

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



# ENROLLED

## House Bill No. 2528

(By Delegates Campbell, Williams, Perry and Beach)



Passed April 9, 2005

In Effect Ninety Days from Passage

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### H. B. 2528

(BY DELEGATES CAMPBELL, WILLIAMS, PERRY AND BEACH)

[Passed April 9, 2005; in effect ninety days from passage]

AN ACT to amend and reenact §18A-3-1a of the Code of West Virginia, 1931, as amended, relating to alternative programs for the education of teachers; providing for alternative program certificate, eligibility, issuance, scope and renewal limitation; changing activities, components and phases of training for alternative programs; providing for program coordination, training and approval; authorizing separate programs to prepare highly qualified special education teachers; requiring position to be posted in certain instances; and establishing hiring preference.

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

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

#### **ARTICLE 3. TRAINING, CERTIFICATION, LICENSING, PROFESSIONAL DEVELOPMENT.**

**§18A-3-1a. Alternative programs for the education of teachers.**

1 (a) By the fifteenth day of August, two thousand five, the  
2 State Board, after consultation with the Secretary of Education  
3 and the Arts, shall promulgate rules in accordance with the  
4 provisions of article three-b, chapter twenty-nine-a of this code  
5 for the approval and operation of teacher education programs  
6 which are an alternative to the regular college or university  
7 programs for the education of teachers. To participate in an  
8 approved alternative teacher education program, the candidate  
9 must hold an alternative program teacher certificate issued by  
10 the Superintendent and endorsed for the instructional field in  
11 which the candidate seeks certification. An alternative program  
12 teacher certificate is a certificate issued for one year to a  
13 candidate who does not meet the standard educational require-  
14 ments for certification. The certificate may be renewed no more  
15 than two times. No individual may hold an alternative program  
16 teacher certificate for a period exceeding three years. The  
17 alternative program teacher certificate shall be considered a  
18 professional teaching certificate for the purpose of the issuance  
19 of a continuing contract. To be eligible for an alternative  
20 program teacher certificate, an applicant shall:

21 (1) Possess at least a bachelor's degree from a regionally  
22 accredited institution of higher education in a discipline taught  
23 in the public schools except that the rules established by the  
24 board may exempt candidates in selected vocational and  
25 technical areas who have at least ten years experience in the  
26 subject field from this requirement;

27 (2) Pass an appropriate state board approved basic skills  
28 and subject matter test in the area for which licensure is being  
29 sought;

30 (3) Be a citizen of the United States, be of good moral  
31 character and physically, mentally and emotionally qualified to  
32 perform the duties of a teacher, and have attained the age of  
33 eighteen years on or before the first day of October of the year  
34 in which the alternative program teacher certificate is issued;

35 (4) Have been offered employment by a county board in an  
36 area of critical need and shortage; and

37 (5) Qualify following a criminal history check pursuant to  
38 section ten of this article.

39 Persons who satisfy the requirements set forth in subdivi-  
40 sions (1) through (5) of this subsection shall be granted a formal  
41 document which will enable them to work in a public school in  
42 West Virginia.

43 (b) The rules adopted by the board shall include provisions  
44 for the approval of alternative teacher education programs  
45 which may be offered by schools, school districts, consortia of  
46 schools or regional educational service agency and for the  
47 setting of tuition charges to offset the program costs. An  
48 approved alternative teacher education program shall be in  
49 effect for a school, school district, consortium of schools or  
50 regional educational service agency before an alternative  
51 program teacher may be employed in that school, school  
52 district, consortium of schools or regional educational service  
53 agency. An approved alternative program shall provide  
54 essential knowledge and skills to alternative program teachers  
55 through the following phases of training:

56 (1) *Instruction.* — The alternative preparation program  
57 shall provide a minimum of eighteen semester hours of instruc-  
58 tion in the areas of student assessment; development and  
59 learning; curriculum; classroom management; the use of  
60 educational computers and other technology; and special  
61 education and diversity. All programs shall contain a minimum  
62 of three semester hours of instruction in special education and  
63 diversity out of the minimum eighteen required semester hours.

64 (2) *Phase I.* — Phase I shall consist of a period of intensive  
65 on-the-job supervision by an assigned mentor and the school

66 administrator for a period of not less than two weeks and no  
67 more than four weeks. The assigned mentor shall meet the  
68 requirements for mentor set forth in section two-b of this article  
69 and be paid the stipend pursuant to that section. During this  
70 time, the teacher shall be observed daily. This phase shall  
71 include an orientation to the policies, organization and curricu-  
72 lum of the employing district. The alternative program teacher  
73 shall begin to receive formal instruction in those areas listed in  
74 subdivision (1) of this subsection.

75 (3) *Phase II.* — Phase II shall consist of a period of  
76 intensive on-the-job supervision beginning the first day  
77 following the completion of Phase I and continuing for a period  
78 of at least ten weeks. During Phase II, the alternative program  
79 teacher shall be visited and critiqued no less than one time per  
80 week by members of a professional support team, defined in  
81 subsection (c) of this section, and shall be observed and  
82 formally evaluated at the end of five weeks and at the end of ten  
83 weeks by the appropriately certified members of the team. At  
84 the end of the ten-week period, the alternative program teacher  
85 shall receive a formal written progress report from the chairper-  
86 son of the support team. The alternative program teacher shall  
87 continue to receive formal instruction in those areas listed  
88 above under subdivision (1) of this subsection.

89 (4) *Phase III.* — Phase III shall consist of an additional  
90 period of continued supervision and evaluation of no less than  
91 twenty weeks duration. The professional support team will  
92 determine the requirements of this phase with at least one  
93 formal evaluation being conducted at the completion of the  
94 phase. The alternative program teacher shall continue to receive  
95 formal instruction in those areas listed above under subdivision  
96 (1) of this subsection, and receive opportunities to observe the  
97 teaching of experienced colleagues.

98 (c) Training and supervision of alternative program teachers  
99 shall be provided by a professional support team comprised of  
100 a school principal, an experienced classroom teacher who  
101 satisfies the requirements for mentor for the Beginning Educa-  
102 tor Internship as specified in section two-b of this article, a  
103 college or university education faculty member and a curricu-  
104 lum supervisor. Districts or schools which do not employ  
105 curriculum supervisors or have been unable to establish a  
106 relationship with a college or university shall provide for  
107 comparable expertise on the team. The school principal shall  
108 serve as chairperson of the team. In addition to other duties  
109 assigned to it under this section and section one-b of this article,  
110 the professional support team shall submit a written evaluation  
111 of the alternative program teacher to the county superintendent.  
112 The written evaluation shall be in a form specified by the  
113 county superintendent and submitted on a date specified by the  
114 county superintendent that is prior to the first Monday of May.  
115 The evaluation shall report the progress of the alternative  
116 program teacher toward meeting the academic and performance  
117 requirements of the program.

118 (d) The training for professional support team members  
119 shall be coordinated and provided by the Center for Profes-  
120 sional Development in coordination with the school district,  
121 consortium of schools, regional educational service agency, and  
122 institution of higher education, or any combination of these  
123 agencies as set forth in the plan approved by the state board  
124 pursuant to subsection (e) of this section.

125 (e) A school, school district, consortium of schools or  
126 regional educational service agency seeking to employ an  
127 alternative program teacher must submit a plan to the State  
128 Board and receive approval. Each plan shall describe how the  
129 proposed training program will accomplish the key elements of  
130 an alternative program for the education of teachers as set forth  
131 in this section. Each school, school district, consortium of

132 schools or regional educational service agency shall show  
133 evidence in its plan of having sought joint sponsorship of their  
134 training program with institutions of higher education.

135 (f) The state board shall promulgate a rule in accordance  
136 with article three-b, chapter twenty-nine-a of this code for the  
137 approval and operation of alternative education programs to  
138 prepare highly qualified special education teachers that are  
139 separate from the programs established under the other provi-  
140 sions of this section and are applicable only to teachers who  
141 have at least a Bachelor's degree in a program for the prepara-  
142 tion of teachers from a regionally accredited institution of  
143 higher education. These programs are subject to the other  
144 provisions of this section only to the extent specifically  
145 provided for in the rule. These programs may be an alternative  
146 to the regular college and university programs for the education  
147 of special education teachers and also may address the content  
148 area preparation of certified special education teachers. The  
149 programs shall incorporate professional development to the  
150 maximum extent possible to help teachers who are currently  
151 certified in special education to obtain the required content area  
152 preparation. Participation in an alternative education program  
153 pursuant to this subsection shall not affect any rights, privileges  
154 or benefits to which the participant would otherwise be entitled  
155 as a regular employee, nor does it alter any rights, privileges or  
156 benefits of participants on continuing contract status. The state  
157 board shall report to the legislative oversight commission on  
158 education accountability on the programs authorized under this  
159 subsection during the July, two thousand five, interim meetings  
160 or as soon thereafter as practical prior to implementation of the  
161 programs.

162 (g) The State Board shall promulgate a rule in accordance  
163 with article three-b, chapter twenty-nine-a of this code for the  
164 approval and operation of alternative education programs to  
165 prepare highly qualified special education teachers that are

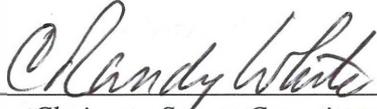
166 separate from the programs established under the other provi-  
167 sions of this section and are applicable only to persons who  
168 hold a bachelor's degree from a regionally accredited institution  
169 of higher education. These programs are subject to the other  
170 provisions of this section only to the extent specifically  
171 provided for in this rule. These programs may be an alternative  
172 to the regular college and university programs for the education  
173 of special education teachers and also may address the content  
174 area preparation of such persons. The State Board shall report  
175 to the Legislative Oversight Commission on Education Ac-  
176 countability on the programs authorized under this subsection  
177 during the July, two thousand five, interim meetings or as soon  
178 thereafter as practical prior to implementation of the programs.

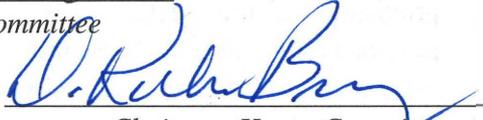
179 (h) For the purposes of this section, "area of critical need  
180 and shortage" means an opening in an established, existing or  
181 newly created position which has been posted in accordance  
182 with the provisions of section seven-a, article four of this  
183 chapter, and for which no fully qualified applicant has been  
184 employed.

185 (i) The recommendation to rehire an alternative education  
186 program teacher pursuant to section eight-a, article two of this  
187 chapter is subject to the position being posted and no fully  
188 qualified applicant being employed: *Provided*, That this  
189 provision does not apply to teachers who hold a valid West  
190 Virginia professional teaching certificate and who are employed  
191 under a program operated pursuant to subsection (f).

192 (j) When making decisions affecting the hiring of an  
193 alternative program teacher under the provisions of this section,  
194 a county board shall give preference to applicants who hold a  
195 valid West Virginia professional teaching certificate.

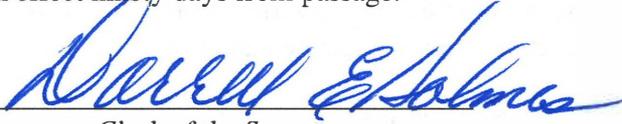
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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

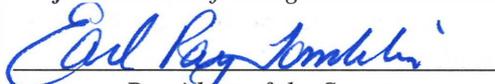
  
\_\_\_\_\_  
Chairman House Committee

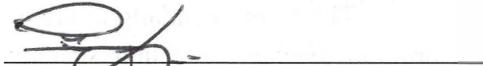
Originating in the House.

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 is approved this the 3rd  
day of May, 2005.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAY 2 2005

Time 9:55 am