

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3376

By Delegates Ellington, Statler and Toney

[Introduced February 13, 2023; Referred to the
Committee on Education]

1 A BILL to amend and reenact §18A-3-1c and §18A-3-2a of the Code of West Virginia, 1931, as
2 amended, relating to changing the term teacher in residence to clinical teacher of record.

Be it enacted by the Legislature of West Virginia:

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

**§18A-3-1c. Alternative program instruction for classroom teachers; methods; training and
evaluation phases; professional support team; tuition.**

1 (a) *Alternative program instruction.* — An alternative program for classroom teachers shall
2 provide, at a minimum, either six credit hours or six staff development hours of instruction in one or
3 more of the following subjects:

4 (1) Early literacy (if an alternative program teacher will be teaching elementary school
5 children);

6 (2) Student assessment;

7 (3) Development and learning;

8 (4) Curriculum;

9 (5) Classroom management;

10 (6) Use of educational computers and other technology; and

11 (7) Special education and diversity.

12 (b) *Methods of instruction.* — An alternative program may provide instruction through
13 nontraditional methods, including, but not limited to, methods such as a series of modules
14 covering the various topics, electronically delivered instruction, summer sessions, professional
15 development and job-embedded mentoring.

16 (c) *Professional support team.* — If the State Board approves, an alternative program may
17 provide a professional support team whose structure is consistent with the structure that the
18 partnership's participating school or schools use for supporting, supervising, inducting and

19 mentoring a beginning teacher or ~~teacher-in-residence~~ clinical teacher of record. If the State Board
20 approves, an alternative program's professional support team may be trained by and in
21 coordination with the Center for Professional Development.

22 (d) *Professional support team evaluation for classroom teachers.* – The professional
23 support team shall submit a written evaluation of the alternative program teacher to the approved
24 education provider. This evaluation shall be submitted on a form specified by the approved
25 education provider and shall be submitted before the first Monday in May on a date set by the
26 approved education provider. The evaluation shall report the alternative program teacher's
27 progress toward meeting the alternative program's academic and performance standards:
28 *Provided*, That all final decisions on the progress of an alternative program teacher shall rest with
29 the principal.

30 (e) *Tuition.* – A partnership may not charge tuition, or impose any other charge for
31 participation in an alternative program, unless the tuition or other charge is necessary to offset the
32 partnership's cost of providing the alternative program: *Provided*, That a partner that is an
33 institution of higher education with an accredited program for the education of professional
34 educators may charge tuition for academic credit that an alternative education teacher receives in
35 the alternative program if:

- 36 (1) The institution of higher education is the entity that grants the academic credit; and
37 (2) The charge does not exceed the per credit rate charged for students enrolled in its
38 standard program for the education of professional educators.

§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 §18A-3-1 if this code and subject to the limitations and conditions of that section, the
3 State Superintendent may issue the following certificates valid in the public schools of the state:

4 (a) *Professional teaching certificates.* —

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

7 (A) Holds at least a bachelor's degree from a regionally accredited institution of higher
8 education, and:

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

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

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

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

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

17 (B) Holds at least a bachelor's degree from an accredited institution of higher education,
18 and:

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

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

21 and

22 (iii) Is recommended for a certificate in accordance with the provisions of §18A-3-1i of this
23 code relating to the program; and

24 (iv) Is recommended by the State Superintendent based on documentation submitted; or

25 (C) Holds a bachelor's degree from an accredited institution of higher education, and:

26 (i) Submits to a criminal history check pursuant to §18A-3-10 of this code: *Provided*, That
27 information discovered during the criminal history check may form the basis for the denial of a
28 certificate for just cause; and

29 (ii) Successfully completes pedagogical training or a pedagogical course or courses in
30 substantive alignment with nationally recognized pedagogical standards, or approved or
31 established by the state board; and

32 (iii) Passes the same subject matter and competency test or tests required by the state
33 board for traditional program applicants for licensure.

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

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

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

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

41 (4) Teaching certificates granted pursuant to §18A-3-2a(a)(1)(C) of this code shall be
42 equivalent to certificates granted to graduates of teacher preparation programs at public higher
43 education institutions.

44 (b) *Alternative program teacher certificate.* — An alternative program teacher certificate
45 may be issued to a candidate who is enrolled in an alternative program for teacher education
46 approved by the state board.

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

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

51 (c) *Professional administrative certificate.* —

52 (1) A professional administrative certificate, endorsed for serving in the public schools, with
53 specific endorsement as a principal, vocational administrator, supervisor of instructions, or

54 superintendent, may be issued to a person who has completed requirements all to be approved by
55 the state board as follows:

56 (A) Holds at least a master's degree from an institution of higher education accredited to
57 offer a master's degree, and:

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

60 (ii) Has successfully completed education and training in evaluation skills through the
61 Center for Professional Development, or equivalent education and training in evaluation skills
62 approved by the state board; and

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

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

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

69 (d) *Paraprofessional certificate.* — A paraprofessional certificate may be issued to a
70 person who meets the following conditions:

71 (1) Has completed 36 semester hours of post-secondary education or its equivalent in
72 subjects directly related to performance of the job, all approved by the state board; and

73 (2) Demonstrates the proficiencies to perform duties as required of a paraprofessional as
74 defined in §18A-4-8 of this code.

75 (e) *Other certificates; permits.* —

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

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

81 (3) Within the category of other certificates and permits, the State Superintendent may
82 issue certificates for persons to serve in the public schools as athletic coaches or coaches of other
83 extracurricular activities, whose duties may include the supervision of students, subject to the
84 following limitations:

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

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

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

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

93 (f) ~~Teacher-in-residence permit.~~ — Clinical teacher of record permit -

94 (1) A ~~teacher-in-residence~~ clinical teacher of record permit may be issued to a candidate
95 who is enrolled in a ~~teacher-in-residence~~ clinical teacher of record program in accordance with an
96 agreement between an institution of higher education and a county board. The agreement is
97 developed pursuant to §18A-3-1(e) of this code and requires approval by the state board.

98 (2) The permit is valid only for the ~~teacher-in-residence~~ clinical teacher of record program
99 position in which the candidate is enrolled and is subject to enrollment in the program. The permit
100 is valid for no more than one school year and may not be renewed.

101 (g) *Temporary teaching certificates for armed forces spouses.* —

102 (1) A temporary teaching certificate for an armed forces spouse may be issued to an
103 individual who meets the following criteria:

104 (A) He or she is married to a member of the armed forces of the United States who is on
105 active duty;

106 (B) He or she holds a current unencumbered teaching certificate or license issued by an
107 equivalent credentialing department, board, or authority, as determined by the State

108 Superintendent, in another state of the United States, the District of Columbia, Puerto Rico, the
109 United States Virgin Islands, another territory or protectorate of the United States or a foreign
110 country; and

111 (C) He or she provides proof acceptable to the State Superintendent that his or her spouse
112 is assigned to a duty station in this state or at a military installation within 50 air miles of the West
113 Virginia border and that he or she is also assigned to a duty station in this state or at a military
114 installation within 50 air miles of the West Virginia border under his or her spouse's official active
115 duty military orders.

116 (2) The State Superintendent shall deny a temporary teaching certificate to an individual
117 described in paragraph (1) of this subdivision for fraud, material misrepresentation or concealment
118 in the person's application for a temporary teaching certificate or for a conviction for which an
119 individual's teaching certificate may be revoked under §18A-3-6 of this code.

120 (3) A temporary teaching certificate issued under paragraph (1) of this subdivision is valid
121 for one year and may be renewed for additional one-year terms if the State Superintendent
122 determines the individual holding the temporary teaching certificate continues to meet the
123 requirements of paragraph (1) of this subdivision. The State Superintendent may revoke a
124 temporary teaching certificate for a conviction for which an individual's teaching certificate may be
125 revoked under §18A-3-6 of this code.

NOTE: The purpose of this bill is to correct a conflict in WV Code §18A-3-2a resulting from the passage of two bills amending that section in 2021. Both sections are currently printed in the Code but have slightly different provisions. This bill uses the text of the section which contains an alternative pathway for teacher certification passed in 2021 and changes the name of the Teacher in Residence program to Clinical Teacher of Record also passed in 2021. It also makes the name change in a related section.

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