

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**ENROLLED**

## **House Bill 4804**

BY DELEGATES ELLINGTON, ESPINOSA, COWLES,  
HOUSEHOLDER, ATKINSON, HARDY, HIGGINBOTHAM,  
BIBBY AND C. THOMPSON

[Passed March 7, 2020; in effect ninety days from passage.]



1 AN ACT to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and  
2 to amend and reenact §18A-3C-3 of said code, all relating to comprehensive systems of  
3 support for teacher and leader induction and professional growth; providing for retention  
4 of \$100,000 of school aid funds for comprehensive systems of support, each year for five-  
5 year period, for use by department of education to assist county boards in design and  
6 implementation of teacher leader framework to accomplish teacher induction and growth  
7 aspects of comprehensive system; clarifying intent of comprehensive systems of support  
8 includes meaningful assistance for beginning teachers and leaders; authorizing state  
9 board guidelines for design and implementation of comprehensive systems to include  
10 design and implementation of teacher leader framework; clarifying references to  
11 appropriations supporting county-level implementation of comprehensive systems of  
12 support; removing prohibition on specific level of compensation guarantee to employee  
13 service or employment as mentor; authorizing county board adoption of teacher leader  
14 framework to accomplish purposes of section for teacher induction and professional  
15 growth and apply appropriations to support county salary supplement if adopted and  
16 meeting qualifications specified for teacher duties; requiring department to assist county  
17 boards with design and implementation of teacher leader framework; stating goals of  
18 framework; authorizing formation of networks of schools or systems or both for design and  
19 implementation of frameworks with certain objectives; providing minimum components of  
20 teacher leader frameworks adopted by county boards; and requiring Legislative Oversight  
21 Commission on Education Accountability to review the progress of the implementation of  
22 the comprehensive systems of support for teacher and leader induction and professional  
23 growth.

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

## CHAPTER 18. EDUCATION.

### ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

#### **§18-9A-10. Foundation allowance to improve instructional programs, instructional technology, and teacher and leader induction and professional growth.**

1 (a) The total allowance to improve instructional programs and instructional technology is  
2 the sum of the following:

3 (1) For instructional improvement, in accordance with county and school electronic  
4 strategic improvement plans required by §18-2E-5 of this code, an amount equal to 10 percent of  
5 the increase in the local share amount for the next school year shall be added to the amount of  
6 the appropriation for this purpose for the immediately preceding school year. The sum of these  
7 amounts shall be allocated to the counties as follows:

8 (A) One hundred fifty thousand dollars shall be allocated to each county; and

9 (B) Allocation to the counties of the remainder of these funds shall be made proportional  
10 to the average of each county's average daily attendance for the preceding year and the county's  
11 second month net enrollment.

12 Moneys allocated by this subdivision shall be used to improve instructional programs  
13 according to the county and school strategic improvement plans required by §18-2E-5 of this code  
14 and approved by the state board.

15 Up to 50 percent of this allocation for the improvement of instructional programs may be  
16 used to employ professional educators and service personnel in the county. Prior to the use of  
17 any funds from this subdivision for personnel costs, the county board must receive authorization  
18 from the State Superintendent. The State Superintendent shall require the county board to  
19 demonstrate: (1) The need for the allocation; (2) efficiency and fiscal responsibility in staffing; (3)  
20 sharing of services with adjoining counties in the use of the total local district board budget; and  
21 (4) employment of technology integration specialists to meet the needs for implementation of the

22 West Virginia Strategic Technology Learning Plan. County boards shall make application for the  
23 use of funds for personnel for the next fiscal year by May 1 of each year. On or before June 1,  
24 the State Superintendent shall review all applications and notify applying county boards of the  
25 approval or disapproval of the use of funds for personnel during the fiscal year appropriate. The  
26 State Superintendent shall require the county board to demonstrate the need for an allocation for  
27 personnel based upon the county's inability to meet the requirements of state law or state board  
28 policy.

29 The funds available for personnel under this subdivision may not be used to increase the  
30 total number of professional noninstructional personnel in the central office beyond four.

31 The plan shall be made available for distribution to the public at the office of each affected  
32 county board; plus

33 (2) For the purposes of improving instructional technology, an amount equal to 20 percent  
34 of the increase in the local share amount for the next school year shall be added to the amount  
35 of the appropriation for this purpose for the immediately preceding school year. The sum of these  
36 amounts shall be allocated to the counties as follows:

37 (A) Thirty thousand dollars shall be allocated to each county; and

38 (B) Allocation to the counties of the remainder of these funds shall be made proportional  
39 to the average of each county's average daily attendance for the preceding year and the county's  
40 second month net enrollment.

41 Moneys allocated by this subdivision shall be used to improve instructional technology  
42 programs according to the county board's strategic technology learning plan.

43 This allocation for the improvement of instructional technology programs may also be used  
44 for the employment of technology system specialists essential for the technology systems of the  
45 schools of the county to be fully functional and readily available when needed by classroom  
46 teachers. The amount of this allocation used for the employment of technology system specialists  
47 shall be included and justified in the county board's strategic technology learning plan; plus

48           (3) One percent of the state average per pupil state aid multiplied by the number of  
49 students enrolled in dual credit, advanced placement, and international baccalaureate courses,  
50 as defined by the state board, distributed to the counties proportionate to enrollment in these  
51 courses in each county; plus

52           (4) For the purpose of supporting county-level implementation of the comprehensive  
53 systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this  
54 code, an amount equal to 20 percent of the increase in the local share amount for the next school  
55 year shall be added to the amount of the appropriation for this purpose for the immediately  
56 preceding school year. The sum of these amounts shall be allocated to the counties in a manner  
57 established by the state board which takes into account the following factors:

58           (A) The number of full-time-equivalent teachers employed by the county with zero years  
59 of experience;

60           (B) The total number of full-time-equivalent teachers employed by the county with one  
61 year of experience, with two years of experience, and with three years of experience;

62           (C) The number of full-time-equivalent principals, assistant principals, and vocational  
63 administrators employed by the county who are in their first or second year of employment as a  
64 principal, assistant principal, or vocational administrator;

65           (D) The number of full-time-equivalent principals, assistant principals, and vocational  
66 administrators employed by the county who are in their first year in an assignment at a school  
67 with a programmatic level in which they have not previously served as a principal, assistant  
68 principal, or vocational administrator; and

69           (E) Needs identified in the strategic plans for continuous improvement of schools and  
70 school systems including those identified through the performance evaluations of professional  
71 personnel.

72           Notwithstanding any provision of this subsection to the contrary, no county may receive  
73 an allocation for the purposes of this subdivision which is less than the county's total 2016-2017

74 allocation from the Teacher Mentor and Principals Mentorship appropriations to the Department  
75 of Education. Moneys allocated by this subdivision shall be used for implementation of the  
76 comprehensive systems for teacher and leader induction and professional growth pursuant to  
77 §18A-3C-3 of this code. Notwithstanding any provision of this subsection to the contrary, for each  
78 of the five school years beginning with the school year 2020 – 2021 and ending after the school  
79 year 2024 – 2025, from funds to be allocated under this subdivision, \$100,000 shall be retained  
80 by the Department of Education to assist county boards with the design and implementation of a  
81 teacher leader framework to accomplish the teacher induction and professional growth aspects  
82 of their comprehensive systems of support for teacher and leader induction and professional  
83 growth pursuant to §18A-3C-3 of this code; plus

84 (5) An amount not less than the amount required to meet debt service requirements on  
85 any revenue bonds issued prior to January 1, 1994, and the debt service requirements on any  
86 revenue bonds issued for the purpose of refunding revenue bonds issued prior to January 1,  
87 1994, shall be paid by the Department of Education in accordance with the expenditure schedule  
88 approved by the state budget office into the School Building Capital Improvements Fund created  
89 by §18-9D-6 of this code and shall be used solely for the purposes of that article. The School  
90 Building Capital Improvements Fund shall not be utilized to meet the debt services requirement  
91 on any revenue bonds or revenue refunding bonds for which moneys contained within the School  
92 Building Debt Service Fund have been pledged for repayment pursuant to that section.

93 (b) Notwithstanding the restrictions on the use of funds pursuant to subdivisions (1) and  
94 (2), subsection (a) of this section, a county board may:

95 (1) Utilize up to 25 percent of the allocation for the improvement of instructional programs  
96 in any school year for school facility and equipment repair, maintenance, and improvement or  
97 replacement and other current expense priorities and for emergency purposes. The amount of  
98 this allocation used for any of these purposes shall be included and justified in the county and  
99 school strategic improvement plans or amendments thereto; and

100 (2) Utilize up to 50 percent of the allocation for improving instructional technology in any  
101 school year for school facility and equipment repair, maintenance, and improvement or  
102 replacement and other current expense priorities and for emergency purposes. The amount of  
103 this allocation used for any of these purposes shall be included and justified in the county board's  
104 strategic technology learning plan or amendments thereto.

105 (c) When the school improvement bonds secured by funds from the School Building  
106 Capital Improvements Fund mature, the State Board of Education shall annually deposit an  
107 amount equal to \$24 million from the funds allocated in this section into the School Construction  
108 Fund created pursuant to the provisions of §18-9D-6 of this code to continue funding school facility  
109 construction and improvements.

110 (d) Any project funded by the School Building Authority shall be in accordance with a  
111 comprehensive educational facility plan which must be approved by the state board and the  
112 School Building Authority.

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

### **ARTICLE 3C. IMPROVING TEACHING AND LEARNING.**

#### **§18A-3C-3. Comprehensive system for teacher and leader induction and professional growth.**

1 (a) The intent of the Legislature is to allow for local-level implementation of comprehensive  
2 systems of support for building professional practice consistent with sound educational practices  
3 and resources available. In this regard, it is the intent of the Legislature that the comprehensive  
4 systems of support shall incorporate support for improved professional performance that begins  
5 with meaningful assistance for beginning teachers and leaders and also is targeted on  
6 deficiencies identified through the educator personnel evaluation process and other professional  
7 development needs identified in the strategic plans for continuous improvement of schools and  
8 school systems. Further, because of significant variability among the counties, not only in the size



9 of their teaching force, distribution of facilities and available resources, but also because of their  
10 varying needs, the Legislature intends for the implementation of this section to be accomplished  
11 in a manner that provides adequate flexibility to the counties to design and implement a  
12 comprehensive system of support for improving professional performance that best achieves the  
13 goals of this section within the county. Finally, because of the critical importance of ensuring that  
14 all teachers perform at the accomplished level or higher in the delivery of instruction that at least  
15 meets the West Virginia Professional Teaching Standards and because achieving this objective  
16 at a minimum entails providing assistance to address the needs as indicated by the data informed  
17 results of annual performance evaluations, including the self-assessed needs of the teachers  
18 themselves, the Legislature expects the highest priority for county and state professional  
19 development will be on meeting these needs and that the comprehensive systems of support for  
20 improving professional practice will reflect substantial redirection of existing professional  
21 development resources toward this highest priority.

22 (b) On or before July 1, 2018, the state board shall publish guidelines on the design and  
23 implementation of a county-level comprehensive system of support for improving professional  
24 practice. The purpose of the guidelines is to assist the county board with the design and  
25 implementation of a system that best achieves the goals of this section within the county. The  
26 guidelines may include examples of best practices and resources available to county boards to  
27 assist them with the design and implementation of a comprehensive system of support and may  
28 include guidelines for the design and implementation of a teacher leader framework committed to  
29 improving the quality of instruction.

30 (c) Effective for the school year beginning July 1, 2018, and thereafter, a county board is  
31 not eligible to receive state funding appropriated for the purposes of this section or any other  
32 provision of law related to beginning teacher and principal internships and mentor teachers and  
33 principals unless it has adopted a plan for implementation of a comprehensive system of support  
34 for improving professional practice, the plan has been verified by the state board as meeting the

35 requirements of this section and the county is implementing the plan. The plan shall address the  
36 following:

37 (1) The manner in which the county will provide the strong school-based support and  
38 supervision that will assist beginning teachers in developing instructional and management  
39 strategies, procedural and policy expertise, and other professional practices they need to be  
40 successful in the classroom and perform at the accomplished level. Nothing in this subdivision  
41 prohibits a school or school system that was granted an exception or waiver from §18A-3-2c of  
42 this code prior to the effective date of this section from continuing implementation of the program  
43 in accordance with the exception or waiver;

44 (2) The manner in which the county will provide the strong support and supervision that  
45 will assist beginning principals in developing instructional leadership, supervisory, and  
46 management strategies, procedural and policy expertise, and other professional practices they  
47 need to be successful in leading continuous school improvement and performing at the  
48 accomplished level or above;

49 (3) The manner in which the county in cooperation with the teacher preparation programs  
50 in this state will provide strong school-based support and assistance necessary to make student  
51 teaching a productive learning experience;

52 (4) The manner in which the county will use the data from the educator performance  
53 evaluation system to serve as the basis for providing professional development specifically  
54 targeted on the area or areas identified through the evaluation process as needing improvement.  
55 If possible, this targeted professional development should be delivered at the school site using  
56 collaborative processes, mentoring or coaching or other approaches that maximize use of the  
57 instructional setting;

58 (5) The manner in which the county will use the data from the educator performance  
59 evaluation system to serve as the basis for establishing priorities for the provision of county-level

60 professional development when aggregate evaluation data from the county's schools indicates  
61 an area or areas of needed improvement;

62 (6) If a county uses master teachers, mentors, academic coaches, or any other  
63 approaches using individual employees to provide support, supervision, or other professional  
64 development or training to other employees for the purpose of improving their professional  
65 practice, the manner in which the county will select each of these individual employees based  
66 upon demonstrated superior performance and competence as well as the manner in which the  
67 county will coordinate support for these employees. If the duties of the position are to provide  
68 mentoring to an individual teacher at only one school, then priority shall be given to applicants  
69 employed at the school at which those duties will be performed;

70 (7) The manner in which the county will use local resources available, including, but not  
71 limited to, funds for professional development and academic coaches, to focus on the priority  
72 professional development goals of this section;

73 (8) The manner in which the county will adjust its scheduling, use of substitutes,  
74 collaborative planning time, calendar, or other measures as may be necessary to provide  
75 sufficient time for professional personnel to accomplish the goals of this section as set forth in the  
76 county's plan; and

77 (9) The manner in which the county will monitor and evaluate the effectiveness of  
78 implementation and outcomes of the county system of support for improving professional practice.

79 (d) Effective the school year beginning July 1, 2020, and thereafter, appropriations for  
80 supporting county level implementation of the comprehensive systems of support for teacher and  
81 leader induction and professional growth pursuant to §18-9A-10 of this code and any new  
82 appropriation which may be made for the purposes of this section shall be expended by county  
83 boards only to accomplish the activities as set forth in their county plan pursuant to this section.  
84 Effective the school year beginning July 1, 2020, and thereafter, any employee service or  
85 employment as a mentor is not subject to the provisions of this code governing extra duty

86 contracts. A county board may adopt a teacher leader framework designed to accomplish the  
87 purposes of this section related to teacher induction and professional growth and, if the county  
88 board adopts a county salary supplement pursuant to §18A-4-5a of this code to provide additional  
89 compensation to teachers who, in addition to teaching duties, are assigned other duties for new  
90 teacher induction, improving professional practice and furthering professional growth among  
91 teachers as set forth in the county's comprehensive system of support, then appropriations made  
92 for supporting the purposes of this section may be applied to that salary supplement and other  
93 associated costs which may include a reduction in the teaching load of the teacher leader.

94 (e) The Department of Education shall assist county boards with the design and  
95 implementation of a teacher leader framework to accomplish the teacher induction and  
96 professional growth aspects of their comprehensive systems of support pursuant to this section.

97 The goals of a teacher leader framework are to achieve:

98 (1) Increased student achievement and growth through the development of a shared  
99 leadership structure at the school level;

100 (2) Broader dissemination and use of effective teacher strategies through an increase in  
101 teacher collaboration; and

102 (3) Stronger and more positive school and district culture through the development and  
103 retention of highly effective teachers.

104 (f) The Department of Education may form networks among schools or school systems,  
105 or both, of comparable size and interests for the design and implementation of teacher leader  
106 frameworks that are:

107 (A) Driven by varying district and school needs;

108 (B) Related to existing state and district initiatives;

109 (C) Designed to improve student achievement and growth; and

110 (D) Designed to fit district size, current culture for collaboration, and funding capacity.

111 (g) A teacher leader framework adopted by a county board must:

112           (1) Create specific roles and responsibilities, eligibility requirements, and compensation  
113 plans for each teacher leader position, and clearly communicate these to teacher leaders,  
114 administrators, and other stakeholders;

115           (2) Provide regular, targeted professional learning opportunities for teacher leaders, and  
116 encourage redelivery within their respective schools;

117           (3) Provide time and opportunities for teacher leaders to collaborate with administrators,  
118 curriculum staff, other teacher leaders, and teachers;

119           (4) Monitor and evaluate the effectiveness of the teacher leader program through surveys  
120 from school administrators and school faculty; and

121           (5) Include teacher leaders in the school improvement planning process.

122           (h) The Legislative Oversight Commission on Education Accountability shall review the  
123 progress of the implementation of the comprehensive systems of support for teacher and leader  
124 induction and professional growth and may make any recommendations it considers necessary  
125 to the Legislature during the next regular legislative session.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2020.

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*Governor*