

**Senate Bill No. 409**

(By Senators Kessler (Mr. President) and M. Hall,

By Request of the Executive)

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[Introduced January 22, 2014; referred to the Committee on  
Education.]  
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10 A BILL to amend and reenact §18-2E-5 of the Code of West Virginia,  
11 1931, as amended; to amend and reenact §18-9A-7 of said code;  
12 to amend said code by adding thereto two new sections,  
13 designated §18A-3-1e and §18A-3-1f; to amend and reenact  
14 §18A-3-2a of said code; and to amend and reenact §18B-1D-4 of  
15 said code, all relating to education reform; modifying time  
16 frame for county and school strategic plans; aligning the  
17 school system and school accreditation; alternative teaching  
18 certificates; adding to the duties of the Higher Education  
19 Policy Commission and the Council for Community and Technical  
20 College Education; creating a more seamless transfer process;  
21 and making it easier for students to finish a Bachelor's  
22 Degree program when transferring credit.

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

2       That §18-2E-5 of the Code of West Virginia, 1931, as amended,  
3 be amended and reenacted; that §18-9A-7 of said code be amended and  
4 reenacted; that said code be amended by adding thereto two new  
5 sections, designated §18A-3-1e and §18A-3-1f; that §18A-3-2a of  
6 said code be amended and reenacted; and that §18B-1D-4 of said code  
7 be amended and reenacted, all to read as follows:

8                               **CHAPTER 18.   EDUCATION.**

9 **ARTICLE 2E.   HIGH QUALITY EDUCATIONAL PROGRAMS.**

10 **§18-2E-5.   Process for improving education; education standards;**  
11                   **statewide assessment program; accountability**  
12                   **measures; Office of Education Performance Audits;**  
13                   **school accreditation and school system approval;**  
14                   **intervention to correct low performance.**

15       (a) *Legislative findings, purpose and intent.* - The  
16 Legislature makes the following findings with respect to the  
17 process for improving education and its purpose and intent in the  
18 enactment of this section:

19       (1) The process for improving education includes four primary  
20 elements, these being:

21       (A) Standards which set forth the knowledge and skills that  
22 students should know and be able to perform as the result of a

1 thorough and efficient education that prepares them for the  
2 twenty-first century, including measurable criteria to evaluate  
3 student performance and progress;

4 (B) Assessments of student performance and progress toward  
5 meeting the standards;

6 (C) A system of accountability for continuous improvement  
7 defined by high-quality standards for schools and school systems  
8 articulated by a rule promulgated by the state board and outlined  
9 in subsection (c) of this section that will build capacity in  
10 schools and districts to meet rigorous outcomes that assure student  
11 performance and progress toward obtaining the knowledge and skills  
12 intrinsic to a high-quality education rather than monitoring for  
13 compliance with specific laws and regulations; and

14 (D) A method for building the capacity and improving the  
15 efficiency of schools and school systems to improve student  
16 performance and progress;

17 (2) As the constitutional body charged with the general  
18 supervision of schools as provided by general law, the state board  
19 has the authority and the responsibility to establish the  
20 standards, assess the performance and progress of students against  
21 the standards, hold schools and school systems accountable and  
22 assist schools and school systems to build capacity and improve

1 efficiency so that the standards are met, including, when  
2 necessary, seeking additional resources in consultation with the  
3 Legislature and the Governor;

4       (3) As the constitutional body charged with providing for a  
5 thorough and efficient system of schools, the Legislature has the  
6 authority and the responsibility to establish and be engaged  
7 constructively in the determination of the knowledge and skills  
8 that students should know and be able to do as the result of a  
9 thorough and efficient education. This determination is made by  
10 using the process for improving education to determine when school  
11 improvement is needed, by evaluating the results and the efficiency  
12 of the system of schools, by ensuring accountability and by  
13 providing for the necessary capacity and its efficient use;

14       (4) In consideration of these findings, the purpose of this  
15 section is to establish a process for improving education that  
16 includes the four primary elements as set forth in subdivision (1)  
17 of this subsection to provide assurances that the high-quality  
18 standards are, at a minimum, being met and that a thorough and  
19 efficient system of schools is being provided for all West Virginia  
20 public school students on an equal education opportunity basis; and

21       (5) The intent of the Legislature in enacting this section and  
22 section five-c of this article is to establish a process through

1 which the Legislature, the Governor and the state board can work in  
2 the spirit of cooperation and collaboration intended in the process  
3 for improving education to consult and examine the performance and  
4 progress of students, schools and school systems and, when  
5 necessary, to consider alternative measures to ensure that all  
6 students continue to receive the thorough and efficient education  
7 to which they are entitled. However, nothing in this section  
8 requires any specific level of funding by the Legislature.

9 (b) *Electronic county and school strategic improvement plans.*

10 - The state board shall promulgate a rule consistent with the  
11 provisions of this section and in accordance with article three-b,  
12 chapter twenty-nine-a of this code establishing an electronic  
13 county strategic improvement plan for each county board and an  
14 electronic school strategic improvement plan for each public school  
15 in this state. Each respective plan shall be ~~a five-year plan that~~  
16 ~~includes~~ for a period of no more than five years and shall include  
17 the mission and goals of the school or school system to improve  
18 student, school or school system performance and progress, as  
19 applicable. The strategic plan shall be revised annually in each  
20 area in which the school or system is below the standard on the  
21 annual performance measures. The plan shall be revised when  
22 required pursuant to this section to include each annual

1 performance measure upon which the school or school system fails to  
2 meet the standard for performance and progress, the action to be  
3 taken to meet each measure, a separate time line and a date certain  
4 for meeting each measure, a cost estimate and, when applicable, the  
5 assistance to be provided by the department and other education  
6 agencies to improve student, school or school system performance  
7 and progress to meet the annual performance measure.

8       The department shall make available to all public schools  
9 through its website or the West Virginia Education Information  
10 System an electronic school strategic improvement plan boilerplate  
11 designed for use by all schools to develop an electronic school  
12 strategic improvement plan which incorporates all required aspects  
13 and satisfies all improvement plan requirements of the No Child  
14 Left Behind Act.

15       (c) *High-quality education standards and efficiency standards.*  
16 - In accordance with the provisions of article three-b, chapter  
17 twenty-nine-a of this code, the state board shall adopt and  
18 periodically review and update high-quality education standards for  
19 student, school and school system performance and processes in the  
20 following areas:

- 21       (1) Curriculum;
- 22       (2) Workplace readiness skills;

- 1 (3) Finance;
- 2 (4) Transportation;
- 3 (5) Special education;
- 4 (6) Facilities;
- 5 (7) Administrative practices;
- 6 (8) Training of county board members and administrators;
- 7 (9) Personnel qualifications;
- 8 (10) Professional development and evaluation;
- 9 (11) Student performance, progress and attendance;
- 10 (12) Professional personnel, including principals and central  
11 office administrators, and service personnel attendance;
- 12 (13) School and school system performance and progress;
- 13 (14) A code of conduct for students and employees;
- 14 (15) Indicators of efficiency; and
- 15 (16) Any other areas determined by the state board.

16 (d) *Comprehensive statewide student assessment program.* - The  
17 state board shall establish a comprehensive statewide student  
18 assessment program to assess student performance and progress in  
19 grades three through twelve. The assessment program is subject to  
20 the following:

- 21 (1) The state board shall promulgate a rule in accordance with  
22 the provisions of article three-b, chapter twenty-nine-a of this

1 code establishing the comprehensive statewide student assessment  
2 program;

3 (2) Prior to the 2014-2015 school year, the state board shall  
4 align the comprehensive statewide student assessment for all grade  
5 levels in which the test is given with the college-readiness  
6 standards adopted pursuant to section thirty-nine, article two of  
7 this chapter or develop other aligned tests to be required at each  
8 grade level so that progress toward college readiness in  
9 English/language arts and math can be measured;

10 (3) The state board may require that student proficiencies be  
11 measured through the ACT EXPLORE and the ACT PLAN assessments or  
12 other comparable assessments, which are approved by the state board  
13 and provided by future vendors;

14 (4) The state board may require that student proficiencies be  
15 measured through the West Virginia writing assessment at any grade  
16 levels determined by the state board to be appropriate; and

17 (5) The state board may provide through the statewide  
18 assessment program other optional testing or assessment instruments  
19 applicable to grade levels kindergarten through grade twelve which  
20 may be used by each school to promote student achievement. The  
21 state board annually shall publish and make available,  
22 electronically or otherwise, to school curriculum teams and teacher



1 collaborative processes the optional testing and assessment  
2 instruments.

3 (e) *State annual performance measures for school and school*  
4 *system accreditation.* -

5 The state board shall promulgate a rule in accordance with the  
6 provisions of article three-b, chapter twenty-nine-a of this code  
7 that establishes a system to assess and weigh annual performance  
8 measures for state accreditation of schools and school systems.  
9 The state board also may establish performance incentives for  
10 schools and school systems as part of the state accreditation  
11 system. On or before December 1, 2013, the state board shall  
12 report to the Governor and to the Legislative Oversight Commission  
13 on Education Accountability the proposed rule for establishing the  
14 measures and incentives of accreditation and the estimated cost  
15 therefore, if any. Thereafter, the state board shall provide an  
16 annual report to the Governor and to the Legislative Oversight  
17 Commission on Education Accountability on the impact and  
18 effectiveness of the accreditation system. The rule for school and  
19 school system accreditation proposed by the board may include, but  
20 is not limited to, the following measures:

21 (1) Student proficiency in English and language arts, math,  
22 science and other subjects determined by the board;

- 1           (2) Graduation and attendance rate;
- 2           (3) Students taking and passing AP tests;
- 3           (4) Students completing a career and technical education  
4 class;
- 5           (5) Closing achievement gaps within subgroups of a school's  
6 student population; and
- 7           (6) Students scoring at or above average attainment on SAT or  
8 ACT tests.
- 9           (f) *Indicators of efficiency.* - In accordance with the  
10 provisions of article three-b, chapter twenty-nine-a of this code,  
11 the state board shall adopt by rule and periodically review and  
12 update indicators of efficiency for use by the appropriate  
13 divisions within the department to ensure efficient management and  
14 use of resources in the public schools in the following areas:
- 15           (1) Curriculum delivery including, but not limited to, the use  
16 of distance learning;
- 17           (2) Transportation;
- 18           (3) Facilities;
- 19           (4) Administrative practices;
- 20           (5) Personnel;
- 21           (6) Use of regional educational service agency programs and  
22 services, including programs and services that may be established

1 by their assigned regional educational service agency or other  
2 regional services that may be initiated between and among  
3 participating county boards; and

4 (7) Any other indicators as determined by the state board.

5 (g) *Assessment and accountability of school and school system*  
6 *performance and processes.* - In accordance with the provisions of  
7 article three-b, chapter twenty-nine-a of this code, the state  
8 board shall establish by rule a system of education performance  
9 audits which measures the quality of education and the preparation  
10 of students based on the annual measures of student, school and  
11 school system performance and progress. The system of education  
12 performance audits shall provide information to the state board,  
13 the Legislature and the Governor, upon which they may determine  
14 whether a thorough and efficient system of schools is being  
15 provided. The system of education performance audits shall  
16 include:

17 (1) The assessment of student, school and school system  
18 performance and progress based on the annual measures established  
19 pursuant to subsection (e) of this section;

20 (2) The evaluation of records, reports and other information  
21 collected by the Office of Education Performance Audits upon which  
22 the quality of education and compliance with statutes, policies and

1 standards may be determined;

2 (3) The review of school and school system electronic  
3 strategic improvement plans; and

4 (4) The on-site review of the processes in place in schools  
5 and school systems to enable school and school system performance  
6 and progress and compliance with the standards.

7 (h) *Uses of school and school system assessment information.*

8 - The state board shall use information from the system of  
9 education performance audits to assist it in ensuring that a  
10 thorough and efficient system of schools is being provided and to  
11 improve student, school and school system performance and progress.  
12 Information from the system of education performance audits further  
13 shall be used by the state board for these purposes, including, but  
14 not limited to, the following:

15 (1) Determining school accreditation and school system  
16 approval status;

17 (2) Holding schools and school systems accountable for the  
18 efficient use of existing resources to meet or exceed the  
19 standards; and

20 (3) Targeting additional resources when necessary to improve  
21 performance and progress.

22 The state board shall make accreditation information available

1 to the Legislature, the Governor, the general public and to any  
2 individual who requests the information, subject to the provisions  
3 of any act or rule restricting the release of information.

4       (i) *Early detection and intervention programs.* - Based on the  
5 assessment of student, school and school system performance and  
6 progress, the state board shall establish early detection and  
7 intervention programs using the available resources of the  
8 Department of Education, the regional educational service agencies,  
9 the Center for Professional Development and the Principals Academy,  
10 as appropriate, to assist underachieving schools and school systems  
11 to improve performance before conditions become so grave as to  
12 warrant more substantive state intervention. Assistance shall  
13 include, but is not limited to, providing additional technical  
14 assistance and programmatic, professional staff development,  
15 providing monetary, staffing and other resources where appropriate.

16       (j) *Office of Education Performance Audits.* -

17       (1) To assist the state board in the operation of a system of  
18 education performance audits, the state board shall establish an  
19 Office of Education Performance Audits consistent with the  
20 provisions of this section. The Office of Education Performance  
21 Audits shall be operated under the direction of the state board  
22 independently of the functions and supervision of the State

1 Department of Education and State Superintendent. The Office of  
2 Education Performance Audits shall report directly to and be  
3 responsible to the state board in carrying out its duties under the  
4 provisions of this section.

5 (2) The office shall be headed by a director who shall be  
6 appointed by the state board and who serves at the will and  
7 pleasure of the state board. The annual salary of the director  
8 shall be set by the state board and may not exceed eighty percent  
9 of the salary cap of the State Superintendent of Schools.

10 (3) The state board shall organize and sufficiently staff the  
11 office to fulfill the duties assigned to it by law and by the state  
12 board. Employees of the State Department of Education who are  
13 transferred to the Office of Education Performance Audits shall  
14 retain their benefits and seniority status with the Department of  
15 Education.

16 (4) Under the direction of the state board, the Office of  
17 Education Performance Audits shall receive from the West Virginia  
18 education information system staff research and analysis data on  
19 the performance and progress of students, schools and school  
20 systems, and shall receive assistance, as determined by the state  
21 board, from staff at the State Department of Education, the  
22 regional education service agencies, the Center for Professional

1 Development, the Principals Academy and the School Building  
2 Authority to carry out the duties assigned to the office.

3 (5) In addition to other duties which may be assigned to it by  
4 the state board or by statute, the Office of Education Performance  
5 Audits also shall:

6 (A) Assure that all statewide assessments of student  
7 performance used as annual performance measures are secure as  
8 required in section one-a of this article;

9 (B) Administer all accountability measures as assigned by the  
10 state board, including, but not limited to, the following:

11 (i) Processes for the accreditation of schools and the  
12 approval of school systems; and

13 (ii) Recommendations to the state board on appropriate action,  
14 including, but not limited to, accreditation and approval action;

15 (C) Determine, in conjunction with the assessment and  
16 accountability processes, what capacity may be needed by schools  
17 and school systems to meet the standards established by the state  
18 board and recommend to the state board plans to establish those  
19 needed capacities;

20 (D) Determine, in conjunction with the assessment and  
21 accountability processes, whether statewide system deficiencies  
22 exist in the capacity of schools and school systems to meet the

1 standards established by the state board, including the  
2 identification of trends and the need for continuing improvements  
3 in education, and report those deficiencies and trends to the state  
4 board;

5 (E) Determine, in conjunction with the assessment and  
6 accountability processes, staff development needs of schools and  
7 school systems to meet the standards established by the state board  
8 and make recommendations to the state board, the Center for  
9 Professional Development, the regional educational service  
10 agencies, the Higher Education Policy Commission and the county  
11 boards;

12 (F) Identify, in conjunction with the assessment and  
13 accountability processes, school systems and best practices that  
14 improve student, school and school system performance and  
15 communicate those to the state board for promoting the use of best  
16 practices. The state board shall provide information on best  
17 practices to county school systems; and

18 (G) Develop reporting formats, such as check lists, which  
19 shall be used by the appropriate administrative personnel in  
20 schools and school systems to document compliance with applicable  
21 laws, policies and process standards as considered appropriate and  
22 approved by the state board, which may include, but is not limited



1 to, the following:

2 (i) The use of a policy for the evaluation of all school  
3 personnel that meets the requirements of sections twelve and  
4 twelve-a, article two, chapter eighteen-a of this code;

5 (ii) The participation of students in appropriate physical  
6 assessments as determined by the state board, which assessment may  
7 not be used as a part of the assessment and accountability system;

8 (iii) The appropriate licensure of school personnel; and

9 (iv) The appropriate provision of multicultural activities.

10 Information contained in the reporting formats is subject to  
11 examination during an on-site review to determine compliance with  
12 laws, policies and standards. Intentional and grossly negligent  
13 reporting of false information are grounds for dismissal of any  
14 employee.

15 (k) *On-site reviews.* -

16 (1) The system of education performance audits shall include  
17 on-site reviews of schools and school systems which shall be  
18 conducted only at the specific direction of the state board upon  
19 its determination that circumstances exist that warrant an on-site  
20 review. Any discussion by the state board of schools to be subject  
21 to an on-site review or dates for which on-site reviews will be  
22 conducted may be held in executive session and is not subject to

1 the provisions of article nine-a, chapter six of this code relating  
2 to open governmental proceedings. An on-site review shall be  
3 conducted by the Office of Education Performance Audits of a school  
4 or school system for the purpose of making recommendations to the  
5 school and school system, as appropriate, and to the state board on  
6 such measures as it considers necessary. The investigation may  
7 include, but is not limited to, the following:

8 (A) Verifying data reported by the school or county board;

9 (B) Examining compliance with the laws and policies affecting  
10 student, school and school system performance and progress;

11 (C) Evaluating the effectiveness and implementation status of  
12 school and school system electronic strategic improvement plans;

13 (D) Investigating official complaints submitted to the state  
14 board that allege serious impairments in the quality of education  
15 in schools or school systems;

16 (E) Investigating official complaints submitted to the state  
17 board that allege that a school or county board is in violation of  
18 policies or laws under which schools and county boards operate; and

19 (F) Determining and reporting whether required reviews and  
20 inspections have been conducted by the appropriate agencies,  
21 including, but not limited to, the State Fire Marshal, the Health  
22 Department, the School Building Authority and the responsible

1 divisions within the Department of Education, and whether noted  
2 deficiencies have been or are in the process of being corrected.

3       (2) The Director of the Office of Education Performance Audits  
4 shall notify the county superintendent of schools five school days  
5 prior to commencing an on-site review of the county school system  
6 and shall notify both the county superintendent and the principal  
7 five school days before commencing an on-site review of an  
8 individual school: *Provided*, That the state board may direct the  
9 Office of Education Performance Audits to conduct an unannounced  
10 on-site review of a school or school system if the state board  
11 believes circumstances warrant an unannounced on-site review.

12       (3) The Office of Education Performance Audits shall conduct  
13 on-site reviews which are limited in scope to specific areas in  
14 which performance and progress are persistently below standard as  
15 determined by the state board unless specifically directed by the  
16 state board to conduct a review which covers additional areas.

17       (4) The Office of Education Performance Audits shall reimburse  
18 a county board for the costs of substitutes required to replace  
19 county board employees who serve on a review team.

20       (5) At the conclusion of an on-site review of a school system,  
21 the director and team leaders shall hold an exit conference with  
22 the superintendent and shall provide an opportunity for principals

1 to be present for at least the portion of the conference pertaining  
2 to their respective schools. In the case of an on-site review of  
3 a school, the exit conference shall be held with the principal and  
4 curriculum team of the school and the superintendent shall be  
5 provided the opportunity to be present. The purpose of the exit  
6 conference is to review the initial findings of the on-site review,  
7 clarify and correct any inaccuracies and allow the opportunity for  
8 dialogue between the reviewers and the school or school system to  
9 promote a better understanding of the findings.

10 (6) The Office of Education Performance Audits shall report  
11 the findings of an on-site review to the county superintendent and  
12 the principals whose schools were reviewed within thirty days  
13 following the conclusion of the on-site review. The Office of  
14 Education Performance Audits shall report the findings of the  
15 on-site review to the state board within forty-five days after the  
16 conclusion of the on-site review. A school or county that believes  
17 one or more findings of a review are clearly inaccurate, incomplete  
18 or misleading, misrepresent or fail to reflect the true quality of  
19 education in the school or county or address issues unrelated to  
20 the health, safety and welfare of students and the quality of  
21 education, may appeal to the state board for removal of the  
22 findings. The state board shall establish a process for it to

1 receive, review and act upon the appeals. The state board shall  
2 report to the Legislative Oversight Commission on Education  
3 Accountability during its July interim meetings, or as soon  
4 thereafter as practical, on each appeal during the preceding school  
5 year.

6 (7) The Legislature finds that the accountability and  
7 oversight of some activities and programmatic areas in the public  
8 schools are controlled through other mechanisms and agencies and  
9 that additional accountability and oversight may be unnecessary,  
10 counterproductive and impair necessary resources for teaching and  
11 learning. Therefore, the Office of Education Performance Audits  
12 may rely on other agencies and mechanisms in its review of schools  
13 and school systems.

14 (1) *School accreditation.* -

15 (1) The state board shall establish levels of accreditation to  
16 be assigned to schools. The establishment of levels of  
17 accreditation and the levels shall be subject to the following:

18 (A) The levels will be designed to demonstrate school  
19 performance in all the areas outlined in this section and also  
20 those established by the state board;

21 (B) The state board shall promulgate legislative rules in  
22 accordance with the provisions of article three-b, chapter

1 twenty-nine-a of this code to establish the performance and  
2 standards required for a school to be assigned a particular level  
3 of accreditation; and

4 (C) The state board will establish the levels of accreditation  
5 in such a manner as to minimize the number of systems of school  
6 recognition, both state and federal, that are employed to recognize  
7 and accredit schools.

8 (2) The state board annually shall review the information from  
9 the system of education performance audits submitted for each  
10 school and shall issue to every school a level of accreditation as  
11 designated and determined by the state board.

12 (3) The state board, in its exercise of general supervision of  
13 the schools and school systems of West Virginia, may exercise any  
14 or all of the following powers and actions:

15 (A) To require a school to revise its electronic strategic  
16 plan;

17 (B) To define extraordinary circumstances under which the  
18 state board may intervene directly or indirectly in the operation  
19 of a school;

20 (C) To appoint monitors to work with the principal and staff  
21 of a school where extraordinary circumstances are found to exist,  
22 and to appoint monitors to assist the school principal after

1 intervention in the operation of a school is completed;

2 (D) To direct a county board to target resources to assist a  
3 school where extraordinary circumstances are found to exist;

4 (E) To intervene directly in the operation of a school and  
5 declare the position of principal vacant and assign a principal for  
6 the school who will serve at the will and pleasure of the state  
7 board. If the principal who was removed elects not to remain an  
8 employee of the county board, then the principal assigned by the  
9 state board shall be paid by the county board. If the principal  
10 who was removed elects to remain an employee of the county board,  
11 then the following procedure applies:

12 (i) The principal assigned by the state board shall be paid by  
13 the state board until the next school term, at which time the  
14 principal assigned by the state board shall be paid by the county  
15 board;

16 (ii) The principal who was removed is eligible for all  
17 positions in the county, including teaching positions, for which  
18 the principal is certified, by either being placed on the transfer  
19 list in accordance with section seven, article two, chapter  
20 eighteen-a of this code, or by being placed on the preferred recall  
21 list in accordance with section seven-a, article four, chapter  
22 eighteen-a of this code; and

1 (iii) The principal who was removed shall be paid by the  
2 county board and may be assigned to administrative duties, without  
3 the county board being required to post that position until the end  
4 of the school term; and

5 (F) ~~Such~~ Other powers and actions the state board determines  
6 necessary to fulfill its duties of general supervision of the  
7 schools and school systems of West Virginia.

8 (4) The county board may take no action nor refuse any action  
9 if the effect would be to impair further the school in which the  
10 state board has intervened.

11 (m) *School system approval.* - ~~The state board annually shall~~  
12 ~~review the information submitted for each school system from the~~  
13 ~~system of education performance audits and issue one of the~~  
14 ~~following approval levels to each county board: Full approval,~~  
15 ~~temporary approval, conditional approval or nonapproval.~~

16 (1) ~~Full approval shall be given to a county board whose~~  
17 ~~schools have all been given full, temporary or conditional~~  
18 ~~accreditation status and which does not have any deficiencies which~~  
19 ~~would endanger student health or safety or other extraordinary~~  
20 ~~circumstances as defined by the state board. A fully approved~~  
21 ~~school system in which other deficiencies are discovered shall~~  
22 ~~remain on full accreditation status for the remainder of the~~



1 approval period and shall have an opportunity to correct those  
2 deficiencies, notwithstanding other provisions of this subsection.

3       ~~(2) Temporary approval shall be given to a county board whose  
4 education system is below the level required for full approval.  
5 Whenever a county board is given temporary approval status, the  
6 county board shall revise its electronic county strategic  
7 improvement plan in accordance with subsection (b) of this section  
8 to increase the performance and progress of the school system to a  
9 full approval status level. The revised plan shall be submitted to  
10 the state board for approval.~~

11       ~~(3) Conditional approval shall be given to a county board  
12 whose education system is below the level required for full  
13 approval, but whose electronic county strategic improvement plan  
14 meets the following criteria:~~

15       ~~(A) The plan has been revised in accordance with subsection  
16 (b) of this section;~~

17       ~~(B) The plan has been approved by the state board; and~~

18       ~~(C) The county board is meeting the objectives and time line  
19 specified in the revised plan.~~

20       ~~(4) Nonapproval status shall be given to a county board which  
21 fails to submit and gain approval for its electronic county  
22 strategic improvement plan or revised electronic county strategic~~

~~1 improvement plan within a reasonable time period as defined by the  
2 state board or which fails to meet the objectives and time line of  
3 its revised electronic county strategic improvement plan or fails  
4 to achieve full approval by the date specified in the revised plan.~~

~~5 (A) The state board shall establish and adopt additional  
6 standards to identify school systems in which the program may be  
7 nonapproved and the state board may issue nonapproval status  
8 whenever extraordinary circumstances exist as defined by the state  
9 board.~~

~~10 (B) Whenever a county board has more than a casual deficit, as  
11 defined in section one, article one of this chapter, the county  
12 board shall submit a plan to the state board specifying the county  
13 board's strategy for eliminating the casual deficit. The state  
14 board either shall approve or reject the plan. If the plan is  
15 rejected, the state board shall communicate to the county board the  
16 reason or reasons for the rejection of the plan. The county board  
17 may resubmit the plan any number of times. However, any county  
18 board that fails to submit a plan and gain approval for the plan  
19 from the state board before the end of the fiscal year after a  
20 deficit greater than a casual deficit occurred or any county board  
21 which, in the opinion of the state board, fails to comply with an  
22 approved plan may be designated as having nonapproval status.~~

1       ~~(C) Whenever nonapproval status is given to a school system,~~  
2 ~~the state board shall declare a state of emergency in the school~~  
3 ~~system and shall appoint a team of improvement consultants to make~~  
4 ~~recommendations within sixty days of appointment for correcting the~~  
5 ~~emergency. When the state board approves the recommendations, they~~  
6 ~~shall be communicated to the county board. If progress in~~  
7 ~~correcting the emergency, as determined by the state board, is not~~  
8 ~~made within six months from the time the county board receives the~~  
9 ~~recommendations, the state board shall intervene in the operation~~  
10 ~~of the school system to cause improvements to be made that will~~  
11 ~~provide assurances that a thorough and efficient system of schools~~  
12 ~~will be provided. This intervention may include, but is not~~  
13 ~~limited to, the following:~~

14       ~~(i) Limiting the authority of the county superintendent and~~  
15 ~~county board as to the expenditure of funds, the employment and~~  
16 ~~dismissal of personnel, the establishment and operation of the~~  
17 ~~school calendar, the establishment of instructional programs and~~  
18 ~~rules and any other areas designated by the state board by rule,~~  
19 ~~which may include delegating decision-making authority regarding~~  
20 ~~these matters to the state superintendent;~~

21       ~~(ii) Declaring that the office of the county superintendent is~~  
22 ~~vacant;~~

1       ~~(iii) Delegating to the state superintendent both the~~  
2 ~~authority to conduct hearings on personnel matters and school~~  
3 ~~closure or consolidation matters and, subsequently, to render the~~  
4 ~~resulting decisions and the authority to appoint a designee for the~~  
5 ~~limited purpose of conducting hearings while reserving to the state~~  
6 ~~superintendent the authority to render the resulting decisions;~~

7       ~~(iv) Functioning in lieu of the county board of education in~~  
8 ~~a transfer, sale, purchase or other transaction regarding real~~  
9 ~~property; and~~

10       ~~(v) Taking any direct action necessary to correct the~~  
11 ~~emergency including, but not limited to, the following:~~

12       ~~(I) Delegating to the state superintendent the authority to~~  
13 ~~replace administrators and principals in low performing schools and~~  
14 ~~to transfer them into alternate professional positions within the~~  
15 ~~county at his or her discretion; and~~

16       ~~(II) Delegating to the state superintendent the authority to~~  
17 ~~fill positions of administrators and principals with individuals~~  
18 ~~determined by the state superintendent to be the most qualified for~~  
19 ~~the positions. Any authority related to intervention in the~~  
20 ~~operation of a county board granted under this paragraph is not~~  
21 ~~subject to the provisions of article four, chapter eighteen-a of~~  
22 ~~this code;~~

1       (1) The state board shall establish levels of accreditation to  
2 be assigned to school systems.

3       (A) The levels shall be designed to demonstrate school system  
4 performance in all the areas outlined in this section and also  
5 those established by the state board.

6       (B) The state board shall promulgate legislative rules in  
7 accordance with the provisions of article three-b, chapter  
8 twenty-nine-a of this code to establish the performance and  
9 standards required for a school system to be assigned a particular  
10 level of accreditation.

11       (C) The state board shall establish the levels of  
12 accreditation to minimize the number of systems of school system  
13 recognition, both state and federal, that are employed to recognize  
14 and accredit school systems.

15       (2) The state board annually shall review the information from  
16 the system of education performance audits submitted for each  
17 school system and shall issue to every school system a level of  
18 accreditation as designated and determined by the state board.

19       (3) The state board, in its exercise of general supervision of  
20 the schools and school systems of West Virginia, may:

21       (A) Require a school system to revise its electronic strategic  
22 plan;

1       (B) Define extraordinary circumstances under which the state  
2 board may intervene directly or indirectly in the operation of a  
3 school system;

4       (C) Whenever a county board has more than a casual deficit, as  
5 defined in section one, article one of this chapter, require the  
6 county board to submit a plan to the state board specifying the  
7 county board's strategy for eliminating the casual deficit. The  
8 state board either shall approve or reject the plan. If the plan  
9 is rejected, the state board shall communicate to the county board  
10 the reason or reasons for the rejection of the plan. The county  
11 board may resubmit the plan any number of times. However, when a  
12 county board that fails to submit a plan and gain approval for the  
13 plan from the state board before the end of the fiscal year after  
14 a deficit greater than a casual deficit occurred or when a county  
15 board which, in the opinion of the state board, fails to comply  
16 with an approved plan may be designated as having nonapproval  
17 status, then the state board may declare that a state of emergency  
18 exists for the county board;

19       (D) Whenever a state of emergency is declared in a school  
20 system, then, except for a state of emergency declared pursuant to  
21 the provisions of paragraph (C) of this subdivision, appoint a team  
22 of improvement consultants to make recommendations within sixty

1 days of appointment for correcting the emergency. When the state  
2 board approves the recommendations, they shall be communicated to  
3 the county board. If progress in correcting the emergency, as  
4 determined by the state board, is not made within six months from  
5 the time the county board receives the recommendations of the team  
6 of improvement, then the state board shall intervene in the  
7 operation of the school system to cause improvements to be made  
8 that will provide assurances that a thorough and efficient system  
9 of schools will be provided. This intervention may include, but is  
10 not limited to, the following:

11 (i) Limiting the authority of the county superintendent and  
12 county board as to the expenditure of funds, the employment and  
13 dismissal of personnel, the establishment and operation of the  
14 school calendar, the establishment of instructional programs and  
15 rules and any other areas designated by the state board by rule,  
16 which may include delegating decision-making authority regarding  
17 these matters to the state superintendent;

18 (ii) Declaring that the office of the county superintendent is  
19 vacant;

20 (iii) Delegating to the state superintendent both the  
21 authority to conduct hearings on personnel matters and school  
22 closure or consolidation matters and, subsequently, to render the

1 resulting decisions and the authority to appoint a designee for the  
2 limited purpose of conducting hearings while reserving to the state  
3 superintendent the authority to render the resulting decisions;

4 (iv) Functioning in lieu of the county board of education in  
5 a transfer, sale, purchase or other transaction regarding real  
6 property; and

7 (v) Taking any direct action necessary to correct the  
8 emergency including, but not limited to, the following:

9 (I) Delegating to the state superintendent the authority to  
10 replace administrators and principals in low performing schools and  
11 to transfer them into alternate professional positions within the  
12 county at his or her discretion; and

13 (II) Delegating to the state superintendent the authority to  
14 fill positions of administrators and principals with individuals  
15 determined by the state superintendent to be the most qualified for  
16 the positions. Any authority related to intervention in the  
17 operation of a county board granted under this paragraph is not  
18 subject to the provisions of article four, chapter eighteen-a of  
19 this code.

20 (n) Notwithstanding any other provision of this section, the  
21 state board may intervene immediately in the operation of the  
22 county school system with all the powers, duties and



1 responsibilities contained in subsection (m) of this section, if  
2 the state board finds the following:

3       (1) That the conditions precedent to intervention exist as  
4 provided in this section; and that delaying intervention for any  
5 period of time would not be in the best interests of the students  
6 of the county school system; or

7       (2) That the conditions precedent to intervention exist as  
8 provided in this section and that the state board had previously  
9 intervened in the operation of the same school system and had  
10 concluded that intervention within the preceding five years.

11       (o) *Capacity*. - The process for improving education includes  
12 a process for targeting resources strategically to improve the  
13 teaching and learning process. Development of electronic school  
14 and school system strategic improvement plans, pursuant to  
15 subsection (b) of this section, is intended, in part, to provide  
16 mechanisms to target resources strategically to the teaching and  
17 learning process to improve student, school and school system  
18 performance. When deficiencies are detected through the assessment  
19 and accountability processes, the revision and approval of school  
20 and school system electronic strategic improvement plans shall  
21 ensure that schools and school systems are efficiently using  
22 existing resources to correct the deficiencies. When the state

1 board determines that schools and school systems do not have the  
2 capacity to correct deficiencies, the state board shall work with  
3 the county board to develop or secure the resources necessary to  
4 increase the capacity of schools and school systems to meet the  
5 standards and, when necessary, seek additional resources in  
6 consultation with the Legislature and the Governor.

7       The state board shall recommend to the appropriate body  
8 including, but not limited to, the Legislature, county boards,  
9 schools and communities methods for targeting resources  
10 strategically to eliminate deficiencies identified in the  
11 assessment and accountability processes.       When making  
12 determinations on recommendations, the state board shall include,  
13 but is not limited to, the following methods:

14       (1) Examining reports and electronic strategic improvement  
15 plans regarding the performance and progress of students, schools  
16 and school systems relative to the standards and identifying the  
17 areas in which improvement is needed;

18       (2) Determining the areas of weakness and of ineffectiveness  
19 that appear to have contributed to the substandard performance and  
20 progress of students or the deficiencies of the school or school  
21 system and requiring the school or school system to work  
22 collaboratively with the West Virginia Department of Education

1 State System of Support to correct the deficiencies;

2       (3) Determining the areas of strength that appear to have  
3 contributed to exceptional student, school and school system  
4 performance and progress and promoting their emulation throughout  
5 the system;

6       (4) Requesting technical assistance from the School Building  
7 Authority in assessing or designing comprehensive educational  
8 facilities plans;

9       (5) Recommending priority funding from the School Building  
10 Authority based on identified needs;

11       (6) Requesting special staff development programs from the  
12 Center for Professional Development, the Principals Academy, higher  
13 education, regional educational service agencies and county boards  
14 based on identified needs;

15       (7) Submitting requests to the Legislature for appropriations  
16 to meet the identified needs for improving education;

17       (8) Directing county boards to target their funds  
18 strategically toward alleviating deficiencies;

19       (9) Ensuring that the need for facilities in counties with  
20 increased enrollment are appropriately reflected and recommended  
21 for funding;

22       (10) Ensuring that the appropriate person or entity is held

1 accountable for eliminating deficiencies; and

2 (11) Ensuring that the needed capacity is available from the  
3 state and local level to assist the school or school system in  
4 achieving the standards and alleviating the deficiencies.

5 **ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

6 **§18-9A-7. Foundation allowance for transportation cost.**

7 (a) The allowance in the foundation school program for each  
8 county for transportation ~~shall be~~ is the sum of the following  
9 computations:

10 (1) A percentage of the transportation costs incurred by the  
11 county for maintenance, operation and related costs exclusive of  
12 all salaries, including the costs incurred for contracted  
13 transportation services and public utility transportation, as  
14 follows:

15 (A) For each high-density county, eighty-seven and one-half  
16 percent;

17 (B) For each medium-density county, ninety percent;

18 (C) For each low-density county, ninety-two and one-half  
19 percent;

20 (D) For each sparse-density county, ninety-five percent;

21 (E) For any county for the transportation cost for  
22 maintenance, operation and related costs, exclusive of all

1 salaries, for transporting students to and from classes at a  
2 multicounty vocational center, the percentage provided in  
3 paragraphs (A) through (D) of this subdivision as applicable for  
4 the county plus an additional ten percent; and

5 (F) For any county for that portion of its school bus system  
6 that uses as an alternative fuel compressed natural gas or propane,  
7 the percentage provided in paragraphs (A) through (D) of this  
8 subdivision as applicable for the county plus an additional ten  
9 percent: *Provided*, That for any county receiving an additional ten  
10 percent for that portion of their bus system using bio-diesel as an  
11 alternative fuel during the school year 2012-2013, bio-diesel shall  
12 continue to qualify as an alternative fuel under this paragraph to  
13 the extent that the additional percentage applicable to that  
14 portion of the bus system using bio-diesel shall be decreased by  
15 two and one-half percent per year for four consecutive school years  
16 beginning in school year 2014-2015: *Provided, however*, That any  
17 county using an alternative fuel and qualifying for the additional  
18 allowance under this subdivision shall submit a plan regarding the  
19 intended future use of alternatively fueled school buses;

20 (2) The total cost, within each county, of insurance premiums  
21 on buses, buildings and equipment used in transportation;

22 (3) An amount equal to eight and one-third percent of the

1 current replacement value of the bus fleet within each county as  
2 determined by the state board. The amount ~~shall~~ may only be used  
3 for the replacement of buses. Buses purchased after July 1, 1999,  
4 that are driven one hundred eighty thousand miles, regardless of  
5 year model, ~~will be~~ are subject to the replacement value of eight  
6 and one-third percent as determined by the state board. In  
7 addition, in any school year in which its net enrollment increases  
8 when compared to the net enrollment the year immediately preceding,  
9 a school district may apply to the state superintendent for funding  
10 for an additional bus or buses. The state superintendent shall  
11 make a decision regarding each application based upon an analysis  
12 of the individual school district's net enrollment history and  
13 transportation needs: *Provided*, That the superintendent ~~shall~~ may  
14 not consider any application which fails to document that the  
15 county has applied for federal funding for additional buses. If  
16 the state superintendent finds that a need exists, a request for  
17 funding shall be included in the budget request submitted by the  
18 state board for the upcoming fiscal year; and

19 (4) Aid in lieu of transportation equal to the state average  
20 amount per pupil for each pupil receiving the aid within each  
21 county.

22 (b) The total state share for this purpose ~~shall be~~ is the sum

1 of the county shares: *Provided*, That no county ~~shall~~ may receive  
 2 an allowance which is greater than one-third above the computed  
 3 state average allowance per transportation mile multiplied by the  
 4 total transportation mileage in the county exclusive of the  
 5 allowance for the purchase of additional buses.

6 (c) One half of one percent of the transportation allowance  
 7 distributed to each county ~~shall be~~ is for the purpose of trips  
 8 related to academic classroom curriculum and not related to any  
 9 extracurricular activity. Any remaining funds credited to a county  
 10 for the purpose of trips related to academic classroom curriculum  
 11 during the fiscal year shall be carried over for use in the same  
 12 manner the next fiscal year and shall be separate and apart from,  
 13 and in addition to, the appropriation for the next fiscal year.  
 14 The state board may request a county to document the use of funds  
 15 for trips related to academic classroom curriculum if the board  
 16 determines that it is necessary.

17 **CHAPTER 18A. SCHOOL PERSONNEL.**

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

20 **§18A-3-1e. National teaching corps.**

21 (a) *Definitions.* - For the purposes of this section:

22 (1) "Critical need alternative teaching certificate" means a

1 certificate issued to a candidate who has been admitted to a  
2 program designated as a national teaching corps pursuant to this  
3 section, is assigned to teach in West Virginia, and who does not  
4 meet the standard educational requirements for teacher  
5 certification.

6 (2) "National teacher corps" means a program that:

7 (A) Includes a group of college graduates who commit to teach  
8 for at least two years in under served communities in the United  
9 States;

10 (B) Is designed to increase the supply of effective teachers  
11 in low-income communities and have the capacity to provide teachers  
12 for high-need fields;

13 (C) Is designed to meet the specific teacher needs of a  
14 district or districts and the needs of high-need areas, including  
15 rural areas;

16 (D) Recruits college graduates from across the United States  
17 to teach in high-need, urban and rural schools;

18 (E) Provides high-quality professional development that is  
19 sustained, intensive and classroom focused both prior to and while  
20 teaching and intensive supervision that consists of structured  
21 guidance and regular ongoing support;

22 (F) Serves multiple states; and



1 (G) That includes a summer training institute, requires  
2 ongoing two-year professional development and employs a staff  
3 member who can be a member of the professional support team  
4 required by this section.

5 (3) "National teacher corps member" means an individual who  
6 has been admitted to a national teacher corps to be a teacher, and  
7 who is in the process of completing a two-year commitment as part  
8 of the corps.

9 (b) *Designation of national teacher corps.* - Upon written  
10 request to the state board, the state board shall determine whether  
11 a group qualifies as a national teacher corps under the definition  
12 set forth in subsection (a) of this section and whether a group is  
13 otherwise compatible with the requirements of this section. If the  
14 state board determines that the group qualifies under the  
15 definition and is otherwise compatible with the requirements of  
16 this section, the board shall designate the group as a national  
17 teacher corps for the purposes of this section.

18 (c) *Critical need alternative teaching certificate.* -

19 (1) To serve as teacher of record under this section, the  
20 candidate must hold a critical need alternative teaching  
21 certificate issued by the state superintendent and endorsed for the  
22 instructional field in which the candidate seeks certification.

1           (2) The certificate only is valid for the purposes of allowing  
2 the certificate holder to teach in subject areas, public schools or  
3 geographic areas of the state in which the state board determines  
4 that critical teacher shortages exist. The state board shall  
5 establish criteria and procedures for identifying critical teacher  
6 shortages in subject areas, public schools and geographic areas of  
7 the state. In establishing the criteria and procedures, the state  
8 board shall coordinate with the Higher Education Policy Commission  
9 as it establishes its criteria and procedures for identifying  
10 critical teacher shortages for the purposes of the Underwood-Smith  
11 Teacher Scholarship and Loan Assistance Fund pursuant to section  
12 one, article four, chapter eighteen-c of this code.

13           (3) The certificate is issued for two years and may be renewed  
14 for one additional year, and no individual may hold a critical need  
15 alternative teacher certificate for a period exceeding three years.  
16 The critical need alternative teacher certificate is equivalent to  
17 a professional teaching certificate for the purpose of issuing a  
18 continuing contract, and for the purposes of being designated a  
19 highly qualified teacher under the No Child Left Behind Act.

20           (4) To be eligible for a critical need alternative teacher  
21 certificate, an applicant shall meet the following criteria:

22           (A) Have been admitted into a national teacher corps and be

1 part of a national teacher corps serving West Virginia;

2 (B) Possess at least a bachelor's degree with a minimum of a  
3 two and five tenths grade point average from a regionally  
4 accredited institution of higher education in any discipline;

5 (C) Pass the same basic skills and subject matter test or  
6 tests required by the state board for traditional program  
7 candidates to become certified in the area for which licensure is  
8 being sought, and passage of the subject matter test or tests is  
9 sufficient to earn endorsement in the instructional field, if all  
10 other requirements set forth in this subsection are met;

11 (D) Have completed the summer training institute offered by  
12 the National Teacher Corps;

13 (E) Hold United States citizenship, be of good moral character  
14 and be physically, mentally and emotionally qualified to perform  
15 the duties of a teacher;

16 (F) Attain the age of eighteen years on or before October 1 of  
17 the year in which the critical need alternative teacher certificate  
18 is issued; and

19 (G) Qualify for employment following a criminal history check  
20 pursuant to section ten of this article.

21 (5) Notwithstanding any law or rule to the contrary, a person  
22 who satisfies the requirements set forth in subdivision (4) of this

1 subsection shall be granted a formal document authorizing him or  
2 her to work in a public school in West Virginia.

3 (6) Participants certified under this section shall complete  
4 the summer training institute and ongoing two-year professional  
5 development required by the national teacher corps.

6 (7) In addition to receiving any support provided by staff of  
7 a national teacher corps, candidates certified under this section  
8 shall successfully complete a Beginning Teacher Internship program  
9 under section two-b of this article or participate in a  
10 comprehensive system of support pursuant to section three, article  
11 three-c of this chapter during the time the candidate is certified  
12 pursuant to this section.

13 (8) *Professional support team.* -

14 (A) Training and support of teachers certified under this  
15 section are provided by a professional support team including:

16 (i) The school principal, or his or her designee;

17 (ii) An experienced classroom teacher who is serving as a  
18 mentor under the Beginning Teacher Internship program pursuant to  
19 section two-b of this article, or if the employing county has  
20 adopted a plan for implementation of a comprehensive system of  
21 support pursuant to section three, article three-c, chapter  
22 eighteen-a of this code, a master teacher, mentor, academic coach,

1 other individual employee used to provide support, supervision or  
2 other professional development or training to other employees or  
3 any other appropriate professional person; and

4 (iii) A staff member of the National Teacher Corps.

5 (B) The school principal, or his or her designee, serves as  
6 chairperson of the team.

7 (C) The professional support team shall submit a written  
8 evaluation of the teacher certified under this section to the  
9 county superintendent at the conclusion of the teacher's second  
10 year of teaching. The written evaluation shall be in a form  
11 specified by the county superintendent and submitted on a date  
12 specified by the county superintendent. The evaluation shall report  
13 the progress of the teacher toward meeting the requirements of the  
14 training and support program, and all final decisions on the  
15 progress of the teacher and recommendations rest with the  
16 principal.

17 (D) Notwithstanding any law to the contrary, upon program  
18 completion and at least three years of successful teaching  
19 experience, the teacher is eligible for a professional certificate,  
20 subject to the requirements established in section one-f of this  
21 article and any requirements set forth in the state board rule  
22 required by this section.

1 (d) On or before June 1, 2014, the state board shall  
2 promulgate an emergency rule in accordance with article three-b,  
3 chapter twenty-nine-a of this code to implement the provisions of  
4 this section and section one-f of this article. On or before  
5 November 1, 2014, the state board shall promulgate a legislative  
6 rule for the same purpose. The rules shall include, but are not  
7 limited to, additional requirements for a person with a critical  
8 need alternative teaching certificate to obtain a professional  
9 certificate. The additional requirements shall be the same as or  
10 similar to the requirements set forth in code and policy for other  
11 alternative education program participants to obtain a professional  
12 certificate, and shall include the requirement that the person with  
13 the critical need alternative teaching certificate meet the  
14 requirements of paragraph (A), subdivision (5), subsection (c),  
15 section one-a of this article, relating to the requirement for  
16 eighteen semester hours of instruction.

17 **§18A-3-1f. Recommendation for certification of National Teacher**  
18 **Corps teachers.**

19 (a) At the conclusion of the program administered pursuant to  
20 section one-e of this article, the support team defined in section  
21 one-e of this article shall prepare a comprehensive evaluation  
22 report on the teacher's performance. This report shall be

1 submitted directly to the state superintendent and shall contain a  
2 recommendation as to whether or not a professional certificate  
3 should be issued to the teacher. The report shall be made on  
4 standard forms developed by the state superintendent. The  
5 comprehensive evaluation report shall include one of the following  
6 recommendations:

7 (1) Approved: Recommends issuance of a professional  
8 certificate;

9 (2) Insufficient: Recommends that a professional certificate  
10 not be issued but that the candidate be allowed to seek reentry on  
11 one or more occasions in the future into an approved alternative  
12 teacher education program or national teacher corps program; or

13 (3) Disapproved: Recommends that a professional certificate  
14 not be issued and that the candidate not be allowed to enter into  
15 another approved alternative teacher education program or a  
16 national corps program in this state, but may not be prohibited  
17 from pursuing teacher certification through other approved programs  
18 for the education of teachers in this state.

19 (b) The support team shall provide the teacher with a copy of  
20 the teacher's written evaluation report and certification  
21 recommendation before submitting it to the state superintendent. If  
22 the teacher disagrees with the provider's recommendation, the

1 teacher may, within fifteen days of receipt, request an appeal in  
2 accordance with the certification appeals process established by  
3 the state board.

4 **§18A-3-2a. Certificates valid in the public schools that may be**  
5 **issued by the state superintendent.**

6 In accordance with state board rules for the education of  
7 professional educators adopted pursuant to section one of this  
8 article and subject to the limitations and conditions of that  
9 section, the state superintendent may issue the following  
10 certificates valid in the public schools of the state:

11 (a) *Professional teaching certificates.* --

12 (1) A professional teaching certificate for teaching in the  
13 public schools may be issued to a person who meets the following  
14 conditions:

15 (A) Holds at least a bachelor's degree from an accredited  
16 institution of higher education in this state, and

17 (i) Has completed a program for the education of teachers  
18 which meets the requirements approved by the state board; or

19 (ii) Has met equivalent standards at institutions in other  
20 states and has passed appropriate state board approved basic skills  
21 and subject matter tests or has completed three years of successful  
22 experience within the last seven years in the area for which



1 licensure is being sought; or

2 (B) Holds at least a bachelor's degree in a discipline taught  
3 in the public schools from an accredited institution of higher  
4 education, and

5 (i) Has passed appropriate state board approved basic skills  
6 and subject matter tests; or

7 (ii) Has completed three years of successful experience within  
8 the last seven years in the area for which licensure is being  
9 sought; and

10 (I) Has completed an alternative program for teacher education  
11 approved by the state board, or a national teacher corps program in  
12 accordance with section one-e of this article;

13 (II) Is recommended for a certificate in accordance with the  
14 provisions of sections one-a and one-b of this article relating to  
15 the program; or

16 (III) Is recommended by the state superintendent based on  
17 documentation submitted.

18 (2) The certificate shall be endorsed to indicate the grade  
19 level or levels or areas of specialization in which the person is  
20 certified to teach or to serve in the public schools.

21 (3) The initial professional certificate is issued  
22 provisionally for a period of three years from the date of

1 issuance:

2 (A) The certificate may be converted to a professional  
3 certificate valid for five years subject to successful completion  
4 of a beginning teacher internship or induction program, if  
5 applicable; or

6 (B) The certificate may be renewed subject to rules adopted by  
7 the state board.

8 (b) *Alternative program teacher certificate.* -- An alternative  
9 program teacher certificate may be issued to a candidate who is  
10 enrolled in an alternative program for the education of teachers in  
11 accordance with the provisions of section one-a of this article.

12 (1) The certificate is valid only for the alternative program  
13 position in which the candidate is employed and is subject to  
14 enrollment in the program.

15 (2) The certificate is valid for one year and may be renewed  
16 for each of the following two consecutive years only.

17 (c) Critical need alternative teaching certificate. - - A  
18 critical need alternative teaching certificate may be issued to a  
19 candidate in accordance with provisions of section one-e of this  
20 article.

21 (1) The certificate is valid, subject to the provisions of  
22 section one-e of this article.

1       (2) The certificate is valid for two years and may be renewed  
2 for one additional year only.

3       ~~(e)~~ (d) *Professional administrative certificate.* --

4       (1) A professional administrative certificate, endorsed for  
5 serving in the public schools, with specific endorsement as a  
6 principal, vocational administrator, supervisor of instructions or  
7 superintendent, may be issued to a person who has completed  
8 requirements all to be approved by the state board as follows:

9       (A) Holds at least a master's degree from an institution of  
10 higher education accredited to offer a master's degree; and

11       (i) Has successfully completed an approved program for  
12 administrative certification developed by the state board in  
13 cooperation with the chancellor for higher education; ~~and~~

14       (ii) Has successfully completed education and training in  
15 evaluation skills through the center for professional development,  
16 or equivalent education and training in evaluation skills approved  
17 by the state board; and

18       (iii) Possesses three years of management level experience.

19       (2) Any person serving in the position of dean of students on  
20 June 4, 1992, is not required to hold a professional administrative  
21 certificate.

22       (3) The initial professional administrative certificate is

1 issued provisionally for a period of five years. This certificate  
2 may be converted to a professional administrative certificate valid  
3 for five years or renewed, subject to the regulations of the state  
4 board.

5 ~~(d)~~ (e) *Paraprofessional certificate.* -- A paraprofessional  
6 certificate may be issued to a person who meets the following  
7 conditions:

8 (1) Has completed thirty-six semester hours of post-secondary  
9 education or its equivalent in subjects directly related to  
10 performance of the job, all approved by the state board; and

11 (2) Demonstrates the proficiencies to perform duties as  
12 required of a paraprofessional as defined in section eight, article  
13 four of this chapter.

14 ~~(e)~~ (f) *Other certificates; permits.* --

15 (1) Other certificates and permits may be issued, subject to  
16 the approval of the state board, to persons who do not qualify for  
17 the professional or paraprofessional certificate.

18 (2) A certificate or permit may not be given permanent status  
19 and a person holding one of these credentials shall meet renewal  
20 requirements provided by law and by regulation, unless the state  
21 board declares certain of these certificates to be the equivalent  
22 of the professional certificate.

1           (3) Within the category of other certificates and permits, the  
2 state superintendent may issue certificates for persons to serve in  
3 the public schools as athletic coaches or coaches of other  
4 extracurricular activities, whose duties may include the  
5 supervision of students, subject to the following limitations:

6           (A) The person is employed under a contract with the county  
7 board of education.

8           (i) The contract specifies the duties to be performed,  
9 specifies a rate of pay that is equivalent to the rate of pay for  
10 professional educators in the district who accept similar duties as  
11 extra duty assignments, and provides for liability insurance  
12 associated with the activity; and

13           (ii) The person holding this certificate is not considered an  
14 employee of the board for salary and benefit purposes other than as  
15 specified in the contract.

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

18           (C) The person completes an orientation program designed and  
19 approved in accordance with state board rules.

20           ~~(f)~~ (g) *Teacher-In-Residence Permit.* --

21           (1) A teacher-in-residence permit may be issued to a candidate  
22 who is enrolled in a teacher-in-residence program in accordance

1 with an agreement between an institution of higher education and a  
2 county board. The agreement is developed pursuant to subsection  
3 (f), section one of this article and requires approval by the state  
4 board.

5 (2) The permit is valid only for the teacher-in-residence  
6 program position in which the candidate is enrolled and is subject  
7 to enrollment in the program. The permit is valid for no more than  
8 one school year and may not be renewed.

9 **CHAPTER 18B. HIGHER EDUCATION.**

10 **ARTICLE 1D. HIGHER EDUCATION ACCOUNTABILITY.**

11 **§18B-1D-4. Responsibilities of Higher Education Policy Commission**  
12 **and Council for Community and Technical College**  
13 **Education; development of public policy agendas;**  
14 **reports; institutional responsibilities.**

15 (a) It is the responsibility of the commission, in cooperation  
16 with the council, to develop, oversee and advance the public policy  
17 agenda mandated by section four, article one-b of this chapter to  
18 address the goals and objectives established pursuant to this  
19 article and section one-a, article one of this chapter, including,  
20 but not limited to, aligning state and institutional compacts,  
21 master plans, implementation plans and institutional missions with  
22 state goals and objectives to accomplish the purposes of this

1 article.

2       (b) It is the responsibility of the council, in cooperation  
3 with the commission when applicable, to develop, oversee and  
4 advance the public policy agenda mandated by section six, article  
5 two-b of this chapter to address the goals and objectives  
6 established pursuant to this article and section one-a, article one  
7 of this chapter, including, but not limited to, aligning state and  
8 institutional compacts, master plans, implementation plans and  
9 institutional missions with state goals and objectives to  
10 accomplish the purposes of this article.

11       (c) It is further the responsibility of the commission and  
12 council to collect the data, assemble it in the appropriate format  
13 and transmit all reports and any other essential documents as  
14 needed to fulfill the purposes of this article. Each report shall  
15 contain a brief, concise executive summary and shall include trends  
16 and recommendations in text format. Recommendations shall be  
17 ranked by order of importance and shall be supported by objective  
18 data available elsewhere in the report. In addition to those  
19 specifically mandated by this chapter or chapter eighteen-c of this  
20 code, reporting responsibilities include, but are not limited to,  
21 the following:

22       (1) Ensuring that data systems collect the essential

1 information state-level policymakers need to answer key policy  
2 questions to fulfill the purposes of the accountability system  
3 established pursuant to this article and section one-a, article one  
4 of this chapter;

5 (2) Collaborating with public education to establish policies  
6 to link existing pre-K, K-12, higher education and teacher data  
7 systems to enable tracking of student progress and teacher  
8 performance over time; and

9 (3) Ensuring that reports provide data analyses to determine  
10 if students entering the public higher education systems are  
11 prepared for post-secondary education and if students obtaining  
12 degrees, certificates or other credentials are prepared to pursue  
13 careers or to continue their education.

14 (d) It is the responsibility of public institutions of higher  
15 education to report to the commission or the council, as  
16 appropriate, on plans, accomplishments and recommendations to  
17 implement the goals and objectives contained in the institutional  
18 and state compacts.

19 (e) (1) The Higher Education Policy Commission and the Council  
20 for Community and Technical College Education, in collaboration  
21 with the state public colleges and universities and community and  
22 technical colleges, shall:



1       (A) Develop, implement, and maintain a statewide course coding  
2 system for a common, statewide lower-division general education  
3 program of courses taught at public institutions of higher  
4 education;

5       (B) Guarantee that all completed, lower division, general  
6 education coursework courses shall be transferable and credited to  
7 related bachelors degree programs by all public institutions of  
8 higher education;

9       (C) Standardize credit-by-exam equivalencies and common  
10 passing scores for lower-division general education courses so that  
11 course credit can be transferable and credited to related bachelors  
12 degree programs by all public institutions of higher education;

13       (D) Develop and implement a statewide agreement for alignment  
14 of approved, specifically-designed associate of arts and associate  
15 of science programs that shall be accepted and fully credited to  
16 related bachelors degree programs by all public institutions of  
17 higher education;

18       (E) Provide that graduates of the approved,  
19 specifically-designed associate of arts and associate of science  
20 programs, shall not be required to repeat or to take any additional  
21 lower-level courses to fulfill bachelor degree requirements in the  
22 same major, and these students shall be granted admission, with

1 junior status, to related upper-division bachelors degree programs  
2 of a public institution of higher education on the same criteria as  
3 those students earning lower-division credits at the institution to  
4 which the student transferred;

5 (F) Provide that graduates of approved, specifically-designed  
6 associate of arts and associate of science programs (2+2 pathways)  
7 and associate of applied science program shall receive priority for  
8 admission to a public institution of higher education over  
9 out-of-state students if they meet the same admission criteria;

10 (G) Provide that graduates of the Associate of Applied Science  
11 degree programs are not required to repeat or to take any  
12 additional lower-level courses to fulfill bachelor degree  
13 requirements in Bachelor of Applied Science or Bachelor of Applied  
14 Technology programs and that bachelors degree-granting public  
15 institutions of higher education establish and implement seamless  
16 transfer into these programs at the receiving institution;

17 (H) Develop state-wide articulation agreements, transfer  
18 procedures, and policies across public institutions of higher  
19 education. These shall include: admissions criteria, student  
20 declaration of major and intention to transfer, and student  
21 guidance and counseling policies designed to ensure that students  
22 pursuing an associate of arts or associate of science degree

1 program provide timely notification of their intention to transfer.  
2 Students shall receive effective guidance as well as advising  
3 regarding specific coursework for identified bachelors degree  
4 programs by specific public institutions of higher education. All  
5 public institutions are required to publish transfer policies,  
6 including courses eligible for guaranteed transfer, in course  
7 catalogs and on institutional websites;

8 (I) Develop uniform data collection and reporting methods,  
9 including transfer student success data for specific associate of  
10 arts and associate of science programs and associate of applied  
11 science to facilitate and ensure statewide and institutional  
12 compliance with course transfer and credit requirements, submitted  
13 to the Governor and Legislature annually;

14 (J) Create a joint commission, with members from both the  
15 Higher Education Policy Commission and the Council for Community  
16 and Technical College Education, to establish and oversee an  
17 appeals process to resolve disagreements between transferring  
18 students and receiving educational institutions regarding the  
19 transfer and acceptance of credits earned at another institution;

20 (K) Ensure that all articulation and transfer policies are  
21 consistent with the rules and regulations established by all  
22 appropriate discipline-specific accrediting bodies and

1 institutional accrediting agencies as recognized by the United  
2 States Department of Education;

3 (L) Develop policy that encourages bachelor-degree granting  
4 institutions to establish financial aid opportunities that are  
5 available and prioritized for transfer students; and

6 (M) Determine institutional compliance, at the discretion of  
7 the aforementioned joint commission, and report non-compliant  
8 institutions to the Governor as well as the Legislature which would  
9 enforce a five percent reduction of general revenue appropriations  
10 for non-compliance.

11 (2) When a bachelor degree institution seeks to change its  
12 required program of study for a bachelor of arts or bachelor of  
13 science program that is a part of an approved statewide 2 + 2  
14 pathway, the college or university shall notify the Council for  
15 Community and Technical College Education and the Higher Education  
16 Policy Commission of the proposed changes at the same time as the  
17 initiation of the university's approval process. If it is  
18 determined that the proposed change will have an adverse effect on  
19 transferability, the college or university proposing the change  
20 shall enter into discussion with the council and commission to  
21 verify that a clearly defined path remains for those students who  
22 plan to transfer from a community and technical college program to

1 a bachelor's degree program.

2 (3) The provisions of this proposal shall be implemented by

3 the beginning of the 2016-2017 academic year.

NOTE: The purpose of this bill is to align school and school system accreditation, establish critical need alternative teaching certificates, modernize our school bus fleet by adding propane as an alternative fuel for recovery of additional school transportation costs, and address transferability of college credits.

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

§18A-3-1e and §18A-3-1f are new; therefore, strike-throughs and underscoring have been omitted.