

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 4407**

BY DELEGATES ESPINOSA, STATLER, KELLY, BLAIR,  
HIGGINBOTHAM, ATKINSON, WALTERS AND MR. SPEAKER

(MR. ARMSTEAD)

[Originating in the Committee on Education;

February 7, 2018.]



1 A BILL to amend and reenact §18A-3-1f of the Code of West Virginia, 1931, as amended, relating  
2 to eligibility for alternative program teacher certificate; removing eligibility requirement to  
3 have academic major or occupational area the same as or similar to subject matter being  
4 hired to teach; and adding English Sign Language option to eligibility provisions for  
5 alternative program in American Sign Language.

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

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

**§18A-3-1f. Alternative program participation; eligibility for alternative program certificate;  
contract renewals; hiring preference.**

1 (a) *Alternative program participation.* – A person may not participate in an alternative  
2 program unless he or she holds an alternative program teacher certificate issued by the state  
3 superintendent for the alternative program position in which he or she will be teaching. An  
4 alternative program teacher certificate is the same as a professional teaching certificate for the  
5 purpose of issuing a continuing contract.

6 (b) *Eligibility for alternative program teacher certificate.* – To be eligible for an alternative  
7 program teacher certificate, a person shall:

8 (1) Possess at least a bachelor's degree from a regionally accredited institution of higher  
9 education;

10 (2) Pass the same basic skills and subject matter test or tests required by the state board  
11 for traditional program candidates to become certified in the area for which he or she is seeking  
12 licensure;

13 (3) Hold United States citizenship;

14 (4) Be of good moral character;

15 (5) Be physically, mentally, and emotionally qualified to perform the duties of a teacher;

16 (6) Attain the age of 18 years on or before October 1 of the year in which the alternative  
17 program teacher certificate is issued;

18 (7) Receive from a county superintendent a formal offer of employment in an area of critical  
19 need and shortage and by a school or school district that is a member of an approved educational  
20 provider; and

21 ~~(8) Have relevant academic or occupational qualifications that reasonably indicate that the~~  
22 ~~person will be competent to fill the teaching position in which he or she would be employed. For~~  
23 ~~the purposes of this section, "reasonably indicate" means an academic major or occupational~~  
24 ~~area the same as or similar to the subject matter to which the alternative program teacher is being~~  
25 ~~hired to teach; and~~

26 ~~(9)~~ (8) Qualify for employment after a criminal history check made pursuant to §18A-3-10  
27 of this code.

28 (c) *Eligibility for alternative program certificate: American Sign Language and English Sign*  
29 *language.* – If a person seeks certification to teach American Sign Language or English Sign  
30 Language, in lieu of subdivisions (1) and (2), subsection (b) of this section, he or she shall pass  
31 one or more appropriate state board approved tests demonstrating his or her proficiency in  
32 American Sign Language or English Sign Language.

33 (d) *Eligibility for alternative program certificate: selected vocational and technical areas.* –  
34 If a person seeks certification to teach in selected vocational and technical areas, in lieu of  
35 subdivisions (1) and (2), subsection (b) of this section, he or she shall pass one or more  
36 appropriate state board approved tests demonstrating his or her proficiency in the basic skills and  
37 occupational content areas.

38 (e) *Contract renewals.* –

39 (1) A county board shall renew an alternative program teacher's contract from year to year  
40 as long as he or she makes satisfactory progress in the applicable alternative education program

41 and until he or she completes the alternative program, except as provided in subdivision (2) of  
42 this subsection.

43 (2) If the school or school district that employs the alternative program teacher reduces its  
44 overall number of teachers, the alternative program teacher is subject to the same force reduction  
45 rules and procedures as any other employee, except those that relate to seniority. In no event will  
46 an alternative program teacher displace a professional educator as defined in §18A-1-1 of this  
47 code.

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