WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006

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ENROLLED

COMMITTEE SUBSTITUTE FOR
House Bill No. 4626

(By Mr. Speaker, Mr. Kiss)

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Passed March 11, 2006

In Effect from Passage
AN ACT to amend and reenact §18A-3-1 of the Code of West Virginia, 1931, as amended, relating to educator preparation programs generally; adding requirements for the student teaching experience agreement; and providing for an alternate student teaching experience in a nonpublic school setting in lieu of the student teaching experience required in a public school setting.

Be it enacted by the Legislature of West Virginia:

That §18A-3-1 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-3-1. Teacher preparation programs; program approval and standards; authority to issue teaching certificates.
(a) The education of professional educators in the state is under the general direction and control of the state board after consultation with the Secretary of Education and the Arts and the Chancellor for Higher Education who shall represent the interests of educator preparation programs within the institutions of higher education in this state as those institutions are defined in section two, article one, chapter eighteen-b of this code.

The education of professional educators in the state includes all programs leading to certification to teach or serve in the public schools including:

(1) Those programs in all institutions of higher education, including student teaching as provided in this section;

(2) Beginning teacher internship programs;

(3) The granting of West Virginia certification to persons who received their preparation to teach outside the boundaries of this state, except as provided in subsection (b) of this section;

(4) Any alternative preparation programs in this state leading to certification, including programs established pursuant to the provisions of section one-a of this article and programs which are in effect on the effective date of this section; and

(5) Any continuing professional education, professional development and in-service training programs for professional educators employed in the public schools in the state.

(b) The state board, after consultation with the Secretary of Education and the Arts and the Chancellor for Higher Education, shall adopt standards for the education of professional educators in the state and for awarding certificates valid in the public schools of this state. The standards shall include, but not be limited to the following:
(1) A provision for the study of multicultural education. As used in this section, multicultural education means the study of the pluralistic nature of American society including its values, institutions, organizations, groups, status positions and social roles;

(2) A provision for the study of classroom management techniques, including methods of effective management of disruptive behavior which shall include societal factors and their impact on student behavior; and

(3) Subject to the provisions of section ten of this article, a teacher from another state shall be awarded a teaching certificate for a comparable grade level and subject area valid in the public schools of this state, if he or she:

(A) Holds a valid teaching certificate or a certificate of eligibility issued by another state;

(B) Has graduated from an educator preparation program at a regionally accredited institution of higher education;

(C) Possesses the minimum of a bachelor's degree; and

(D) Meets all of the requirements of the state for full certification except employment.

(c) To give prospective teachers the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the West Virginia public schools, the state board may enter into an agreement with county boards for the use of the public schools.

(d) An agreement established pursuant to subsection (c) of this section shall recognize student teaching as a joint responsibility of the educator preparation institution and the cooperating public schools and shall include:
(1) The minimum qualifications for the employment of public school teachers selected as supervising teachers, including the requirement that field-based and clinical experiences be supervised by a teacher fully certified in the state in which that teacher is supervising;

(2) The remuneration to be paid public school teachers by the State Board, in addition to their contractual salaries, for supervising student teachers;

(3) Minimum standards to guarantee the adequacy of the facilities and program of the public school selected for student teaching;

(4) That the student teacher, under the direction and supervision of the supervising teacher, shall exercise the authority of a substitute teacher; and

(5) A provision requiring any higher education institution with an educator preparation program to document that the student teacher’s field-based and clinical experiences include participation and instruction with multicultural, at-risk and exceptional children at each programmatic level for which the student teacher seeks certification.

(e) Beginning the fall, two thousand six – two thousand seven academic term, in lieu of the student teaching experience in a public school setting required by this section, an institution of higher education may provide an alternate student teaching experience in a nonpublic school setting if the institution of higher education:

(1) Complies with the provisions of this section;

(2) Has a state board approved educator preparation program; and
(3) Enters into an agreement pursuant to subdivisions (f) and (g) of this section.

(f) At the discretion of the higher education institution, an agreement for an alternate student teaching experience between an institution of higher education and a nonpublic school shall require that either:

(1) The student teacher complete at least one-half of the clinical experience in a public school; or

(2) The educator preparation program include a requirement that any student performing student teaching in a nonpublic school complete at least:

(A) Two hundred clock hours of field-based training in a public school; and

(B) A course, which is a component of the institution’s state board approved educator preparation program, that provides to prospective teachers information that is equivalent to the teaching experience needed to demonstrate competence as a prerequisite to certification to teach in the public schools in West Virginia. The course shall include instruction on at least the following elements:

(i) State board policy and provisions of this code governing public education;

(ii) Requirements for federal and state accountability, including the mandatory reporting of child abuse;

(iii) Federal and state mandated curriculum and assessment requirements, including multicultural education, safe schools and student code of conduct;
iv) Federal and state regulations for the instruction of exceptional students as defined by the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.;

(v) Varied approaches for effective instruction for students who are at-risk;

(g) In addition to the requirements set forth in subsection (f) of this section, an agreement for an alternate student teaching experience between an institution of higher education and a nonpublic school shall:

(1) Require that the higher education institution with an educator preparation program document that the student teacher's field-based and clinical experiences include participation and instruction with multicultural, at-risk and exceptional children at each programmatic level for which the student teacher seeks certification; and

(2) Include the minimum qualifications for the employment of school teachers selected as supervising teachers, including the requirement that field-based and clinical experiences be supervised by a teacher fully certified in the state in which that teacher is supervising.

(h) The state superintendent may issue certificates to graduates of educator preparation programs and alternative educator preparation programs approved by the state board. The certificates are issued in accordance with this section and rules adopted by the State Board after consultation with the Secretary of Education and the Arts and the Chancellor for Higher Education.

(1) A certificate to teach may be granted only to any person who is:
(A) A citizen of the United States, except as provided in subdivision (2) of this subsection;

(B) Is of good moral character;

(C) Physically, mentally and emotionally qualified to perform the duties of a teacher; and

(D) At least eighteen years on or before the first day of October of the year in which his or her certificate is issued.

(2) A permit to teach in the public schools of this state may be granted to a person who is an exchange teacher from a foreign country, or an alien person who meets the requirements to teach.

(i) In consultation with the Secretary of Education and the Arts and the Chancellor for Higher Education, institutions of higher education approved for educator preparation may cooperate with each other, with the Center for Professional Development and with one or more county boards to organize and operate centers to provide selected phases of the educator preparation program. The phases include, but are not limited to:

(1) Student teaching;

(2) Beginning teacher internship programs;

(3) Instruction in methodology; and

(4) Seminar programs for college students, teachers with provisional certification, professional support team members and supervising teachers.

The institutions of higher education, the Center for Professional Development and county boards may by mutual agreement budget and expend funds to operate the centers through payments to the appropriate fiscal office of the participating
institutions, the center for professional development and the county boards.

(j) The provisions of this section do not require discontinuation of an existing student teacher training center or school which meets the standards of the state board.

(k) All institutions of higher education approved for educator preparation in the one thousand nine hundred sixty-two—sixty-three school year shall continue to hold that distinction so long as they meet the minimum standards for educator preparation. Nothing in this section infringes upon the rights granted to any institution by charter given according to law previous to the adoption of this code.

(l) Notwithstanding any other provision of this section, nor any other provision of rule, law or this code to the contrary, an institution of higher education may enter into an agreement with a nonpublic school:

(1) For the purposes of this section regarding student teaching;

(2) For the spring, two thousand six academic term only;

(3) If the institution is approved for educator preparation by the state board; and

(4) If the institution had entered into the agreement for that academic term prior to the effective date of this section.

(m) As used in this section:

(1) “Nonpublic school” means a private school, parochial school, church school, school operated by a religious order or other nonpublic school that elects to:
(A) Comply with the provisions of article twenty-eight, chapter eighteen of this code; 

(B) Participate on a voluntary basis in a state operated or state sponsored program provided to such schools pursuant to this section; and 

(C) Comply with the provisions of this section; 

(2) "At-risk" means having the potential for academic failure, including, but not limited to the risk of dropping out of school, involvement in delinquent activity or poverty as indicated by free or reduced lunch status; and 

(3) "Exceptional children" has the meaning ascribed pursuant to section one, article twenty, chapter eighteen of this code, but does not include gifted students.
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 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 31st day of March, 2006.

Governor