

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4122**

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

7 [Originating in the Committee on Education]

8 (February 6, 2012)  
9

10 A BILL to amend and reenact §18A-3-1a and §18A-3-1b of the Code of  
11 West Virginia, 1931, as amended, all relating to alternative  
12 programs for teacher education; providing definitions;  
13 including entity affiliated with approved teacher education  
14 programs to be a partner in offering programs; defining  
15 approved education provider; generally reorganizing section,  
16 updating terms and eliminating duplicative language; allowing  
17 participation of candidates pursuing certification to teach  
18 American Sign Language; eliminating requirement to post  
19 position of alternative program teacher each year prior to  
20 rehiring; authorizing alternative methods of instructional  
21 delivery and candidate supervision and modifying existing  
22 methods; modifying reporting and recommendation requirements;  
23 and requiring certain legislative rules.

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

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

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

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

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

13           (a) Definitions. -- For the purposes of this section, the  
14 following terms have the meaning ascribed to them, unless the  
15 context in which a term is used clearly requires a different  
16 meaning:

17           (1) "Alternative program teacher certificate" means a  
18 certificate issued for one year to a candidate who does not meet  
19 the standard educational requirements for teacher certification;

20           (2) "Approved education provider" means a partnership between  
21 one or more schools, school districts or regional educational  
22 service agencies and an institution of higher education in this  
23 state with a regionally accredited program for the education of

1 professional educators approved by the state board or an entity  
2 affiliated with such an institution's approved program, that has  
3 submitted to the state board a plan and agreement between the  
4 organizations for the delivery of an alternative program in  
5 accordance with this section, and the state board has approved the  
6 plan and agreement; and

7 (3) "Area of critical need and shortage" means an opening in  
8 an established, existing or newly-created position which has been  
9 posted at least two times in accordance with section seven-a,  
10 article four of this chapter and for which no fully-qualified  
11 applicant has been employed.

12 (b) *Establishment of alternative teacher education programs.*

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

21 (1) Separate procedures for the approval and operation of each  
22 of the alternative teacher education programs as provided in this  
23 section:

1       (A) These programs are an alternative to the regular college  
2 or university programs for the education of teachers and may only  
3 be offered by approved education providers; and

4       (B) Each program is separate from other programs established  
5 by this section;

6       (2) Procedures for approving an approved education provider as  
7 defined in this section. Approval is required prior to  
8 implementation the provider's program leading to certification to  
9 teach in the public schools of this state;

10       (3) Provisions for setting tuition charges to offset program  
11 costs;

12       (4) The recommendation to rehire an alternative education  
13 program teacher, is subject to satisfactory progress in the  
14 applicable alternative education program by the holder of the  
15 alternative program certificate; and

16       (5) When making decisions affecting the hiring of a teacher  
17 authorized to teach under an alternative program certificate as  
18 provided in this section, a county board shall give preference to  
19 applicants who hold a valid West Virginia professional teaching  
20 certificate.

21       (c) Alternative teacher education program. --

22       (1) To participate in an approved alternative teacher  
23 education program, the candidate must hold an alternative program

1 teacher certificate issued by the state superintendent and endorsed  
2 for the instructional field in which the candidate seeks  
3 certification. ~~An alternative program teacher certificate is a~~  
4 ~~certificate issued for one year to a candidate who does not meet~~  
5 ~~the standard educational requirements for certification.~~

6 (2) The certificate may be renewed ~~no more than two times~~  
7 twice and no individual may hold an alternative program teacher  
8 certificate for a period exceeding three years. The alternative  
9 program teacher certificate ~~shall be considered~~ is equivalent to a  
10 professional teaching certificate for the purpose of ~~the issuance~~  
11 ~~of issuing~~ a continuing contract.

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

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

21 ~~(2)~~ (B) Pass ~~an appropriate state board approved~~ the same  
22 basic skills and subject matter test or tests required by the state  
23 board for traditional program candidates to become certified in the

1 area for which licensure is being sought;

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

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

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

11 ~~(5) (F) Qualify for employment~~ following a criminal history  
12 check pursuant to section ten of this article; and

13 (G) In the case of an applicant pursuing certification to  
14 teach American Sign Language, in lieu of paragraphs (A) and (B) of  
15 this subdivision, the applicant shall possess at least a bachelor's  
16 degree from a regionally accredited institution of higher education  
17 and pass an appropriate state board approved test or tests  
18 demonstrating the applicant's proficiency in American Sign  
19 Language.

20 ~~(4) Persons~~ A person who ~~satisfy~~ satisfies the requirements  
21 set forth in ~~subdivisions (1) through (5)~~ subdivision (3) of this  
22 subsection shall be granted a formal document ~~which will enable~~  
23 ~~them~~ authorizing him or her to work in a public school in West

1 Virginia.

2 ~~(b) The rules adopted by the board shall include provisions~~  
3 ~~for the approval of alternative teacher education programs which~~  
4 ~~may be offered by schools, school districts, consortia of schools,~~  
5 ~~or regional educational service agency and for the setting of~~  
6 ~~tuition charges to offset the program costs. An approved~~  
7 ~~alternative teacher education program shall be in effect for a~~  
8 ~~school, school district, consortium of schools or regional~~  
9 ~~educational service agency before an alternative program teacher~~  
10 ~~may be employed in that school, school district, consortium of~~  
11 ~~schools or regional educational service agency.~~

12 (5) An approved alternative program ~~shall provide~~ provides  
13 essential knowledge and skills to alternative program teachers  
14 through the following phases of training:

15 ~~(1)~~ (A) *Instruction.* -- The alternative preparation program  
16 shall provide a minimum of eighteen semester hours of instruction  
17 in the areas of student assessment; development and learning;  
18 curriculum; classroom management; the use of educational computers  
19 and other technology; and special education and diversity. All  
20 programs shall contain a minimum of three semester hours of  
21 instruction in special education and diversity out of the minimum  
22 eighteen required semester hours. Subject to the approval of the  
23 state board, an approved education provider may provide instruction

1 equivalent to the eighteen semester hours required by this  
2 paragraph through nontraditional methods, including, but not  
3 limited to, methods such as a series of modules covering the  
4 various topics, electronically delivered instruction, summer  
5 sessions, professional development and job-embedded mentoring.

6       (2) (B) Phase I. -- Phase I ~~shall consist~~ consists of a period  
7 of intensive, on-the-job supervision by an assigned mentor and the  
8 school administrator for a period of not ~~less~~ fewer than two ~~weeks~~  
9 ~~and no more than four~~ weeks. The assigned mentor shall meet the  
10 requirements for a beginning teacher internship mentor set forth in  
11 section two-b of this article and shall be paid the stipend  
12 authorized pursuant to that section. ~~During this time, the teacher~~  
13 The state board shall provide, in its rule for the approval and  
14 operation of this program, requirements for the frequency and  
15 duration of time periods for the person holding an alternative  
16 certificate to observe in the classroom of the mentor. The person  
17 holding an alternative certificate shall be observed daily by the  
18 mentor or the school administrator during this phase. This phase  
19 ~~shall include~~ includes an orientation to the policies, organization  
20 and curriculum of the employing district. The alternative program  
21 teacher shall ~~begin to~~ receive formal instruction in those areas  
22 listed in ~~subdivision (1)~~ paragraph (A) of this ~~subsection~~  
23 subdivision.



1           ~~(3)~~ (C) Phase II. -- Phase II ~~shall consist~~ consists of a  
2 period of intensive, on-the-job supervision beginning the first day  
3 following the completion of Phase I and continuing for a period of  
4 at least ten weeks. During Phase II, the alternative program  
5 teacher ~~shall be~~ is visited and critiqued ~~no less than~~ at least one  
6 time per week by members of a professional support team, as defined  
7 in ~~subsection~~ subdivision (6) of this ~~section~~ subsection, and  
8 ~~shall be~~ is observed and ~~formally evaluated~~ by the appropriately  
9 certified members of the team at the end of five weeks and again ~~at~~  
10 ~~the end of ten weeks by the appropriately certified members of the~~  
11 ~~team~~ at five-week intervals until the completion of this phase. At  
12 the ~~end of the ten-week period~~ completion of this phase, the  
13 alternative program teacher shall receive a formal ~~written progress~~  
14 ~~report from the chairperson of the support team~~ evaluation by the  
15 principal. The alternative program teacher shall continue to  
16 receive formal instruction in those areas listed ~~above under~~ in  
17 paragraph (A), ~~subdivision (1)~~ of this ~~subsection~~ subdivision.

18           ~~(4)~~ (D) Phase III. -- Phase III ~~shall consist~~ consists of an  
19 additional period of continued supervision and evaluation of no  
20 ~~less~~ fewer than twenty weeks duration. The professional support  
21 team ~~will determine~~ determines the requirements of this phase, ~~with~~  
22 but those requirements shall include at least one formal evaluation  
23 ~~being~~ conducted at the completion of the phase by the principal.

1 The alternative program teacher shall continue to receive formal  
2 instruction in those areas listed ~~above~~ in paragraph (A)  
3 ~~subdivision (1)~~ of this ~~subsection~~ subdivision, and ~~receive~~ shall  
4 be given opportunities to observe the teaching of experienced  
5 colleagues.

6 © (6) Professional support team. --

7 (A) Training and supervision of alternative program teachers  
8 ~~shall be~~ are provided by a professional support team comprised of  
9 a school principal, or his or her designee, an experienced  
10 classroom teacher who satisfies the requirements for mentor for the  
11 Beginning Educator Internship ~~as specified in~~ pursuant to section  
12 two-b of this article, ~~a college or university education faculty~~  
13 ~~member~~ a nonpublic education representative of the approved  
14 education provider, and a curriculum supervisor or other central  
15 office administrator with certification and training relevant to  
16 the training and supervision of the alternative program candidate.

17 (B) Districts or schools which ~~do not employ curriculum~~  
18 ~~supervisors~~ or have been unable to establish a relationship with a  
19 college or university shall provide for comparable expertise on the  
20 team.

21 (C) The school principal, or his or her designee, ~~shall serve~~  
22 serves as chairperson of the team.

23 (D) The duration of each of the three phases of the program

1 specified in paragraphs (B), (C) and (D), subdivision (5) of this  
2 subsection, in excess of the minimum durations provided in those  
3 paragraphs, shall be determined by the professional support team  
4 within guidelines provided by the state board in its rule for the  
5 approval and operation of this program.

6 (E) In addition to other duties assigned to it under this  
7 section and section one-b of this article, the approved education  
8 provider shall submit a written evaluation of the alternative  
9 program teacher to the county superintendent. The written  
10 evaluation shall be in a form specified by the county  
11 superintendent and submitted on a date specified by the county  
12 superintendent that is prior to the first Monday of May. The  
13 evaluation shall report the progress of the alternative program  
14 teacher toward meeting the academic and performance requirements of  
15 the program.

16 ~~(d)~~ (F) The training for professional support team members  
17 ~~shall~~ may be coordinated and provided by the Center for  
18 Professional Development in coordination with the ~~school district,~~  
19 ~~consortium of schools, regional educational service agency, and~~  
20 ~~institution of higher education~~ approved education provider ~~or any~~  
21 ~~combination of these agencies~~ as set forth in the plan approved by  
22 the state board pursuant to ~~subsection (e)~~ subdivision (8) of this  
23 section.

1       (7) In lieu of and as an alternative to the professional  
2 support team specified in subdivision (6) of this section and its  
3 specific duties throughout the program phases as set forth in  
4 subdivision (5) of this section, a school or school district that  
5 has implemented a comprehensive beginning teacher induction program  
6 may, subject to the approval of the state board, provide for the  
7 training and supervision of alternative program teachers using a  
8 structure consistent with the structure implemented for the  
9 support, supervision and mentoring of beginning teachers:  
10 Provided, That all final decisions on the progress of the  
11 alternative program teacher and recommendations upon program  
12 completion shall rest with the principal.

13       ~~(e) (8) A school, school district, consortium of schools, or~~  
14 ~~regional educational service agency~~ An approved education provider  
15 seeking to employ approval for an alternative certification program  
16 teacher must shall submit a plan to the state board. and receive  
17 approval

18       (A) No alternative certification program may be implemented  
19 prior to receiving state board approval.

20       (B) Each plan shall describe how the proposed training program  
21 will accomplish the key elements of an alternative program for the  
22 education of teachers as set forth in this section. Each school,  
23 school district, consortium of schools or regional educational

1 ~~service agency shall show evidence in its plan of having sought~~  
2 ~~joint sponsorship of their training program with institutions of~~  
3 ~~higher education.~~

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

8 (d) Alternative highly qualified special education teacher  
9 education program. --

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

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

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

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

1 preparation.

2 (5) Participation in an alternative education program pursuant  
3 to this subsection ~~shall~~ may not affect any rights, privileges or  
4 benefits to which the participant otherwise would ~~otherwise~~ be  
5 entitled as a regular employee ~~nor does it~~ and may not alter any  
6 rights, privileges or benefits of participants on continuing  
7 contract status. ~~The state board shall report to the Legislative~~  
8 ~~Oversight Commission on Education Accountability on the programs~~  
9 ~~authorized under this subsection during the July, 2005, interim~~  
10 ~~meetings or as soon thereafter as practical prior to implementation~~  
11 ~~of the programs.~~

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

16 *(e) Additional alternative education program to prepare highly*  
17 *qualified special education teachers. --*

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

22 (2) These programs are subject to the other provisions of this  
23 section only to the extent specifically provided ~~for~~ in ~~this~~ the

1 rule.

2 (3) These programs may be an alternative to the regular  
3 college and university programs for the education of special  
4 education teachers and also may address the content area  
5 preparation of ~~such~~ these persons. ~~The state board shall report to~~  
6 ~~the Legislative Oversight Commission on Education Accountability on~~  
7 ~~the programs authorized under this subsection during the July,~~  
8 ~~2005, interim meetings or as soon thereafter as practical prior to~~  
9 ~~implementation of the programs.~~

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

15 ~~(i) The recommendation to rehire an alternative education~~  
16 ~~program teacher, pursuant to section eight-a, article two of this~~  
17 ~~chapter is subject to the position being posted and no fully~~  
18 ~~qualified applicant being employed: *Provided,* That this provision~~  
19 ~~does not apply to teachers who hold a valid West Virginia~~  
20 ~~professional teaching certificate and who are employed under a~~  
21 ~~program operated pursuant to subsection (f).~~

22 ~~(j) When making decisions affecting the hiring of an~~  
23 ~~alternative program teacher under the provisions of this section,~~

1 ~~a county board shall give preference to applicants who hold a valid~~  
2 ~~West Virginia professional teaching certificate.~~

3 **§18A-3-1b. Recommendation for certification of alternative**  
4 **program teachers.**

5 At the conclusion of an alternative teacher education program,  
6 the ~~principal chairperson of the professional support team,~~  
7 approved education provider shall prepare a comprehensive  
8 evaluation report on the alternative program teacher's performance.  
9 This report shall be submitted directly to the State Superintendent  
10 of Schools and shall contain a recommendation as to whether or not  
11 a professional certificate should be issued to the alternative  
12 program teacher. The report shall be made on standard forms  
13 developed by the State Superintendent.

14 The comprehensive evaluation report shall include one of the  
15 following recommendations:

16 (1) Approved: Recommends issuance of a professional  
17 certificate;

18 (2) Insufficient: Recommends that a professional certificate  
19 not be issued but that the candidate be allowed to seek reentry on  
20 one or more occasions in the future into an approved alternative  
21 teacher education program; or

22 (3) Disapproved: Recommends that a professional certificate  
23 not be issued and that the candidate not be allowed to enter into



1 another approved alternative teacher education program in this  
2 state, but shall not be prohibited from pursuing teacher  
3 certification through other approved programs for the education of  
4 teachers in this state.

5 The ~~chairperson of the professional support team~~ approved  
6 education provider shall provide the alternative program teacher  
7 with a copy of the alternative program teacher's written evaluation  
8 report and certification recommendation before submitting it to the  
9 state superintendent. If the alternative program teacher disagrees  
10 with the ~~chairperson's~~ provider's recommendation, the alternative  
11 program teacher may, within fifteen days of receipt, request an  
12 appeal in accordance with the certification appeals process  
13 established by the State Board of Education.

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