

1 COMMITTEE SUBSTITUTE

2 FOR

3 H. B. 2005

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

6 (Originating in the Committee on Finance)

7 [February 4, 2015]

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10 A BILL to amend and reenact §18A-3-1, §18A-3-1a, §18A-3-1b and §18A-3-2a of the Code of
11 West Virginia, 1931, as amended, and to amend said code by adding thereto seven new
12 sections, designated §18A-3-1c, §18A-3-1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h
13 and §18A-3-1i, all relating to revising, reorganizing and clarifying provisions regarding
14 teacher certifications, including standard certifications, alternative certifications and
15 certifications for out-of-state teachers; expanding criteria upon which a teacher's certificate
16 may be awarded to a teacher from another state; defining terms relating to alternative
17 programs for the education of teachers; authorizing certain partnerships or sole providers to
18 provide alternative certification programs; modifying entities eligible to deliver alternative
19 programs; specifying permissible partners; requiring partnership agreements or single
20 provider plans and specifying necessary contents; requiring or authorizing approval by state
21 board of education under certain circumstances; modifying and specifying criteria and
22 components required for alternative certification program delivery; specifying certain
23 required components of alternative certification program; specifying eligibility criteria for
24 alternative certification program teacher candidate; providing for professional support team

1 to participate in alternative program delivery and specifying responsibilities; modifying the
2 charges which may be imposed for alternative program participation or delivery; specifying
3 required and prohibited acts by certain entities; requiring continued contract renewal of
4 participating program teacher and continued delivery of alternative certification program
5 under certain circumstances and providing exception; providing for evaluation of and
6 recommendation regarding award of professional teaching certificate for alternative program
7 teacher; authorizing appeal of recommendation under certain circumstances; expanding
8 program fields and conditions in which an alternative program teacher may be employed;
9 removing preference among certain applicants when considering applicants for alternative
10 teacher programs; modifying provisions for alternative program teacher to attain professional
11 teaching certificate; expanding institutions from which professional teaching certificate
12 candidates may have graduated; providing guidelines for alternative programs for certain
13 highly qualified special education teachers; providing for certification under certain
14 circumstances of teachers educated or certified in other states; expanding criteria upon which
15 a teacher's certificate may be awarded to teachers; removing references to internship
16 programs; and requiring legislative rule promulgation by state board.

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

18 That §18A-3-1, §18A-3-1a, §18A-3-1b and §18A-3-2a of the Code of West Virginia, 1931,
19 as amended, be amended and reenacted; and that said code be amended by adding thereto seven new
20 sections, designated §18A-3-1c, §18A-3-1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h and
21 §18A-3-1i, all to read as follows:

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

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

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

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

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

12 (2) Beginning teacher ~~internship and~~ induction programs;

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

15 (4) Alternative preparation programs in this state leading to certification, including programs
16 established pursuant to the provisions of ~~section sections~~ one-a, one-b, one-c, one-d, one-e, one-f,
17 one-g, one-h and one-i of this article and programs which are in effect on the effective date of this
18 section; and

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

21 (b) After consultation with the Secretary of Education and the Arts and the Chancellor for
22 Higher Education, the state board shall adopt standards for the education of professional educators
23 in the state and for awarding certificates valid in the public schools of this state. The standards

1 include, but are not limited to the following:

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

5 (2) A provision for the study of classroom management techniques, including methods of
6 effective management of disruptive behavior including societal factors and their impact on student
7 behavior; and

8 (3) A teacher from another state shall be awarded a teaching certificate for a comparable
9 grade level and subject area valid in the public schools of this state, subject to section ten of this
10 article, if he or she has met the following requirements:

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

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

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

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

16 (c) The state board may enter into an agreement with county boards for the use of the public
17 schools in order to give prospective teachers the teaching experience needed to demonstrate
18 competence as a prerequisite to certification to teach in the West Virginia public schools.

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

22 (1) The minimum qualifications for the employment of public school teachers selected as
23 supervising teachers, including the requirement that field-based and clinical experiences be

- 1 supervised by a teacher fully certified in the state in which that teacher is supervising;
- 2 (2) The remuneration to be paid to public school teachers by the state board, in addition to
- 3 their contractual salaries, for supervising student teachers;
- 4 (3) Minimum standards to guarantee the adequacy of the facilities and program of the public
- 5 school selected for student teaching;
- 6 (4) Assurance that the student teacher, under the direction and supervision of the supervising
- 7 teacher, shall exercise the authority of a substitute teacher; ~~and~~
- 8 (5) A provision requiring any higher education institution with an educator preparation
- 9 program to document that the student teacher's field-based and clinical experiences include
- 10 participation and instruction with multicultural, at-risk and exceptional children at each
- 11 programmatic level for which the student teacher seeks certification; and
- 12 (6) A provision authorizing a school or school district that has implemented a comprehensive
- 13 beginning teacher induction program, to enter into an agreement that provides for the training and
- 14 supervision of student teachers consistent with the educational objectives of this subsection by using
- 15 an alternate structure implemented for the support, supervision and mentoring of beginning teachers.
- 16 The agreement is in lieu of any specific provisions of this subsection and is subject to the approval
- 17 of the state board.
- 18 (e) *Teacher-in-residence programs.* --
- 19 (1) In lieu of the provisions of subsections (c) and (d) of this section and subject to approval
- 20 of the state board, an institution of higher education with a program for the education of professional
- 21 educators in the state approved by the state board may enter into an agreement with county boards
- 22 for the use of teacher-in-residence programs in the public schools.
- 23 (2) A "teacher-in-residence program" means an intensively supervised and mentored

1 residency program for prospective teachers during their senior year that refines their professional
2 practice skills and helps them gain the teaching experience needed to demonstrate competence as
3 a prerequisite to certification to teach in the West Virginia public schools.

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

7 (A) A requirement that the prospective teacher in a teacher-in-residence program ~~shall have~~
8 has completed ~~the content area~~ all other preparation courses and ~~shall have~~ has passed the
9 appropriate basic skills and subject matter test or tests required by the state board for teachers to
10 become certified in the area for which licensure is sought;

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

14 (C) Specifics regarding the program of instruction for the teacher-in-residence setting forth
15 the responsibilities for supervision and mentoring by the higher education institution's educator
16 preparation program, the school principal, and peer teachers and mentors, and the responsibilities
17 for the formal instruction or professional development necessary for the teacher-in-residence to
18 perfect his or her professional practice skills. The program also may include other instructional
19 items as considered appropriate.

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

22 (E) A requirement that the salary and benefit costs for the position to which the teacher-in-
23 residence is assigned shall be used only for program support and to pay a stipend to the teacher-in-

1 residence as specified in the agreement, subject to the following:

2 (i) The teacher-in-residence is a student enrolled in the teacher preparation program of the

3 institution of higher education and is not a regularly employed employee of the county board;

4 (ii) The teacher-in-residence is included on the certified list of employees of the county

5 eligible for state aid funding the same as an employee of the county at the appropriate level based

6 on their permit and level of experience;

7 (iii) All state-aid-funding due to the county board for the teacher-in-residence shall be used

8 only in accordance with the agreement with the institution of higher education for support of the

9 program as provided in the agreement, including costs associated with instruction and supervision

10 as set forth in paragraph (C) of this subdivision;

11 (iv) The teacher-in-residence is provided the same liability insurance coverage as other

12 employees; and

13 (v) All state aid funding due to the county for the teacher-in-residence and not required for

14 support of the program shall be paid as a stipend to the teacher-in-residence: *Provided*, That the

15 stipend paid to the teacher-in-residence shall be no less than sixty-five percent of all state aid funding

16 due the county for the teacher-in-residence.

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

18 (f) In lieu of the student teaching experience in a public school setting required by this

19 section, an institution of higher education may provide an alternate student teaching experience in

20 a nonpublic school setting if the institution of higher education meets the following criteria:

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

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

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

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

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

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

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

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

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

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

17 (iii) Federal and state mandated curriculum and assessment requirements, including
18 multicultural education, safe schools and student code of conduct;

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

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

22 (h) In addition to the requirements set forth in subsection (g) of this section, an agreement
23 for an alternate student teaching experience between an institution of higher education and a

1 nonpublic school shall include the following:

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

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

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

14 (1) A certificate to teach may be granted only to a person who meets the following criteria:
15 (A) Is a citizen of the United States, except as provided in subdivision (2) of this subsection;
16 (B) Is of good moral character;
17 (C) Is physically, mentally and emotionally qualified to perform the duties of a teacher; and
18 (D) Is at least eighteen years of age on or before October 1; of the year in which his or her
19 certificate is issued.

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

22 (j) In consultation with the Secretary of Education and the Arts and the Chancellor for Higher
23 Education, institutions of higher education approved for educator preparation may cooperate with

1 each other, with the center for professional development and with one or more county boards to
2 organize and operate centers to provide selected phases of the educator preparation program. The
3 phases include, but are not limited to the following:

- 4 (1) Student teaching and teacher-in-residence programs;
- 5 (2) Beginning teacher ~~internship~~ and induction programs;
- 6 (3) Instruction in methodology; and
- 7 (4) Seminar programs for college students, teachers with provisional certification,
8 professional support team members and supervising teachers.

9 By mutual agreement, the institutions of higher education, the center for professional
10 development and county boards may budget and expend funds to operate the centers through
11 payments to the appropriate fiscal office of the participating institutions, the center for professional
12 development and the county boards.

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

15 (l) All institutions of higher education approved for educator preparation in the 1962-63
16 school year continue to hold that distinction so long as they meet the minimum standards for
17 educator preparation. Nothing in this section infringes upon the rights granted to any institution by
18 charter given according to law previous to the adoption of this code.

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

21 (1) "Nonpublic school" means a private school, parochial school, church school, school
22 operated by a religious order or other nonpublic school that elects to meet the following conditions:

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

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

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

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

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

10 **§18A-3-1a. Alternative programs for the education of teachers; purpose; definitions.**

11 (a) Purpose. – Sections one-a, one-b, one-c, one-d, one-e, one-f, one-g, one-h and one-i of
12 this article create an alternative means for a qualified person to earn a professional teaching
13 certificate. These sections authorize a school or a school district to offer a rigorous alternative
14 program for teacher certification in partnership with an accredited higher education institution, an
15 entity affiliated with an accredited higher education institution, the West Virginia Department of
16 Education or a regional education service agency, all under the supervision of the State Board.
17 Under the State Board's supervision, county boards may offer these programs without a partner
18 pursuant to subsection (d), section one-b of this article.

19 (b) Definitions. -- For the purposes of this section and sections one-b, one-c, one-d, one-e,
20 one-f, one-g, one-h and one-i of this article, the following terms have the meaning meanings ascribed
21 to them, unless the context in which a term is used clearly requires a different meaning:

22 (1) "Alternative program teacher certificate" means a certificate issued for one year to a
23 candidate who does not meet the standard educational requirements for teacher certification;

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

3 (2) “Approved education provider” means a partnership between one or more schools, school
4 districts or regional educational service agencies and an institution of higher education in this state
5 with a regionally accredited program for the education of professional educators approved by the
6 state board or an entity affiliated with such an institution’s approved program, that has submitted to
7 the state board a plan and agreement between the organizations for the delivery of an alternative
8 program in accordance with this section, and the state board has approved the plan and agreement;
9 and

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

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

15 (3) “Alternative program teacher certificate” means a temporary teacher certificate that
16 authorizes a person to teach while participating in an alternative program;

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

19 (5) “Approved education provider” means a partnership that the State Board has approved
20 to provide an alternative program;

21 (6) “Partnership” means a partnership formed pursuant to section one-b of this article to
22 provide an alternative program;

23 (7) “Partnership agreement” means an agreement adopted by a partnership pursuant to section

1 one-b of this article; and

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

4 (b) *Establishment of alternative teacher education programs.* -- After consultation with the
5 Secretary of Education and the Arts and the Chancellor of the Higher Education Policy Commission,
6 the state board shall promulgate a legislative rule or rules in accordance with article three-b, chapter
7 twenty-nine-a of this code to implement the provisions of this section. The proposed rule or rules
8 shall be submitted to the Legislative Oversight Commission on Education Accountability for review
9 prior to adoption. The rule or rules shall include, but are not limited to, the following issues:

10 (1) Separate procedures for the approval and operation of each of the alternative teacher
11 education programs as provided in this section;

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

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

15 (2) Procedures for approving an approved education provider as defined in this section.
16 Approval is required prior to implementation the provider’s program; leading to certification to
17 teach in the public schools of this state;

18 (3) An alternative program teacher may not be employed in a school, school district or
19 regional educational service agency unless the school, school district or regional educational service
20 agency is a part of a partnership that qualifies as an approved education provider agreement as
21 defined in subsection (a) of this section;

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

23 (5) The recommendation to rehire an alternative education program teacher, is subject to

1 satisfactory progress in the applicable alternative education program by the holder of the alternative
2 program certificate; and

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

6 (e) *Alternative teacher education program.*--

7 (1) To participate in an approved alternative teacher education program, the candidate must
8 hold an alternative program teacher certificate issued by the state superintendent and endorsed for
9 the instructional field in which the candidate seeks certification.

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

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

15 (A) Possess at least a bachelor's degree from a regionally accredited institution of higher
16 education, in a discipline taught in the public schools;

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

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

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

23 (E) Receive a formal offer of employment in an area of critical need and shortage from a

1 county superintendent;

2 (F) Qualify for employment following a criminal history check pursuant to section ten of this

3 article;

4 (G) In the case of an applicant pursuing certification to teach American Sign Language, in

5 lieu of paragraphs (A) and (B) of this subdivision, the applicant shall possess at least a bachelor's

6 degree from a regionally accredited institution of higher education and pass an appropriate state

7 board approved test or tests demonstrating the applicant's proficiency in American Sign Language;

8 and

9 (H) In the case of applicants who have at least four years of experience in the subject field

10 and are pursuing certification to teach in selected vocational and technical areas, in lieu of

11 paragraphs (A) and (B) of this subdivision, the applicant shall pass an appropriate state board

12 approved test or tests demonstrating the applicant's proficiency in the basic skills and occupational

13 content areas:

14 (4) A person who satisfies the requirements set forth in subdivision (3) of this subsection

15 shall be granted a formal document authorizing him or her to work in a public school in West

16 Virginia.

17 (5) An approved alternative program provides essential knowledge and skills to alternative

18 program teachers through the following phases of training:

19 (A) *Instruction.* — The alternative preparation program shall provide a minimum of eighteen

20 semester hours of instruction in the areas of student assessment; development and learning;

21 curriculum; classroom management; the use of educational computers and other technology; and

22 special education and diversity. All programs shall contain a minimum of three semester hours of

23 instruction in special education and diversity out of the minimum eighteen required semester hours.

1 Subject to the approval of the state board, an approved education provider may provide instruction
2 equivalent to the eighteen semester hours required by this paragraph through nontraditional methods,
3 including, but not limited to, methods such as a series of modules covering the various topics,
4 electronically delivered instruction, summer sessions, professional development and job-embedded
5 mentoring.

6 (B) *Phase I.* -- Phase I consists of a period of intensive, on-the-job supervision by an
7 assigned mentor and the school administrator for a period of not fewer than two weeks. The
8 assigned mentor shall meet the requirements for a beginning teacher internship mentor set forth in
9 section two-b of this article and shall be paid the stipend authorized pursuant to that section. The
10 state board shall provide in its rule, for the approval and operation of this program, requirements for
11 the frequency and duration of time periods for the person holding an alternative certificate to observe
12 in the classroom of the mentor. The person holding an alternative certificate shall be observed daily
13 by the mentor or the school administrator during this phase. This phase includes an orientation to
14 the policies, organization and curriculum of the employing district. The alternative program teacher
15 shall receive formal instruction in those areas listed in paragraph (A) of this subdivision.

16 (C) *Phase II.* -- Phase II consists of a period of intensive, on-the-job supervision beginning
17 the first day following the completion of Phase I and continuing for a period of at least ten weeks.
18 During Phase II, the alternative program teacher is visited and critiqued at least one time per week
19 by a member or members of a professional support team as defined in subdivision (6) of this
20 subsection, and is observed by the appropriately certified members of the team at the end of five
21 weeks and again at five-week intervals until the completion of this phase. At the completion of this
22 phase, the alternative program teacher shall receive a formal evaluation by the principal. The
23 alternative program teacher shall continue to receive formal instruction in those areas listed in

1 paragraph (A), of this subdivision.

2 (D) *Phase III.*—Phase III consists of an additional period of continued supervision and
3 evaluation of no fewer than twenty weeks duration. The professional support team determines the
4 requirements of this phase, but those requirements shall include at least one formal evaluation
5 conducted at the completion of the phase by the principal. The alternative program teacher shall
6 continue to receive formal instruction in those areas listed in paragraph (A) of this subdivision, and
7 shall be given opportunities to observe the teaching of experienced colleagues.

8 (6) *Professional support team.*—

9 (A) Training and supervision of alternative program teachers are provided by a professional
10 support team comprised of a school principal, or his or her designee, an experienced classroom
11 teacher who satisfies the requirements for mentor for the Beginning Educator Internship pursuant
12 to section two-b of this article, a representative of the institution of higher education that is a part
13 of the partnership that qualifies as an approved education provider as defined in subsection (a) of this
14 section or an entity affiliated with that institution, and a curriculum supervisor or other central office
15 administrator with certification and training relevant to the training and supervision of the alternative
16 program candidate.

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

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

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

1 (E) In addition to other duties assigned to it under this section and section one-b of this
2 article, the approved education provider shall submit a written evaluation of the alternative program
3 teacher to the county superintendent. The written evaluation shall be in a form specified by the
4 county superintendent and submitted on a date specified by the county superintendent that is prior
5 to the first Monday of May. The evaluation shall report the progress of the alternative program
6 teacher toward meeting the academic and performance requirements of the program.

7 (F) The training for professional support team members may be coordinated and provided
8 by the Center for Professional Development in coordination with the approved education provider
9 as set forth in the plan approved by the state board.

10 (7) In lieu of and as an alternative to the professional support team specified in subdivision
11 (6) of this subsection and its specific duties throughout the program phases as set forth in subdivision
12 (5) of this section, a school or school district that has implemented a comprehensive beginning
13 teacher induction program may, subject to the approval of the state board, provide for the training
14 and supervision of alternative program teachers using a structure consistent with the structure
15 implemented for the support, supervision and mentoring of beginning teachers: *Provided*, That all
16 final decisions on the progress of the alternative program teacher and recommendations upon
17 program completion shall rest with the principal.

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

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

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

1 (d) *Alternative highly qualified special education teacher education program.*—

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

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

7 (3) These programs may be an alternative to the regular college and university programs for
8 the education of special education teachers and also may address the content area preparation of
9 certified special education teachers.

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

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

17 (e) *Additional alternative education program to prepare highly qualified special education
18 teachers.*—

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

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

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

4 **§18A-3-1b. Recommendation for certification of alternative program teachers** Alternative
5 program partnerships; formation; necessary partners; partnership agreements; single-
6 provider programs.

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

13 ——— The comprehensive evaluation report shall include one of the following recommendations:
14 ——— (1) Approved: Recommends issuance of a professional certificate;
15 ——— (2) Insufficient: Recommends that a professional certificate not be issued but that the
16 candidate be allowed to seek reentry on one or more occasions in the future into an approved
17 alternative teacher education program; or
18 ——— (3) Disapproved: Recommends that a professional certificate not be issued and that the
19 candidate not be allowed to enter into another approved alternative teacher education program in this
20 state, but shall not be prohibited from pursuing teacher certification through other approved
21 programs for the education of teachers in this state.
22 ——— The approved education provider shall provide the alternative program teacher with a copy
23 of the alternative program teacher's written evaluation report and certification recommendation

1 before submitting it to the state superintendent. If the alternative program teacher disagrees with the
2 provider's recommendation, the alternative program teacher may, within fifteen days of receipt,
3 request an appeal in accordance with the certification appeals process established by the State Board
4 of Education.

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

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

11 (1) An institution of higher education with an accredited program for the education of
12 professional educators that has been approved by the State Board;
13 (2) An entity affiliated with an institution of higher education that has an accredited program
14 for the education of professional educators that has been approved by the State Board;
15 (3) The West Virginia Department of Education; or
16 (4) A regional education service agency.

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

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

23 (2) Procedures and criteria for making a formal offer of employment to a person who is

1 eligible to enroll in the alternative program;

2 (3) A detailed list, with descriptions, of the categories, methods and sources of instruction

3 that the alternative program will provide;

4 (4) A detailed description of the phases of on-the-job training and supervision that the

5 alternative program will provide;

6 (5) A detailed description of the academic and performance standards that an alternative

7 program teacher shall satisfy to receive the partnership's recommendation that the State

8 Superintendent issue to him or her a professional teaching certificate;

9 (6) Procedures for selecting and training the professional support team who will instruct,

10 mentor or supervise alternative program teachers;

11 (7) Provisions for determining tuition or other charges, if any, relating to an alternative

12 program;

13 (8) A requirement, subject to the provisions of subsection (e), subsection one-f of this article,

14 that the hiring authority for any school or school district that hires an alternative program teacher will

15 renew the alternative program teacher's contract from year to year as long as he or she makes

16 satisfactory progress in the alternative education program and until he or she completes the

17 alternative program; and

18 (9) Any other provisions that the partners consider necessary or helpful to ensure that the

19 alternative program operates in accordance with this chapter.

20 (d) *Single provider programs.* – A county board may establish an alternative program without

21 forming a partnership with any other person. A county board that elects to provide an alternative

22 program without forming a partnership shall adopt a written plan that satisfies the requirements of

23 this section and section one-c of this article. A program provided under this subsection is a

1 partnership for purposes of this section and sections one-a, one-c, one-d, one-e, one-f, one-g, one-h
2 and one-i of this article, and the written plan is a partnership agreement for purposes of such
3 sections. Notwithstanding any provision of this code to the contrary, the state board may not approve
4 more than one alternative program to operate in any single county without a partner.

5 **§18A-3-1c. Alternative program instruction for classroom teachers; methods; training and**
6 **evaluation phases; professional support team; tuition.**

7 (a) Alternative program instruction. – An alternative program for classroom teachers shall
8 provide, at a minimum, for instruction in the following subjects:

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

11 (2) Student assessment;

12 (3) Development and learning;

13 (4) Curriculum;

14 (5) Classroom management;

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

16 (7) Special education and diversity.

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

21 (c) Professional support team. – If the State Board approves, an alternative program may
22 provide a professional support team whose structure is consistent with the structure that the
23 partnership's participating school or schools use for supporting, supervising, inducting and

1 mentoring a beginning teacher or teacher-in-residence. If the State Board approves, an alternative
2 program's professional support team may be trained by and in coordination with the Center for
3 Professional Development.

4 (d) *Professional support team evaluation for classroom teachers.* – The professional support
5 team shall submit a written evaluation of the alternative program teacher to the approved education
6 provider. This evaluation shall be submitted on a form specified by the approved education provider
7 and shall be submitted before the first Monday in May on a date set by the approved education
8 provider. The evaluation shall report the alternative program teacher's progress toward meeting the
9 alternative program's academic and performance standards: *Provided,* That all final decisions on
10 the progress of an alternative program teacher shall rest with the principal.

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

17 (1) The institution of higher education is the entity that grants the academic credit; and
18 (2) The charge does not exceed the per credit rate charged for students enrolled in its standard
19 program for the education of professional educators.

20 **§18A-3-1d. Alternative program rules; necessary contents.**

21 (a) *Alternative program rules.* –
22 (1) The State Board shall promulgate a legislative rule or rules in accordance with article
23 three-b, chapter twenty-nine-a of this code containing procedures for the approval and operation of

1 alternative teacher education programs as provided in this article. The State Board shall promulgate
2 separate procedures for alternative programs for classroom teachers, alternative programs for highly
3 qualified special education teachers, and additional alternative programs to prepare highly qualified
4 special education teachers. These procedures shall be separate from the State Board's other
5 procedures for approving standard teacher education programs.

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

8 (3) Before adopting a rule or rules, the State Board shall submit its proposed rule or rules to
9 the Legislative Oversight Commission on Education Accountability for review.

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

12 (1) An orderly set of deadlines, forms and guidance to govern:
13 (A) A partnership's process for applying to become an approved education provider;
14 (B) The State Board's process for reviewing and acting on a partnership's application;
15 (C) An approved education provider's process for seeking persons to enroll in an alternative
16 program; and

17 (D) A person's process for enrolling in an approved education provider's alternative program;
18 (2) Procedures for determining whether a partnership agreement complies with sections one-b
19 and one-c of this article;

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

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

1 (5) Guidelines for determining what tuition or other charges an approved education provider

2 may impose relating to an alternative program;

3 (6) A list of the test or tests that a person must pass if he or she seeks a certification to teach

4 American Sign Language; and

5 (7) A list of the test or tests that a person must pass if he or she seeks a certification to teach

6 in selected vocational and technical areas.

7 **§18A-3-1e. State Board approval; prohibited acts.**

8 (a) *State Board approval.* –

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

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

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

23 (b) *Prohibited acts.* –

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

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

7 (3) A school or school district may not continue to employ an alternative program teacher
8 unless he or she makes satisfactory progress in the alternative program for which he or she is
9 employed.

10 **§18A-3-1f. Alternative program participation; eligibility for alternative program certificate;**
11 **contract renewals; hiring preference.**

12 (a) Alternative program participation. – A person may not participate in an alternative
13 program unless he or she holds an alternative program teacher certificate issued by the State
14 Superintendent for the alternative program position in which he or she will be teaching. An
15 alternative program teacher certificate is the same as a professional teaching certificate for the
16 purpose of issuing a continuing contract.

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

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

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

1 (3) Hold United States citizenship;
2 (4) Be of good moral character;
3 (5) Be physically, mentally and emotionally qualified to perform the duties of a teacher;
4 (6) Attain the age of eighteen years on or before October 1 of the year in which the alternative
5 program teacher certificate is issued;
6 (7) Receive from a county superintendent a formal offer of employment in a school or school
7 district that is a member of an approved education provider;
8 (8) Qualify for employment after a criminal history check made pursuant to section ten of this
9 article.

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

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

19 (e) Contract renewals. –

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

1 (2) If the school or school district that employs the alternative program teacher reduces its
2 overall number of teachers, the alternative program teacher is subject to the same force reduction
3 rules and procedures as any other employee, including those that relate to seniority.

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 ~~an~~ a regionally accredited institution of higher
19 education ~~in this state~~, and

20 (i) Has completed a program for the education of teachers which meets the requirements
21 approved by the State Board; or

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

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

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

3 (B) The certificate may be renewed subject to rules adopted by the State Board.

4 (b) *Alternative program teacher certificate.* -- An alternative program teacher certificate may
5 be issued to a candidate who is enrolled in an ~~alternative program for the education of teachers in~~
6 ~~accordance with the provisions of section one-a of this article~~ alternative program for teacher
7 education approved by the State Board.

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

10 (2) The certificate is valid ~~for one year and may be renewed for each of the following two~~
11 ~~consecutive years only while the candidate is enrolled in the alternative program, up to a maximum~~
12 of three years, and may not be renewed.

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

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

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

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

22 (ii) Has successfully completed education and training in evaluation skills through the center
23 for professional development, or equivalent education and training in evaluation skills approved by

1 the State Board, and

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

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

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

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

10 (1) Has completed thirty-six semester hours of post-secondary education or its equivalent in
11 subjects directly related to performance of the job, all approved by the State Board; and
12 (2) Demonstrates the proficiencies to perform duties as required of a paraprofessional as
13 defined in section eight, article four of this chapter.

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

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

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

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

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

2 (i) The contract specifies the duties to be performed, specifies a rate of pay that is equivalent

3 to the rate of pay for professional educators in the district who accept similar duties as extra duty

4 assignments, and provides for liability insurance associated with the activity; and

5 (ii) The person holding this certificate is not considered an employee of the board for salary

6 and benefit purposes other than as specified in the contract.

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

8 (C) The person completes an orientation program designed and approved in accordance with

9 State Board rules.

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

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

12 in-residence program in accordance with an agreement between an institution of higher education

13 and a county board. The agreement is developed pursuant to subsection ~~(f)~~ (e), section one of this

14 article and requires approval by the State Board.

15 (2) The permit is valid only for the teacher-in-residence program position in which the

16 candidate is enrolled and is subject to enrollment in the program. The permit is valid for no more

17 than one school year and may not be renewed.