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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 2954

(By Delegates Mezzatesta, Williams,
Perry, Shaver and Beach)



Passed April 14, 2001

In Effect Ninety Days from Passage

FILED

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H. B. 2954

(BY DELEGATES MEZZATESTA, WILLIAMS,
PERRY, SHAVER AND BEACH)

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to repeal section two-c, article three, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to repeal section two-b, article three-a of said chapter; to amend article two, chapter eighteen of said code by adding thereto a new section, designated section thirty-five; to amend and reenact section twelve, article two, chapter eighteen-a of said code; and to amend and reenact sections one, two and three, article three-a of said chapter, all relating to education and training for principals and assistant principals by department of education; repealing provisions relating to the principals' academy; requiring leadership development training for principals, including education and training in evaluation skills; providing for duration affect of training; requiring study on role and responsibilities of principals; and requiring management development training for assistant principals.

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Enr. Com. Sub. for H. B. 2954] 2

Be it enacted by the Legislature of West Virginia:

That section two-c, article three, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section two-b, article three-a of said chapter be repealed; that article two, chapter eighteen of said code be amended by adding thereto a new section, designated section thirty-five; that section twelve, article two, chapter eighteen-a of said code be amended and reenacted; and that sections one, two and three, article three-a, of said chapter be amended and reenacted to read as follows:

CHAPTER 18. EDUCATION.

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-35. Leadership development for principals.

1 (a) The department of education, annually, shall sponsor
2 and conduct leadership development training courses for
3 principals. The courses shall include the education and training
4 in evaluation skills required of persons who may evaluate
5 professional personnel pursuant to section twelve, article two,
6 chapter eighteen-a of this code. The duration of the courses
7 shall be no more than three days. The training format, location
8 and content shall be determined by the department of education.
9 Each principal shall attend the training courses annually during
10 the school year.

11 (b) Additionally, the department of education, annually,
12 shall sponsor and conduct management development training
13 courses for assistant principals. The duration of the courses
14 shall be for no more than three days. The training format,
15 location and content will be determined by the department of
16 education. Each assistant principal shall attend the training
17 courses annually during their employment term.

18 (c) The training required by this section shall satisfy the
19 current annual requirement of eighteen hours of professional
20 development.

21 (d) Nothing in this section shall be construed to limit the
22 right of a county school board or a county superintendent to
23 require a principal or assistant principal to attend other profes-
24 sional development programs.

25 (e) The department of education shall conduct a study of
26 the role and responsibilities of principals. The department shall
27 report to the legislative oversight commission on education
28 accountability the findings and recommendations of the study
29 prior to the first day of December, two thousand one.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-12. Performance evaluations of school personnel; profes- sional personnel evaluation process.

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

6 (b) The system adopted by the state board of education for
7 evaluating the employment performance of professional
8 personnel shall be in accordance with the provisions of this
9 section. Professional personnel means professional personnel as
10 defined in section one, article one of this chapter. The written
11 standards for evaluation shall clearly specify satisfactory
12 performance and the criteria to be used to determine whether
13 the performance of each professional personnel meets such
14 standards.

15 (c) The performance evaluation system shall contain, but
16 shall not be limited to the following information:

17 (1) The professional personnel positions to be evaluated,
18 whether they be teachers, substitute teachers, administrators,
19 principals, or others;

20 (2) The frequency and duration of the evaluations, which
21 shall be on a regular basis and of such frequency and duration
22 as to insure the collection of a sufficient amount of data from
23 which reliable conclusions and findings may be drawn;

24 (3) The purposes of the evaluation, which shall serve as a
25 basis for the improvement of the performance of the personnel
26 in their assigned duties, serve as an indicator of satisfactory
27 performance for individual professional personnel and serve as
28 documentation for a dismissal on the grounds of unsatisfactory
29 performance, and serve as a basis for programs to increase the
30 professional growth and development of professional personnel;

31 (4) The standards for satisfactory performance for profes-
32 sional personnel and the criteria to be used to determine
33 whether the performance of each professional meets such
34 standards and other criteria for evaluation for each professional
35 position evaluated; and

36 (5) Provisions for a written improvement plan, which shall
37 be specific as to what improvements, if any, are needed in the
38 performance of the professional and shall clearly set forth
39 recommendations for improvements, including recommenda-
40 tions for additional education and training during the profes-
41 sional's recertification process.

42 (d) A professional whose performance is deemed to be
43 unsatisfactory shall be given notice of deficiencies. A
44 remediation plan to correct deficiencies shall be developed by
45 the employing county board of education and the professional.
46 The professional shall be given a reasonable period of time for
47 remediation of the deficiencies and shall receive a statement of
48 the resources and assistance available for the purposes of
49 correcting the deficiencies.

50 (e) No person may evaluate professional personnel for the
51 purposes of this section unless such person has an administra-

52 tive certificate issued by the state superintendent and has
53 successfully completed education and training in evaluation
54 skills through the center for professional development or the
55 department of education, or equivalent education training
56 approved by the state board, which will enable the person to
57 make fair, professional, and credible evaluations of the person-
58 nel whom the person is responsible for evaluating. After the
59 first day of July, one thousand nine hundred ninety-four, no
60 person may be issued an administrative certificate or have an
61 administrative certificate renewed unless the state board
62 determines that such person has successfully completed
63 education and training in evaluation skills through the center for
64 professional development, or equivalent education and training
65 approved by the state board.

66 (f) Any professional personnel whose performance evalua-
67 tion includes a written improvement plan shall be given an
68 opportunity to improve his or her performance through the
69 implementation of the plan. If the next performance evaluation
70 shows that the professional is now performing satisfactorily, no
71 further action shall be taken concerning the original perfor-
72 mance evaluation. If such evaluation shows that the profes-
73 sional is still not performing satisfactorily, the evaluator shall
74 either make additional recommendations for improvement or
75 may recommend the dismissal of such professional in accor-
76 dance with the provisions of section eight of this article.

ARTICLE 3A. CENTER FOR PROFESSIONAL DEVELOPMENT.

**§18A-3A-1. Center for professional development continued;
intent; advisory council.**

1 (a) Teaching is a profession that directly correlates to the
2 social and economic well-being of a society and its citizens.
3 Superior teaching is essential to a well educated and productive
4 populace. The intent of this article is to recognize the value of
5 professional involvement by experienced educators in building

6 and maintaining a superior force of professional educators and
7 to establish avenues for applying such involvement.

8 The general mission of the center is to study matters
9 relating to the quality of teaching in the schools of West
10 Virginia and to promote the implementation primarily of
11 statewide programs and practices as recommended by the state
12 board to assure the highest quality in teaching. The center also
13 may implement local programs if the state board, in its agenda
14 set pursuant to section twenty-three-a, article two, chapter
15 eighteen of this code, determines that there is a specific local
16 need for the programs. Additionally, the center shall perform
17 such duties as are assigned to it by law.

18 Nothing in this article shall be construed to require any
19 specific level of funding by the Legislature.

20 (b) The center board shall consist of eleven persons as
21 follows: The secretary of education and the arts, ex officio, and
22 the state superintendent of schools, ex officio, both of whom
23 shall be entitled to vote; three members of the state board,
24 elected by the state board; three experienced educators, of
25 whom two shall be working classroom teachers and one of
26 whom shall be a school or county administrator, appointed by
27 the governor by and with the advice and consent of the Senate;
28 and three citizens of the state who are knowledgeable in matters
29 relevant to the issues addressed by the center, including, but not
30 limited to, professional development and management princi-
31 ples, appointed by the governor by and with the advice and
32 consent of the Senate. Not more than two appointees shall be
33 residents within the same congressional district. The center
34 board shall elect a board chair.

35 Of the initial members from the state board, one shall be
36 elected for a term of one year and two shall be elected for terms
37 of two years. All successive elections shall be for two-year

38 terms. The state board shall elect another member to fill the
39 unexpired term of any person so elected who subsequently
40 vacates state board membership. Of the initial appointed
41 members, three shall be appointed for one-year terms and three
42 shall be appointed for two-year terms. All successive appoint-
43 ments shall be for two-year terms. The governor shall appoint
44 a new member to fill the unexpired term of any vacancy in the
45 appointed membership.

46 The center for professional development board shall meet
47 at least quarterly and the appointed members shall be reim-
48 bursed for reasonable and necessary expenses actually incurred
49 in the performance of their official duties from funds appropri-
50 ated or otherwise made available for such purposes upon
51 submission of an itemized statement therefor.

52 The board chair, with the advice of the center board, from
53 appropriations to the center for professional development, may
54 employ and fix the compensation of an executive director with
55 knowledge and experience in professional development and
56 management principles and such other persons as may be
57 necessary to carry out the mission and duties of the center.
58 When practical, personnel employed by state higher education
59 agencies and state, regional and county public education
60 agencies shall be made available to the center to assist in the
61 operation of projects of limited duration.

62 The center shall assist in the delivery of programs and
63 activities pursuant to this article to meet statewide, and if
64 needed as determined by the goals set by the state board
65 pursuant to section twenty-three-a, article two, chapter eighteen
66 of this code, the local professional development needs of
67 teachers, and may contract with existing agencies or agencies
68 created after the effective date of this section or others to
69 provide training programs in the most efficient manner.
70 Existing programs currently based in agencies of the state shall

71 be continued in the agency of their origin unless the center
72 establishes a compelling need to transfer or cancel the existing
73 program. The center shall recommend to the governor the
74 transfer of funds to the providing agency, if needed, to provide
75 programs approved by the center.

76 Pursuant to the provisions of article ten, chapter four of this
77 code, the center for professional development board shall
78 continue to exist until the first day of July, two thousand one.

79 (c) Persons attending the professional development
80 offerings of the center and such other courses as shall be
81 offered by the center for professional development shall be
82 assessed fees which shall be less than the full cost of atten-
83 dance. There is hereby created in the state treasury a special
84 revenue account known as the "center for professional develop-
85 ment fund". All moneys collected by the center shall be
86 deposited in the fund for expenditure by the center board for the
87 purposes specified in this section. Moneys remaining in the
88 fund at the end of the fiscal year are subject to reappropriation
89 by the Legislature.

§18A-3A-2. Professional development project.

1 Subject to the provisions of section twenty-three-a, article
2 two, chapter eighteen of this code, through this project the
3 center shall:

4 (1) Identify, coordinate, arrange and otherwise assist in the
5 delivery of professional development programs and activities
6 that help professional educators acquire the knowledge, skills,
7 attitudes, practices and other such pertinent complements
8 deemed essential for an individual to demonstrate appropriate
9 performance as a professional personnel in the public schools
10 of West Virginia. The basis for such performance shall be the
11 laws, policies and regulations adopted for the public schools of
12 West Virginia, and amendments thereto. The center also may

13 permit and encourage school personnel such as classroom aides,
14 higher education teacher education faculty and higher education
15 faculty in programs such as articulated tech prep associate
16 degree and other programs to participate in appropriate profes-
17 sional development programs and activities with public school
18 professional educators;

19 (2) Serve in a coordinating capacity to assure that the
20 knowledge, skills, attitude and other pertinent complements of
21 appropriate professional performance which evolve over time
22 in the public school environment are appropriately reflected in
23 the programs approved for the education of professional
24 personnel, including, but not limited to, advising the teacher
25 education programs of major statutory and policy changes in
26 the public schools which affect the job performance require-
27 ments of professional educators;

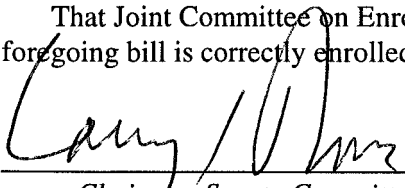
28 (3) Provide for the routine updating of professional skills of
29 professional educators through in-service and other programs.
30 Such routine updating may be provided by the center through
31 statewide or regional institutes which may require a registration
32 fee; and

33 (4) Provide consultation and assistance to county staff
34 development councils established under the provisions of
35 section eight, article three of this chapter in planning, design-
36 ing, coordinating, arranging for and delivering professional
37 development programs to meet the needs of the professional
38 educators of their district. From legislative appropriations to the
39 center for professional development the center shall, unless
40 otherwise directed by the Legislature, provide assistance in the
41 delivery of programs and activities to meet the expressed needs
42 of the school districts for professional development to help
43 teachers demonstrate appropriate performance based on the
44 laws, policies and regulations adopted for the public schools of
45 West Virginia.

§18A-3A-3. Professional personnel evaluation project.

1 Subject to the provisions of section twenty-three-a, article
2 two, chapter eighteen of this code, through this project the
3 center shall establish programs that provide instruction to
4 classroom teachers who will serve as beginning teacher mentors
5 in accordance with the provisions of section two-b, article three
6 of this chapter.

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



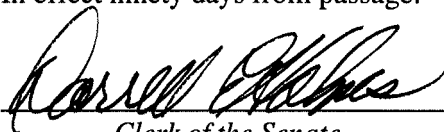
Chairman Senate Committee



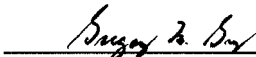
Chairman House Committee

Originating in the House.

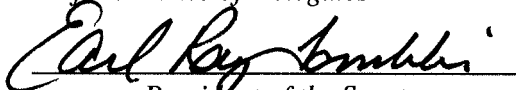
In effect ninety days from passage.




Clerk of the Senate



Clerk of the House of Delegates

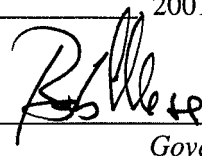


President of the Senate



Speaker of the House of Delegates

The within disapproved bill this the 2
day of May 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date

4/27/01

Time

11:50am