

COMMITTEE SUBSTITUTE

FOR

H. B. 4101

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

(Originating in the Committee on Education)
[February 6, 2012]

A BILL 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 certification under certain conditions of teachers certified in another state who did not graduate from regionally accredited institution; 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; creating teacher-in-residence permit and specifying conditions;

conforming sections to other provisions of law and removing duplicative and outdated language; and authorizing counties with comprehensive induction programs to use consistent structure for supervision and training of student teachers.

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
- 3 after consultation with the Secretary of Education and the
- 4 Arts and the Chancellor for Higher Education who shall
- 5 represent the interests of educator preparation programs
- 6 within the institutions of higher education in this state as
- 7 those institutions are defined in section two, article one,
- 8 chapter eighteen-b of this code.

9 The education of professional educators in the state
10 includes all programs leading to certification to teach or
11 serve in the public schools including:

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

15 (2) Beginning teacher internship and induction programs;

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

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

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

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

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

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

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

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

49 (B) Has graduated from an educator preparation program
50 at a regionally accredited institution of higher education, or
51 has graduated from an educator preparation program at an
52 institution of higher education in another state that is not
53 regionally accredited and has at least five years of
54 satisfactory or higher ratings on his or her teacher evaluations
55 in the public schools of other states where he or she has been
56 employed as a classroom teacher;

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

58 (D) Meets all of the requirements of the state for full
59 certification except employment.

60 (c) To give prospective teachers the teaching experience
61 needed to demonstrate competence as a prerequisite to
62 certification to teach in the West Virginia public schools, the
63 state board may enter into an agreement with county boards
64 for the use of the public schools.

65 (d) An agreement established pursuant to subsection (c)
66 of this section shall recognize student teaching as a joint

67 responsibility of the educator preparation institution and the
68 cooperating public schools and shall include:

69 (1) The minimum qualifications for the employment of
70 public school teachers selected as supervising teachers,
71 including the requirement that field-based and clinical
72 experiences be supervised by a teacher fully certified in the
73 state in which that teacher is supervising;

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

77 (3) Minimum standards to guarantee the adequacy of the
78 facilities and program of the public school selected for
79 student teaching;

80 (4) That the student teacher, under the direction and
81 supervision of the supervising teacher, shall exercise the
82 authority of a substitute teacher; and

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

86 participation and instruction with multicultural, at-risk and
87 exceptional children at each programmatic level for which
88 the student teacher seeks certification: Provided, That for a
89 school or school district that has implemented a
90 comprehensive beginning teacher induction program, an
91 agreement may be established subject to the approval of the
92 state board that provides for the training and supervision of
93 student teachers consistent with the educational objectives of
94 this subsection using a structure consistent with the structure
95 implemented for the support, supervision and mentoring of
96 beginning teachers, notwithstanding any specific provisions
97 of this subsection.

98 (e) In lieu of the provisions for the agreement in
99 subsections (c) and (d) of this section and subject to approval
100 of the state board, an institution of higher education with a
101 program for the education of professional educators in the
102 state approved by the state board may enter into an
103 agreement with county boards for the use of teacher-in-
104 residence programs in the public schools. A teacher-in-

105 residence program is an intensively supervised and mentored
106 residency program for prospective teachers during their
107 senior year that helps the prospective teachers to refine their
108 professional practice skills and gain the teaching experience
109 needed to demonstrate competence as a prerequisite to
110 certification to teach in the West Virginia public schools.
111 The use of a teacher-in-residence program is subject to an
112 agreement entered into by the institution and county board
113 and approved by the state board that includes, but is not
114 limited to, the following:

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

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

124 (3) The program of instruction for the teacher-in-
125 residence, including, but not limited to, the responsibilities
126 for supervision and mentoring by the institution's educator
127 preparation program, the school principal, and peer teachers
128 and mentors, and the responsibilities for the formal
129 instruction or professional development necessary for the
130 teacher-in-residence to perfect his or her professional
131 practice skills;

132 (4) A requirement for the teacher-in-residence to qualify
133 for and have been issued a teacher-in-residence permit
134 qualifying the teacher-in-residence to teach in his or her
135 assigned position as the teacher of record;

136 (5) Provisions for the salary and benefit costs for the
137 position to which the teacher-in-residence is assigned to be
138 used as specified in the agreement for program support and
139 for the payment of a stipend to the teacher-in-residence.
140 These salary and benefit costs shall be calculated at the level
141 of a teacher with a bachelor's degree with zero years of
142 experience; and

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

144 ~~(e)~~ (f) Beginning the fall, two thousand six – two
145 thousand seven academic term, in lieu of the student teaching
146 experience in a public school setting required by this section,
147 an institution of higher education may provide an alternate
148 student teaching experience in a nonpublic school setting if
149 the institution of higher education:

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

151 (2) Has a state board approved educator preparation
152 program; and

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

155 ~~(f)~~ (g) At the discretion of the higher education
156 institution, an agreement for an alternate student teaching
157 experience between an institution of higher education and a
158 nonpublic school shall require that either:

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

161 (2) The educator preparation program include a
162 requirement that any student performing student teaching in
163 a nonpublic school complete at least:

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

166 (B) A course, which is a component of the institution's
167 state board approved educator preparation program, that
168 provides to prospective teachers information that is
169 equivalent to the teaching experience needed to demonstrate
170 competence as a prerequisite to certification to teach in the
171 public schools in West Virginia. The course shall include
172 instruction on at least the following elements:

173 (i) State board policy and provisions of this code
174 governing public education;

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

177 (iii) Federal and state mandated curriculum and
178 assessment requirements, including multicultural education,
179 safe schools and student code of conduct;

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

183 (v) Varied approaches for effective instruction for
184 students who are at-risk;

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

189 (1) Require that the higher education institution with an
190 educator preparation program document that the student
191 teacher's field-based and clinical experiences include
192 participation and instruction with multicultural, at-risk and
193 exceptional children at each programmatic level for which
194 the student teacher seeks certification; and

195 (2) Include the minimum qualifications for the
196 employment of school teachers selected as supervising
197 teachers, including the requirement that field-based and

198 clinical experiences be supervised by a teacher fully certified
199 in the state in which that teacher is supervising.

200 (h) (i) The state superintendent may issue certificates as
201 provided in section two-a of this article to graduates of
202 educator preparation programs and alternative educator
203 preparation programs approved by the state board. The
204 certificates are issued in accordance with this section and
205 rules adopted by the state board after consultation with the
206 Secretary of Education and the Arts and the Chancellor for
207 Higher Education.

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

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

212 (B) Is of good moral character;

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

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

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

221 (f) (i) In consultation with the Secretary of Education and
222 the Arts and the Chancellor for Higher Education, institutions of
223 higher education approved for educator preparation may
224 cooperate with each other, with the center for professional
225 development and with one or more county boards to organize
226 and operate centers to provide selected phases of the educator
227 preparation program. The phases include, but are not limited to:

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

229 (2) Beginning teacher internship and induction programs;

230 (3) Instruction in methodology; and

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

234 The institutions of higher education, the center for
235 professional development and county boards may by mutual

236 agreement budget and expend funds to operate the centers
237 through payments to the appropriate fiscal office of the
238 participating institutions, the center for professional
239 development and the county boards.

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

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

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

254 ~~(1) For the purposes of this section regarding student~~
255 ~~teaching;~~

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

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

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

261 (m) As used in this section:

262 (1) “Nonpublic school” means a private school, parochial
263 school, church school, school operated by a religious order
264 or other nonpublic school that elects to:

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

267 (B) Participate on a voluntary basis in a state operated or
268 state sponsored program provided to such schools pursuant
269 to this section; and

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

271 (2) “At-risk” means having the potential for academic
272 failure, including, but not limited to, the risk of dropping out

273 of school, involvement in delinquent activity or poverty as
 274 indicated by free or reduced lunch status; and

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

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

1 In accordance with state board of Education rules for the
 2 education of professional educators adopted after
 3 ~~consultation with the secretary of education and the arts~~
 4 pursuant to section one of this article and subject to the
 5 limitations and conditions of said section, the state
 6 superintendent of Schools may issue the following
 7 certificates valid in the public schools of the state: *Provided,*
 8 ~~That a certificate shall not be issued to any person who is not~~
 9 ~~a citizen of the United States, is not of good moral character~~
 10 ~~and physically, mentally and emotionally qualified to~~
 11 ~~perform the duties for which the certification would be~~

12 ~~granted and who has not attained the age of eighteen years on~~
13 ~~or before October 1, of the year in which the certificate is~~
14 ~~issued: *Provided, however,* That an exchange teacher from~~
15 ~~a foreign country or an alien person who meets the~~
16 ~~requirements to teach may be granted a permit to teach~~
17 ~~within the public schools of the state.~~

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

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

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

31 (B) Has at least a bachelor's degree in a discipline taught
32 in the public schools from an accredited institution of higher
33 education, has passed appropriate state board approved basic
34 skills and subject matter tests or has completed three years of
35 successful experience within the last seven years in the area
36 for which licensure is being sought, has completed an
37 alternative program for teacher education approved by the
38 state board and is recommended for a certificate ~~by the~~
39 ~~chairperson of the professional support team of the person's~~
40 ~~alternative program or~~ in accordance with the provisions of
41 sections one-a and one-b of this article relating to the
42 program, or by the state superintendent based on
43 documentation submitted.

44 The certificate shall be endorsed to indicate the grade
45 level or levels or areas of specialization in which the person
46 is certified to teach or to serve in the public schools. The
47 initial professional certificate shall be issued provisionally
48 for a period of three years from the date of issuance and may
49 be converted to a professional certificate valid for five years

50 subject to successful completion of a beginning teacher
51 internship or induction program, if applicable, or renewed
52 subject to rules adopted by the state board.

53 (2) Alternative program teacher certificate. -- An
54 alternative program teacher certificate may be issued to a
55 candidate who is enrolled in an alternative program for the
56 education of teachers in accordance with the provisions of
57 section one-a of this article. The certificate is valid only for
58 the alternative program position in which the candidate is
59 employed and is subject to enrollment in the program. The
60 certificate is valid for one year and may be renewed for each
61 of the following two consecutive years only.

62 ~~(2)~~ (3) *Professional administrative certificate. -- A*
63 professional administrative certificate, endorsed for serving
64 in the public schools, with specific endorsement as a
65 principal, vocational administrator, supervisor of instructions
66 or superintendent, may be issued to a person who has
67 completed requirements all to be approved by the state board
68 as follows: For a master's degree from an institution of

69 higher education accredited to offer a master's degree, has
70 successfully completed an approved program for
71 administrative certification, developed by the state board of
72 Education in cooperation with the ~~governing boards of the~~
73 ~~university of West Virginia system and the state college~~
74 ~~system~~ chancellor for higher education, has successfully
75 completed education and training in evaluation skills through
76 the center for professional development, or equivalent
77 education and training in evaluation skills approved by the
78 state board, and three years of management level experience.
79 ~~Provided, That anyone having received a certificate during~~
80 ~~the period from August 30, 1990, until the effective date of~~
81 ~~this bill without having met the above requirements shall~~
82 ~~complete those requirements within five years after the~~
83 ~~effective date of this bill: *Provided, however,* That Any~~
84 ~~person serving in the position of dean of students on the~~
85 ~~effective date of this section shall not be required to hold a~~
86 professional administrative certificate. ~~Beginning September~~
87 ~~1, 1992,~~ The initial professional administrative certificate

88 shall be issued provisionally for a period of five years. This
89 certificate may be converted to a professional administrative
90 certificate valid for five years or renewed, subject to the
91 regulations of the state board.

92 ~~(3)~~ (4) *Paraprofessional certificate.* -- A paraprofessional
93 certificate may be issued to a person who has completed
94 thirty-six semester hours of post-secondary education or its
95 equivalent in subjects directly related to performance of the
96 job, all approved by the state board, and can demonstrate the
97 proficiencies to perform duties as required of a
98 paraprofessional as defined in section eight, article four of
99 this chapter.

100 ~~(4)~~ (5) *Other certificates; permits.* -- Other certificates
101 and permits may be issued, subject to the approval of the
102 state board, to persons who do not qualify for the
103 professional or paraprofessional certificate. ~~Such~~ The
104 certificates or permits shall not be given permanent status
105 and persons holding such shall meet renewal requirements
106 provided by law and by regulation, unless the state board

107 declares certain of these certificates to be the equivalent of
108 the professional certificate.

109 Within the category of other certificates and permits, the
110 state superintendent may issue certificates for persons to
111 serve in the public schools as athletic coaches or other
112 extracurricular activities coaches whose duties may include
113 the supervision of students, subject to the following
114 limitations: (A) ~~Such~~ The person ~~shall be~~ is employed under
115 a contract with the county board of education which specifies
116 the duties to be performed, which specifies a rate of pay
117 equivalent to the rate of pay for professional educators in the
118 district who accept similar duties as extra duty assignments
119 and which provides for liability insurance associated with the
120 activity: *Provided*, That ~~such~~ these persons ~~shall not be~~ are
121 considered employees of the board for salary and benefit
122 purposes other than as specified in the contract; (B) a
123 currently employed certified professional educator has not
124 applied for the position; and (C) ~~such~~ the person completes
125 an orientation program designed and approved in accordance

126 with state board rules. ~~which shall be adopted no later than~~

127 ~~January 1, 1991~~

128 (6) *Teacher-In-Residence Permit.* -- A teacher-in-

129 residence permit may be issued to a candidate who is

130 enrolled in a teacher-in-residence program in accordance

131 with an agreement between an institution of higher education

132 and county board, and approved by the state board, pursuant

133 to subsection (e), section one of this article. The permit is

134 valid only for the teacher-in-residence program position in

135 which the candidate is enrolled and is subject to enrollment

136 in the program. The permit is valid for not more than one

137 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.