

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

ENROLLED

House Bill 2029

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2021 APR 26 P 3:02

FILED

BY DELEGATES ELLINGTON, HIGGINBOTHAM, MAZZOCCHI,

TONY AND TULLY

[Passed April 10, 2021; in effect ninety days from
passage.]

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1 AN ACT to amend and reenact §18A-3-1 and §18A-3-2a of the Code of West Virginia, 1931, as
2 amended, related to teacher preparation clinical experience programs; changing name of
3 teacher in residence program to clinical teacher of record program; providing for resident
4 teacher clinical experience programs and leader induction programs under general
5 direction and control of state board; and changing Teacher in Residence Permit to Clinical
6 Teacher of Record Permit.

Be it enacted by the Legislature of West Virginia:

**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 under the general direction and
2 control of the state board.

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

5 (1) Programs in all institutions of higher education, including student teaching, resident
6 teacher clinical experience, and the clinical teacher of record programs, as provided in this
7 section;

8 (2) Beginning teacher and leader induction programs;

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

11 (4) Alternative preparation programs in this state leading to certification, including
12 programs established pursuant to the provisions of §18A-3-1a, §18A-3-1b, §18A-3-1c, §18A-3-
13 1d, §18A-3-1e, §18A-3-1f, §18A-3-1g, §18A-3-1h, and §18A-3-1i of this code and programs which
14 are in effect on the effective date of this section; and

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

17 (b) The state board shall adopt standards for the education of professional educators in
18 the state and for awarding certificates valid in the public schools of this state. The standards
19 include, but are not limited to, the following:

20 (1) A provision for the study of the history and philosophical foundations of Western
21 Civilization and the writings of the founders of the United States of America;

22 (2) A provision for the study of multicultural education. As used in this section, multicultural
23 education means the study of the pluralistic nature of American society including its values,
24 institutions, organizations, groups, status positions, and social roles;

25 (3) A provision for the study of classroom management techniques, including methods of
26 effective management of disruptive behavior including addressing societal factors and their
27 impact on student behavior; and

28 (4) A teacher from another state shall be awarded a teaching certificate for a comparable
29 grade level and subject area valid in the public schools of this state, subject to §18A-3-10 of this
30 code if he or she has met the following requirements:

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

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

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

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

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

40 (d) An agreement established pursuant to subsection (c) of this section shall recognize
41 student teaching or teacher residency as a joint responsibility of the educator preparation
42 institution and the cooperating public schools. The agreement shall include the following items:

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

46 (2) The remuneration to be paid to public school teachers by the state board, in addition
47 to their contractual salaries, for supervising student teachers or residents;

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

50 (4) Assurance that the student teacher or resident teacher, under the direction and
51 supervision of the supervising teacher, shall exercise the authority of a substitute teacher;

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

56 (6) A provision authorizing a school or school district that has implemented a
57 comprehensive beginning teacher induction program to enter into an agreement that provides for
58 the training and supervision of student teachers or resident teachers consistent with the
59 educational objectives of this subsection by using an alternate structure implemented for the
60 support, supervision, and mentoring of beginning teachers. The agreement is in lieu of any
61 specific provisions of this subsection and is subject to the approval of the state board.

62 (e) *Clinical teacher of record programs.* —

63 (1) In lieu of the provisions of subsections (c) and (d) of this section and subject to approval
64 of the state board, an institution of higher education with a program for the education of

65 professional educators approved by the state board may enter into an agreement with county
66 boards for the use of clinical teacher of record programs in the public schools.

67 (2) A "clinical teacher of record program" means an intensively supervised and mentored
68 program for prospective teachers during their senior year that refines their professional practice
69 skills and helps them gain the teaching experience needed to demonstrate competence as a
70 prerequisite to certification to teach in the West Virginia public schools.

71 (3) The authorization for the higher education institution and the county board to
72 implement a clinical teacher of record program is subject to state board approval. The provisions
73 of the agreement include, but are not limited to, the following items:

74 (A) A requirement that the prospective teacher in a clinical teacher of record program has
75 completed all other preparation courses and has passed the appropriate basic skills and subject
76 matter test or tests required by the state board for teachers to become certified in the area for
77 which licensure is sought;

78 (B) A requirement that the clinical teacher of record serve only in a teaching position in
79 the county which has been posted and for which no other teacher fully certified for the position
80 has been employed;

81 (C) Specifics regarding the program of instruction for the clinical teacher of record setting
82 forth the responsibilities for supervision and mentoring by the higher education institution's
83 educator preparation program, the school principal, and peer teachers and mentors, and the
84 responsibilities for the formal instruction or professional development necessary for the clinical
85 teacher of record to perfect his or her professional practice skills. The program also may include
86 other instructional items as considered appropriate;

87 (D) A requirement that the clinical teacher of record hold a clinical teacher of record permit
88 qualifying the individual to teach in his or her assigned position as the teacher of record;

89 (E) A requirement that the salary and benefit costs for the position to which the clinical
90 teacher of record is assigned shall be used only for program support and to pay a stipend to the
91 clinical teacher of record as specified in the agreement, subject to the following:

92 (i) The clinical teacher of record is a student enrolled in the teacher preparation program
93 of the institution of higher education and is not a regularly employed employee of the county
94 board;

95 (ii) The clinical teacher of record is included on the certified list of employees of the county
96 eligible for state aid funding the same as an employee of the county at the appropriate level based
97 on their permit and level of experience;

98 (iii) All state aid funding due to the county board for the clinical teacher of record shall be
99 used only in accordance with the agreement with the institution of higher education for support of
100 the program as provided in the agreement, including costs associated with instruction and
101 supervision as set forth in paragraph (C) of this subdivision;

102 (iv) The clinical teacher of record is provided the same liability insurance coverage as
103 other employees; and

104 (v) All state aid funding due to the county for the clinical teacher of record and not required
105 for support of the program shall be paid as a stipend to the clinical teacher of record: *Provided,*
106 That the stipend paid to the clinical teacher of record shall be no less than 65 percent of all state
107 aid funding due the county for the clinical teacher of record;

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

109 (f) In lieu of the student teaching experience in a public school setting required by this
110 section, an institution of higher education may provide an alternate student teaching or residency
111 experience in a nonpublic school setting if the institution of higher education meets the following
112 criteria:

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

114 (2) Has a state board-approved educator preparation program; and

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

116 (g) At the discretion of the higher education institution, an agreement for an alternate
117 student teaching or residency experience between an institution of higher education and a
118 nonpublic school shall require one of the following:

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

121 (2) The educator preparation program shall include a requirement that any student
122 performing student teaching or residency in a nonpublic school shall complete the following:

123 (A) At least 200 clock hours of field-based training in a public school; and

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

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

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

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

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

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

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

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

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

147 (i) The state superintendent may issue certificates as provided in §18A-3-2a of this code
148 to graduates of educator preparation programs and alternative educator preparation programs
149 approved by the state board. The certificates are issued in accordance with this section and rules
150 adopted by the state board.

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

152 (A) Is a citizen of the United States, except as provided in subdivision (2) or (3) of this
153 subsection;

154 (B) Is of good moral character;

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

156 and

157 (D) Is at least 18 years of age on or before October 1 of the year in which his or her
158 certificate is issued.

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

162 (3) A certificate to teach may be granted to a noncitizen of the United States who holds a
163 valid Permanent Resident Card, Employment Authorization Document (EAD), or work permit
164 issued by the United States Citizenship and Immigration Services (USCIS).

165 (j) Institutions of higher education approved for educator preparation may cooperate with
166 each other and with one or more county boards to organize and operate centers to provide
167 selected phases of the educator preparation program. The phases include, but are not limited to,
168 the following:

- 169 (1) Student teaching and resident teacher clinical experience programs;
- 170 (2) Clinical teacher of record programs;
- 171 (3) Beginning teacher and leader induction programs;
- 172 (4) Instruction in methodology; and
- 173 (5) Seminar programs for college students, teachers with provisional certification,
174 professional support team members, and supervising teachers.

175 By mutual agreement, the institutions of higher education and county boards may budget
176 and expend funds to operate the centers through payments to the appropriate fiscal office of the
177 participating institutions and the county boards.

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

180 (l) All institutions of higher education approved for educator preparation in the 1962-63
181 school year continue to hold that distinction so long as they meet the minimum standards for
182 educator preparation. Nothing in this section infringes upon the rights granted to any institution
183 by charter given according to law previous to the adoption of this code.

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

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

- 189 (A) Comply with the provisions of §18-28-1 *et seq.* of this code;

190 (B) Participate on a voluntary basis in a state-operated or state-sponsored program
191 provided to this type school pursuant to this section; and

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

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

196 (3) "Exceptional child" or "exceptional children" has the meaning ascribed to these terms
197 pursuant to §18-20-1 of this code but, as used in this section, the terms do not include gifted
198 students.

§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 professional educators adopted
2 pursuant to §18A-3-1 if this code and subject to the limitations and conditions of that section, the
3 State Superintendent may issue the following certificates valid in the public schools of the state:

4 (a) *Professional teaching certificates.* —

5 (1) A professional teaching certificate for teaching in the public schools may be issued to
6 a person who meets the following conditions: (A) Holds at least a bachelor's degree from a
7 regionally accredited institution of higher education, and:

8 (i) Has passed appropriate state board approved basic skills and subject matter tests in
9 the area for which licensure is being sought; and

10 (ii) Has completed a program for the education of teachers which meets the requirements
11 approved by the state board; or

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

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

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

16 (B) Holds at least a bachelor's degree from an accredited institution of higher education,

17 and:

18 (i) Has passed appropriate state board approved basic skills and subject matter tests; and

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

20 and

21 (iii) Is recommended for a certificate in accordance with the provisions of §18A-3-1i of this

22 code relating to the program; and

23 (iv) Is recommended by the State Superintendent based on documentation submitted; or

24 (C) Holds a bachelor's degree from an accredited institution of higher education, and:

25 (i) Submits to a criminal history check pursuant to §18A-3-10 of this code: *Provided*, That

26 information discovered during the criminal history check may form the basis for the denial of a

27 certificate for just cause; and

28 (ii) Successfully completes pedagogical training or a pedagogical course or courses in

29 substantive alignment with nationally recognized pedagogical standards, or approved or

30 established by the state board; and

31 (iii) Passes the same subject matter and competency test or tests required by the state

32 board for traditional program applicants for licensure.

33 (2) The certificate shall be endorsed to indicate the grade level or levels or areas of

34 specialization in which the person is certified to teach or to serve in the public schools.

35 (3) The initial professional certificate is issued provisionally for a period of three years from

36 the date of issuance:

37 (A) The certificate may be converted to a professional certificate valid for five years subject

38 to successful completion of a beginning teacher induction program, if applicable; or

39 (B) The certificate may be renewed subject to rules adopted by the state board.

40 (4) Teaching certificates granted pursuant to §18A-3-2a(a)(1)(C) of this code shall be
41 equivalent to certificates granted to graduates of teacher preparation programs at public higher
42 education institutions.

43 (b) *Alternative program teacher certificate.* — An alternative program teacher certificate
44 may be issued to a candidate who is enrolled in an alternative program for teacher education
45 approved by the state board.

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

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

50 (c) *Professional administrative certificate.* —

51 (1) A professional administrative certificate, endorsed for serving in the public schools,
52 with specific endorsement as a principal, vocational administrator, supervisor of instructions, or
53 superintendent, may be issued to a person who has completed requirements all to be approved
54 by the state board as follows:

55 (A) Holds at least a master's degree from an institution of higher education accredited to
56 offer a master's degree, and:

57 (i) Has successfully completed an approved program for administrative certification
58 developed by the state board in cooperation with the chancellor for higher education; and

59 (ii) Has successfully completed education and training in evaluation skills through the
60 Center for Professional Development, or equivalent education and training in evaluation skills
61 approved by the state board; and

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

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

65 (3) The initial professional administrative certificate is issued provisionally for a period of
66 five years. This certificate may be converted to a professional administrative certificate valid for
67 five years or renewed, subject to the regulations of the state board.

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

70 (1) Has completed 36 semester hours of post-secondary education or its equivalent in
71 subjects directly related to performance of the job, all approved by the state board; and

72 (2) Demonstrates the proficiencies to perform duties as required of a paraprofessional as
73 defined in §18A-4-8 of this code.

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

75 (1) Other certificates and permits may be issued, subject to the approval of the state board,
76 to persons who do not qualify for the professional or paraprofessional certificate.

77 (2) A certificate or permit may not be given permanent status and a person holding one of
78 these credentials shall meet renewal requirements provided by law and by regulation, unless the
79 state board declares certain of these certificates to be the equivalent of the professional
80 certificate.

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

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

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

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

91 (B) The person completes an orientation program designed and approved in accordance
92 with state board rules.

93 (f) *Clinical Teacher of Record Permit.* —

94 (1) A clinical teacher of record permit may be issued to a candidate who is enrolled in a
95 clinical teacher of record program in accordance with an agreement between an institution of
96 higher education and a county board. The agreement is developed pursuant to §18A-3-1(e) of
97 this code and requires approval by the state board.

98 (2) The permit is valid only for the clinical teacher of record program position in which the
99 candidate is enrolled and is subject to enrollment in the program. The permit is valid for no more
100 than one school year and may not be renewed.

101 (g) *Temporary teaching certificates for armed forces spouses.* —

102 (1) A temporary teaching certificate for an armed forces spouse may be issued to an
103 individual who meets the following criteria:

104 (A) He or she is married to a member of the armed forces of the United States who is on
105 active duty;

106 (B) He or she holds a current unencumbered teaching certificate or license issued by an
107 equivalent credentialing department, board, or authority, as determined by the State
108 Superintendent, in another state of the United States, the District of Columbia, Puerto Rico, the
109 United States Virgin Islands, another territory or protectorate of the United States or a foreign
110 country; and

111 (C) He or she provides proof acceptable to the State Superintendent that his or her spouse
112 is assigned to a duty station in this state or at a military installation within 50 air miles of the West
113 Virginia border and that he or she is also assigned to a duty station in this state or at a military
114 installation within 50 air miles of the West Virginia border under his or her spouse's official active
115 duty military orders.

116 (2) The State Superintendent shall deny a temporary teaching certificate to an individual
117 described in paragraph (1) of this subdivision for fraud, material misrepresentation or concealment
118 in the person's application for a temporary teaching certificate or for a conviction for which an
119 individual's teaching certificate may be revoked under §18A-3-6 of this code.

120 (3) A temporary teaching certificate issued under paragraph (1) of this subdivision is valid
121 for one year and may be renewed for additional one-year terms if the State Superintendent
122 determines the individual holding the temporary teaching certificate continues to meet the
123 requirements of paragraph (1) of this subdivision. The State Superintendent may revoke a
124 temporary teaching certificate for a conviction for which an individual's teaching certificate may
125 be revoked under §18A-3-6 of this code.

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

Dean Jaffari
.....
Chairman, House Committee

Mal Chapman
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Harrison
.....
Clerk of the House of Delegates

Jee Linn
.....
Clerk of the Senate

Don Haskew
.....
Speaker of the House of Delegates

Cy P. Bell
.....
President of the Senate

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2021 APR 26 P 3:02

FILED

The within is approved this the 26th
day of April, 2021.

James Perdue
.....
Governor

PRESENTED TO THE GOVERNOR

APR 16 2021

Time 12:39pm