

1 **ENROLLED**

2 **Committee Substitute**

3 **for**

4 **H. B. 4101**

5  
6 (By Delegates Perry, Shaver, D. Campbell, Lawrence,  
7 Pethtel, Armstead, Duke, Savilla, Sigler, Paxton and M. Poling)

8 [Passe March 10, 2012; in effect ninety days from passage.]  
9

10 AN ACT to amend and reenact §18A-3-1 and 18A-3-2a of the code of  
11 West Virginia, 1931, as amended, all relating to teacher  
12 preparation and certification; authorizing teacher-in-  
13 residence programs for certain prospective teachers in lieu of  
14 student teaching; defining teacher-in-residence programs and  
15 providing minimum requirements; providing use of certain funds  
16 for program support and student stipend; specifying formula  
17 for calculating stipend; creating teacher-in-residence permit  
18 and specifying conditions; authorizing counties with  
19 comprehensive induction programs to use consistent structure  
20 for supervision and training of student teachers; conforming  
21 sections to other provisions of law; removing duplicative and  
22 obsolete language; and making technical corrections  
23 throughout.

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

25 That §18A-3-1 and 18A-3-2a of the code of West Virginia, 1931,

1 as amended, be amended and reenacted, all to read as follows:

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

4 **§18A-3-1. Teacher preparation programs; program approval and**  
5 **standards; authority to issue teaching**  
6 **certificates.**

7 (a) The education of professional educators in the state is  
8 under the general direction and control of the state board after  
9 consultation with the Secretary of Education and the Arts and the  
10 Chancellor for Higher Education who shall represent the interests  
11 of educator preparation programs within the institutions of higher  
12 education in this state as defined in section two, article one,  
13 chapter eighteen-b of this code.

14 The education of professional educators in the state includes  
15 all programs leading to certification to teach or serve in the  
16 public schools. The programs include the following:

17 (1) Programs in all institutions of higher education,  
18 including student teaching and teacher-in-residence programs as  
19 provided in this section;

20 (2) Beginning teacher internship and induction programs;

21 (3) Granting West Virginia certification to persons who  
22 received their preparation to teach outside the boundaries of this  
23 state, except as provided in subsection (b) of this section;

24 (4) Alternative preparation programs in this state leading to

1 certification, including programs established pursuant to the  
2 provisions of section one-a of this article and programs which are  
3 in effect on the effective date of this section; and

4 (5) Continuing professional education, professional  
5 development and in-service training programs for professional  
6 educators employed in the public schools in the state.

7 (b) After consultation with the Secretary of Education and the  
8 Arts and the Chancellor for Higher Education, the state board shall  
9 adopt standards for the education of professional educators in the  
10 state and for awarding certificates valid in the public schools of  
11 this state. The standards include, but are not limited to the  
12 following:

13 (1) A provision for the study of multicultural education. As  
14 used in this section, multicultural education means the study of  
15 the pluralistic nature of American society including its values,  
16 institutions, organizations, groups, status positions and social  
17 roles;

18 (2) A provision for the study of classroom management  
19 techniques, including methods of effective management of disruptive  
20 behavior including societal factors and their impact on student  
21 behavior; and

22 (3) A teacher from another state shall be awarded a teaching  
23 certificate for a comparable grade level and subject area valid in  
24 the public schools of this state, subject to section ten of this  
25 article, if he or she has met the following requirements:

1 (A) Holds a valid teaching certificate or a certificate of  
2 eligibility issued by another state;

3 (B) Has graduated from an educator preparation program at a  
4 regionally accredited institution of higher education;

5 (C) Possesses the minimum of a bachelor's degree; and

6 (D) Meets all of the requirements of the state for full  
7 certification except employment.

8 (c) The state board may enter into an agreement with county  
9 boards for the use of the public schools in order to give  
10 prospective teachers the teaching experience needed to demonstrate  
11 competence as a prerequisite to certification to teach in the West  
12 Virginia public schools.

13 (d) An agreement established pursuant to subsection (c) of  
14 this section shall recognize student teaching as a joint  
15 responsibility of the educator preparation institution and the  
16 cooperating public schools. The agreement shall include the  
17 following items:

18 (1) The minimum qualifications for the employment of public  
19 school teachers selected as supervising teachers, including the  
20 requirement that field-based and clinical experiences be supervised  
21 by a teacher fully certified in the state in which that teacher is  
22 supervising;

23 (2) The remuneration to be paid to public school teachers by  
24 the state board, in addition to their contractual salaries, for  
25 supervising student teachers;

1           (3) Minimum standards to guarantee the adequacy of the  
2 facilities and program of the public school selected for student  
3 teaching;

4           (4) Assurance that the student teacher, under the direction  
5 and supervision of the supervising teacher, shall exercise the  
6 authority of a substitute teacher; and

7           (5) A provision requiring any higher education institution  
8 with an educator preparation program to document that the student  
9 teacher's field-based and clinical experiences include  
10 participation and instruction with multicultural, at-risk and  
11 exceptional children at each programmatic level for which the  
12 student teacher seeks certification;

13          (6) A provision authorizing a school or school district that  
14 has implemented a comprehensive beginning teacher induction  
15 program, to enter into an agreement that provides for the training  
16 and supervision of student teachers consistent with the educational  
17 objectives of this subsection by using an alternate structure  
18 implemented for the support, supervision and mentoring of beginning  
19 teachers. The agreement is in lieu of any specific provisions of  
20 this subsection and is subject to the approval of the state board.

21          (e) *Teacher-in-residence programs.* --

22          (1) In lieu of the provisions of subsections (c) and (d) of  
23 this section and subject to approval of the state board, an  
24 institution of higher education with a program for the education of  
25 professional educators in the state approved by the state board may

1 enter into an agreement with county boards for the use of teacher-  
2 in-residence programs in the public schools.

3       (2) A "teacher-in-residence program" means an intensively  
4 supervised and mentored residency program for prospective teachers  
5 during their senior year that refines their professional practice  
6 skills and helps them gain the teaching experience needed to  
7 demonstrate competence as a prerequisite to certification to teach  
8 in the West Virginia public schools.

9       (3) The authorization for the higher education institution and  
10 the county board to implement a teacher-in-residence program is  
11 subject to state board approval. The provisions of the agreement  
12 include, but are not limited to, the following items:

13       (A) A requirement that the prospective teacher in a teacher-  
14 in-residence program shall have completed the content area  
15 preparation courses and shall have passed the appropriate basic  
16 skills and subject matter test or tests required by the state board  
17 for teachers to become certified in the area for which licensure is  
18 sought;

19       (B) A requirement that the teacher-in-residence serve only in  
20 a teaching position in the county which has been posted and for  
21 which no other teacher fully certified for the position has been  
22 employed;

23       (C) Specifics regarding the program of instruction for the  
24 teacher-in-residence setting forth the responsibilities for  
25 supervision and mentoring by the higher education institution's

1 educator preparation program, the school principal, and peer  
2 teachers and mentors, and the responsibilities for the formal  
3 instruction or professional development necessary for the teacher-  
4 in-residence to perfect his or her professional practice skills.  
5 The program also may include other instructional items as  
6 considered appropriate.

7 (D) A requirement that the teacher-in-residence hold a  
8 teacher-in-residence permit qualifying the individual to teach in  
9 his or her assigned position as the teacher of record;

10 (E) A requirement that the salary and benefit costs for the  
11 position to which the teacher-in-residence is assigned shall be  
12 used only for program support and to pay a stipend to the teacher-  
13 in-residence as specified in the agreement, subject to the  
14 following:

15 (i) The teacher-in-residence is a student enrolled in the  
16 teacher preparation program of the institution of higher education  
17 and is not a regularly employed employee of the county board;

18 (ii) The teacher in residence is included on the certified  
19 list of employees of the county eligible for state aid funding the  
20 same as an employee of the county at the appropriate level based on  
21 their permit and level of experience;

22 (iii) All state aid funding due to the county board for the  
23 teacher-in-residence shall be used only in accordance with the  
24 agreement with the institution of higher education for support of  
25 the program as provided in the agreement, including costs

1 associated with instruction and supervision as set forth in  
2 paragraph (C) of this subdivision;

3 (iv) The teacher-in-residence is provided the same liability  
4 insurance coverage as other employees; and

5 (v) All state aid funding due to the county for the teacher-  
6 in-residence and not required for support of the program shall be  
7 paid as a stipend to the teacher-in-residence: *Provided*, That the  
8 stipend paid to the teacher-in-residence shall be no less than  
9 sixty-five percent of all state aid funding due the county for the  
10 teacher-in-residence.

11 (4) Other provisions that may be required by the state board.

12 (f) In lieu of the student teaching experience in a public  
13 school setting required by this section, an institution of higher  
14 education may provide an alternate student teaching experience in  
15 a nonpublic school setting if the institution of higher education  
16 meets the following criteria:

17 (1) Complies with the provisions of this section;

18 (2) Has a state board approved educator preparation program;  
19 and

20 (3) Enters into an agreement pursuant to subdivisions (g) and  
21 (h) of this section.

22 (g) At the discretion of the higher education institution, an  
23 agreement for an alternate student teaching experience between an  
24 institution of higher education and a nonpublic school shall  
25 require one of the following:



1 (1) The student teacher shall complete at least one half of  
2 the clinical experience in a public school; or

3 (2) The educator preparation program shall include a  
4 requirement that any student performing student teaching in a  
5 nonpublic school shall complete the following:

6 (A) At least two hundred clock hours of field-based training  
7 in a public school; and

8 (B) A course, which is a component of the institution's state  
9 board approved educator preparation program, that provides  
10 information to prospective teachers equivalent to the teaching  
11 experience needed to demonstrate competence as a prerequisite to  
12 certification to teach in the public schools in West Virginia. The  
13 course also shall include instruction on at least the following  
14 elements:

15 (i) State board policy and provisions of this code governing  
16 public education;

17 (ii) Requirements for federal and state accountability,  
18 including the mandatory reporting of child abuse;

19 (iii) Federal and state mandated curriculum and assessment  
20 requirements, including multicultural education, safe schools and  
21 student code of conduct;

22 (iv) Federal and state regulations for the instruction of  
23 exceptional students as defined by the Individuals with  
24 Disabilities Education Act, 20 U.S.C. §1400 *et seq.*; and

25 (v) Varied approaches for effective instruction for students

1 who are at-risk.

2 (h) In addition to the requirements set forth in subsection  
3 (g) of this section, an agreement for an alternate student teaching  
4 experience between an institution of higher education and a  
5 nonpublic school shall include the following:

6 (1) A requirement that the higher education institution with  
7 an educator preparation program shall document that the student  
8 teacher's field-based and clinical experiences include  
9 participation and instruction with multicultural, at-risk and  
10 exceptional children at each programmatic level for which the  
11 student teacher seeks certification; and

12 (2) The minimum qualifications for the employment of school  
13 teachers selected as supervising teachers, including the  
14 requirement that field-based and clinical experiences be supervised  
15 by a teacher fully certified in the state in which that teacher is  
16 supervising.

17 (i) The state superintendent may issue certificates as  
18 provided in section two-a of this article to graduates of educator  
19 preparation programs and alternative educator preparation programs  
20 approved by the state board. The certificates are issued in  
21 accordance with this section and rules adopted by the state board  
22 after consultation with the Secretary of Education and the Arts and  
23 the Chancellor for Higher Education.

24 (1) A certificate to teach may be granted only to a person who  
25 meets the following criteria:

1 (A) Is a citizen of the United States, except as provided in  
2 subdivision (2) of this subsection;

3 (B) Is of good moral character;

4 (C) Is physically, mentally and emotionally qualified to  
5 perform the duties of a teacher; and

6 (D) Is at least eighteen years of age on or before October 1,  
7 of the year in which his or her certificate is issued.

8 (2) A permit to teach in the public schools of this state may  
9 be granted to a person who is an exchange teacher from a foreign  
10 country or an alien person who meets the requirements to teach.

11 (j) In consultation with the Secretary of Education and the  
12 Arts and the Chancellor for Higher Education, institutions of  
13 higher education approved for educator preparation may cooperate  
14 with each other, with the center for professional development and  
15 with one or more county boards to organize and operate centers to  
16 provide selected phases of the educator preparation program. The  
17 phases include, but are not limited to the following:

18 (1) Student teaching and teacher-in-residence programs;

19 (2) Beginning teacher internship and induction programs;

20 (3) Instruction in methodology; and

21 (4) Seminar programs for college students, teachers with  
22 provisional certification, professional support team members and  
23 supervising teachers.

24 By mutual agreement, the institutions of higher education, the  
25 center for professional development and county boards may budget

1 and expend funds to operate the centers through payments to the  
2 appropriate fiscal office of the participating institutions, the  
3 center for professional development and the county boards.

4 (k) The provisions of this section do not require  
5 discontinuation of an existing student teacher training center or  
6 school which meets the standards of the state board.

7 (l) All institutions of higher education approved for educator  
8 preparation in the 1962-63 school year continue to hold that  
9 distinction so long as they meet the minimum standards for educator  
10 preparation. Nothing in this section infringes upon the rights  
11 granted to any institution by charter given according to law  
12 previous to the adoption of this code.

13

14 (m) *Definitions.* -- For the purposes of this section, the  
15 following words have the meanings ascribed to them unless the  
16 context clearly indicates a different meaning:

17 (1) "Nonpublic school" means a private school, parochial  
18 school, church school, school operated by a religious order or  
19 other nonpublic school that elects to meet the following  
20 conditions:

21 (A) Comply with the provisions of article twenty-eight,  
22 chapter eighteen of this code;

23 (B) Participate on a voluntary basis in a state operated or  
24 state sponsored program provided to this type school pursuant to  
25 this section; and

1 (C) Comply with the provisions of this section;

2 (2) "At-risk" means a student who has the potential for  
3 academic failure, including, but not limited to, the risk of  
4 dropping out of school, involvement in delinquent activity or  
5 poverty as indicated by free or reduced lunch status; and

6 (3) "Exceptional child" or "exceptional children" has the  
7 meaning ascribed to these terms pursuant to section one, article  
8 twenty, chapter eighteen of this code, but, as used in this  
9 section, the terms do not include gifted students.

10 **§18A-3-2a. Certificates valid in the public schools that may be**  
11 **issued by the state superintendent.**

12 In accordance with state board rules for the education of  
13 professional educators adopted pursuant to section one of this  
14 article and subject to the limitations and conditions of that  
15 section, the state superintendent may issue the following  
16 certificates valid in the public schools of the state:

17 (a) *Professional teaching certificates.* --

18 (1) A professional teaching certificate for teaching in the  
19 public schools may be issued to a person who meets the following  
20 conditions:

21 (A) Holds at least a bachelor's degree from an accredited  
22 institution of higher education in this state, and

23 (i) Has completed a program for the education of teachers  
24 which meets the requirements approved by the state board; or

25 (ii) Has met equivalent standards at institutions in other

1 states and has passed appropriate state board approved basic skills  
2 and subject matter tests or has completed three years of successful  
3 experience within the last seven years in the area for which  
4 licensure is being sought; or

5 (B) Holds at least a bachelor's degree in a discipline taught  
6 in the public schools from an accredited institution of higher  
7 education, and

8 (i) Has passed appropriate state board approved basic skills  
9 and subject matter tests; or

10 (ii) Has completed three years of successful experience within  
11 the last seven years in the area for which licensure is being  
12 sought; and

13 (I) Has completed an alternative program for teacher education  
14 approved by the state board,

15 (II) Is recommended for a certificate in accordance with the  
16 provisions of sections one-a and one-b of this article relating to  
17 the program, or

18 (III) Is recommended by the state superintendent based on  
19 documentation submitted.

20 (2) The certificate shall be endorsed to indicate the grade  
21 level or levels or areas of specialization in which the person is  
22 certified to teach or to serve in the public schools.

23 (3) The initial professional certificate is issued  
24 provisionally for a period of three years from the date of  
25 issuance:

1 (A) The certificate may be converted to a professional  
2 certificate valid for five years subject to successful completion  
3 of a beginning teacher internship or induction program, if  
4 applicable; or

5 (B) The certificate may be renewed subject to rules adopted by  
6 the state board.

7 (b) *Alternative program teacher certificate.* -- An alternative  
8 program teacher certificate may be issued to a candidate who is  
9 enrolled in an alternative program for the education of teachers in  
10 accordance with the provisions of section one-a of this article.

11 (1) The certificate is valid only for the alternative program  
12 position in which the candidate is employed and is subject to  
13 enrollment in the program.

14 (2) The certificate is valid for one year and may be renewed  
15 for each of the following two consecutive years only.

16 (c) *Professional administrative certificate.* --

17 (1) A professional administrative certificate, endorsed for  
18 serving in the public schools, with specific endorsement as a  
19 principal, vocational administrator, supervisor of instructions or  
20 superintendent, may be issued to a person who has completed  
21 requirements all to be approved by the state board as follows:

22 (A) Holds at least a master's degree from an institution of  
23 higher education accredited to offer a master's degree; and

24 (i) Has successfully completed an approved program for  
25 administrative certification developed by the state board in

1 cooperation with the chancellor for higher education, and

2 (ii) Has successfully completed education and training in  
3 evaluation skills through the center for professional development,  
4 or equivalent education and training in evaluation skills approved  
5 by the state board, and

6 (iii) Possesses three years of management level experience.

7 (2) Any person serving in the position of dean of students on  
8 June 4, 1992, is not required to hold a professional administrative  
9 certificate.

10 (3) The initial professional administrative certificate is  
11 issued provisionally for a period of five years. This certificate  
12 may be converted to a professional administrative certificate valid  
13 for five years or renewed, subject to the regulations of the state  
14 board.

15 (d) *Paraprofessional certificate.* -- A paraprofessional  
16 certificate may be issued to a person who meets the following  
17 conditions:

18 (1) Has completed thirty-six semester hours of post-secondary  
19 education or its equivalent in subjects directly related to  
20 performance of the job, all approved by the state board; and

21 (2) Demonstrates the proficiencies to perform duties as  
22 required of a paraprofessional as defined in section eight, article  
23 four of this chapter.

24 (e) *Other certificates; permits.* --

25 (1) Other certificates and permits may be issued, subject to



1 the approval of the state board, to persons who do not qualify for  
2 the professional or paraprofessional certificate. (2) A certificate  
3 or permit may not be given permanent status and a person holding  
4 one of these credentials shall meet renewal requirements provided  
5 by law and by regulation, unless the state board declares certain  
6 of these certificates to be the equivalent of the professional  
7 certificate.

8 (3) Within the category of other certificates and permits, the  
9 state superintendent may issue certificates for persons to serve in  
10 the public schools as athletic coaches or coaches of other  
11 extracurricular activities, whose duties may include the  
12 supervision of students, subject to the following limitations:

13 (A) The person is employed under a contract with the county  
14 board of education.

15 (i) The contract specifies the duties to be performed,  
16 specifies a rate of pay that is equivalent to the rate of pay for  
17 professional educators in the district who accept similar duties as  
18 extra duty assignments, and provides for liability insurance  
19 associated with the activity; and

20 (ii) The person holding this certificate is not considered an  
21 employee of the board for salary and benefit purposes other than as  
22 specified in the contract.

23 (B) A currently employed certified professional educator has  
24 not applied for the position; and

25 (C) The person completes an orientation program designed and

1 approved in accordance with state board rules.

2 (f) *Teacher-In-Residence Permit.* --

3 (1) A teacher-in-residence permit may be issued to a candidate  
4 who is enrolled in a teacher-in-residence program in accordance  
5 with an agreement between an institution of higher education and a  
6 county board. The agreement is developed pursuant to subsection  
7 (f), section one of this article and requires approval by the state  
8 board.

9 (2) The permit is valid only for the teacher-in-residence  
10 program position in which the candidate is enrolled and is subject  
11 to enrollment in the program. The permit is valid for no more than  
12 one school year and may not be renewed.