

1 **H. B. 2669**

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3 (By Delegates Iaquina and Hartman)
4 [Introduced January 20, 2011; referred to the
5 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 persons who do not qualify for
12 professional certificates who are issued certificates to serve
13 in the public schools as athletic coaches or other
14 extracurricular activities coaches; and removing certain
15 limitations on this service when certain conditions are met.

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

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

19 **ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL**
20 **DEVELOPMENT.**

21 **§18A-3-2a. Authority of state superintendent to issue**
22 **certificates; kinds of certificates.**

23 In accordance with State Board of Education rules for the
24 education of professional educators adopted after consultation with

1 the Secretary of Education and the Arts, the State Superintendent
2 of Schools may issue certificates valid in the public schools of
3 the state: *Provided*, That a certificate ~~shall~~ may not be issued to
4 any person who is not a citizen of the United States, is not of
5 good moral character and physically, mentally and emotionally
6 qualified to perform the duties for which the certification would
7 be granted and who has not attained the age of eighteen years on or
8 before October 1 of the year in which the certificate is issued:

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

12 Certificates authorized to be issued include:

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

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

1 (B) Has at least a bachelor's degree in a discipline taught in
2 the public schools from an accredited institution of higher
3 education, has passed appropriate state board approved basic skills
4 and subject matter tests or has completed three years of successful
5 experience within the last seven years in the area for which
6 licensure is being sought, has completed an alternative program for
7 teacher education approved by the state board and is recommended
8 for a certificate by the chairperson of the professional support
9 team of the person's alternative program or the state
10 superintendent based on documentation submitted.

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

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

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

22 (3) *Paraprofessional certificate.* -- A paraprofessional
23 certificate may be issued to a person who has completed thirty-six
24 semester hours of postsecondary education or its equivalent in

1 subjects directly related to performance of the job, all approved
2 by the state board, and can demonstrate the proficiencies to
3 perform duties as required of a paraprofessional as defined in
4 section eight, article four of this chapter.

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

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

1 purposes other than as specified in the contract; (B) a currently
2 employed certified professional educator has not applied for the
3 position: Provided, however, That after a person issued a
4 certificate in compliance with this paragraph has been employed in
5 the same position for three years, is a college graduate and has
6 received satisfactory evaluations, or if the person has been
7 employed in the same position for five years, is a high school
8 graduate and has received satisfactory evaluations, this limitation
9 no longer applies and the county board is not required to annually
10 post the position; and (C) such person completes an orientation
11 program designed and approved in accordance with state board rules
12 which shall be adopted no later than January 1, 1991.

NOTE: The purpose of this bill is to allow persons employed in the public schools as athletic coaches or other extracurricular activities coaches, but who are not regular professional employees, to continue to be employed in the same position without the position being posted if they have served in the position for three years, receive satisfactory evaluations and are a college graduate, or if the coach is a high school graduate, then the coach shall have served in the position for five years and receive satisfactory evaluations.

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