

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 404**

4 (By Senators Wills, Plymale, Browning, Snyder, Yost, Miller,
5 Laird, Klempa, Tucker, Unger and Kessler (Mr. President))

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7 [Originating in the Committee on Education;
8 reported February 8, 2012.]
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12 A BILL to amend and reenact §18A-3-2a of the Code of West Virginia,
13 1931, as amended, relating to issuance of a barrister's
14 certificate to teach course-specific curricula in West
15 Virginia public schools.

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

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

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

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

23 In accordance with State Board of Education rules for the
24 education of professional educators adopted after consultation with
25 the Secretary of Education and the Arts, the State Superintendent

1 of Schools may issue certificates valid in the public schools of
2 the state: *Provided*, That a certificate shall not be issued to any
3 person who is not a citizen of the United States, is not of good
4 moral character and physically, mentally and emotionally qualified
5 to perform the duties for which the certification would be granted
6 and who has not attained the age of eighteen years on or before
7 October 1, of the year in which the certificate is issued:
8 *Provided, however*, That an exchange teacher from a foreign country
9 or an alien person who meets the requirements to teach may be
10 granted a permit to teach within the public schools of the state.

11 Certificates authorized to be issued include:

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

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

24 (B) Has at least a bachelor's degree in a discipline taught in
25 the public schools from an accredited institution of higher
26 education, has passed appropriate state board-approved basic skills

1 and subject matter tests or has completed three years of successful
2 experience within the last seven years in the area for which
3 licensure is being sought, has completed an alternative program for
4 teacher education approved by the state board and is recommended
5 for a certificate by the chairperson of the professional support
6 team of the person's alternative program or the State
7 Superintendent based on documentation submitted.

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

16 (2) *Professional administrative certificate.* -- A professional
17 administrative certificate, endorsed for serving in the public
18 schools, with specific endorsement as a principal, vocational
19 administrator, supervisor of instructions or superintendent, may be
20 issued to a person who has completed requirements all to be
21 approved by the state board as follows: For a master's degree from
22 an institution of higher education accredited to offer a master's
23 degree, has successfully completed an approved program for
24 administrative certification, developed by the State Board of
25 Education in cooperation with the ~~governing boards of the~~
26 ~~university of West Virginia system and the state college system~~

1 institutional boards of governors as defined in section one,
2 article two-a, chapter eighteen-b of this code, has successfully
3 completed education and training in evaluation skills through the
4 center for professional development, or equivalent education and
5 training in evaluation skills, and three years of management level
6 experience: ~~Provided, That anyone having received a certificate~~
7 ~~during the period from August 30, 1990, until the effective date of~~
8 ~~this bill without having met the above requirements shall complete~~
9 ~~those requirements within five years after the effective date of~~
10 ~~this bill:~~ *Provided, however* That any person serving in the
11 position of dean of students on the effective date of this section
12 shall not be required to hold a professional administrative
13 certificate. Beginning September 1, 1992, the initial professional
14 administrative certificate shall be issued provisionally for a
15 period of five years. This certificate may be converted to a
16 professional administrative certificate valid for five years or
17 renewed, subject to the regulations of the state board.

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

25 (4) *Barrister's certificate.* -- A barrister's certificate may
26 be issued to a person: (A) Admitted to the practice of law in West

1 Virginia pursuant to the rules promulgated by the Supreme Court of
2 Appeals of West Virginia; (B) in good standing with the West
3 Virginia State Bar; and (C) demonstrates to the State
4 Superintendent of Schools the professional experience necessary to
5 serve as a volunteer professional educator in course-specific
6 curricula. The certificate shall be endorsed to indicate the grade
7 level or levels or areas of specialization in which the person is
8 certified to professionally teach or to serve in the public
9 schools. Any person teaching under a barrister's certificate may
10 teach on a noncompensated basis only.

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

19 Within the category of other certificates and permits, the
20 state superintendent may issue certificates for persons to serve in
21 the public schools as athletic coaches or other extracurricular
22 activities coaches whose duties may include the supervision of
23 students, subject to the following limitations: (A) Such person
24 shall be employed under a contract with the county board of
25 education which specifies the duties to be performed, which
26 specifies a rate of pay equivalent to the rate of pay for

1 professional educators in the district who accept similar duties as
2 extra duty assignments and which provides for liability insurance
3 associated with the activity: *Provided*, That such persons shall
4 not be considered employees of the board for salary and benefit
5 purposes other than as specified in the contract; (B) a currently
6 employed certified professional educator has not applied for the
7 position; and (C) such person completes an orientation program
8 designed and approved in accordance with state board rules which
9 shall be adopted no later than January 1, 1991.

(NOTE: The purpose of this bill is to permit the issuance of
a barrister's certificate to teach course specific curricula in
West Virginia public schools.

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