

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 404

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

[Originating in the Committee on Education;
reported February 8, 2012.]

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.

1 In accordance with State Board of Education rules for
2 the education of professional educators adopted after
3 consultation with the Secretary of Education and the Arts,
4 the State Superintendent of Schools may issue certificates
5 valid in the public schools of the state: *Provided*, That a
6 certificate shall not be issued to any person who is not a
7 citizen of the United States, is not of good moral character
8 and physically, mentally and emotionally qualified to
9 perform the duties for which the certification would be
10 granted and who has not attained the age of eighteen years
11 on or before October 1, of the year in which the certificate is
12 issued: *Provided, however*, That an exchange teacher from a
13 foreign country or an alien person who meets the require-
14 ments to teach may be granted a permit to teach within the
15 public schools of the state.

16 Certificates authorized to be issued include:

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

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

23 requirements approved by the State Board of Education or
24 has met equivalent standards at institutions in other states
25 and has passed appropriate state board-approved basic skills
26 and subject matter tests or has completed three years of
27 successful experience within the last seven years in the area
28 for which licensure is being sought; or

29 (B) Has at least a bachelor's degree in a discipline taught
30 in the public schools from an accredited institution of higher
31 education, has passed appropriate state board-approved
32 basic skills and subject matter tests or has completed three
33 years of successful experience within the last seven years in
34 the area for which licensure is being sought, has completed
35 an alternative program for teacher education approved by
36 the state board and is recommended for a certificate by the
37 chairperson of the professional support team of the person's
38 alternative program or the State Superintendent based on
39 documentation submitted.

40 The certificate shall be endorsed to indicate the grade
41 level or levels or areas of specialization in which the person
42 is certified to teach or to serve in the public schools. The
43 initial professional certificate shall be issued provisionally
44 for a period of three years from the date of issuance and may

45 be converted to a professional certificate valid for five years
46 subject to successful completion of a beginning teacher
47 internship, if applicable, or renewed subject to rules adopted
48 by the state board.

49 (2) *Professional administrative certificate.* — A profes-
50 sional administrative certificate, endorsed for serving in the
51 public schools, with specific endorsement as a principal,
52 vocational administrator, supervisor of instructions or
53 superintendent, may be issued to a person who has com-
54 pleted requirements all to be approved by the state board as
55 follows: For a master's degree from an institution of higher
56 education accredited to offer a master's degree, has success-
57 fully completed an approved program for administrative
58 certification, developed by the State Board of Education in
59 cooperation with the ~~governing boards of the university of~~
60 ~~West Virginia system and the state college system~~ institu-
61 tional boards of governors as defined in section one, article
62 two-a, chapter eighteen-b of this code, has successfully
63 completed education and training in evaluation skills
64 through the center for professional development, or equiva-
65 lent education and training in evaluation skills, and three
66 years of management level experience: ~~Provided, That~~
67 ~~anyone having received a certificate during the period from~~

68 ~~August 30, 1990, until the effective date of this bill without~~
69 ~~having met the above requirements shall complete those~~
70 ~~requirements within five years after the effective date of this~~
71 ~~bill.~~ *Provided, however* That any person serving in the
72 position of dean of students on the effective date of this
73 section shall not be required to hold a professional adminis-
74 trative certificate. Beginning September 1, 1992, the initial
75 professional administrative certificate shall be issued
76 provisionally for a period of five years. This certificate may
77 be converted to a professional administrative certificate
78 valid for five years or renewed, subject to the regulations of
79 the state board.

80 (3) *Paraprofessional certificate.* — A paraprofessional
81 certificate may be issued to a person who has completed
82 thirty-six semester hours of post-secondary education or its
83 equivalent in subjects directly related to performance of the
84 job, all approved by the state board, and can demonstrate the
85 proficiencies to perform duties as required of a
86 paraprofessional as defined in section eight, article four of
87 this chapter.

88 (4) *Barrister's certificate.* — A barrister's certificate may
89 be issued to a person: (A) Admitted to the practice of law in
90 West Virginia pursuant to the rules promulgated by the

91 Supreme Court of Appeals of West Virginia; (B) in good
92 standing with the West Virginia State Bar; and (C) demon-
93 strates to the State Superintendent of Schools the profes-
94 sional experience necessary to serve as a volunteer profes-
95 sional educator in course-specific curricula. The certificate
96 shall be endorsed to indicate the grade level or levels or
97 areas of specialization in which the person is certified to
98 professionally teach or to serve in the public schools. Any
99 person teaching under a barrister's certificate may teach on
100 a noncompensated basis only.

101 (4) (5) *Other certificates; permits.* – Other certificates
102 and permits may be issued, subject to the approval of the
103 state board, to persons who do not qualify for the profes-
104 sional or paraprofessional certificate. ~~Such~~ These certificates
105 or permits shall not be given permanent status and persons
106 holding such shall meet renewal requirements provided by
107 law and by regulation, unless the state board declares certain
108 of these certificates to be the equivalent of the professional
109 certificate.

110 Within the category of other certificates and permits, the
111 state superintendent may issue certificates for persons to
112 serve in the public schools as athletic coaches or other

113 extracurricular activities coaches whose duties may include
114 the supervision of students, subject to the following limita-
115 tions: (A) Such person shall be employed under a contract
116 with the county board of education which specifies the duties
117 to be performed, which specifies a rate of pay equivalent to
118 the rate of pay for professional educators in the district who
119 accept similar duties as extra duty assignments and which
120 provides for liability insurance associated with the activity:
121 *Provided*, That such persons shall not be considered employ-
122 ees of the board for salary and benefit purposes other than as
123 specified in the contract; (B) a currently employed certified
124 professional educator has not applied for the position; and
125 (C) such person completes an orientation program designed
126 and approved in accordance with state board rules which
127 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.)