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
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.
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article three, chapter eighteen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section two-b, article three-a of said chapter be repealed; that article two, chapter eighteen of said code be amended by adding thereto a new section, designated section thirty-five; that section twelve, article two,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.

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

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

(c) The training required by this section shall satisfy the current annual requirement of eighteen hours of professional development.
(d) Nothing in this section shall be construed to limit the right of a county school board or a county superintendent to require a principal or assistant principal to attend other professional development programs.

(e) The department of education shall conduct a study of the role and responsibilities of principals. The department shall report to the legislative oversight commission on education accountability the findings and recommendations of the study 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; professional personnel evaluation process.

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

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

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

(1) The professional personnel positions to be evaluated, whether they be teachers, substitute teachers, administrators, principals, or others;
(2) The frequency and duration of the evaluations, which shall be on a regular basis and of such frequency and duration as to insure the collection of a sufficient amount of data from which reliable conclusions and findings may be drawn;

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

(4) The standards for satisfactory performance for professional personnel and the criteria to be used to determine whether the performance of each professional meets such standards and other criteria for evaluation for each professional position evaluated; and

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

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

(e) No person may evaluate professional personnel for the purposes of this section unless such person has an administra-
tive certificate issued by the state superintendent and has
successfully completed education and training in evaluation
skills through the center for professional development or the
department of education, or equivalent education training
approved by the state board, which will enable the person to
make fair, professional, and credible evaluations of the person-
nel whom the person is responsible for evaluating. After the
first day of July, one thousand nine hundred ninety-four, no
person may be issued an administrative certificate or have an
administrative certificate renewed unless the state board
determines that such person has successfully completed
education and training in evaluation skills through the center for
professional development, or equivalent education and training
approved by the state board.

(f) Any professional personnel whose performance evalua-
tion includes a written improvement plan shall be given an
opportunity to improve his or her performance through the
implementation of the plan. If the next performance evaluation
shows that the professional is now performing satisfactorily, no
further action shall be taken concerning the original perf or-
mance evaluation. If such evaluation shows that the profes-
sional is still not performing satisfactorily, the evaluator shall
either make additional recommendations for improvement or
may recommend the dismissal of such professional in accor-
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.

(a) Teaching is a profession that directly correlates to the
social and economic well-being of a society and its citizens.
Superior teaching is essential to a well educated and productive
populace. The intent of this article is to recognize the value of
professional involvement by experienced educators in building
and maintaining a superior force of professional educators and
to establish avenues for applying such involvement.

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

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

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

Of the initial members from the state board, one shall be elected for a term of one year and two shall be elected for terms of two years. All successive elections shall be for two-year
terms. The state board shall elect another member to fill the unexpired term of any person so elected who subsequently vacates state board membership. Of the initial appointed members, three shall be appointed for one-year terms and three shall be appointed for two-year terms. All successive appointments shall be for two-year terms. The governor shall appoint a new member to fill the unexpired term of any vacancy in the appointed membership.

The center for professional development board shall meet at least quarterly and the appointed members shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of their official duties from funds appropriated or otherwise made available for such purposes upon submission of an itemized statement therefor.

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

The center shall assist in the delivery of programs and activities pursuant to this article to meet statewide, and if needed as determined by the goals set by the state board pursuant to section twenty-three-a, article two, chapter eighteen of this code, the local professional development needs of teachers, and may contract with existing agencies or agencies created after the effective date of this section or others to provide training programs in the most efficient manner. Existing programs currently based in agencies of the state shall
be continued in the agency of their origin unless the center
establishes a compelling need to transfer or cancel the existing
program. The center shall recommend to the governor the
transfer of funds to the providing agency, if needed, to provide
programs approved by the center.

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

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

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

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

(1) Identify, coordinate, arrange and otherwise assist in the
delivery of professional development programs and activities
that help professional educators acquire the knowledge, skills,
attitudes, practices and other such pertinent complements
deemed essential for an individual to demonstrate appropriate
performance as a professional personnel in the public schools
of West Virginia. The basis for such performance shall be the
laws, policies and regulations adopted for the public schools of
West Virginia, and amendments thereto. The center also may
permit and encourage school personnel such as classroom aides, higher education teacher education faculty and higher education faculty in programs such as articulated tech prep associate degree and other programs to participate in appropriate professional development programs and activities with public school professional educators;

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

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

(4) Provide consultation and assistance to county staff development councils established under the provisions of section eight, article three of this chapter in planning, designing, coordinating, arranging for and delivering professional development programs to meet the needs of the professional educators of their district. From legislative appropriations to the center for professional development the center shall, unless otherwise directed by the Legislature, provide assistance in the delivery of programs and activities to meet the expressed needs of the school districts for professional development to help teachers demonstrate appropriate performance based on the laws, policies and regulations adopted for the public schools of West Virginia.
§18A-3A-3. Professional personnel evaluation project.

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