

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5405**

By Delegates Statler, Toney, Ellington, and

Fehrenbacher

[Introduced February 01, 2024; Referred to the

Committee on Education then Finance

1 A BILL to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and to  
 2 amend and reenact §18A-3C-3 of said code, all relating to increasing support and  
 3 professional development for educators; including numbers of full-time equivalent  
 4 teachers less than fully certified for teaching an academic core subject for which they are  
 5 employed; utilizing state aid funding formula allocations to support teacher and leader  
 6 induction and professional growth; authorizing retention of additional funding for 2024 –  
 7 2025 school year by Department of Education for regional professional cadres program  
 8 expansion; requiring certain amount of the state aid funding formula be retained for  
 9 continued support and expansion of the regional professional cadres program beginning  
 10 with 2025 – 2026 school year; and, adding additional requirements to county boards of  
 11 education plan for comprehensive system of support for improving professional practice;

*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 the  
 6 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 to

10 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 any  
17 funds from this subdivision for personnel costs, the county board must receive authorization from  
18 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 (4)  
21 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, the  
24 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 of  
35 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 to  
39 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, as  
50 defined by the state board, distributed to the counties proportionate to enrollment in these courses  
51 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 of  
59 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           ~~(B)~~ (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           ~~(C)~~ (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           ~~(D)~~ (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 with  
69 a programmatic level in which they have not previously served as a principal, assistant principal, or  
70 vocational administrator; and

71           (E) (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 an  
75 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 of  
77 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 by  
82 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 of  
84 their comprehensive systems of support for teacher and leader induction and professional growth  
85 pursuant to §18A-3C-3 of this code. The Department of Education may also retain an additional  
86 amount of funds to be allocated under this subdivision for school year 2024 – 2025, not exceeding  
87 \$200,000, to accommodate the participation by county school systems in regional professional

88 learning cadres established and supported by the Department of Education. Notwithstanding any  
89 provision of this subsection to the contrary, beginning with the school year 2025 – 2026,  
90 \$2,000,000 from funds to be allocated under this subdivision shall be retained by the Department  
91 of Education to expand regional professional learning cadres designed to support the full  
92 implementation of the Third Grade Success Act provide in §18-2E-10 of this code, the Department  
93 of Education's academic initiatives, and teachers who are less than fully certified for the teaching  
94 position in which they are employed as further provided in §18A-3C-3 of this code.

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

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

102 (2) Utilize up to 50 percent of the allocation for improving instructional technology in any  
103 school year for school facility and equipment repair, maintenance, and improvement or  
104 replacement and other current expense priorities and for emergency purposes. The amount of this  
105 allocation used for any of these purposes shall be included and justified in the county board's  
106 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 in  
11 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 all  
14 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 at  
16 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) On or before July 1, 2018, the state board shall publish guidelines on the design and  
23 implementation of a county-level comprehensive system of support for improving professional  
24 practice. The purpose of the guidelines is to assist the county board with the design and  
25 implementation of a system that best achieves the goals of this section within the county. The  
26 guidelines may include examples of best practices and resources available to county boards to  
27 assist them with the design and implementation of a comprehensive system of support and may  
28 include guidelines for the design and implementation of a teacher leader framework committed to

29 improving the quality of instruction.

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

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

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

49 ~~(2)~~ (3) The manner in which the county will provide the strong support and supervision that  
50 will assist beginning principals in developing instructional leadership, supervisory, and  
51 management strategies, procedural and policy expertise, and other professional practices they  
52 need to be successful in leading continuous school improvement and performing at the  
53 accomplished level or above;

54 ~~(3)~~ (4) The manner in which the county in cooperation with the teacher preparation



55 programs in this state will provide strong school-based support and assistance necessary to make  
56 student and resident teaching a productive learning experience;

57 ~~(4)~~ (5) The manner in which the county will use the data from the educator performance  
58 evaluation system to serve as the basis for providing professional development specifically  
59 targeted on the area or areas identified through the evaluation process as needing improvement. If  
60 possible, this targeted professional development should be delivered at the school site using  
61 collaborative processes, mentoring or coaching or other approaches that maximize use of the  
62 instructional setting;

63 ~~(5)~~ (6) The manner in which the county will use the data from the educator performance  
64 evaluation system to serve as the basis for establishing priorities for the provision of county-level  
65 professional development when aggregate evaluation data from the county's schools indicates an  
66 area or areas of needed improvement;

67 ~~(6)~~ (7) If a county uses master teachers, mentors, academic coaches, or any other  
68 approaches using individual employees to provide support, supervision, or other professional  
69 development or training to other employees for the purpose of improving their professional  
70 practice, the manner in which the county will select each of these individual employees based  
71 upon demonstrated superior performance and competence as well as the manner in which the  
72 county will coordinate support for these employees. If the duties of the position are to provide  
73 mentoring to an individual teacher at only one school, then priority shall be given to applicants  
74 employed at the school at which those duties will be performed;

75 ~~(7)~~ (8) The manner in which the county will use local resources available, including, but not  
76 limited to, funds for professional development and academic coaches, to focus on the priority  
77 professional development goals of this section;

78 ~~(8)~~ (9) The manner in which the county will adjust its scheduling, use of substitutes,  
79 collaborative planning time, calendar, or other measures as may be necessary to provide sufficient  
80 time for professional personnel to accomplish the goals of this section as set forth in the county's

81 plan; and

82 ~~(9)~~ (10) The manner in which the county will monitor and evaluate the effectiveness of  
83 implementation and outcomes of the county system of support for improving professional practice.

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

99 (e) The Department of Education shall assist county boards with the design and  
100 implementation of a teacher leader framework to accomplish the teacher induction and  
101 professional growth aspects of their comprehensive systems of support pursuant to this section.  
102 The goals of a teacher leader framework are to achieve:

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

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

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

109 (f) The Department of Education may form networks among schools or school systems, or  
110 both, of comparable size and interests for the design and implementation of teacher leader  
111 frameworks that are ~~shall be~~:

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

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

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

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

116 (g) A teacher leader framework adopted by a county board must:

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

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

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

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

126 (5) Include teacher leaders in the school improvement planning process;

127 (h) ~~(f)~~ The Legislative Oversight Commission on Education Accountability shall review the  
128 progress of the implementation of the comprehensive systems of support for teacher and leader  
129 induction and professional growth and may make any recommendations it considers necessary to  
130 the Legislature during the next regular legislative session.

NOTE: The purpose of this bill is to provide additional professional development and support to West Virginia educators by utilizing a portion of existing monies from the state aid funding formula for teacher and leader induction and professional growth necessary to support the full implementation of the Third Grade Success Act and other academic initiatives geared toward student achievement. The bill also expands WVDE's regional professional learning cadres program designed to mentor teachers who are less than fully certified for the teaching position in which they are employed on grade-level content, standards driven instruction, research-based instructional strategies, and the West Virginia Professional Teaching Standards.

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