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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2012



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR**

**House Bill No. 4236**

(By Mr. Speaker, Mr. Thompson, and Delegate Armstead)  
[By Request of the Executive]



Passed March 10, 2012

To Take Effect Ninety Days From Passage

HB 4236

**E N R O L L E D**

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[Passed March 10, 2012; to take effect ninety days from passage.]

**AN ACT to amend and reenact §18A-2-12 of the code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18A-3C-1, §18A-3C-2 and §18A-3C-3, all relating to establishing a new system of performance evaluations of classroom teachers, principals and assistant principals; exclusions from the definition of professional personnel for certain evaluation purposes; providing findings, purposes, definitions and intent of new provisions; providing for phased implementation and legislative oversight; requiring state board rules and submissions of draft rules to legislative oversight commission; providing minimum provisions of evaluation processes for teachers and principals and specific percentages of evaluation score to be based standards and student performance; providing for evaluations to serve certain purposes, including plans of improvement and personnel actions for unsatisfactory performance; requiring certain employee training prior to implementation of new evaluation processes; providing intent of new comprehensive system of support; requiring the state board to publish**

guidelines for county boards on design and implementation of comprehensive system of support; restricting certain funding subject to adoption of comprehensive system plan by county that is verified by state board as meeting certain requirements; specifying contents of plan; and providing for transition of appropriations to support execution of plans and use of funds.

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

That §18A-2-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new article, designated §18A-3C-1, §18A-3C-2 and §18A-3C-3, all to read as follows:

## **ARTICLE 2. SCHOOL PERSONNEL.**

### **§18A-2-12. Performance evaluations of school personnel; professional personnel evaluation process.**

1 (a) The state board shall adopt a written system for the  
2 evaluation of the employment performance of personnel,  
3 which system shall be applied uniformly by county boards in  
4 the evaluation of the employment performance of personnel  
5 employed by the board.

6 (b) The system adopted by the state board for evaluating  
7 the employment performance of professional personnel shall  
8 be in accordance with the provisions of this section.

9 (c) For purposes of this section, "professional personnel",  
10 "professional" or "professionals", means professional  
11 personnel as defined in section one, article one of this chapter  
12 but does not include classroom teachers, principals and  
13 assistant principals subject to the evaluation processes  
14 established pursuant to the provisions of section two, article  
15 three-c of this chapter when the school at which these

16 professional personnel are employed is selected to participate  
17 in those evaluation processes as part of the multi-step  
18 implementation leading to full statewide implementation by  
19 school year 2013-2014.

20 (d) In developing the professional personnel performance  
21 evaluation system, and amendments thereto, the state board  
22 shall consult with the Center for Professional Development  
23 created in article three-a of this chapter. The center shall  
24 participate actively with the state board in developing written  
25 standards for evaluation which clearly specify satisfactory  
26 performance and the criteria to be used to determine whether  
27 the performance of each professional meets those standards.

28 (e) The performance evaluation system shall contain, but  
29 not be limited to, the following information:

30 (1) The professional personnel positions to be evaluated,  
31 whether they be teachers, substitute teachers, administrators,  
32 principals or others;

33 (2) The frequency and duration of the evaluations, which  
34 shall be on a regular basis and of such frequency and duration  
35 as to insure the collection of a sufficient amount of data from  
36 which reliable conclusions and findings may be drawn. For  
37 school personnel with five or more years of experience who  
38 have not received an unsatisfactory rating, evaluations shall  
39 be conducted no more than once every three years unless the  
40 principal determines an evaluation for a particular school  
41 employee is needed more frequently. Until the school or  
42 school system at which they are employed is subject to the  
43 provisions of article three-c of this chapter, for classroom  
44 teachers with five or more years of experience who have not  
45 received an unsatisfactory rating, an evaluation shall be  
46 conducted or professional growth and development plan  
47 required only when the principal determines it is necessary

48 for a particular classroom teacher or when a classroom  
49 teacher exercises the option of being evaluated at more  
50 frequent intervals;

51 (3) The evaluation shall serve the following purposes:

52 (A) Serve as a basis for the improvement of the  
53 performance of the personnel in their assigned duties;

54 (B) Provide an indicator of satisfactory performance for  
55 individual professionals;

56 (C) Serve as documentation for a dismissal on the  
57 grounds of unsatisfactory performance; and

58 (D) Serve as a basis for programs to increase the  
59 professional growth and development of professional personnel;

60 (4) The standards for satisfactory performance for  
61 professional personnel and the criteria to be used to  
62 determine whether the performance of each professional  
63 meets those standards and other criteria for evaluation for  
64 each professional position evaluated. Professional personnel,  
65 as appropriate, shall demonstrate competency in the  
66 knowledge and implementation of the technology standards  
67 adopted by the state board. If a professional fails to  
68 demonstrate competency in the knowledge and  
69 implementation of these standards, he or she will be subject  
70 to an improvement plan to correct the deficiencies; and

71 (5) Provisions for a written improvement plan, which  
72 shall be specific as to what improvements, if any, are needed  
73 in the performance of the professional and shall clearly set  
74 forth recommendations for improvements, including  
75 recommendations for additional education and training during  
76 the professional's recertification process.

77 (f) A professional whose performance is considered to be  
78 unsatisfactory shall be given notice of deficiencies. A  
79 remediation plan to correct deficiencies shall be developed by  
80 the employing county board and the professional. The  
81 professional shall be given a reasonable period of time for  
82 remediation of the deficiencies and shall receive a statement  
83 of the resources and assistance available for the purposes of  
84 correcting the deficiencies.

85 (g) No person may evaluate professional personnel for  
86 the purposes of this section unless the person has an  
87 administrative certificate issued by the state superintendent  
88 and has successfully completed education and training in  
89 evaluation skills through the center for professional  
90 development, or equivalent education training approved by  
91 the state board, which will enable the person to make fair,  
92 professional, and credible evaluations of the personnel whom  
93 the person is responsible for evaluating. After July 1, 1994,  
94 no person may be issued an administrative certificate or have  
95 an administrative certificate renewed unless the state board  
96 determines that the person has successfully completed  
97 education and training in evaluation skills through the center  
98 for professional development or equivalent education and  
99 training approved by the state board.

100 (h) Any professional whose performance evaluation  
101 includes a written improvement plan shall be given an  
102 opportunity to improve his or her performance through the  
103 implementation of the plan. If the next performance  
104 evaluation shows that the professional is now performing  
105 satisfactorily, no further action may be taken concerning the  
106 original performance evaluation. If the evaluation shows that  
107 the professional is still not performing satisfactorily, the  
108 evaluator either shall make additional recommendations for  
109 improvement or may recommend the dismissal of the

110 professional in accordance with the provisions of section  
111 eight of this article.

112 (i) Lesson plans are intended to serve as a daily guide for  
113 teachers and substitutes for the orderly presentation of the  
114 curriculum. Lesson plans may not be used as a substitute for  
115 observations by an administrator in the performance  
116 evaluation process. A classroom teacher, as defined in  
117 section one, article one of this chapter, may not be required  
118 to post his or her lesson plans on the Internet or otherwise  
119 make them available to students and parents or to include in  
120 his or her lesson plans any of the following:

121 (1) Teach and reteach strategies;

122 (2) Write to learn activities;

123 (3) Cultural diversity;

124 (4) Color coding; or

125 (5) Any other similar items which are not required to  
126 serve as a guide to the teacher or substitute for daily  
127 instruction; and

128 (j) The Legislature finds that classroom teachers must be  
129 free of unnecessary paper work so that they can focus their  
130 time on instruction. Therefore, classroom teachers may not  
131 be required to keep records or logs of routine contacts with  
132 parents or guardians.

133 (k) Nothing in this section may be construed to prohibit  
134 classroom teachers from voluntarily posting material on the  
135 Internet. Nothing in article three-c of this chapter may be  
136 construed to negate the provisions of subsections (i) and (j)  
137 of this section.

**ARTICLE 3C. IMPROVING TEACHING AND LEARNING.**

**§18A-3C-1. Findings; purposes and definition.**

1 (a) The Legislature makes the following findings:

2 (1) Processes set forth in this article for evaluation,  
3 teacher induction and professional growth is not intended to  
4 make up for substandard initial preparation of teachers, but  
5 instead is intended to build on a solid foundation created by  
6 the teacher preparation programs. Therefore, the Legislature  
7 expects the teacher preparation programs to graduate teachers  
8 who can perform at a level that increases student  
9 achievement. The Legislature expects that the processes set  
10 forth in this article will allow a teacher to excel beyond that  
11 level in the classroom;

12 (2) The comprehensive system of support provided for in  
13 this article should be implemented in a way that, as compared  
14 with the beginning teacher internship system, much more  
15 effectively provides for the professional growth of teachers;

16 (3) In order for the comprehensive system of support to  
17 much more effectively provide for professional growth for  
18 teachers, funding should be greatly increased over and above  
19 what has been provided for the beginning teacher internship  
20 system; and

21 (4) Although the quality of the teacher in the classroom  
22 is extremely important to the academic achievement of  
23 students, students cannot learn if they are not in the  
24 classroom. Therefore, attending school on a regular basis is  
25 of utmost importance to the academic success of students.

26 (b) The purpose of this article is to create a  
27 comprehensive infrastructure that routinely supports a

28 continuous process for improving teaching and learning. Its  
29 focus is on developing strong teaching and school leadership,  
30 without which effective learning does not occur. The general  
31 components of this infrastructure include the following:

32 (1) High-quality teacher preparation, induction and  
33 evaluation;

34 (2) Universal support for emerging teachers including  
35 comprehensive new teacher induction and support for  
36 student teachers, teachers teaching in assignments for which  
37 they have less than a full professional credential and teacher  
38 candidates pursuing certification through an alternative  
39 route;

40 (3) Evaluation of the performance of teachers and leaders  
41 in demonstrating high quality professional practice,  
42 leadership and collaboration and the resulting growth in  
43 student learning;

44 (4) Focused improvement in teaching and learning  
45 through the use of evaluation data to inform the delivery of  
46 professional development and additional supports to  
47 improve teaching based on the evaluation results and to  
48 inform the need for improvements in teacher preparation  
49 programs; and

50 (5) The creation of a leadership culture that seeks and  
51 builds powerful alliances among all stakeholders focused on  
52 continuous growth in student learning.

53 (c) For purposes of this article “professional personnel”  
54 includes classroom teachers, assistant principals and  
55 principals as defined in section one, article one chapter  
56 eighteen-a of this code.

**§18A-3C-2. Performance evaluations of professional personnel.**

1 (a) The intent of the Legislature is to allow for a  
2 multi-step statewide implementation of performance  
3 evaluations for professional personnel pursuant to this section  
4 consistent with sound educational practices and resources  
5 available resulting in full state-wide implementation by no  
6 later than the school year 2013-2014. Beginning with the  
7 schools included in the evaluation processes for professional  
8 personnel piloted by the Department of Education during the  
9 2011-2012 school year, additional schools or school systems  
10 shall be subject to the provisions of this article in accordance  
11 with a plan established by the state board to achieve full  
12 statewide implementation by no later than the school year  
13 2013-2014. For schools and school systems subject to the  
14 provisions of this article, the provisions of this article shall  
15 govern when they are in conflict with other provisions of this  
16 chapter and chapter eighteen of this code. Specifically, the  
17 provisions of this article govern for the performance  
18 evaluation of classroom teachers, principals and assistant  
19 principals employed in these schools and school systems. To  
20 the extent that this article conflicts with the provisions of  
21 section twelve, article two of this chapter relating to  
22 professional personnel performance evaluations, this article  
23 shall govern. The state board shall submit a report on its plan  
24 for the phased implementation of this article to the  
25 Legislative Oversight Commission on Education  
26 Accountability at the Commission's July interim meeting in  
27 each year of the phased implementation. The report shall  
28 include an update on the implementation of this article  
29 including, but not limited to the evaluation process and a list  
30 of the schools and school systems subject to the provisions of  
31 this article. To assist the Legislative Oversight Commission  
32 on Education Accountability in monitoring the  
33 implementation of this article, the state board shall report to  
34 the Commission upon its request throughout the

35 implementation process, including but not limited to, reports  
36 on the results of surveys of teachers and principals on the  
37 implementation and use of the new evaluation system, the  
38 adequacy of the professional development given to  
39 employees on the purposes, instruments and procedures of  
40 the evaluation process, the time consumed by the evaluation  
41 process and the various tasks required for employees of  
42 different levels of experience, the aggregate results of the  
43 evaluations and any recommendations for changes in the  
44 process or other aspects of the duties of affected employees  
45 to improve the focus on the core mission of schools of  
46 teaching and learning.

47 (b) Before July 1, 2013, the state board shall adopt a  
48 legislative rule in accordance with article three-b, chapter  
49 twenty-nine-a of this code, for evaluating the performance of  
50 each professional person each year. The state board shall  
51 submit a draft of the proposed rule to the Legislative  
52 Oversight Commission on Education Accountability by  
53 February 15, 2013, and a final draft proposed rule prior to  
54 adoption. The rule shall provide for performance evaluations  
55 of professional personnel to be conducted in accordance with  
56 this section in each school and school system beginning with  
57 the 2013-14 school year.

58 (c) (1) The process adopted by the state board for  
59 evaluating the performance of classroom teachers shall  
60 incorporate at least the following:

61 (A) Alignment with the West Virginia professional  
62 teaching standards adopted by the state board that establish  
63 the foundation for educator preparation, teacher assessment  
64 and professional development throughout the state;

65 (B) Employment of the professional teaching standards to  
66 provide explicit and extensive measures of the work of

67 teaching and what teachers must know and be able to do and  
68 provide evaluative measures of educator performance;

69 (C) The use of two pieces of evidence at two points in  
70 time over the instructional term to demonstrate student  
71 learning as an indicator of educator performance; and

72 (D) The use of school's school-wide student learning  
73 growth as measured by the state-wide summative assessment  
74 as an evaluative measure of all educators employed in the  
75 school.

76 (2) Eighty percent of the evaluation shall be based on an  
77 appraisal of the educator's ability to perform the critical  
78 standard elements of the professional teaching standards.  
79 The appraisal shall include conferences with the evaluator  
80 reinforced through observation. Fifteen percent of the  
81 evaluation shall be based on evidence of the learning of the  
82 students assigned to the educator in accordance with  
83 paragraph (C), subdivision (1) of this subsection, and five  
84 percent of the evaluation shall be based on student learning  
85 growth measured by the school-wide score on the state  
86 summative assessment in accordance with paragraph (D),  
87 subdivision (1) of this subsection.

88 (d) (1) The process adopted by the state board for  
89 evaluating the performance of principals and assistant  
90 principals shall include at least the following:

91 (A) Alignment with the West Virginia professional  
92 leadership standards adopted by the state board establishing  
93 the responsibility of principals for the collective success of  
94 their school including the learning, growth and achievement  
95 of students, staff and self;

96           **(B) Employment of the professional leadership standards**  
97           **to provide explicit and extensive measures of the work of**  
98           **school leadership focused on the continuous improvement of**  
99           **teaching and learning. The process shall include conferences**  
100           **and goal setting with the superintendent or his or her**  
101           **designee and the use of a survey of stakeholders to assist in**  
102           **identifying the needs and establishing the goals for the school**  
103           **and the principal. The survey shall be distributed to at least**  
104           **the following stakeholders: Students, parents, teachers and**  
105           **service personnel. The evaluative measures shall include the**  
106           **use of data, evidence and artifacts to confirm the principal's**  
107           **performance on achieving the goals established by the**  
108           **principal and superintendent;**

109           **(C) The use of two pieces of evidence at two points in**  
110           **time over the instructional term to demonstrate the growth in**  
111           **student learning at the school; and**

112           **(D) The use of the school's school-wide student learning**  
113           **growth as measured by the state-wide summative assessment**  
114           **as an evaluative measure of all educators employed in the**  
115           **school.**

116           **(2) Eighty percent of the evaluation shall be based on an**  
117           **appraisal of the principal's or the assistant principal's ability**  
118           **to perform the critical standard elements of the professional**  
119           **leadership standards and achieve the goals established for the**  
120           **principal and the school. Fifteen percent of the evaluation**  
121           **shall be based on evidence of the learning of the students**  
122           **assigned to the school in accordance with paragraph (C),**  
123           **subdivision (1) of this subsection, and five percent of the**  
124           **evaluation shall be based on student learning growth**  
125           **measured by the school-wide score on the state summative**  
126           **assessment in accordance with paragraph (D), subdivision (1)**  
127           **of this subsection.**

128 (e) Evaluations of the performance of professional  
129 personnel shall serve the following purposes:

130 (1) Serve as a basis for the improvement of the  
131 performance of the professional personnel in their assigned  
132 duties;

133 (2) Serve as the basis for providing professional  
134 development specifically targeted on the area or areas  
135 identified through the evaluation process as needing  
136 improvement. If possible, this targeted professional  
137 development should be delivered at the school-site using  
138 collaborative processes, mentoring or coaching or other  
139 approaches that maximize use of the instructional setting;

140 (3) Serve as the basis for establishing priorities for the  
141 provision of county-level professional development when  
142 aggregate evaluation data from the county's schools indicates  
143 an area or areas of needed improvement;

144 (4) Serve as a basis for informing the teacher preparation  
145 programs in this state of an area or areas of needed  
146 improvement in the programs, or informing a specific  
147 program of needed improvement, when state-level aggregate  
148 evaluation data indicates that beginning teachers who have  
149 graduated from the program have specific weaknesses;

150 (5) Provide an indicator of level of performance of the  
151 professional personnel;

152 (6) Serve as a basis for programs to increase the  
153 professional growth and development of professional  
154 personnel; and

155 (7) Serve as documentation for a dismissal on the grounds  
156 of unsatisfactory performance.

157 (f) The rule adopted by the state board shall include  
158 standards for performance of professional personnel and the  
159 criteria to be used to determine whether their performance  
160 meets the standards. The rule also shall include guidance on  
161 best practices for providing time within the school day for  
162 teachers subject to performance evaluations under this section  
163 to participate in the collaborative mentoring or coaching and  
164 planning processes necessary for execution of the  
165 performance evaluation process and achieving advanced  
166 levels of performance.

167 (g) The rule adopted by the state board shall include  
168 provisions for written improvement plans when necessary to  
169 improve the performance of the professional personnel. The  
170 written improvement plan shall be specific as to what  
171 improvements are needed in the performance of the  
172 professional personnel and shall clearly set forth  
173 recommendations for improvements including  
174 recommendations for additional education and training of  
175 professionals subject to recertification. Professional  
176 personnel whose performance evaluation includes a written  
177 improvement plan shall be given an opportunity to improve  
178 his or her performance through the implementation of the  
179 plan.

180 (h) A professional person whose performance is  
181 considered to be unsatisfactory shall be given written notice  
182 of his or her deficiencies. A written improvement plan to  
183 correct these deficiencies shall be developed by the  
184 employing county board and the employee. The professional  
185 person shall be given a reasonable period of time, not  
186 exceeding twelve months, to accomplish the requirements of  
187 the improvement plan and shall receive a written statement of  
188 the resources and assistance available for the purposes of  
189 correcting the deficiencies. If the next performance  
190 evaluation shows that the professional is now performing

191 satisfactorily, no further action may be taken concerning the  
192 original performance evaluation. If the evaluation shows that  
193 the professional is still not performing satisfactorily, the  
194 evaluator either shall make additional written  
195 recommendations for improvement or may recommend the  
196 dismissal of the professional personnel in accordance with the  
197 provisions of section eight, article two of this chapter.

198 (i) No person may evaluate professional personnel for the  
199 purposes of this section unless the person has an  
200 administrative certificate issued by the state superintendent  
201 and has successfully completed education and training in  
202 evaluation skills through the center for professional  
203 development, or equivalent education training approved by  
204 the state board, which will enable the person to make fair,  
205 professional, and credible evaluations of the personnel whom  
206 the person is responsible for evaluating.

207 (j) Prior to implementation of the evaluation process  
208 pursuant to this section at a school, each affected employee  
209 shall be given training to ensure that the employees have a  
210 full understanding of the purposes, instruments and  
211 procedures used in evaluating their performance. Thereafter,  
212 this training shall be held annually at the beginning of the  
213 employment term.

**§18A-3C-3. Comprehensive system for teacher induction and  
professional growth.**

1 (a) The intent of the Legislature is to allow for a multistep  
2 statewide implementation of a comprehensive system of  
3 support for building professional practice of beginning  
4 teachers, specifically those on the initial and intermediate  
5 progressions, consistent with sound educational practices and  
6 resources available. In this regard, it is the intent of the  
7 Legislature that the transition of schools and school systems

8 to a comprehensive system of support that includes support  
9 for improved professional performance targeted on  
10 deficiencies identified through the evaluation process will be  
11 implemented concurrent with the first year that a school or  
12 system receives final evaluation results from the performance  
13 evaluation process pursuant to section two of this article.  
14 Further, because of significant variability among the counties,  
15 not only in the size of their teaching force, distribution of  
16 facilities and available resources, but also because of their  
17 varying needs, the Legislature intends for the implementation  
18 of this section to be accomplished in a manner that provides  
19 adequate flexibility to the counties to design and implement  
20 a comprehensive system of support for improving  
21 professional performance that best achieves the goals of this  
22 section within the county. Finally, because of the critical  
23 importance of ensuring that all teachers perform at the  
24 accomplished level or higher in the delivery of instruction  
25 that at least meets the West Virginia professional teaching  
26 standards and because achieving this objective at a minimum  
27 entails providing assistance to address the needs as indicated  
28 by the data informed results of annual performance  
29 evaluations, including the self-assessed needs of the teachers  
30 themselves, the Legislature expects the highest priority for  
31 county, regional and state professional development will be  
32 on meeting these needs and that the transition to a  
33 comprehensive system of support for improving professional  
34 practice will reflect substantial redirection of existing  
35 professional development resources toward this highest  
36 priority.

37 (b) On or before July 1, 2012, the state board shall  
38 publish guidelines on the design and implementation of a  
39 comprehensive system of support for improving professional  
40 practice. The purpose of the guidelines is to assist the county  
41 board with the design and implementation of a system that  
42 best achieves the goals of this section within the county. The

43 guidelines may include examples of best practices and  
44 resources available to county boards to assist them with the  
45 design and implementation of a comprehensive system.

46 (c) For schools and school systems subject to the  
47 provisions of this article, the provisions of this article govern  
48 when they are in conflict with section two-b, article three of  
49 this chapter relating to beginning teacher internships, or in  
50 conflict with other provisions of this chapter and chapter  
51 eighteen of this code.

52 (d) Effective for the school year beginning July 1, 2013,  
53 and thereafter, a county board is not eligible to receive state  
54 funding appropriated for the purposes of this section or any  
55 other provision of law related to beginning teacher  
56 internships and mentor teachers unless it has adopted a plan  
57 for implementation of a comprehensive system of support for  
58 improving professional practice, the plan has been verified by  
59 the state board as meeting the requirements of this section  
60 and the county is implementing the plan. The plan shall  
61 address the following:

62 (1) The manner in which the county will provide the  
63 strong school-based support and supervision that will assist  
64 beginning teachers in developing instructional and  
65 management strategies, procedural and policy expertise, and  
66 other professional practices they need to be successful in the  
67 classroom and perform at the accomplished level. Nothing in  
68 this subdivision prohibits a school or school system that was  
69 granted an exception or waiver from section two-c, article  
70 three of this chapter prior to the effective date of this section  
71 from continuing implementation of the program in  
72 accordance with the exception or waiver;

73 (2) The manner in which the county in cooperation with  
74 the teacher preparation programs in this state will provide

75 strong school-based support and assistance necessary to make  
76 student teaching a productive learning experience;

77 (3) The manner in which the county will use the data  
78 from the educator performance evaluation system to serve as  
79 the basis for providing professional development specifically  
80 targeted on the area or areas identified through the evaluation  
81 process as needing improvement. If possible, this targeted  
82 professional development should be delivered at the  
83 school-site using collaborative processes, mentoring or  
84 coaching or other approaches that maximize use of the  
85 instructional setting;

86 (4) The manner in which the county will use the data  
87 from the educator performance evaluation system to serve as  
88 the basis for establishing priorities for the provision of  
89 county-level professional development when aggregate  
90 evaluation data from the county's schools indicates an area or  
91 areas of needed improvement;

92 (5) If a county uses master teachers, mentors, academic  
93 coaches or any other approaches using individual employees  
94 to provide support, supervision or other professional  
95 development or training to other employees for the purpose  
96 of improving their professional practice, the manner in which  
97 the county will select each of these individual employees  
98 based on demonstrated superior performance and competence  
99 as well as the manner in which the county will coordinate  
100 support for these employees: *Provided*, That the employment  
101 of persons for these positions shall adhere to the posting and  
102 other provisions of section seven-a, article four of this  
103 chapter utilizing subsection (c) of said section seven-a to  
104 judge the qualifications of the applicants. If the duties of the  
105 position are to provide mentoring to an individual teacher at  
106 only one school, then priority shall being given to applicants

107 employed at the school at which those duties will be  
108 performed;

109 (6) The manner in which the county will use local  
110 resources available including, but not limited to, funds for  
111 professional development and academic coaches, to focus on  
112 the priority professional development goals of this section;

113 (7) The manner in which the county will adjust its  
114 scheduling, use of substitutes, collaborative planning time,  
115 calendar or other measures as may be necessary to provide  
116 sufficient time for professional personnel to accomplish the  
117 goals of this section as set forth in the county's plan; and

118 (8) The manner in which the county will monitor and  
119 evaluate the effectiveness of implementation and outcomes of the  
120 county system of support for improving professional practice.

121 (e) Effective the school year beginning July 1, 2013, and  
122 thereafter, appropriations for beginning teacher mentors and  
123 any new appropriation which may be made for the purposes  
124 of this section shall be expended by county boards only to  
125 accomplish the activities as set forth in their county plan  
126 pursuant to this section. Effective the school year beginning  
127 July 1, 2013, and thereafter, no specific level of  
128 compensation is guaranteed for any employee service or  
129 employment as a mentor and such service or employment is  
130 not subject to the provisions of this code governing extra duty  
131 contracts except as provided in subdivision (5), subsection (c)  
132 of this section.

133 (f) The Legislative Oversight Commission on Education  
134 Accountability shall review the progress of the  
135 implementation of this article and may make any  
136 recommendations it considers necessary to the Legislature  
137 during the 2013 regular legislative session.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

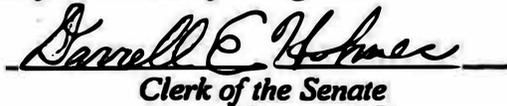
  
\_\_\_\_\_  
Chairman, House Committee

  
\_\_\_\_\_  
Chairman, Senate Committee

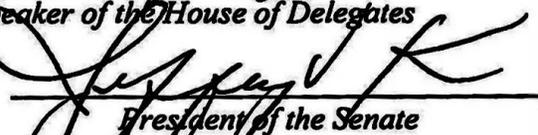
Originating in the House.

To take effect ninety days from passage.

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

The within is approved this the 30<sup>th</sup>  
day of March, 2012.

  
\_\_\_\_\_  
Governor

FILED  
2012 MAR 30 PM 4:13  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**PRESENTED TO THE GOVERNOR**

MAR 27 2012

Time 1:30 pm