

FILED

2005 MAY -3 P 4: 07

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



ENROLLED

House Bill No. 2528

(By Delegates Campbell, Williams, Perry and Beach)



Passed April 9, 2005

In Effect Ninety Days from Passage

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E N R O L L E D

H. B. 2528

(BY DELEGATES CAMPBELL, WILLIAMS, PERRY AND BEACH)

[Passed April 9, 2005; in effect ninety days from passage]

AN ACT to amend and reenact §18A-3-1a of the Code of West Virginia, 1931, as amended, relating to alternative programs for the education of teachers; providing for alternative program certificate, eligibility, issuance, scope and renewal limitation; changing activities, components and phases of training for alternative programs; providing for program coordination, training and approval; authorizing separate programs to prepare highly qualified special education teachers; requiring position to be posted in certain instances; and establishing hiring preference.

Be it enacted by the Legislature of West Virginia:

That §18A-3-1a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

§18A-3-1a. Alternative programs for the education of teachers.

1 (a) By the fifteenth day of August, two thousand five, the
2 State Board, after consultation with the Secretary of Education
3 and the Arts, shall promulgate rules in accordance with the
4 provisions of article three-b, chapter twenty-nine-a of this code
5 for the approval and operation of teacher education programs
6 which are an alternative to the regular college or university
7 programs for the education of teachers. To participate in an
8 approved alternative teacher education program, the candidate
9 must hold an alternative program teacher certificate issued by
10 the Superintendent and endorsed for the instructional field in
11 which the candidate seeks certification. An alternative program
12 teacher certificate is a certificate issued for one year to a
13 candidate who does not meet the standard educational require-
14 ments for certification. The certificate may be renewed no more
15 than two times. No individual may hold an alternative program
16 teacher certificate for a period exceeding three years. The
17 alternative program teacher certificate shall be considered a
18 professional teaching certificate for the purpose of the issuance
19 of a continuing contract. To be eligible for an alternative
20 program teacher certificate, an applicant shall:

21 (1) Possess at least a bachelor's degree from a regionally
22 accredited institution of higher education in a discipline taught
23 in the public schools except that the rules established by the
24 board may exempt candidates in selected vocational and
25 technical areas who have at least ten years experience in the
26 subject field from this requirement;

27 (2) Pass an appropriate state board approved basic skills
28 and subject matter test in the area for which licensure is being
29 sought;

30 (3) Be a citizen of the United States, be of good moral
31 character and physically, mentally and emotionally qualified to
32 perform the duties of a teacher, and have attained the age of
33 eighteen years on or before the first day of October of the year
34 in which the alternative program teacher certificate is issued;

35 (4) Have been offered employment by a county board in an
36 area of critical need and shortage; and

37 (5) Qualify following a criminal history check pursuant to
38 section ten of this article.

39 Persons who satisfy the requirements set forth in subdivi-
40 sions (1) through (5) of this subsection shall be granted a formal
41 document which will enable them to work in a public school in
42 West Virginia.

43 (b) The rules adopted by the board shall include provisions
44 for the approval of alternative teacher education programs
45 which may be offered by schools, school districts, consortia of
46 schools or regional educational service agency and for the
47 setting of tuition charges to offset the program costs. An
48 approved alternative teacher education program shall be in
49 effect for a school, school district, consortium of schools or
50 regional educational service agency before an alternative
51 program teacher may be employed in that school, school
52 district, consortium of schools or regional educational service
53 agency. An approved alternative program shall provide
54 essential knowledge and skills to alternative program teachers
55 through the following phases of training:

56 (1) *Instruction.* — The alternative preparation program
57 shall provide a minimum of eighteen semester hours of instruc-
58 tion in the areas of student assessment; development and
59 learning; curriculum; classroom management; the use of
60 educational computers and other technology; and special
61 education and diversity. All programs shall contain a minimum
62 of three semester hours of instruction in special education and
63 diversity out of the minimum eighteen required semester hours.

64 (2) *Phase I.* — Phase I shall consist of a period of intensive
65 on-the-job supervision by an assigned mentor and the school

66 administrator for a period of not less than two weeks and no
67 more than four weeks. The assigned mentor shall meet the
68 requirements for mentor set forth in section two-b of this article
69 and be paid the stipend pursuant to that section. During this
70 time, the teacher shall be observed daily. This phase shall
71 include an orientation to the policies, organization and curricu-
72 lum of the employing district. The alternative program teacher
73 shall begin to receive formal instruction in those areas listed in
74 subdivision (1) of this subsection.

75 (3) *Phase II.* — Phase II shall consist of a period of
76 intensive on-the-job supervision beginning the first day
77 following the completion of Phase I and continuing for a period
78 of at least ten weeks. During Phase II, the alternative program
79 teacher shall be visited and critiqued no less than one time per
80 week by members of a professional support team, defined in
81 subsection (c) of this section, and shall be observed and
82 formally evaluated at the end of five weeks and at the end of ten
83 weeks by the appropriately certified members of the team. At
84 the end of the ten-week period, the alternative program teacher
85 shall receive a formal written progress report from the chairper-
86 son of the support team. The alternative program teacher shall
87 continue to receive formal instruction in those areas listed
88 above under subdivision (1) of this subsection.

89 (4) *Phase III.* — Phase III shall consist of an additional
90 period of continued supervision and evaluation of no less than
91 twenty weeks duration. The professional support team will
92 determine the requirements of this phase with at least one
93 formal evaluation being conducted at the completion of the
94 phase. The alternative program teacher shall continue to receive
95 formal instruction in those areas listed above under subdivision
96 (1) of this subsection, and receive opportunities to observe the
97 teaching of experienced colleagues.

98 (c) Training and supervision of alternative program teachers
99 shall be provided by a professional support team comprised of
100 a school principal, an experienced classroom teacher who
101 satisfies the requirements for mentor for the Beginning Educa-
102 tor Internship as specified in section two-b of this article, a
103 college or university education faculty member and a curricu-
104 lum supervisor. Districts or schools which do not employ
105 curriculum supervisors or have been unable to establish a
106 relationship with a college or university shall provide for
107 comparable expertise on the team. The school principal shall
108 serve as chairperson of the team. In addition to other duties
109 assigned to it under this section and section one-b of this article,
110 the professional support team shall submit a written evaluation
111 of the alternative program teacher to the county superintendent.
112 The written evaluation shall be in a form specified by the
113 county superintendent and submitted on a date specified by the
114 county superintendent that is prior to the first Monday of May.
115 The evaluation shall report the progress of the alternative
116 program teacher toward meeting the academic and performance
117 requirements of the program.

118 (d) The training for professional support team members
119 shall be coordinated and provided by the Center for Profes-
120 sional Development in coordination with the school district,
121 consortium of schools, regional educational service agency, and
122 institution of higher education, or any combination of these
123 agencies as set forth in the plan approved by the state board
124 pursuant to subsection (e) of this section.

125 (e) A school, school district, consortium of schools or
126 regional educational service agency seeking to employ an
127 alternative program teacher must submit a plan to the State
128 Board and receive approval. Each plan shall describe how the
129 proposed training program will accomplish the key elements of
130 an alternative program for the education of teachers as set forth
131 in this section. Each school, school district, consortium of

132 schools or regional educational service agency shall show
133 evidence in its plan of having sought joint sponsorship of their
134 training program with institutions of higher education.

135 (f) The state board shall promulgate a rule in accordance
136 with article three-b, chapter twenty-nine-a of this code for the
137 approval and operation of alternative education programs to
138 prepare highly qualified special education teachers that are
139 separate from the programs established under the other provi-
140 sions of this section and are applicable only to teachers who
141 have at least a Bachelor's degree in a program for the prepara-
142 tion of teachers from a regionally accredited institution of
143 higher education. These programs are subject to the other
144 provisions of this section only to the extent specifically
145 provided for in the rule. These programs may be an alternative
146 to the regular college and university programs for the education
147 of special education teachers and also may address the content
148 area preparation of certified special education teachers. The
149 programs shall incorporate professional development to the
150 maximum extent possible to help teachers who are currently
151 certified in special education to obtain the required content area
152 preparation. Participation in an alternative education program
153 pursuant to this subsection shall not affect any rights, privileges
154 or benefits to which the participant would otherwise be entitled
155 as a regular employee, nor does it alter any rights, privileges or
156 benefits of participants on continuing contract status. The state
157 board shall report to the legislative oversight commission on
158 education accountability on the programs authorized under this
159 subsection during the July, two thousand five, interim meetings
160 or as soon thereafter as practical prior to implementation of the
161 programs.

162 (g) The State Board shall promulgate a rule in accordance
163 with article three-b, chapter twenty-nine-a of this code for the
164 approval and operation of alternative education programs to
165 prepare highly qualified special education teachers that are

166 separate from the programs established under the other provi-
167 sions of this section and are applicable only to persons who
168 hold a bachelor's degree from a regionally accredited institution
169 of higher education. These programs are subject to the other
170 provisions of this section only to the extent specifically
171 provided for in this rule. These programs may be an alternative
172 to the regular college and university programs for the education
173 of special education teachers and also may address the content
174 area preparation of such persons. The State Board shall report
175 to the Legislative Oversight Commission on Education Ac-
176 countability on the programs authorized under this subsection
177 during the July, two thousand five, interim meetings or as soon
178 thereafter as practical prior to implementation of the programs.

179 (h) For the purposes of this section, "area of critical need
180 and shortage" means an opening in an established, existing or
181 newly created position which has been posted in accordance
182 with the provisions of section seven-a, article four of this
183 chapter, and for which no fully qualified applicant has been
184 employed.

185 (i) The recommendation to rehire an alternative education
186 program teacher pursuant to section eight-a, article two of this
187 chapter is subject to the position being posted and no fully
188 qualified applicant being employed: *Provided*, That this
189 provision does not apply to teachers who hold a valid West
190 Virginia professional teaching certificate and who are employed
191 under a program operated pursuant to subsection (f).

192 (j) When making decisions affecting the hiring of an
193 alternative program teacher under the provisions of this section,
194 a county board shall give preference to applicants who hold a
195 valid West Virginia professional teaching certificate.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



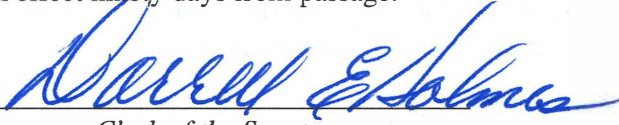
Chairman Senate Committee



Chairman House Committee

Originating in the House.

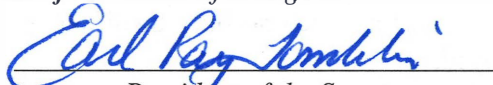
In effect ninety days from passage.



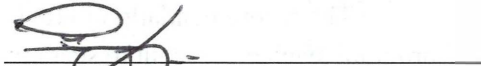
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 3rd
day of May, 2005.



Governor

PRESENTED TO THE
GOVERNOR

MAY 2 2005

Time 9:55 am