

# H. B. 2645

---

(BY DELEGATE(S) MR. SPEAKER (MR. ARMSTEAD)  
AND MILEY)

**[BY REQUEST OF THE GOVERNOR'S OFFICE]**

---

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

---

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 Teacher Loan Assistance Program.

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

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

## **CHAPTER 18A. SCHOOL PERSONNEL.**

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

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

- 1        (a) The State Superintendent may issue a critical need
- 2        alternative teaching certificate to endorse a candidate to serve as

3 teacher of record for a specific instructional field identified as a  
4 critical need pursuant to subsection (b) of this section.

5 (b) The critical need alternative teaching certificate is only  
6 valid for the purposes of allowing the certificate holder to teach  
7 in subject areas, public schools or geographic areas of the state  
8 in which the state board determines that a critical teacher  
9 shortage exists: *Provided*, That a certified teacher shall be given  
10 preference to fill any position identified as a critical need over a  
11 person holding a critical need alternative teaching certificate.  
12 The state board shall establish criteria and procedures for  
13 identifying critical teacher shortages in subject areas, public  
14 schools and geographic areas of the state. In establishing the  
15 criteria and procedures, the state board shall communicate with  
16 the Higher Education Policy Commission as it establishes its  
17 criteria and procedures for identifying critical teacher shortages  
18 for the purposes of the Underwood-Smith Teacher Scholarship  
19 and Loan Assistance Fund pursuant to section one, article four,  
20 chapter eighteen-c of this code.

21 (c) The critical need alternative teaching certificate is issued  
22 for two years and may be renewed for additional one-year

23 periods thereafter. The critical need alternative teaching  
24 certificate is equivalent to a professional teaching certificate for  
25 the purpose of issuing a continuing contract, and for the purposes  
26 of being designated a highly qualified teacher under the No  
27 Child Left Behind Act.

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

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

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

40 (B) Taught full-time in a private school, parochial or other  
41 school approved for the instruction of students of compulsory  
42 school age pursuant to section one, article eight, chapter eighteen

43 of this code, for at least three years in a related subject area for  
44 which certification is being sought; or

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

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

52 (3) Meet the proficiency score or scores on the state  
53 competency exam or exams in content or qualify for an  
54 exemption pursuant to section 10.1.b.3.F.2 of state board policy  
55 5202 in the area for which he or she is seeking certification or  
56 provide acceptable documentation or related life experiences to  
57 the entity providing the program for those content areas that do  
58 not have a required competency exam;

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

61 (5) Complete a West Virginia State Police and Federal  
62 Bureau of Investigation criminal history record check and give

63 written consent to the West Virginia Department of Education  
64 pursuant to section ten, article three, chapter eighteen-a of this  
65 code and state board rules.

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

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

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

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

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

80 (ii) A master teacher, mentor, academic coach, or other  
81 individual employee or professional used to provide support,  
82 supervision, professional development or training to other

83 employees pursuant to the comprehensive system of support  
84 required by section three, article three-c of this chapter; and

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

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

90 (3) The professional support team shall submit a written  
91 evaluation of the teacher certified under this section to the  
92 county superintendent at the conclusion of the teacher's first and  
93 second year of teaching. The written evaluations shall be in a  
94 form specified by the county superintendent and submitted on a  
95 date specified by the county superintendent. The evaluations  
96 shall report the progress of the critical need alternative teacher  
97 toward meeting the requirements of the training and support  
98 program, and all final decisions on the progress of the teacher  
99 and recommendations rest with the principal. The written  
100 evaluation required by this subdivision is in addition to the  
101 evaluation required pursuant to section two, article three-c of this  
102 chapter.

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

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

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

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

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



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

128 (5) Receives the recommendation of the county  
129 superintendent of the county in which the applicant is employed.

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

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

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

4 section, the state superintendent may issue the following  
5 certificates valid in the public schools of the state:

6 (a) *Professional teaching certificates.* —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45       (b) *Alternative program teacher certificate.* — An  
46 alternative program teacher certificate may be issued to a  
47 candidate who is enrolled in an alternative program for the  
48 education of teachers in accordance with the provisions of  
49 section one-a of this article.

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

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

55       (c) *Critical need alternative teaching certificate.* — A  
56 critical need alternative teaching certificate may be issued to a  
57 candidate in accordance with the provisions of section one-d of  
58 this article.

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

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

63       (⊖) (d) *Professional administrative certificate.* —

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

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

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

74 (ii) Has successfully completed education and training in  
75 evaluation skills through the center for professional  
76 development, or equivalent education and training in evaluation  
77 skills approved by the state board, and

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

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

82 (3) The initial professional administrative certificate is  
83 issued provisionally for a period of five years. This certificate  
84 may be converted to a professional administrative certificate

85 valid for five years or renewed, subject to the regulations of the  
86 state board.

87 ~~(d)~~ (e) *Paraprofessional certificate*. — A paraprofessional  
88 certificate may be issued to a person who meets the following  
89 conditions:

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

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

97 ~~(e)~~ (f) *Other certificates; permits*. —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

26       (d) The vice chancellor for administration shall make  
27 available program application forms to public and private

28 schools in the state via the commission and the State Department  
29 of Education's websites and in other locations convenient to  
30 potential applicants.

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

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

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

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

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

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

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

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

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

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

8 (2) If the recipient otherwise has complied with the terms of  
9 the agreement and with applicable provisions of this article and

10 article four of this chapter, and any rules promulgated pursuant  
11 thereto.

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

22 (c) No recipient may receive loan assistance pursuant to this  
23 article which accumulates in 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.