

**Senate Bill No. 408**

(By Senators Cole (Mr. President) and Kessler,

By Request of the Executive)

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[Introduced February 4, 2015; referred to the Committee on Education; and then to the

Committee on Finance.]

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**FISCAL  
NOTE**

10 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
11 designated §18A-3-1d; to amend and reenact §18A-3-2a of said code; and to amend and  
12 reenact §18C-4A-1, §18C-4A-2 and §18C-4A-3 of said code, all relating to education;  
13 providing for critical need alternative teaching certificates to teach in subject areas, public  
14 schools or geographic areas of the state in which a critical teacher shortage exists, as  
15 determined by the State Board of Education; setting forth certificate eligibility requirements;  
16 providing for orientation program for critical need alternative teaching certificate holder;  
17 providing for training, support and evaluation of critical need alternative teaching certificate  
18 holder; setting forth requirements for renewing critical need alternative teaching certificate;  
19 requiring State Board of Education to promulgate legislative rule or rules related to  
20 implementation of critical need alternative learning certificates; expanding class of teachers  
21 that are eligible to receive assistance from Underwood-Smith Teacher Loan Assistance

1 Program; and increasing annual amount of assistance available from Underwood-Smith  
2 Teacher Loan Assistance Program.

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

4 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
5 section, designated §18A-3-1d; that §18A-3-2a of said code be amended and reenacted; and that  
6 §18C-4A-1, §18C-4A-2 and §18C-4A-3 of said code be amended and reenacted, all to read as  
7 follows:

8 **CHAPTER 18A. SCHOOL PERSONNEL.**

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

10 **DEVELOPMENT.**

11 **§18A-3-1d. Critical need alternative teaching certificate.**

12 (a) The State Superintendent may issue a critical need alternative teaching certificate to  
13 endorse a candidate to serve as teacher of record for a specific instructional field identified as a  
14 critical need pursuant to subsection (b) of this section.

15 (b) The critical need alternative teaching certificate is only valid for the purposes of allowing  
16 the certificate holder to teach in subject areas, public schools or geographic areas of the state in  
17 which the state board determines that a critical teacher shortage exists: *Provided*, That a certified  
18 teacher shall be given preference to fill any position identified as a critical need over a person  
19 holding a critical need alternative teaching certificate. The state board shall establish criteria and  
20 procedures for identifying critical teacher shortages in subject areas, public schools and geographic  
21 areas of the state. In establishing the criteria and procedures, the state board shall communicate with

1 the Higher Education Policy Commission as it establishes its criteria and procedures for identifying  
2 critical teacher shortages for the purposes of the Underwood-Smith Teacher Scholarship and Loan  
3 Assistance Fund pursuant to section one, article four, chapter eighteen-c of this code.

4 (c) The critical need alternative teaching certificate is issued for two years and may be  
5 renewed for additional one-year periods thereafter. The critical need alternative teaching certificate  
6 is equivalent to a professional teaching certificate for the purpose of issuing a continuing contract,  
7 and for the purposes of being designated a highly qualified teacher under the No Child Left Behind  
8 Act.

9 (d) To be eligible for a critical need alternative teaching certificate, an applicant shall:

10 (1) Possess a bachelor's degree from an accredited institution of higher education, including  
11 a bachelor's degree based upon verification by a West Virginia Department of Education-approved  
12 foreign credential evaluating agency, with a minimum cumulative 2.75 grade point average in a field  
13 or subject area related to the area in which the individual seeks certification, and have:

14 (A) Full-time, professional work experience of at least five years or more in a related area  
15 or field for which certification is being sought;

16 (B) Taught full-time in a private school, parochial or other school approved for the  
17 instruction of students of compulsory school age pursuant to section one, article eight, chapter  
18 eighteen of this code, for at least three years in a related subject area for which certification is being  
19 sought; or

20 (C) An advanced degree, including, but not limited to, a master's or doctorate degree, in a  
21 field or subject area related to the area for which certification is being sought;

1           (2) Meet the proficiency score or scores on the state competency exam or exams in  
2 preprofessional skills or qualify for an exemption pursuant to section 10.1.b.3.F.1 of state board  
3 policy 5202;

4           (3) Meet the proficiency score or scores on the state competency exam or exams in content  
5 or qualify for an exemption pursuant to section 10.1.b.3.F.2 of state board policy 5202 in the area  
6 for which he or she is seeking certification or provide acceptable documentation or related life  
7 experiences to the entity providing the program for those content areas that do not have a required  
8 competency exam;

9           (4) Be of good moral character and physically, mentally and emotionally qualified to perform  
10 the duties of a teacher; and

11           (5) Complete a West Virginia State Police and Federal Bureau of Investigation criminal  
12 history record check and give written consent to the West Virginia Department of Education  
13 pursuant to section ten, article three, chapter eighteen-a of this code and state board rules.

14           (e) Candidates certified under this section shall complete an orientation program developed  
15 by the state board prior to beginning employment in any school. A fee may be charged to candidates  
16 for the orientation program to defer the costs of administering such program.

17           (f) Candidates certified under this section shall successfully participate in a comprehensive  
18 system of support pursuant to section three, article three-c of this chapter during the time the  
19 candidate is certified pursuant to this section.

20           (g) Training and support of teachers certified under this section are provided by a  
21 professional support team.

1 (1) The professional support team shall include the following members:

2 (I) The school principal, or his or her designee;

3 (ii) A master teacher, mentor, academic coach, or other individual employee or professional  
4 used to provide support, supervision, professional development or training to other employees  
5 pursuant to the comprehensive system of support required by section three, article three-c of this  
6 chapter; and

7 (iii) A teacher education faculty from an institution of higher education teacher preparation  
8 program, to serve in an advisory and guidance capacity.

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

10 (3) The professional support team shall submit a written evaluation of the teacher certified  
11 under this section to the county superintendent at the conclusion of the teacher's first and second year  
12 of teaching. The written evaluations shall be in a form specified by the county superintendent and  
13 submitted on a date specified by the county superintendent. The evaluations shall report the progress  
14 of the critical need alternative teacher toward meeting the requirements of the training and support  
15 program, and all final decisions on the progress of the teacher and recommendations rest with the  
16 principal. The written evaluation required by this subdivision is in addition to the evaluation  
17 required pursuant to section two, article three-c of this chapter.

18 (h) A critical need alternative teaching certificate shall be issued only in subject areas, public  
19 schools and geographic areas in which the state board determines that critical teacher shortages exist  
20 pursuant to subsection (b) of this section, and according to the specialization and appropriate grade  
21 levels as set forth in state board rules. Critical need alternative teaching certificates issued pursuant

1 to this section shall not be endorsed for elementary or middle school education except by special  
2 approval of the State Superintendent.

3 (I) The critical need alternative teaching certificate shall be valid for two school years and  
4 may be renewed for additional one-year periods. The critical need alternative teaching certificate  
5 shall be renewed if the holder:

6 (1) Is successfully participating in a comprehensive system of support pursuant to section  
7 three, article three-c of this chapter;

8 (2) Participates in required professional development activities designed and implemented  
9 by an institution of higher education and the school system;

10 (3) Participates in an additional six hours of professional development in pedagogy and  
11 classroom management;

12 (4) Receives an evaluation rating at a level above unsatisfactory pursuant to section two,  
13 article three-c of this chapter and the state board rules promulgated pursuant to that section; and

14 (5) Receives the recommendation of the county superintendent of the county in which the  
15 applicant is employed.

16 (j) The state board shall promulgate a legislative rule or rules in accordance with article  
17 three-b, chapter twenty-nine-a of this code to implement the provisions of this section, including but  
18 not limited to, certificate eligibility criteria, development of an orientation program for candidates  
19 certified under this section and any fee required therefor, and the renewal of a certificate. The  
20 proposed rule or rules shall be submitted to the Legislative Oversight Commission on Education  
21 Accountability for review pursuant to section nine, article three-b, chapter twenty-nine-a of this code.

1 **§18A-3-2a. Certificates valid in the public schools that may be issued by the state**  
2 **superintendent.**

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

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

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

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

11 (I) Has completed a program for the education of teachers which meets the requirements  
12 approved by the state board; or

13 (ii) Has met equivalent standards at institutions in other states and has passed appropriate  
14 state board approved basic skills and subject matter tests or has completed three years of successful  
15 experience within the last seven years in the area for which licensure is being sought; or

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

18 (I) Has passed appropriate state board approved basic skills and subject matter tests; or

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

21 (I) Has completed an alternative program for teacher education approved by the state board,

1 (II) Is recommended for a certificate in accordance with the provisions of sections one-a and  
2 one-b of this article relating to the program, or

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

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

6 (3) The initial professional certificate is issued provisionally for a period of three years from  
7 the date of issuance:

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

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

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

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

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

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

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

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

3            ~~(c)~~ (d) *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 offer  
9 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)~~ (e) *Paraprofessional certificate.* -- A paraprofessional certificate may be issued to a

1 person who meets the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) A teacher-in-residence permit may be issued to a candidate who is enrolled in a  
6 teacher-in-residence program in accordance with an agreement between an institution of higher  
7 education and a county board. The agreement is developed pursuant to subsection (f), section one  
8 of this article and requires approval by the state board.

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

12 **CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.**

13 **ARTICLE 4A. UNDERWOOD-SMITH TEACHER LOAN ASSISTANCE PROGRAM.**

14 **§18C-4A-1. Selection criteria and procedures for loan assistance.**

15 (a) The Governor shall designate the Higher Education Student Financial Aid Advisory  
16 Board created by section five, article one of this chapter to select recipients to receive  
17 Underwood-Smith Teacher Loan Assistance Awards.

18 ~~(b) The advisory board shall make decisions regarding loan assistance pursuant to section~~  
19 ~~one, article four of this chapter and the following criteria:~~

20 ~~(A) Eligibility for an award is limited to a teacher who has earned a teaching degree and is~~  
21 ~~certified to teach a subject area of critical need in the public schools of West Virginia. A certified~~

1 ~~teacher in a subject area of critical need who is enrolled in an advanced in-field degree course or who~~  
2 ~~has earned an advanced in-field degree may apply for an award to be paid toward current education~~  
3 ~~student loans;~~

4       ~~(B)~~ To be eligible for a loan award, a teacher shall agree to teach, or shall currently be  
5 teaching, a subject area of critical need or in a ~~state~~ school or geographic area of the state identified  
6 as an area of critical need ~~pursuant to section one, article four of this chapter.~~ The advisory board  
7 shall make decisions regarding loan assistance pursuant to section one, article four of this chapter.

8       (c) In accordance with the rule promulgated pursuant to section one, article four of this  
9 chapter, the vice chancellor for administration shall develop additional eligibility criteria and  
10 procedures for the administration of the loan program.

11       (d) The vice chancellor for administration shall make available program application forms  
12 to public and private schools in the state via the commission and the State Department of  
13 Education's websites and in other locations convenient to potential applicants.

14 **§18C-4A-2. Loan assistance agreement.**

15       (a) Before receiving an award, each eligible teacher shall enter into an agreement with the  
16 vice chancellor for administration and shall meet the following criteria:

17       (1) Provide the commission with evidence of compliance with subsection (b), section four,  
18 article four of this chapter;

19       (2) Teach in a subject area of critical need or in a school or geographic area of critical need  
20 full time under contract with a county board for a period of two school years for each year for which  
21 loan assistance is received pursuant to this article. The vice chancellor for administration may grant

1 a partial award to an eligible recipient whose contract term is for less than a full school year pursuant  
2 to criteria established by commission rule.

3 (3) Acknowledge that an award is to be paid to the recipient's ~~educational~~ student loan  
4 institution, not directly to the recipient, only after the commission determines that the recipient has  
5 complied with all terms of the agreement; and

6 (4) Repay all or part of an award received pursuant to this article if the award is not paid to  
7 the ~~educational~~ student loan institution or if the recipient does not comply with the other terms of  
8 the agreement.

9 (b) Each loan agreement shall disclose fully the terms and conditions under which an award  
10 may be granted pursuant to this article and under which repayment may be required. The agreement  
11 also is subject to and shall include the terms and conditions established by section five, article four  
12 of this chapter.

13 **§18C-4A-3. Amount and duration of loan assistance; limits.**

14 (a) Each award recipient is eligible to receive loan assistance of up to ~~\$2,000~~ \$3,000 annually  
15 subject to limits set forth in subsection (b) of this section:

16 (1) If the recipient has taught ~~math or science~~ for a full school year under contract with a  
17 county board in a subject area of critical need or in a school or geographic area of critical need; and

18 (2) If the recipient otherwise has complied with the terms of the agreement and with  
19 applicable provisions of this article and article four of this chapter, and any rules promulgated  
20 pursuant thereto.

21 (b) The recipient is eligible for renewal of loan assistance only during the periods when the

1 recipient is under contract with a county board to teach in a subject area of critical need or in a  
2 school or geographic area of critical need, and complies with other criteria and conditions established  
3 by rule, except that a teacher who is teaching under a contract in a position that no longer meets the  
4 definition of critical need under rules established in accordance with section one, article four of this  
5 chapter is eligible for renewal of loan assistance until the teacher leaves his or her current position.

6 (c) No recipient may receive loan assistance pursuant to this article which accumulates in  
7 excess of \$15,000.

NOTE: The purpose of this bill is to establish critical need alternative teaching certificates, provide for the requirements to obtain such a certificate and provide criteria for the renewal of such certificates. The bill also expands the availability of the Underwood-Smith Teacher Loan Assistance Program, and increases the annual amount of assistance available from \$2,000 to \$3,000.

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

§18A-3-1d is new; therefore, strike-throughs and underscoring have been omitted.