

COMMITTEE SUBSTITUTE

FOR

H. B. 4122

(BY DELEGATES PERRY, SHAVER, 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-3-1a and §18A-3-1b of the Code of West Virginia, 1931, as amended, 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; generally reorganizing section, updating terms and eliminating duplicative language; allowing participation of candidates pursuing certification to teach American Sign 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.

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

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

8 (a) Definitions. -- For the purposes of this section, the
9 following terms have the meaning ascribed to them, unless

10 the context in which a term is used clearly requires a
11 different meaning:

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

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

27 (3) “Area of critical need and shortage” means an
28 opening in an established, existing or newly-created position

29 which has been posted at least two times in accordance with
30 section seven-a, article four of this chapter and for which no
31 fully-qualified applicant has been employed.

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

43 (1) Separate procedures for the approval and operation of
44 each of the alternative teacher education programs as
45 provided in this section:

46 (A) These programs are an alternative to the regular
47 college or university programs for the education of teachers

48 and may only be offered by approved education providers;

49 and

50 (B) Each program is separate from other programs
51 established by this section;

52 (2) Procedures for approving an approved education
53 provider as defined in this section. Approval is required
54 prior to implementation the provider's program leading to
55 certification to teach in the public schools of this state;

56 (3) Provisions for setting tuition charges to offset
57 program costs;

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

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

67 (c) Alternative teacher education program. --

68 (1) To participate in an approved alternative teacher
69 education program, the candidate must hold an alternative
70 program teacher certificate issued by the state superintendent
71 and endorsed for the instructional field in which the
72 candidate seeks certification. ~~An alternative program teacher~~
73 ~~certificate is a certificate issued for one year to a candidate~~
74 ~~who does not meet the standard educational requirements for~~
75 ~~certification.~~

76 (2) The certificate may be renewed ~~no more than two~~
77 ~~times~~ twice and no individual may hold an alternative
78 program teacher certificate for a period exceeding three
79 years. The alternative program teacher certificate ~~shall be~~
80 ~~considered~~ is equivalent to a professional teaching certificate
81 for the purpose of ~~the issuance of~~ issuing a continuing
82 contract.

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

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

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

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

101 (D) Attain the age of eighteen years on or before October
102 1 of the year in which the alternative program teacher
103 certificate is issued;

104 ~~(4) (E) Have been offered~~ Receive a formal offer of
105 employment in an area of critical need and shortage by from
106 a county ~~board~~ superintendent; in an area of critical need and
107 ~~shortage and~~

108 ~~(5) (F) Qualify for employment~~ following a criminal
109 history check pursuant to section ten of this article; and

110 (G) In the case of an applicant pursuing certification to
111 teach American Sign Language, in lieu of paragraphs (A) and
112 (B) of this subdivision, the applicant shall possess at least a
113 bachelor's degree from a regionally accredited institution of
114 higher education and pass an appropriate state board
115 approved test or tests demonstrating the applicant's
116 proficiency in American Sign Language.

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

122 ~~(b) The rules adopted by the board shall include~~
123 ~~provisions for the approval of alternative teacher education~~
124 ~~programs which may be offered by schools, school districts,~~
125 ~~consortia of schools, or regional educational service agency~~
126 ~~and for the setting of tuition charges to offset the program~~
127 ~~costs. An approved alternative teacher education program~~
128 ~~shall be in effect for a school, school district, consortium of~~
129 ~~schools or regional educational service agency before an~~
130 ~~alternative program teacher may be employed in that school,~~
131 ~~school district, consortium of schools or regional educational~~
132 ~~service agency.~~

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

136 ~~(†)~~ (A) *Instruction.* -- The alternative preparation
137 program shall provide a minimum of eighteen semester hours
138 of instruction in the areas of student assessment;
139 development and learning; curriculum; classroom
140 management; the use of educational computers and other

141 technology; and special education and diversity. All
142 programs shall contain a minimum of three semester hours of
143 instruction in special education and diversity out of the
144 minimum eighteen required semester hours. Subject to the
145 approval of the state board, an approved education provider
146 may provide instruction equivalent to the eighteen semester
147 hours required by this paragraph through nontraditional
148 methods, including, but not limited to, methods such as a
149 series of modules covering the various topics, electronically
150 delivered instruction, summer sessions, professional
151 development and job-embedded mentoring.

152 ~~(2)~~ (B) *Phase I.* -- Phase I ~~shall consist~~ consists of a
153 period of intensive, on-the-job supervision by an assigned
154 mentor and the school administrator for a period of not ~~less~~
155 fewer than two ~~weeks and no more than four~~ weeks. The
156 assigned mentor shall meet the requirements for a beginning
157 teacher internship mentor set forth in section two-b of this
158 article and shall be paid the stipend authorized pursuant to
159 that section. ~~During this time, the teacher~~ The state board

160 shall provide, in its rule for the approval and operation of this
 161 program, requirements for the frequency and duration of time
 162 periods for the person holding an alternative certificate to
 163 observe in the classroom of the mentor. The person holding
 164 an alternative certificate shall be observed daily by the
 165 mentor or the school administrator during this phase. This
 166 phase ~~shall include~~ includes an orientation to the policies,
 167 organization and curriculum of the employing district. The
 168 alternative program teacher shall ~~begin to~~ receive formal
 169 instruction in those areas listed in ~~subdivision (1)~~ paragraph
 170 (A) of this ~~subsection~~ subdivision.

171 ~~(3)~~ (C) Phase II. -- Phase II ~~shall consist~~ consists of a
 172 period of intensive, on-the-job supervision beginning the first
 173 day following the completion of Phase I and continuing for
 174 a period of at least ten weeks. During Phase II, the
 175 alternative program teacher ~~shall be~~ is visited and critiqued
 176 ~~no less than~~ at least one time per week by members of a
 177 professional support team, as defined in ~~subsection (c)~~
 178 subdivision (6) of this ~~section~~ subsection, and ~~shall be~~ is

179 observed ~~and formally evaluated~~ by the appropriately
180 certified members of the team at the end of five weeks and
181 again ~~at the end of ten weeks by the appropriately certified~~
182 ~~members of the team~~ at five-week intervals until the
183 completion of this phase. At the ~~end of the ten-week period~~
184 completion of this phase, the alternative program teacher
185 shall receive a formal ~~written progress report from the~~
186 ~~chairperson of the support team~~ evaluation by the principal.
187 The alternative program teacher shall continue to receive
188 formal instruction in those areas listed ~~above~~ under in
189 paragraph (A), subdivision (1) of this subsection subdivision.

190 ~~(4)~~ (D) Phase III. -- Phase III ~~shall consist~~ consists of an
191 additional period of continued supervision and evaluation of
192 no ~~less~~ fewer than twenty weeks duration. The professional
193 support team ~~will determine~~ determines the requirements of
194 this phase, ~~with~~ but those requirements shall include at least
195 one formal evaluation ~~being~~ conducted at the completion of
196 the phase by the principal. The alternative program teacher
197 shall continue to receive formal instruction in those areas listed

198 ~~above~~ in paragraph (A) subdivision (1) of this ~~subsection~~
199 subdivision, and ~~receive~~ shall be given opportunities to
200 observe the teaching of experienced colleagues.

201 ~~(C)~~ (6) Professional support team. --

202 (A) Training and supervision of alternative program
203 teachers ~~shall be~~ are provided by a professional support team
204 comprised of a school principal, or his or her designee, an
205 experienced classroom teacher who satisfies the requirements
206 for mentor for the Beginning Educator Internship ~~as specified~~
207 in pursuant to section two-b of this article, ~~a college or~~
208 ~~university education faculty member~~ a nonpublic education
209 representative of the approved education provider, and a
210 curriculum supervisor or other central office administrator
211 with certification and training relevant to the training and
212 supervision of the alternative program candidate.

213 (B) Districts or schools which ~~do not employ curriculum~~
214 ~~supervisors or~~ have been unable to establish a relationship
215 with a college or university shall provide for comparable
216 expertise on the team.

217 (C) The school principal, or his or her designee, shall
218 ~~serve~~ serves as chairperson of the team.

219 (D) The duration of each of the three phases of the
220 program specified in paragraphs (B), (C) and (D),
221 subdivision (5) of this subsection, in excess of the minimum
222 durations provided in those paragraphs, shall be determined
223 by the professional support team within guidelines provided
224 by the state board in its rule for the approval and operation of
225 this program.

226 (E) In addition to other duties assigned to it under this
227 section and section one-b of this article, the approved
228 education provider shall submit a written evaluation of the
229 alternative program teacher to the county superintendent.
230 The written evaluation shall be in a form specified by the
231 county superintendent and submitted on a date specified by
232 the county superintendent that is prior to the first Monday of
233 May. The evaluation shall report the progress of the
234 alternative program teacher toward meeting the academic and
235 performance requirements of the program.

236 ~~(d)~~ (F) The training for professional support team
237 members ~~shall~~ may be coordinated and provided by the
238 Center for Professional Development in coordination with
239 the ~~school district, consortium of schools, regional~~
240 ~~educational service agency, and institution of higher~~
241 ~~education~~ approved education provider ~~or any combination~~
242 ~~of these agencies~~ as set forth in the plan approved by the
243 state board pursuant to ~~subsection (c)~~ subdivision (8) of this
244 section.

245 (7) In lieu of and as an alternative to the professional
246 support team specified in subdivision (6) of this section and
247 its specific duties throughout the program phases as set forth
248 in subdivision (5) of this section, a school or school district
249 that has implemented a comprehensive beginning teacher
250 induction program may, subject to the approval of the state
251 board, provide for the training and supervision of alternative
252 program teachers using a structure consistent with the
253 structure implemented for the support, supervision and
254 mentoring of beginning teachers: *Provided, That all final*

255 decisions on the progress of the alternative program teacher
256 and recommendations upon program completion shall rest
257 with the principal.

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

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

265 (B) Each plan shall describe how the proposed training
266 program will accomplish the key elements of an alternative
267 program for the education of teachers as set forth in this
268 section. ~~Each school, school district, consortium of schools~~
269 ~~or regional educational service agency shall show evidence~~
270 ~~in its plan of having sought joint sponsorship of their training~~
271 ~~program with institutions of higher education.~~

272 ~~(f) The state board shall promulgate a rule in accordance~~
273 ~~with article three-b, chapter twenty-nine-a of this code for the~~

274 ~~approval and operation of alternative education programs to~~
275 ~~prepare highly qualified special education teachers that~~

276 (d) Alternative highly qualified special education teacher
277 education program. --

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

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

286 (3) These programs may be an alternative to the regular
287 college and university programs for the education of special
288 education teachers and also may address the content area
289 preparation of certified special education teachers.

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

294 (5) Participation in an alternative education program
295 pursuant to this subsection ~~staff~~ may not affect any rights,
296 privileges or benefits to which the participant otherwise
297 would ~~otherwise~~ be entitled as a regular employee ~~nor does~~
298 it and may not alter any rights, privileges or benefits of
299 participants on continuing contract status. ~~The state board~~
300 ~~shall report to the Legislative Oversight Commission on~~
301 ~~Education Accountability on the programs authorized under~~
302 ~~this subsection during the July, 2005, interim meetings or as~~
303 ~~soon thereafter as practical prior to implementation of the~~
304 ~~programs.~~

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

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

311 (1) These programs are separate from the programs
312 established under the other provisions of this section and are

313 applicable only to persons who hold a bachelor's degree from
314 a regionally accredited institution of higher education.

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

318 (3) These programs may be an alternative to the regular
319 college and university programs for the education of special
320 education teachers and also may address the content area
321 preparation of ~~such~~ these persons. ~~The state board shall report~~
322 ~~to the Legislative Oversight Commission on Education~~
323 ~~Accountability on the programs authorized under this~~
324 ~~subsection during the July, 2005, interim meetings or as soon~~
325 ~~thereafter as practical prior to implementation of the programs.~~

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

332 ~~(i) The recommendation to rehire an alternative education~~
333 ~~program teacher, pursuant to section eight-a, article two of~~
334 ~~this chapter is subject to the position being posted and no~~
335 ~~fully qualified applicant being employed: *Provided*, That~~
336 ~~this provision does not apply to teachers who hold a valid~~
337 ~~West Virginia professional teaching certificate and who are~~
338 ~~employed under a program operated pursuant to subsection~~
339 ~~(f).~~

340 ~~(j) When making decisions affecting the hiring of an~~
341 ~~alternative program teacher under the provisions of this~~
342 ~~section, a county board shall give preference to applicants~~
343 ~~who hold a valid West Virginia professional teaching~~
344 ~~certificate.~~

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

1 At the conclusion of an alternative teacher education
2 program, the ~~principal chairperson of the professional~~
3 ~~support team~~, approved education provider shall prepare a
4 comprehensive evaluation report on the alternative program

5 teacher's performance. This report shall be submitted
6 directly to the State Superintendent of Schools and shall
7 contain a recommendation as to whether or not a professional
8 certificate should be issued to the alternative program
9 teacher. The report shall be made on standard forms
10 developed by the State Superintendent.

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

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

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

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

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

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