WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4122

(By Delegates Perry, Shaver, Campbell, Lawrence, Pethel, Armstead, Duke, Savilla, Sigler, Paxton and M. Poling)

Passed March 2, 2012
To Take Effect Ninety Days From Passage
AN ACT to amend and reenact §18A-3-1a and §18A-3-1b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18A-3-12, all relating to alternative programs for teacher education; providing definitions; including entity affiliated with approved teacher education programs to be a partner in offering programs; defining approved education provider; modifying definition of area of critical need and shortage; generally reorganizing section, updating terms and eliminating duplicative language; modifying alternative program teacher certificate requirements; eliminating requirement to post position of alternative program teacher each year prior to rehiring; authorizing alternative methods of instructional delivery and candidate supervision and modifying existing methods; modifying professional support team provisions; modifying reporting and recommendation requirements; requiring certain legislative rules; and requiring teacher education programs to cooperate with the state board to ensure
that certain assistance is provided to help students pursuing a teaching degree and certified teachers attain the required hours to earn a Technology Integration Specialist Advanced Credential.

Be it enacted by the Legislature of West Virginia:

That §18A-3-1a and §18A-3-1b of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §18A-3-12, all to read as follows:

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

§18A-3-1a. Alternative programs for the education of teachers; legislative rules required.

(a) Definitions. -- For the purposes of this section, the following terms have the meaning ascribed to them, unless the context in which a term is used clearly requires a different meaning:

(1) "Alternative program teacher certificate" means a certificate issued for one year to a candidate who does not meet the standard educational requirements for teacher certification;

(2) "Approved education provider" means a partnership between one or more schools, school districts or regional educational service agencies and an institution of higher education in this state with a regionally accredited program for the education of professional educators approved by the state board or an entity affiliated with such an institution’s approved program, that has submitted to the state board a plan and agreement between the organizations for the
delivery of an alternative program in accordance with this section, and the state board has approved the plan and agreement; and

(3) "Area of critical need and shortage" means an opening in an established, existing or newly-created position which has been posted at least two times in accordance with section seven-a, article four of this chapter and for which no fully-qualified applicant has been employed.

(b) Establishment of alternative teacher education programs. -- After consultation with the Secretary of Education and the Arts and the Chancellor of the Higher Education Policy Commission, the state board shall promulgate a legislative rule or rules in accordance with article three-b, chapter twenty-nine-a of this code to implement the provisions of this section. The proposed rule or rules shall be submitted to the Legislative Oversight Commission on Education Accountability for review prior to adoption. The rule or rules shall include, but are not limited to, the following issues:

(1) Separate procedures for the approval and operation of each of the alternative teacher education programs as provided in this section:

(A) These programs are an alternative to the regular college or university programs for the education of teachers and may only be offered by approved education providers; and

(B) Each program is separate from other programs established by this section;

(2) Procedures for approving an approved education provider as defined in this section. Approval is required prior
to implementation of the provider’s program leading to certification to teach in the public schools of this state;

(3) An alternative program teacher may not be employed in a school, school district or regional educational service agency unless the school, school district or regional educational service agency is a part of a partnership that qualifies as an approved education provider as defined in subsection (a) of this section;

(4) Provisions for setting tuition charges to offset program costs;

(5) The recommendation to rehire an alternative education program teacher is subject to satisfactory progress in the applicable alternative education program by the holder of the alternative program certificate; and

(6) When making decisions affecting the hiring of a teacher authorized to teach under an alternative program certificate as provided in this section, a county board shall give preference to applicants who hold a valid West Virginia professional teaching certificate.

(c) **Alternative teacher education program.** --

(1) To participate in an approved alternative teacher education program, the candidate must hold an alternative program teacher certificate issued by the state superintendent and endorsed for the instructional field in which the candidate seeks certification.

(2) The certificate may be renewed twice and no individual may hold an alternative program teacher certificate for a period exceeding three years. The alternative program teacher certificate is equivalent to a professional teaching certificate for the purpose of issuing a continuing contract.
To be eligible for an alternative program teacher certificate, an applicant shall meet the following criteria:

(A) Possess at least a bachelor’s degree from a regionally accredited institution of higher education in a discipline taught in the public schools.

(B) Pass the same basic skills and subject matter test or tests required by the state board for traditional program candidates to become certified in the area for which licensure is being sought;

(C) Hold United States citizenship; be of good moral character and be physically, mentally and emotionally qualified to perform the duties of a teacher;

(D) Attain the age of eighteen years on or before October 1 of the year in which the alternative program teacher certificate is issued;

(E) Receive a formal offer of employment in an area of critical need and shortage from a county superintendent;

(F) Qualify for employment following a criminal history check pursuant to section ten of this article;

(G) In the case of an applicant pursuing certification to teach American Sign Language, in lieu of paragraphs (A) and (B) of this subdivision, the applicant shall possess at least a bachelor’s degree from a regionally accredited institution of higher education and pass an appropriate state board approved test or tests demonstrating the applicant’s proficiency in American Sign Language; and

(H) In the case of applicants who have at least four years of experience in the subject field and are pursuing
105 certification to teach in selected vocational and technical
106 areas, in lieu of paragraphs (A) and (B) of this subdivision,
107 the applicant shall pass an appropriate state board approved
108 test or tests demonstrating the applicant’s proficiency in the
109 basic skills and occupational content areas.

110 (4) A person who satisfies the requirements set forth in
111 subdivision (3) of this subsection shall be granted a formal
112 document authorizing him or her to work in a public school
113 in West Virginia.

114 (5) An approved alternative program provides essential
115 knowledge and skills to alternative program teachers through
116 the following phases of training:

117 (A) Instruction. -- The alternative preparation program
118 shall provide a minimum of eighteen semester hours of
119 instruction in the areas of student assessment; development
120 and learning; curriculum; classroom management; the use of
121 educational computers and other technology; and special
122 education and diversity. All programs shall contain a
123 minimum of three semester hours of instruction in special
124 education and diversity out of the minimum eighteen required
125 semester hours. Subject to the approval of the state board, an
126 approved education provider may provide instruction
127 equivalent to the eighteen semester hours required by this
128 paragraph through nontraditional methods, including, but not
129 limited to, methods such as a series of modules covering the
130 various topics, electronically delivered instruction, summer
131 sessions, professional development and job-embedded
132 mentoring.

133 (B) Phase I. -- Phase I consists of a period of intensive,
134 on-the-job supervision by an assigned mentor and the school
135 administrator for a period of not fewer than two weeks. The
136 assigned mentor shall meet the requirements for a beginning
teacher internship mentor set forth in section two-b of this article and shall be paid the stipend authorized pursuant to that section. The state board shall provide, in its rule for the approval and operation of this program, requirements for the frequency and duration of time periods for the person holding an alternative certificate to observe in the classroom of the mentor. The person holding an alternative certificate shall be observed daily by the mentor or the school administrator during this phase. This phase includes an orientation to the policies, organization and curriculum of the employing district. The alternative program teacher shall receive formal instruction in those areas listed in paragraph (A) of this subdivision.

(C) Phase II. -- Phase II consists 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 is visited and critiqued at least one time per week by members of a professional support team, as defined in subdivision (6) of this subsection, and is observed by the appropriately certified members of the team at the end of five weeks and again at five-week intervals until the completion of this phase. At the completion of this phase, the alternative program teacher shall receive a formal evaluation by the principal. The alternative program teacher shall continue to receive formal instruction in those areas listed in paragraph (A), of this subdivision.

(D) Phase III. -- Phase III consists of an additional period of continued supervision and evaluation of no fewer than twenty weeks duration. The professional support team determines the requirements of this phase, but those requirements shall include at least one formal evaluation conducted at the completion of the phase by the principal. The alternative program teacher shall continue to receive
formal instruction in those areas listed in paragraph (A) of this subdivision, and shall be given opportunities to observe the teaching of experienced colleagues.

(6) Professional support team. --

(A) Training and supervision of alternative program teachers are provided by a professional support team comprised of a school principal, or his or her designee, an experienced classroom teacher who satisfies the requirements for mentor for the Beginning Educator Internship pursuant to section two-b of this article, a representative of the institution of higher education that is a part of the partnership that qualifies as an approved education provider as defined in subsection (a) of this section or an entity affiliated with that institution, and a curriculum supervisor or other central office administrator with certification and training relevant to the training and supervision of the alternative program candidate.

(B) Districts or schools which have been unable to establish a relationship with a college or university shall provide for comparable expertise on the team.

(C) The school principal, or his or her designee, serves as chairperson of the team.

(D) The duration of each of the three phases of the program specified in paragraphs (B), (C) and (D), subdivision (5) of this subsection, in excess of the minimum durations provided in those paragraphs, shall be determined by the professional support team within guidelines provided by the state board in its rule for the approval and operation of this program.

(E) In addition to other duties assigned to it under this section and section one-b of this article, the approved
education provider 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.

(F) The training for professional support team members may be coordinated and provided by the Center for Professional Development in coordination with the approved education provider as set forth in the plan approved by the state board pursuant to subdivision (8) of this subsection.

(7) In lieu of and as an alternative to the professional support team specified in subdivision (6) of this subsection and its specific duties throughout the program phases as set forth in subdivision (5) of this section, a school or school district that has implemented a comprehensive beginning teacher induction program may, subject to the approval of the state board, provide for the training and supervision of alternative program teachers using a structure consistent with the structure implemented for the support, supervision and mentoring of beginning teachers: Provided, That all final decisions on the progress of the alternative program teacher and recommendations upon program completion shall rest with the principal.

(8) An approved education provider seeking approval for an alternative certification program shall submit a plan to the state board.

(A) No alternative certification program may be implemented prior to receiving state board approval.
(B) 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.

(d) Alternative highly qualified special education teacher education program. --

(1) These programs are separate from the programs established under the other provisions of this section and are applicable only to teachers who have at least a bachelor's degree in a program for the preparation of teachers from a regionally accredited institution of higher education.

(2) These programs are subject to the other provisions of this section only to the extent specifically provided in the rule.

(3) 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.

(4) 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.

(5) Participation in an alternative education program pursuant to this subsection may not affect any rights, privileges or benefits to which the participant otherwise would be entitled as a regular employee and may not alter any rights, privileges or benefits of participants on continuing contract status.

(e) Additional alternative education program to prepare highly qualified special education teachers. --
(1) These programs 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.

(2) These programs are subject to the other provisions of this section only to the extent specifically provided in the rule.

(3) 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 these persons.

§18A-3-1b. Recommendation for certification of alternative program teachers.

At the conclusion of an alternative teacher education program, the approved education provider shall prepare a comprehensive evaluation report on the alternative program teacher's performance. This report shall be submitted directly to the State Superintendent of Schools and shall contain a recommendation as to whether or not a professional certificate should be issued to the alternative program teacher. The report shall be made on standard forms developed by the State Superintendent.

The comprehensive evaluation report shall include one of the following recommendations:

(1) Approved: Recommends issuance of a professional certificate;

(2) Insufficient: Recommends that a professional certificate not be issued but that the candidate be allowed to seek reentry on one or more occasions in the future into an approved alternative teacher education program; or
(3) Disapproved: Recommends that a professional certificate not be issued and that the candidate not be allowed to enter into another approved alternative teacher education program in this state, but shall not be prohibited from pursuing teacher certification through other approved programs for the education of teachers in this state.

The approved education provider shall provide the alternative program teacher with a copy of the alternative program teacher’s written evaluation report and certification recommendation before submitting it to the state superintendent. If the alternative program teacher disagrees with the provider’s recommendation, the alternative program teacher may, within fifteen days of receipt, request an appeal in accordance with the certification appeals process established by the State Board of Education.

§18A-3-12. Technology integration specialists.

The Legislature finds that technology integration specialists are becoming more crucial as technology plays a continuously increasing role in the education of students. In order to address the need for more technology integration specialists, the teacher preparation programs in this state shall cooperate with the state board to ensure that:

(1) A portion of the technology integration hours required to apply for the Advanced Credential endorsed for Technology Integration Specialist is offered at each teacher preparation program while students are still working toward their teaching degree;

(2) Teacher education program students are aware of the option of attaining a Technology Integration Specialist Advanced Credential and Temporary Authorization early enough so that they can take advantage of the hours offered; and
(3) Alternative education programs are established by the teacher preparation programs to assist teachers who have already received their teaching certification attain the required hours necessary to earn a Technology Integration Specialist Advanced Credential. These alternative education programs are separate from programs required to be established by section one-a of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the day of 2012.

Governor
PRESENTED TO THE GOVERNOR

MAR - 6 2012

Time 3:00 p.m.