

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4036**

BY DELEGATES PERRY, LYNCH, COOPER, ROMINE, ROWAN,

DUKE, PERDUE AND MORGAN

[Introduced January 18, 2016; Referred  
to the Committee on Education.]

1 A BILL to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating  
 2 to restoring language that gives preference to currently employed certified professional  
 3 educators when hiring athletic coaches or coaches of other extracurricular activities in  
 4 public schools.

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

1 That §18A-3-2a of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

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

**§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 professional educators adopted  
 2 pursuant to section one of this article and subject to the limitations and conditions of that section,  
 3 the state superintendent may issue the following certificates valid in the public schools of the  
 4 state:

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

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

8 (A) Holds at least a bachelors degree from a regionally accredited institution of higher  
 9 education, and

10 (i) Has passed appropriate state board approved basic skills and subject matter tests in  
 11 the area for which licensure is being sought; and

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

14 (iii) Has met equivalent standards at institutions in other states; or

15 (iv) Has completed three years of successful teaching experience within the last seven  
16 years under a license issued by another state in the area for which licensure is being sought; or

17 (v) Has completed an alternative program approved by another state; or

18 (B) Holds at least a bachelors degree from an accredited institution of higher education;

19 and

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

21 (ii) Has completed an alternative program for teacher education as provided in this article;

22 and

23 (iii) Is recommended for a certificate in accordance with the provisions of section one-i of  
24 this article relating to the program; and

25 (iv) Is recommended by the state superintendent based on documentation submitted.

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

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

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

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

33 (b) *Alternative program teacher certificate.* -- An alternative program teacher certificate  
34 may be issued to a candidate who is enrolled in an alternative program for teacher education  
35 approved by the state board.

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

38 (2) The certificate is valid while the candidate is enrolled in the alternative program, up to  
39 a maximum of three years, and may not be renewed.

40 (c) *Professional administrative certificate.* --

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

45 (A) Holds at least a masters degree from an institution of higher education accredited to  
46 offer a masters degree; and

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

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

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

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

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

58 (d) *Paraprofessional certificate.* -- A paraprofessional certificate may be issued to a person  
59 who meets the following conditions:

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

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

64 (e) *Other certificates; permits.* --

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

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

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

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

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

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

81 (B) The person completes an orientation program designed and approved in accordance  
82 with state board rules.

83 (C) A currently employed certified professional educator has not applied for the position.

84 (f) *Teacher-In-Residence Permit.* --

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

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

NOTE: The purpose of this bill is to restore language to the code that gives a preference to currently employed certified professional educators when hiring athletic coaches or coaches of other extracurricular activities in public schools.

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