

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 487

BY SENATORS RUCKER, GRADY, STOVER, DEEDS, AND

ROBERTS

[Introduced January 18, 2024; referred
to the Committee on Education]

1 A BILL 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-
13 1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h, and §18A-3-1i of this code and programs which
14 are 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 10 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;

21 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

67 (6) A provision authorizing a school or school district that has implemented a
68 comprehensive beginning teacher induction program to enter into an agreement that provides for

69 the training and supervision of student teachers or resident teachers consistent with the
70 educational objectives of this subsection by using an alternate structure implemented for the
71 support, supervision, and mentoring of beginning teachers. The agreement is in lieu of any
72 specific provisions of this subsection and is subject to the approval of the state board.

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

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

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

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

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

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

92 (C) Specifics regarding the program of instruction for the clinical teacher of record setting
93 forth the responsibilities for supervision and mentoring by the higher education institution's
94 educator preparation program, the school principal, and peer teachers and mentors, and the

95 responsibilities for the formal instruction or professional development necessary for the clinical
96 teacher of record to perfect his or her professional practice skills. The program also may include
97 other instructional items as considered appropriate;

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

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

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

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

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

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

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

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

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

- 124 (1) Complies with the provisions of this section;
- 125 (2) Has a state board-approved educator preparation program; and
- 126 (3) Enters into an agreement pursuant to subsections (g) and (h) of this section.

127 (g) At the discretion of the higher education institution, an agreement for an alternate
128 student teaching or residency experience between an institution of higher education and a
129 nonpublic school shall require one of the following:

130 (1) The prospective teacher shall complete at least one-half of the clinical experience in a
131 public school; or

132 (2) The educator preparation program shall include a requirement that any student
133 performing student teaching or residency in a nonpublic school shall complete the following:

134 (A) At least 200 clock hours of field-based training in a public school; and

135 (B) A course, which is a component of the institution's state board-approved educator
136 preparation program, that provides information to prospective teachers equivalent to the teaching
137 experience needed to demonstrate competence as a prerequisite to certification to teach in the
138 public schools in West Virginia. The course also shall include instruction on at least the following
139 elements:

140 (i) State board policy and provisions of this code governing public education;

141 (ii) Requirements for federal and state accountability, including the mandatory reporting of
142 child abuse;

143 (iii) Federal and state mandated curriculum and assessment requirements, including
144 multicultural education, safe schools, and student code of conduct;

145 (iv) Federal and state regulations for the instruction of exceptional students as defined by
146 the Individuals with Disabilities Education Act, 20 U.S.C. §1400 *et seq.*; and

147 (v) Varied approaches for effective instruction for students who are at-risk.

148 (h) In addition to the requirements set forth in subsection (g) of this section, an agreement
149 for an alternate student teaching or residency experience between an institution of higher
150 education and a nonpublic school shall include the following:

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

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

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

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

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

165 (B) Is of good moral character;

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

167 and

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

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

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

176 (j) Institutions of higher education approved for educator preparation may cooperate with
177 each other and with one or more county boards to organize and operate centers to provide
178 selected phases of the educator preparation program. The phases include, but are not limited to,
179 the following:

180 (1) Student teaching and resident teacher clinical experience programs;

181 (2) Clinical teacher of record programs;

182 (3) Beginning teacher and leader induction programs;

183 (4) Instruction in methodology; and

184 (5) Seminar programs for college students, teachers with provisional certification,
185 professional support team members, and supervising teachers.

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

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

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

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

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

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

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

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

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

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