

H. B. 2005

(By Delegates Pasdon, Hamrick, Zatezalo, Romine, McCuskey,
Walters, Westfall, Arvon, Overington, Espinosa and Moffatt)

[Introduced ;January 14, 2015 referred to the
Committee on Education then Finance.]

A BILL to amend and reenact §18A-3-1a and §18A-3-1b of the Code of West Virginia, 1931, as amended, all relating to alternative programs for the education of teachers; adding, clarifying and removing definitions; adding West Virginia Department of Education as additional option for alternative program partner; removing limit on program to positions in area of critical need and shortage; providing for rule making; removing language replicated in or conflicts with other statute provisions; requiring separate program review process; removing degree requirements in certain disciplines; removing requirements for minimum semester hours; requiring the method of instruction to be set forth in program plan; removing specific requirements for mentors and requiring professional support team to be set forth in program plan; authorizing certain existing support structures to be used; allowing options for charges to offset costs; clarifying initial hiring; requiring final decisions and recommendation on progress of program teacher reside with the principal; and making technical changes.

Be it enacted by the Legislature of West Virginia:

That §18A-3-1a and §18A-3-1b of the Code of West Virginia, 1931, as amended, be

1 amended and reenacted, all to read as follows:

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

4 **§18A-3-1a. Alternative programs for the education of teachers; legislative rules required.**

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

7 (1) "Alternative program" means a program for the education of teachers that is an alternative
8 in accordance with this section to the regular college or university programs for the education of
9 teachers and is offered by approved education provider;

10 ~~(1) "Alternative program teacher certificate" means a certificate issued for one year to a~~
11 ~~candidate who does not meet the standard educational requirements for teacher certification;~~

12 (2) "Alternative program certificate" means an alternative program teacher certificate that
13 is:

14 (A) Issued by the state superintendent in accordance with section two-a of this article to a
15 candidate who does not meet the standard educational requirements for teacher certification;

16 (B) Issued solely for the purpose of teaching while participating in an alternative program
17 under this section; and

18 (C) Valid only for the alternative program position in which the candidate is employed;

19 ~~(2) "Approved education provider" means a partnership between one or more schools, school~~
20 ~~districts or regional educational service agencies and an institution of higher education in this state~~
21 ~~with a regionally accredited program for the education of professional educators approved by the~~
22 ~~state board or an entity affiliated with such an institution's approved program, that has submitted to~~

1 ~~the state board a plan and agreement between the organizations for the delivery of an alternative~~
 2 ~~program in accordance with this section, and the state board has approved the plan and agreement;~~
 3 ~~and~~

4 (3) “Approved education provider” means the parties to a partnership agreement for the
 5 delivery of an alternative program in accordance with this section that has been approved by the state
 6 board between one or more schools, school districts or regional educational service agencies and:

7 (A) An institution of higher education in this state with a regionally accredited program for
 8 the education of professional educators approved by the state board;

9 (B) An entity affiliated with an institution of higher education in this state with a regionally
 10 accredited program for the education of professional educators approved by the state board; or

11 (C) The West Virginia Department of Education.

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

15 ~~(b) *Establishment of alternative teacher education programs. State board alternative*~~
 16 ~~*program rule.*~~-- After consultation with the Secretary of Education and the Arts and the Chancellor
 17 of the Higher Education Policy Commission, the state board shall promulgate a legislative rule or
 18 rules in accordance with article three-b, chapter twenty-nine-a of this code to implement the
 19 provisions of this section. The proposed rule or rules shall be submitted to the Legislative Oversight
 20 Commission on Education Accountability for review prior to adoption. The rule or rules shall
 21 include, but are not limited to, the following issues:

22 (1) Each partnership agreement submitted to the state board for approval shall describe at a

1 minimum how the proposed program will accomplish the key elements of an alternative program
 2 as set forth in this section and the state board rule;

3 (1) ~~(2)~~ Separate procedures for the approval and operation of ~~each of the~~ alternative teacher
 4 ~~education~~ programs as provided in this section. The procedures for the approval of alternative
 5 programs shall be separate from the procedures for approval of regular teacher education programs;

6 (A) ~~These programs are an alternative to the regular college or university programs for the~~
 7 ~~education of teachers and may only be offered by approved education providers; and~~

8 (B) ~~(3)~~ Each program is under subsections (d), (e) and (f) of this section are separate from
 9 ~~other~~ programs established by this section;

10 (2) ~~(4)~~ Procedures for approving an approved education provider as defined in this section.
 11 Approval is required prior to implementation the provider's alternative program; leading to
 12 certification to teach in the public schools of this state;

13 (3) ~~(5)~~ An alternative program teacher may not be employed in a school, school district or
 14 regional educational service agency ~~unless the school, school district or regional educational service~~
 15 ~~agency is a part of a partnership that qualifies as~~ that is not a party included in an approved education
 16 provider agreement as defined in subsection (a) of this section;

17 (4) ~~(6)~~ Provisions for setting tuition or other charges if necessary to offset program costs or
 18 grant credit for the successful completion of required instruction;

19 (5) ~~(7)~~ The ~~recommendation to rehire~~ continued employment of an alternative education
 20 program teacher, is subject to satisfactory progress in the applicable alternative ~~education~~ program
 21 by the holder of the alternative program certificate; ~~and~~

22 (6) ~~(8)~~ When making decisions affecting the hiring of a teacher authorized to teach under an

1 alternative program certificate as provided in this section, a county board shall give preference to
 2 applicants who hold a valid West Virginia professional teaching certificate.

3 ~~(e) *Alternative teacher education program.*~~

4 ~~(+)~~ (9) To participate in an approved alternative ~~teacher education~~ program, the candidate
 5 must hold an alternative program ~~teacher~~ certificate issued by the state superintendent ~~and endorsed~~
 6 ~~for the instructional field in which the candidate seeks certification~~ in accordance with section two-a
 7 of this article; and

8 ~~(2) The certificate may be renewed twice and no individual may hold an alternative program~~
 9 ~~teacher certificate for a period exceeding three years.~~

10 (10) The alternative program teacher certificate is equivalent to a professional teaching
 11 certificate for the purpose of issuing a continuing contract.

12 ~~(3)~~ (c) *Eligibility for alternative program certificate* -- To be eligible for an alternative
 13 program ~~teacher~~ certificate, an applicant shall meet the following criteria:

14 ~~(A)~~ (1) Possess at least a bachelor's degree from a regionally accredited institution of higher
 15 education; ~~in a discipline taught in the public schools.~~

16 ~~(B)~~ (2) Pass the same basic skills and subject matter test or tests required by the state board
 17 for traditional program candidates to become certified in the area for which licensure is being sought;

18 ~~(C)~~ (3) Hold United States citizenship; be of good moral character and be physically,
 19 mentally and emotionally qualified to perform the duties of a teacher;

20 ~~(D)~~ (4) Attain the age of eighteen years on or before October 1 of the year in which the
 21 alternative program ~~teacher~~ certificate is issued;

22 ~~(E)~~ (5) Receive a formal offer of employment ~~in an area of critical need and shortage~~ a school

1 or school district that is a party in an approved education provider agreement from a county
2 superintendent;

3 ~~(F)~~ (6) Qualify for employment following a criminal history check pursuant to section ten
4 of this article;

5 ~~(G)~~ (7) In the case of an applicant pursuing certification to teach American Sign Language,
6 in lieu of ~~paragraphs (A) and (B) of this subdivision,~~ subdivisions (1) and (2) of this subsection, the
7 applicant shall possess at least a bachelor's degree from a regionally accredited institution of higher
8 education and pass an appropriate state board approved test or tests demonstrating the applicant's
9 proficiency in American Sign Language; and

10 ~~(H)~~ (8) In the case of applicants who have at least four years of experience in the subject field
11 and are pursuing certification to teach in selected vocational and technical areas, in lieu of
12 ~~paragraphs (A) and (B) of this subdivision~~ subdivisions (1) and (2) of this subsection, the applicant
13 shall pass an appropriate state board approved test or tests demonstrating the applicant's proficiency
14 in the basic skills and occupational content areas.

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

18 ~~(5)~~ (d) *Alternative program for classroom teachers* – An approved alternative program
19 provides essential knowledge and skills to alternative program teachers through the following phases
20 of training:

21 ~~(A)~~ (1) *Instruction.* -- The alternative ~~preparation~~ program shall provide ~~a minimum of~~
22 ~~eighteen semester hours of instruction in the areas of student assessment; development and learning;~~

1 curriculum; classroom management; the use of educational computers and other technology; and
 2 special education and diversity. ~~All programs shall contain a minimum of three semester hours of~~
 3 ~~instruction in special education and diversity out of the minimum eighteen required semester hours.~~
 4 ~~Subject to the approval of the state board, an An approved education provider may provide this~~
 5 ~~instruction equivalent to the eighteen semester hours required by this paragraph through~~
 6 ~~nontraditional methods, including, but not limited to, methods such as a series of modules covering~~
 7 ~~the various topics, electronically delivered instruction, summer sessions, professional development~~
 8 ~~and job-embedded mentoring as set forth in the partnership agreement approved by the state board.~~

9 ~~(B) *Phase I. (2) Sequential phases of supervision and evaluation--*~~

10 ~~(A) Phase I consists of a period of intensive, on-the-job supervision by an assigned mentor~~
 11 ~~and the school administrator for a period of not fewer than two weeks. The assigned mentor shall~~
 12 ~~meet the requirements for a beginning teacher internship mentor set forth in section two-b of this~~
 13 ~~article and shall be paid the stipend authorized pursuant to that section. The person holding an~~
 14 ~~alternative certificate shall be observed daily by a member or members of the professional support~~
 15 ~~team as provided in the partnership agreement approved by the state board. The state board shall~~
 16 ~~provide in its rule, for the approval and operation of this program, requirements for the frequency~~
 17 ~~and duration of time periods for the person holding an alternative certificate to observe in the~~
 18 ~~classroom of the mentor. The person holding an alternative certificate shall be observed daily by the~~
 19 ~~mentor or the school administrator during this phase. This phase includes an orientation to the~~
 20 ~~policies, organization and curriculum of the employing district. The alternative program teacher~~
 21 ~~shall receive formal instruction in those areas listed in paragraph (A) of this subdivision.~~

22 ~~(C) *Phase II.*~~ ~~--~~ (B) Phase II consists of a period of intensive, on-the-job supervision

1 beginning the first day following the completion of Phase I and continuing for a period of at least
 2 ten weeks. During Phase II, the alternative program teacher is visited and critiqued at least one time
 3 per week by a member or members of a the professional support team. ~~as defined in subdivision (6)~~
 4 ~~of this subsection, and is observed by the appropriately certified members of the team at the end of~~
 5 ~~five weeks and again at five-week intervals until the completion of this phase.~~ At the completion
 6 of this phase, the alternative program teacher shall receive a formal evaluation by the principal. ~~The~~
 7 ~~alternative program teacher shall continue to receive formal instruction in those areas listed in~~
 8 ~~paragraph (A), of this subdivision.~~

9 ~~(D) Phase III.~~ -- (C) Phase III consists of an additional period of continued supervision and
 10 evaluation of no fewer than twenty weeks duration. The professional support team determines the
 11 requirements of this phase, but those requirements shall include at least one formal evaluation
 12 conducted at the completion of the phase by the principal. ~~The alternative program teacher shall~~
 13 ~~continue to receive formal instruction in those areas listed in paragraph (A) of this subdivision, and~~
 14 ~~shall be given opportunities to observe the teaching of experienced colleagues.~~

15 (D) The duration of each of the three phases of the program specified in paragraphs (A), (B)
 16 and (C) of this subdivision, in excess of the minimum durations provided in those paragraphs, shall
 17 be determined by the professional support team within guidelines provided by the state board in its
 18 rule for the approval and operation of this program.

19 ~~(6) (3) Professional support team.~~ -- (A) Training The training and supervision of alternative
 20 program teachers are provided by a professional support team ~~comprised of a school principal, or~~
 21 ~~his or her designee, an experienced classroom teacher who satisfies the requirements for mentor for~~
 22 ~~the Beginning Educator Internship pursuant to section two-b of this article, a representative of the~~

1 ~~institution of higher education that is a part of the partnership that qualifies as an approved education~~
 2 ~~provider as defined in subsection (a) of this section or an entity affiliated with that institution, and~~
 3 ~~a curriculum supervisor or other central office administrator with certification and training relevant~~
 4 ~~to the training and supervision of the alternative program candidate. as set forth by the approved~~
 5 ~~education provider in its partnership agreement approved by the state board. The approved education~~
 6 ~~provider may include in its agreement a professional support team structure consistent with the~~
 7 ~~structure implemented for the support, supervision, induction and mentoring of beginning teachers~~
 8 ~~or teachers-in-residence already existing in its participating schools, subject to approval by the state~~
 9 ~~board.~~

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

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

13 ~~(D) The duration of each of the three phases of the program specified in paragraphs (B), (C)~~
 14 ~~and (D), subdivision (5) of this subsection, in excess of the minimum durations provided in those~~
 15 ~~paragraphs, shall be determined by the professional support team within guidelines provided by the~~
 16 ~~state board in its rule for the approval and operation of this program.~~

17 ~~(E) In addition to other duties assigned to it under this section and section one-b of this~~
 18 ~~article, the approved education provider the professional support team shall submit a written~~
 19 ~~evaluation of the alternative program teacher to the county superintendent approved education~~
 20 ~~provider . The written evaluation shall be in a form specified by the county superintendent the~~
 21 ~~approved education provider and submitted on a date specified by the county superintendent the~~
 22 ~~approved education provider that is prior to the first Monday of May. The evaluation shall report~~

1 the progress of the alternative program teacher toward meeting the academic and performance
 2 requirements of the program. However, the formal professional personnel performance evaluation
 3 of the alternative program teacher rests solely with the principal.

4 ~~(F)~~ The training for professional support team members may be coordinated and provided
 5 by the Center for Professional Development in coordination with the approved education provider
 6 as set forth in the plan partnership agreement approved by the state board. ~~pursuant to subdivision~~
 7 ~~(8) of this subsection.~~

8 ~~(7) In lieu of and as an alternative to the professional support team specified in subdivision~~
 9 ~~(6) of this subsection and its specific duties throughout the program phases as set forth in subdivision~~
 10 ~~(5) of this section, a school or school district that has implemented a comprehensive beginning~~
 11 ~~teacher induction program may, subject to the approval of the state board, provide for the training~~
 12 ~~and supervision of alternative program teachers using a structure consistent with the structure~~
 13 ~~implemented for the support, supervision and mentoring of beginning teachers: *Provided*, That all~~
 14 ~~final decisions on the progress of the alternative program teacher and recommendations upon~~
 15 ~~program completion shall rest with the principal.~~

16 ~~(8) An approved education provider seeking approval for an alternative certification program~~
 17 ~~shall submit a plan to the state board.~~

18 ~~(A) No alternative certification program may be implemented prior to receiving state board~~
 19 ~~approval.~~

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

22 ~~(d)~~ (e) Alternative program for highly qualified special education teacher. -- education

1 ~~program.~~

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

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

7 (3) These programs may be an alternative to the regular college and university programs for
8 the education of special education teachers and also may address the content area preparation of
9 certified special education teachers.

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

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

17 ~~(e)~~ (f) *Additional alternative ~~education~~ program to prepare highly qualified special*
18 *education teachers. --*

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

22 (2) These programs are subject to the other provisions of this section only to the extent

1 specifically provided in the rule.

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

5 **§18A-3-1b. Recommendation for certification of alternative program teachers.**

6 (a) At the conclusion of an alternative ~~teacher education~~ program for the education of
7 teachers as provided in section one-a of this article, the approved education provider shall prepare
8 a comprehensive evaluation report on the alternative program teacher's performance. This report
9 shall be submitted directly to the state superintendent of Schools and shall contain a recommendation
10 as to whether or not a professional teaching certificate should be issued to the alternative program
11 teacher. The report shall be made on standard forms developed by the state superintendent.

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

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

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

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

21 (b) The approved education provider shall provide the alternative program teacher with a
22 copy of the alternative program teacher's written evaluation report and certification recommendation

- 1 before submitting it to the state superintendent. If the alternative program teacher disagrees with the
- 2 provider's recommendation, the alternative program teacher may, within fifteen days of receipt,
- 3 request an appeal in accordance with the certification appeals process established by the state board.
- 4 ~~of Education.~~

NOTE: The purpose of this is to clarify and update alternative programs for the education of teachers. The bill adds, clarifies and removes definitions. The bill adds West Virginia Department of Education as additional option for alternative program partner. The bill removes the limit on program to positions in an area of critical need and shortage. The bill provides for rule making. The bill removes language replicated in or conflicting with other statute provisions. The bill requires separate program review process. The bill removes degree requirements in certain disciplines. The bill removes requirements for minimum semester hours. The bill requires the method of instruction to be set forth in program plan. The bill removes specific requirements for mentors and requires professional support team to be set forth in a program plan. The bill authorizes certain existing support structures to be used. The bill allows options for charges to offset costs. The bill clarifies initial hiring. The bill requires final decisions and recommendation on progress of program teacher reside with the principal. The bill makes technical changes.

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