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
AN ACT to amend and reenact §18A-3-la 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.
(a) By the fifteenth day of August, two thousand five, the State Board, after consultation with the Secretary of Education and the Arts, shall promulgate rules in accordance with the provisions of article three-b, chapter twenty-nine-a of this code for the approval and operation of teacher education programs which are an alternative to the regular college or university programs for the education of teachers. To participate in an approved alternative teacher education program, the candidate must hold an alternative program teacher certificate issued by the Superintendent and endorsed for the instructional field in which the candidate seeks certification. An alternative program teacher certificate is a certificate issued for one year to a candidate who does not meet the standard educational requirements for certification. The certificate may be renewed no more than two times. No individual may hold an alternative program teacher certificate for a period exceeding three years. The alternative program teacher certificate shall be considered a professional teaching certificate for the purpose of the issuance of a continuing contract. To be eligible for an alternative program teacher certificate, an applicant shall:

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

2. Pass an appropriate state board approved basic skills and subject matter test in the area for which licensure is being sought;

3. Be a citizen of the United States, be of good moral character and physically, mentally and emotionally qualified to perform the duties of a teacher, and have attained the age of eighteen years on or before the first day of October of the year in which the alternative program teacher certificate is issued;
(4) Have been offered employment by a county board in an area of critical need and shortage; and

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

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

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

(1) Instruction. — The alternative preparation program shall provide a minimum of eighteen semester hours of instruction in the areas of student assessment; development and learning; curriculum; classroom management; the use of educational computers and other technology; and special education and diversity. All programs shall contain a minimum of three semester hours of instruction in special education and diversity out of the minimum eighteen required semester hours.

(2) Phase I. — Phase I shall consist of a period of intensive on-the-job supervision by an assigned mentor and the school
administrator for a period of not less than two weeks and no
more than four weeks. The assigned mentor shall meet the
requirements for mentor set forth in section two-b of this article
and be paid the stipend pursuant to that section. During this
time, the teacher shall be observed daily. This phase shall
include an orientation to the policies, organization and curricu-
num of the employing district. The alternative program teacher
shall begin to receive formal instruction in those areas listed in
subdivision (1) of this subsection.

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

(4) **Phase III.** — Phase III shall consist of an additional
period of continued supervision and evaluation of no less than
twenty weeks duration. The professional support team will
determine the requirements of this phase with at least one
formal evaluation being conducted at the completion of the
phase. The alternative program teacher shall continue to receive
formal instruction in those areas listed above under subdivision
(1) of this subsection, and receive opportunities to observe the
teaching of experienced colleagues.
(c) Training and supervision of alternative program teachers shall be provided by a professional support team comprised of a school principal, an experienced classroom teacher who satisfies the requirements for mentor for the Beginning Educator Internship as specified in section two-b of this article, a college or university education faculty member and a curriculum supervisor. Districts or schools which do not employ curriculum supervisors or have been unable to establish a relationship with a college or university shall provide for comparable expertise on the team. The school principal shall serve as chairperson of the team. In addition to other duties assigned to it under this section and section one-b of this article, the professional support team shall submit a written evaluation of the alternative program teacher to the county superintendent. The written evaluation shall be in a form specified by the county superintendent and submitted on a date specified by the county superintendent that is prior to the first Monday of May. The evaluation shall report the progress of the alternative program teacher toward meeting the academic and performance requirements of the program.

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

(e) A school, school district, consortium of schools or regional educational service agency seeking to employ an alternative program teacher must submit a plan to the State Board and receive approval. Each plan shall describe how the proposed training program will accomplish the key elements of an alternative program for the education of teachers as set forth in this section. Each school, school district, consortium of
schools or regional educational service agency shall show
evidence in its plan of having sought joint sponsorship of their
training program with institutions of higher education.

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

(g) The State Board shall promulgate a rule in accordance
with article three-b, chapter twenty-nine-a of this code for the
approval and operation of alternative education programs to
prepare highly qualified special education teachers that are
separate from the programs established under the other provisions of this section and are applicable only to persons who hold a bachelor’s degree from a regionally accredited institution of higher education. These programs are subject to the other provisions of this section only to the extent specifically provided for in this rule. These programs may be an alternative to the regular college and university programs for the education of special education teachers and also may address the content area preparation of such persons. The State Board shall report to the Legislative Oversight Commission on Education Accountability on the programs authorized under this subsection during the July, two thousand five, interim meetings or as soon thereafter as practical prior to implementation of the programs.

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

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

(j) When making decisions affecting the hiring of an alternative program teacher under the provisions of this section, a county board shall give preference to applicants who hold a valid West Virginia professional teaching certificate.
Enr. H. B. 2528]

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 day of , 2005.