

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 409**

4 (By Senators Kessler (Mr. President) and M. Hall,

5 By Request of the Executive)

6 _____
7 [Originating in the Committee on Education;

8 reported February 20, 2014.]
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11
12 A BILL to amend and reenact §18-2E-5 of the Code of West Virginia,
13 1931, as amended; to amend and reenact §18-9A-7 of said code;
14 to amend and reenact §18A-3-1 and §18A-3-2a of said code; to
15 amend said code by adding thereto two new sections, designated
16 §18A-3-1e and §18A-3-1f; to amend and reenact §18B-1D-4 of
17 said code; and to amend and reenact §18B-3C-4 of said code,
18 all relating to education reform; modifying time frame for
19 county and school strategic plans; modifying provisions
20 pertaining to school system accreditation to more align with
21 provisions pertaining to school accreditation; adding propane
22 as an alternative fuel that will increase the foundation
23 allowance for transportation cost; requiring that a teacher
24 with a valid West Virginia teaching certificate be awarded

1 certification to teach in an additional area of certification
2 upon submission of a passing score on a certain test;
3 providing for critical need alternative teaching certificates
4 valid for the purposes of allowing the holder to teach in
5 subject areas, public schools or geographic areas of the state
6 in which the state board determines that critical teacher
7 shortages exist; setting forth certificate eligibility
8 requirements; providing for training, support and evaluation
9 of certificate holder; setting forth requirements for renewing
10 certificate and for conversion to an initial professional
11 teaching certificate; providing for recommendation as to
12 whether or not a professional certificate should be issued;
13 modifying requirements for professional teaching certificate;
14 adding duties for the Higher Education Policy Commission and
15 the Council for Community and Technical College Education that
16 pertain to creating a more seamless transfer process and
17 making it easier for students to finish a degree program when
18 transferring credit; requiring community and technical
19 college/career and technical education consortia to implement
20 a minimum of one advanced career program of study and each
21 public education career-technical center and each
22 comprehensive high school within the consortium to implement
23 a minimum of one of the advanced career programs identified by
24 the consortium; and charging district consortia, for newly

1 created community and technical college career technical
2 programs, with developing or utilizing an existing
3 corresponding program of study career pathway at the secondary
4 school level that provides a seamless progression from public
5 schools to community and technical college.

6 *Be it enacted by the Legislature of West Virginia:*

7 That §18-2E-5 of the Code of West Virginia, 1931, as amended,
8 be amended and reenacted; that §18-9A-7 of said code be amended and
9 reenacted; that §18A-3-1 and §18A-3-2a of said code be amended and
10 reenacted; that said code be amended by adding thereto two new
11 sections, designated §18A-3-1e and §18A-3-1f; that §18B-1D-4 of
12 said code be amended and reenacted; and that §18B-3C-4 of said code
13 be amended and reenacted, all to read as follows:

14 **CHAPTER 18. EDUCATION.**

15 **ARTICLE 2E. HIGH-QUALITY EDUCATIONAL PROGRAMS.**

16 **§18-2E-5. Process for improving education; education standards;**
17 **statewide assessment program; accountability**
18 **measures; Office of Education Performance Audits;**
19 **school accreditation and school system approval;**
20 **intervention to correct low performance.**

21 (a) *Legislative findings, purpose and intent.* -- The
22 Legislature makes the following findings with respect to the
23 process for improving education and its purpose and intent in the
24 enactment of this section:

1 (1) The process for improving education includes four primary
2 elements, these being:

3 (A) Standards which set forth the knowledge and skills that
4 students should know and be able to perform as the result of a
5 thorough and efficient education that prepares them for the
6 twenty-first century, including measurable criteria to evaluate
7 student performance and progress;

8 (B) Assessments of student performance and progress toward
9 meeting the standards;

10 (C) A system of accountability for continuous improvement
11 defined by high-quality standards for schools and school systems
12 articulated by a rule promulgated by the state board and outlined
13 in subsection (c) of this section that will build capacity in
14 schools and districts to meet rigorous outcomes that assure student
15 performance and progress toward obtaining the knowledge and skills
16 intrinsic to a high-quality education rather than monitoring for
17 compliance with specific laws and regulations; and

18 (D) A method for building the capacity and improving the
19 efficiency of schools and school systems to improve student
20 performance and progress;

21 (2) As the constitutional body charged with the general
22 supervision of schools as provided by general law, the state board
23 has the authority and the responsibility to establish the
24 standards, assess the performance and progress of students against

1 the standards, hold schools and school systems accountable and
2 assist schools and school systems to build capacity and improve
3 efficiency so that the standards are met, including, when
4 necessary, seeking additional resources in consultation with the
5 Legislature and the Governor;

6 (3) As the constitutional body charged with providing for a
7 thorough and efficient system of schools, the Legislature has the
8 authority and the responsibility to establish and be engaged
9 constructively in the determination of the knowledge and skills
10 that students should know and be able to do as the result of a
11 thorough and efficient education. This determination is made by
12 using the process for improving education to determine when school
13 improvement is needed, by evaluating the results and the efficiency
14 of the system of schools, by ensuring accountability and by
15 providing for the necessary capacity and its efficient use;

16 (4) In consideration of these findings, the purpose of this
17 section is to establish a process for improving education that
18 includes the four primary elements as set forth in subdivision (1)
19 of this subsection to provide assurances that the high-quality
20 standards are, at a minimum, being met and that a thorough and
21 efficient system of schools is being provided for all West Virginia
22 public school students on an equal education opportunity basis; and

23 (5) The intent of the Legislature in enacting this section and
24 section five-c of this article is to establish a process through

1 which the Legislature, the Governor and the state board can work in
2 the spirit of cooperation and collaboration intended in the process
3 for improving education to consult and examine the performance and
4 progress of students, schools and school systems and, when
5 necessary, to consider alternative measures to ensure that all
6 students continue to receive the thorough and efficient education
7 to which they are entitled. However, nothing in this section
8 requires any specific level of funding by the Legislature.

9 (b) *Electronic county and school strategic improvement plans.*

10 -- The state board shall promulgate a rule consistent with the
11 provisions of this section and in accordance with article three-b,
12 chapter twenty-nine-a of this code establishing an electronic
13 county strategic improvement plan for each county board and an
14 electronic school strategic improvement plan for each public school
15 in this state. Each respective plan shall be ~~a five-year plan that~~
16 includes for a period of no more than five years and shall include
17 the mission and goals of the school or school system to improve
18 student, school or school system performance and progress, as
19 applicable. The strategic plan shall be revised annually in each
20 area in which the school or system is below the standard on the
21 annual performance measures. The plan shall be revised when
22 required pursuant to this section to include each annual
23 performance measure upon which the school or school system fails to
24 meet the standard for performance and progress, the action to be

1 taken to meet each measure, a separate time line and a date certain
2 for meeting each measure, a cost estimate and, when applicable, the
3 assistance to be provided by the department and other education
4 agencies to improve student, school or school system performance
5 and progress to meet the annual performance measure.

6 The department shall make available to all public schools
7 through its website or the West Virginia Education Information
8 System an electronic school strategic improvement plan boilerplate
9 designed for use by all schools to develop an electronic school
10 strategic improvement plan which incorporates all required aspects
11 and satisfies all improvement plan requirements of the No Child
12 Left Behind Act.

13 (c) *High-quality education standards and efficiency standards.*
14 -- In accordance with the provisions of article three-b, chapter
15 twenty-nine-a of this code, the state board shall adopt and
16 periodically review and update high-quality education standards for
17 student, school and school system performance and processes in the
18 following areas:

- 19 (1) Curriculum;
- 20 (2) Workplace readiness skills;
- 21 (3) Finance;
- 22 (4) Transportation;
- 23 (5) Special education;
- 24 (6) Facilities;

- 1 (7) Administrative practices;
- 2 (8) Training of county board members and administrators;
- 3 (9) Personnel qualifications;
- 4 (10) Professional development and evaluation;
- 5 (11) Student performance, progress and attendance;
- 6 (12) Professional personnel, including principals and central
7 office administrators, and service personnel attendance;
- 8 (13) School and school system performance and progress;
- 9 (14) A code of conduct for students and employees;
- 10 (15) Indicators of efficiency; and
- 11 (16) Any other areas determined by the state board.

12 (d) *Comprehensive statewide student assessment program.* -- The
13 state board shall establish a comprehensive statewide student
14 assessment program to assess student performance and progress in
15 grades three through twelve. The assessment program is subject to
16 the following:

17 (1) The state board shall promulgate a rule in accordance with
18 the provisions of article three-b, chapter twenty-nine-a of this
19 code establishing the comprehensive statewide student assessment
20 program;

21 (2) Prior to the 2014-2015 school year, the state board shall
22 align the comprehensive statewide student assessment for all grade
23 levels in which the test is given with the college-readiness
24 standards adopted pursuant to section thirty-nine, article two of

1 this chapter or develop other aligned tests to be required at each
2 grade level so that progress toward college readiness in
3 English/language arts and math can be measured;

4 (3) The state board may require that student proficiencies be
5 measured through the ACT EXPLORE and the ACT PLAN assessments or
6 other comparable assessments, which are approved by the state board
7 and provided by future vendors;

8 (4) The state board may require that student proficiencies be
9 measured through the West Virginia writing assessment at any grade
10 levels determined by the state board to be appropriate; and

11 (5) The state board may provide through the statewide
12 assessment program other optional testing or assessment instruments
13 applicable to grade levels kindergarten through grade twelve which
14 may be used by each school to promote student achievement. The
15 state board annually shall publish and make available,
16 electronically or otherwise, to school curriculum teams and teacher
17 collaborative processes the optional testing and assessment
18 instruments.

19 (e) *State annual performance measures for school and school*
20 *system accreditation.* --

21 The state board shall promulgate a rule in accordance with the
22 provisions of article three-b, chapter twenty-nine-a of this code
23 that establishes a system to assess and weigh annual performance
24 measures for state accreditation of schools and school systems.

1 The state board also may establish performance incentives for
2 schools and school systems as part of the state accreditation
3 system. On or before December 1, 2013, the state board shall
4 report to the Governor and to the Legislative Oversight Commission
5 on Education Accountability the proposed rule for establishing the
6 measures and incentives of accreditation and the estimated cost
7 therefore, if any. Thereafter, the state board shall provide an
8 annual report to the Governor and to the Legislative Oversight
9 Commission on Education Accountability on the impact and
10 effectiveness of the accreditation system. The rule for school and
11 school system accreditation proposed by the board may include, but
12 is not limited to, the following measures:

13 (1) Student proficiency in English and language arts, math,
14 science and other subjects determined by the board;

15 (2) Graduation and attendance rate;

16 (3) Students taking and passing AP tests;

17 (4) Students completing a career and technical education
18 class;

19 (5) Closing achievement gaps within subgroups of a school's
20 student population; and

21 (6) Students scoring at or above average attainment on SAT or
22 ACT tests.

23 (f) *Indicators of efficiency.* -- In accordance with the
24 provisions of article three-b, chapter twenty-nine-a of this code,

1 the state board shall adopt by rule and periodically review and
2 update indicators of efficiency for use by the appropriate
3 divisions within the department to ensure efficient management and
4 use of resources in the public schools in the following areas:

5 (1) Curriculum delivery including, but not limited to, the use
6 of distance learning;

7 (2) Transportation;

8 (3) Facilities;

9 (4) Administrative practices;

10 (5) Personnel;

11 (6) Use of regional educational service agency programs and
12 services, including programs and services that may be established
13 by their assigned regional educational service agency or other
14 regional services that may be initiated between and among
15 participating county boards; and

16 (7) Any other indicators as determined by the state board.

17 (g) *Assessment and accountability of school and school system*
18 *performance and processes.* -- In accordance with the provisions of
19 article three-b, chapter twenty-nine-a of this code, the state
20 board shall establish by rule a system of education performance
21 audits which measures the quality of education and the preparation
22 of students based on the annual measures of student, school and
23 school system performance and progress. The system of education
24 performance audits shall provide information to the state board,

1 the Legislature and the Governor, upon which they may determine
2 whether a thorough and efficient system of schools is being
3 provided. The system of education performance audits shall
4 include:

5 (1) The assessment of student, school and school system
6 performance and progress based on the annual measures established
7 pursuant to subsection (e) of this section;

8 (2) The evaluation of records, reports and other information
9 collected by the Office of Education Performance Audits upon which
10 the quality of education and compliance with statutes, policies and
11 standards may be determined;

12 (3) The review of school and school system electronic
13 strategic improvement plans; and

14 (4) The on-site review of the processes in place in schools
15 and school systems to enable school and school system performance
16 and progress and compliance with the standards.

17 (h) *Uses of school and school system assessment information.*

18 -- The state board shall use information from the system of
19 education performance audits to assist it in ensuring that a
20 thorough and efficient system of schools is being provided and to
21 improve student, school and school system performance and progress.
22 Information from the system of education performance audits further
23 shall be used by the state board for these purposes, including, but
24 not limited to, the following:

1 (1) Determining school accreditation and school system
2 approval status;

3 (2) Holding schools and school systems accountable for the
4 efficient use of existing resources to meet or exceed the
5 standards; and

6 (3) Targeting additional resources when necessary to improve
7 performance and progress.

8 The state board shall make accreditation information available
9 to the Legislature, the Governor, the general public and to any
10 individual who requests the information, subject to the provisions
11 of any act or rule restricting the release of information.

12 (i) *Early detection and intervention programs.* -- Based on the
13 assessment of student, school and school system performance and
14 progress, the state board shall establish early detection and
15 intervention programs using the available resources of the
16 Department of Education, the regional educational service agencies,
17 the Center for Professional Development and the Principals Academy,
18 as appropriate, to assist underachieving schools and school systems
19 to improve performance before conditions become so grave as to
20 warrant more substantive state intervention. Assistance shall
21 include, but is not limited to, providing additional technical
22 assistance and programmatic, professional staff development,
23 providing monetary, staffing and other resources where appropriate.

24 (j) *Office of Education Performance Audits.* --

1 (1) To assist the state board in the operation of a system of
2 education performance audits, the state board shall establish an
3 Office of Education Performance Audits consistent with the
4 provisions of this section. The Office of Education Performance
5 Audits shall be operated under the direction of the state board
6 independently of the functions and supervision of the State
7 Department of Education and state superintendent. The Office of
8 Education Performance Audits shall report directly to and be
9 responsible to the state board in carrying out its duties under the
10 provisions of this section.

11 (2) The office shall be headed by a director who shall be
12 appointed by the state board and who serves at the will and
13 pleasure of the state board. The annual salary of the director
14 shall be set by the state board and may not exceed eighty percent
15 of the salary cap of the State Superintendent of Schools.

16 (3) The state board shall organize and sufficiently staff the
17 office to fulfill the duties assigned to it by law and by the state
18 board. Employees of the State Department of Education who are
19 transferred to the Office of Education Performance Audits shall
20 retain their benefits and seniority status with the Department of
21 Education.

22 (4) Under the direction of the state board, the Office of
23 Education Performance Audits shall receive from the West Virginia
24 education information system staff research and analysis data on

1 the performance and progress of students, schools and school
2 systems, and shall receive assistance, as determined by the state
3 board, from staff at the State Department of Education, the
4 regional education service agencies, the Center for Professional
5 Development, the Principals Academy and the School Building
6 Authority to carry out the duties assigned to the office.

7 (5) In addition to other duties which may be assigned to it by
8 the state board or by statute, the Office of Education Performance
9 Audits also shall:

10 (A) Assure that all statewide assessments of student
11 performance used as annual performance measures are secure as
12 required in section one-a of this article;

13 (B) Administer all accountability measures as assigned by the
14 state board, including, but not limited to, the following:

15 (i) Processes for the accreditation of schools and the
16 approval of school systems; and

17 (ii) Recommendations to the state board on appropriate action,
18 including, but not limited to, accreditation and approval action;

19 (C) Determine, in conjunction with the assessment and
20 accountability processes, what capacity may be needed by schools
21 and school systems to meet the standards established by the state
22 board and recommend to the state board plans to establish those
23 needed capacities;

24 (D) Determine, in conjunction with the assessment and

1 accountability processes, whether statewide system deficiencies
2 exist in the capacity of schools and school systems to meet the
3 standards established by the state board, including the
4 identification of trends and the need for continuing improvements
5 in education, and report those deficiencies and trends to the state
6 board;

7 (E) Determine, in conjunction with the assessment and
8 accountability processes, staff development needs of schools and
9 school systems to meet the standards established by the state board
10 and make recommendations to the state board, the Center for
11 Professional Development, the regional educational service
12 agencies, the Higher Education Policy Commission and the county
13 boards;

14 (F) Identify, in conjunction with the assessment and
15 accountability processes, school systems and best practices that
16 improve student, school and school system performance and
17 communicate those to the state board for promoting the use of best
18 practices. The state board shall provide information on best
19 practices to county school systems; and

20 (G) Develop reporting formats, such as check lists, which
21 shall be used by the appropriate administrative personnel in
22 schools and school systems to document compliance with applicable
23 laws, policies and process standards as considered appropriate and
24 approved by the state board, which may include, but is not limited

1 to, the following:

2 (i) The use of a policy for the evaluation of all school
3 personnel that meets the requirements of sections twelve and
4 twelve-a, article two, chapter eighteen-a of this code;

5 (ii) The participation of students in appropriate physical
6 assessments as determined by the state board, which assessment may
7 not be used as a part of the assessment and accountability system;

8 (iii) The appropriate licensure of school personnel; and

9 (iv) The appropriate provision of multicultural activities.

10 Information contained in the reporting formats is subject to
11 examination during an on-site review to determine compliance with
12 laws, policies and standards. Intentional and grossly negligent
13 reporting of false information are grounds for dismissal of any
14 employee.

15 (k) *On-site reviews.* --

16 (1) The system of education performance audits shall include
17 on-site reviews of schools and school systems which shall be
18 conducted only at the specific direction of the state board upon
19 its determination that circumstances exist that warrant an on-site
20 review. Any discussion by the state board of schools to be subject
21 to an on-site review or dates for which on-site reviews will be
22 conducted may be held in executive session and is not subject to
23 the provisions of article nine-a, chapter six of this code relating
24 to open governmental proceedings. An on-site review shall be

1 conducted by the Office of Education Performance Audits of a school
2 or school system for the purpose of making recommendations to the
3 school and school system, as appropriate, and to the state board on
4 such measures as it considers necessary. The investigation may
5 include, but is not limited to, the following:

6 (A) Verifying data reported by the school or county board;

7 (B) Examining compliance with the laws and policies affecting
8 student, school and school system performance and progress;

9 (C) Evaluating the effectiveness and implementation status of
10 school and school system electronic strategic improvement plans;

11 (D) Investigating official complaints submitted to the state
12 board that allege serious impairments in the quality of education
13 in schools or school systems;

14 (E) Investigating official complaints submitted to the state
15 board that allege that a school or county board is in violation of
16 policies or laws under which schools and county boards operate; and

17 (F) Determining and reporting whether required reviews and
18 inspections have been conducted by the appropriate agencies,
19 including, but not limited to, the State Fire Marshal, the Health
20 Department, the School Building Authority and the responsible
21 divisions within the Department of Education, and whether noted
22 deficiencies have been or are in the process of being corrected.

23 (2) The Director of the Office of Education Performance Audits
24 shall notify the county superintendent of schools five school days

1 prior to commencing an on-site review of the county school system
2 and shall notify both the county superintendent and the principal
3 five school days before commencing an on-site review of an
4 individual school: *Provided*, That the state board may direct the
5 Office of Education Performance Audits to conduct an unannounced
6 on-site review of a school or school system if the state board
7 believes circumstances warrant an unannounced on-site review.

8 (3) The Office of Education Performance Audits shall conduct
9 on-site reviews which are limited in scope to specific areas in
10 which performance and progress are persistently below standard as
11 determined by the state board unless specifically directed by the
12 state board to conduct a review which covers additional areas.

13 (4) The Office of Education Performance Audits shall reimburse
14 a county board for the costs of substitutes required to replace
15 county board employees who serve on a review team.

16 (5) At the conclusion of an on-site review of a school system,
17 the director and team leaders shall hold an exit conference with
18 the superintendent and shall provide an opportunity for principals
19 to be present for at least the portion of the conference pertaining
20 to their respective schools. In the case of an on-site review of
21 a school, the exit conference shall be held with the principal and
22 curriculum team of the school and the superintendent shall be
23 provided the opportunity to be present. The purpose of the exit
24 conference is to review the initial findings of the on-site review,

1 clarify and correct any inaccuracies and allow the opportunity for
2 dialogue between the reviewers and the school or school system to
3 promote a better understanding of the findings.

4 (6) The Office of Education Performance Audits shall report
5 the findings of an on-site review to the county superintendent and
6 the principals whose schools were reviewed within thirty days
7 following the conclusion of the on-site review. The Office of
8 Education Performance Audits shall report the findings of the
9 on-site review to the state board within forty-five days after the
10 conclusion of the on-site review. A school or county that believes
11 one or more findings of a review are clearly inaccurate, incomplete
12 or misleading, misrepresent or fail to reflect the true quality of
13 education in the school or county or address issues unrelated to
14 the health, safety and welfare of students and the quality of
15 education, may appeal to the state board for removal of the
16 findings. The state board shall establish a process for it to
17 receive, review and act upon the appeals. The state board shall
18 report to the Legislative Oversight Commission on Education
19 Accountability during its July interim meetings, or as soon
20 thereafter as practical, on each appeal during the preceding school
21 year.

22 (7) The Legislature finds that the accountability and
23 oversight of some activities and programmatic areas in the public
24 schools are controlled through other mechanisms and agencies and

1 that additional accountability and oversight may be unnecessary,
2 counterproductive and impair necessary resources for teaching and
3 learning. Therefore, the Office of Education Performance Audits
4 may rely on other agencies and mechanisms in its review of schools
5 and school systems.

6 (1) *School accreditation.* --

7 (1) The state board shall establish levels of accreditation to
8 be assigned to schools. The establishment of levels of
9 accreditation and the levels shall be subject to the following:

10 (A) The levels will be designed to demonstrate school
11 performance in all the areas outlined in this section and also
12 those established by the state board;

13 (B) The state board shall promulgate legislative rules in
14 accordance with the provisions of article three-b, chapter
15 twenty-nine-a of this code to establish the performance and
16 standards required for a school to be assigned a particular level
17 of accreditation; and

18 (C) The state board will establish the levels of accreditation
19 in such a manner as to minimize the number of systems of school
20 recognition, both state and federal, that are employed to recognize
21 and accredit schools.

22 (2) The state board annually shall review the information from
23 the system of education performance audits submitted for each
24 school and shall issue to every school a level of accreditation as

1 designated and determined by the state board.

2 (3) The state board, in its exercise of general supervision of
3 the schools and school systems of West Virginia, may exercise any
4 or all of the following powers and actions:

5 (A) To require a school to revise its electronic strategic
6 plan;

7 (B) To define extraordinary circumstances under which the
8 state board may intervene directly or indirectly in the operation
9 of a school;

10 (C) To appoint monitors to work with the principal and staff
11 of a school where extraordinary circumstances are found to exist,
12 and to appoint monitors to assist the school principal after
13 intervention in the operation of a school is completed;

14 (D) To direct a county board to target resources to assist a
15 school where extraordinary circumstances are found to exist;

16 (E) To intervene directly in the operation of a school and
17 declare the position of principal vacant and assign a principal for
18 the school who will serve at the will and pleasure of the state
19 board. If the principal who was removed elects not to remain an
20 employee of the county board, then the principal assigned by the
21 state board shall be paid by the county board. If the principal
22 who was removed elects to remain an employee of the county board,
23 then the following procedure applies:

24 (i) The principal assigned by the state board shall be paid by

1 the state board until the next school term, at which time the
2 principal assigned by the state board shall be paid by the county
3 board;

4 (ii) The principal who was removed is eligible for all
5 positions in the county, including teaching positions, for which
6 the principal is certified, by either being placed on the transfer
7 list in accordance with section seven, article two, chapter
8 eighteen-a of this code, or by being placed on the preferred recall
9 list in accordance with section seven-a, article four, chapter
10 eighteen-a of this code; and

11 (iii) The principal who was removed shall be paid by the
12 county board and may be assigned to administrative duties, without
13 the county board being required to post that position until the end
14 of the school term; and

15 (F) ~~Such~~ Other powers and actions the state board determines
16 necessary to fulfill its duties of general supervision of the
17 schools and school systems of West Virginia.

18 (4) The county board may take no action nor refuse any action
19 if the effect would be to impair further the school in which the
20 state board has intervened.

21 (m) *School system approval.* -- ~~The state board annually shall~~
22 ~~review the information submitted for each school system from the~~
23 ~~system of education performance audits and issue one of the~~
24 ~~following approval levels to each county board: Full approval,~~

1 ~~temporary approval, conditional approval or nonapproval.~~

2 ~~(1) Full approval shall be given to a county board whose~~
3 ~~schools have all been given full, temporary or conditional~~
4 ~~accreditation status and which does not have any deficiencies which~~
5 ~~would endanger student health or safety or other extraordinary~~
6 ~~circumstances as defined by the state board. A fully approved~~
7 ~~school system in which other deficiencies are discovered shall~~
8 ~~remain on full accreditation status for the remainder of the~~
9 ~~approval period and shall have an opportunity to correct those~~
10 ~~deficiencies, notwithstanding other provisions of this subsection.~~

11 ~~(2) Temporary approval shall be given to a county board whose~~
12 ~~education system is below the level required for full approval.~~
13 ~~Whenever a county board is given temporary approval status, the~~
14 ~~county board shall revise its electronic county strategic~~
15 ~~improvement plan in accordance with subsection (b) of this section~~
16 ~~to increase the performance and progress of the school system to a~~
17 ~~full approval status level. The revised plan shall be submitted to~~
18 ~~the state board for approval.~~

19 ~~(3) Conditional approval shall be given to a county board~~
20 ~~whose education system is below the level required for full~~
21 ~~approval, but whose electronic county strategic improvement plan~~
22 ~~meets the following criteria:~~

23 ~~(A) The plan has been revised in accordance with subsection~~
24 ~~(b) of this section;~~

1 ~~(B) The plan has been approved by the state board; and~~

2 ~~(C) The county board is meeting the objectives and time line~~
3 ~~specified in the revised plan.~~

4 ~~(4) Nonapproval status shall be given to a county board which~~
5 ~~fails to submit and gain approval for its electronic county~~
6 ~~strategic improvement plan or revised electronic county strategic~~
7 ~~improvement plan within a reasonable time period as defined by the~~
8 ~~state board or which fails to meet the objectives and time line of~~
9 ~~its revised electronic county strategic improvement plan or fails~~
10 ~~to achieve full approval by the date specified in the revised plan.~~

11 ~~(A) The state board shall establish and adopt additional~~
12 ~~standards to identify school systems in which the program may be~~
13 ~~nonapproved and the state board may issue nonapproval status~~
14 ~~whenever extraordinary circumstances exist as defined by the state~~
15 ~~board.~~

16 ~~(B) Whenever a county board has more than a casual deficit, as~~
17 ~~defined in section one, article one of this chapter, the county~~
18 ~~board shall submit a plan to the state board specifying the county~~
19 ~~board's strategy for eliminating the casual deficit. The state~~
20 ~~board either shall approve or reject the plan. If the plan is~~
21 ~~rejected, the state board shall communicate to the county board the~~
22 ~~reason or reasons for the rejection of the plan. The county board~~
23 ~~may resubmit the plan any number of times. However, any county~~
24 ~~board that fails to submit a plan and gain approval for the plan~~

1 ~~from the state board before the end of the fiscal year after a~~
2 ~~deficit greater than a casual deficit occurred or any county board~~
3 ~~which, in the opinion of the state board, fails to comply with an~~
4 ~~approved plan may be designated as having nonapproval status.~~

5 ~~(C) Whenever nonapproval status is given to a school system,~~
6 ~~the state board shall declare a state of emergency in the school~~
7 ~~system and shall appoint a team of improvement consultants to make~~
8 ~~recommendations within sixty days of appointment for correcting the~~
9 ~~emergency. When the state board approves the recommendations, they~~
10 ~~shall be communicated to the county board. If progress in~~
11 ~~correcting the emergency, as determined by the state board, is not~~
12 ~~made within six months from the time the county board receives the~~
13 ~~recommendations, the state board shall intervene in the operation~~
14 ~~of the school system to cause improvements to be made that will~~
15 ~~provide assurances that a thorough and efficient system of schools~~
16 ~~will be provided. This intervention may include, but is not~~
17 ~~limited to, the following:~~

18 ~~(i) Limiting the authority of the county superintendent and~~
19 ~~county board as to the expenditure of funds, the employment and~~
20 ~~dismissal of personnel, the establishment and operation of the~~
21 ~~school calendar, the establishment of instructional programs and~~
22 ~~rules and any other areas designated by the state board by rule,~~
23 ~~which may include delegating decision-making authority regarding~~
24 ~~these matters to the state superintendent;~~

1 ~~(ii) Declaring that the office of the county superintendent is~~
2 ~~vacant;~~

3 ~~(iii) Delegating to the state superintendent both the~~
4 ~~authority to conduct hearings on personnel matters and school~~
5 ~~closure or consolidation matters and, subsequently, to render the~~
6 ~~resulting decisions and the authority to appoint a designee for the~~
7 ~~limited purpose of conducting hearings while reserving to the state~~
8 ~~superintendent the authority to render the resulting decisions;~~

9 ~~(iv) Functioning in lieu of the county board of education in~~
10 ~~a transfer, sale, purchase or other transaction regarding real~~
11 ~~property; and~~

12 ~~(v) Taking any direct action necessary to correct the~~
13 ~~emergency including, but not limited to, the following:~~

14 ~~(I) Delegating to the state superintendent the authority to~~
15 ~~replace administrators and principals in low performing schools and~~
16 ~~to transfer them into alternate professional positions within the~~
17 ~~county at his or her discretion; and~~

18 ~~(II) Delegating to the state superintendent the authority to~~
19 ~~fill positions of administrators and principals with individuals~~
20 ~~determined by the state superintendent to be the most qualified for~~
21 ~~the positions. Any authority related to intervention in the~~
22 ~~operation of a county board granted under this paragraph is not~~
23 ~~subject to the provisions of article four, chapter eighteen a of~~
24 ~~this code;~~

1 (1) The state board shall establish levels of accreditation to
2 be assigned to school systems.

3 (A) The levels shall be designed to demonstrate school system
4 performance in all the areas outlined in this section and also
5 those established by the state board.

6 (B) The state board shall promulgate legislative rules in
7 accordance with the provisions of article three-b, chapter
8 twenty-nine-a of this code to establish the performance and
9 standards required for a school system to be assigned a particular
10 level of accreditation.

11 (C) The state board shall establish the levels of
12 accreditation to minimize the number of systems of school system
13 recognition, both state and federal, that are employed to recognize
14 and accredit school systems.

15 (2) The state board annually shall review the information from
16 the system of education performance audits submitted for each
17 school system and shall issue to every school system a level of
18 accreditation as designated and determined by the state board.

19 (3) The state board, in its exercise of general supervision of
20 the schools and school systems of West Virginia, may:

21 (A) Require a school system to revise its electronic strategic
22 plan;

23 (B) Define extraordinary circumstances under which the state
24 board may intervene directly or indirectly in the operation of a

1 school system;

2 (C) Whenever a county board has more than a casual deficit, as
3 defined in section one, article one of this chapter, require the
4 county board to submit a plan to the state board specifying the
5 county board's strategy for eliminating the casual deficit. The
6 state board either shall approve or reject the plan. If the plan
7 is rejected, the state board shall communicate to the county board
8 the reason or reasons for the rejection of the plan. The county
9 board may resubmit the plan any number of times. However, when a
10 county board that fails to submit a plan and gain approval for the
11 plan from the state board before the end of the fiscal year after
12 a deficit greater than a casual deficit occurred or when a county
13 board which, in the opinion of the state board, fails to comply
14 with an approved plan, then the state board may declare that a
15 state of emergency exists for the county board;

16 (D) Whenever a state of emergency is declared in a school
17 system, then, except for a state of emergency declared pursuant to
18 the provisions of paragraph (C) of this subdivision, appoint a team
19 of improvement consultants to make recommendations within sixty
20 days of appointment for correcting the emergency. When the state
21 board approves the recommendations, they shall be communicated to
22 the county board. If progress in correcting the emergency, as
23 determined by the state board, is not made within six months from
24 the time the county board receives the recommendations of the team

1 of improvement, then the state board shall intervene in the
2 operation of the school system to cause improvements to be made
3 that will provide assurances that a thorough and efficient system
4 of schools will be provided. This intervention may include, but is
5 not limited to, the following:

6 (i) Limiting the authority of the county superintendent and
7 county board as to the expenditure of funds, the employment and
8 dismissal of personnel, the establishment and operation of the
9 school calendar, the establishment of instructional programs and
10 rules and any other areas designated by the state board by rule,
11 which may include delegating decision-making authority regarding
12 these matters to the state superintendent;

13 (ii) Declaring that the office of the county superintendent is
14 vacant;

15 (iii) Delegating to the state superintendent both the
16 authority to conduct hearings on personnel matters and school
17 closure or consolidation matters and, subsequently, to render the
18 resulting decisions and the authority to appoint a designee for the
19 limited purpose of conducting hearings while reserving to the state
20 superintendent the authority to render the resulting decisions;

21 (iv) Functioning in lieu of the county board of education in
22 a transfer, sale, purchase or other transaction regarding real
23 property; and

24 (v) Taking any direct action necessary to correct the

1 emergency including, but not limited to, the following:

2 (I) Delegating to the state superintendent the authority to
3 replace administrators and principals in low performing schools and
4 to transfer them into alternate professional positions within the
5 county at his or her discretion; and

6 (II) Delegating to the state superintendent the authority to
7 fill positions of administrators and principals with individuals
8 determined by the state superintendent to be the most qualified for
9 the positions. Any authority related to intervention in the
10 operation of a county board granted under this paragraph is not
11 subject to the provisions of article four, chapter eighteen-a of
12 this code.

13 (n) Notwithstanding any other provision of this section, the
14 state board may intervene immediately in the operation of the
15 county school system with all the powers, duties and
16 responsibilities contained in subsection (m) of this section, if
17 the state board finds the following:

18 (1) That the conditions precedent to intervention exist as
19 provided in this section; and that delaying intervention for any
20 period of time would not be in the best interests of the students
21 of the county school system; or

22 (2) That the conditions precedent to intervention exist as
23 provided in this section and that the state board had previously
24 intervened in the operation of the same school system and had

1 concluded that intervention within the preceding five years.

2 (o) *Capacity*. -- The process for improving education includes
3 a process for targeting resources strategically to improve the
4 teaching and learning process. Development of electronic school
5 and school system strategic improvement plans, pursuant to
6 subsection (b) of this section, is intended, in part, to provide
7 mechanisms to target resources strategically to the teaching and
8 learning process to improve student, school and school system
9 performance. When deficiencies are detected through the assessment
10 and accountability processes, the revision and approval of school
11 and school system electronic strategic improvement plans shall
12 ensure that schools and school systems are efficiently using
13 existing resources to correct the deficiencies. When the state
14 board determines that schools and school systems do not have the
15 capacity to correct deficiencies, the state board shall work with
16 the county board to develop or secure the resources necessary to
17 increase the capacity of schools and school systems to meet the
18 standards and, when necessary, seek additional resources in
19 consultation with the Legislature and the Governor.

20 The state board shall recommend to the appropriate body
21 including, but not limited to, the Legislature, county boards,
22 schools and communities methods for targeting resources
23 strategically to eliminate deficiencies identified in the
24 assessment and accountability processes. When making

1 determinations on recommendations, the state board shall include,
2 but is not limited to, the following methods:

3 (1) Examining reports and electronic strategic improvement
4 plans regarding the performance and progress of students, schools
5 and school systems relative to the standards and identifying the
6 areas in which improvement is needed;

7 (2) Determining the areas of weakness and of ineffectiveness
8 that appear to have contributed to the substandard performance and
9 progress of students or the deficiencies of the school or school
10 system and requiring the school or school system to work
11 collaboratively with the West Virginia Department of Education
12 State System of Support to correct the deficiencies;

13 (3) Determining the areas of strength that appear to have
14 contributed to exceptional student, school and school system
15 performance and progress and promoting their emulation throughout
16 the system;

17 (4) Requesting technical assistance from the School Building
18 Authority in assessing or designing comprehensive educational
19 facilities plans;

20 (5) Recommending priority funding from the School Building
21 Authority based on identified needs;

22 (6) Requesting special staff development programs from the
23 Center for Professional Development, the Principals Academy, higher
24 education, regional educational service agencies and county boards

1 based on identified needs;

2 (7) Submitting requests to the Legislature for appropriations
3 to meet the identified needs for improving education;

4 (8) Directing county boards to target their funds
5 strategically toward alleviating deficiencies;

6 (9) Ensuring that the need for facilities in counties with
7 increased enrollment are appropriately reflected and recommended
8 for funding;

9 (10) Ensuring that the appropriate person or entity is held
10 accountable for eliminating deficiencies; and

11 (11) Ensuring that the needed capacity is available from the
12 state and local level to assist the school or school system in
13 achieving the standards and alleviating the deficiencies.

14 **ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

15 **§18-9A-7. Foundation allowance for transportation cost.**

16 (a) The allowance in the foundation school program for each
17 county for transportation ~~shall be~~ is the sum of the following
18 computations:

19 (1) A percentage of the transportation costs incurred by the
20 county for maintenance, operation and related costs exclusive of
21 all salaries, including the costs incurred for contracted
22 transportation services and public utility transportation, as
23 follows:

24 (A) For each high-density county, eighty-seven and one-half

1 percent;

2 (B) For each medium-density county, ninety percent;

3 (C) For each low-density county, ninety-two and one-half
4 percent;

5 (D) For each sparse-density county, ninety-five percent;

6 (E) For any county for the transportation cost for
7 maintenance, operation and related costs, exclusive of all
8 salaries, for transporting students to and from classes at a
9 multicounty vocational center, the percentage provided in
10 paragraphs (A) through (D) of this subdivision as applicable for
11 the county plus an additional ten percent; and

12 (F) For any county for that portion of its school bus system
13 that uses as an alternative fuel compressed natural gas or propane,
14 the percentage provided in paragraphs (A) through (D) of this
15 subdivision as applicable for the county plus an additional ten
16 percent: *Provided*, That for any county receiving an additional ten
17 percent for that portion of their bus system using bio diesel as an
18 alternative fuel during the school year 2012-2013, bio diesel shall
19 continue to qualify as an alternative fuel under this paragraph to
20 the extent that the additional percentage applicable to that
21 portion of the bus system using bio diesel shall be decreased by
22 two and one-half percent per year for four consecutive school years
23 beginning in school year 2014-2015: *Provided, however*, That any
24 county using an alternative fuel and qualifying for the additional

1 allowance under this subdivision shall submit a plan regarding the
2 intended future use of alternatively fueled school buses;

3 (2) The total cost, within each county, of insurance premiums
4 on buses, buildings and equipment used in transportation;

5 (3) An amount equal to eight and one-third percent of the
6 current replacement value of the bus fleet within each county as
7 determined by the state board. The amount ~~shall~~ may only be used
8 for the replacement of buses. Buses purchased after July 1, 1999,
9 that are driven one hundred eighty thousand miles, regardless of
10 year model, ~~will be~~ are subject to the replacement value of eight
11 and one-third percent as determined by the state board. In
12 addition, in any school year in which its net enrollment increases
13 when compared to the net enrollment the year immediately preceding,
14 a school district may apply to the state superintendent for funding
15 for an additional bus or buses. The state superintendent shall
16 make a decision regarding each application based upon an analysis
17 of the individual school district's net enrollment history and
18 transportation needs: *Provided*, That the superintendent ~~shall~~ may
19 not consider any application which fails to document that the
20 county has applied for federal funding for additional buses. If
21 the state superintendent finds that a need exists, a request for
22 funding shall be included in the budget request submitted by the
23 state board for the upcoming fiscal year; and

24 (4) Aid in lieu of transportation equal to the state average

1 amount per pupil for each pupil receiving the aid within each
2 county.

3 (b) The total state share for this purpose ~~shall be~~ is the sum
4 of the county shares: *Provided*, That no county ~~shall~~ may receive
5 an allowance which is greater than one-third above the computed
6 state average allowance per transportation mile multiplied by the
7 total transportation mileage in the county exclusive of the
8 allowance for the purchase of additional buses.

9 (c) One half of one percent of the transportation allowance
10 distributed to each county ~~shall be~~ is for the purpose of trips
11 related to academic classroom curriculum and not related to any
12 extracurricular activity. Any remaining funds credited to a county
13 for the purpose of trips related to academic classroom curriculum
14 during the fiscal year shall be carried over for use in the same
15 manner the next fiscal year and shall be separate and apart from,
16 and in addition to, the appropriation for the next fiscal year.
17 The state board may request a county to document the use of funds
18 for trips related to academic classroom curriculum if the board
19 determines that it is necessary.

20

CHAPTER 18A. SCHOOL PERSONNEL.

21 **ARTICLE 3. TRAINING; CERTIFICATION; LICENSING; PROFESSIONAL**

22

DEVELOPMENT.

23 **§18A-3-1. Teacher preparation programs; program approval and**

24

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 the
4 Chancellor for Higher Education who shall represent the interests
5 of educator preparation programs within the institutions of higher
6 education in this state as defined in section two, article one,
7 chapter eighteen-b of this code.

8 The education of professional educators in the state includes
9 all programs leading to certification to teach or serve in the
10 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 as
13 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 this
17 state, except as provided in subsection (b) of this section;

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

22 (5) Continuing professional education, professional
23 development and in-service training programs for professional
24 educators employed in the public schools in the state.

1 (b) After consultation with the Secretary of Education and the
2 Arts and the Chancellor for Higher Education, the state board shall
3 adopt standards for the education of professional educators in the
4 state and for awarding certificates valid in the public schools of
5 this state. The standards include, but are not limited to, the
6 following:

7 (1) A provision for the study of multicultural education. As
8 used in this section, "multicultural education" means the study of
9 the pluralistic nature of American society including its values,
10 institutions, organizations, groups, status positions and social
11 roles;

12 (2) A provision for the study of classroom management
13 techniques, including methods of effective management of disruptive
14 behavior including societal factors and their impact on student
15 behavior; ~~and~~

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

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

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

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

1 (D) Meets all of the requirements of the state for full
2 certification except employment; and

3 (4) A teacher with a valid West Virginia teaching certificate
4 shall be awarded certification to teach in an additional area of
5 certification upon submission of a passing score on the appropriate
6 content area test required of other teachers for certification in
7 that area regardless of whether additional course work was taken in
8 that area.

9 (c) The state board may enter into an agreement with county
10 boards for the use of the public schools in order to give
11 prospective teachers the teaching experience needed to demonstrate
12 competence as a prerequisite to certification to teach in the West
13 Virginia public schools.

14 (d) An agreement established pursuant to subsection (c) of
15 this section shall recognize student teaching as a joint
16 responsibility of the educator preparation institution and the
17 cooperating public schools. The agreement shall include the
18 following items:

19 (1) The minimum qualifications for the employment of public
20 school teachers selected as supervising teachers, including the
21 requirement that field-based and clinical experiences be supervised
22 by a teacher fully certified in the state in which that teacher is
23 supervising;

24 (2) The remuneration to be paid to public school teachers by

1 the state board, in addition to their contractual salaries, for
2 supervising student teachers;

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

6 (4) Assurance that the student teacher, under the direction
7 and supervision of the supervising teacher, shall exercise the
8 authority of a substitute teacher; and

9 (5) A provision requiring any higher education institution
10 with an educator preparation program to document that the student
11 teacher's field-based and clinical experiences include
12 participation and instruction with multicultural, at-risk and
13 exceptional children at each programmatic level for which the
14 student teacher seeks certification;

15 (6) A provision authorizing a school or school district that
16 has implemented a comprehensive beginning teacher induction
17 program, to enter into an agreement that provides for the training
18 and supervision of student teachers consistent with the educational
19 objectives of this subsection by using an alternate structure
20 implemented for the support, supervision and mentoring of beginning
21 teachers. The agreement is in lieu of any specific provisions of
22 this subsection and is subject to the approval of the state board.

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

24 (1) In lieu of the provisions of subsections (c) and (d) of

1 this section and subject to approval of the state board, an
2 institution of higher education with a program for the education of
3 professional educators in the state approved by the state board may
4 enter into an agreement with county boards for the use of teacher-
5 in-residence programs in the public schools.

6 (2) A "teacher-in-residence program" means an intensively
7 supervised and mentored residency program for prospective teachers
8 during their senior year that refines their professional practice
9 skills and helps them gain the teaching experience needed to
10 demonstrate competence as a prerequisite to certification to teach
11 in the West Virginia public schools.

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

16 (A) A requirement that the prospective teacher in a teacher-
17 in-residence program shall have completed the content area
18 preparation courses and shall have passed the appropriate basic
19 skills and subject matter test or tests required by the state board
20 for teachers to become certified in the area for which licensure is
21 sought;

22 (B) A requirement that the teacher-in-residence serve only in
23 a teaching position in the county which has been posted and for
24 which no other teacher fully certified for the position has been

1 employed;

2 (C) Specifics regarding the program of instruction for the
3 teacher-in-residence setting forth the responsibilities for
4 supervision and mentoring by the higher education institution's
5 educator preparation program, the school principal, and peer
6 teachers and mentors, and the responsibilities for the formal
7 instruction or professional development necessary for the teacher-
8 in-residence to perfect his or her professional practice skills.
9 The program also may include other instructional items as
10 considered appropriate.

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

14 (E) A requirement that the salary and benefit costs for the
15 position to which the teacher-in-residence is assigned shall be
16 used only for program support and to pay a stipend to the teacher-
17 in-residence as specified in the agreement, subject to the
18 following:

19 (i) The teacher-in-residence is a student enrolled in the
20 teacher preparation program of the institution of higher education
21 and is not a regularly employed employee of the county board;

22 (ii) The teacher in residence is included on the certified
23 list of employees of the county eligible for state aid funding the
24 same as an employee of the county at the appropriate level based on

1 their permit and level of experience;

2 (iii) All state-aid-funding due to the county board for the
3 teacher-in-residence shall be used only in accordance with the
4 agreement with the institution of higher education for support of
5 the program as provided in the agreement, including costs
6 associated with instruction and supervision as set forth in
7 paragraph (C) of this subdivision;

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

10 (v) All state aid funding due to the county for the teacher-
11 in-residence and not required for support of the program shall be
12 paid as a stipend to the teacher-in-residence: *Provided*, That the
13 stipend paid to the teacher-in-residence shall be no less than
14 sixty-five percent of all state aid funding due the county for the
15 teacher-in-residence.

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

17 (f) In lieu of the student teaching experience in a public
18 school setting required by this section, an institution of higher
19 education may provide an alternate student teaching experience in
20 a nonpublic school setting if the institution of higher education
21 meets the following criteria:

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

23 (2) Has a state board-approved educator preparation program;

24 and

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

3 (g) At the discretion of the higher education institution, an
4 agreement for an alternate student teaching experience between an
5 institution of higher education and a nonpublic school shall
6 require one of the following:

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

9 (2) The educator preparation program shall include a
10 requirement that any student performing student teaching in a
11 nonpublic school shall complete the following:

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

14 (B) A course, which is a component of the institution's state
15 board approved educator preparation program, that provides
16 information to prospective teachers equivalent to the teaching
17 experience needed to demonstrate competence as a prerequisite to
18 certification to teach in the public schools in West Virginia. The
19 course also shall include instruction on at least the following
20 elements:

21 (i) State board policy and provisions of this code governing
22 public education;

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

1 (iii) Federal and state-mandated curriculum and assessment
2 requirements, including multicultural education, safe schools and
3 student code of conduct;

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

7 (v) Varied approaches for effective instruction for students
8 who are at-risk.

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

13 (1) A requirement that the higher education institution with
14 an educator preparation program shall document that the student
15 teacher's field-based and clinical experiences include
16 participation and instruction with multicultural, at-risk and
17 exceptional children at each programmatic level for which the
18 student teacher seeks certification; and

19 (2) The minimum qualifications for the employment of school
20 teachers selected as supervising teachers, including the
21 requirement that field-based and clinical experiences be supervised
22 by a teacher fully certified in the state in which that teacher is
23 supervising.

24 (i) The state superintendent may issue certificates as

1 provided in section two-a of this article to graduates of educator
2 preparation programs and alternative educator preparation programs
3 approved by the state board. The certificates are issued in
4 accordance with this section and rules adopted by the state board
5 after consultation with the Secretary of Education and the Arts and
6 the Chancellor for Higher Education.

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

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

11 (B) Is of good moral character;

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

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

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

19 (j) In consultation with the Secretary of Education and the
20 Arts and the Chancellor for Higher Education, institutions of
21 higher education approved for educator preparation may cooperate
22 with each other, with the center for professional development and
23 with one or more county boards to organize and operate centers to
24 provide selected phases of the educator preparation program. The

1 phases include, but are not limited to, the following:

- 2 (1) Student teaching and teacher-in-residence programs;
- 3 (2) Beginning teacher internship and induction programs;
- 4 (3) Instruction in methodology; and
- 5 (4) Seminar programs for college students, teachers with
6 provisional certification, professional support team members and
7 supervising teachers.

8 By mutual agreement, the institutions of higher education, the
9 center for professional development and county boards may budget
10 and expend funds to operate the centers through payments to the
11 appropriate fiscal office of the participating institutions, the
12 center for professional development and the county boards.

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

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

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

1 (1) "Nonpublic school" means a private school, parochial
2 school, church school, school operated by a religious order or
3 other nonpublic school that elects to meet the following
4 conditions:

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

7 (B) Participate on a voluntary basis in a state operated or
8 state sponsored program provided to this type school pursuant to
9 this section; and

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

11 (2) "At risk" means a student who has the potential for
12 academic failure, including, but not limited to, the risk of
13 dropping out of school, involvement in delinquent activity or
14 poverty as indicated by free or reduced lunch status; and

15 (3) "Exceptional child" or "exceptional children" has the
16 meaning ascribed to these terms pursuant to section one, article
17 twenty, chapter eighteen of this code, but, as used in this
18 section, the terms do not include gifted students.

19 **§18A-3-1e. Critical need alternative teaching certificate.**

20 (a) To serve as teacher of record under this section, the
21 candidate must hold a critical need alternative teaching
22 certificate issued by the state superintendent and endorsed for the
23 instructional field in which the candidate seeks certification. No
24 person holding a critical need alternative teaching certificate

1 pursuant to this section may be employed in a teaching position
2 unless the position has been posted at least twice or the position
3 has remained unfilled by a certified teacher for at least one full
4 school year.

5 (b) The certificate only is valid for the purposes of allowing
6 the certificate holder to teach in subject areas, public schools or
7 geographic areas of the state in which the state board determines
8 that critical teacher shortages exist. The state board shall
9 establish criteria and procedures for identifying critical teacher
10 shortages in subject areas, public schools and geographic areas of
11 the state. In establishing the criteria and procedures, the state
12 board shall communicate with the Higher Education Policy Commission
13 as it establishes its criteria and procedures for identifying
14 critical teacher shortages for the purposes of the Underwood-Smith
15 Teacher Scholarship and Loan Assistance Fund pursuant to section
16 one, article four, chapter eighteen-c of this code.

17 (c) The certificate is issued for two years and may be renewed
18 for one additional year, and no individual may hold a critical need
19 alternative teacher certificate for a period exceeding three years.
20 The critical need alternative teacher certificate is equivalent to
21 a professional teaching certificate for the purpose of issuing a
22 continuing contract, and for the purposes of being designated a
23 highly qualified teacher under the No Child Left Behind Act.

24 (d) To be eligible for a critical need alternative teacher

1 certificate, an applicant shall:

2 (1) Possess a minimum of a bachelor's degree, including
3 bachelor's degrees based upon verification by a West Virginia
4 Department of Education-approved foreign credential evaluating
5 agency, in a field related to the area in which the individual
6 seeks certification, and from a regionally accredited institution
7 of higher education;

8 (2) Meet the proficiency score or scores on the state
9 competency exam or exams in pre-professional skills or qualifies
10 for an exemption pursuant to section 10.1.b.3.F.1 of state board
11 policy 5202;

12 (3) Meet the proficiency score or scores on the state
13 competency exam or exams in content or qualifies for an exemption
14 pursuant to section 10.1.b.3.F.2 of state board policy 5202 in the
15 area for which he or she is seeking certification or provides
16 acceptable documentation or related life experiences to the entity
17 providing the program for those content areas that do not have a
18 required competency exam;

19 (4) Be of good moral character and physically, mentally and
20 emotionally qualified to perform the duties of a teacher, and have
21 attained the age of eighteen years on or before October 1 of the
22 year in which the alternative teaching certificate is issued;

23 (5) Be offered employment in a subject area, public school or
24 geographic area in which the state board determines that a critical

1 teacher shortage exists pursuant to subsection (b) of this section,
2 by a West Virginia county board; and

3 (6) Complete a West Virginia State Police and Federal Bureau
4 of Investigation criminal history record check and give written
5 consent to the West Virginia Department of Education pursuant to
6 section ten, article three, chapter eighteen-a of this code and
7 state board rules.

8 (e) Candidates certified under this section shall successfully
9 participate in a comprehensive system of support pursuant to
10 section three, article three-c of this chapter during the time the
11 candidate is certified pursuant to this section.

12 (f) Training and support of teachers certified under this
13 section are provided by a professional support team.

14 (1) The professional support team shall include the following
15 members:

16 (i) The school principal, or his or her designee;

17 (ii) A master teacher, mentor, academic coach, other
18 individual employee used to provide support, supervision or other
19 professional development or training to other employees pursuant to
20 the comprehensive system of support required by section three,
21 article three-c of this chapter or any other appropriate
22 professional person; and

23 (iii) Assigned teacher education faculty from an institution
24 of higher education teacher preparation program.

1 (2) The school principal, or his or her designee, serves as
2 chairperson of the team.

3 (3) The professional support team shall submit a written
4 evaluation of the teacher certified under this section to the
5 county superintendent at the conclusion of the teacher's first and
6 second year of teaching. The written evaluations shall be in a form
7 specified by the county superintendent and submitted on a date
8 specified by the county superintendent. The evaluations shall
9 report the progress of the teacher toward meeting the requirements
10 of the training and support program, and all final decisions on the
11 progress of the teacher and recommendations rest with the
12 principal. The written evaluation required by this subdivision is
13 in addition to the evaluation required pursuant to section two,
14 article three-c of this chapter.

15 (g) An alternative teaching certificate shall be issued only
16 in subject areas, public schools and geographic areas in which the
17 state board determines that critical teacher shortages exist
18 pursuant to subsection (b) of this section, and according to the
19 specialization and appropriate grade levels as set forth in state
20 board rules. Alternative teaching certificates issued pursuant to
21 this section will not be endorsed for elementary education except
22 by special approval of the state board.

23 (h) The alternative teaching certificate shall be valid for
24 two school years and may be renewed for no more than one year. The

1 alternative teaching certificate shall be renewed after the first
2 two years if the holder:

3 (1) Is successfully participating in a comprehensive system of
4 support pursuant to section three, article three-c of this chapter;

5 (2) Participates in required professional development
6 activities designed and implemented by an institution of higher
7 education and the school system;

8 (3) Receives an evaluation rating at a level above
9 unsatisfactory pursuant to section two, article three-c of this
10 chapter and the state board rules promulgated pursuant to that
11 section; and

12 (4) Receives the recommendation of the county superintendent
13 of the county in which the applicant is employed.

14 (i) An alternative teaching certificate shall be converted to
15 an initial professional teaching certificate if the applicant:

16 (1) Successfully completes a West Virginia Board of Education-
17 approved program for alternative certification that includes the
18 components identified in section one-a, article three of this
19 chapter, including the minimum of eighteen semester hours of
20 instruction, and have the recommendation of the designated official
21 responsible for the program;

22 (2) Meets the proficiency score on the state competency exam
23 or exams in professional education pursuant to state board rule;

24 (3) Receives an evaluation rating at a level above

1 unsatisfactory pursuant to section two, article three-c of this
2 chapter and the state board rules promulgated pursuant to that
3 section;

4 (4) Receives the recommendation of the county superintendent
5 of the county in which the applicant is employed; and

6 (5) Has attained a minimum overall grade point average of
7 2.75.

8 (j) Any state board rules proposed relating to the issuance of
9 alternative certification certificates shall be submitted to the
10 Legislative Oversight Commission on Education Accountability for
11 review pursuant to section nine, article three-b, chapter twenty-
12 nine-a of this code.

13 **§18A-3-1f. Recommendation for certification of critical need**
14 **alternative teaching certificate teachers.**

15 (a) At the conclusion of the program administered pursuant to
16 section one-e of this article, the support team defined in section
17 one-e of this article shall prepare a comprehensive evaluation
18 report on the teacher's performance. This report shall be
19 submitted directly to the state superintendent and shall contain a
20 recommendation as to whether or not a professional certificate
21 should be issued to the teacher. The report shall be made on
22 standard forms developed by the state superintendent. The
23 comprehensive evaluation report shall include one of the following
24 recommendations:

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

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

7 (3) Disapproved: Recommends that a professional certificate
8 not be issued and that the candidate not be allowed to enter into
9 another approved alternative teacher education program in this
10 state, but may not be prohibited from pursuing teacher
11 certification through other approved programs for the education of
12 teachers in this state.

13 (b) The support team shall provide the teacher with a copy of
14 the teacher's written evaluation report and certification
15 recommendation before submitting it to the state superintendent. If
16 the teacher disagrees with the provider's recommendation, the
17 teacher may, within fifteen days of receipt, request an appeal in
18 accordance with the certification appeals process established by
19 the state board.

20 **§18A-3-2a. Certificates valid in the public schools that may be**
21 **issued by the state superintendent.**

22 In accordance with state board rules for the education of
23 professional educators adopted pursuant to section one of this
24 article and subject to the limitations and conditions of that

1 section, the state superintendent may issue the following
2 certificates valid in the public schools of the state:

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

4 (1) A professional teaching certificate for teaching in the
5 public schools may be issued to a person who meets the following
6 conditions:

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

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

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

16 (B) Holds at least a bachelor's degree in a ~~discipline taught~~
17 ~~in the public schools~~ field related to the area in which the
18 individual seeks certification from an accredited institution of
19 higher education, and

20 (i) Has passed appropriate state board-approved basic skills
21 and subject matter tests; or

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

1 (I) Has completed an alternative program for teacher education
2 approved by the state board;

3 (II) Is recommended for a certificate in accordance with the
4 provisions of sections one-a and one-b of this article relating to
5 the program; or

6 (III) Is recommended by the state superintendent based on
7 documentation submitted.

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

11 (3) The initial professional certificate is issued
12 provisionally for a period of three years from the date of
13 issuance:

14 (A) The certificate may be converted to a professional
15 certificate valid for five years subject to successful completion
16 of a beginning teacher internship or induction program, if
17 applicable; or

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

20 (b) *Alternative program teacher certificate.* -- An alternative
21 program teacher certificate may be issued to a candidate who is
22 enrolled in an alternative program for the education of teachers in
23 accordance with the provisions of section one-a of this article.

24 (1) The certificate is valid only for the alternative program

1 position in which the candidate is employed and is subject to
2 enrollment in the program.

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

5 (c) Critical need alternative teaching certificate. - - A
6 critical need alternative teaching certificate may be issued to a
7 candidate in accordance with provisions of section one-e of this
8 article.

9 (1) The certificate is valid, subject to the provisions of
10 section one-e of this article.

11 (2) The certificate is valid for two years and may be renewed
12 for one additional year only.

13 ~~(c)~~ (d) Professional administrative certificate. --

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

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

21 (i) Has successfully completed an approved program for
22 administrative certification developed by the state board in
23 cooperation with the chancellor for higher education; ~~and~~

24 (ii) Has successfully completed education and training in

1 evaluation skills through the center for professional development,
2 or equivalent education and training in evaluation skills approved
3 by the state board; and

4 (iii) Possesses three years of management-level experience.

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

8 (3) The initial professional administrative certificate is
9 issued provisionally for a period of five years. This certificate
10 may be converted to a professional administrative certificate valid
11 for five years or renewed, subject to the regulations of the state
12 board.

13 ~~(d)~~ (e) *Paraprofessional certificate.* -- A paraprofessional
14 certificate may be issued to a person who meets the following
15 conditions:

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

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

22 ~~(e)~~ (f) *Other certificates; permits.* --

23 (1) Other certificates and permits may be issued, subject to
24 the approval of the state board, to persons who do not qualify for

1 the professional or paraprofessional certificate.

2 (2) A certificate or permit may not be given permanent status
3 and a person holding one of these credentials shall meet renewal
4 requirements provided by law and by regulation, unless the state
5 board declares certain of these certificates to be the equivalent
6 of the professional certificate.

7 (3) Within the category of other certificates and permits, the
8 state superintendent may issue certificates for persons to serve in
9 the public schools as athletic coaches or coaches of other
10 extracurricular activities, whose duties may include the
11 supervision of students, subject to the following limitations:

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

14 (i) The contract specifies the duties to be performed,
15 specifies a rate of pay that is equivalent to the rate of pay for
16 professional educators in the district who accept similar duties as
17 extra duty assignments, and provides for liability insurance
18 associated with the activity; and

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

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

24 (C) The person completes an orientation program designed and

1 approved in accordance with state board rules.

2 ~~(f)~~ (g) *Teacher-In-Residence Permit.* --

3 (1) A teacher-in-residence permit may be issued to a candidate
4 who is enrolled in a teacher-in-residence program in accordance
5 with an agreement between an institution of higher education and a
6 county board. The agreement is developed pursuant to subsection
7 (f), section one of this article and requires approval by the state
8 board.

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

13 **CHAPTER 18B. HIGHER EDUCATION.**

14 **ARTICLE 1D. HIGHER EDUCATION ACCOUNTABILITY.**

15 **§18B-1D-4. Responsibilities of Higher Education Policy Commission**
16 **and Council for Community and Technical College**
17 **Education; development of public policy agendas;**
18 **reports; institutional responsibilities.**

19 (a) It is the responsibility of the commission, in cooperation
20 with the council, to develop, oversee and advance the public policy
21 agenda mandated by section four, article one-b of this chapter to
22 address the goals and objectives established pursuant to this
23 article and section one-a, article one of this chapter, including,
24 but not limited to, aligning state and institutional compacts,

1 master plans, implementation plans and institutional missions with
2 state goals and objectives to accomplish the purposes of this
3 article.

4 (b) It is the responsibility of the council, in cooperation
5 with the commission when applicable, to develop, oversee and
6 advance the public policy agenda mandated by section six, article
7 two-b of this chapter to address the goals and objectives
8 established pursuant to this article and section one-a, article one
9 of this chapter, including, but not limited to, aligning state and
10 institutional compacts, master plans, implementation plans and
11 institutional missions with state goals and objectives to
12 accomplish the purposes of this article.

13 (c) It is further the responsibility of the commission and
14 council to collect the data, assemble it in the appropriate format
15 and transmit all reports and any other essential documents as
16 needed to fulfill the purposes of this article. Each report shall
17 contain a brief, concise executive summary and shall include trends
18 and recommendations in text format. Recommendations shall be
19 ranked by order of importance and shall be supported by objective
20 data available elsewhere in the report. In addition to those
21 specifically mandated by this chapter or chapter eighteen-c of this
22 code, reporting responsibilities include, but are not limited to,
23 the following:

24 (1) Ensuring that data systems collect the essential

1 information state-level policymakers need to answer key policy
2 questions to fulfill the purposes of the accountability system
3 established pursuant to this article and section one-a, article one
4 of this chapter;

5 (2) Collaborating with public education to establish policies
6 to link existing pre-K, K-12, higher education and teacher data
7 systems to enable tracking of student progress and teacher
8 performance over time; and

9 (3) Ensuring that reports provide data analyses to determine
10 if students entering the public higher education systems are
11 prepared for post-secondary education and if students obtaining
12 degrees, certificates or other credentials are prepared to pursue
13 careers or to continue their education.

14 (d) It is the responsibility of public institutions of higher
15 education to report to the commission or the council, as
16 appropriate, on plans, accomplishments and recommendations to
17 implement the goals and objectives contained in the institutional
18 and state compacts.

19 (e) It is the intent of the Legislature that an updated
20 transfer policy will improve progress towards the attainment of
21 post-secondary degrees and create interinstitutional certainties
22 for West Virginia students. The provisions of this subsection
23 shall be designed and implemented through a collaborative process
24 led by the Higher Education Policy Commission and the Council for

1 Community and Technical College Education in conjunction with
2 faculty from public institutions of higher education.

3 (1) The Higher Education Policy Commission and the Council for
4 Community and Technical College Education, in collaboration with
5 the state public colleges and universities and community and
6 technical colleges, shall:

7 (A) Develop, implement and maintain a statewide course coding
8 system for a common, statewide lower-division general education
9 program of courses taught at public institutions of higher
10 education;

11 (B) Guarantee that general education courses completed at the
12 originating public institution of higher education are wholly
13 transferable to the receiving public institution of higher
14 education;

15 (C) Guarantee that course credit earned through tests, exams,
16 assessments or other methods of awarding college credit for mastery
17 of course content is transferable and credited at all public
18 institutions of higher education. The commission and council shall
19 list the tests, exams, assessments and other methods of awarding
20 college credit for mastery of course content that this paragraph
21 applies to in a legislative rule proposed for promulgation pursuant
22 to article three-a, chapter twenty-nine-a of this code;

23 (D) Develop and implement a statewide agreement for alignment
24 of approved, specifically designed associate of arts and associate

1 of science programs that shall be accepted and fully credited to
2 related bachelors degree programs by all public institutions of
3 higher education;

4 (E) Provide that graduates of the approved, specifically
5 designed associate of arts and associate of science programs shall
6 not be required to repeat or to take any additional lower-level
7 courses to fulfill bachelor degree requirements in the same major,
8 and these students shall be granted admission, with junior status,
9 to related upper-division bachelor's degree programs of a public
10 institution of higher education on the same criteria as those
11 students earning lower-division credits at the institution to which
12 the student transferred;

13 (F) Provide that graduates of approved, specifically designed
14 associate of arts and associate of science programs (2+2 pathways)
15 and associate of applied science program shall receive priority for
16 admission to a public institution of higher education over
17 out-of-state students if they meet the same admission criteria;

18 (G) Provide that graduates of the associate of applied science
19 degree programs are not required to repeat or to take any
20 additional lower-level courses to fulfill bachelor degree
21 requirements in bachelor of applied science or bachelor of applied
22 technology programs and that bachelor's degree-granting public
23 institutions of higher education establish and implement seamless
24 transfer into these programs at the receiving institution;

1 (H) Develop state-wide articulation agreements, transfer
2 procedures and policies across public institutions of higher
3 education. These shall include: Admissions criteria, student
4 declaration of major and intention to transfer and student guidance
5 and counseling policies designed to ensure that students pursuing
6 an associate of arts or associate of science degree program provide
7 timely notification of their intention to transfer. Students shall
8 receive effective guidance as well as advising regarding specific
9 coursework for identified bachelors degree programs by specific
10 public institutions of higher education. All public institutions
11 are required to publish transfer policies, including courses
12 eligible for guaranteed transfer, in course catalogs and on
13 institutional websites;

14 (I) Develop uniform data collection and reporting methods,
15 including transfer student success data for specific associate of
16 arts and associate of science programs and associate of applied
17 science to facilitate and ensure statewide and institutional
18 compliance with course transfer and credit requirements, submitted
19 to the Governor and Legislature annually;

20 (J) Create a joint commission, with members from both the
21 Higher Education Policy Commission and the Council for Community
22 and Technical College Education, to establish and oversee an
23 appeals process to resolve disagreements between transferring
24 students and receiving educational institutions regarding the

1 transfer and acceptance of credits earned at another institution;

2 (K) Ensure that all articulation and transfer policies are
3 consistent with the rules and regulations established by all
4 appropriate discipline-specific accrediting bodies and
5 institutional accrediting agencies as recognized by the United
6 States Department of Education;

7 (L) Develop policy that encourages bachelor-degree granting
8 institutions to establish scholarships and financial aid
9 opportunities that are available and prioritized for transfer
10 students;

11 (M) Establish and implement a reverse transfer policy whereby
12 a student enrolled in a baccalaureate institution can be awarded an
13 associate degree by an institution in which the student was
14 previously enrolled, if the student has earned all required course
15 credits for the associate degree. For the purposes of this
16 paragraph, "reverse transfer" means transferring credits earned at
17 a baccalaureate institution to a student's sending institution,
18 once the student has earned all required course credits for an
19 associate degree, for the purpose of awarding the associate degree
20 earned; and

21 (N) Determine institutional compliance, at the discretion of
22 the aforementioned joint commission, and report noncompliant
23 institutions to the Governor as well as the Legislature which would
24 enforce a five percent reduction of general revenue appropriations

1 for noncompliance.

2 (2) When a bachelor degree institution seeks to change its
3 required program of study for a bachelor of arts or bachelor of
4 science program that is a part of an approved statewide 2 + 2
5 pathway, the college or university shall notify the Council for
6 Community and Technical College Education and the Higher Education
7 Policy Commission of the proposed changes at the same time as the
8 initiation of the university's approval process. If it is
9 determined that the proposed change will have an adverse effect on
10 transferability, the college or university proposing the change
11 shall enter into discussion with the council and commission to
12 verify that a clearly defined path remains for those students who
13 plan to transfer from a community and technical college program to
14 a bachelor's degree program.

15 (3) The provisions of this proposal shall be implemented by
16 the beginning of the 2016-2017 academic year.

17 **ARTICLE 3C. COMMUNITY AND TECHNICAL COLLEGE SYSTEM.**

18 **§18B-3C-4. Community and technical college/career and technical**
19 **education consortia planning districts.**

20 (a) Unless otherwise designated, the presidents of the
21 community and technical colleges facilitate the formation of
22 community and technical college/career and technical education
23 consortia in the state. Each consortium includes representatives
24 of community and technical colleges, public career and technical

1 education centers and state baccalaureate institutions offering
2 associate degrees. The consortium is responsible for carrying out
3 the following actions:

4 (1) Completing a comprehensive assessment of the district to
5 determine what education and training programs are necessary to
6 meet the short- and long-term workforce development needs of the
7 district;

8 (2) Coordinating efforts with regional labor market
9 information systems to identify the ongoing needs of business and
10 industry, both current and projected, and to provide information to
11 assist in an informed program of planning and decision-making;

12 (3) Planning and developing a unified effort between the
13 community and technical colleges and public career and technical
14 education to meet the documented workforce development needs of the
15 district through individual and cooperative programs; shared
16 facilities, faculty, staff, equipment and other resources; and the
17 development and use of distance learning and other education
18 technologies;

19 (4) Collaborating and developing jointly the collaborative
20 programming for adults between the community and technical colleges
21 and the public career and technical centers. The focus of these
22 collaborative efforts is the development of advanced skill
23 programming that builds on the secondary curriculum and allows
24 career and technical education graduates to acquire more in-depth

1 preparation in their occupational area of interest;

2 (5) As a consortium, regularly reviewing and revising
3 curricula to ensure that the work force needs are met; developing
4 new programs and phasing out or modifying existing programs, as
5 appropriate, to meet such needs; and streamlining procedures for
6 designing and implementing customized training programs;

7 (6) Increasing the integration of secondary and post-secondary
8 curriculum and programs that are targeted to meet regional labor
9 market needs, including implementing seamless programs of study,
10 including West Virginia EDGE, and the Collaborative Degree
11 Completion Program:

12 (A) Research shows that well-planned, well-coordinated
13 programs of study have a positive impact on school attendance,
14 student grades, achievement scores, retention rates and career
15 planning. To be successful, programs of study must include
16 coherent and rigorous content aligned with challenging academic
17 standards and relevant career and technical education content.
18 They must provide for student movement through a coordinated,
19 nonduplicative progression of courses that align secondary
20 education with community and technical college education to prepare
21 students to succeed at the community and technical college level
22 and in high-wage, high-demand occupations;

23 (B) Therefore, the focus of each consortium is to identify the
24 high-demand, high-wage occupations within the service district and

1 develop programs of study, based on the findings, that lead to an
2 industry-recognized credential, a certificate of applied science
3 degree or an associate degree. The programs of study shall include
4 the Southern Regional Education Board's advanced career education
5 programs. All consortia shall implement a minimum of one advanced
6 career program of study as defined by the Southern Regional
7 Education Board, and each public education career-technical center
8 and each comprehensive high school within the consortium must
9 implement a minimum of one of the advanced career programs
10 identified by the consortium. The advanced career programs must be
11 aligned with community and technical college programs and reflect
12 the regional workforce demand occupations;

13 (C) The initial consortium compact and each annual update
14 required in subsection (d) of this section shall identify the
15 programs of study that are to be implemented in the district
16 service area. In addition, each consortia compact shall address
17 strategies and time frames for implementing advanced career
18 programs and identify community and technical college programs for
19 which they are aligned. For newly created community and technical
20 college career technical programs, district consortia are charged
21 with developing or utilizing an existing corresponding program of
22 study career pathway at the secondary school level that provides a
23 seamless progression from public schools to community and technical
24 colleges, enabling students to matriculate into that program at the

1 community and technical college;

2 (7) Planning and implementing integrated professional
3 development activities for secondary and post-secondary faculty,
4 staff and administrators;

5 (8) Ensuring that program graduates have attained the
6 competencies required for successful employment through the
7 involvement of business, industry and labor in establishing student
8 credentialing;

9 (9) Assessing student knowledge and skills which may be gained
10 from multiple sources so that students gain credit toward program
11 completion and advance more rapidly without repeating course work
12 in which they already possess competency;

13 (10) Cooperating with workforce investment boards to establish
14 one-stop-shop career centers with integrated employment and
15 training and labor market information systems that enable job
16 seekers to assess their skills, identify and secure needed
17 education training, and secure employment, and that allow employers
18 to locate available workers;

19 (11) Increasing the integration of adult literacy, adult basic
20 education, federal Work Force Investment Act and community and
21 technical college programs and services to expedite the transition
22 of adults from welfare to gainful employment, including cooperating
23 with the State Department of Education to provide adult basic
24 education programs on each community and technical college campus

1 in the state where developmental education services are provided;
2 and

3 (12) Establishing a single point of contact for employers and
4 potential employers to access education and training programs
5 throughout the district.

6 (b) The community and technical college education consortium
7 shall cooperate with the regional workforce investment board in the
8 district and shall participate in any development or amendment to
9 the regional workforce investment plan.

10 (c) To carry out the provisions of this section, community and
11 technical college/career and technical education consortia planning
12 districts are established and defined as follows:

13 (1) Northern Panhandle District includes Hancock, Brooke,
14 Ohio, Marshall and Wetzel counties.

15 (A) The facilitating institution is West Virginia Northern
16 Community and Technical College.

17 (B) Participating institutions include West Virginia Northern
18 Community and Technical College; John Marshall High School; Cameron
19 High School; John D. Rockefeller IV Career Center; and other public
20 career and technical centers offering post-secondary programs.

21 (2) North Central West Virginia District includes Monongalia,
22 Marion, Preston, Taylor, Barbour, Randolph, Doddridge, Harrison,
23 Braxton, Lewis, Calhoun, Gilmer and Upshur counties.

24 (A) The facilitating institution is Pierpont Community and

1 Technical College.

2 (B) Participating institutions include Pierpont Community and
3 Technical College; Glenville State College; Randolph County
4 Technical Center; Monongalia County Technical Education Center;
5 United Technical Center; Marion County Technical Center; Fred W.
6 Eberle Technical Center; Calhoun Gilmer Career Center; Taylor
7 County Technical Center; and other public career and technical
8 centers offering post-secondary programs.

9 (3) Mid-Ohio Valley District includes Tyler, Pleasants,
10 Ritchie, Wood, Wirt, Jackson and Roane counties.

11 (A) The facilitating institution is West Virginia University
12 at Parkersburg.

13 (B) Participating institutions include West Virginia
14 University at Parkersburg; Roane-Jackson Technical Center; Wood
15 County Technical Center; Mid Ohio Valley Technical Institute and
16 other public career and technical centers offering post-secondary
17 programs.

18 (4) Potomac Highlands District includes Tucker, Pendleton,
19 Grant, Hardy, Mineral and Hampshire counties.

20 (A) The facilitating institution is Eastern West Virginia
21 Community and Technical College.

22 (B) Participating institutions include Eastern West Virginia
23 Community and Technical College; South Branch Career and Technical
24 Center; Mineral County Technical Center; and other public career

1 and technical centers offering post-secondary programs.

2 (5) Shenandoah Valley District includes Berkeley, Jefferson
3 and Morgan counties.

4 (A) The facilitating institution is Blue Ridge Community and
5 Technical College.

6 (B) Participating institutions include Blue Ridge Community
7 and Technical College; James Rumsey Technical Institute; and other
8 public career and technical centers offering post-secondary
9 programs.

10 (6) Advantage Valley District includes Fayette, Kanawha, Clay,
11 Putnam, Cabell, Mason and Wayne counties.

12 (A) The facilitating institution for Cabell, Mason and Wayne
13 counties is Mountwest Community and Technical College. The
14 facilitating institutions for Clay, Fayette, Kanawha and Putnam
15 counties are Bridgemont Community and Technical College and Kanawha
16 Valley Community and Technical College.

17 (B) Participating institutions include Mountwest Community and
18 Technical College; Bridgemont Community and Technical College;
19 Kanawha Valley Community and Technical College; Carver Career and
20 Technical Education Center; Garnet Career Center; Ben Franklin
21 Career and Technical Center; Putnam Career and Technical Center;
22 Cabell County Career-Technology Center; Mason County Career Center;
23 and other public career and technical centers offering
24 post-secondary programs.

1 (7) Southern Mountains District includes Lincoln, Boone,
2 Logan, Mingo, Wyoming and McDowell counties.

3 (A) The facilitating institution is Southern West Virginia
4 Community and Technical College.

5 (B) Participating institutions include Southern West Virginia
6 Community and Technical College; Boone County Career and Technical
7 Center; Wyoming County Career and Technical Center; Ralph R. Willis
8 Career and Technical Center; McDowell County Career and Technology
9 Center; Mingo Extended Learning Center; and other public career and
10 technical centers offering post-secondary programs.

11 (8) Southeastern District includes Raleigh, Summers, Fayette,
12 Nicholas, Webster, Pocahontas, Greenbrier, Monroe and Mercer
13 counties.

14 (A) The facilitating institution is New River Community and
15 Technical College.

16 (B) Participating institutions include New River Community and
17 Technical College; Bridgemont Community and Technical College;
18 Bluefield State College; Academy of Careers and Technology; Fayette
19 Institute of Technology; Summers County High School; Monroe County
20 Technical Center; Mercer County Technical Education Center;
21 Nicholas County Career and Technical Center; and other public
22 career and technical centers offering post-secondary programs.

23 (9) Cochairs preside over each consortium as follows:

24 (A) The president of the facilitating community and technical

1 college, or his or her designee; and

2 (B) A career and technical education center administrator, or
3 his or her designee, representing one of the participating
4 institutions and selected by the consortium administrative leaders.

5 (d) In the role of the facilitating institution of the
6 consortium, the college:

7 (1) Communicates to the Council and State Board;

8 (2) Facilitates the delivery of comprehensive community and
9 technical college education in the region, which includes the seven
10 areas of comprehensive community and technical college education
11 delivery as required by section six of this article;

12 (3) Facilitates development of a statement of commitment
13 signed by all participating institutions in the region setting
14 forth how community and technical college education will be
15 delivered; and

16 (4) Facilitates the development of a consortium compact to be
17 submitted to the Council and State Board before July 1, 2012, and
18 annually thereafter.

19 (e) Participating institutions are not subordinate to the
20 facilitating institution but shall sign the statement of commitment
21 to participate.

22 (f) The Council is responsible for carrying out the following
23 activities:

24 (1) Annually evaluating the progress made in meeting the

1 compact goals for each consortium through the development and
2 collection of performance indicator data; and

3 (2) Providing each consortium with a model format for
4 developing and revising a consortium compact outlining strategies
5 and procedures for achieving stated goals. The compact shall be
6 submitted to the Council and State Board for their respective
7 approvals before July 1, 2012, and annually thereafter. The
8 Council is responsible for approving the compact components related
9 to community and technical college education. The State Board is
10 responsible for approving the compact components related to career
11 and technical education. Each compact shall include implementation
12 of seamless programs of study, the Collaborative Degree Completion
13 Program and the West Virginia EDGE Program.