

H. B. 4122

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

[Introduced January 18, 2012; referred to the
Committee on Education then Finance.]

**Interim
Bill**

A BILL to amend and reenact §18A-3-1a and §18A-3-1b of the Code of West Virginia, 1931, as amended, all relating to alternative programs for teacher education; providing definitions and defining approved education provider; generally reorganizing section, updating terms and eliminating duplicative language; eliminating requirement to post position of alternative program teacher each year prior to rehiring; authorizing alternative methods of instructional delivery and candidate supervision and modifying existing methods; modifying reporting and recommendation requirements; and requiring certain legislative rules.

Be it enacted by the Legislature of West Virginia:

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

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

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

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

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

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

16 (2) "Approved education provider" means a partnership between
17 one or more schools, school districts or regional educational
18 service agencies and an institution of higher education in this
19 state with a regionally accredited program for the education of
20 professional educators approved by the state board or an entity
21 affiliated with such an institution's approved program, that has
22 submitted to the state board a plan and agreement between the
23 organizations for the delivery of an alternative program in
24 accordance with this section, and the state board has approved the

1 plan and agreement; and

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

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

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

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

22 (B) Each program is separate from other programs established
23 by this section;

24 (2) Procedures for approving an approved education provider as

1 defined in this section. Approval is required prior to
 2 implementation the provider's program leading to certification to
 3 teach in the public schools of this state;

4 (3) Provisions for setting tuition charges to offset program
 5 costs;

6 (4) The recommendation to rehire an alternative education
 7 program teacher, is subject to satisfactory progress in the
 8 applicable alternative education program by the holder of the
 9 alternative program certificate; and

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

15 © Alternative teacher education program. --

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

23 (2) The certificate may be renewed ~~no more than two times~~
 24 twice and no individual may hold an alternative program teacher

1 certificate for a period exceeding three years. The alternative
 2 program teacher certificate ~~shall be considered~~ is equivalent to a
 3 professional teaching certificate for the purpose of ~~the issuance~~
 4 of issuing a continuing contract.

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

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

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

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

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

24 ~~(4)~~ (E) ~~Have been offered~~ Receive a formal offer of employment

1 ~~in an area of critical need and shortage by from a county board~~
 2 ~~superintendent; in an area of critical need and shortage and~~

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

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

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

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

23 ~~(1) (A)~~ Instruction. -- The alternative preparation program
 24 shall provide a minimum of eighteen semester hours of instruction

1 in the areas of student assessment; development and learning;
2 curriculum; classroom management; the use of educational computers
3 and other technology; and special education and diversity. All
4 programs shall contain a minimum of three semester hours of
5 instruction in special education and diversity out of the minimum
6 eighteen required semester hours. Subject to the approval of the
7 state board, an approved education provider may provide instruction
8 equivalent to the eighteen semester hours required by this
9 paragraph through nontraditional methods, including, but not
10 limited to, methods such as a series of modules covering the
11 various topics, electronically delivered instruction, summer
12 sessions, professional development and job-embedded mentoring.

13 (2) (B) Phase I. -- Phase I ~~shall consist~~ consists of a period
14 of intensive, on-the-job supervision by an assigned mentor and the
15 school administrator for a period of not ~~less~~ fewer than two ~~weeks~~
16 ~~and no more than four~~ weeks. The assigned mentor shall meet the
17 requirements for a beginning teacher internship mentor set forth in
18 section two-b of this article and shall be paid the stipend
19 authorized pursuant to that section. ~~During this time, the teacher~~
20 The state board shall provide, in its rule for the approval and
21 operation of this program, requirements for the frequency and
22 duration of time periods for the person holding an alternative
23 certificate to observe in the classroom of the mentor. The person
24 holding an alternative certificate shall be observed daily by the

1 mentor or the school administrator during this phase. This phase
2 ~~shall include~~ includes an orientation to the policies, organization
3 and curriculum of the employing district. The alternative program
4 teacher shall ~~begin to~~ receive formal instruction in those areas
5 listed in ~~subdivision (1)~~ paragraph (A) of this ~~subsection~~
6 subdivision.

7 ~~(3)~~ © Phase II. -- Phase II ~~shall consist~~ consists of a period
8 of intensive, on-the-job supervision beginning the first day
9 following the completion of Phase I and continuing for a period of
10 at least ten weeks.

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

19 (ii) At the ~~end of the ten-week period~~ completion of this
20 phase, the alternative program teacher shall receive a formal
21 ~~written progress report from the chairperson of the support team~~
22 evaluation by the principal.

23 (iii) The alternative program teacher shall continue to
24 receive formal instruction in those areas listed ~~above under~~ in

1 paragraph (A), subdivision (1) of this subsection subdivision.

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

13 © (6) Professional support team. --

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

24 (B) Districts or schools which ~~do not employ curriculum~~

1 ~~supervisors or~~ have been unable to establish a relationship with a
2 college or university shall provide for comparable expertise on the
3 team.

4 © The school principal, or his or her designee, ~~shall serve~~
5 serves as chairperson of the team.

6 (D) The duration of each of the three phases of the program
7 specified in paragraphs (B), © and (D), subdivision (5) of this
8 subsection, in excess of the minimum durations provided in those
9 paragraphs, shall be determined by the professional support team
10 within guidelines provided by the state board in its rule for the
11 approval and operation of this program.

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

22 ~~(d)~~ (F) The training for professional support team members
23 ~~shall~~ may be coordinated and provided by the Center for
24 Professional Development in coordination with the ~~school district,~~

1 ~~consortium of schools, regional educational service agency, and~~
 2 ~~institution of higher education~~ approved education provider ~~or any~~
 3 ~~combination of these agencies~~ as set forth in the plan approved by
 4 the state board pursuant to ~~subsection (e)~~ subdivision (8) of this
 5 section.

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

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

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

1 (B) Each plan shall describe how the proposed training program
2 will accomplish the key elements of an alternative program for the
3 education of teachers as set forth in this section. ~~Each school,~~
4 ~~school district, consortium of schools or regional educational~~
5 ~~service agency shall show evidence in its plan of having sought~~
6 ~~joint sponsorship of their training program with institutions of~~
7 ~~higher education.~~

8 ~~(f) 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 (d) Alternative highly qualified special education teacher
13 education program. --

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

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

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

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

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

19 (e) Additional alternative education program to prepare highly
20 qualified special education teachers. --

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

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

4 (3) These programs may be an alternative to the regular
5 college and university programs for the education of special
6 education teachers and also may address the content area
7 preparation of ~~such~~ these persons. ~~The state board shall report to~~
8 ~~the Legislative Oversight Commission on Education Accountability on~~
9 ~~the programs authorized under this subsection during the July,~~
10 ~~2005, interim meetings or as soon thereafter as practical prior to~~
11 ~~implementation of the programs.~~

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

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

24 ~~(j) When making decisions affecting the hiring of an~~

~~1 alternative program teacher under the provisions of this section,
2 a county board shall give preference to applicants who hold a valid
3 West Virginia professional teaching certificate.~~

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

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

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

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

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

23 (3) Disapproved: Recommends that a professional certificate
24 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.

NOTE: The purpose of this bill is to allow an entity affiliated with an institution of higher education in this state with a regionally accredited program for the education of professional educators 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.

This bill was recommended for introduction and passage during the 2012 Regular Session of the Legislature by the Joint Standing Committee on Education Subcommittee B.