

H. B. 2645

(By Mr. Speaker, (Mr. Armstead) and Delegate Miley))

[By Request of the Executive]

[Introduced February 6, 2015; referred to the
Committee on Education then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3-1d; and to amend and reenact §18A-3-2a of said code; and to amend and reenact §18C-4A-1, §18C-4A-2, and §18C-4A-3 of said code, all relating to education; providing for critical need alternative teaching certificates to teach in subject areas, public schools or geographic areas of the state in which a critical teacher shortage exists, as determined by the State Board of Education; setting forth certificate eligibility requirements; providing for orientation program for critical need alternative teaching certificate holder; providing for training, support and evaluation of critical need alternative teaching certificate holder; setting forth requirements for renewing critical need alternative teaching certificate; requiring State Board of Education to promulgate legislative rule or rules related to implementation of critical need alternative learning certificates; expanding class of teachers that are eligible to receive assistance from Underwood-Smith Teacher Loan Assistance Program; and increasing annual amount of assistance available from Underwood-Smith

1 Teacher Loan Assistance Program.

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

3 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
4 section, designated §18A-3-1d; that §18A-3-2a of said code be amended and reenacted; and that
5 §18C-4A-1, §18C-4A-2 and §18C-4A-3 of said code be amended and reenacted, all to read as
6 follows:

7 **CHAPTER 18A. SCHOOL PERSONNEL.**

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

10 **§18A-3-1d. Critical need alternative teaching certificate.**

11 (a) The State Superintendent may issue a critical need alternative teaching certificate to
12 endorse a candidate to serve as teacher of record for a specific instructional field identified as a
13 critical need pursuant to subsection (b) of this section.

14 (b) The critical need alternative teaching certificate is only valid for the purposes of allowing
15 the certificate holder to teach in subject areas, public schools or geographic areas of the state in
16 which the state board determines that a critical teacher shortage exists: *Provided*, That a certified
17 teacher shall be given preference to fill any position identified as a critical need over a person
18 holding a critical need alternative teaching certificate. The state board shall establish criteria and
19 procedures for identifying critical teacher shortages in subject areas, public schools and geographic
20 areas of the state. In establishing the criteria and procedures, the state board shall communicate with
21 the Higher Education Policy Commission as it establishes its criteria and procedures for identifying
22 critical teacher shortages for the purposes of the Underwood-Smith Teacher Scholarship and Loan

1 Assistance Fund pursuant to section one, article four, chapter eighteen-c of this code.

2 (c) The critical need alternative teaching certificate is issued for two years and may be
3 renewed for additional one-year periods thereafter. The critical need alternative teaching certificate
4 is equivalent to a professional teaching certificate for the purpose of issuing a continuing contract,
5 and for the purposes of being designated a highly qualified teacher under the No Child Left Behind
6 Act.

7 (d) To be eligible for a critical need alternative teaching certificate, an applicant shall:

8 (1) Possess a bachelor's degree from an accredited institution of higher education, including
9 a bachelor's degree based upon verification by a West Virginia Department of Education-approved
10 foreign credential evaluating agency, with a minimum cumulative 2.75 grade point average in a field
11 or subject area related to the area in which the individual seeks certification, and have:

12 (A) Full-time, professional work experience of at least five years or more in a related area
13 or field for which certification is being sought;

14 (B) Taught full-time in a private school, parochial or other school approved for the
15 instruction of students of compulsory school age pursuant to section one, article eight, chapter
16 eighteen of this code, for at least three years in a related subject area for which certification is being
17 sought; or

18 (C) An advanced degree, including, but not limited to, a master's or doctorate degree, in a
19 field or subject area related to the area for which certification is being sought;

20 (2) Meet the proficiency score or scores on the state competency exam or exams in
21 preprofessional skills or qualify for an exemption pursuant to section 10.1.b.3.F.1 of state board
22 policy 5202;

1 (3) Meet the proficiency score or scores on the state competency exam or exams in content
2 or qualify for an exemption pursuant to section 10.1.b.3.F.2 of state board policy 5202 in the area
3 for which he or she is seeking certification or provide acceptable documentation or related life
4 experiences to the entity providing the program for those content areas that do not have a required
5 competency exam;

6 (4) Be of good moral character and physically, mentally and emotionally qualified to perform
7 the duties of a teacher; and

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

11 (e) Candidates certified under this section shall complete an orientation program developed
12 by the state board prior to beginning employment in any school. A fee may be charged to candidates
13 for the orientation program to defer the costs of administering such program.

14 (f) Candidates certified under this section shall successfully participate in a comprehensive
15 system of support pursuant to section three, article three-c of this chapter during the time the
16 candidate is certified pursuant to this section.

17 (g) Training and support of teachers certified under this section are provided by a
18 professional support team.

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

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

21 (ii) A master teacher, mentor, academic coach, or other individual employee or professional
22 used to provide support, supervision, professional development or training to other employees

1 pursuant to the comprehensive system of support required by section three, article three-c of this
2 chapter; and

3 (iii) A teacher education faculty from an institution of higher education teacher preparation
4 program, to serve in an advisory and guidance capacity.

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

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

14 (h) A critical need alternative teaching certificate shall be issued only in subject areas, public
15 schools and geographic areas in which the state board determines that critical teacher shortages exist
16 pursuant to subsection (b) of this section, and according to the specialization and appropriate grade
17 levels as set forth in state board rules. Critical need alternative teaching certificates issued pursuant
18 to this section shall not be endorsed for elementary or middle school education except by special
19 approval of the State Superintendent.

20 (i) The critical need alternative teaching certificate shall be valid for two school years and
21 may be renewed for additional one-year periods. The critical need alternative teaching certificate
22 shall be renewed if the holder:

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

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

5 (3) Participates in an additional six hours of professional development in pedagogy and
6 classroom management;

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

9 (5) Receives the recommendation of the county superintendent of the county in which the
10 applicant is employed.

11 (j) The state board shall promulgate a legislative rule or rules in accordance with article
12 three-b, chapter twenty-nine-a of this code to implement the provisions of this section, including but
13 not limited to, certificate eligibility criteria, development of an orientation program for candidates
14 certified under this section and any fee required therefor, and the renewal of a certificate. The
15 proposed rule or rules shall be submitted to the Legislative Oversight Commission on Education
16 Accountability for review pursuant to section nine, article three-b, chapter twenty-nine-a of this code.

17 **§18A-3-2a. Certificates valid in the public schools that may be issued by the state**
18 **superintendent.**

19 In accordance with state board rules for the education of professional educators adopted
20 pursuant to section one of this article and subject to the limitations and conditions of that section,
21 the state superintendent may issue the following certificates valid in the public schools of the state:

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

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

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

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

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

10 (B) Holds at least a bachelor's degree in a discipline taught in the public schools from an
11 accredited institution of higher education, and

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

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

15 (I) Has completed an alternative program for teacher education approved by the state board,

16 (II) Is recommended for a certificate in accordance with the provisions of sections one-a and
17 one-b of this article relating to the program, or

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

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

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

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

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

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

7 (1) The certificate is valid only for the alternative program position in which the candidate
8 is employed and is subject to enrollment in the program.

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

11 (c) Critical need alternative teaching certificate. -- A critical need alternative teaching
12 certificate may be issued to a candidate in accordance with the provisions of section one-d of this
13 article.

14 (1) The certificate is valid, subject to the provisions of section one-d of this article.

15 (2) The certificate is valid for two years and may be renewed for additional one-year periods
16 thereafter.

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

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

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

1 a master's degree; and

2 (i) Has successfully completed an approved program for administrative certification
3 developed by the state board in cooperation with the chancellor for higher education, and

4 (ii) Has successfully completed education and training in evaluation skills through the center
5 for professional development, or equivalent education and training in evaluation skills approved by
6 the state board, and

7 (iii) Possesses three years of management level experience.

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

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

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

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

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

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

20 (1) Other certificates and permits may be issued, subject to the approval of the state board,
21 to persons who do not qualify for the professional or paraprofessional certificate.

22 (2) A certificate or permit may not be given permanent status and a person holding one of

1 these credentials shall meet renewal requirements provided by law and by regulation, unless the state
2 board declares certain of these certificates to be the equivalent of the professional certificate.

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

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

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

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

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

14 (C) The person completes an orientation program designed and approved in accordance with
15 state board rules.

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

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

21 (2) The permit is valid only for the teacher-in-residence program position in which the
22 candidate is enrolled and is subject to enrollment in the program. The permit is valid for no more

1 than one school year and may not be renewed.

2 **CHAPTER 18C. STUDENT LOANS; SCHOLARSHIPS AND STATE AID.**

3 **ARTICLE 4A. UNDERWOOD-SMITH TEACHER LOAN ASSISTANCE PROGRAM.**

4 **§18C-4A-1. Selection criteria and procedures for loan assistance.**

5 (a) The Governor shall designate the Higher Education Student Financial Aid Advisory
6 Board created by section five, article one of this chapter to select recipients to receive
7 Underwood-Smith Teacher Loan Assistance Awards.

8 (b) ~~The advisory board shall make decisions regarding loan assistance pursuant to section~~
9 ~~one, article four of this chapter and the following criteria:~~

10 (A) ~~Eligibility for an award is limited to a teacher who has earned a teaching degree and is~~
11 ~~certified to teach a subject area of critical need in the public schools of West Virginia. A certified~~
12 ~~teacher in a subject area of critical need who is enrolled in an advanced in-field degree course or who~~
13 ~~has earned an advanced in-field degree may apply for an award to be paid toward current education~~
14 ~~student loans;~~

15 (B) To be eligible for a loan award, a teacher shall agree to teach, or shall currently be
16 teaching, a subject area of critical need or in a state school or geographic area of the state identified
17 as an area of critical need ~~pursuant to section one, article four of this chapter.~~ The advisory board
18 shall make decisions regarding loan assistance pursuant to section one, article four of this chapter.

19 (c) In accordance with the rule promulgated pursuant to section one, article four of this
20 chapter, the vice chancellor for administration shall develop additional eligibility criteria and
21 procedures for the administration of the loan program.

22 (d) The vice chancellor for administration shall make available program application forms

1 to public and private schools in the state via the commission and the State Department of
2 Education's websites and in other locations convenient to potential applicants.

3 **§18C-4A-2. Loan assistance agreement.**

4 (a) Before receiving an award, each eligible teacher shall enter into an agreement with the
5 vice chancellor for administration and shall meet the following criteria:

6 (1) Provide the commission with evidence of compliance with subsection (b), section four,
7 article four of this chapter;

8 (2) Teach in a subject area of critical need or in a school or geographic area of critical need
9 full time under contract with a county board for a period of two school years for each year for which
10 loan assistance is received pursuant to this article. The vice chancellor for administration may grant
11 a partial award to an eligible recipient whose contract term is for less than a full school year pursuant
12 to criteria established by commission rule.

13 (3) Acknowledge that an award is to be paid to the recipient's ~~educational~~ student loan
14 institution, not directly to the recipient, only after the commission determines that the recipient has
15 complied with all terms of the agreement; and

16 (4) Repay all or part of an award received pursuant to this article if the award is not paid to
17 the ~~educational~~ student loan institution or if the recipient does not comply with the other terms of
18 the agreement.

19 (b) Each loan agreement shall disclose fully the terms and conditions under which an award
20 may be granted pursuant to this article and under which repayment may be required. The agreement
21 also is subject to and shall include the terms and conditions established by section five, article four
22 of this chapter.

1 **§18C-4A-3. Amount and duration of loan assistance; limits.**

2 (a) Each award recipient is eligible to receive loan assistance of up to ~~\$2,000~~ \$3,000 annually
3 subject to limits set forth in subsection (b) of this section:

4 (1) If the recipient has taught ~~math or science~~ for a full school year under contract with a
5 county board in a subject area of critical need or in a school or geographic area of critical need; and

6 (2) If the recipient otherwise has complied with the terms of the agreement and with
7 applicable provisions of this article and article four of this chapter, and any rules promulgated
8 pursuant thereto.

9 (b) The recipient is eligible for renewal of loan assistance only during the periods when the
10 recipient is under contract with a county board to teach in a subject area of critical need or in a
11 school or geographic area of critical need, and complies with other criteria and conditions established
12 by rule, except that a teacher who is teaching under a contract in a position that no longer meets the
13 definition of critical need under rules established in accordance with section one, article four of this
14 chapter is eligible for renewal of loan assistance until the teacher leaves his or her current position.

15 (c) No recipient may receive loan assistance pursuant to this article which accumulates in
16 excess of \$15,000.

NOTE: The purpose of this bill is to establish critical need alternative teaching certificates, provide for the requirements to obtain such a certificate and provide criteria for the renewal of such certificates. The bill also expands the availability of the Underwood-Smith Teacher Loan Assistance Program, and increases the annual amount of assistance available from \$2,000 to \$3,000.

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

§18A-3-1d is new; therefore, it has been completely underscored.