

1 **H. B. 2365**

2
3 (By Delegates Ennis, Swartzmiller, Manypenny,
4 Moye and Michael)

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6 [Introduced January 12, 2011; referred to the
7 Committee on Education.]

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10 A BILL to amend and reenact §18A-3-2a of the Code of West Virginia,
11 1931, as amended, relating to removing the provision which
12 allows a professional educator to take a coaching position
13 from a current coach who is not a professional educator.

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

15 That §18A-3-2a of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL**
18 **DEVELOPMENT.**

19 **§18A-3-2a. Authority of state superintendent to issue**
20 **certificates; kinds of certificates.**

21 In accordance with State Board of Education rules for the
22 education of professional educators adopted after consultation with
23 the Secretary of Education and the Arts, the State Superintendent
24 of Schools may issue certificates valid in the public schools of
25 the state: *Provided*, That a certificate shall not be issued to any

1 person who is not a citizen of the United States, is not of good
2 moral character and physically, mentally and emotionally qualified
3 to perform the duties for which the certification would be granted
4 and who has not attained the age of eighteen years on or before
5 October 1 of the year in which the certificate is issued:

6 *Provided, however,* That an exchange teacher from a foreign country
7 or an alien person who meets the requirements to teach may be
8 granted a permit to teach within the public schools of the state.

9 Certificates authorized to be issued include:

10 (1) *Professional teaching certificates.* -- A professional
11 teaching certificate for teaching in the public schools may be
12 issued to a person who:

13 (A) Has at least a bachelor's degree from an accredited
14 institution of higher education in this state, has completed a
15 program for the education of teachers which meets the requirements
16 approved by the State Board of Education or has met equivalent
17 standards at institutions in other states and has passed
18 appropriate state board approved basic skills and subject matter
19 tests or has completed three years of successful experience within
20 the last seven years in the area for which licensure is being
21 sought; or

22 (B) Has at least a bachelor's degree in a discipline taught in
23 the public schools from an accredited institution of higher
24 education, has passed appropriate state board approved basic skills

1 and subject matter tests or has completed three years of successful
2 experience within the last seven years in the area for which
3 licensure is being sought, has completed an alternative program for
4 teacher education approved by the state board and is recommended
5 for a certificate by the chairperson of the professional support
6 team of the person's alternative program or the state
7 superintendent based on documentation submitted.

8 The certificate shall be endorsed to indicate the grade level
9 or levels or areas of specialization in which the person is
10 certified to teach or to serve in the public schools. The initial
11 professional certificate shall be issued provisionally for a period
12 of three years from the date of issuance and may be converted to a
13 professional certificate valid for five years subject to successful
14 completion of a beginning teacher internship, if applicable, or
15 renewed subject to rules adopted by the state board.

16 (2) *Professional administrative certificate.* -- A professional
17 administrative certificate, endorsed for serving in the public
18 schools, with specific endorsement as a principal, vocational
19 administrator, supervisor of instructions or superintendent, may be
20 issued to a person who has completed requirements all to be
21 approved by the state board as follows: For a master's degree from
22 an institution of higher education accredited to offer a master's
23 degree, has successfully completed an approved program for
24 administrative certification, developed by the State Board of

1 Education in cooperation with the governing boards of the
2 University of West Virginia system and the state college system,
3 has successfully completed education and training in evaluation
4 skills through the center for professional development, or
5 equivalent education and training in evaluation skills, and three
6 years of management level experience: *Provided*, That anyone having
7 received a certificate during the period from August 30, 1990,
8 until the effective date of this bill without having met the above
9 requirements shall complete those requirements within five years
10 after the effective date of this bill: *Provided, however*, That any
11 person serving in the position of dean of students on the effective
12 date of this section shall not be required to hold a professional
13 administrative certificate. Beginning September 1, 1992, the
14 initial professional administrative certificate shall be issued
15 provisionally for a period of five years. This certificate may be
16 converted to a professional administrative certificate valid for
17 five years or renewed, subject to the regulations of the state
18 board.

19 (3) *Paraprofessional certificate*. -- A paraprofessional
20 certificate may be issued to a person who has completed thirty-six
21 semester hours of post-secondary education or its equivalent in
22 subjects directly related to performance of the job, all approved
23 by the state board, and can demonstrate the proficiencies to
24 perform duties as required of a paraprofessional as defined in

1 section eight, article four of this chapter.

2 (4) *Other certificates; permits.* -- Other certificates and
3 permits may be issued, subject to the approval of the state board,
4 to persons who do not qualify for the professional or
5 paraprofessional certificate. Such certificates or permits shall
6 not be given permanent status and persons holding such shall meet
7 renewal requirements provided by law and by regulation, unless the
8 state board declares certain of these certificates to be the
9 equivalent of the professional certificate.

10 Within the category of other certificates and permits, the
11 state superintendent may issue certificates for persons to serve in
12 the public schools as athletic coaches or other extracurricular
13 activities coaches whose duties may include the supervision of
14 students, subject to the following limitations: (A) Such person
15 shall be employed under a contract with the county board of
16 education which specifies the duties to be performed, which
17 specifies a rate of pay equivalent to the rate of pay for
18 professional educators in the district who accept similar duties as
19 extra duty assignments and which provides for liability insurance
20 associated with the activity: *Provided,* That such persons shall
21 not be considered employees of the board for salary and benefit
22 purposes other than as specified in the contract; (B) a currently
23 employed certified professional educator has not applied for the
24 position; ~~and~~ (C) such person completes an orientation program

1 designed and approved in accordance with state board rules which
2 shall be adopted no later than January 1, 1991; and (D) when the
3 person employed as an athletic coach or other extracurricular coach
4 is a service personnel, the provisions of section sixteen, article
5 four, chapter eighteen-a of this code for service personnel
6 extracurricular assignments apply to that employee's employment in
7 that position but shall no longer apply to that position if the
8 employee declines the assignment.

NOTE: The purpose of this bill is to prevent a professional educator from taking a coaching position away from a current coach because he or she is not a professional educator.

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