

HB 2005

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OFFICE WEST VIRGINIA
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WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2015



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2005

(By Delegates Pasdon, Hamrick, Zatezalo,
Romine, McCuskey, Westfall, Arvon, Overington,
Espinosa and Moffatt)



Passed March 14, 2015

In effect ninety days from passage.

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H. B. 2005

(BY DELEGATES PASDON, HAMRICK, ZATEZALO,
ROMINE, MCCUSKEY, WESTFALL, ARVON, OVERINGTON,
ESPINOSA AND MOFFATT)

[Passed March 14, 2015;
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AN ACT to amend and reenact §18A-3-1, §18A-3-1a, §18A-3-1b and §18A-3-2a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto seven new sections, designated §18A-3-1c, §18A-3-1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h and §18A-3-1i, all relating to revising, reorganizing and clarifying provisions regarding teacher certifications, including standard certifications, alternative certifications, certifications for out-of-state teachers and certifications for athletic coaches and extracurricular coaches; expanding criteria upon which a teacher's certificate may be awarded to a teacher from another state; defining terms relating to alternative programs for the education of teachers; authorizing certain partnerships to provide alternative certification programs; modifying entities eligible to deliver alternative programs; specifying permissible partners; requiring partnership agreements

and specifying necessary contents; requiring posting of vacancies; limiting circumstance where partnership may enroll alternative program candidate; requiring or authorizing approval by state board of education under certain circumstances; modifying and specifying criteria and components required for alternative certification program delivery; specifying certain required components of alternative certification program; requiring minimum hours of instruction; specifying eligibility criteria for alternative certification program teacher candidate; requiring that employment be in an area of critical need and shortage; providing for professional support team to participate in alternative program delivery and specifying responsibilities; modifying the charges which may be imposed for alternative program participation or delivery; specifying required and prohibited acts by certain entities; requiring continued contract renewal of participating program teacher and continued delivery of alternative certification program under certain circumstances and providing exception; providing retention preference for professional educators; providing for evaluation of and recommendation regarding award of professional teaching certificate for alternative program teacher; authorizing appeal of recommendation under certain circumstances; expanding program fields and conditions in which an alternative program teacher may be employed; removing preference among certain applicants when considering applicants for alternative teacher programs; modifying provisions for alternative program teacher to attain professional teaching certificate; modifying institutions from which professional teaching certificate candidates may have graduated; providing guidelines for alternative programs for certain highly qualified special education teachers; providing for certification under certain circumstances of teachers educated or certified in other states; expanding criteria upon which a teacher's certificate may be awarded to teachers; removing references to internship programs; extending alternative program teacher certificate and making nonrenewable; removing requirement, regarding athletic and

extracurricular coaches, that a currently employed certified professional educator has not applied for position; and requiring legislative rule promulgation by state board.

Be it enacted by the Legislature of West Virginia:

That §18A-3-1, §18A-3-1a, §18A-3-1b and §18A-3-2a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto seven new sections, designated §18A-3-1c, §18A-3-1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h and §18A-3-1i, all 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.

1 (a) The education of professional educators in the state is
2 under the general direction and control of the state board after
3 consultation with the Secretary of Education and the Arts and the
4 Chancellor for Higher Education who shall represent the
5 interests of educator preparation programs within the institutions
6 of higher education in this state as defined in section two, article
7 one, chapter eighteen-b of this code.

8 The education of professional educators in the state includes
9 all programs leading to certification to teach or serve in the
10 public schools. The programs include the following:

11 (1) Programs in all institutions of higher education,
12 including student teaching and teacher-in-residence programs as
13 provided in this section;

14 (2) Beginning teacher induction programs;

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

18 (4) Alternative preparation programs in this state leading to
19 certification, including programs established pursuant to the
20 provisions of sections one-a, one-b, one-c, one-d, one-e, one-f,
21 one-g, one-h and one-i of this article and programs which are in
22 effect on the effective date of this section; and

23 (5) Continuing professional education, professional
24 development and in-service training programs for professional
25 educators employed in the public schools in the state.

26 (b) After consultation with the Secretary of Education and
27 the Arts and the Chancellor for Higher Education, the state board
28 shall adopt standards for the education of professional educators
29 in the state and for awarding certificates valid in the public
30 schools of this state. The standards include, but are not limited
31 to the following:

32 (1) A provision for the study of multicultural education. As
33 used in this section, multicultural education means the study of
34 the pluralistic nature of American society including its values,
35 institutions, organizations, groups, status positions and social
36 roles;

37 (2) A provision for the study of classroom management
38 techniques, including methods of effective management of
39 disruptive behavior including societal factors and their impact on
40 student behavior; and

41 (3) A teacher from another state shall be awarded a teaching
42 certificate for a comparable grade level and subject area valid in
43 the public schools of this state, subject to section ten of this
44 article, if he or she has met the following requirements:

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

47 (B) Has graduated from an educator preparation program at
48 a regionally accredited institution of higher education or from
49 another educator preparation program;

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

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

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

58 (d) An agreement established pursuant to subsection (c) of
59 this section shall recognize student teaching as a joint
60 responsibility of the educator preparation institution and the
61 cooperating public schools. The agreement shall include the
62 following items:

63 (1) The minimum qualifications for the employment of
64 public school teachers selected as supervising teachers, including
65 the requirement that field-based and clinical experiences be
66 supervised by a teacher fully certified in the state in which that
67 teacher is supervising;

68 (2) The remuneration to be paid to public school teachers by
69 the state board, in addition to their contractual salaries, for
70 supervising student teachers;

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

74 (4) Assurance that the student teacher, under the direction
75 and supervision of the supervising teacher, shall exercise the
76 authority of a substitute teacher;

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

83 (6) A provision authorizing a school or school district that
84 has implemented a comprehensive beginning teacher induction
85 program, to enter into an agreement that provides for the training
86 and supervision of student teachers consistent with the
87 educational objectives of this subsection by using an alternate
88 structure implemented for the support, supervision and
89 mentoring of beginning teachers. The agreement is in lieu of any
90 specific provisions of this subsection and is subject to the
91 approval of the state board.

92 (e) *Teacher-in-residence programs.* —

93 (1) In lieu of the provisions of subsections (c) and (d) of this
94 section and subject to approval of the state board, an institution
95 of higher education with a program for the education of
96 professional educators in the state approved by the state board
97 may enter into an agreement with county boards for the use of
98 teacher-in-residence programs in the public schools.

99 (2) A "teacher-in-residence program" means an intensively
100 supervised and mentored residency program for prospective
101 teachers during their senior year that refines their professional
102 practice skills and helps them gain the teaching experience
103 needed to demonstrate competence as a prerequisite to
104 certification to teach in the West Virginia public schools.

105 (3) The authorization for the higher education institution and
106 the county board to implement a teacher-in-residence program
107 is subject to state board approval. The provisions of the
108 agreement include, but are not limited to, the following items:

109 (A) A requirement that the prospective teacher in a teacher-
110 in-residence program has completed all other preparation courses
111 and has passed the appropriate basic skills and subject matter test
112 or tests required by the state board for teachers to become
113 certified in the area for which licensure is sought;

114 (B) A requirement that the teacher-in-residence serve only
115 in a teaching position in the county which has been posted and
116 for which no other teacher fully certified for the position has
117 been employed;

118 (C) Specifics regarding the program of instruction for the
119 teacher-in-residence setting forth the responsibilities for
120 supervision and mentoring by the higher education institution's
121 educator preparation program, the school principal, and peer
122 teachers and mentors, and the responsibilities for the formal
123 instruction or professional development necessary for the
124 teacher-in-residence to perfect his or her professional practice
125 skills. The program also may include other instructional items as
126 considered appropriate.

127 (D) A requirement that the teacher-in-residence hold a
128 teacher-in-residence permit qualifying the individual to teach in
129 his or her assigned position as the teacher of record;

130 (E) A requirement that the salary and benefit costs for the
131 position to which the teacher-in-residence is assigned shall be
132 used only for program support and to pay a stipend to the
133 teacher-in-residence as specified in the agreement, subject to the
134 following:

135 (i) The teacher-in-residence is a student enrolled in the
136 teacher preparation program of the institution of higher
137 education and is not a regularly employed employee of the
138 county board;

139 (ii) The teacher-in-residence is included on the certified list
140 of employees of the county eligible for state aid funding the
141 same as an employee of the county at the appropriate level based
142 on their permit and level of experience;

143 (iii) All state-aid-funding due to the county board for the
144 teacher-in-residence shall be used only in accordance with the
145 agreement with the institution of higher education for support of
146 the program as provided in the agreement, including costs
147 associated with instruction and supervision as set forth in
148 paragraph (C) of this subdivision;

149 (iv) The teacher-in-residence is provided the same liability
150 insurance coverage as other employees; and

151 (v) All state aid funding due to the county for the teacher-in-
152 residence and not required for support of the program shall be
153 paid as a stipend to the teacher-in-residence: *Provided*, That the
154 stipend paid to the teacher-in-residence shall be no less than
155 sixty-five percent of all state aid funding due the county for the
156 teacher-in-residence.

157 (F) Other provisions that may be required by the state board.

158 (f) In lieu of the student teaching experience in a public
159 school setting required by this section, an institution of higher
160 education may provide an alternate student teaching experience
161 in a nonpublic school setting if the institution of higher
162 education meets the following criteria:

163 (1) Complies with the provisions of this section;

164 (2) Has a state board approved educator preparation
165 program; and

166 (3) Enters into an agreement pursuant to subdivisions (g) and
167 (h) of this section.

168 (g) At the discretion of the higher education institution, an
169 agreement for an alternate student teaching experience between
170 an institution of higher education and a nonpublic school shall
171 require one of the following:

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

174 (2) The educator preparation program shall include a
175 requirement that any student performing student teaching in a
176 nonpublic school shall complete the following:

177 (A) At least two hundred clock hours of field-based training
178 in a public school; and

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

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

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

190 (iii) Federal and state mandated curriculum and assessment
191 requirements, including multicultural education, safe schools and
192 student code of conduct;

193 (iv) Federal and state regulations for the instruction of
194 exceptional students as defined by the Individuals with
195 Disabilities Education Act, 20 U.S.C. §1400 *et seq.*; and

196 (v) Varied approaches for effective instruction for students
197 who are at-risk.

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

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

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

213 (i) The state superintendent may issue certificates as
214 provided in section two-a of this article to graduates of educator
215 preparation programs and alternative educator preparation
216 programs approved by the state board. The certificates are issued
217 in accordance with this section and rules adopted by the state
218 board after consultation with the Secretary of Education and the
219 Arts and the Chancellor for Higher Education.

220 (1) A certificate to teach may be granted only to a person
221 who meets the following criteria:

222 (A) Is a citizen of the United States, except as provided in
223 subdivision (2) of this subsection;

224 (B) Is of good moral character;

225 (C) Is physically, mentally and emotionally qualified to
226 perform the duties of a teacher; and

227 (D) Is at least eighteen years of age on or before October 1;
228 of the year in which his or her certificate is issued.

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

232 (j) In consultation with the Secretary of Education and the
233 Arts and the Chancellor for Higher Education, institutions of
234 higher education approved for educator preparation may
235 cooperate with each other, with the center for professional
236 development and with one or more county boards to organize
237 and operate centers to provide selected phases of the educator
238 preparation program. The phases include, but are not limited to
239 the following:

240 (1) Student teaching and teacher-in-residence programs;

241 (2) Beginning teacher induction programs;

242 (3) Instruction in methodology; and

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

246 By mutual agreement, the institutions of higher education,
247 the center for professional development and county boards may
248 budget and expend funds to operate the centers through
249 payments to the appropriate fiscal office of the participating
250 institutions, the center for professional development and the
251 county boards.

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

255 (l) All institutions of higher education approved for educator
256 preparation in the 1962-63 school year continue to hold that

257 distinction so long as they meet the minimum standards for
258 educator preparation. Nothing in this section infringes upon the
259 rights granted to any institution by charter given according to
260 law previous to the adoption of this code.

261 (m) *Definitions.* — For the purposes of this section, the
262 following words have the meanings ascribed to them unless the
263 context clearly indicates a different meaning:

264 (1) “Nonpublic school” means a private school, parochial
265 school, church school, school operated by a religious order or
266 other nonpublic school that elects to meet the following
267 conditions:

268 (A) Comply with the provisions of article twenty-eight,
269 chapter eighteen of this code;

270 (B) Participate on a voluntary basis in a state operated or
271 state sponsored program provided to this type school pursuant to
272 this section; and

273 (C) Comply with the provisions of this section;

274 (2) “At-risk” means a student who has the potential for
275 academic failure, including, but not limited to, the risk of
276 dropping out of school, involvement in delinquent activity or
277 poverty as indicated by free or reduced lunch status; and

278 (3) “Exceptional child” or “exceptional children” has the
279 meaning ascribed to these terms pursuant to section one, article
280 twenty, chapter eighteen of this code, but, as used in this section,
281 the terms do not include gifted students.

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

1 (a) *Purpose.* — Sections one-a, one-b, one-c, one-d, one-e,
2 one-f, one-g, one-h and one-i of this article create an alternative

3 means for a qualified person to earn a professional teaching
4 certificate. These sections authorize a school or a school district
5 to offer a rigorous alternative program for teacher certification
6 in partnership with an accredited higher education institution, an
7 entity affiliated with an accredited higher education institution,
8 the West Virginia Department of Education or a regional
9 education service agency, all under the supervision of the State
10 Board.

11 (b) *Definitions.* — For the purposes of this section and
12 sections one-b, one-c, one-d, one-e, one-f, one-g, one-h and one-i
13 of this article, the following terms have the meanings ascribed to
14 them, unless the context in which a term is used clearly requires
15 a different meaning:

16 (1) “Alternative program” means a program for teacher
17 education that is offered as an alternative to the standard college
18 or university programs for the education of teachers;

19 (2) “Alternative program teacher” means a teacher who
20 holds an alternative program teacher certificate and who
21 participates in an alternative program;

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

27 (4) “Alternative program teacher certificate” means a
28 temporary teacher certificate that authorizes a person to teach
29 while participating in an alternative program;

30 (5) “Approved alternative program” means an alternative
31 program that is approved by the State Board in accordance with
32 section one-e of this article;

33 (6) "Approved education provider" means a partnership that
34 the State Board has approved to provide an alternative program;

35 (7) "Partnership" means a partnership formed pursuant to
36 section one-b of this article to provide an alternative program;

37 (8) "Partnership agreement" means an agreement adopted by
38 a partnership pursuant to section one-b of this article; and

39 (9) "Professional support team" means the group of persons
40 that an approved education provider has selected to train and
41 supervise alternative program teachers.

**§18A-3-1b. Alternative program partnerships; formation;
necessary partners; partnership agreements;
single-provider programs.**

1 (a) *Formation.* – One or more schools or school districts, or
2 any combination of these, may form a partnership with one or
3 more institutions of higher education, one or more entities
4 affiliated with an institution of higher education, the West
5 Virginia Department of Education, a regional education service
6 agency, or any combination of these, to provide an alternative
7 program.

8 (b) *Necessary partners.* – Except as provided in subsection
9 (d) of this section, a partnership shall include at least one of the
10 following:

11 (1) An institution of higher education with an accredited
12 program for the education of professional educators that has
13 been approved by the State Board;

14 (2) An entity affiliated with an institution of higher
15 education that has an accredited program for the education of
16 professional educators that has been approved by the State
17 Board;

18 (3) The West Virginia Department of Education; or

19 (4) A regional education service agency.

20 (c) *Partnership agreement contents.* – A partnership shall
21 adopt a written partnership agreement that governs how the
22 partnership will conduct its alternative program and that
23 identifies the rights and responsibilities of each partner. The
24 partnership agreement shall include, at a minimum, the
25 following elements:

26 (1) Procedures and criteria for determining whether a person
27 is eligible to enroll in the alternative program;

28 (2) A requirement that a vacancy has to be advertised for a
29 ten day period, and if no qualified traditional certified teacher
30 applies, only then may the partnership consider enrolling as
31 person in the alternative program;

32 (3) Procedures and criteria for making a formal offer of
33 employment to a person who is eligible to enroll in the
34 alternative program;

35 (4) A detailed list, with descriptions, of the categories,
36 methods and sources of instruction that the alternative program
37 will provide;

38 (5) A detailed description of the phases of on-the-job
39 training and supervision that the alternative program will
40 provide;

41 (6) A detailed description of the academic and performance
42 standards that an alternative program teacher shall satisfy to
43 receive the partnership's recommendation that the State
44 Superintendent issue to him or her a professional teaching
45 certificate;

46 (7) Procedures for selecting and training the professional
47 support team who will instruct, mentor or supervise alternative
48 program teachers;

49 (8) Provisions for determining tuition or other charges, if
50 any, relating to an alternative program;

51 (9) A requirement, subject to the provisions of subsection
52 (e), subsection one-f of this article, that the hiring authority for
53 any school or school district that hires an alternative program
54 teacher will renew the alternative program teacher's contract
55 from year to year as long as he or she makes satisfactory
56 progress in the alternative education program and until he or she
57 completes the alternative program; and

58 (10) Any other provisions that the partners consider
59 necessary or helpful to ensure that the alternative program
60 operates in accordance with this chapter.

**§18A-3-1c. Alternative program instruction for classroom
teachers; methods: training and evaluation phases;
professional support team; tuition.**

1 (a) *Alternative program instruction.* — An alternative
2 program for classroom teachers shall provide, at a minimum,
3 either six credit hours or six staff development hours of
4 instruction in one or more of the following subjects:

5 (1) Early literacy (if an alternative program teacher will be
6 teaching elementary school children);

7 (2) Student assessment;

8 (3) Development and learning;

9 (4) Curriculum;

10 (5) Classroom management;

11 (6) Use of educational computers and other technology; and

12 (7) Special education and diversity.

13 (b) *Methods of instruction.* – An alternative program may
14 provide instruction through nontraditional methods, including,
15 but not limited to, methods such as a series of modules covering
16 the various topics, electronically delivered instruction, summer
17 sessions, professional development and job-embedded
18 mentoring.

19 (c) *Professional support team.* – If the State Board approves,
20 an alternative program may provide a professional support team
21 whose structure is consistent with the structure that the
22 partnership's participating school or schools use for supporting,
23 supervising, inducting and mentoring a beginning teacher or
24 teacher-in-residence. If the State Board approves, an alternative
25 program's professional support team may be trained by and in
26 coordination with the Center for Professional Development.

27 (d) *Professional support team evaluation for classroom*
28 *teachers.* – The professional support team shall submit a written
29 evaluation of the alternative program teacher to the approved
30 education provider. This evaluation shall be submitted on a form
31 specified by the approved education provider and shall be
32 submitted before the first Monday in May on a date set by the
33 approved education provider. The evaluation shall report the
34 alternative program teacher's progress toward meeting the
35 alternative program's academic and performance standards:
36 *Provided,* That all final decisions on the progress of an
37 alternative program teacher shall rest with the principal.

38 (e) *Tuition.* – A partnership may not charge tuition, or
39 impose any other charge for participation in an alternative

40 program, unless the tuition or other charge is necessary to offset
41 the partnership's cost of providing the alternative program:
42 *Provided*, That a partner that is an institution of higher education
43 with an accredited program for the education of professional
44 educators may charge tuition for academic credit that an
45 alternative education teacher receives in the alternative program
46 if:

47 (1) The institution of higher education is the entity that
48 grants the academic credit: and

49 (2) The charge does not exceed the per credit rate charged
50 for students enrolled in its standard program for the education of
51 professional educators.

§18A-3-1d. Alternative program rules; necessary contents.

1 (a) *Alternative program rules.* –

2 (1) The State Board shall promulgate a legislative rule or
3 rules in accordance with article three-b, chapter twenty-nine-a of
4 this code containing procedures for the approval and operation
5 of alternative teacher education programs as provided in this
6 article. The State Board shall promulgate separate procedures for
7 alternative programs for classroom teachers, alternative
8 programs for highly qualified special education teachers, and
9 additional alternative programs to prepare highly qualified
10 special education teachers. These procedures shall be separate
11 from the State Board's other procedures for approving standard
12 teacher education programs.

13 (2) Before promulgating a rule or rules, the State Board shall
14 consult with the Secretary of Education and the Arts and the
15 Chancellor of the Higher Education Policy Commission.

16 (3) Before adopting a rule or rules, the State Board shall
17 submit its proposed rule or rules to the Legislative Oversight
18 Commission on Education Accountability for review.

19 (b) *Necessary contents.* – The State Board’s rule or rules
20 shall include, at a minimum, the following elements:

21 (1) An orderly set of deadlines, forms and guidance to
22 govern:

23 (A) A partnership’s process for applying to become an
24 approved education provider;

25 (B) The State Board’s process for reviewing and acting on
26 a partnership’s application;

27 (C) An approved education provider’s process for seeking
28 persons to enroll in an alternative program; and

29 (D) A person’s process for enrolling in an approved
30 education provider’s alternative program;

31 (2) Procedures for determining whether a partnership
32 agreement complies with sections one-b and one-c of this article;

33 (3) Procedures for determining whether a partnership
34 agreement complies with any additional requirements contained
35 in the State Board’s rule or rules;

36 (4) Standards for how often and for what lengths of time an
37 alternative program teacher must observe in a mentor’s
38 classroom;

39 (5) Guidelines for determining what tuition or other charges
40 an approved education provider may impose relating to an
41 alternative program;

42 (6) A list of the test or tests that a person must pass if he or
43 she seeks a certification to teach American Sign Language; and

44 (7) A list of the test or tests that a person must pass if he or
45 she seeks a certification to teach in selected vocational and
46 technical areas.

§18A-3-1e. State Board approval; prohibited acts.

1 (a) *State Board approval.* –

2 (1) The State Board shall approve a partnership's application
3 to operate an alternative program for classroom teachers if the
4 State Board determines that the proposed alternative program, in
5 all material respects, complies or will comply with the State
6 Board's applicable alternative program rules and with the
7 requirements of sections one-b, one-c of this article.

8 (2) The State Board shall approve a partnership's application
9 to operate an alternative program for a highly qualified special
10 education teacher if the State Board determines that the proposed
11 alternative program, in all material respects, complies or will
12 comply with the State Board's applicable alternative program
13 rules and with the requirements of section one-g of this article.

14 (3) The State Board shall approve a partnership's application
15 to operate an alternative program to prepare highly qualified
16 special education teachers if the State Board determines that the
17 proposed alternative program, in all material respects, complies
18 or will comply with the State Board's applicable alternative
19 program rules and with the requirements of section one-h of this
20 article.

21 (b) *Prohibited acts.* –

22 (1) A partnership may not implement an alternative program
23 until the partnership's alternative program has been approved by
24 the State Board.

25 (2) A school or school district may not employ, or make a
26 formal offer of employment to, any person for the purpose of his
27 or her participation in an alternative program unless the
28 alternative program is approved by the State Board and the

29 school or school district is a member of the partnership that is
30 operating the alternative program.

31 (3) A school or school district may not continue to employ
32 an alternative program teacher unless he or she makes
33 satisfactory progress in the alternative program for which he or
34 she is employed.

**§18A-3-1f. Alternative program participation; eligibility for
alternative program certificate; contract renewals;
hiring preference.**

1 (a) *Alternative program participation.* – A person may not
2 participate in an alternative program unless he or she holds an
3 alternative program teacher certificate issue by the State
4 Superintendent for the alternative program position in which he
5 or she will be teaching. An alternative program teacher
6 certificate is the same as a professional teaching certificate for
7 the purpose of issuing a continuing contract.

8 (b) *Eligibility for alternative program teacher certificate.* –
9 To be eligible for an alternative program teacher certificate, a
10 person shall:

11 (1) Possess at least a bachelor's degree from a regionally
12 accredited institution of higher education;

13 (2) Pass the same basic skills and subject matter test or tests
14 required by the State Board for traditional program candidates to
15 become certified in the area for which he or she is seeking
16 licensure;

17 (3) Hold United States citizenship;

18 (4) Be of good moral character;

19 (5) Be physically, mentally and emotionally qualified to
20 perform the duties of a teacher;

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

24 (7) Receive from a county superintendent a formal offer of
25 employment in an area of critical need and shortage and by a
26 school or school district that is a member of an approved
27 educational provider;

28 (8) Have relevant academic or occupational qualifications
29 that reasonably indicate that the person will be competent to fill
30 the teaching position in which he or she would be employed. For
31 the purposes of this section, 'reasonably indicate' means an
32 academic major or occupational area the same as or similar to
33 the subject matter to which the alternative program teacher is
34 being hired to teach: and

35 (9) Qualify for employment after a criminal history check
36 made pursuant to section ten of this article.

37 (c) *Eligibility for alternative program certificate: American*
38 *Sign Language.* – If a person seeks certification to teach
39 American Sign Language, in lieu of subdivisions (1) and (2),
40 subsection (b) of this section, he or she shall pass one or more
41 appropriate State Board approved tests demonstrating his or her
42 proficiency in American Sign Language.

43 (d) *Eligibility for alternative program certificate: selected*
44 *vocational and technical areas.* – If a person seeks certification
45 to teach in selected vocational and technical areas, in lieu of
46 subdivisions (1) and (2), subsection (b) of this section, he or she
47 shall pass one or more appropriate State Board approved tests
48 demonstrating his or her proficiency in the basic skills and
49 occupational content areas.

50 (e) *Contract renewals.* –

51 (1) A county board shall renew an alternative program
52 teacher's contract from year to year as long as he or she makes
53 satisfactory progress in the applicable alternative education
54 program and until he or she completes the alternative program,
55 except as provided in subdivision (2) of this subsection.

56 (2) If the school or school district that employs the
57 alternative program teacher reduces its overall number of
58 teachers, the alternative program teacher is subject to the same
59 force reduction rules and procedures as any other employee,
60 except those that relate to seniority. In no event will an
61 alternative program teacher displace a professional educator as
62 defined in section one, article one of this chapter.

**§18A-3-1g. Alternative program for highly qualified special
education teachers.**

1 (a) An alternative program for highly qualified special
2 education teachers are separate from the programs established
3 under sections one-b and one-h of this article and are applicable
4 only to teachers who have at least a bachelor's degree in a
5 program for the preparation of teachers from an accredited
6 institution of higher education.

7 (b) These programs are subject to the other provisions of
8 sections one-b, one-c, one-e and one-f of this article only to the
9 extent specifically provided in State Board rule.

10 (c) These programs may be an alternative to the standard
11 college and university programs for the education of special
12 education teachers and also may address the content area
13 preparation of certified special education teachers.

14 (d) The programs shall incorporate professional development
15 to the maximum extent possible to help teachers who are
16 currently certified in special education to obtain the required
17 content area preparation.

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

**§18A-3-1h. Additional alternative program to prepare highly
qualified special education teachers.**

1 (a) An additional alternative program to prepare highly
2 qualified special education teachers are separate from the
3 programs established under sections one-b and one-g of this
4 article and are applicable only to persons who hold a bachelor's
5 degree from an accredited institution of higher education.

6 (b) These programs are subject to the other provisions of
7 sections one-b, one-c, one-e and one-f of this article only to the
8 extent specifically provided in State Board rule.

9 (c) These programs may be an alternative to the standard
10 college and university programs for the education of special
11 education teachers and also may address the content area
12 preparation of these persons.

**§18A-3-1i. Recommendation for certification of alternative
program teachers; report forms to be prepared by
State Superintendent; appeal.**

1 (a) At the conclusion of an approved alternative program, the
2 approved education provider shall prepare a comprehensive
3 evaluation report on the alternative program teacher's
4 performance.

5 (b) This report shall be submitted directly to the State
6 Superintendent and shall contain a recommendation as to
7 whether or not a professional teaching certificate should be
8 issued to the alternative program teacher. The State

9 Superintendent shall develop standard forms for this report, and
10 the report shall be made on one or more of the State
11 Superintendent's forms.

12 (c) The comprehensive evaluation report shall include one
13 of the following recommendations:

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

16 (2) Insufficient: Recommends that a professional teaching
17 certificate not be issued but that the candidate be allowed to seek
18 reentry on one or more occasions in the future to an approved
19 alternative program; or

20 (3) Disapproved: Recommends that a professional teaching
21 certificate not be issued and that the candidate not be allowed to
22 enter into another approved alternative program in this state but
23 not be prohibited from pursuing teacher certification through
24 other approved programs for the education of teachers in this
25 state.

26 (d) The approved education provider shall provide the
27 alternative program teacher with a copy of the alternative
28 program teacher's written evaluation report and certification
29 recommendation before the approved education provider submits
30 them to the State Superintendent. If the alternative program
31 teacher disagrees with the provider's recommendation, the
32 alternative program teacher may, within fifteen days of receipt,
33 request an appeal in accordance with the certification appeals
34 process established by the State Board.

**§18A-3-2a. Certificates valid in the public schools that may be
issued by the State Superintendent.**

1 In accordance with State Board rules for the education of
2 professional educators adopted pursuant to section one of this

3 article and subject to the limitations and conditions of that
4 section, the State Superintendent may issue the following
5 certificates valid in the public schools of the state:

6 (a) *Professional teaching certificates.* —

7 (1) A professional teaching certificate for teaching in the
8 public schools may be issued to a person who meets the
9 following conditions:

10 (A) Holds at least a bachelor's degree from a regionally
11 accredited institution of higher education, and

12 (i) Has passed appropriate State Board approved basic skills
13 and subject matter tests in the area for which licensure is being
14 sought; and

15 (ii) Has completed a program for the education of teachers
16 which meets the requirements approved by the State Board; or

17 (iii) Has met equivalent standards at institutions in other
18 states; or

19 (iv) Has completed three years of successful teaching
20 experience within the last seven years under a license issued by
21 another state in the area for which licensure is being sought; or

22 (v) Has completed an alternative program approved by
23 another state; or

24 (B) Holds at least a bachelor's degree from an accredited
25 institution of higher education; and

26 (i) Has passed appropriate State Board approved basic skills
27 and subject matter tests; and

28 (ii) Has completed an alternative program for teacher
29 education as provided in this article; and

30 (iii) Is recommended for a certificate in accordance with the
31 provisions of section one-i of this article relating to the program;
32 and

33 (iv) Is recommended by the State Superintendent based on
34 documentation submitted.

35 (2) The certificate shall be endorsed to indicate the grade
36 level or levels or areas of specialization in which the person is
37 certified to teach or to serve in the public schools.

38 (3) The initial professional certificate is issued provisionally
39 for a period of three years from the date of issuance:

40 (A) The certificate may be converted to a professional
41 certificate valid for five years subject to successful completion
42 of a beginning teacher induction program, if applicable; or

43 (B) The certificate may be renewed subject to rules adopted
44 by the State Board.

45 (b) *Alternative program teacher certificate.* — An
46 alternative program teacher certificate may be issued to a
47 candidate who is enrolled in an alternative program for teacher
48 education approved by the State Board.

49 (1) The certificate is valid only for the alternative program
50 position in which the candidate is employed and is subject to
51 enrollment in the program.

52 (2) The certificate is valid while the candidate is enrolled in
53 the alternative program, up to a maximum of three years, and
54 may not be renewed.

55 (c) *Professional administrative certificate.* —

56 (1) A professional administrative certificate, endorsed for
57 serving in the public schools, with specific endorsement as a

58 principal, vocational administrator, supervisor of instructions or
59 superintendent, may be issued to a person who has completed
60 requirements all to be approved by the State Board as follows:

61 (A) Holds at least a master's degree from an institution of
62 higher education accredited to offer a master's degree; and

63 (i) Has successfully completed an approved program for
64 administrative certification developed by the State Board in
65 cooperation with the chancellor for higher education; and

66 (ii) Has successfully completed education and training in
67 evaluation skills through the center for professional
68 development, or equivalent education and training in evaluation
69 skills approved by the State Board; and

70 (iii) Possesses three years of management level experience.

71 (2) Any person serving in the position of dean of students on
72 June 4, 1992, is not required to hold a professional
73 administrative certificate.

74 (3) The initial professional administrative certificate is
75 issued provisionally for a period of five years. This certificate
76 may be converted to a professional administrative certificate
77 valid for five years or renewed, subject to the regulations of the
78 State Board.

79 (d) *Paraprofessional certificate.* — A paraprofessional
80 certificate may be issued to a person who meets the following
81 conditions:

82 (1) Has completed thirty-six semester hours of post-
83 secondary education or its equivalent in subjects directly related
84 to performance of the job, all approved by the State Board; and

85 (2) Demonstrates the proficiencies to perform duties as
86 required of a paraprofessional as defined in section eight, article
87 four of this chapter.

88 (e) *Other certificates; permits.* —

89 (1) Other certificates and permits may be issued, subject to
90 the approval of the State Board, to persons who do not qualify
91 for the professional or paraprofessional certificate.

92 (2) A certificate or permit may not be given permanent status
93 and a person holding one of these credentials shall meet renewal
94 requirements provided by law and by regulation, unless the State
95 Board declares certain of these certificates to be the equivalent
96 of the professional certificate.

97 (3) Within the category of other certificates and permits, the
98 State Superintendent may issue certificates for persons to serve
99 in the public schools as athletic coaches or coaches of other
100 extracurricular activities, whose duties may include the
101 supervision of students, subject to the following limitations:

102 (A) The person is employed under a contract with the county
103 board of education.

104 (i) The contract specifies the duties to be performed,
105 specifies a rate of pay that is equivalent to the rate of pay for
106 professional educators in the district who accept similar duties
107 as extra duty assignments, and provides for liability insurance
108 associated with the activity; and

109 (ii) The person holding this certificate is not considered an
110 employee of the board for salary and benefit purposes other than
111 as specified in the contract.

112 (B) The person completes an orientation program designed
113 and approved in accordance with State Board rules.

114 (f) *Teacher-In-Residence Permit.* —

115 (1) A teacher-in-residence permit may be issued to a
116 candidate who is enrolled in a teacher-in-residence program in

117 accordance with an agreement between an institution of higher
118 education and a county board. The agreement is developed
119 pursuant to subsection (e), section one of this article and requires
120 approval by the State Board.

121 (2) The permit is valid only for the teacher-in-residence
122 program position in which the candidate is enrolled and is
123 subject to enrollment in the program. The permit is valid for no
124 more than one school year and may not be renewed.

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


Chairman, House Committee


Chairman, Senate Committee

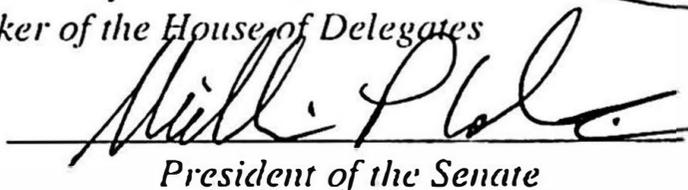
Originating in the House.

In 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 2nd
day of April, 2015.


Governor

PRESENTED TO THE GOVERNOR

MAR 2 / 2015

Time 11:35 AM