

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



# ENROLLED

COMMITTEE SUBSTITUTE

FOR

**House Bill No. 4122**

(By Delegates Perry, Shaver, Campbell,  
Lawrence, Pethel, Armstead, Duke,  
Savilla, Sigler, Paxton and M. Poling)



Passed March 2, 2012

To Take Effect Ninety Days From Passage

# **E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

## **H. B. 4122**

---

(BY DELEGATES PERRY, SHAVER, CAMPBELL,  
LAWRENCE, PETHTEL, ARMSTEAD, DUKE,  
SAVILLA, SIGLER, PAXTON AND M. POLING)

---

[Passed March 2, 2012; to take effect ninety days from passage.]

AN ACT to amend and reenact §18A-3-1a and §18A-3-1b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18A-3-12, all relating to alternative programs for teacher education; providing definitions; including entity affiliated with approved teacher education programs to be a partner in offering programs; defining approved education provider; modifying definition of area of critical need and shortage; generally reorganizing section, updating terms and eliminating duplicative language; modifying alternative program teacher certificate requirements; eliminating requirement to post position of alternative program teacher each year prior to rehiring; authorizing alternative methods of instructional delivery and candidate supervision and modifying existing methods; modifying professional support team provisions; modifying reporting and recommendation requirements; requiring certain legislative rules; and requiring teacher education programs to cooperate with the state board to ensure

that certain assistance is provided to help students pursuing a teaching degree and certified teachers attain the required hours to earn a Technology Integration Specialist Advanced Credential.

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

That §18A-3-1a and §18A-3-1b of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §18A-3-12, all to read as follows:

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

**§18A-3-1a. Alternative programs for the education of teachers;  
legislative rules required.**

1 (a) *Definitions.* -- For the purposes of this section, the  
2 following terms have the meaning ascribed to them, unless  
3 the context in which a term is used clearly requires a different  
4 meaning:

5 (1) “Alternative program teacher certificate” means a  
6 certificate issued for one year to a candidate who does not  
7 meet the standard educational requirements for teacher  
8 certification;

9 (2) “Approved education provider” means a partnership  
10 between one or more schools, school districts or regional  
11 educational service agencies and an institution of higher  
12 education in this state with a regionally accredited program  
13 for the education of professional educators approved by the  
14 state board or an entity affiliated with such an institution’s  
15 approved program, that has submitted to the state board a  
16 plan and agreement between the organizations for the

17 delivery of an alternative program in accordance with this  
18 section, and the state board has approved the plan and  
19 agreement; and

20 (3) “Area of critical need and shortage” means an  
21 opening in an established, existing or newly-created position  
22 which has been posted at least two times in accordance with  
23 section seven-a, article four of this chapter and for which no  
24 fully-qualified applicant has been employed.

25 (b) *Establishment of alternative teacher education*  
26 *programs.* -- After consultation with the Secretary of  
27 Education and the Arts and the Chancellor of the Higher  
28 Education Policy Commission, the state board shall  
29 promulgate a legislative rule or rules in accordance with  
30 article three-b, chapter twenty-nine-a of this code to  
31 implement the provisions of this section. The proposed rule  
32 or rules shall be submitted to the Legislative Oversight  
33 Commission on Education Accountability for review prior to  
34 adoption. The rule or rules shall include, but are not limited  
35 to, the following issues:

36 (1) Separate procedures for the approval and operation of  
37 each of the alternative teacher education programs as  
38 provided in this section:

39 (A) These programs are an alternative to the regular  
40 college or university programs for the education of teachers  
41 and may only be offered by approved education providers;  
42 and

43 (B) Each program is separate from other programs  
44 established by this section;

45 (2) Procedures for approving an approved education  
46 provider as defined in this section. Approval is required prior

47 to implementation of the provider's program leading to  
48 certification to teach in the public schools of this state;

49 (3) An alternative program teacher may not be employed  
50 in a school, school district or regional educational service  
51 agency unless the school, school district or regional  
52 educational service agency is a part of a partnership that  
53 qualifies as an approved education provider as defined in  
54 subsection (a) of this section;

55 (4) Provisions for setting tuition charges to offset  
56 program costs;

57 (5) The recommendation to rehire an alternative  
58 education program teacher is subject to satisfactory progress  
59 in the applicable alternative education program by the holder  
60 of the alternative program certificate; and

61 (6) When making decisions affecting the hiring of a  
62 teacher authorized to teach under an alternative program  
63 certificate as provided in this section, a county board shall  
64 give preference to applicants who hold a valid West Virginia  
65 professional teaching certificate.

66 (c) *Alternative teacher education program.* --

67 (1) To participate in an approved alternative teacher  
68 education program, the candidate must hold an alternative  
69 program teacher certificate issued by the state superintendent  
70 and endorsed for the instructional field in which the candidate  
71 seeks certification.

72 (2) The certificate may be renewed twice and no  
73 individual may hold an alternative program teacher certificate  
74 for a period exceeding three years. The alternative program  
75 teacher certificate is equivalent to a professional teaching  
76 certificate for the purpose of issuing a continuing contract.

77 (3) To be eligible for an alternative program teacher  
78 certificate, an applicant shall meet the following criteria:

79 (A) Possess at least a bachelor's degree from a regionally  
80 accredited institution of higher education in a discipline  
81 taught in the public schools.

82 (B) Pass the same basic skills and subject matter test or  
83 tests required by the state board for traditional program  
84 candidates to become certified in the area for which licensure  
85 is being sought;

86 (C) Hold United States citizenship; be of good moral  
87 character and be physically, mentally and emotionally  
88 qualified to perform the duties of a teacher;

89 (D) Attain the age of eighteen years on or before October  
90 1 of the year in which the alternative program teacher  
91 certificate is issued;

92 (E) Receive a formal offer of employment in an area of  
93 critical need and shortage from a county superintendent;

94 (F) Qualify for employment following a criminal history  
95 check pursuant to section ten of this article;

96 (G) In the case of an applicant pursuing certification to  
97 teach American Sign Language, in lieu of paragraphs (A) and  
98 (B) of this subdivision, the applicant shall possess at least a  
99 bachelor's degree from a regionally accredited institution of  
100 higher education and pass an appropriate state board  
101 approved test or tests demonstrating the applicant's  
102 proficiency in American Sign Language; and

103 (H) In the case of applicants who have at least four years  
104 of experience in the subject field and are pursuing

105 certification to teach in selected vocational and technical  
106 areas, in lieu of paragraphs (A) and (B) of this subdivision,  
107 the applicant shall pass an appropriate state board approved  
108 test or tests demonstrating the applicant's proficiency in the  
109 basic skills and occupational content areas.

110 (4) A person who satisfies the requirements set forth in  
111 subdivision (3) of this subsection shall be granted a formal  
112 document authorizing him or her to work in a public school  
113 in West Virginia.

114 (5) An approved alternative program provides essential  
115 knowledge and skills to alternative program teachers through  
116 the following phases of training:

117 (A) *Instruction.* -- The alternative preparation program  
118 shall provide a minimum of eighteen semester hours of  
119 instruction in the areas of student assessment; development  
120 and learning; curriculum; classroom management; the use of  
121 educational computers and other technology; and special  
122 education and diversity. All programs shall contain a  
123 minimum of three semester hours of instruction in special  
124 education and diversity out of the minimum eighteen required  
125 semester hours. Subject to the approval of the state board, an  
126 approved education provider may provide instruction  
127 equivalent to the eighteen semester hours required by this  
128 paragraph through nontraditional methods, including, but not  
129 limited to, methods such as a series of modules covering the  
130 various topics, electronically delivered instruction, summer  
131 sessions, professional development and job-embedded  
132 mentoring.

133 (B) *Phase I.* -- Phase I consists of a period of intensive,  
134 on-the-job supervision by an assigned mentor and the school  
135 administrator for a period of not fewer than two weeks. The  
136 assigned mentor shall meet the requirements for a beginning

137 teacher internship mentor set forth in section two-b of this  
138 article and shall be paid the stipend authorized pursuant to  
139 that section. The state board shall provide, in its rule for the  
140 approval and operation of this program, requirements for the  
141 frequency and duration of time periods for the person holding  
142 an alternative certificate to observe in the classroom of the  
143 mentor. The person holding an alternative certificate shall be  
144 observed daily by the mentor or the school administrator  
145 during this phase. This phase includes an orientation to the  
146 policies, organization and curriculum of the employing  
147 district. The alternative program teacher shall receive formal  
148 instruction in those areas listed in paragraph (A) of this  
149 subdivision.

150 (C) *Phase II.* -- Phase II consists of a period of intensive,  
151 on-the-job supervision beginning the first day following the  
152 completion of Phase I and continuing for a period of at least  
153 ten weeks. During Phase II, the alternative program teacher  
154 is visited and critiqued at least one time per week by  
155 members of a professional support team, as defined in  
156 subdivision (6) of this subsection, and is observed by the  
157 appropriately certified members of the team at the end of five  
158 weeks and again at five-week intervals until the completion  
159 of this phase. At the completion of this phase, the alternative  
160 program teacher shall receive a formal evaluation by the  
161 principal. The alternative program teacher shall continue to  
162 receive formal instruction in those areas listed in paragraph  
163 (A), of this subdivision.

164 (D) *Phase III.* -- Phase III consists of an additional period  
165 of continued supervision and evaluation of no fewer than  
166 twenty weeks duration. The professional support team  
167 determines the requirements of this phase, but those  
168 requirements shall include at least one formal evaluation  
169 conducted at the completion of the phase by the principal.  
170 The alternative program teacher shall continue to receive

171 formal instruction in those areas listed in paragraph (A) of  
172 this subdivision, and shall be given opportunities to observe  
173 the teaching of experienced colleagues.

174 (6) *Professional support team.* --

175 (A) Training and supervision of alternative program  
176 teachers are provided by a professional support team  
177 comprised of a school principal, or his or her designee, an  
178 experienced classroom teacher who satisfies the requirements  
179 for mentor for the Beginning Educator Internship pursuant to  
180 section two-b of this article, a representative of the institution  
181 of higher education that is a part of the partnership that  
182 qualifies as an approved education provider as defined in  
183 subsection (a) of this section or an entity affiliated with that  
184 institution, and a curriculum supervisor or other central office  
185 administrator with certification and training relevant to the  
186 training and supervision of the alternative program candidate.

187 (B) Districts or schools which have been unable to  
188 establish a relationship with a college or university shall  
189 provide for comparable expertise on the team.

190 (C) The school principal, or his or her designee, serves as  
191 chairperson of the team.

192 (D) The duration of each of the three phases of the  
193 program specified in paragraphs (B), (C) and (D), subdivision  
194 (5) of this subsection, in excess of the minimum durations  
195 provided in those paragraphs, shall be determined by the  
196 professional support team within guidelines provided by the  
197 state board in its rule for the approval and operation of this  
198 program.

199 (E) In addition to other duties assigned to it under this  
200 section and section one-b of this article, the approved

201 education provider shall submit a written evaluation of the  
202 alternative program teacher to the county superintendent.  
203 The written evaluation shall be in a form specified by the  
204 county superintendent and submitted on a date specified by  
205 the county superintendent that is prior to the first Monday of  
206 May. The evaluation shall report the progress of the  
207 alternative program teacher toward meeting the academic and  
208 performance requirements of the program.

209 (F) The training for professional support team members  
210 may be coordinated and provided by the Center for  
211 Professional Development in coordination with the approved  
212 education provider as set forth in the plan approved by the  
213 state board pursuant to subdivision (8) of this subsection.

214 (7) In lieu of and as an alternative to the professional  
215 support team specified in subdivision (6) of this subsection  
216 and its specific duties throughout the program phases as set  
217 forth in subdivision (5) of this section, a school or school  
218 district that has implemented a comprehensive beginning  
219 teacher induction program may, subject to the approval of the  
220 state board, provide for the training and supervision of  
221 alternative program teachers using a structure consistent with  
222 the structure implemented for the support, supervision and  
223 mentoring of beginning teachers: *Provided*, That all final  
224 decisions on the progress of the alternative program teacher  
225 and recommendations upon program completion shall rest  
226 with the principal.

227 (8) An approved education provider seeking approval for  
228 an alternative certification program shall submit a plan to the  
229 state board.

230 (A) No alternative certification program may be  
231 implemented prior to receiving state board approval.

232 (B) Each plan shall describe how the proposed training  
233 program will accomplish the key elements of an alternative  
234 program for the education of teachers as set forth in this section.

235 (d) *Alternative highly qualified special education teacher*  
236 *education program.* --

237 (1) These programs are separate from the programs  
238 established under the other provisions of this section and are  
239 applicable only to teachers who have at least a bachelor's  
240 degree in a program for the preparation of teachers from a  
241 regionally accredited institution of higher education.

242 (2) These programs are subject to the other provisions of  
243 this section only to the extent specifically provided in the  
244 rule.

245 (3) These programs may be an alternative to the regular  
246 college and university programs for the education of special  
247 education teachers and also may address the content area  
248 preparation of certified special education teachers.

249 (4) The programs shall incorporate professional  
250 development to the maximum extent possible to help teachers  
251 who are currently certified in special education to obtain the  
252 required content area preparation.

253 (5) Participation in an alternative education program  
254 pursuant to this subsection may not affect any rights,  
255 privileges or benefits to which the participant otherwise  
256 would be entitled as a regular employee and may not alter  
257 any rights, privileges or benefits of participants on continuing  
258 contract status.

259 (e) *Additional alternative education program to prepare*  
260 *highly qualified special education teachers.* --

261 (1) These programs are separate from the programs  
262 established under the other provisions of this section and are  
263 applicable only to persons who hold a bachelor's degree from  
264 a regionally accredited institution of higher education.

265 (2) These programs are subject to the other provisions of  
266 this section only to the extent specifically provided in the  
267 rule.

268 (3) These programs may be an alternative to the regular  
269 college and university programs for the education of special  
270 education teachers and also may address the content area  
271 preparation of these persons.

**§18A-3-1b. Recommendation for certification of alternative  
program teachers.**

1 At the conclusion of an alternative teacher education  
2 program, the approved education provider shall prepare a  
3 comprehensive evaluation report on the alternative program  
4 teacher's performance. This report shall be submitted directly  
5 to the State Superintendent of Schools and shall contain a  
6 recommendation as to whether or not a professional  
7 certificate should be issued to the alternative program  
8 teacher. The report shall be made on standard forms  
9 developed by the State Superintendent.

10 The comprehensive evaluation report shall include one of  
11 the following recommendations:

12 (1) Approved: Recommends issuance of a professional  
13 certificate;

14 (2) Insufficient: Recommends that a professional  
15 certificate not be issued but that the candidate be allowed to  
16 seek reentry on one or more occasions in the future into an  
17 approved alternative teacher education program; or

18 (3) Disapproved: Recommends that a professional  
19 certificate not be issued and that the candidate not be allowed  
20 to enter into another approved alternative teacher education  
21 program in this state, but shall not be prohibited from  
22 pursuing teacher certification through other approved  
23 programs for the education of teachers in this state.

24 The approved education provider shall provide the  
25 alternative program teacher with a copy of the alternative  
26 program teacher's written evaluation report and certification  
27 recommendation before submitting it to the state  
28 superintendent. If the alternative program teacher disagrees  
29 with the provider's recommendation, the alternative program  
30 teacher may, within fifteen days of receipt, request an appeal  
31 in accordance with the certification appeals process  
32 established by the State Board of Education.

**§18A-3-12. Technology integration specialists.**

1 The Legislature finds that technology integration  
2 specialists are becoming more crucial as technology plays a  
3 continuously increasing role in the education of students. In  
4 order to address the need for more technology integration  
5 specialists, the teacher preparation programs in this state shall  
6 cooperate with the state board to ensure that:

7 (1) A portion of the technology integration hours required  
8 to apply for the Advanced Credential endorsed for  
9 Technology Integration Specialist is offered at each teacher  
10 preparation program while students are still working toward  
11 their teaching degree;

12 (2) Teacher education program students are aware of the  
13 option of attaining a Technology Integration Specialist  
14 Advanced Credential and Temporary Authorization early  
15 enough so that they can take advantage of the hours offered; and

16 (3) Alternative education programs are established by the  
17 teacher preparation programs to assist teachers who have  
18 already received their teaching certification attain the  
19 required hours necessary to earn a Technology Integration  
20 Specialist Advanced Credential. These alternative education  
21 programs are separate from programs required to be  
22 established by section one-a of this article.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

---

*Chairman, House Committee*

---

*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

---

*Clerk of the House of Delegates*

---

*Clerk of the Senate*

---

*Speaker of the House of Delegates*

---

*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

---

*Governor*