

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3368

By Delegates Ridenour, Longanacre and E. Pritt

[Introduced February 10, 2023; Referred to the
Committee on Education then Finance]

1 A BILL to amend and reenact §18A-3-1 of the Code of West Virginia, 1931, as amended; to amend
 2 and reenact §18A-3-2a of said code; both relating to establishing the Troops-to-Teachers
 3 program.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.

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

1 (a) The education of professional educators in the state is under the general direction and
 2 control of the state board.

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

5 (1) Programs in all institutions of higher education, including student teaching, resident
 6 teacher clinical experience, and the clinical teacher of record programs, as provided in this
 7 section;

8 (2) Beginning teacher and leader induction programs;

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

11 (4) Alternative preparation programs in this state leading to certification, including
 12 programs established pursuant to the provisions of §18A-3-1a, §18A-3-1b, §18A-3-1c, §18A-3-1d,
 13 §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h, and §18A-3-1i of this code and programs which are
 14 in effect on the effective date of this section; and

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

17 (b) The state board shall adopt standards for the education of professional educators in the

18 state and for awarding certificates valid in the public schools of this state. The standards include,
19 but are not limited to, the following:

20 (1) A provision for the study of the history and philosophical foundations of Western
21 Civilization and the writings of the founders of the United States of America;

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

25 (3) A provision for the study of classroom management techniques, including methods of
26 effective management of disruptive behavior including addressing societal factors and their impact
27 on student behavior; and

28 (4) A teacher from another state shall be awarded a teaching certificate for a comparable
29 grade level and subject area valid in the public schools of this state, subject to §18A-3-10 of this
30 code if he or she has met the following requirements:

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

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

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

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

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

40 (5) The state superintendent shall establish a Troops-to-Teachers program to attract
41 veterans as teachers in our public schools. Retired armed forces officers and staff non-
42 commissioned officers shall be awarded a teaching certificate upon application, which will be valid
43 in the public schools of this state, subject to §18A-3-10 of this code. Veterans will be given a

44 veterans' preference in hiring in accordance with §6-13-1 of this code.

45 (d) An agreement established pursuant to subsection (c) of this section shall recognize
46 student teaching or teacher residency as a joint responsibility of the educator preparation
47 institution and the cooperating public schools. The agreement shall include the following items:

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

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

53 (3) Minimum standards to guarantee the adequacy of the facilities and program of the
54 public school selected for student teaching or teacher residency;

55 (4) Assurance that the student teacher or resident teacher, under the direction and
56 supervision of the supervising teacher, shall exercise the authority of a substitute teacher;

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

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

67 (e) Clinical teacher of record programs. —

68 (1) In lieu of the provisions of subsections (c) and (d) of this section and subject to approval
69 of the state board, an institution of higher education with a program for the education of

70 professional educators approved by the state board may enter into an agreement with county
71 boards for the use of clinical teacher of record programs in the public schools.

72 (2) A "clinical teacher of record program" means an intensively supervised and mentored
73 program for prospective teachers during their senior year that refines their professional practice
74 skills and helps them gain the teaching experience needed to demonstrate competence as a
75 prerequisite to certification to teach in the West Virginia public schools.

76 (3) The authorization for the higher education institution and the county board to implement
77 a clinical teacher of record program is subject to state board approval. The provisions of the
78 agreement include, but are not limited to, the following items:

79 (A) A requirement that the prospective teacher in a clinical teacher of record program has
80 completed all other preparation courses and has passed the appropriate basic skills and subject
81 matter test or tests required by the state board for teachers to become certified in the area for
82 which licensure is sought;

83 (B) A requirement that the clinical teacher of record serve only in a teaching position in the
84 county which has been posted and for which no other teacher fully certified for the position has
85 been employed;

86 (C) Specifics regarding the program of instruction for the clinical teacher of record setting
87 forth the responsibilities for supervision and mentoring by the higher education institution's
88 educator preparation program, the school principal, and peer teachers and mentors, and the
89 responsibilities for the formal instruction or professional development necessary for the clinical
90 teacher of record to perfect his or her professional practice skills. The program also may include
91 other instructional items as considered appropriate;

92 (D) A requirement that the clinical teacher of record hold a clinical teacher of record permit
93 qualifying the individual to teach in his or her assigned position as the teacher of record;

94 (E) A requirement that the salary and benefit costs for the position to which the clinical
95 teacher of record is assigned shall be used only for program support and to pay a stipend to the

96 clinical teacher of record as specified in the agreement, subject to the following:

97 (i) The clinical teacher of record is a student enrolled in the teacher preparation program of
98 the institution of higher education and is not a regularly employed employee of the county board;

99 (ii) The clinical teacher of record is included on the certified list of employees of the county
100 eligible for state aid funding the same as an employee of the county at the appropriate level based
101 on their permit and level of experience;

102 (iii) All state aid funding due to the county board for the clinical teacher of record shall be
103 used only in accordance with the agreement with the institution of higher education for support of
104 the program as provided in the agreement, including costs associated with instruction and
105 supervision as set forth in paragraph (C) of this subdivision;

106 (iv) The clinical teacher of record is provided the same liability insurance coverage as other
107 employees; and

108 (v) All state aid funding due to the county for the clinical teacher of record and not required
109 for support of the program shall be paid as a stipend to the clinical teacher of record: Provided,
110 That the stipend paid to the clinical teacher of record shall be no less than 65 percent of all state
111 aid funding due the county for the clinical teacher of record;

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

113 (f) In lieu of the student teaching experience in a public school setting required by this
114 section, an institution of higher education may provide an alternate student teaching or residency
115 experience in a nonpublic school setting if the institution of higher education meets the following
116 criteria:

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

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

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

120 (g) At the discretion of the higher education institution, an agreement for an alternate
121 student teaching or residency experience between an institution of higher education and a

122 nonpublic school shall require one of the following:

123 (1) The prospective teacher shall complete at least one-half of the clinical experience in a
124 public school; or

125 (2) The educator preparation program shall include a requirement that any student
126 performing student teaching or residency in a nonpublic school shall complete the following:

127 (A) At least 200 clock hours of field-based training in a public school; and

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

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

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

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

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

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

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

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

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

151 (i) The state superintendent may issue certificates as provided in §18A-3-2a of this code to
152 graduates of educator preparation programs and alternative educator preparation programs
153 approved by the state board. The certificates are issued in accordance with this section and rules
154 adopted by the state board.

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

156 (A) Is a citizen of the United States, except as provided in subdivision (2) or (3) of this
157 subsection;

158 (B) Is of good moral character;

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

160 (D) Is at least 18 years of age on or before October 1 of the year in which his or her
161 certificate is issued.

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

165 (3) A certificate to teach may be granted to a noncitizen of the United States who holds a
166 valid Permanent Resident Card, Employment Authorization Document (EAD), or work permit
167 issued by the United States Citizenship and Immigration Services (USCIS).

168 (j) Institutions of higher education approved for educator preparation may cooperate with
169 each other and with one or more county boards to organize and operate centers to provide
170 selected phases of the educator preparation program. The phases include, but are not limited to,
171 the following:

172 (1) Student teaching and resident teacher clinical experience programs;

173 (2) Clinical teacher of record programs;

- 174 (3) Beginning teacher and leader induction programs;
175 (4) Instruction in methodology; and
176 (5) Seminar programs for college students, teachers with provisional certification,
177 professional support team members, and supervising teachers.

178 By mutual agreement, the institutions of higher education and county boards may budget
179 and expend funds to operate the centers through payments to the appropriate fiscal office of the
180 participating institutions and the county boards.

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

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

187 (m) Definitions. — For the purposes of this section, the following words have the meanings
188 ascribed to them unless the context clearly indicates a different meaning:

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

192 (A) Comply with the provisions of §18-28-1 *et seq.* of this code;

193 (B) Participate on a voluntary basis in a state-operated or state-sponsored program
194 provided to this type of school pursuant to this section; and

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

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

199 (3) "Exceptional child" or "exceptional children" has the meaning ascribed to these terms

200 pursuant to §18-20-1 of this code but, as used in this section, the terms do not include gifted
201 students.

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

1 In accordance with state board rules for the education of professional educators adopted
2 pursuant to §18A-3-1 if this code and subject to the limitations and conditions of that section, the
3 State Superintendent may issue the following certificates valid in the public schools of the state:

4 (a) *Professional teaching certificates.* —

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

7 (A) Holds at least a bachelor’s degree from a regionally accredited institution of higher
8 education, and:

9 (i) Has passed appropriate state board approved basic skills and subject matter tests in the
10 area for which licensure is being sought; and

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

13 (iii) Has met equivalent standards at institutions in other states; or

14 (iv) Has completed three years of successful teaching experience within the last seven
15 years under a license issued by another state in the area for which licensure is being sought; or

16 (v) Has completed an alternative program approved by another state; or

17 (B) Holds at least a bachelor’s degree from an accredited institution of higher education,
18 and:

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

20 (ii) Has completed an alternative program for teacher education as provided in this article;

21 and

22 (iii) Is recommended for a certificate in accordance with the provisions of §18A-3-1i of this

23 code relating to the program; and

24 (iv) Is recommended by the State Superintendent based on documentation submitted; or

25 (C) Holds a bachelor's degree from an accredited institution of higher education, and:

26 (i) Submits to a criminal history check pursuant to §18A-3-10 of this code: *Provided*, That
27 information discovered during the criminal history check may form the basis for the denial of a
28 certificate for just cause; and

29 (ii) Successfully completes pedagogical training or a pedagogical course or courses in
30 substantive alignment with nationally recognized pedagogical standards, or approved or
31 established by the state board; and

32 (iii) Passes the same subject matter and competency test or tests required by the state
33 board for traditional program applicants for licensure; or

34 (D) Is a retired armed forces officer or staff non-commissioned officer.

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

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

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

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

42 (4) Teaching certificates granted pursuant to §18A-3-2a(a)(1)(C) of this code shall be
43 equivalent to certificates granted to graduates of teacher preparation programs at public higher
44 education institutions.

45 (b) *Alternative program teacher certificate.* — An alternative program teacher certificate
46 may be issued to a candidate who is enrolled in an alternative program for teacher education
47 approved by the state board.

48 (1) The certificate is valid only for the alternative program position in which the candidate is

49 employed and is subject to enrollment in the program.

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

52 (c) *Professional administrative certificate.* —

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

57 (A) Holds at least a master's degree from an institution of higher education accredited to
58 offer a master's degree, and:

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

61 (ii) Has successfully completed education and training in evaluation skills through the
62 Center for Professional Development, or equivalent education and training in evaluation skills
63 approved by the state board; and

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

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

67 (3) The initial professional administrative certificate is issued provisionally for a period of
68 five years. This certificate may be converted to a professional administrative certificate valid for
69 five years or renewed, subject to the regulations of the state board.

70 (d) *Paraprofessional certificate.* — A paraprofessional certificate may be issued to a
71 person who meets the following conditions:

72 (1) Has completed 36 semester hours of post-secondary education or its equivalent in
73 subjects directly related to performance of the job, all approved by the state board; and

74 (2) Demonstrates the proficiencies to perform duties as required of a paraprofessional as

75 defined in §18A-4-8 of this code.

76 (e) *Other certificates; permits.* —

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

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

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

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

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

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

92 (B) The person completes an orientation program designed and approved in accordance
93 with state board rules.

94 (f) *Clinical Teacher of Record Permit.* —

95 (1) A clinical teacher of record permit may be issued to a candidate who is enrolled in a
96 clinical teacher of record program in accordance with an agreement between an institution of
97 higher education and a county board. The agreement is developed pursuant to §18A-3-1(e) of this
98 code and requires approval by the state board.

99 (2) The permit is valid only for the clinical teacher of record program position in which the
100 candidate is enrolled and is subject to enrollment in the program. The permit is valid for no more

101 than one school year and may not be renewed.

102 (g) *Temporary teaching certificates for armed forces spouses.* —

103 (1) A temporary teaching certificate for an armed forces spouse may be issued to an
104 individual who meets the following criteria:

105 (A) He or she is married to a member of the armed forces of the United States who is on
106 active duty;

107 (B) He or she holds a current unencumbered teaching certificate or license issued by an
108 equivalent credentialing department, board, or authority, as determined by the State
109 Superintendent, in another state of the United States, the District of Columbia, Puerto Rico, the
110 United States Virgin Islands, another territory or protectorate of the United States or a foreign
111 country; and

112 (C) He or she provides proof acceptable to the State Superintendent that his or her spouse
113 is assigned to a duty station in this state or at a military installation within 50 air miles of the West
114 Virginia border and that he or she is also assigned to a duty station in this state or at a military
115 installation within 50 air miles of the West Virginia border under his or her spouse's official active-
116 duty military orders.

117 (2) The State Superintendent shall deny a temporary teaching certificate to an individual
118 described in paragraph (1) of this subdivision for fraud, material misrepresentation or concealment
119 in the person's application for a temporary teaching certificate or for a conviction for which an
120 individual's teaching certificate may be revoked under §18A-3-6 of this code.

121 (3) A temporary teaching certificate issued under paragraph (1) of this subdivision is valid
122 for one year and may be renewed for additional one-year terms if the State Superintendent
123 determines the individual holding the temporary teaching certificate continues to meet the
124 requirements of paragraph (1) of this subdivision. The State Superintendent may revoke a
125 temporary teaching certificate for a conviction for which an individual's teaching certificate may be
126 revoked under §18A-3-6 of this code.

NOTE: The purpose of this bill is to establish the Troops-to-Teachers program.

West Virginia Code §18A-3-2a was amended by two bills passed during the 2021 Regular Session of the Legislature by the House and Senate. House Bill 2029 (passed last on April 10, 2021); Senate Bill 14 (passed first on February 26, 2021). The two versions of this section have been merged into this bill. The addition of the word "or" in subparagraph (a)(1)(C)(iii) and the entirety of Paragraph (a)(1)(D) were in the most recent version of this section and represent the only substantive differences between the two versions.

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