

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 4101

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



Passed March 10, 2012

To Take Effect Ninety Days From Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4101

(BY DELEGATES PERRY, SHAVER, D. CAMPBELL,
LAWRENCE, PETHTEL, ARMSTEAD, DUKE, SAVILLA,
SIGLER, PAXTON AND M. POLING)

[Passe March 10, 2012; to take effect ninety days from passage.]

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

Be it enacted by the Legislature of West Virginia:

That §18A-3-1 and 18A-3-2a 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.**

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

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

8 The education of professional educators in the state
9 includes all programs leading to certification to teach or serve
10 in the public schools. The programs include the following:

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

14 (2) Beginning teacher internship and induction programs;

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

18 (4) Alternative preparation programs in this state leading
19 to certification, including programs established pursuant to
20 the provisions of section one-a of this article and programs
21 which are in effect on the effective date of this section; and

22 (5) Continuing professional education, professional
23 development and in-service training programs for

24 professional educators employed in the public schools in the
25 state.

26 (b) After consultation with the Secretary of Education
27 and the Arts and the Chancellor for Higher Education, the
28 state board shall adopt standards for the education of
29 professional educators in the state and for awarding
30 certificates valid in the public schools of this state. The
31 standards include, but are not limited to the following:

32 (1) A provision for the study of multicultural education.
33 As used in this section, multicultural education means the
34 study of the pluralistic nature of American society including
35 its values, institutions, organizations, groups, status positions
36 and social roles;

37 (2) A provision for the study of classroom management
38 techniques, including methods of effective management of
39 disruptive behavior including societal factors and their impact
40 on student behavior; and

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

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

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

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

51 (D) Meets all of the requirements of the state for full
52 certification except employment.

53 (c) The state board may enter into an agreement with
54 county boards for the use of the public schools in order to
55 give prospective teachers the teaching experience needed to
56 demonstrate competence as a prerequisite to certification to
57 teach in the West Virginia public schools.

58 (d) An agreement established pursuant to subsection (c)
59 of this section shall recognize student teaching as a joint
60 responsibility of the educator preparation institution and the
61 cooperating public schools. The agreement shall include the
62 following items:

63 (1) The minimum qualifications for the employment of
64 public school teachers selected as supervising teachers,
65 including the requirement that field-based and clinical
66 experiences be supervised by a teacher fully certified in the
67 state in which that teacher is supervising;

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

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

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

77 (5) A provision requiring any higher education institution
78 with an educator preparation program to document that the
79 student teacher's field-based and clinical experiences include

80 participation and instruction with multicultural, at-risk and
81 exceptional children at each programmatic level for which the
82 student teacher seeks certification;

83 (6) A provision authorizing a school or school district
84 that has implemented a comprehensive beginning teacher
85 induction program, to enter into an agreement that provides
86 for the training and supervision of student teachers consistent
87 with the educational objectives of this subsection by using an
88 alternate structure implemented for the support, supervision
89 and mentoring of beginning teachers. The agreement is in
90 lieu of any specific provisions of this subsection and is
91 subject to the approval of the state board.

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

93 (1) In lieu of the provisions of subsections (c) and (d) of
94 this section and subject to approval of the state board, an
95 institution of higher education with a program for the
96 education of professional educators in the state approved by
97 the state board may enter into an agreement with county
98 boards for the use of teacher-in-residence programs in the
99 public schools.

100 (2) A “teacher-in-residence program” means an
101 intensively supervised and mentored residency program for
102 prospective teachers during their senior year that refines their
103 professional practice skills and helps them gain the teaching
104 experience needed to demonstrate competence as a
105 prerequisite to certification to teach in the West Virginia
106 public schools.

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

111 (A) A requirement that the prospective teacher in a
112 teacher-in-residence program shall have completed the
113 content area preparation courses and shall have passed the
114 appropriate basic skills and subject matter test or tests
115 required by the state board for teachers to become certified in
116 the area for which licensure is sought;

117 (B) A requirement that the teacher-in-residence serve
118 only in a teaching position in the county which has been
119 posted and for which no other teacher fully certified for the
120 position has been employed;

121 (C) Specifics regarding the program of instruction for the
122 teacher-in-residence setting forth the responsibilities for
123 supervision and mentoring by the higher education
124 institution's educator preparation program, the school
125 principal, and peer teachers and mentors, and the
126 responsibilities for the formal instruction or professional
127 development necessary for the teacher-in-residence to perfect
128 his or her professional practice skills. The program also may
129 include other instructional items as considered appropriate.

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

133 (E) A requirement that the salary and benefit costs for the
134 position to which the teacher-in-residence is assigned shall be
135 used only for program support and to pay a stipend to the
136 teacher-in-residence as specified in the agreement, subject to
137 the following:

138 (i) The teacher-in-residence is a student enrolled in the
139 teacher preparation program of the institution of higher
140 education and is not a regularly employed employee of the
141 county board;

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

146 (iii) All state aid funding due to the county board for the
147 teacher-in-residence shall be used only in accordance with
148 the agreement with the institution of higher education for
149 support of the program as provided in the agreement,
150 including costs associated with instruction and supervision as
151 set forth in paragraph (C) of this subdivision;

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

154 (v) All state aid funding due to the county for the teacher-
155 in-residence and not required for support of the program shall
156 be paid as a stipend to the teacher-in-residence: *Provided,*
157 That the stipend paid to the teacher-in-residence shall be no
158 less than sixty-five percent of all state aid funding due the
159 county for the teacher-in-residence.

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

162 (f) In lieu of the student teaching experience in a public
163 school setting required by this section, an institution of higher
164 education may provide an alternate student teaching
165 experience in a nonpublic school setting if the institution of
166 higher education meets the following criteria:

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

168 (2) Has a state board approved educator preparation
169 program; and

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

172 (g) At the discretion of the higher education institution,
173 an agreement for an alternate student teaching experience
174 between an institution of higher education and a nonpublic
175 school shall require one of the following:

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

178 (2) The educator preparation program shall include a
179 requirement that any student performing student teaching in
180 a nonpublic school shall complete the following:

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

183 (B) A course, which is a component of the institution's
184 state board approved educator preparation program, that
185 provides information to prospective teachers equivalent to the
186 teaching experience needed to demonstrate competence as a
187 prerequisite to certification to teach in the public schools in
188 West Virginia. The course also shall include instruction on
189 at least the following elements:

190 (i) State board policy and provisions of this code
191 governing public education;

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

194 (iii) Federal and state mandated curriculum and
195 assessment requirements, including multicultural education,
196 safe schools and student code of conduct;

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

200 (v) Varied approaches for effective instruction for
201 students who are at-risk.

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

206 (1) A requirement that the higher education institution
207 with an educator preparation program shall document that the
208 student teacher's field-based and clinical experiences include
209 participation and instruction with multicultural, at-risk and
210 exceptional children at each programmatic level for which the
211 student teacher seeks certification; and

212 (2) The minimum qualifications for the employment of
213 school teachers selected as supervising teachers, including
214 the requirement that field-based and clinical experiences be
215 supervised by a teacher fully certified in the state in which
216 that teacher is supervising.

217 (i) The state superintendent may issue certificates as
218 provided in section two-a of this article to graduates of
219 educator preparation programs and alternative educator
220 preparation programs approved by the state board. The
221 certificates are issued in accordance with this section and
222 rules adopted by the state board after consultation with the
223 Secretary of Education and the Arts and the Chancellor for
224 Higher Education.

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

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

229 (B) Is of good moral character;

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

232 (D) Is at least eighteen years of age on or before October
233 1, of the year in which his or her certificate is issued.

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

238 (j) In consultation with the Secretary of Education and the
239 Arts and the Chancellor for Higher Education, institutions of
240 higher education approved for educator preparation may
241 cooperate with each other, with the center for professional
242 development and with one or more county boards to organize
243 and operate centers to provide selected phases of the educator
244 preparation program. The phases include, but are not limited
245 to the following:

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

247 (2) Beginning teacher internship and induction programs;

248 (3) Instruction in methodology; and

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

252 By mutual agreement, the institutions of higher
253 education, the center for professional development and
254 county boards may budget and expend funds to operate the
255 centers through payments to the appropriate fiscal office of
256 the participating institutions, the center for professional
257 development and the county boards.

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

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

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

270 (1) "Nonpublic school" means a private school, parochial
271 school, church school, school operated by a religious order or
272 other nonpublic school that elects to meet the following
273 conditions:

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

276 (B) Participate on a voluntary basis in a state operated or
277 state sponsored program provided to this type school
278 pursuant to this section; and

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

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

284 (3) “Exceptional child” or “exceptional children” has the
285 meaning ascribed to these terms pursuant to section one,
286 article twenty, chapter eighteen of this code, but, as used in
287 this section, the terms do not include gifted students.

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

1 In accordance with state board rules for the education of
2 professional educators adopted pursuant to section one of this
3 article and subject to the limitations and conditions of that
4 section, the state superintendent may issue the following
5 certificates valid in the public schools of the state:

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

7 (1) A professional teaching certificate for teaching in the
8 public schools may be issued to a person who meets the
9 following conditions:

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

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

14 (ii) Has met equivalent standards at institutions in other
15 states and has passed appropriate state board approved basic
16 skills and subject matter tests or has completed three years of
17 successful experience within the last seven years in the area
18 for which licensure is being sought; or

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

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

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

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

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

32 (III) Is recommended by the state superintendent based
33 on documentation submitted.

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

37 (3) The initial professional certificate is issued
38 provisionally for a period of three years from the date of
39 issuance:

40 (A) The certificate may be converted to a professional
41 certificate valid for five years subject to successful
42 completion of a beginning teacher internship or induction
43 program, if applicable; or

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

46 (b) *Alternative program teacher certificate.* -- An
47 alternative program teacher certificate may be issued to a
48 candidate who is enrolled in an alternative program for the
49 education of teachers in accordance with the provisions of
50 section one-a of this article.

51 (1) The certificate is valid only for the alternative
52 program position in which the candidate is employed and is
53 subject to enrollment in the program.

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

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

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

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

66 (i) Has successfully completed an approved program for
67 administrative certification developed by the state board in
68 cooperation with the chancellor for higher education, and

69 (ii) Has successfully completed education and training in
70 evaluation skills through the center for professional
71 development, or equivalent education and training in
72 evaluation skills approved by the state board, and

73 (iii) Possesses three years of management level
74 experience.

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

78 (3) The initial professional administrative certificate is
79 issued provisionally for a period of five years. This
80 certificate may be converted to a professional administrative
81 certificate valid for five years or renewed, subject to the
82 regulations of the state board.

83 (d) *Paraprofessional certificate.* -- A paraprofessional
84 certificate may be issued to a person who meets the following
85 conditions:

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

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

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

94 (1) Other certificates and permits may be issued, subject
95 to the approval of the state board, to persons who do not
96 qualify for the professional or paraprofessional certificate.

97 (2) A certificate or permit may not be given permanent
98 status and a person holding one of these credentials shall
99 meet renewal requirements provided by law and by

100 regulation, unless the state board declares certain of these
101 certificates to be the equivalent of the professional certificate.

102 (3) Within the category of other certificates and permits,
103 the state superintendent may issue certificates for persons to
104 serve in the public schools as athletic coaches or coaches of
105 other extracurricular activities, whose duties may include the
106 supervision of students, subject to the following limitations:

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

109 (i) The contract specifies the duties to be performed,
110 specifies a rate of pay that is equivalent to the rate of pay for
111 professional educators in the district who accept similar
112 duties as extra duty assignments, and provides for liability
113 insurance associated with the activity; and

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

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

119 (C) The person completes an orientation program
120 designed and approved in accordance with state board rules.

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

122 (1) A teacher-in-residence permit may be issued to a
123 candidate who is enrolled in a teacher-in-residence program
124 in accordance with an agreement between an institution of
125 higher education and a county board. The agreement is
126 developed pursuant to subsection (f), section one of this
127 article and requires approval by the state board.

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor