for Administration, upon receipt of appropriate documentation, may extend the period for fulfilling the obligation to fifteen years. Extenuating circumstances include, but are not limited to, a temporary disability, inability to secure a full-time teaching position, or serious family illness.
- 9.7 When the West Virginia Higher Education Policy Commission is advised of a scholar'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.

- 9.8 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 scholar does intend to fulfill the monetary obligation.

SECTION 10. DEFERMENT PROVISIONS

- 10.1 A recipient is not considered in violation of the agreement entered into and is eligible for consideration of deferment of fulfilling the obligation, including the cessation of interest accrual, provided he/she is:
- 10.1.1 Pursuing a full-time course of study at an accredited institution of higher education. The student must provide documentation of enrollment on a semester basis.
 - 10.1.2 Serving on active duty, not in excess of four years, as a member of the armed services of the United States. Scholar must provide documentation from an authorized military official of start date of active duty and discharge date.
 - 10.1.3 Seeking and unable to find full-time employment with a county board of education in West Virginia or acceptable alternative service employment pursuant to Section 8.2. This deferment shall not exceed up to 27 months. To receive this deferment, a scholar must annually provide documentation signed by a school official from two county boards of education verifying that an application for full-time employment is on file.
 - 10.1.4 Seeking and unable to find any full-time employment. This deferment can be approved for a single period not to exceed 12 months. Copies of written correspondence with potential employers and/or other appropriate documentation must be provided every six months.
 - 10.1.5 Providing care for a disabled spouse for a period not to exceed 12 months. A sworn affidavit from a qualified physician must be submitted every six months.

10.1.6 Temporarily totally disabled for a period not to exceed three years. Proof of disability must be established by a sworn affidavit of a qualified physician and verified on an annual basis.

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

SECTION 11. CANCELLATION OF OBLIGATION

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

11.1.1 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.

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

SECTION 12 RELATIONSHIP TO OTHER FINANCIAL ASSISTANCE

12.1 Underwood-Smith Teacher Scholarship 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 scholar.

SUMMARY

**TITLE 133
LEGISLATIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 26
UNDERWOOD-SMITH TEACHER SCHOLARSHIP PROGRAM**

This rule establishes guidelines and procedures which will direct the operation of the Underwood-Smith Teacher Scholarship Program.

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APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 133-26: Underwood-Smith Teacher Scholarship Program

Type of Rule: Legislative Interpretive Procedural

Agency: Higher Education Policy Commission

Address: 1018 Kanawha Boulevard East
Charleston, WV 25301

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	-0-	-0-	-0-	-0-	-0-
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

There is no cost to implementation of this rule. It is procedural.

3. Objectives of These Rules:

This rule establishes guidelines and procedures for operation of the Underwood-Smith Scholarship Program.

Rule Title: 133-26: Underwood-Smith Teacher Scholarship Program

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

None

C. Economic Impact on Citizens/Public at Large.

None

Date: April 24, 2002

Signature of Agency Head or Authorized Representative:

J. Michael Mullen, jdm