

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4122

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



Passed March 2, 2012

To Take Effect Ninety Days From Passage

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H. B. 4122

(BY DELEGATES PERRY, SHAVER, CAMPBELL,
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SAVILLA, SIGLER, PAXTON AND M. POLING)

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AN ACT to amend and reenact §18A-3-1a and §18A-3-1b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18A-3-12, all relating to alternative programs for teacher education; providing definitions; including entity affiliated with approved teacher education programs to be a partner in offering programs; defining approved education provider; modifying definition of area of critical need and shortage; generally reorganizing section, updating terms and eliminating duplicative language; modifying alternative program teacher certificate requirements; 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 professional support team provisions; modifying reporting and recommendation requirements; requiring certain legislative rules; and requiring teacher education programs to cooperate with the state board to ensure

that certain assistance is provided to help students pursuing a teaching degree and certified teachers attain the required hours to earn a Technology Integration Specialist Advanced Credential.

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; and that said code be amended by adding thereto a new section, designated §18A-3-12, all to read as follows:

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

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

1 (a) *Definitions.* -- For the purposes of this section, the
2 following terms have the meaning ascribed to them, unless
3 the context in which a term is used clearly requires a different
4 meaning:

5 (1) “Alternative program teacher certificate” means a
6 certificate issued for one year to a candidate who does not
7 meet the standard educational requirements for teacher
8 certification;

9 (2) “Approved education provider” means a partnership
10 between one or more schools, school districts or regional
11 educational service agencies and an institution of higher
12 education in this state with a regionally accredited program
13 for the education of professional educators approved by the
14 state board or an entity affiliated with such an institution’s
15 approved program, that has submitted to the state board a
16 plan and agreement between the organizations for the

17 delivery of an alternative program in accordance with this
18 section, and the state board has approved the plan and
19 agreement; and

20 (3) “Area of critical need and shortage” means an
21 opening in an established, existing or newly-created position
22 which has been posted at least two times in accordance with
23 section seven-a, article four of this chapter and for which no
24 fully-qualified applicant has been employed.

25 (b) *Establishment of alternative teacher education*
26 *programs.* -- After consultation with the Secretary of
27 Education and the Arts and the Chancellor of the Higher
28 Education Policy Commission, the state board shall
29 promulgate a legislative rule or rules in accordance with
30 article three-b, chapter twenty-nine-a of this code to
31 implement the provisions of this section. The proposed rule
32 or rules shall be submitted to the Legislative Oversight
33 Commission on Education Accountability for review prior to
34 adoption. The rule or rules shall include, but are not limited
35 to, the following issues:

36 (1) Separate procedures for the approval and operation of
37 each of the alternative teacher education programs as
38 provided in this section:

39 (A) These programs are an alternative to the regular
40 college or university programs for the education of teachers
41 and may only be offered by approved education providers;
42 and

43 (B) Each program is separate from other programs
44 established by this section;

45 (2) Procedures for approving an approved education
46 provider as defined in this section. Approval is required prior

47 to implementation of the provider's program leading to
48 certification to teach in the public schools of this state;

49 (3) An alternative program teacher may not be employed
50 in a school, school district or regional educational service
51 agency unless the school, school district or regional
52 educational service agency is a part of a partnership that
53 qualifies as an approved education provider as defined in
54 subsection (a) of this section;

55 (4) Provisions for setting tuition charges to offset
56 program costs;

57 (5) The recommendation to rehire an alternative
58 education program teacher is subject to satisfactory progress
59 in the applicable alternative education program by the holder
60 of the alternative program certificate; and

61 (6) When making decisions affecting the hiring of a
62 teacher authorized to teach under an alternative program
63 certificate as provided in this section, a county board shall
64 give preference to applicants who hold a valid West Virginia
65 professional teaching certificate.

66 (c) *Alternative teacher education program.* --

67 (1) To participate in an approved alternative teacher
68 education program, the candidate must hold an alternative
69 program teacher certificate issued by the state superintendent
70 and endorsed for the instructional field in which the candidate
71 seeks certification.

72 (2) The certificate may be renewed twice and no
73 individual may hold an alternative program teacher certificate
74 for a period exceeding three years. The alternative program
75 teacher certificate is equivalent to a professional teaching
76 certificate for the purpose of issuing a continuing contract.

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

79 (A) Possess at least a bachelor's degree from a regionally
80 accredited institution of higher education in a discipline
81 taught in the public schools.

82 (B) Pass the same basic skills and subject matter test or
83 tests required by the state board for traditional program
84 candidates to become certified in the area for which licensure
85 is being sought;

86 (C) Hold United States citizenship; be of good moral
87 character and be physically, mentally and emotionally
88 qualified to perform the duties of a teacher;

89 (D) Attain the age of eighteen years on or before October
90 1 of the year in which the alternative program teacher
91 certificate is issued;

92 (E) Receive a formal offer of employment in an area of
93 critical need and shortage from a county superintendent;

94 (F) Qualify for employment following a criminal history
95 check pursuant to section ten of this article;

96 (G) In the case of an applicant pursuing certification to
97 teach American Sign Language, in lieu of paragraphs (A) and
98 (B) of this subdivision, the applicant shall possess at least a
99 bachelor's degree from a regionally accredited institution of
100 higher education and pass an appropriate state board
101 approved test or tests demonstrating the applicant's
102 proficiency in American Sign Language; and

103 (H) In the case of applicants who have at least four years
104 of experience in the subject field and are pursuing

105 certification to teach in selected vocational and technical
106 areas, in lieu of paragraphs (A) and (B) of this subdivision,
107 the applicant shall pass an appropriate state board approved
108 test or tests demonstrating the applicant's proficiency in the
109 basic skills and occupational content areas.

110 (4) A person who satisfies the requirements set forth in
111 subdivision (3) of this subsection shall be granted a formal
112 document authorizing him or her to work in a public school
113 in West Virginia.

114 (5) An approved alternative program provides essential
115 knowledge and skills to alternative program teachers through
116 the following phases of training:

117 (A) *Instruction.* -- The alternative preparation program
118 shall provide a minimum of eighteen semester hours of
119 instruction in the areas of student assessment; development
120 and learning; curriculum; classroom management; the use of
121 educational computers and other technology; and special
122 education and diversity. All programs shall contain a
123 minimum of three semester hours of instruction in special
124 education and diversity out of the minimum eighteen required
125 semester hours. Subject to the approval of the state board, an
126 approved education provider may provide instruction
127 equivalent to the eighteen semester hours required by this
128 paragraph through nontraditional methods, including, but not
129 limited to, methods such as a series of modules covering the
130 various topics, electronically delivered instruction, summer
131 sessions, professional development and job-embedded
132 mentoring.

133 (B) *Phase I.* -- Phase I consists of a period of intensive,
134 on-the-job supervision by an assigned mentor and the school
135 administrator for a period of not fewer than two weeks. The
136 assigned mentor shall meet the requirements for a beginning

137 teacher internship mentor set forth in section two-b of this
138 article and shall be paid the stipend authorized pursuant to
139 that section. The state board shall provide, in its rule for the
140 approval and operation of this program, requirements for the
141 frequency and duration of time periods for the person holding
142 an alternative certificate to observe in the classroom of the
143 mentor. The person holding an alternative certificate shall be
144 observed daily by the mentor or the school administrator
145 during this phase. This phase includes an orientation to the
146 policies, organization and curriculum of the employing
147 district. The alternative program teacher shall receive formal
148 instruction in those areas listed in paragraph (A) of this
149 subdivision.

150 (C) *Phase II.* -- Phase II consists of a period of intensive,
151 on-the-job supervision beginning the first day following the
152 completion of Phase I and continuing for a period of at least
153 ten weeks. During Phase II, the alternative program teacher
154 is visited and critiqued at least one time per week by
155 members of a professional support team, as defined in
156 subdivision (6) of this subsection, and is observed by the
157 appropriately certified members of the team at the end of five
158 weeks and again at five-week intervals until the completion
159 of this phase. At the completion of this phase, the alternative
160 program teacher shall receive a formal evaluation by the
161 principal. The alternative program teacher shall continue to
162 receive formal instruction in those areas listed in paragraph
163 (A), of this subdivision.

164 (D) *Phase III.* -- Phase III consists of an additional period
165 of continued supervision and evaluation of no fewer than
166 twenty weeks duration. The professional support team
167 determines the requirements of this phase, but those
168 requirements shall include at least one formal evaluation
169 conducted at the completion of the phase by the principal.
170 The alternative program teacher shall continue to receive

171 formal instruction in those areas listed in paragraph (A) of
172 this subdivision, and shall be given opportunities to observe
173 the teaching of experienced colleagues.

174 (6) *Professional support team.* --

175 (A) Training and supervision of alternative program
176 teachers are provided by a professional support team
177 comprised of a school principal, or his or her designee, an
178 experienced classroom teacher who satisfies the requirements
179 for mentor for the Beginning Educator Internship pursuant to
180 section two-b of this article, a representative of the institution
181 of higher education that is a part of the partnership that
182 qualifies as an approved education provider as defined in
183 subsection (a) of this section or an entity affiliated with that
184 institution, and a curriculum supervisor or other central office
185 administrator with certification and training relevant to the
186 training and supervision of the alternative program candidate.

187 (B) Districts or schools which have been unable to
188 establish a relationship with a college or university shall
189 provide for comparable expertise on the team.

190 (C) The school principal, or his or her designee, serves as
191 chairperson of the team.

192 (D) The duration of each of the three phases of the
193 program specified in paragraphs (B), (C) and (D), subdivision
194 (5) of this subsection, in excess of the minimum durations
195 provided in those paragraphs, shall be determined by the
196 professional support team within guidelines provided by the
197 state board in its rule for the approval and operation of this
198 program.

199 (E) In addition to other duties assigned to it under this
200 section and section one-b of this article, the approved

201 education provider shall submit a written evaluation of the
202 alternative program teacher to the county superintendent.
203 The written evaluation shall be in a form specified by the
204 county superintendent and submitted on a date specified by
205 the county superintendent that is prior to the first Monday of
206 May. The evaluation shall report the progress of the
207 alternative program teacher toward meeting the academic and
208 performance requirements of the program.

209 (F) The training for professional support team members
210 may be coordinated and provided by the Center for
211 Professional Development in coordination with the approved
212 education provider as set forth in the plan approved by the
213 state board pursuant to subdivision (8) of this subsection.

214 (7) In lieu of and as an alternative to the professional
215 support team specified in subdivision (6) of this subsection
216 and its specific duties throughout the program phases as set
217 forth in subdivision (5) of this section, a school or school
218 district that has implemented a comprehensive beginning
219 teacher induction program may, subject to the approval of the
220 state board, provide for the training and supervision of
221 alternative program teachers using a structure consistent with
222 the structure implemented for the support, supervision and
223 mentoring of beginning teachers: *Provided*, That all final
224 decisions on the progress of the alternative program teacher
225 and recommendations upon program completion shall rest
226 with the principal.

227 (8) An approved education provider seeking approval for
228 an alternative certification program shall submit a plan to the
229 state board.

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

232 (B) Each plan shall describe how the proposed training
233 program will accomplish the key elements of an alternative
234 program for the education of teachers as set forth in this section.

235 (d) *Alternative highly qualified special education teacher*
236 *education program.* --

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

242 (2) These programs are subject to the other provisions of
243 this section only to the extent specifically provided in the
244 rule.

245 (3) These programs may be an alternative to the regular
246 college and university programs for the education of special
247 education teachers and also may address the content area
248 preparation of certified special education teachers.

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

253 (5) Participation in an alternative education program
254 pursuant to this subsection may not affect any rights,
255 privileges or benefits to which the participant otherwise
256 would be entitled as a regular employee and may not alter
257 any rights, privileges or benefits of participants on continuing
258 contract status.

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

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

265 (2) These programs are subject to the other provisions of
266 this section only to the extent specifically provided in the
267 rule.

268 (3) These programs may be an alternative to the regular
269 college and university programs for the education of special
270 education teachers and also may address the content area
271 preparation of these persons.

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

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

10 The comprehensive evaluation report shall include one of
11 the following recommendations:

12 (1) Approved: Recommends issuance of a professional
13 certificate;

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

18 (3) Disapproved: Recommends that a professional
19 certificate not be issued and that the candidate not be allowed
20 to enter into another approved alternative teacher education
21 program in this state, but shall not be prohibited from
22 pursuing teacher certification through other approved
23 programs for the education of teachers in this state.

24 The approved education provider shall provide the
25 alternative program teacher with a copy of the alternative
26 program teacher's written evaluation report and certification
27 recommendation before submitting it to the state
28 superintendent. If the alternative program teacher disagrees
29 with the provider's recommendation, the alternative program
30 teacher may, within fifteen days of receipt, request an appeal
31 in accordance with the certification appeals process
32 established by the State Board of Education.

§18A-3-12. Technology integration specialists.

1 The Legislature finds that technology integration
2 specialists are becoming more crucial as technology plays a
3 continuously increasing role in the education of students. In
4 order to address the need for more technology integration
5 specialists, the teacher preparation programs in this state shall
6 cooperate with the state board to ensure that:

7 (1) A portion of the technology integration hours required
8 to apply for the Advanced Credential endorsed for
9 Technology Integration Specialist is offered at each teacher
10 preparation program while students are still working toward
11 their teaching degree;

12 (2) Teacher education program students are aware of the
13 option of attaining a Technology Integration Specialist
14 Advanced Credential and Temporary Authorization early
15 enough so that they can take advantage of the hours offered; and

16 (3) Alternative education programs are established by the
17 teacher preparation programs to assist teachers who have
18 already received their teaching certification attain the
19 required hours necessary to earn a Technology Integration
20 Specialist Advanced Credential. These alternative education
21 programs are separate from programs required to be
22 established by section one-a of this article.

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