

H. B. 2838

(By Mr. Speaker, (Mr. Thompson) and Delegate Armstead)
[By Request of the Executive]
[Introduced January 25, 2011; referred to the
Committee on Education.]

A BILL to amend and reenact §18A-3-1a of the Code of West Virginia,
1931, as amended, relating to alternative principal and
teacher certification; authorizing alternative principal and
teacher certification programs; defining certain terms;
setting forth procedures for approving alternative education
programs by education providers; providing for alternative
certification and instructional requirements; establishing
eligibility standards; setting forth certain requirements for
training and induction; providing criteria for recommendations
and decisions affecting rehiring and hiring; requiring certain
legislative rules and State Board of Education approval for
alternative principal and teacher certification; and making
technical corrections and removing obsolete provisions
throughout.

Be it enacted by the Legislature of West Virginia:

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

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

5 **§18A-3-1a. Alternative programs for the education of teachers and**
6 **principals; legislative rules required.**

7 (a) Definitions. -- For the purposes of this section, the
8 following terms have the meaning ascribed to them, unless the
9 context in which a term is used clearly requires a different
10 meaning:

11 (1) "Alternative program principal certificate" means a
12 certificate issued for one year to a candidate who does not meet
13 the standard educational requirements for principal certification;

14 (2) "Alternative program teacher certificate" means a
15 certificate issued for one year to a candidate who does not meet
16 the standard educational requirements for teacher certification;

17 (3) "Approved education provider" means an entity whose
18 alternative education programs leading to certification have been
19 approved by the state board; and

20 (4) "Area of critical need and shortage" means an opening in
21 an established, existing or newly-created position which has been
22 posted at least two times in accordance with section seven-a,
23 article four of this chapter and for which no fully-qualified
24 applicant has been employed.

1 ~~(a) By August 15, 2005, the state board, after consultation~~
2 ~~with the Secretary of Education and the Arts, shall promulgate~~
3 ~~rules in accordance with the provisions of article three-b, chapter~~
4 ~~twenty-nine-a of this code for the approval and operation of~~
5 ~~teacher education programs which are an alternative to the regular~~
6 ~~college or university programs for the education of teachers.~~

7 (b) Establishment of alternative education programs. --

8 By October 1, 2011, after consultation with the Secretary of
9 Education and the Arts and the Chancellor of the Higher Education
10 Policy Commission, the state board shall promulgate a legislative
11 rule or rules in accordance with the provisions of article three-b,
12 chapter twenty-nine-a of this code to implement the provisions of
13 this section. The proposed rule or rules shall be submitted to the
14 Legislative Oversight Commission on Education Accountability for
15 review prior to adoption. The rule or rules shall include, but are
16 not limited to, the following issues:

17 (1) Separate procedures for the approval and operation of each
18 of the alternative teacher education programs and the alternative
19 principal education programs as provided in this section:

20 (A) These programs are an alternative to the regular college
21 or university programs for the education of teachers and principals
22 and may be offered by schools, school districts, consortia of
23 schools, regional educational service agencies or other approved
24 education providers; and

1 (B) Each program is separate from other programs established
2 by this section;

3 (2) Procedures for approving an entity to be an approved
4 education provider as defined in this section. Approval is
5 required prior to implementation by the entity of a program leading
6 to certification to teach in the public schools of this state;

7 (3) Provisions for setting tuition charges to offset program
8 costs; and

9 (4) An alternative program for license and certificate renewal
10 for teachers whose license and certification to teach in the public
11 schools of the state have expired. The alternative program shall
12 permit the teacher to complete a program of professional
13 development approved by the state board equivalent to, and in lieu
14 of, the minimum semester hours of instruction required for renewal
15 of the expired certificate.

16 (c) Alternative teacher education program. --

17 (1) To participate in an approved alternative teacher
18 education program, the candidate must hold an alternative program
19 teacher certificate issued by the state superintendent and endorsed
20 for the instructional field in which the candidate seeks
21 certification. ~~An alternative program teacher certificate is a~~
22 ~~certificate issued for one year to a candidate who does not meet~~
23 ~~the standard educational requirements for certification.~~

24 (2) The certificate may be renewed ~~no more than two times~~

1 twice and no an individual may not hold an alternative program
2 teacher certificate for a period exceeding three years. The
3 alternative program teacher certificate ~~shall be considered~~ is
4 equivalent to a professional teaching certificate for the purpose
5 of ~~the issuance of~~ issuing a continuing contract.

6 (3) To be eligible for an alternative program teacher
7 certificate, an applicant shall meet the following criteria:

8 ~~(1)~~ (A) Possess at least a bachelor's degree from a regionally
9 accredited institution of higher education in discipline taught in
10 the public schools, except that the rules established pursuant to
11 subsection (b) of this section ~~by the board~~ may exempt from this
12 requirement candidates for alternative certification to teach in
13 selected vocational and technical areas who have at least ten
14 years' experience in the subject field; ~~from this requirement~~

15 ~~(2)~~ (B) Pass ~~an appropriate state board approved~~ the same
16 basic skills and subject matter test or tests required by the state
17 board for traditional program candidates to become certified in the
18 area for which licensure is being sought;

19 ~~(3)~~ (C) ~~Be a citizen of the~~ Hold United States citizenship; be
20 of good moral character and be physically, mentally and emotionally
21 qualified to perform the duties of a teacher; ~~and have attained~~

22 (D) Attain the age of eighteen years on or before October 1 of
23 the year in which the alternative program teacher certificate is
24 issued;

1 ~~(4) (E) Have been offered~~ Receive a formal offer of employment
2 in an area of critical need and shortage by ~~from a county board~~
3 superintendent; in an area of critical need and shortage and

4 ~~(5) (F) Qualify for employment~~ following a criminal history
5 check pursuant to section ten of this article.

6 ~~(4) Persons~~ A person who ~~satisfy~~ satisfies the requirements
7 set forth in ~~subdivisions (1) through (5)~~ subdivision (3) of this
8 subsection shall be granted a formal document ~~which will enable~~
9 ~~them~~ authorizing him or her to work in a public school in West
10 Virginia.

11 ~~(b) The rules adopted by the board shall include provisions~~
12 ~~for the approval of alternative teacher education programs which~~
13 ~~may be offered by schools, school districts, consortia of schools,~~
14 ~~or regional educational service agency and for the setting of~~
15 ~~tuition charges to offset the program costs. An approved~~
16 ~~alternative teacher education program shall be in effect for a~~
17 ~~school, school district, consortium of schools or regional~~
18 ~~educational service agency before an alternative program teacher~~
19 ~~may be employed in that school, school district, consortium of~~
20 ~~schools or regional educational service agency.~~

21 ~~(5) A person holding an alternative program teacher~~
22 certificate shall enroll in an approved alternative teacher
23 education program. An approved alternative program ~~shall provide~~
24 provides essential knowledge and skills to alternative program

1 teachers through the following phases of training:

2 ~~(1)~~ (A) Instruction. -- The alternative preparation program
3 shall provide a minimum of eighteen semester hours of instruction
4 from a college or university or equivalent instruction through a
5 program approved by the state board in the areas of student
6 assessment; development and learning; curriculum; classroom
7 management; the use of educational computers and other technology;
8 and special education and diversity. However, the state board may
9 approve alternative preparation programs that provide less than
10 eighteen semester hours of instruction: Provided, That the
11 alternative preparation program is a nationally recognized, high-
12 quality innovative program providing alternative routes to
13 certification. All programs shall contain a minimum of three
14 semester hours of instruction or equivalent instruction approved by
15 the state board in special education and diversity out of the
16 minimum eighteen required semester hours or equivalent instruction
17 approved by the state board.

18 ~~(2)~~ (B) Phase I. -- Phase I ~~shall consist~~ consists of a period
19 of intensive, on-the-job supervision by an assigned mentor and the
20 school administrator for a period of not ~~less~~ fewer than two ~~weeks~~
21 ~~and no more than four~~ weeks. The assigned mentor shall meet the
22 requirements for a beginning teacher internship mentor set forth in
23 section two-b of this article and shall be paid the stipend
24 authorized pursuant to that section. ~~During this time, the teacher~~

1 The state board shall provide, in its rule for the approval and
2 operation of this program, requirements for the frequency and
3 duration of time periods for the person holding an alternative
4 certificate to observe in the classroom of the mentor. The person
5 holding an alternative certificate shall be observed daily by the
6 mentor or the school administrator during this phase. This phase
7 ~~shall include~~ includes an orientation to the policies, organization
8 and curriculum of the employing district. The alternative program
9 teacher shall ~~begin to~~ receive formal instruction in those areas
10 listed in paragraph (A) subdivision (1) of this subsection
11 subdivision.

12 ~~(3)~~ (C) Phase II. -- Phase II ~~shall consist~~ consists of a
13 period of intensive, on-the-job supervision beginning the first day
14 following the completion of Phase I and continuing for a period of
15 at least ten weeks.

16 (i) During Phase II, the alternative program teacher ~~shall be~~
17 is visited and critiqued ~~no less than~~ at least one time per week by
18 members of a professional support team, as defined in ~~subsection~~
19 ~~(c)~~ subdivision (6) of this ~~section~~ subsection, and ~~shall be~~ is
20 observed and formally evaluated by the appropriately certified
21 members of the team at the end of five weeks and again at five-week
22 intervals until the completion of this phase. ~~at the end of ten~~
23 ~~weeks by the appropriately certified members of the team~~

1 (ii) At the ~~end of the ten-week period~~ completion of this
2 phase, the alternative program teacher shall receive a formal
3 written progress report from the chairperson of the support team.

4 (iii) The alternative program teacher shall continue to
5 receive formal instruction in those areas listed ~~above under~~ in
6 paragraph (A) subdivision (1) of this subsection subdivision.

7 ~~(4)(D)~~ (D) Phase III. -- Phase III ~~shall consist~~ consists of an
8 additional period of continued supervision and evaluation of no
9 ~~less~~ fewer than twenty weeks duration. The professional support
10 team ~~will determine~~ determines the requirements of this phase, ~~with~~
11 but those requirements shall include at least one formal evaluation
12 ~~being~~ conducted at the completion of the phase. The alternative
13 program teacher shall continue to receive formal instruction in
14 those areas listed ~~above~~ in paragraph (A) subdivision (1) of this
15 subsection subdivision, and receive shall be given opportunities to
16 observe the teaching of experienced colleagues.

17 ~~(c)~~ (6) Professional support team. --

18 (A) Training and supervision of alternative program teachers
19 ~~shall be~~ are provided by a professional support team comprised of
20 a school principal, or his or her designee, an experienced
21 classroom teacher who satisfies the requirements for mentor for the
22 Beginning Educator Internship ~~as specified in~~ pursuant to section
23 two-b of this article, a college or university education faculty
24 member and a curriculum supervisor or other central office

1 administrator with certification and training relevant to the
2 training and supervision of the alternative program candidate. The
3 professional support team also may include a representative of an
4 approved education provider.

5 (B) Districts or schools which do not employ curriculum
6 supervisors or have been unable to establish a relationship with a
7 college or university shall provide for comparable expertise on the
8 team.

9 (C) The school principal, or his or her designee, shall serve
10 as chairperson of the team.

11 (D) The duration of each of the three phases of the program
12 specified in paragraphs (B), (C) and (D), subdivision (5) of this
13 subsection, in excess of the minimum durations provided in those
14 paragraphs, shall be determined by the professional support team
15 within guidelines provided by the state board in its rule for the
16 approval and operation of this program.

17 (E) In addition to other duties assigned to it under this
18 section and section one-b of this article, the professional support
19 team shall submit a written evaluation of the alternative program
20 teacher to the county superintendent. The written evaluation shall
21 be in a form specified by the county superintendent and submitted
22 on a date specified by the county superintendent that is prior to
23 the first Monday of May. The evaluation shall report the progress

1 of the alternative program teacher toward meeting the academic and
2 performance requirements of the program.

3 ~~(d)~~ (E) The training for professional support team members
4 ~~shall be~~ is coordinated and provided by the Center for Professional
5 Development in coordination with the school district, consortium of
6 schools, regional educational service agency, ~~and~~ institution of
7 higher education and approved education provider, or any
8 combination of these agencies as set forth in the plan approved by
9 the state board pursuant to ~~subsection (e)~~ subdivision (7) of this
10 section.

11 ~~(e)~~ (7) A school, school district, consortium of schools, ~~or~~
12 regional educational service agency or other education provider
13 seeking ~~to employ~~ approval for an alternative certification program
14 ~~teacher must~~ shall submit a plan to the state board. ~~and receive~~
15 ~~approval~~

16 (A) An alternative certification program may not be
17 implemented prior to receiving state board approval.

18 (B) Each plan shall describe how the proposed training program
19 will accomplish the key elements of an alternative program for the
20 education of teachers as set forth in this section. ~~Each school,~~
21 ~~school district, consortium of schools or regional educational~~
22 ~~service agency shall show evidence in its plan of having sought~~
23 ~~joint sponsorship of their training program with institutions of~~
24 ~~higher education.~~

1 ~~(f) The state board shall promulgate a rule in accordance with~~
2 ~~article three-b, chapter twenty-nine-a of this code for the~~
3 ~~approval and operation of alternative education programs to prepare~~
4 ~~highly qualified special education teachers that~~

5 (d) Alternative highly qualified special education teacher
6 education program. --

7 (1) These programs are separate from the programs established
8 under the other provisions of this section and are applicable only
9 to teachers who have at least a bachelor's degree in a program for
10 the preparation of teachers from a regionally accredited
11 institution of higher education.

12 (2) These programs are subject to the other provisions of this
13 section only to the extent specifically provided ~~for~~ in the rule.

14 (3) These programs may be an alternative to the regular
15 college and university programs for the education of special
16 education teachers and also may address the content area
17 preparation of certified special education teachers.

18 (4) The programs shall incorporate professional development to
19 the maximum extent possible to help teachers who are currently
20 certified in special education to obtain the required content area
21 preparation.

22 (5) Participation in an alternative education program pursuant
23 to this subsection ~~shall~~ may not affect any rights, privileges or
24 benefits to which the participant otherwise would ~~otherwise~~ be

1 entitled as a regular employee and ~~nor does it~~ may not alter any
2 rights, privileges or benefits of participants on continuing
3 contract status. ~~The state board shall report to the Legislative~~
4 ~~Oversight Commission on Education Accountability on the programs~~
5 ~~authorized under this subsection during the July, 2005, interim~~
6 ~~meetings or as soon thereafter as practical prior to implementation~~
7 ~~of the programs.~~

8 ~~(g) The state board shall promulgate a rule in accordance with~~
9 ~~article three-b, chapter twenty-nine-a of this code for the~~
10 ~~approval and operation of alternative education programs to prepare~~
11 ~~highly qualified special education teachers that~~

12 (e) Additional alternative education program to prepare highly
13 qualified special education teachers. --

14 (1) These programs are separate from the programs established
15 under the other provisions of this section and are applicable only
16 to persons who hold a bachelor's degree from a regionally
17 accredited institution of higher education.

18 (2) These programs are subject to the other provisions of this
19 section only to the extent specifically provided ~~for~~ in ~~this~~ the
20 rule.

21 (3) These programs may be an alternative to the regular
22 college and university programs for the education of special
23 education teachers and also may address the content area
24 preparation of ~~such~~ these persons. ~~The state board shall report to~~

~~1 the Legislative Oversight Commission on Education Accountability on
2 the programs authorized under this subsection during the July,
3 2005, interim meetings or as soon thereafter as practical prior to
4 implementation of the programs.~~

~~5 (h) For the purposes of this section, "area of critical need
6 and shortage" means an opening in an established, existing or newly
7 created position which has been posted in accordance with the
8 provisions of section seven a, article four of this chapter, and
9 for which no fully qualified applicant has been employed.~~

10 (f) Alternative principal education program. --

11 (1) To participate in an approved alternative principal
12 education program, the candidate must hold an alternative program
13 principal certificate issued by the state superintendent and
14 endorsed for the programmatic level in which the candidate seeks
15 certification.

16 (2) The certificate may be renewed twice and an individual may
17 not hold an alternative program principal certificate for a period
18 exceeding three years.

19 (3) The alternative program principal certificate is
20 equivalent to a valid administrative certificate for the purpose of
21 issuing a written contract.

22 (4) To be eligible for an alternative program principal
23 certificate, an applicant shall meet the following criteria:

1 (A) Possess at least a master's degree from a regionally
2 accredited institution of higher education in a field related to
3 the public school program;

4 (B) Hold United States citizenship, be of good moral character
5 and physically, mentally and emotionally qualified to perform the
6 duties of a principal;

7 (C) Attain the age of twenty-one years on or before October 1
8 of the year in which the alternative program principal certificate
9 is issued;

10 (D) Receive a formal offer of employment in a principal or
11 assistant principal position from a county superintendent in an
12 established, existing or newly-created position which has been
13 posted at least two times in accordance with section seven-a,
14 article four of this chapter and for which no fully-qualified
15 applicant has been employed;

16 (E) Qualify for employment following a criminal history check
17 pursuant to section ten of this article; and

18 (F) Have at least three years of experience as a classroom
19 teacher in the public schools.

20 (5) A person who satisfies the requirements pursuant to
21 subdivision (4) of this subsection shall be granted a formal
22 document authorizing him or her to work in a public school in West
23 Virginia.

1 (6) A person holding an alternative program principal
2 certificate shall enroll in an approved alternative principal
3 education program under this section or at a state institution of
4 higher education authorized to prepare administrative personnel for
5 certification valid in the public schools.

6 (7) An approved alternative program provides essential
7 knowledge and skills to alternative program principals through the
8 following phases of training:

9 (A) Instruction. -- The alternative principal education
10 program provides instruction in interpersonal and collaborative
11 skills, establishing and supporting a learning mission, fostering
12 student learning, building and sustaining culture, promoting
13 continuous professional growth, providing support systems for
14 student success, managing operations, maintaining connections to
15 family and community and sustaining the continuous improvement
16 process. The alternative program principal shall also complete
17 the requirements for conducting personnel evaluations; and

18 (B) Induction. -- The alternative principal education program
19 includes an intense, two-year induction that provides essential
20 support through a professional support team led by a qualified
21 mentor.

22 ~~(i)~~ (g) Continued employment. -- The recommendation to rehire
23 an alternative education program teacher, principal or assistant
24 principal pursuant to section eight-a, article two of this chapter

1 ~~is subject to the position being posted and no fully qualified~~
2 ~~applicant being employed: *Provided*, That this provision does not~~
3 ~~apply to teachers who hold a valid West Virginia professional~~
4 ~~teaching certificate and who are employed under a program operated~~
5 ~~pursuant to subsection (f) is subject to satisfactory progress in~~
6 ~~the applicable alternative education program by the holder of the~~
7 ~~alternative program certificate.~~

8 ~~(j)~~ (h) Preference. -- When making decisions affecting the
9 hiring of an alternative program teacher, principal or assistant
10 principal under the provisions of this section, a county board
11 shall give preference to applicants who hold a valid West Virginia
12 professional ~~teaching~~ certificate for the position.

NOTE: The purpose of this bill is to provide for alternative certification for principals and allowing approved education providers to provide alternative certification programs for teachers.

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