

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4122**

5 (By Delegates Perry, Shaver, Campbell, Lawrence, Pethtel,  
6 Armstead, Duke, Savilla, Sigler, Paxton and M. Poling)  
7

8 [Passed March 2, 2012; in effect ninety days from passage.]

9  
10 AN ACT to amend and reenact §18A-3-1a and §18A-3-1b of the Code of  
11 West Virginia, 1931, as amended; and to amend said code by  
12 adding thereto a new section, designated §18A-3-12, all  
13 relating to alternative programs for teacher education;  
14 providing definitions; including entity affiliated with  
15 approved teacher education programs to be a partner in  
16 offering programs; defining approved education provider;  
17 modifying definition of area of critical need and shortage;  
18 generally reorganizing section, updating terms and eliminating  
19 duplicative language; modifying alternative program teacher  
20 certificate requirements; eliminating requirement to post  
21 position of alternative program teacher each year prior to  
22 rehiring; authorizing alternative methods of instructional  
23 delivery and candidate supervision and modifying existing  
24 methods; modifying professional support team provisions;

1 modifying reporting and recommendation requirements; requiring  
2 certain legislative rules; and requiring teacher education  
3 programs to cooperate with the state board to ensure that  
4 certain assistance is provided to help students pursuing a  
5 teaching degree and certified teachers attain the required  
6 hours to earn a Technology Integration Specialist Advanced  
7 Credential.

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

9 That §18A-3-1a and §18A-3-1b of the Code of West Virginia,  
10 1931, as amended, be amended and reenacted; and that said code be  
11 amended by adding thereto a new section, designated §18A-3-12, all  
12 to read as follows:

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

15 **§18A-3-1a. Alternative programs for the education of teachers;**  
16 **legislative rules required.**

17 (a) *Definitions.* -- For the purposes of this section, the  
18 following terms have the meaning ascribed to them, unless the  
19 context in which a term is used clearly requires a different  
20 meaning:

21 (1) "Alternative program teacher certificate" means a  
22 certificate issued for one year to a candidate who does not meet  
23 the standard educational requirements for teacher certification;

1           (2) "Approved education provider" means a partnership between  
2 one or more schools, school districts or regional educational  
3 service agencies and an institution of higher education in this  
4 state with a regionally accredited program for the education of  
5 professional educators approved by the state board or an entity  
6 affiliated with such an institution's approved program, that has  
7 submitted to the state board a plan and agreement between the  
8 organizations for the delivery of an alternative program in  
9 accordance with this section, and the state board has approved the  
10 plan and agreement; and

11           (3) "Area of critical need and shortage" means an opening in  
12 an established, existing or newly-created position which has been  
13 posted at least two times in accordance with section seven-a,  
14 article four of this chapter and for which no fully-qualified  
15 applicant has been employed.

16           (b) *Establishment of alternative teacher education programs.*  
17 -- After consultation with the Secretary of Education and the Arts  
18 and the Chancellor of the Higher Education Policy Commission, the  
19 state board shall promulgate a legislative rule or rules in  
20 accordance with article three-b, chapter twenty-nine-a of this code  
21 to implement the provisions of this section. The proposed rule or  
22 rules shall be submitted to the Legislative Oversight Commission on  
23 Education Accountability for review prior to adoption. The rule or

1 rules shall include, but are not limited to, the following issues:

2 (1) Separate procedures for the approval and operation of each  
3 of the alternative teacher education programs as provided in this  
4 section:

5 (A) These programs are an alternative to the regular college  
6 or university programs for the education of teachers and may only  
7 be offered by approved education providers; and

8 (B) Each program is separate from other programs established  
9 by this section;

10 (2) Procedures for approving an approved education provider as  
11 defined in this section. Approval is required prior to  
12 implementation the provider's program leading to certification to  
13 teach in the public schools of this state;

14 (3) An alternative program teacher may not be employed in a  
15 school, school district or regional educational service agency  
16 unless the school, school district or regional educational service  
17 agency is a part of a partnership that qualifies as an approved  
18 education provider as defined in subsection (a) of this section;

19 (4) Provisions for setting tuition charges to offset program  
20 costs;

21 (5) The recommendation to rehire an alternative education  
22 program teacher, is subject to satisfactory progress in the  
23 applicable alternative education program by the holder of the

1 alternative program certificate; and

2 (6) When making decisions affecting the hiring of a teacher  
3 authorized to teach under an alternative program certificate as  
4 provided in this section, a county board shall give preference to  
5 applicants who hold a valid West Virginia professional teaching  
6 certificate.

7 (c) *Alternative teacher education program.* --

8 (1) To participate in an approved alternative teacher  
9 education program, the candidate must hold an alternative program  
10 teacher certificate issued by the state superintendent and endorsed  
11 for the instructional field in which the candidate seeks  
12 certification.

13 (2) The certificate may be renewed twice and no individual may  
14 hold an alternative program teacher certificate for a period  
15 exceeding three years. The alternative program teacher certificate  
16 is equivalent to a professional teaching certificate for the  
17 purpose of issuing a continuing contract.

18 (3) To be eligible for an alternative program teacher  
19 certificate, an applicant shall meet the following criteria:

20 (A) Possess at least a bachelor's degree from a regionally  
21 accredited institution of higher education in a discipline taught  
22 in the public schools.

23 (B) Pass the same basic skills and subject matter test or

1 tests required by the state board for traditional program  
2 candidates to become certified in the area for which licensure is  
3 being sought;

4 (C) Hold United States citizenship; be of good moral character  
5 and be physically, mentally and emotionally qualified to perform  
6 the duties of a teacher;

7 (D) Attain the age of eighteen years on or before October 1 of  
8 the year in which the alternative program teacher certificate is  
9 issued;

10 (E) Receive a formal offer of employment in an area of  
11 critical need and shortage from a county superintendent;

12 (F) Qualify for employment following a criminal history check  
13 pursuant to section ten of this article;

14 (G) In the case of an applicant pursuing certification to  
15 teach American Sign Language, in lieu of paragraphs (A) and (B) of  
16 this subdivision, the applicant shall possess at least a bachelor's  
17 degree from a regionally accredited institution of higher education  
18 and pass an appropriate state board approved test or tests  
19 demonstrating the applicant's proficiency in American Sign  
20 Language; and

21 (H) In the case of applicants who have at least four years of  
22 experience in the subject field and are pursuing certification to  
23 teach in selected vocational and technical areas, in lieu of

1 paragraphs (A) and (B) of this subdivision, the applicant shall  
2 pass an appropriate state board approved test or tests  
3 demonstrating the applicant's proficiency in the basic skills and  
4 occupational content areas.

5 (4) A person who satisfies the requirements set forth in  
6 subdivision (3) of this subsection shall be granted a formal  
7 document authorizing him or her to work in a public school in West  
8 Virginia.

9  
10 (5) An approved alternative program provides essential  
11 knowledge and skills to alternative program teachers through the  
12 following phases of training:

13 (A) *Instruction.* -- The alternative preparation program shall  
14 provide a minimum of eighteen semester hours of instruction in the  
15 areas of student assessment; development and learning; curriculum;  
16 classroom management; the use of educational computers and other  
17 technology; and special education and diversity. All programs  
18 shall contain a minimum of three semester hours of instruction in  
19 special education and diversity out of the minimum eighteen  
20 required semester hours. Subject to the approval of the state  
21 board, an approved education provider may provide instruction  
22 equivalent to the eighteen semester hours required by this  
23 paragraph through nontraditional methods, including, but not

1 limited to, methods such as a series of modules covering the  
2 various topics, electronically delivered instruction, summer  
3 sessions, professional development and job-embedded mentoring.

4 (B) *Phase I.* -- Phase I consists of a period of intensive,  
5 on-the-job supervision by an assigned mentor and the school  
6 administrator for a period of not fewer than two weeks. The  
7 assigned mentor shall meet the requirements for a beginning teacher  
8 internship mentor set forth in section two-b of this article and  
9 shall be paid the stipend authorized pursuant to that section.  
10 The state board shall provide, in its rule for the approval and  
11 operation of this program, requirements for the frequency and  
12 duration of time periods for the person holding an alternative  
13 certificate to observe in the classroom of the mentor. The person  
14 holding an alternative certificate shall be observed daily by the  
15 mentor or the school administrator during this phase. This phase  
16 includes an orientation to the policies, organization and  
17 curriculum of the employing district. The alternative program  
18 teacher shall receive formal instruction in those areas listed in  
19 paragraph (A) of this subdivision.

20 (C) *Phase II.* -- Phase II consists of a period of intensive,  
21 on-the-job supervision beginning the first day following the  
22 completion of Phase I and continuing for a period of at least ten  
23 weeks. During Phase II, the alternative program teacher is visited

1 and critiqued at least one time per week by members of a  
2 professional support team, as defined in subdivision (6) of this  
3 subsection, and is observed by the appropriately certified members  
4 of the team at the end of five weeks and again at five-week  
5 intervals until the completion of this phase. At the completion of  
6 this phase, the alternative program teacher shall receive a formal  
7 evaluation by the principal. The alternative program teacher shall  
8 continue to receive formal instruction in those areas listed in  
9 paragraph (A), of this subdivision.

10 (D) *Phase III.* -- Phase III consists of an additional period  
11 of continued supervision and evaluation of no fewer than twenty  
12 weeks duration. The professional support team determines the  
13 requirements of this phase, but those requirements shall include at  
14 least one formal evaluation conducted at the completion of the  
15 phase by the principal. The alternative program teacher shall  
16 continue to receive formal instruction in those areas listed in  
17 paragraph (A) of this subdivision, and shall be given opportunities  
18 to observe the teaching of experienced colleagues.

19 (6) *Professional support team.* --

20 (A) Training and supervision of alternative program teachers  
21 are provided by a professional support team comprised of a school  
22 principal, or his or her designee, an experienced classroom teacher  
23 who satisfies the requirements for mentor for the Beginning

1 Educator Internship pursuant to section two-b of this article, a  
2 representative of the institution of higher education that is a  
3 part of the partnership that qualifies as an approved education  
4 provider as defined in subsection (a) of this section or an entity  
5 affiliated with that institution, and a curriculum supervisor or  
6 other central office administrator with certification and training  
7 relevant to the training and supervision of the alternative program  
8 candidate.

9 (B) Districts or schools which have been unable to establish  
10 a relationship with a college or university shall provide for  
11 comparable expertise on the team.

12 (C) The school principal, or his or her designee, serves as  
13 chairperson of the team.

14 (D) The duration of each of the three phases of the program  
15 specified in paragraphs (B), (C) and (D), subdivision (5) of this  
16 subsection, in excess of the minimum durations provided in those  
17 paragraphs, shall be determined by the professional support team  
18 within guidelines provided by the state board in its rule for the  
19 approval and operation of this program.

20 (E) In addition to other duties assigned to it under this  
21 section and section one-b of this article, the approved education  
22 provider shall submit a written evaluation of the alternative  
23 program teacher to the county superintendent. The written

1 evaluation shall be in a form specified by the county  
2 superintendent and submitted on a date specified by the county  
3 superintendent that is prior to the first Monday of May. The  
4 evaluation shall report the progress of the alternative program  
5 teacher toward meeting the academic and performance requirements of  
6 the program.

7 (F) The training for professional support team members may be  
8 coordinated and provided by the Center for Professional Development  
9 in coordination with the approved education provider as set forth  
10 in the plan approved by the state board pursuant to subdivision (8)  
11 of this subsection.

12 (7) In lieu of and as an alternative to the professional  
13 support team specified in subdivision (6) of this subsection and  
14 its specific duties throughout the program phases as set forth in  
15 subdivision (5) of this section, a school or school district that  
16 has implemented a comprehensive beginning teacher induction program  
17 may, subject to the approval of the state board, provide for the  
18 training and supervision of alternative program teachers using a  
19 structure consistent with the structure implemented for the  
20 support, supervision and mentoring of beginning teachers:  
21 *Provided*, That all final decisions on the progress of the  
22 alternative program teacher and recommendations upon program  
23 completion shall rest with the principal.

1           (8) An approved education provider seeking approval for an  
2 alternative certification program shall submit a plan to the state  
3 board.

4           (A) No alternative certification program may be implemented  
5 prior to receiving state board approval.

6           (B) Each plan shall describe how the proposed training program  
7 will accomplish the key elements of an alternative program for the  
8 education of teachers as set forth in this section.

9  
10           (d) *Alternative highly qualified special education teacher*  
11 *education program. --*

12           (1) These programs are separate from the programs established  
13 under the other provisions of this section and are applicable only  
14 to teachers who have at least a bachelor's degree in a program for  
15 the preparation of teachers from a regionally accredited  
16 institution of higher education.

17           (2) These programs are subject to the other provisions of this  
18 section only to the extent specifically provided in the rule.

19           (3) These programs may be an alternative to the regular  
20 college and university programs for the education of special  
21 education teachers and also may address the content area  
22 preparation of certified special education teachers.

23           (4) The programs shall incorporate professional development to

1 the maximum extent possible to help teachers who are currently  
2 certified in special education to obtain the required content area  
3 preparation.

4 (5) Participation in an alternative education program pursuant  
5 to this subsection may not affect any rights, privileges or  
6 benefits to which the participant otherwise would be entitled as a  
7 regular employee and may not alter any rights, privileges or  
8 benefits of participants on continuing contract status.

9  
10 (e) *Additional alternative education program to prepare highly*  
11 *qualified special education teachers. --*

12 (1) These programs are separate from the programs established  
13 under the other provisions of this section and are applicable only  
14 to persons who hold a bachelor's degree from a regionally  
15 accredited institution of higher education.

16 (2) These programs are subject to the other provisions of this  
17 section only to the extent specifically provided in the rule.

18 (3) These programs may be an alternative to the regular  
19 college and university programs for the education of special  
20 education teachers and also may address the content area  
21 preparation of these persons.

1    **§18A-3-1b.     Recommendation for certification of alternative**  
2                   **program teachers.**

3            At the conclusion of an alternative teacher education program,  
4    the approved education provider shall prepare a comprehensive  
5    evaluation report on the alternative program teacher's performance.  
6    This report shall be submitted directly to the State Superintendent  
7    of Schools and shall contain a recommendation as to whether or not  
8    a professional certificate should be issued to the alternative  
9    program teacher.    The report shall be made on standard forms  
10   developed by the State Superintendent.

11           The comprehensive evaluation report shall include one of the  
12   following recommendations:

13           (1)   Approved:   Recommends   issuance   of   a   professional  
14   certificate;

15           (2)   Insufficient:   Recommends   that   a   professional   certificate  
16   not be issued but that the candidate be allowed to seek reentry on  
17   one or more occasions in the future into an approved alternative  
18   teacher education program; or

19           (3)   Disapproved:   Recommends   that   a   professional   certificate  
20   not be issued and that the candidate not be allowed to enter into  
21   another approved alternative teacher education program in this  
22   state, but shall not be prohibited from pursuing teacher  
23   certification through other approved programs for the education of

1 teachers in this state.

2 The approved education provider shall provide the alternative  
3 program teacher with a copy of the alternative program teacher's  
4 written evaluation report and certification recommendation before  
5 submitting it to the state superintendent. If the alternative  
6 program teacher disagrees with the provider's recommendation, the  
7 alternative program teacher may, within fifteen days of receipt,  
8 request an appeal in accordance with the certification appeals  
9 process established by the State Board of Education.

10 **§18A-3-12. Technology integration specialists.**

11 The Legislature finds that technology integration specialists  
12 are becoming more crucial as technology plays a continuously  
13 increasing role in the education of students. In order to address  
14 the need for more technology integration specialists, the teacher  
15 preparation programs in this state shall cooperate with the state  
16 board to ensure that:

17 (1) A portion of the technology integration hours required to  
18 apply for the Advanced Credential endorsed for Technology  
19 Integration Specialist is offered at each teacher preparation  
20 program while students are still working toward their teaching  
21 degree;

22 (2) Teacher education program students are aware of the option  
23 of attaining a Technology Integration Specialist Advanced

1     Credential and Temporary Authorization early enough so that they  
2     can take advantage of the hours offered; and

3             (3) Alternative education programs are established by the  
4     teacher preparation programs to assist teachers who have already  
5     received their teaching certification attain the required hours  
6     necessary to earn a Technology Integration Specialist Advanced  
7     Credential. These alternative education programs are separate from  
8     programs required to be established by section one-a of this  
9     article.

10