

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 H. B. 2005

5 (By Delegates Pasdon, Hamrick, Zatezalo, Romine, McCuskey,
6 Westfall, Arvon, Overington, Espinosa and Moffatt)

7
8 [Passed March 14, 2015; in effect ninety days from passage.]
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11 AN ACT to amend and reenact §18A-3-1, §18A-3-1a, §18A-3-1b and §18A-3-2a of the Code of
12 West Virginia, 1931, as amended; and to amend said code by adding thereto seven new
13 sections, designated §18A-3-1c, §18A-3-1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h
14 and §18A-3-1i, all relating to revising, reorganizing and clarifying provisions regarding
15 teacher certifications, including standard certifications, alternative certifications,
16 certifications for out-of-state teachers and certifications for athletic coaches and
17 extracurricular coaches; expanding criteria upon which a teacher's certificate may be
18 awarded to a teacher from another state; defining terms relating to alternative programs for
19 the education of teachers; authorizing certain partnerships to provide alternative certification
20 programs; modifying entities eligible to deliver alternative programs; specifying permissible
21 partners; requiring partnership agreements and specifying necessary contents; requiring
22 posting of vacancies; limiting circumstance where partnership may enroll alternative program
23 candidate; requiring or authorizing approval by state board of education under certain
24 circumstances; modifying and specifying criteria and components required for alternative

1 certification program delivery; specifying certain required components of alternative
2 certification program; requiring minimum hours of instruction; specifying eligibility criteria
3 for alternative certification program teacher candidate; requiring that employment be in an
4 area of critical need and shortage; providing for professional support team to participate in
5 alternative program delivery and specifying responsibilities; modifying the charges which
6 may be imposed for alternative program participation or delivery; specifying required and
7 prohibited acts by certain entities; requiring continued contract renewal of participating
8 program teacher and continued delivery of alternative certification program under certain
9 circumstances and providing exception; providing retention preference for professional
10 educators; providing for evaluation of and recommendation regarding award of professional
11 teaching certificate for alternative program teacher; authorizing appeal of recommendation
12 under certain circumstances; expanding program fields and conditions in which an alternative
13 program teacher may be employed; removing preference among certain applicants when
14 considering applicants for alternative teacher programs; modifying provisions for alternative
15 program teacher to attain professional teaching certificate; modifying institutions from which
16 professional teaching certificate candidates may have graduated; providing guidelines for
17 alternative programs for certain highly qualified special education teachers; providing for
18 certification under certain circumstances of teachers educated or certified in other states;
19 expanding criteria upon which a teacher's certificate may be awarded to teachers; removing
20 references to internship programs; extending alternative program teacher certificate and
21 making nonrenewable; removing requirement, regarding athletic and extracurricular coaches,
22 that a currently employed certified professional educator has not applied for position; and
23 requiring legislative rule promulgation by state board.

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

2 That §18A-3-1, §18A-3-1a, §18A-3-1b and §18A-3-2a of the Code of West Virginia, 1931,
3 as amended, be amended and reenacted; and that said code be amended by adding thereto seven new
4 sections, designated §18A-3-1c, §18A-3-1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h and
5 §18A-3-1i, all to read as follows:

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

8 **§18A-3-1. Teacher preparation programs; program approval and standards; authority to**
9 **issue teaching certificates.**

10 (a) The education of professional educators in the state is under the general direction and
11 control of the state board after consultation with the Secretary of Education and the Arts and the
12 Chancellor for Higher Education who shall represent the interests of educator preparation programs
13 within the institutions of higher education in this state as defined in section two, article one, chapter
14 eighteen-b of this code.

15 The education of professional educators in the state includes all programs leading to
16 certification to teach or serve in the public schools. The programs include the following:

17 (1) Programs in all institutions of higher education, including student teaching and teacher-in-
18 residence programs as provided in this section;

19 (2) Beginning teacher induction programs;

20 (3) Granting West Virginia certification to persons who received their preparation to teach
21 outside the boundaries of this state, except as provided in subsection (b) of this section;

22 (4) Alternative preparation programs in this state leading to certification, including programs
23 established pursuant to the provisions of sections one-a, one-b, one-c, one-d, one-e, one-f, one-g,

1 one-h and one-i of this article and programs which are in effect on the effective date of this section;
2 and

3 (5) Continuing professional education, professional development and in-service training
4 programs for professional educators employed in the public schools in the state.

5 (b) After consultation with the Secretary of Education and the Arts and the Chancellor for
6 Higher Education, the state board shall adopt standards for the education of professional educators
7 in the state and for awarding certificates valid in the public schools of this state. The standards
8 include, but are not limited to the following:

9 (1) A provision for the study of multicultural education. As used in this section, multicultural
10 education means the study of the pluralistic nature of American society including its values,
11 institutions, organizations, groups, status positions and social roles;

12 (2) A provision for the study of classroom management techniques, including methods of
13 effective management of disruptive behavior including societal factors and their impact on student
14 behavior; and (3) A teacher from another state shall be awarded a teaching certificate for a
15 comparable grade level and subject area valid in the public schools of this state, subject to section
16 ten of this article, if he or she has met the following requirements:

17 (A) Holds a valid teaching certificate or a certificate of eligibility issued by another state;

18 (B) Has graduated from an educator preparation program at a regionally accredited institution
19 of higher education or from another educator preparation program;

20 (C) Possesses the minimum of a bachelor's degree; and

21 (D) Meets all of the requirements of the state for full certification except employment.

22 (c) The state board may enter into an agreement with county boards for the use of the public
23 schools in order to give prospective teachers the teaching experience needed to demonstrate

1 competence as a prerequisite to certification to teach in the West Virginia public schools.

2 (d) An agreement established pursuant to subsection (c) of this section shall recognize student
3 teaching as a joint responsibility of the educator preparation institution and the cooperating public
4 schools. The agreement shall include the following items:

5 (1) The minimum qualifications for the employment of public school teachers selected as
6 supervising teachers, including the requirement that field-based and clinical experiences be
7 supervised by a teacher fully certified in the state in which that teacher is supervising;

8 (2) The remuneration to be paid to public school teachers by the state board, in addition to
9 their contractual salaries, for supervising student teachers;

10 (3) Minimum standards to guarantee the adequacy of the facilities and program of the public
11 school selected for student teaching;

12 (4) Assurance that the student teacher, under the direction and supervision of the supervising
13 teacher, shall exercise the authority of a substitute teacher;

14 (5) A provision requiring any higher education institution with an educator preparation
15 program to document that the student teacher's field-based and clinical experiences include
16 participation and instruction with multicultural, at-risk and exceptional children at each
17 programmatic level for which the student teacher seeks certification; and

18 (6) A provision authorizing a school or school district that has implemented a comprehensive
19 beginning teacher induction program, to enter into an agreement that provides for the training and
20 supervision of student teachers consistent with the educational objectives of this subsection by using
21 an alternate structure implemented for the support, supervision and mentoring of beginning teachers.
22 The agreement is in lieu of any specific provisions of this subsection and is subject to the approval
23 of the state board.

1 (e) *Teacher-in-residence programs.* --

2 (1) In lieu of the provisions of subsections (c) and (d) of this section and subject to approval
3 of the state board, an institution of higher education with a program for the education of professional
4 educators in the state approved by the state board may enter into an agreement with county boards
5 for the use of teacher-in-residence programs in the public schools.

6 (2) A “teacher-in-residence program” means an intensively supervised and mentored
7 residency program for prospective teachers during their senior year that refines their professional
8 practice skills and helps them gain the teaching experience needed to demonstrate competence as
9 a prerequisite to certification to teach in the West Virginia public schools.

10 (3) The authorization for the higher education institution and the county board to implement
11 a teacher-in-residence program is subject to state board approval. The provisions of the agreement
12 include, but are not limited to, the following items:

13 (A) A requirement that the prospective teacher in a teacher-in-residence program has
14 completed all other preparation courses and has passed the appropriate basic skills and subject matter
15 test or tests required by the state board for teachers to become certified in the area for which
16 licensure is sought;

17 (B) A requirement that the teacher-in-residence serve only in a teaching position in the county
18 which has been posted and for which no other teacher fully certified for the position has been
19 employed;

20 (C) Specifics regarding the program of instruction for the teacher-in-residence setting forth
21 the responsibilities for supervision and mentoring by the higher education institution’s educator
22 preparation program, the school principal, and peer teachers and mentors, and the responsibilities
23 for the formal instruction or professional development necessary for the teacher-in-residence to

1 perfect his or her professional practice skills. The program also may include other instructional
2 items as considered appropriate.

3 (D) A requirement that the teacher-in-residence hold a teacher-in-residence permit qualifying
4 the individual to teach in his or her assigned position as the teacher of record;

5 (E) A requirement that the salary and benefit costs for the position to which the teacher-in-
6 residence is assigned shall be used only for program support and to pay a stipend to the teacher-in-
7 residence as specified in the agreement, subject to the following:

8 (i) The teacher-in-residence is a student enrolled in the teacher preparation program of the
9 institution of higher education and is not a regularly employed employee of the county board;

10 (ii) The teacher-in-residence is included on the certified list of employees of the county
11 eligible for state aid funding the same as an employee of the county at the appropriate level based
12 on their permit and level of experience;

13 (iii) All state-aid-funding due to the county board for the teacher-in-residence shall be used
14 only in accordance with the agreement with the institution of higher education for support of the
15 program as provided in the agreement, including costs associated with instruction and supervision
16 as set forth in paragraph (C) of this subdivision;

17 (iv) The teacher-in-residence is provided the same liability insurance coverage as other
18 employees; and

19 (v) All state aid funding due to the county for the teacher-in-residence and not required for
20 support of the program shall be paid as a stipend to the teacher-in-residence: *Provided*, That the
21 stipend paid to the teacher-in-residence shall be no less than sixty-five percent of all state aid funding
22 due the county for the teacher-in-residence.

23 (F) Other provisions that may be required by the state board.

1 (f) In lieu of the student teaching experience in a public school setting required by this
2 section, an institution of higher education may provide an alternate student teaching experience in
3 a nonpublic school setting if the institution of higher education meets the following criteria:

4 (1) Complies with the provisions of this section;

5 (2) Has a state board approved educator preparation program; and

6 (3) Enters into an agreement pursuant to subdivisions (g) and (h) of this section.

7 (g) At the discretion of the higher education institution, an agreement for an alternate student
8 teaching experience between an institution of higher education and a nonpublic school shall require
9 one of the following:

10 (1) The student teacher shall complete at least one half of the clinical experience in a public
11 school; or

12 (2) The educator preparation program shall include a requirement that any student performing
13 student teaching in a nonpublic school shall complete the following:

14 (A) At least two hundred clock hours of field-based training in a public school; and

15 (B) A course, which is a component of the institution's state board approved educator
16 preparation program, that provides information to prospective teachers equivalent to the teaching
17 experience needed to demonstrate competence as a prerequisite to certification to teach in the public
18 schools in West Virginia. The course also shall include instruction on at least the following
19 elements:

20 (i) State board policy and provisions of this code governing public education;

21 (ii) Requirements for federal and state accountability, including the mandatory reporting of
22 child abuse;

23 (iii) Federal and state mandated curriculum and assessment requirements, including

1 multicultural education, safe schools and student code of conduct;

2 (iv) Federal and state regulations for the instruction of exceptional students as defined by the
3 Individuals with Disabilities Education Act, 20 U.S.C. §1400 *et seq.*; and

4 (v) Varied approaches for effective instruction for students who are at-risk.

5 (h) In addition to the requirements set forth in subsection (g) of this section, an agreement
6 for an alternate student teaching experience between an institution of higher education and a
7 nonpublic school shall include the following:

8 (1) A requirement that the higher education institution with an educator preparation program
9 shall document that the student teacher's field-based and clinical experiences include participation
10 and instruction with multicultural, at-risk and exceptional children at each programmatic level for
11 which the student teacher seeks certification; and

12 (2) The minimum qualifications for the employment of school teachers selected as
13 supervising teachers, including the requirement that field-based and clinical experiences be
14 supervised by a teacher fully certified in the state in which that teacher is supervising.

15 (i) The state superintendent may issue certificates as provided in section two-a of this article
16 to graduates of educator preparation programs and alternative educator preparation programs
17 approved by the state board. The certificates are issued in accordance with this section and rules
18 adopted by the state board after consultation with the Secretary of Education and the Arts and the
19 Chancellor for Higher Education.

20 (1) A certificate to teach may be granted only to a person who meets the following criteria:

21 (A) Is a citizen of the United States, except as provided in subdivision (2) of this subsection;

22 (B) Is of good moral character;

23 (C) Is physically, mentally and emotionally qualified to perform the duties of a teacher; and

1 (D) Is at least eighteen years of age on or before October 1 of the year in which his or her
2 certificate is issued.

3 (2) A permit to teach in the public schools of this state may be granted to a person who is an
4 exchange teacher from a foreign country or an alien person who meets the requirements to teach.

5 (j) In consultation with the Secretary of Education and the Arts and the Chancellor for Higher
6 Education, institutions of higher education approved for educator preparation may cooperate with
7 each other, with the center for professional development and with one or more county boards to
8 organize and operate centers to provide selected phases of the educator preparation program. The
9 phases include, but are not limited to the following:

10 (1) Student teaching and teacher-in-residence programs;

11 (2) Beginning teacher induction programs;

12 (3) Instruction in methodology; and

13 (4) Seminar programs for college students, teachers with provisional certification,
14 professional support team members and supervising teachers.

15 By mutual agreement, the institutions of higher education, the center for professional
16 development and county boards may budget and expend funds to operate the centers through
17 payments to the appropriate fiscal office of the participating institutions, the center for professional
18 development and the county boards.

19 (k) The provisions of this section do not require discontinuation of an existing student teacher
20 training center or school which meets the standards of the state board.

21 (l) All institutions of higher education approved for educator preparation in the 1962-63
22 school year continue to hold that distinction so long as they meet the minimum standards for
23 educator preparation. Nothing in this section infringes upon the rights granted to any institution by

1 charter given according to law previous to the adoption of this code.

2 (m) *Definitions.* -- For the purposes of this section, the following words have the meanings
3 ascribed to them unless the context clearly indicates a different meaning:

4 (1) “Nonpublic school” means a private school, parochial school, church school, school
5 operated by a religious order or other nonpublic school that elects to meet the following conditions:

6 (A) Comply with the provisions of article twenty-eight, chapter eighteen of this code;

7 (B) Participate on a voluntary basis in a state operated or state sponsored program provided
8 to this type school pursuant to this section; and

9 (C) Comply with the provisions of this section;

10 (2) “At-risk” means a student who has the potential for academic failure, including, but not
11 limited to, the risk of dropping out of school, involvement in delinquent activity or poverty as
12 indicated by free or reduced lunch status; and

13 (3) “Exceptional child” or “exceptional children” has the meaning ascribed to these terms
14 pursuant to section one, article twenty, chapter eighteen of this code, but, as used in this section, the
15 terms do not include gifted students.

16 **§18A-3-1a. Alternative programs for the education of teachers; purpose; definitions.**

17 (a) *Purpose.* – Sections one-a, one-b, one-c, one-d, one-e, one-f, one-g, one-h and one-i of
18 this article create an alternative means for a qualified person to earn a professional teaching
19 certificate. These sections authorize a school or a school district to offer a rigorous alternative
20 program for teacher certification in partnership with an accredited higher education institution, an
21 entity affiliated with an accredited higher education institution, the West Virginia Department of
22 Education or a regional education service agency, all under the supervision of the State Board.

23 (b) *Definitions.* -- For the purposes of this section and sections one-b, one-c, one-d, one-e,

1 one-f, one-g, one-h and one-i of this article, the following terms have the meanings ascribed to them,
2 unless the context in which a term is used clearly requires a different meaning:

3 (1) “Alternative program” means a program for teacher education that is offered as an
4 alternative to the standard college or university programs for the education of teachers;

5 (2) “Alternative program teacher” means a teacher who holds an alternative program teacher
6 certificate and who participates in an alternative program;

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

10 (4) “Alternative program teacher certificate” means a temporary teacher certificate that
11 authorizes a person to teach while participating in an alternative program;

12 (5) “Approved alternative program” means an alternative program that is approved by the
13 State Board in accordance with section one-e of this article;

14 (6) “Approved education provider” means a partnership that the State Board has approved
15 to provide an alternative program;

16 (7) “Partnership” means a partnership formed pursuant to section one-b of this article to
17 provide an alternative program;

18 (8) “Partnership agreement” means an agreement adopted by a partnership pursuant to section
19 one-b of this article; and

20 (9) “Professional support team” means the group of persons that an approved education
21 provider has selected to train and supervise alternative program teachers.

22 **§18A-3-1b. Alternative program partnerships; formation; necessary partners; partnership**
23 **agreements; single-provider programs.**

1 (a) *Formation.* – One or more schools or school districts, or any combination of these, may
2 form a partnership with one or more institutions of higher education, one or more entities affiliated
3 with an institution of higher education, the West Virginia Department of Education, a regional
4 education service agency, or any combination of these, to provide an alternative program.

5 (b) *Necessary partners.* – Except as provided in subsection (d) of this section, a partnership
6 shall include at least one of the following:

7 (1) An institution of higher education with an accredited program for the education of
8 professional educators that has been approved by the State Board;

9 (2) An entity affiliated with an institution of higher education that has an accredited program
10 for the education of professional educators that has been approved by the State Board;

11 (3) The West Virginia Department of Education; or

12 (4) A regional education service agency.

13 (c) *Partnership agreement contents.* – A partnership shall adopt a written partnership
14 agreement that governs how the partnership will conduct its alternative program and that identifies
15 the rights and responsibilities of each partner. The partnership agreement shall include, at a
16 minimum, the following elements:

17 (1) Procedures and criteria for determining whether a person is eligible to enroll in the
18 alternative program;

19 (2) A requirement that a vacancy has to be advertised for a ten day period, and if no qualified
20 traditional certified teacher applies, only then may the partnership consider enrolling as person in the
21 alternative program;

22 (3) Procedures and criteria for making a formal offer of employment to a person who is
23 eligible to enroll in the alternative program;

1 (4) A detailed list, with descriptions, of the categories, methods and sources of instruction
2 that the alternative program will provide;

3 (5) A detailed description of the phases of on-the-job training and supervision that the
4 alternative program will provide;

5 (6) A detailed description of the academic and performance standards that an alternative
6 program teacher shall satisfy to receive the partnership's recommendation that the State
7 Superintendent issue to him or her a professional teaching certificate;

8 (7) Procedures for selecting and training the professional support team who will instruct,
9 mentor or supervise alternative program teachers;

10 (8) Provisions for determining tuition or other charges, if any, relating to an alternative
11 program;

12 (9) A requirement, subject to the provisions of subsection (e), subsection one-f of this article,
13 that the hiring authority for any school or school district that hires an alternative program teacher will
14 renew the alternative program teacher's contract from year to year as long as he or she makes
15 satisfactory progress in the alternative education program and until he or she completes the
16 alternative program; and

17 (10) Any other provisions that the partners consider necessary or helpful to ensure that the
18 alternative program operates in accordance with this chapter.

19 **§18A-3-1c. Alternative program instruction for classroom teachers; methods; training and**
20 **evaluation phases; professional support team; tuition.**

21 (a) *Alternative program instruction.* -- An alternative program for classroom teachers shall
22 provide, at a minimum, either six credit hours or six staff development hours of instruction in one
23 or more of the following subjects:

1 (1) Early literacy (if an alternative program teacher will be teaching elementary school
2 children);

3 (2) Student assessment;

4 (3) Development and learning;

5 (4) Curriculum;

6 (5) Classroom management;

7 (6) Use of educational computers and other technology; and

8 (7) Special education and diversity.

9 (b) *Methods of instruction.* – An alternative program may provide instruction through
10 nontraditional methods, including, but not limited to, methods such as a series of modules covering
11 the various topics, electronically delivered instruction, summer sessions, professional development
12 and job-embedded mentoring.

13 (c) *Professional support team.* – If the State Board approves, an alternative program may
14 provide a professional support team whose structure is consistent with the structure that the
15 partnership’s participating school or schools use for supporting, supervising, inducting and
16 mentoring a beginning teacher or teacher-in-residence. If the State Board approves, an alternative
17 program’s professional support team may be trained by and in coordination with the Center for
18 Professional Development.

19 (d) *Professional support team evaluation for classroom teachers.* – The professional support
20 team shall submit a written evaluation of the alternative program teacher to the approved education
21 provider. This evaluation shall be submitted on a form specified by the approved education provider
22 and shall be submitted before the first Monday in May on a date set by the approved education
23 provider. The evaluation shall report the alternative program teacher’s progress toward meeting the

1 alternative program's academic and performance standards: *Provided*, That all final decisions on
2 the progress of an alternative program teacher shall rest with the principal.

3 (e) *Tuition*. – A partnership may not charge tuition, or impose any other charge for
4 participation in an alternative program, unless the tuition or other charge is necessary to offset the
5 partnership's cost of providing the alternative program: *Provided*, That a partner that is an
6 institution of higher education with an accredited program for the education of professional
7 educators may charge tuition for academic credit that an alternative education teacher receives in the
8 alternative program if:

9 (1) The institution of higher education is the entity that grants the academic credit; and

10 (2) The charge does not exceed the per credit rate charged for students enrolled in its standard
11 program for the education of professional educators.

12 **§18A-3-1d. Alternative program rules; necessary contents.**

13 (a) *Alternative program rules*. –

14 (1) The State Board shall promulgate a legislative rule or rules in accordance with article
15 three-b, chapter twenty-nine-a of this code containing procedures for the approval and operation of
16 alternative teacher education programs as provided in this article. The State Board shall promulgate
17 separate procedures for alternative programs for classroom teachers, alternative programs for highly
18 qualified special education teachers, and additional alternative programs to prepare highly qualified
19 special education teachers. These procedures shall be separate from the State Board's other
20 procedures for approving standard teacher education programs.

21 (2) Before promulgating a rule or rules, the State Board shall consult with the Secretary of
22 Education and the Arts and the Chancellor of the Higher Education Policy Commission.

23 (3) Before adopting a rule or rules, the State Board shall submit its proposed rule or rules to

1 the Legislative Oversight Commission on Education Accountability for review.

2 (b) *Necessary contents.* – The State Board’s rule or rules shall include, at a minimum, the
3 following elements:

4 (1) An orderly set of deadlines, forms and guidance to govern:

5 (A) A partnership’s process for applying to become an approved education provider;

6 (B) The State Board’s process for reviewing and acting on a partnership’s application;

7 (C) An approved education provider’s process for seeking persons to enroll in an alternative
8 program; and

9 (D) A person’s process for enrolling in an approved education provider’s alternative program;

10 (2) Procedures for determining whether a partnership agreement complies with sections one-b
11 and one-c of this article;

12 (3) Procedures for determining whether a partnership agreement complies with any additional
13 requirements contained in the State Board’s rule or rules;

14 (4) Standards for how often and for what lengths of time an alternative program teacher must
15 observe in a mentor’s classroom;

16 (5) Guidelines for determining what tuition or other charges an approved education provider
17 may impose relating to an alternative program;

18 (6) A list of the test or tests that a person must pass if he or she seeks a certification to teach
19 American Sign Language; and

20 (7) A list of the test or tests that a person must pass if he or she seeks a certification to teach
21 in selected vocational and technical areas.

22 **§18A-3-1e. State Board approval; prohibited acts.**

23 (a) *State Board approval.* –

1 (1) The State Board shall approve a partnership’s application to operate an alternative
2 program for classroom teachers if the State Board determines that the proposed alternative program,
3 in all material respects, complies or will comply with the State Board’s applicable alternative
4 program rules and with the requirements of sections one-b, one-c of this article.

5 (2) The State Board shall approve a partnership’s application to operate an alternative
6 program for a highly qualified special education teacher if the State Board determines that the
7 proposed alternative program, in all material respects, complies or will comply with the State
8 Board’s applicable alternative program rules and with the requirements of section one-g of this
9 article.

10 (3) The State Board shall approve a partnership’s application to operate an alternative
11 program to prepare highly qualified special education teachers if the State Board determines that the
12 proposed alternative program, in all material respects, complies or will comply with the State
13 Board’s applicable alternative program rules and with the requirements of section one-h of this
14 article.

15 (b) *Prohibited acts.* –

16 (1) A partnership may not implement an alternative program until the partnership’s
17 alternative program has been approved by the State Board.

18 (2) A school or school district may not employ, or make a formal offer of employment to, any
19 person for the purpose of his or her participation in an alternative program unless the alternative
20 program is approved by the State Board and the school or school district is a member of the
21 partnership that is operating the alternative program.

22 (3) A school or school district may not continue to employ an alternative program teacher
23 unless he or she makes satisfactory progress in the alternative program for which he or she is

1 employed.

2 **§18A-3-1f. Alternative program participation; eligibility for alternative program certificate;**
3 **contract renewals; hiring preference.**

4 (a) *Alternative program participation.* – A person may not participate in an alternative
5 program unless he or she holds an alternative program teacher certificate issue by the State
6 Superintendent for the alternative program position in which he or she will be teaching. An
7 alternative program teacher certificate is the same as a professional teaching certificate for the
8 purpose of issuing a continuing contract.

9 (b) *Eligibility for alternative program teacher certificate.* – To be eligible for an alternative
10 program teacher certificate, a person shall:

11 (1) Possess at least a bachelor's degree from a regionally accredited institution of higher
12 education;

13 (2) Pass the same basic skills and subject matter test or tests required by the State Board for
14 traditional program candidates to become certified in the area for which he or she is seeking
15 licensure;

16 (3) Hold United States citizenship;

17 (4) Be of good moral character;

18 (5) Be physically, mentally and emotionally qualified to perform the duties of a teacher;

19 (6) Attain the age of eighteen years on or before October 1 of the year in which the alternative
20 program teacher certificate is issued;

21 (7) Receive from a county superintendent a formal offer of employment in an area of critical
22 need and shortage and by a school or school district that is a member of an approved educational
23 provider;

1 (8) Have relevant academic or occupational qualifications that reasonably indicate that the
2 person will be competent to fill the teaching position in which he or she would be employed. For the
3 purposes of this section, ‘reasonably indicate’ means an academic major or occupational area the
4 same as or similar to the subject matter to which the alternative program teacher is being hired to
5 teach; and

6 (9) Qualify for employment after a criminal history check made pursuant to section ten of this
7 article.

8 (c) *Eligibility for alternative program certificate: American Sign Language.* – If a person
9 seeks certification to teach American Sign Language, in lieu of subdivisions (1) and (2), subsection
10 (b) of this section, he or she shall pass one or more appropriate State Board approved tests
11 demonstrating his or her proficiency in American Sign Language.

12 (d) *Eligibility for alternative program certificate: selected vocational and technical areas.*
13 – If a person seeks certification to teach in selected vocational and technical areas, in lieu of
14 subdivisions (1) and (2), subsection (b) of this section, he or she shall pass one or more appropriate
15 State Board approved tests demonstrating his or her proficiency in the basic skills and occupational
16 content areas.

17 (e) *Contract renewals.* –

18 (1) A county board shall renew an alternative program teacher’s contract from year to year
19 as long as he or she makes satisfactory progress in the applicable alternative education program and
20 until he or she completes the alternative program, except as provided in subdivision (2) of this
21 subsection.

22 (2) If the school or school district that employs the alternative program teacher reduces its
23 overall number of teachers, the alternative program teacher is subject to the same force reduction

1 rules and procedures as any other employee, except those that relate to seniority. In no event will an
2 alternative program teacher displace a professional educator as defined in section one, article one
3 of this chapter.

4 **§18A-3-1g. Alternative program for highly qualified special education teachers.**

5 (a) An alternative program for highly qualified special education teachers are separate from
6 the programs established under sections one-b and one-h of this article and are applicable only to
7 teachers who have at least a bachelor's degree in a program for the preparation of teachers from an
8 accredited institution of higher education.

9 (b) These programs are subject to the other provisions of sections one-b, one-c, one-e and
10 one-f of this article only to the extent specifically provided in State Board rule.

11 (c) These programs may be an alternative to the standard college and university programs for
12 the education of special education teachers and also may address the content area preparation of
13 certified special education teachers.

14 (d) The programs shall incorporate professional development to the maximum extent possible
15 to help teachers who are currently certified in special education to obtain the required content area
16 preparation.

17 (e) Participation in an alternative education program pursuant to this section may not affect
18 any rights, privileges or benefits to which the participant otherwise would be entitled as a regular
19 employee and may not alter any rights, privileges or benefits of participants on continuing contract
20 status.

21 **§18A-3-1h. Additional alternative program to prepare highly qualified special education**
22 **teachers.**

23 (a) An additional alternative program to prepare highly qualified special education teachers

1 are separate from the programs established under sections one-b and one-g of this article and are
2 applicable only to persons who hold a bachelor's degree from an accredited institution of higher
3 education.

4 (b) These programs are subject to the other provisions of sections one-b, one-c, one-e and
5 one-f of this article only to the extent specifically provided in State Board rule.

6 (c) These programs may be an alternative to the standard college and university programs for
7 the education of special education teachers and also may address the content area preparation of
8 these persons.

9 **§18A-3-1i. Recommendation for certification of alternative program teachers; report forms**
10 **to be prepared by State Superintendent; appeal.**

11 (a) At the conclusion of an approved alternative program, the approved education provider
12 shall prepare a comprehensive evaluation report on the alternative program teacher's performance.

13 (b) This report shall be submitted directly to the State Superintendent and shall contain a
14 recommendation as to whether or not a professional teaching certificate should be issued to the
15 alternative program teacher. The State Superintendent shall develop standard forms for this report,
16 and the report shall be made on one or more of the State Superintendent's forms.

17 (c) The comprehensive evaluation report shall include one of the following
18 recommendations:

- 19 (1) Approved: Recommends issuance of a professional teaching certificate;
- 20 (2) Insufficient: Recommends that a professional teaching certificate not be issued but that
21 the candidate be allowed to seek reentry on one or more occasions in the future to an approved
22 alternative program; or
- 23 (3) Disapproved: Recommends that a professional teaching certificate not be issued and that

1 the candidate not be allowed to enter into another approved alternative program in this state but not
2 be prohibited from pursuing teacher certification through other approved programs for the education
3 of teachers in this state.

4 (d) The approved education provider shall provide the alternative program teacher with a
5 copy of the alternative program teacher's written evaluation report and certification recommendation
6 before the approved education provider submits them to the State Superintendent. If the alternative
7 program teacher disagrees with the provider's recommendation, the alternative program teacher may,
8 within fifteen days of receipt, request an appeal in accordance with the certification appeals process
9 established by the State Board.

10 **§18A-3-2a. Certificates valid in the public schools that may be issued by the State**
11 **Superintendent.**

12 In accordance with State Board rules for the education of professional educators adopted
13 pursuant to section one of this article and subject to the limitations and conditions of that section,
14 the State Superintendent may issue the following certificates valid in the public schools of the state:

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

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

18 (A) Holds at least a bachelor's degree from a regionally accredited institution of higher
19 education, and

20 (i) Has passed appropriate State Board approved basic skills and subject matter tests in the
21 area for which licensure is being sought; and

22 (ii) Has completed a program for the education of teachers which meets the requirements
23 approved by the State Board; or

1 (iii) Has met equivalent standards at institutions in other states; or
2 (iv) Has completed three years of successful teaching experience within the last seven years
3 under a license issued by another state in the area for which licensure is being sought; or
4 (v) Has completed an alternative program approved by another state; or
5 (B) Holds at least a bachelor's degree from an accredited institution of higher education; and
6 (i) Has passed appropriate State Board approved basic skills and subject matter tests; and
7 (ii) Has completed an alternative program for teacher education as provided in this article;
8 and
9 (iii) Is recommended for a certificate in accordance with the provisions of section one-i of
10 this article relating to the program; and
11 (iv) Is recommended by the State Superintendent based on documentation submitted.
12 (2) The certificate shall be endorsed to indicate the grade level or levels or areas of
13 specialization in which the person is certified to teach or to serve in the public schools.
14 (3) The initial professional certificate is issued provisionally for a period of three years from
15 the date of issuance:
16 (A) The certificate may be converted to a professional certificate valid for five years subject
17 to successful completion of a beginning teacher induction program, if applicable; or
18 (B) The certificate may be renewed subject to rules adopted by the State Board.
19 (b) *Alternative program teacher certificate.* -- An alternative program teacher certificate may
20 be issued to a candidate who is enrolled in an alternative program for teacher education approved
21 by the State Board.
22 (1) The certificate is valid only for the alternative program position in which the candidate
23 is employed and is subject to enrollment in the program.

1 (2) The certificate is valid while the candidate is enrolled in the alternative program, up to
2 a maximum of three years, and may not be renewed.

3 (c) *Professional administrative certificate.* --

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

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

10 (i) Has successfully completed an approved program for administrative certification
11 developed by the State Board in cooperation with the chancellor for higher education, and

12 (ii) Has successfully completed education and training in evaluation skills through the center
13 for professional development, or equivalent education and training in evaluation skills approved by
14 the State Board, and

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

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

18 (3) The initial professional administrative certificate is issued provisionally for a period of
19 five years. This certificate may be converted to a professional administrative certificate valid for five
20 years or renewed, subject to the regulations of the State Board.

21 (d) *Paraprofessional certificate.* -- A paraprofessional certificate may be issued to a person
22 who meets the following conditions:

23 (1) Has completed thirty-six semester hours of post-secondary education or its equivalent in

1 subjects directly related to performance of the job, all approved by the State Board; and

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

4 (e) *Other certificates; permits.* --

5 (1) Other certificates and permits may be issued, subject to the approval of the State Board,
6 to persons who do not qualify for the professional or paraprofessional certificate.

7 (2) A certificate or permit may not be given permanent status and a person holding one of
8 these credentials shall meet renewal requirements provided by law and by regulation, unless the State
9 Board declares certain of these certificates to be the equivalent of the professional certificate.

10 (3) Within the category of other certificates and permits, the State Superintendent may issue
11 certificates for persons to serve in the public schools as athletic coaches or coaches of other
12 extracurricular activities, whose duties may include the supervision of students, subject to the
13 following limitations:

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

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

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

20 (B) The person completes an orientation program designed and approved in accordance with
21 State Board rules.

22 (f) *Teacher-In-Residence Permit.* --

23 (1) A teacher-in-residence permit may be issued to a candidate who is enrolled in a teacher-

1 in-residence program in accordance with an agreement between an institution of higher education
2 and a county board. The agreement is developed pursuant to subsection (e), section one of this
3 article and requires approval by the State Board.

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