

1 **H. B. 3195**

2
3 (By Delegate Morgan)

4 [Introduced February 18, 2011; referred to the
5 Committee on Education then the Judiciary.]

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10 A BILL to amend and reenact §18A-3-2a of the Code of West Virginia,
11 1931, as amended, relating to providing eligibility for a
12 license to teach in the public schools for candidates who are
13 not United States citizens.

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

15 That §18A-3-2a of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

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

19 **§18A-3-2a. Authority of state superintendent to issue**
20 **certificates; kinds of certificates.**

21 In accordance with State Board of Education rules for the
22 education of professional educators adopted after consultation with
23 the Secretary of Education and the Arts, the State Superintendent

1 of Schools may issue certificates valid in the public schools of
2 the state. ~~Provided, That~~ A certificate ~~shall not~~ may be issued to
3 ~~any~~ a person who is ~~not~~ a citizen of the United States; is ~~not~~ of
4 good moral character; ~~and~~ is physically, mentally and emotionally
5 qualified to perform the duties for which the certification would
6 be granted; and who has ~~not~~ attained the age of eighteen years on
7 or before October 1 of the year in which the certificate is issued:
8 ~~Provided, however, That~~ An exchange teacher from a foreign country
9 or an alien person who meets the requirements to teach may be
10 granted a permit to teach within the public schools of the state._
11 A candidate from a foreign country may be eligible for a license to
12 teach in the public schools of the state by:

13 (1) Obtaining a satisfactory score on a test of English
14 language proficiency;

15 (2) Providing evidence of a resident alien visa or a
16 Declaration of Intent to become a United States citizen; and

17 (3) Meeting other requirements established by the state board.

18 Certificates authorized to be issued include:

19 (1) *Professional teaching certificates.*-- A professional
20 teaching certificate for teaching in the public schools may be
21 issued to a person who:

22 (A) Has at least a bachelor's degree from an accredited
23 institution of higher education in this state, has completed a
24 program for the education of teachers which meets the requirements

1 approved by the State Board of Education or has met equivalent
2 standards at institutions in other states and has passed
3 appropriate state board approved basic skills and subject matter
4 tests or has completed three years of successful experience within
5 the last seven years in the area for which licensure is being
6 sought; or

7 (B) Has at least a bachelor's degree in a discipline taught in
8 the public schools from an accredited institution of higher
9 education, has passed appropriate state board approved basic skills
10 and subject matter tests or has completed three years of successful
11 experience within the last seven years in the area for which
12 licensure is being sought, has completed an alternative program for
13 teacher education approved by the state board and is recommended
14 for a certificate by the chairperson of the professional support
15 team of the person's alternative program or the state
16 superintendent based on documentation submitted.

17 The certificate shall be endorsed to indicate the grade level
18 or levels or areas of specialization in which the person is
19 certified to teach or to serve in the public schools. The initial
20 professional certificate ~~shall be~~ is issued provisionally for a
21 period of three years from the date of issuance and may be
22 converted to a professional certificate valid for five years
23 subject to successful completion of a beginning teacher internship,
24 if applicable, or renewed subject to rules adopted by the state

1 board.

2 (2) *Professional administrative certificate.*-- A professional
3 administrative certificate, endorsed for serving in the public
4 schools with specific endorsement as a principal, vocational
5 administrator, supervisor of instructions or superintendent, may be
6 issued to a person who has completed requirements, ~~all~~ to be
7 approved by the state board, as follows: For a master's degree
8 from an institution of higher education accredited to offer a
9 master's degree, has successfully completed an approved program for
10 administrative certification, developed by the State Board of
11 Education in cooperation with the ~~governing boards of the~~
12 ~~university of West Virginia system and the state college system,~~
13 West Virginia Higher Education Policy Commission, has successfully
14 completed education and training in evaluation skills through the
15 center for professional development or equivalent education and
16 training in evaluation skills and three years of management level
17 experience. ~~Provided, That Anyone~~ A person having received a
18 certificate during the period from August 30, ~~one thousand nine~~
19 ~~hundred ninety,~~ 1990, until the effective date of this bill without
20 having met the above requirements shall complete those requirements
21 within five years after the effective date of this bill. ~~Provided,~~
22 ~~however, That~~ Any person serving in the position of dean of
23 students on the effective date of this section ~~shall not be~~ is not
24 required to hold a professional administrative certificate.

1 Beginning September 1, 1992, the initial professional
2 administrative certificate ~~shall be~~ is issued provisionally for a
3 period of five years. This certificate may be converted to a
4 professional administrative certificate valid for five years or
5 renewed subject to the regulations of the state board.

6 (3) *Paraprofessional certificate.*-- A paraprofessional
7 certificate may be issued to a person who has completed thirty-six
8 semester hours of post-secondary education or its equivalent in
9 subjects directly related to performance of the job, ~~all~~ approved
10 by the state board, and can demonstrate the proficiencies to
11 perform duties as required of a paraprofessional as defined in
12 section eight, article four of this chapter.

13 (4) *Other certificates; permits.*-- Other certificates and
14 permits may be issued, subject to the approval of the state board,
15 to persons who do not qualify for the professional or
16 paraprofessional certificate. Such certificates or permits ~~shall~~
17 ~~not be~~ are not given permanent status and persons holding such
18 shall meet renewal requirements provided by law and by regulation
19 unless the state board declares certain of these certificates to be
20 the equivalent of the professional certificate.

21 Within the category of other certificates and permits, the
22 state superintendent may issue certificates for persons to serve in
23 the public schools as athletic coaches or other extracurricular
24 activities coaches whose duties may include the supervision of

1 students, subject to the following limitations:

2 (A) Such person ~~shall be~~ is employed under a contract with the
3 county board of education which specifies the duties to be
4 performed ~~which specifies~~ and a rate of pay equivalent to the rate
5 of pay for professional educators in the district who accept
6 similar duties as extra duty assignments and which provides for
7 liability insurance associated with the activity. ~~Provided, That~~
8 Such persons ~~shall not be considered~~ are not employees of the board
9 for salary and benefit purposes other than as specified in the
10 contract;

11 (B) A currently employed certified professional educator has
12 not applied for the position; and

13 (C) Such person completes an orientation program designed and
14 approved in accordance with state board rules which shall be
15 adopted no later than January 1, 1991.

NOTE: The purpose of this bill is to provide eligibility for a license to teach in the public schools for candidates who are not United States citizens.

Strike-throughs indicate existing language that would be removed and underscoring indicates new language that would be added.