

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5405

BY DELEGATES STATLER, TONEY, ELLINGTON,

FEHRENBACHER, AND HORNBY

[Passed March 9, 2024; in effect ninety days from
passage.]

1 AN ACT to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and
2 to amend and reenact §18A-3C-3 of said code, all relating to increasing support and
3 professional development for educators; expanding factors used to determine how funds
4 for supporting county-level implementation of the comprehensive systems for teacher and
5 leader induction and professional growth are allocated to the counties; authorizing
6 retention of certain funding for 2024 – 2025 school year by the Department of Education
7 for certain regional professional learning cadres or teacher leadership networks,
8 implementing the Department of Education’s academic initiatives, and to assist teachers
9 who are less than fully certified; requiring up to a certain portion of the retained funding to
10 be distributed to county boards for certain purposes under a grant program to be
11 established by state board rule; specifying minimum contents of rule; requiring county
12 boards to ensure that the results on the comprehensive statewide student assessment for
13 the students taught by each teacher are provided to that teacher; adding to topics to be
14 addressed by the plan for implementation of a comprehensive system of support for
15 improving professional practice; requiring certain additional amounts paid to a teacher be
16 only for the duration of any service provided and not be considered salary for the
17 computation of an annuity under the Teachers Retirement System; and removing
18 requirement for the Legislative Oversight Commission on Education Accountability to
19 review the progress of the implementation of the comprehensive systems of support for
20 teacher and leader induction and professional growth and authority to make
21 recommendations to the Legislature.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-10. Foundation allowance to improve instructional programs, instructional technology, and teacher and leader induction and professional growth.

1 (a) The total allowance to improve instructional programs and instructional technology is
2 the sum of the following:

3 (1) For instructional improvement, in accordance with county and school electronic
4 strategic improvement plans required by §18-2E-5 of this code, an amount equal to 10 percent of
5 the increase in the local share amount for the next school year shall be added to the amount of
6 the appropriation for this purpose for the immediately preceding school year. The sum of these
7 amounts shall be allocated to the counties as follows:

8 (A) One hundred fifty thousand dollars shall be allocated to each county; and

9 (B) Allocation to the counties of the remainder of these funds shall be made proportional
10 to the average of each county's average daily attendance for the preceding year and the county's
11 second month net enrollment.

12 Moneys allocated by this subdivision shall be used to improve instructional programs
13 according to the county and school strategic improvement plans required by §18-2E-5 of this code
14 and approved by the state board.

15 Up to 50 percent of this allocation for the improvement of instructional programs may be
16 used to employ professional educators and service personnel in the county. Prior to the use of
17 any funds from this subdivision for personnel costs, the county board must receive authorization
18 from the state superintendent. The state superintendent shall require the county board to
19 demonstrate: (1) The need for the allocation; (2) efficiency and fiscal responsibility in staffing; (3)
20 sharing of services with adjoining counties in the use of the total local district board budget; and
21 (4) employment of technology integration specialists to meet the needs for implementation of the
22 West Virginia Strategic Technology Learning Plan. County boards shall make application for the
23 use of funds for personnel for the next fiscal year by May 1 of each year. On or before June 1,
24 the state superintendent shall review all applications and notify applying county boards of the

25 approval or disapproval of the use of funds for personnel during the fiscal year appropriate. The
26 state superintendent shall require the county board to demonstrate the need for an allocation for
27 personnel based upon the county's inability to meet the requirements of state law or state board
28 policy.

29 The funds available for personnel under this subdivision may not be used to increase the
30 total number of professional noninstructional personnel in the central office beyond four.

31 The plan shall be made available for distribution to the public at the office of each affected
32 county board; plus

33 (2) For the purposes of improving instructional technology, an amount equal to 20 percent
34 of the increase in the local share amount for the next school year shall be added to the amount
35 of the appropriation for this purpose for the immediately preceding school year. The sum of these
36 amounts shall be allocated to the counties as follows:

37 (A) Thirty thousand dollars shall be allocated to each county; and

38 (B) Allocation to the counties of the remainder of these funds shall be made proportional
39 to the average of each county's average daily attendance for the preceding year and the county's
40 second month net enrollment.

41 Moneys allocated by this subdivision shall be used to improve instructional technology
42 programs according to the county board's strategic technology learning plan.

43 This allocation for the improvement of instructional technology programs may also be used
44 for the employment of technology system specialists essential for the technology systems of the
45 schools of the county to be fully functional and readily available when needed by classroom
46 teachers. The amount of this allocation used for the employment of technology system specialists
47 shall be included and justified in the county board's strategic technology learning plan; plus

48 (3) One percent of the state average per pupil state aid multiplied by the number of
49 students enrolled in dual credit, advanced placement, and international baccalaureate courses,

50 as defined by the state board, distributed to the counties proportionate to enrollment in these
51 courses in each county; plus

52 (4) For the purpose of supporting county-level implementation of the comprehensive
53 systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this
54 code, an amount equal to 20 percent of the increase in the local share amount for the next school
55 year shall be added to the amount of the appropriation for this purpose for the immediately
56 preceding school year. The sum of these amounts shall be allocated to the counties in a manner
57 established by the state board which considers the following factors:

58 (A) The number of full-time-equivalent teachers employed by the county with zero years
59 of experience;

60 (B) The number of full-time-equivalent teachers employed by the county who are less than
61 fully certified for the teaching position in which they are employed;

62 (C) The total number of full-time-equivalent teachers employed by the county with one
63 year of experience, with two years of experience, and with three years of experience;

64 (D) The number of full-time-equivalent principals, assistant principals, and vocational
65 administrators employed by the county who are in their first or second year of employment as a
66 principal, assistant principal, or vocational administrator;

67 (E) The number of full-time-equivalent principals, assistant principals, and vocational
68 administrators employed by the county who are in their first year in an assignment at a school
69 with a programmatic level in which they have not previously served as a principal, assistant
70 principal, or vocational administrator; and

71 (F) Needs identified in the strategic plans for continuous improvement of schools and
72 school systems including those identified through the performance evaluations of professional
73 personnel.

74 Notwithstanding any provision of this subsection to the contrary, no county may receive
75 an allocation for the purposes of this subdivision which is less than the county's total 2016-2017

76 allocation from the Teacher Mentor and Principals Mentorship appropriations to the Department
77 of Education. Moneys allocated by this subdivision shall be used for implementation of the
78 comprehensive systems for teacher and leader induction and professional growth pursuant to
79 §18A-3C-3 of this code. Notwithstanding any provision of this subsection to the contrary, for each
80 of the five school years beginning with the school year 2020 – 2021 and ending after the school
81 year 2024 – 2025, from funds to be allocated under this subdivision, \$100,000 shall be retained
82 by the Department of Education to assist county boards with the design and implementation of a
83 teacher leader framework to accomplish the teacher induction and professional growth aspects
84 of their comprehensive systems of support for teacher and leader induction and professional
85 growth pursuant to §18A-3C-3 of this code. The Department of Education may also retain an
86 additional amount of funds to be allocated under this subdivision beginning with the school year
87 2024 – 2025, not exceeding \$15,000,000, to accommodate the participation by county school
88 systems in regional professional learning cadres or teacher leadership networks established or
89 supported by the Department of Education, to expand regional professional learning cadres or
90 teacher leadership networks designed to support the full implementation of the Third Grade
91 Success Act provided in §18-2E-10 of this code, to implement the Department of Education's
92 academic initiatives, and to assist teachers who are less than fully certified for the teaching
93 position in which they are employed as further provided in §18A-3C-3 of this code. Up to
94 \$1,000,000 of the \$15,000,000 shall be distributed to county boards for the purpose of expanding
95 the school districts' ability to contract with organizations that facilitate the school districts'
96 participation in regional professional learning cadres or teacher leadership networks designed to
97 support math and science improvement or to support teachers who are less than fully certified for
98 the teaching position in which they are employed as further provided in §18A-3C-3 of this code.
99 The \$1,000,000 shall be distributed to the county boards under a grant program to be established
100 by the state board by rule pursuant to §29A-3B-1 *et seq.* of this code. The rule shall include at
101 least the following:

102 (A) A requirement and procedures for county boards to submit applications for a grant;

103 (B) Criteria on which awards of the grants will be based on; and

104 (C) A requirement for an external evaluation for any program funded by a grant.

105 (b) Notwithstanding the restrictions on the use of funds pursuant to subdivisions (1) and
106 (2), subsection (a) of this section, a county board may:

107 (1) Utilize up to 25 percent of the allocation for the improvement of instructional programs
108 in any school year for school facility and equipment repair, maintenance, and improvement or
109 replacement and other current expense priorities and for emergency purposes. The amount of
110 this allocation used for any of these purposes shall be included and justified in the county and
111 school strategic improvement plans or amendments thereto; and

112 (2) Utilize up to 50 percent of the allocation for improving instructional technology in any
113 school year for school facility and equipment repair, maintenance, and improvement or
114 replacement and other current expense priorities and for emergency purposes. The amount of
115 this allocation used for any of these purposes shall be included and justified in the county board's
116 strategic technology learning plan or amendments thereto.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 3C. IMPROVING TEACHING AND LEARNING.

§18A-3C-3. Comprehensive system for teacher and leader induction and professional growth.

1 (a) The intent of the Legislature is to allow for local-level implementation of comprehensive
2 systems of support for building professional practice consistent with sound educational practices
3 and resources available. In this regard, it is the intent of the Legislature that the comprehensive
4 systems of support shall incorporate support for improved professional performance that begins
5 with meaningful assistance for beginning teachers and leaders and also is targeted on
6 deficiencies identified through the educator personnel evaluation process and other professional
7 development needs identified in the strategic plans for continuous improvement of schools and

8 school systems. Further, because of significant variability among the counties, not only in the size
9 of their teaching force, distribution of facilities and available resources, but also because of their
10 varying needs, the Legislature intends for the implementation of this section to be accomplished
11 in a manner that provides adequate flexibility to the counties to design and implement a
12 comprehensive system of support for improving professional performance that best achieves the
13 goals of this section within the county. Finally, because of the critical importance of ensuring that
14 all teachers perform at the accomplished level or higher in the delivery of instruction that at least
15 meets the West Virginia Professional Teaching Standards and because achieving this objective
16 at a minimum entails providing assistance to address the needs as indicated by the data informed
17 results of annual performance evaluations, including the self-assessed needs of the teachers
18 themselves, the Legislature expects the highest priority for county and state professional
19 development will be on meeting these needs and that the comprehensive systems of support for
20 improving professional practice will reflect substantial redirection of existing professional
21 development resources toward this highest priority.

22 (b) Each county board shall ensure that the results on the comprehensive statewide
23 student assessment for the students taught by each teacher are provided to that teacher so that
24 the teacher can see the performance of the students he or she taught the previous school year.

25 (c) On or before July 1, 2018, the state board shall publish guidelines on the design and
26 implementation of a county-level comprehensive system of support for improving professional
27 practice. The purpose of the guidelines is to assist the county board with the design and
28 implementation of a system that best achieves the goals of this section within the county. The
29 guidelines may include examples of best practices and resources available to county boards to
30 assist them with the design and implementation of a comprehensive system of support and may
31 include guidelines for the design and implementation of a teacher leader framework committed to
32 improving the quality of instruction.

33 (d) Effective for the school year beginning July 1, 2018, and thereafter, a county board is
34 not eligible to receive state funding appropriated for the purposes of this section or any other
35 provision of law related to beginning teacher and principal internships and mentor teachers and
36 principals unless it has adopted a plan for implementation of a comprehensive system of support
37 for improving professional practice, the plan has been verified by the state board as meeting the
38 requirements of this section and the county is implementing the plan. The plan shall address the
39 following:

40 (1) The manner in which the county will provide the strong school-based support and
41 supervision that will assist beginning teachers in developing instructional and management
42 strategies, procedural and policy expertise, and other professional practices they need to be
43 successful in the classroom and perform at the accomplished level. Nothing in this subdivision
44 prohibits a school or school system that was granted an exception or waiver from §18A-3-2c of
45 this code prior to the effective date of this section from continuing implementation of the program
46 in accordance with the exception or waiver;

47 (2) The manner in which the county will provide the strong support and supervision
48 necessary to assist teachers employed by the county who are less than fully certified for the
49 teaching position in which they are employed that will include an emphasis on grade-level content,
50 standards driven instruction, research-based instructional strategies, and mentoring support
51 consistent with the West Virginia Professional Teaching Standards.

52 (3) The manner in which the county will provide the strong support and supervision that
53 will assist beginning principals in developing instructional leadership, supervisory and
54 management strategies, procedural and policy expertise, and other professional practices they
55 need to be successful in leading continuous school improvement and performing at the
56 accomplished level or above;

57 (4) The manner in which the county in cooperation with the teacher preparation programs
58 in this state will provide strong school-based support and assistance necessary to make student
59 and resident teaching a productive learning experience;

60 (5) The manner in which the county will use the data from the educator performance
61 evaluation system to serve as the basis for providing professional development specifically
62 targeted on the area or areas identified through the evaluation process as needing improvement.
63 If possible, this targeted professional development should be delivered at the school site using
64 collaborative processes, mentoring or coaching or other approaches that maximize use of the
65 instructional setting;

66 (6) The manner in which the county will use the data from the educator performance
67 evaluation system to serve as the basis for establishing priorities for the provision of county-level
68 professional development when aggregate evaluation data from the county's schools indicates
69 an area or areas of needed improvement;

70 (7) If a county uses master teachers, mentors, academic coaches, or any other
71 approaches using individual employees to provide support, supervision, or other professional
72 development or training to other employees for the purpose of improving their professional
73 practice, the manner in which the county will select each of these individual employees based
74 upon demonstrated superior performance and competence as well as the manner in which the
75 county will coordinate support for these employees. If the duties of the position are to provide
76 mentoring to an individual teacher at only one school, then priority shall be given to applicants
77 employed at the school at which those duties will be performed;

78 (8) The manner in which the county will use local resources available, including, but not
79 limited to, funds for professional development and academic coaches, to focus on the priority
80 professional development goals of this section;

81 (9) The manner in which the county will adjust its scheduling, use of substitutes,
82 collaborative planning time, calendar, or other measures as may be necessary to provide

83 sufficient time for professional personnel to accomplish the goals of this section as set forth in the
84 county's plan; and

85 (10) The manner in which the county will monitor and evaluate the effectiveness of
86 implementation and outcomes of the county system of support for improving professional practice.

87 (e) Effective the school year beginning July 1, 2020, and thereafter, appropriations for
88 supporting county-level implementation of the comprehensive systems of support for teacher and
89 leader induction and professional growth pursuant to §18-9A-10 of this code and any new
90 appropriation which may be made for the purposes of this section shall be expended by county
91 boards only to accomplish the activities as set forth in their county plan pursuant to this section.
92 Effective the school year beginning July 1, 2020, and thereafter, any employee service or
93 employment as a mentor is not subject to the provisions of this code governing extra duty
94 contracts. A county board may adopt a teacher leader framework designed to accomplish the
95 purposes of this section related to teacher induction and professional growth and, if the county
96 board adopts a county salary supplement pursuant to §18A-4-5a of this code to provide additional
97 compensation to teachers who, in addition to teaching duties, are assigned other duties for new
98 teacher induction, improving professional practice and furthering professional growth among
99 teachers as set forth in the county's comprehensive system of support, then appropriations made
100 for supporting the purposes of this section may be applied to that salary supplement and other
101 associated costs which may include a reduction in the teaching load of the teacher leader:
102 *Provided, That effective July 1, 2024, and thereafter, any additional amount paid to a teacher*
103 *pursuant to this section shall only be for the duration of any service provided under this section*
104 *and not be considered salary for the purposes of the computation of an annuity under §18-7A-26*
105 *of this code.*

106 (f) The Department of Education shall assist county boards with the design and
107 implementation of a teacher leader framework to accomplish the teacher induction and

108 professional growth aspects of their comprehensive systems of support pursuant to this section.

109 The goals of a teacher leader framework are to achieve:

110 (1) Increased student achievement and growth through the development of a shared
111 leadership structure at the school level;

112 (2) Broader dissemination and use of effective teacher strategies through an increase in
113 teacher collaboration; and

114 (3) Stronger and more positive school and district culture through the development and
115 retention of highly effective teachers.

116 (g) The Department of Education may form networks among schools or school systems,
117 or both, of comparable size and interests for the design and implementation of teacher leader
118 frameworks that are:

119 (A) Driven by varying district and school needs;

120 (B) Related to existing state and district initiatives;

121 (C) Designed to improve student achievement and growth; and

122 (D) Designed to fit district size, current culture for collaboration, and funding capacity.

123 (h) A teacher leader framework adopted by a county board must:

124 (1) Create specific roles and responsibilities, eligibility requirements, and compensation
125 plans for each teacher leader position, and clearly communicate these to teacher leaders,
126 administrators, and other stakeholders;

127 (2) Provide regular, targeted professional learning opportunities for teacher leaders, and
128 encourage redelivery within their respective schools;

129 (3) Provide time and opportunities for teacher leaders to collaborate with administrators,
130 curriculum staff, other teacher leaders, and teachers;

131 (4) Monitor and evaluate the effectiveness of the teacher leader program through surveys
132 from school administrators and school faculty; and

133 (5) Include teacher leaders in the school improvement planning process.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2024.

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Governor