

H. B. 4101

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

[Introduced January 17, 2012; referred to the Committee on Education then the Judiciary.]



A BILL to amend and reenact §18A-3-1 and 18A-3-2a of the code of West Virginia, 1931, as amended, all relating to authorizing teacher-in-residence programs for certain prospective teachers in lieu of student teaching; defining teacher-in-residence programs and providing minimum requirements; providing use of certain funds for program support and student stipend; creating teacher-in-residence permit and specifying conditions; conforming sections to other provisions of law and removing duplicative and outdated language; and authorizing counties with comprehensive induction programs to use consistent structure for supervision and training of student teachers.

Be it enacted by the Legislature of West Virginia:

That §18A-3-1 and 18A-3-2a of the code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL

1 **DEVELOPMENT.**

2 **§18A-3-1. Teacher preparation programs; program approval and**
3 **standards; authority to issue teaching**
4 **certificates.**

5 (a) The education of professional educators in the state is
6 under the general direction and control of the state board after
7 consultation with the Secretary of Education and the Arts and the
8 Chancellor for Higher Education who shall represent the interests
9 of educator preparation programs within the institutions of higher
10 education in this state as those institutions are defined in
11 section two, article one, chapter eighteen-b of this code.

12 The education of professional educators in the state includes
13 all programs leading to certification to teach or serve in the
14 public schools including:

15 (1) Those programs in all institutions of higher education,
16 including student teaching and teacher-in-residence programs as
17 provided in this section;

18 (2) Beginning teacher internship and induction programs;

19 (3) The granting of West Virginia certification to persons who
20 received their preparation to teach outside the boundaries of this
21 state, except as provided in subsection (b) of this section;

22 (4) Any alternative preparation programs in this state leading
23 to certification, including programs established pursuant to the
24 provisions of section one-a of this article and programs which are

1 in effect on the effective date of this section; and

2 (5) Any continuing professional education, professional
3 development and in-service training programs for professional
4 educators employed in the public schools in the state.

5 (b) The state board, after consultation with the Secretary of
6 Education and the Arts and the Chancellor for Higher Education,
7 shall adopt standards for the education of professional educators
8 in the state and for awarding certificates valid in the public
9 schools of this state. The standards shall include, but not be
10 limited to the following:

11 (1) A provision for the study of multicultural education. As
12 used in this section, multicultural education means the study of
13 the pluralistic nature of American society including its values,
14 institutions, organizations, groups, status positions and social
15 roles;

16 (2) A provision for the study of classroom management
17 techniques, including methods of effective management of disruptive
18 behavior which shall include societal factors and their impact on
19 student behavior; and

20 (3) Subject to the provisions of section ten of this article,
21 a teacher from another state shall be awarded a teaching
22 certificate for a comparable grade level and subject area valid in
23 the public schools of this state, if he or she:

24 (A) Holds a valid teaching certificate or a certificate of

1 eligibility issued by another state;

2 (B) Has graduated from an educator preparation program at a
3 regionally accredited institution of higher education;

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

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

7 (c) To give prospective teachers the teaching experience
8 needed to demonstrate competence as a prerequisite to certification
9 to teach in the West Virginia public schools, the state board may
10 enter into an agreement with county boards for the use of the
11 public schools.

12 (d) An agreement established pursuant to subsection (c) of
13 this section shall recognize student teaching as a joint
14 responsibility of the educator preparation institution and the
15 cooperating public schools and shall include:

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

21 (2) The remuneration to be paid public school teachers by the
22 state board, in addition to their contractual salaries, for
23 supervising student teachers;

24 (3) Minimum standards to guarantee the adequacy of the

1 facilities and program of the public school selected for student
2 teaching;

3 (4) That the student teacher, under the direction and
4 supervision of the supervising teacher, shall exercise the
5 authority of a substitute teacher; and

6 (5) A provision requiring any higher education institution
7 with an educator preparation program to document that the student
8 teacher's field-based and clinical experiences include
9 participation and instruction with multicultural, at-risk and
10 exceptional children at each programmatic level for which the
11 student teacher seeks certification: Provided, That for a school
12 or school district that has implemented a comprehensive beginning
13 teacher induction program, an agreement may be established subject
14 to the approval of the state board that provides for the training
15 and supervision of student teachers consistent with the educational
16 objectives of this subsection using a structure consistent with the
17 structure implemented for the support, supervision and mentoring of
18 beginning teachers, notwithstanding any specific provisions of this
19 subsection.

20 (e) In lieu of the provisions for the agreement in subsections
21 (c) and (d) of this section and subject to approval of the state
22 board, an institution of higher education with a program for the
23 education of professional educators in the state approved by the
24 state board may enter into an agreement with county boards for the

1 use of teacher-in-residence programs in the public schools. A
2 teacher-in-residence program is an intensively supervised and
3 mentored residency program for prospective teachers during their
4 senior year that helps the prospective teachers to refine their
5 professional practice skills and gain the teaching experience
6 needed to demonstrate competence as a prerequisite to certification
7 to teach in the West Virginia public schools. The use of a
8 teacher-in-residence program is subject to an agreement entered
9 into by the institution and county board and approved by the state
10 board that includes, but is not limited to, the following:

11 (1) A prospective teacher in a teacher-in-residence program
12 must have completed the content area preparation courses and passed
13 the appropriate state board approved basic skills and subject
14 matter test or tests required by the state board for teachers to
15 become certified in the area for which licensure is being sought;

16 (2) A teacher-in-residence may serve only in a teaching
17 position in the county which has been posted and no other teacher
18 fully certified for the position has been employed;

19 (3) The program of instruction for the teacher-in-residence,
20 including, but not limited to, the responsibilities for supervision
21 and mentoring by the institution's educator preparation program,
22 the school principal, and peer teachers and mentors, and the
23 responsibilities for the formal instruction or professional
24 development necessary for the teacher-in-residence to perfect his

1 or her professional practice skills;

2 (4) A requirement for the teacher-in-residence to qualify for
3 and have been issued a teacher-in-residence permit qualifying the
4 teacher-in-residence to teach in his or her assigned position as
5 the teacher of record;

6 (5) Provisions for the salary and benefit costs for the
7 position to which the teacher-in-residence is assigned to be used
8 as specified in the agreement for program support and for the
9 payment of a stipend to the teacher-in-residence. These salary and
10 benefit costs shall be calculated at the level of a teacher with a
11 bachelor's degree with zero years of experience; and

12 (6) Other provisions required by the state board, if any.

13 ~~(e)~~ (f) Beginning the fall, two thousand six - two thousand
14 seven academic term, in lieu of the student teaching experience in
15 a public school setting required by this section, an institution of
16 higher education may provide an alternate student teaching
17 experience in a nonpublic school setting if the institution of
18 higher education:

19 (1) Complies with the provisions of this section;

20 (2) Has a state board approved educator preparation program;

21 and

22 (3) Enters into an agreement pursuant to subdivisions ~~(f)~~ (g)
23 and (h) of this section.

24 ~~(f)~~ (g) At the discretion of the higher education institution,

1 an agreement for an alternate student teaching experience between
2 an institution of higher education and a nonpublic school shall
3 require that either:

4 (1) The student teacher complete at least one half of the
5 clinical experience in a public school; or

6 (2) The educator preparation program include a requirement
7 that any student performing student teaching in a nonpublic school
8 complete at least:

9 (A) Two hundred clock hours of field-based training in a
10 public school; and

11 (B) A course, which is a component of the institution's state
12 board approved educator preparation program, that provides to
13 prospective teachers information that is equivalent to the teaching
14 experience needed to demonstrate competence as a prerequisite to
15 certification to teach in the public schools in West Virginia. The
16 course shall include instruction on at least the following
17 elements:

18 (I) State board policy and provisions of this code governing
19 public education;

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

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

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

4 (v) Varied approaches for effective instruction for students
5 who are at-risk;

6 ~~(g)~~ (h) In addition to the requirements set forth in
7 subsection ~~(f)~~ (g) of this section, an agreement for an alternate
8 student teaching experience between an institution of higher
9 education and a nonpublic school shall:

10 (1) Require that the higher education institution with an
11 educator preparation program document that the student teacher's
12 field-based and clinical experiences include participation and
13 instruction with multicultural, at-risk and exceptional children at
14 each programmatic level for which the student teacher seeks
15 certification; and

16 (2) Include the minimum qualifications for the employment of
17 school teachers selected as supervising teachers, including the
18 requirement that field-based and clinical experiences be supervised
19 by a teacher fully certified in the state in which that teacher is
20 supervising.

21 ~~(h)~~ (I) The state superintendent may issue certificates as
22 provided in section two-a of this article to graduates of educator
23 preparation programs and alternative educator preparation programs
24 approved by the state board. The certificates are issued in

1 accordance with this section and rules adopted by the state board
2 after consultation with the Secretary of Education and the Arts and
3 the Chancellor for Higher Education.

4 (1) A certificate ~~to teach~~ may be granted only to ~~any~~ a person
5 who is:

6 (A) A citizen of the United States, except as provided in
7 subdivision (2) of this subsection;

8 (B) Is of good moral character;

9 (C) Physically, mentally and emotionally qualified to perform
10 the duties of a teacher; and

11 (D) At least eighteen years on or before October 1, of the
12 year in which his or her certificate is issued.

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

16 ~~(H)~~ (j) In consultation with the Secretary of Education and
17 the Arts and the Chancellor for Higher Education, institutions of
18 higher education approved for educator preparation may cooperate
19 with each other, with the center for professional development and
20 with one or more county boards to organize and operate centers to
21 provide selected phases of the educator preparation program. The
22 phases include, but are not limited to:

23 (1) Student teaching and teacher-in-residence programs;

24 (2) Beginning teacher internship and induction programs;

1 (3) Instruction in methodology; and

2 (4) Seminar programs for college students, teachers with
3 provisional certification, professional support team members and
4 supervising teachers.

5 The institutions of higher education, the center for
6 professional development and county boards may by mutual agreement
7 budget and expend funds to operate the centers through payments to
8 the appropriate fiscal office of the participating institutions,
9 the center for professional development and the county boards.

10 ~~(j)~~ (k) The provisions of this section do not require
11 discontinuation of an existing student teacher training center or
12 school which meets the standards of the state board.

13 ~~(k)~~ (l) All institutions of higher education approved for
14 educator preparation in the 1962-63 school year shall continue to
15 hold that distinction so long as they meet the minimum standards
16 for educator preparation. Nothing in this section infringes upon
17 the rights granted to any institution by charter given according to
18 law previous to the adoption of this code.

19 ~~(l) Notwithstanding any other provision of this section, nor~~
20 ~~any other provision of rule, law or this code to the contrary, an~~
21 ~~institution of higher education may enter into an agreement with a~~
22 ~~nonpublic school:~~

23 ~~(1) For the purposes of this section regarding student~~
24 ~~teaching;~~

1 ~~(2) For the spring, two thousand six academic term only;~~

2 ~~(3) If the institution is approved for educator preparation by~~
3 ~~the state board; and~~

4 ~~(4) If the institution had entered into the agreement for that~~
5 ~~academic term prior to the effective date of this section.~~

6 (m) As used in this section:

7 (1) "Nonpublic school" means a private school, parochial
8 school, church school, school operated by a religious order or
9 other nonpublic school that elects to:

10 (A) Comply with the provisions of article twenty-eight,
11 chapter eighteen of this code;

12 (B) Participate on a voluntary basis in a state operated or
13 state sponsored program provided to such schools pursuant to this
14 section; and

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

16 (2) "At-risk" means having the potential for academic failure,
17 including, but not limited to, the risk of dropping out of school,
18 involvement in delinquent activity or poverty as indicated by free
19 or reduced lunch status; and

20 (3) "Exceptional children" has the meaning ascribed pursuant
21 to section one, article twenty, chapter eighteen of this code, but
22 does not include gifted students.

23 **~~§18A-3-2a. Authority of state superintendent to issue~~**
24 **~~certificates; kinds of Certificates valid in the~~**

1 public schools that may be issued by the state
 2 superintendent.

3 In accordance with state board ~~of Education~~ rules for the
 4 education of professional educators adopted ~~after consultation with~~
 5 ~~the secretary of education and the arts~~ pursuant to section one of
 6 this article and subject to the limitations and conditions of said
 7 section, the state superintendent ~~of Schools~~ may issue the
 8 following certificates valid in the public schools of the state:
 9 ~~Provided, That a certificate shall not be issued to any person who~~
 10 ~~is not a citizen of the United States, is not of good moral~~
 11 ~~character and physically, mentally and emotionally qualified to~~
 12 ~~perform the duties for which the certification would be granted and~~
 13 ~~who has not attained the age of eighteen years on or before October~~
 14 ~~1, of the year in which the certificate is issued: *Provided,*~~
 15 ~~however, That an exchange teacher from a foreign country or an~~
 16 ~~alien person who meets the requirements to teach may be granted a~~
 17 ~~permit to teach within the public schools of the state.~~

18 ~~Certificates authorized to be issued include:~~

19 (1) *Professional teaching certificates.* -- A professional
 20 teaching certificate for teaching in the public schools may be
 21 issued to a person who:

22 (A) Has at least a bachelor's degree from an accredited
 23 institution of higher education in this state, has completed a
 24 program for the education of teachers which meets the requirements

1 approved by the State Board of Education or has met equivalent
2 standards at institutions in other states and has passed
3 appropriate state board approved basic skills and subject matter
4 tests or has completed three years of successful experience within
5 the last seven years in the area for which licensure is being
6 sought; or

7 (B) Has at least a bachelor's degree in a discipline taught in
8 the public schools from an accredited institution of higher
9 education, has passed appropriate state board approved basic skills
10 and subject matter tests or has completed three years of successful
11 experience within the last seven years in the area for which
12 licensure is being sought, has completed an alternative program for
13 teacher education approved by the state board and is recommended
14 for a certificate ~~by the chairperson of the professional support~~
15 ~~team of the person's alternative program or~~ in accordance with the
16 provisions of sections one-a and one-b of this article relating to
17 the program, or by the state superintendent based on documentation
18 submitted.

19 The certificate shall be endorsed to indicate the grade level
20 or levels or areas of specialization in which the person is
21 certified to teach or to serve in the public schools. The initial
22 professional certificate shall be issued provisionally for a period
23 of three years from the date of issuance and may be converted to a
24 professional certificate valid for five years subject to successful

1 completion of a beginning teacher internship or induction program,
2 if applicable, or renewed subject to rules adopted by the state
3 board.

4 (2) Alternative program teacher certificate. -- An alternative
5 program teacher certificate may be issued to a candidate who is
6 enrolled in an alternative program for the education of teachers in
7 accordance with the provisions of section one-a of this article.
8 The certificate is valid only for the alternative program position
9 in which the candidate is employed and is subject to enrollment in
10 the program. The certificate is valid for one year and may be
11 renewed for each of the following two consecutive years only.

12 ~~(2)~~ (3) Professional administrative certificate. -- A
13 professional administrative certificate, endorsed for serving in
14 the public schools, with specific endorsement as a principal,
15 vocational administrator, supervisor of instructions or
16 superintendent, may be issued to a person who has completed
17 requirements all to be approved by the state board as follows: For
18 a master's degree from an institution of higher education
19 accredited to offer a master's degree, has successfully completed
20 an approved program for administrative certification, developed by
21 the state board ~~of Education~~ in cooperation with the ~~governing~~
22 ~~boards of the university of West Virginia system and the state~~
23 ~~college system~~ chancellor for higher education, has successfully
24 completed education and training in evaluation skills through the

1 center for professional development, or equivalent education and
 2 training in evaluation skills approved by the state board, and
 3 three years of management level experience. ~~Provided, That anyone~~
 4 ~~having received a certificate during the period from August 30,~~
 5 ~~1990, until the effective date of this bill without having met the~~
 6 ~~above requirements shall complete those requirements within five~~
 7 ~~years after the effective date of this bill: Provided, however,~~
 8 ~~That~~ Any person serving in the position of dean of students ~~on the~~
 9 ~~effective date of this section~~ shall not be required to hold a
 10 professional administrative certificate. ~~Beginning September 1,~~
 11 ~~1992,~~ The initial professional administrative certificate shall be
 12 issued provisionally for a period of five years. This certificate
 13 may be converted to a professional administrative certificate valid
 14 for five years or renewed, subject to the regulations of the state
 15 board.

16 ~~(3)~~ (4) *Paraprofessional certificate.* -- A paraprofessional
 17 certificate may be issued to a person who has completed thirty-six
 18 semester hours of post-secondary education or its equivalent in
 19 subjects directly related to performance of the job, all approved
 20 by the state board, and can demonstrate the proficiencies to
 21 perform duties as required of a paraprofessional as defined in
 22 section eight, article four of this chapter.

23 ~~(4)~~ (5) *Other certificates; permits.* -- Other certificates and
 24 permits may be issued, subject to the approval of the state board,

1 to persons who do not qualify for the professional or
2 paraprofessional certificate. ~~Such~~ The certificates or permits
3 shall not be given permanent status and persons holding such shall
4 meet renewal requirements provided by law and by regulation, unless
5 the state board declares certain of these certificates to be the
6 equivalent of the professional certificate.

7 Within the category of other certificates and permits, the
8 state superintendent may issue certificates for persons to serve in
9 the public schools as athletic coaches or other extracurricular
10 activities coaches whose duties may include the supervision of
11 students, subject to the following limitations: (A) ~~Such~~ The
12 person ~~shall be~~ is employed under a contract with the county board
13 of education which specifies the duties to be performed, which
14 specifies a rate of pay equivalent to the rate of pay for
15 professional educators in the district who accept similar duties as
16 extra duty assignments and which provides for liability insurance
17 associated with the activity: *Provided*, That ~~such~~ these persons
18 ~~shall not be~~ are considered employees of the board for salary and
19 benefit purposes other than as specified in the contract; (B) a
20 currently employed certified professional educator has not applied
21 for the position; and © ~~such~~ the person completes an orientation
22 program designed and approved in accordance with state board rules.
23 ~~which shall be adopted no later than January 1, 1991~~

24 (6) Teacher-In-Residence Permit. -- A teacher-in-residence

1 permit may be issued to a candidate who is enrolled in a teacher-
2 in-residence program in accordance with an agreement between an
3 institution of higher education and county board, and approved by
4 the state board, pursuant to subsection (e), section one of this
5 article. The permit is valid only for the teacher-in-residence
6 program position in which the candidate is enrolled and is subject
7 to enrollment in the program. The permit is valid for not more
8 than one school year and may not be renewed.

NOTE: The purpose of this bill is to authorize teacher education programs in the state to enter into agreements with county boards to use intensively supervised and mentored "teacher-in-residence" programs approved by the state board, in lieu of student teaching, for prospective teachers during their senior who have already passed the basic skills and content area licensure tests and meet other requirements. The teacher-in-residence must be issued a teacher-in-residence permit as authorized in the bill and they would be the teacher of record. The salary and benefit costs for the position to which they are assigned would be used to help support program costs and pay a stipend to the teacher-in-residence.

Strike-throughs indicate existing language that would be removed, and underscoring indicates new language that would be added.

This interim bill was recommended for introduction and passage during the Regular Session of the Legislature by the Education Committee.