

**Senate Bill No. 404**

(By Senators Wills, Plymale, Browning, Snyder, Yost, Miller,  
Laird, Klempa, Tucker, Unger and Kessler (Mr. President))

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[Introduced January 24, 2012; referred to the Committee on  
Education.]  
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A BILL to amend and reenact §18A-3-2a of the Code of West Virginia,  
1931, as amended, relating to issuance of a barrister's  
certificate to teach course-specific curricula in West  
Virginia public schools.

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

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

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

**§18A-3-2a. Authority of State Superintendent to issue  
certificates; kinds of certificates.**

In accordance with State Board of Education rules for the  
education of professional educators adopted after consultation with  
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 be issued to any  
3 person who is not a citizen of the United States, is not of good  
4 moral character and physically, mentally and emotionally qualified  
5 to perform the duties for which the certification would be granted  
6 and who has not attained the age of eighteen years on or before  
7 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 Certificates authorized to be issued include:

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

15 (A) Has at least a bachelor's degree from an accredited  
16 institution of higher education in this state, has completed a  
17 program for the education of teachers which meets the requirements  
18 approved by the State Board of Education or has met equivalent  
19 standards at institutions in other states and has passed  
20 appropriate state board approved basic skills and subject matter  
21 tests or has completed three years of successful experience within  
22 the last seven years in the area for which licensure is being  
23 sought; or

24 (B) Has at least a bachelor's degree in a discipline taught in

1 the public schools from an accredited institution of higher  
2 education, has passed appropriate state board approved basic skills  
3 and subject matter tests or has completed three years of successful  
4 experience within the last seven years in the area for which  
5 licensure is being sought, has completed an alternative program for  
6 teacher education approved by the state board and is recommended  
7 for a certificate by the chairperson of the professional support  
8 team of the person's alternative program or the State  
9 Superintendent based on documentation submitted.

10 The certificate shall be endorsed to indicate the grade level  
11 or levels or areas of specialization in which the person is  
12 certified to teach or to serve in the public schools. The initial  
13 professional certificate shall be issued provisionally for a period  
14 of three years from the date of issuance and may be converted to a  
15 professional certificate valid for five years subject to successful  
16 completion of a beginning teacher internship, if applicable, or  
17 renewed subject to rules adopted by the state board.

18 (2) *Professional administrative certificate.* -- A professional  
19 administrative certificate, endorsed for serving in the public  
20 schools, with specific endorsement as a principal, vocational  
21 administrator, supervisor of instructions or superintendent, may be  
22 issued to a person who has completed requirements all to be  
23 approved by the state board as follows: For a master's degree from  
24 an institution of higher education accredited to offer a master's

1 degree, has successfully completed an approved program for  
2 administrative certification, developed by the State Board of  
3 Education in cooperation with the governing boards of the  
4 university of West Virginia system and the state college system,  
5 has successfully completed education and training in evaluation  
6 skills through the center for professional development, or  
7 equivalent education and training in evaluation skills, and three  
8 years of management level experience: ~~Provided, That anyone having~~  
9 ~~received a certificate during the period from August 30, 1990,~~  
10 ~~until the effective date of this bill without having met the above~~  
11 ~~requirements shall complete those requirements within five years~~  
12 ~~after the effective date of this bill: Provided, however~~ That any  
13 person serving in the position of dean of students on the effective  
14 date of this section shall not be required to hold a professional  
15 administrative certificate. Beginning September 1, 1992, the  
16 initial professional administrative certificate shall be issued  
17 provisionally for a period of five years. This certificate may be  
18 converted to a professional administrative certificate valid for  
19 five years or renewed, subject to the regulations of the state  
20 board.

21 (3) *Paraprofessional certificate.* -- A paraprofessional  
22 certificate may be issued to a person who has completed thirty-six  
23 semester hours of post-secondary education or its equivalent in  
24 subjects directly related to performance of the job, all approved

1 by the state board, and can demonstrate the proficiencies to  
2 perform duties as required of a paraprofessional as defined in  
3 section eight, article four of this chapter.

4 (4) Barrister's certificate. -- A barrister's certificate may  
5 be issued to a person: (A) Admitted to the practice of law in West  
6 Virginia pursuant to the rules promulgated by the Supreme Court of  
7 Appeals of West Virginia; (B) in good standing with the West  
8 Virginia State Bar; and (C) demonstrates to the State  
9 Superintendent of Schools the professional experience necessary to  
10 serve as a volunteer professional educator in course specific  
11 curricula. The certificate shall be endorsed to indicate the grade  
12 level or levels or areas of specialization in which the person is  
13 certified to professionally teach or to serve in the public  
14 schools.

15 ~~(4)~~ (5) Other certificates; permits. -- Other certificates and  
16 permits may be issued, subject to the approval of the state board,  
17 to persons who do not qualify for the professional or  
18 paraprofessional certificate. ~~Such~~ These certificates or permits  
19 shall not be given permanent status and persons holding such shall  
20 meet renewal requirements provided by law and by regulation, unless  
21 the state board declares certain of these certificates to be the  
22 equivalent of the professional certificate.

23 Within the category of other certificates and permits, the  
24 state superintendent may issue certificates for persons to serve in

1 the public schools as athletic coaches or other extracurricular  
2 activities coaches whose duties may include the supervision of  
3 students, subject to the following limitations: (A) Such person  
4 shall be employed under a contract with the county board of  
5 education which specifies the duties to be performed, which  
6 specifies a rate of pay equivalent to the rate of pay for  
7 professional educators in the district who accept similar duties as  
8 extra duty assignments and which provides for liability insurance  
9 associated with the activity: *Provided*, That such persons shall  
10 not be considered employees of the board for salary and benefit  
11 purposes other than as specified in the contract; (B) a currently  
12 employed certified professional educator has not applied for the  
13 position; and (C) such person completes an orientation program  
14 designed and approved in accordance with state board rules which  
15 shall be adopted no later than January 1, 1991.

NOTE: The purpose of this bill is to permit the issuance of a barrister's certificate to teach course specific curricula in West Virginia public schools.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.