

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Senate Bill 487

By Senators Rucker, Grady, Stover, Deeds, and

Roberts

[Passed March 7, 2024; in effect 90 days from
passage]

1 AN ACT to amend and reenact §18A-3-1 of the Code of West Virginia, 1931, as amended, relating
2 to providing for periodic reviews of required professional development for teachers and
3 education staff.

Be it enacted by the Legislature of West Virginia:

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

**§18A-3-1. Teacher preparation programs; program approval and standards; authority to
issue teaching certificates.**

1 (a) The education of professional educators in the state is under the general direction and
2 control of the state board.

3 The education of professional educators in the state includes all programs leading to
4 certification to teach or serve in the public schools. The programs include the following:

5 (1) Programs in all institutions of higher education, including student teaching, resident
6 teacher clinical experience, and the clinical teacher of record programs, as provided in this
7 section;

8 (2) Beginning teacher and leader induction programs;

9 (3) Granting West Virginia certification to persons who received their preparation to teach
10 outside the boundaries of this state, except as provided in subsection (b) of this section;

11 (4) Alternative preparation programs in this state leading to certification, including
12 programs established pursuant to the provisions of §18A-3-1a, §18A-3-1b, §18A-3-1c, §18A-3-1d,
13 §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h, and §18A-3-1i of this code and programs which are
14 in effect on the effective date of this section; and

15 (5) Continuing professional education, professional development, and in-service training
16 programs for professional educators employed in the public schools in the state. Beginning with
17 school year 2024-2025, and every five years after, the State Board of Education shall perform

18 periodic reviews of professional development for teachers and education staff to ensure the
19 following:

20 (A) That requirements and current training regimens are necessary and truly essential; and

21 (B) That a distinction is made between those professional education opportunities which
22 are required and those just encouraged.

23 (i) The purpose of these reviews shall be to establish a training regimen that has the
24 minimum amount of required training so that teachers can be better focused on the classroom.

25 (ii) School personnel may recommend legislative changes to this section and any other
26 requirements mandated in this code.

27 (b) The state board shall adopt standards for the education of professional educators in the
28 state and for awarding certificates valid in the public schools of this state. The standards include,
29 but are not limited to, the following:

30 (1) A provision for the study of the history and philosophical foundations of western
31 civilization and the writings of the founders of the United States of America;

32 (2) A provision for the study of multicultural education. As used in this section, multicultural
33 education means the study of the pluralistic nature of American society, including its values,
34 institutions, organizations, groups, status positions, and social roles;

35 (3) A provision for the study of classroom management techniques, including methods of
36 effective management of disruptive behavior including addressing societal factors and their impact
37 on student behavior; and

38 (4) A teacher from another state shall be awarded a teaching certificate for a comparable
39 grade level and subject area valid in the public schools of this state, subject to §18A-3-10 of this
40 code if he or she has met the following requirements:

41 (A) Holds a valid teaching certificate or a certificate of eligibility issued by another state;

42 (B) Has graduated from an educator preparation program at a regionally accredited
43 institution of higher education or from another educator preparation program;

44 (C) Possesses the minimum of a bachelor's degree; and

45 (D) Meets all of the requirements of the state for full certification except employment.

46 (c) The state board may enter into an agreement with county boards for the use of the
47 public schools in order to give prospective teachers the teaching experience needed to
48 demonstrate competence as a prerequisite to certification to teach in the West Virginia public
49 schools.

50 (d) An agreement established pursuant to subsection (c) of this section shall recognize
51 student teaching or teacher residency as a joint responsibility of the educator preparation
52 institution and the cooperating public schools. The agreement shall include the following items:

53 (1) The minimum qualifications for the employment of public school teachers selected as
54 supervising teachers, including the requirement that field-based and clinical experiences be
55 supervised by a teacher fully certified in the state in which that teacher is supervising;

56 (2) The remuneration to be paid to public school teachers by the state board, in addition to
57 their contractual salaries, for supervising student teachers or residents;

58 (3) Minimum standards to guarantee the adequacy of the facilities and program of the
59 public school selected for student teaching or teacher residency;

60 (4) Assurance that the student teacher or resident teacher, under the direction and
61 supervision of the supervising teacher, shall exercise the authority of a substitute teacher;

62 (5) A provision requiring any higher education institution with an educator preparation
63 program to document that the student or resident teacher's field-based and clinical experiences
64 include participation and instruction with multicultural, at-risk, and exceptional children at each
65 programmatic level for which the student teacher seeks certification; and

66 (6) A provision authorizing a school or school district that has implemented a
67 comprehensive beginning teacher induction program to enter into an agreement that provides for
68 the training and supervision of student teachers or resident teachers consistent with the
69 educational objectives of this subsection by using an alternate structure implemented for the

70 support, supervision, and mentoring of beginning teachers. The agreement is in lieu of any specific
71 provisions of this subsection and is subject to the approval of the state board.

72 (e) *Clinical teacher of record programs.* —

73 (1) In lieu of the provisions of subsections (c) and (d) of this section and subject to approval
74 of the state board, an institution of higher education with a program for the education of
75 professional educators approved by the state board may enter into an agreement with county
76 boards for the use of clinical teacher of record programs in the public schools.

77 (2) A "clinical teacher of record program" means an intensively supervised and mentored
78 program for prospective teachers during their senior year that refines their professional practice
79 skills and helps them gain the teaching experience needed to demonstrate competence as a
80 prerequisite to certification to teach in the West Virginia public schools.

81 (3) The authorization for the higher education institution and the county board to implement
82 a clinical teacher of record program is subject to state board approval. The provisions of the
83 agreement include, but are not limited to, the following items:

84 (A) A requirement that the prospective teacher in a clinical teacher of record program has
85 completed all other preparation courses and has passed the appropriate basic skills and subject
86 matter test or tests required by the state board for teachers to become certified in the area for
87 which licensure is sought;

88 (B) A requirement that the clinical teacher of record serve only in a teaching position in the
89 county which has been posted and for which no other teacher fully certified for the position has
90 been employed;

91 (C) Specifics regarding the program of instruction for the clinical teacher of record setting
92 forth the responsibilities for supervision and mentoring by the higher education institution's
93 educator preparation program, the school principal, and peer teachers and mentors, and the
94 responsibilities for the formal instruction or professional development necessary for the clinical
95 teacher of record to perfect his or her professional practice skills. The program also may include

96 other instructional items as considered appropriate;

97 (D) A requirement that the clinical teacher of record hold a clinical teacher of record permit
98 qualifying the individual to teach in his or her assigned position as the teacher of record;

99 (E) A requirement that the salary and benefit costs for the position to which the clinical
100 teacher of record is assigned shall be used only for program support and to pay a stipend to the
101 clinical teacher of record as specified in the agreement, subject to the following:

102 (i) The clinical teacher of record is a student enrolled in the teacher preparation program of
103 the institution of higher education and is not a regularly employed employee of the county board;

104 (ii) The clinical teacher of record is included on the certified list of employees of the county
105 eligible for state aid funding the same as an employee of the county at the appropriate level based
106 on their permit and level of experience;

107 (iii) All state aid funding due to the county board for the clinical teacher of record shall be
108 used only in accordance with the agreement with the institution of higher education for support of
109 the program as provided in the agreement, including costs associated with instruction and
110 supervision as set forth in paragraph (C) of this subdivision;

111 (iv) The clinical teacher of record is provided the same liability insurance coverage as other
112 employees; and

113 (v) All state aid funding due to the county for the clinical teacher of record and not required
114 for support of the program shall be paid as a stipend to the clinical teacher of record: *Provided*,
115 That the stipend paid to the clinical teacher of record shall be no less than 65 percent of all state
116 aid funding due the county for the clinical teacher of record;

117 (F) Other provisions that may be required by the state board.

118 (f) In lieu of the student teaching experience in a public school setting required by this
119 section, an institution of higher education may provide an alternate student teaching or residency
120 experience in a nonpublic school setting if the institution of higher education meets the following
121 criteria:

- 122 (1) Complies with the provisions of this section;
- 123 (2) Has a state board-approved educator preparation program; and
- 124 (3) Enters into an agreement pursuant to subsections (g) and (h) of this section.
- 125 (g) At the discretion of the higher education institution, an agreement for an alternate
- 126 student teaching or residency experience between an institution of higher education and a
- 127 nonpublic school shall require one of the following:
- 128 (1) The prospective teacher shall complete at least one-half of the clinical experience in a
- 129 public school; or
- 130 (2) The educator preparation program shall include a requirement that any student
- 131 performing student teaching or residency in a nonpublic school shall complete the following:
- 132 (A) At least 200 clock hours of field-based training in a public school; and
- 133 (B) A course, which is a component of the institution's state board-approved educator
- 134 preparation program, that provides information to prospective teachers equivalent to the teaching
- 135 experience needed to demonstrate competence as a prerequisite to certification to teach in the
- 136 public schools in West Virginia. The course also shall include instruction on at least the following
- 137 elements:
- 138 (i) State board policy and provisions of this code governing public education;
- 139 (ii) Requirements for federal and state accountability, including the mandatory reporting of
- 140 child abuse;
- 141 (iii) Federal and state mandated curriculum and assessment requirements, including
- 142 multicultural education, safe schools, and student code of conduct;
- 143 (iv) Federal and state regulations for the instruction of exceptional students as defined by
- 144 the Individuals with Disabilities Education Act, 20 U.S.C. §1400 *et seq.*; and
- 145 (v) Varied approaches for effective instruction for students who are at-risk.
- 146 (h) In addition to the requirements set forth in subsection (g) of this section, an agreement
- 147 for an alternate student teaching or residency experience between an institution of higher

148 education and a nonpublic school shall include the following:

149 (1) A requirement that the higher education institution with an educator preparation
150 program shall document that the student or resident teacher's field-based and clinical experiences
151 include participation and instruction with multicultural, at-risk, and exceptional children at each
152 programmatic level for which the student teacher seeks certification; and

153 (2) The minimum qualifications for the employment of school teachers selected as
154 supervising teachers, including the requirement that field-based and clinical experiences be
155 supervised by a teacher fully certified in the state in which that teacher is supervising.

156 (i) The state superintendent may issue certificates as provided in §18A-3-2a of this code to
157 graduates of educator preparation programs and alternative educator preparation programs
158 approved by the state board. The certificates are issued in accordance with this section and rules
159 adopted by the state board.

160 (1) A certificate to teach may be granted only to a person who meets the following criteria:

161 (A) Is a citizen of the United States, except as provided in subdivision (2) or (3) of this
162 subsection;

163 (B) Is of good moral character;

164 (C) Is physically, mentally, and emotionally qualified to perform the duties of a teacher; and

165 (D) Is at least 18 years of age on or before October 1 of the year in which his or her
166 certificate is issued.

167 (2) A permit to teach in the public schools of this state may be granted to a person who is
168 an exchange teacher from a foreign country or an alien person who meets the requirements to
169 teach.

170 (3) A certificate to teach may be granted to a noncitizen of the United States who holds a
171 valid Permanent Resident Card, Employment Authorization Document, or work permit issued by
172 the United States Citizenship and Immigration Services.

173 (j) Institutions of higher education approved for educator preparation may cooperate with

174 each other and with one or more county boards to organize and operate centers to provide
175 selected phases of the educator preparation program. The phases include, but are not limited to,
176 the following:

- 177 (1) Student teaching and resident teacher clinical experience programs;
- 178 (2) Clinical teacher of record programs;
- 179 (3) Beginning teacher and leader induction programs;
- 180 (4) Instruction in methodology; and
- 181 (5) Seminar programs for college students, teachers with provisional certification,
182 professional support team members, and supervising teachers.

183 By mutual agreement, the institutions of higher education and county boards may budget
184 and expend funds to operate the centers through payments to the appropriate fiscal office of the
185 participating institutions and the county boards.

186 (k) The provisions of this section do not require discontinuation of an existing student
187 teacher training center or school which meets the standards of the state board.

188 (l) All institutions of higher education approved for educator preparation in the 1962-1963
189 school year continue to hold that distinction so long as they meet the minimum standards for
190 educator preparation. Nothing in this section infringes upon the rights granted to any institution by
191 charter given according to law previous to the adoption of this code.

192 (m) *Definitions.* — For the purposes of this section, the following words have the meanings
193 ascribed to them unless the context clearly indicates a different meaning:

194 (1) "Nonpublic school" means a private school, parochial school, church school, school
195 operated by a religious order, or other nonpublic school that elects to meet the following
196 conditions:

197 (A) Comply with the provisions of §18-28-1 *et seq.* of this code;

198 (B) Participate on a voluntary basis in a state-operated or state-sponsored program
199 provided to this type school pursuant to this section; and

200 (C) Comply with the provisions of this section;

201 (2) "At-risk" means a student who has the potential for academic failure including, but not
202 limited to, the risk of dropping out of school, involvement in delinquent activity, or poverty as
203 indicated by free or reduced lunch status; and

204 (3) "Exceptional child" or "exceptional children" has the meaning ascribed to these terms
205 pursuant to §18-20-1 of this code but, as used in this section, the terms do not include gifted
206 students.