

1 **Committee Substitute**

2 **for**

3 **H. B. 4101**

4
5 (By Delegates Perry, Shaver, D. Campbell, Lawrence,
6 Pethtel, Armstead, Duke, Savilla, Sigler, Paxton and M. Poling)

7 [Originating in the Committee on Education.]

8 (February 6, 2012)

9
10 A BILL 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 certification under
13 certain conditions of teachers certified in another state who
14 did not graduate from regionally accredited institution;
15 authorizing teacher-in-residence programs for certain
16 prospective teachers in lieu of student teaching; defining
17 teacher-in-residence programs and providing minimum
18 requirements; providing use of certain funds for program
19 support and student stipend; creating teacher-in-residence
20 permit and specifying conditions; conforming sections to other
21 provisions of law and removing duplicative and outdated
22 language; and authorizing counties with comprehensive
23 induction programs to use consistent structure for supervision
24 and training of student teachers.

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

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

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

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

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

15 The education of professional educators in the state includes
16 all programs leading to certification to teach or serve in the
17 public schools including:

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

21 (2) Beginning teacher internship and induction programs;

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

1 (4) Any alternative preparation programs in this state leading
2 to certification, including programs established pursuant to the
3 provisions of section one-a of this article and programs which are
4 in effect on the effective date of this section; and

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

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

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

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

23 (3) Subject to the provisions of section ten of this article,
24 a teacher from another state shall be awarded a teaching
25 certificate for a comparable grade level and subject area valid in

1 the public schools of this state, if he or she:

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

4 (B) Has graduated from an educator preparation program at a
5 regionally accredited institution of higher education, or has
6 graduated from an educator preparation program at an institution of
7 higher education in another state that is not regionally accredited
8 and has at least five years of satisfactory or higher ratings on
9 his or her teacher evaluations in the public schools of other
10 states where he or she has been employed as a classroom teacher;

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

12 (D) Meets all of the requirements of the state for full
13 certification except employment.

14 (c) To give prospective teachers the teaching experience
15 needed to demonstrate competence as a prerequisite to certification
16 to teach in the West Virginia public schools, the state board may
17 enter into an agreement with county boards for the use of the
18 public schools.

19 (d) An agreement established pursuant to subsection (c) of
20 this section shall recognize student teaching as a joint
21 responsibility of the educator preparation institution and the
22 cooperating public schools and shall include:

23 (1) The minimum qualifications for the employment of public
24 school teachers selected as supervising teachers, including the
25 requirement that field-based and clinical experiences be supervised

1 by a teacher fully certified in the state in which that teacher is
2 supervising;

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

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

9 (4) That the student teacher, under the direction and
10 supervision of the supervising teacher, shall exercise the
11 authority of a substitute teacher; and

12 (5) A provision requiring any higher education institution
13 with an educator preparation program to document that the student
14 teacher's field-based and clinical experiences include
15 participation and instruction with multicultural, at-risk and
16 exceptional children at each programmatic level for which the
17 student teacher seeks certification: Provided, That for a school
18 or school district that has implemented a comprehensive beginning
19 teacher induction program, an agreement may be established subject
20 to the approval of the state board that provides for the training
21 and supervision of student teachers consistent with the educational
22 objectives of this subsection using a structure consistent with the
23 structure implemented for the support, supervision and mentoring of
24 beginning teachers, notwithstanding any specific provisions of this
25 subsection.

1 (e) In lieu of the provisions for the agreement in subsections
2 (c) and (d) of this section and subject to approval of the state
3 board, an institution of higher education with a program for the
4 education of professional educators in the state approved by the
5 state board may enter into an agreement with county boards for the
6 use of teacher-in-residence programs in the public schools. A
7 teacher-in-residence program is an intensively supervised and
8 mentored residency program for prospective teachers during their
9 senior year that helps the prospective teachers to refine their
10 professional practice skills and gain the teaching experience
11 needed to demonstrate competence as a prerequisite to certification
12 to teach in the West Virginia public schools. The use of a
13 teacher-in-residence program is subject to an agreement entered
14 into by the institution and county board and approved by the state
15 board that includes, but is not limited to, the following:

16 (1) A prospective teacher in a teacher-in-residence program
17 must have completed the content area preparation courses and passed
18 the appropriate state board approved basic skills and subject
19 matter test or tests required by the state board for teachers to
20 become certified in the area for which licensure is being sought;

21 (2) A teacher-in-residence may serve only in a teaching
22 position in the county which has been posted and no other teacher
23 fully certified for the position has been employed;

24 (3) The program of instruction for the teacher-in-residence,
25 including, but not limited to, the responsibilities for supervision

1 and mentoring by the institution's educator preparation program,
2 the school principal, and peer teachers and mentors, and the
3 responsibilities for the formal instruction or professional
4 development necessary for the teacher-in-residence to perfect his
5 or her professional practice skills;

6 (4) A requirement for the teacher-in-residence to qualify for
7 and have been issued a teacher-in-residence permit qualifying the
8 teacher-in-residence to teach in his or her assigned position as
9 the teacher of record;

10 (5) Provisions for the salary and benefit costs for the
11 position to which the teacher-in-residence is assigned to be used
12 as specified in the agreement for program support and for the
13 payment of a stipend to the teacher-in-residence. These salary and
14 benefit costs shall be calculated at the level of a teacher with a
15 bachelor's degree with zero years of experience; and

16 (6) Other provisions required by the state board, if any.

17 ~~(e)~~ (f) Beginning the fall, two thousand six - two thousand
18 seven academic term, in lieu of the student teaching experience in
19 a public school setting required by this section, an institution of
20 higher education may provide an alternate student teaching
21 experience in a nonpublic school setting if the institution of
22 higher education:

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

24 (2) Has a state board approved educator preparation program;

25 and

1 (3) Enters into an agreement pursuant to subdivisions ~~(f)~~ (g)
2 and (h) of this section.

3 ~~(f)~~ (g) At the discretion of the higher education institution,
4 an agreement for an alternate student teaching experience between
5 an institution of higher education and a nonpublic school shall
6 require that either:

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

9 (2) The educator preparation program include a requirement
10 that any student performing student teaching in a nonpublic school
11 complete at least:

12 (A) Two hundred clock hours of field-based training in a
13 public school; and

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

21 (i) State board policy and provisions of this code governing
22 public education;

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

25 (iii) Federal and state mandated curriculum and assessment

1 requirements, including multicultural education, safe schools and
2 student code of conduct;

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

6 (v) Varied approaches for effective instruction for students
7 who are at-risk;

8 ~~(g)~~ (h) In addition to the requirements set forth in
9 subsection ~~(f)~~ (g) of this section, an agreement for an alternate
10 student teaching experience between an institution of higher
11 education and a nonpublic school shall:

12 (1) Require that the higher education institution with an
13 educator preparation program document that the student teacher's
14 field-based and clinical experiences include participation and
15 instruction with multicultural, at-risk and exceptional children at
16 each programmatic level for which the student teacher seeks
17 certification; and

18 (2) Include the minimum qualifications for the employment of
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 ~~(h)~~ (i) The state superintendent may issue certificates as
24 provided in section two-a of this article to graduates of educator
25 preparation programs and alternative educator preparation programs

1 approved by the state board. The certificates are issued in
2 accordance with this section and rules adopted by the state board
3 after consultation with the Secretary of Education and the Arts and
4 the Chancellor for Higher Education.

5 (1) A certificate ~~to teach~~ may be granted only to ~~any~~ a person
6 who is:

7 (A) A citizen of the United States, except as provided in
8 subdivision (2) of this subsection;

9 (B) Is of good moral character;

10 (C) Physically, mentally and emotionally qualified to perform
11 the duties of a teacher; and

12 (D) At least eighteen years on or before October 1, of the
13 year in which his or her certificate is issued.

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

17 ~~(f)~~ (j) In consultation with the Secretary of Education and
18 the Arts and the Chancellor for Higher Education, institutions of
19 higher education approved for educator preparation may cooperate
20 with each other, with the center for professional development and
21 with one or more county boards to organize and operate centers to
22 provide selected phases of the educator preparation program. The
23 phases include, but are not limited to:

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

25 (2) Beginning teacher internship and induction programs;

1 (3) Instruction in methodology; and

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

5 The institutions of higher education, the center for
6 professional development and county boards may by mutual agreement
7 budget and expend funds to operate the centers through payments to
8 the appropriate fiscal office of the participating institutions,
9 the center for professional development and the county boards.

10 ~~(j)~~ (k) The provisions of this section do not require
11 discontinuation of an existing student teacher training center or
12 school which meets the standards of the state board.

13 ~~(k)~~ (l) All institutions of higher education approved for
14 educator preparation in the 1962-63 school year shall continue to
15 hold that distinction so long as they meet the minimum standards
16 for educator preparation. Nothing in this section infringes upon
17 the rights granted to any institution by charter given according to
18 law previous to the adoption of this code.

19 ~~(l) Notwithstanding any other provision of this section, nor~~
20 ~~any other provision of rule, law or this code to the contrary, an~~
21 ~~institution of higher education may enter into an agreement with a~~
22 ~~nonpublic school:~~

23 ~~(1) For the purposes of this section regarding student~~
24 ~~teaching;~~

25 ~~(2) For the spring, two thousand six academic term only;~~

1 ~~(3) If the institution is approved for educator preparation by~~
2 ~~the state board; and~~

3 ~~(4) If the institution had entered into the agreement for that~~
4 ~~academic term prior to the effective date of this section.~~

5 (m) As used in this section:

6 (1) "Nonpublic school" means a private school, parochial
7 school, church school, school operated by a religious order or
8 other nonpublic school that elects to:

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

11 (B) Participate on a voluntary basis in a state operated or
12 state sponsored program provided to such schools pursuant to this
13 section; and

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

15 (2) "At-risk" means having the potential for academic failure,
16 including, but not limited to, the risk of dropping out of school,
17 involvement in delinquent activity or poverty as indicated by free
18 or reduced lunch status; and

19 (3) "Exceptional children" has the meaning ascribed pursuant
20 to section one, article twenty, chapter eighteen of this code, but
21 does not include gifted students.

22 **~~§18A-3-2a. Authority of state superintendent to issue~~**
23 **~~certificates; kinds of Certificates valid in the~~**
24 **~~public schools that may be issued by the state~~**

1 superintendent.

2 In accordance with state board of Education rules for the
3 education of professional educators adopted after consultation with
4 the secretary of education and the arts pursuant to section one of
5 this article and subject to the limitations and conditions of said
6 section, the state superintendent of Schools may issue the
7 following certificates valid in the public schools of the state:
8 ~~Provided, That a certificate shall not be issued to any person who~~
9 ~~is not a citizen of the United States, is not of good moral~~
10 ~~character and physically, mentally and emotionally qualified to~~
11 ~~perform the duties for which the certification would be granted and~~
12 ~~who has not attained the age of eighteen years on or before October~~
13 ~~1, of the year in which the certificate is issued: Provided,~~
14 ~~however, That an exchange teacher from a foreign country or an~~
15 ~~alien person who meets the requirements to teach may be granted a~~
16 ~~permit to teach within the public schools of the state.~~

17 ~~Certificates authorized to be issued include:~~

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

21 (A) Has at least a bachelor's degree from an accredited
22 institution of higher education in this state, has completed a
23 program for the education of teachers which meets the requirements
24 approved by the State Board of Education or has met equivalent
25 standards at institutions in other states and has passed

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

5 (B) Has at least a bachelor's degree in a discipline taught in
6 the public schools from an accredited institution of higher
7 education, has passed appropriate state board approved basic skills
8 and subject matter tests or has completed three years of successful
9 experience within the last seven years in the area for which
10 licensure is being sought, has completed an alternative program for
11 teacher education approved by the state board and is recommended
12 for a certificate ~~by the chairperson of the professional support~~
13 ~~team of the person's alternative program or~~ in accordance with the
14 provisions of sections one-a and one-b of this article relating to
15 the program, or by the state superintendent based on documentation
16 submitted.

17 The certificate shall be endorsed to indicate the grade level
18 or levels or areas of specialization in which the person is
19 certified to teach or to serve in the public schools. The initial
20 professional certificate shall be issued provisionally for a period
21 of three years from the date of issuance and may be converted to a
22 professional certificate valid for five years subject to successful
23 completion of a beginning teacher internship or induction program,
24 if applicable, or renewed subject to rules adopted by the state
25 board.

1 (2) Alternative program teacher certificate. -- An alternative
2 program teacher certificate may be issued to a candidate who is
3 enrolled in an alternative program for the education of teachers in
4 accordance with the provisions of section one-a of this article.
5 The certificate is valid only for the alternative program position
6 in which the candidate is employed and is subject to enrollment in
7 the program. The certificate is valid for one year and may be
8 renewed for each of the following two consecutive years only.

9 ~~(2)~~ (3) Professional administrative certificate. -- A
10 professional administrative certificate, endorsed for serving in
11 the public schools, with specific endorsement as a principal,
12 vocational administrator, supervisor of instructions or
13 superintendent, may be issued to a person who has completed
14 requirements all to be approved by the state board as follows: For
15 a master's degree from an institution of higher education
16 accredited to offer a master's degree, has successfully completed
17 an approved program for administrative certification, developed by
18 the state board ~~of Education~~ in cooperation with the ~~governing~~
19 ~~boards of the university of West Virginia system and the state~~
20 ~~college system~~ chancellor for higher education, has successfully
21 completed education and training in evaluation skills through the
22 center for professional development, or equivalent education and
23 training in evaluation skills approved by the state board, and
24 three years of management level experience. ~~Provided, That anyone~~
25 ~~having received a certificate during the period from August 30,~~

1 ~~1990, until the effective date of this bill without having met the~~
2 ~~above requirements shall complete those requirements within five~~
3 ~~years after the effective date of this bill: *Provided, however,*~~
4 ~~That~~ Any person serving in the position of dean of students ~~on the~~
5 ~~effective date of this section~~ shall not be required to hold a
6 professional administrative certificate. ~~Beginning September 1,~~
7 ~~1992,~~ The initial professional administrative certificate shall be
8 issued provisionally for a period of five years. This certificate
9 may be converted to a professional administrative certificate valid
10 for five years or renewed, subject to the regulations of the state
11 board.

12 ~~(3)~~ (4) *Paraprofessional certificate.* -- A paraprofessional
13 certificate may be issued to a person who has completed thirty-six
14 semester hours of post-secondary education or its equivalent in
15 subjects directly related to performance of the job, all approved
16 by the state board, and can demonstrate the proficiencies to
17 perform duties as required of a paraprofessional as defined in
18 section eight, article four of this chapter.

19 ~~(4)~~ (5) *Other certificates; permits.* -- Other certificates and
20 permits may be issued, subject to the approval of the state board,
21 to persons who do not qualify for the professional or
22 paraprofessional certificate. ~~Such~~ The certificates or permits
23 shall not be given permanent status and persons holding such shall
24 meet renewal requirements provided by law and by regulation, unless
25 the state board declares certain of these certificates to be the

1 equivalent of the professional certificate.

2 Within the category of other certificates and permits, the
3 state superintendent may issue certificates for persons to serve in
4 the public schools as athletic coaches or other extracurricular
5 activities coaches whose duties may include the supervision of
6 students, subject to the following limitations: (A) ~~Such~~ The
7 person ~~shall be~~ is employed under a contract with the county board
8 of education which specifies the duties to be performed, which
9 specifies a rate of pay equivalent to the rate of pay for
10 professional educators in the district who accept similar duties as
11 extra duty assignments and which provides for liability insurance
12 associated with the activity: *Provided, That* ~~such~~ these persons
13 ~~shall not be~~ are considered employees of the board for salary and
14 benefit purposes other than as specified in the contract; (B) a
15 currently employed certified professional educator has not applied
16 for the position; and © ~~such~~ the person completes an orientation
17 program designed and approved in accordance with state board rules.
18 ~~which shall be adopted no later than January 1, 1991~~

19 (6) Teacher-In-Residence Permit. -- A teacher-in-residence
20 permit may be issued to a candidate who is enrolled in a teacher-
21 in-residence program in accordance with an agreement between an
22 institution of higher education and county board, and approved by
23 the state board, pursuant to subsection (e), section one of this
24 article. The permit is valid only for the teacher-in-residence
25 program position in which the candidate is enrolled and is subject

1 to enrollment in the program. The permit is valid for not more
2 than one school year and may not be renewed.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.