

**WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 5405**

BY DELEGATES STATLER, TONEY, ELLINGTON,

FEHRENBACHER, AND HORNBY

[Passed March 9, 2024; in effect ninety days from  
passage.]

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2024 MAR 27 A 11:10

FILED

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1 AN ACT to amend and reenact §18-9A-10 of the Code of West Virginia, 1931, as amended; and  
2 to amend and reenact §18A-3C-3 of said code, all relating to increasing support and  
3 professional development for educators; expanding factors used to determine how funds  
4 for supporting county-level implementation of the comprehensive systems for teacher and  
5 leader induction and professional growth are allocated to the counties; authorizing  
6 retention of certain funding for 2024 – 2025 school year by the Department of Education  
7 for certain regional professional learning cadres or teacher leadership networks,  
8 implementing the Department of Education's academic initiatives, and to assist teachers  
9 who are less than fully certified; requiring up to a certain portion of the retained funding to  
10 be distributed to county boards for certain purposes under a grant program to be  
11 established by state board rule; specifying minimum contents of rule; requiring county  
12 boards to ensure that the results on the comprehensive statewide student assessment for  
13 the students taught by each teacher are provided to that teacher; adding to topics to be  
14 addressed by the plan for implementation of a comprehensive system of support for  
15 improving professional practice; requiring certain additional amounts paid to a teacher be  
16 only for the duration of any service provided and not be considered salary for the  
17 computation of an annuity under the Teachers Retirement System; and removing  
18 requirement for the Legislative Oversight Commission on Education Accountability to  
19 review the progress of the implementation of the comprehensive systems of support for  
20 teacher and leader induction and professional growth and authority to make  
21 recommendations to the Legislature.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

**§18-9A-10. Foundation allowance to improve instructional programs, instructional technology, and teacher and leader induction and professional growth.**

1 (a) The total allowance to improve instructional programs and instructional technology is  
2 the sum of the following:

3 (1) For instructional improvement, in accordance with county and school electronic  
4 strategic improvement plans required by §18-2E-5 of this code, an amount equal to 10 percent of  
5 the increase in the local share amount for the next school year shall be added to the amount of  
6 the appropriation for this purpose for the immediately preceding school year. The sum of these  
7 amounts shall be allocated to the counties as follows:

8 (A) One hundred fifty thousand dollars shall be allocated to each county; and

9 (B) Allocation to the counties of the remainder of these funds shall be made proportional  
10 to the average of each county's average daily attendance for the preceding year and the county's  
11 second month net enrollment.

12 Moneys allocated by this subdivision shall be used to improve instructional programs  
13 according to the county and school strategic improvement plans required by §18-2E-5 of this code  
14 and approved by the state board.

15 Up to 50 percent of this allocation for the improvement of instructional programs may be  
16 used to employ professional educators and service personnel in the county. Prior to the use of  
17 any funds from this subdivision for personnel costs, the county board must receive authorization  
18 from the state superintendent. The state superintendent shall require the county board to  
19 demonstrate: (1) The need for the allocation; (2) efficiency and fiscal responsibility in staffing; (3)  
20 sharing of services with adjoining counties in the use of the total local district board budget; and  
21 (4) employment of technology integration specialists to meet the needs for implementation of the  
22 West Virginia Strategic Technology Learning Plan. County boards shall make application for the  
23 use of funds for personnel for the next fiscal year by May 1 of each year. On or before June 1,  
24 the state superintendent shall review all applications and notify applying county boards of the

25 approval or disapproval of the use of funds for personnel during the fiscal year appropriate. The  
26 state superintendent shall require the county board to demonstrate the need for an allocation for  
27 personnel based upon the county's inability to meet the requirements of state law or state board  
28 policy.

29 The funds available for personnel under this subdivision may not be used to increase the  
30 total number of professional noninstructional personnel in the central office beyond four.

31 The plan shall be made available for distribution to the public at the office of each affected  
32 county board; plus

33 (2) For the purposes of improving instructional technology, an amount equal to 20 percent  
34 of the increase in the local share amount for the next school year shall be added to the amount  
35 of the appropriation for this purpose for the immediately preceding school year. The sum of these  
36 amounts shall be allocated to the counties as follows:

37 (A) Thirty thousand dollars shall be allocated to each county; and

38 (B) Allocation to the counties of the remainder of these funds shall be made proportional  
39 to the average of each county's average daily attendance for the preceding year and the county's  
40 second month net enrollment.

41 Moneys allocated by this subdivision shall be used to improve instructional technology  
42 programs according to the county board's strategic technology learning plan.

43 This allocation for the improvement of instructional technology programs may also be used  
44 for the employment of technology system specialists essential for the technology systems of the  
45 schools of the county to be fully functional and readily available when needed by classroom  
46 teachers. The amount of this allocation used for the employment of technology system specialists  
47 shall be included and justified in the county board's strategic technology learning plan; plus

48 (3) One percent of the state average per pupil state aid multiplied by the number of  
49 students enrolled in dual credit, advanced placement, and international baccalaureate courses,

50 as defined by the state board, distributed to the counties proportionate to enrollment in these  
51 courses in each county; plus

52 (4) For the purpose of supporting county-level implementation of the comprehensive  
53 systems for teacher and leader induction and professional growth pursuant to §18A-3C-3 of this  
54 code, an amount equal to 20 percent of the increase in the local share amount for the next school  
55 year shall be added to the amount of the appropriation for this purpose for the immediately  
56 preceding school year. The sum of these amounts shall be allocated to the counties in a manner  
57 established by the state board which considers the following factors:

58 (A) The number of full-time-equivalent teachers employed by the county with zero years  
59 of experience;

60 (B) The number of full-time-equivalent teachers employed by the county who are less than  
61 fully certified for the teaching position in which they are employed;

62 (C) The total number of full-time-equivalent teachers employed by the county with one  
63 year of experience, with two years of experience, and with three years of experience;

64 (D) The number of full-time-equivalent principals, assistant principals, and vocational  
65 administrators employed by the county who are in their first or second year of employment as a  
66 principal, assistant principal, or vocational administrator;

67 (E) The number of full-time-equivalent principals, assistant principals, and vocational  
68 administrators employed by the county who are in their first year in an assignment at a school  
69 with a programmatic level in which they have not previously served as a principal, assistant  
70 principal, or vocational administrator; and

71 (F) Needs identified in the strategic plans for continuous improvement of schools and  
72 school systems including those identified through the performance evaluations of professional  
73 personnel.

74 Notwithstanding any provision of this subsection to the contrary, no county may receive  
75 an allocation for the purposes of this subdivision which is less than the county's total 2016-2017



76 allocation from the Teacher Mentor and Principals Mentorship appropriations to the Department  
77 of Education. Moneys allocated by this subdivision shall be used for implementation of the  
78 comprehensive systems for teacher and leader induction and professional growth pursuant to  
79 §18A-3C-3 of this code. Notwithstanding any provision of this subsection to the contrary, for each  
80 of the five school years beginning with the school year 2020 – 2021 and ending after the school  
81 year 2024 – 2025, from funds to be allocated under this subdivision, \$100,000 shall be retained  
82 by the Department of Education to assist county boards with the design and implementation of a  
83 teacher leader framework to accomplish the teacher induction and professional growth aspects  
84 of their comprehensive systems of support for teacher and leader induction and professional  
85 growth pursuant to §18A-3C-3 of this code. The Department of Education may also retain an  
86 additional amount of funds to be allocated under this subdivision beginning with the school year  
87 2024 – 2025, not exceeding \$15,000,000, to accommodate the participation by county school  
88 systems in regional professional learning cadres or teacher leadership networks established or  
89 supported by the Department of Education, to expand regional professional learning cadres or  
90 teacher leadership networks designed to support the full implementation of the Third Grade  
91 Success Act provided in §18-2E-10 of this code, to implement the Department of Education's  
92 academic initiatives, and to assist teachers who are less than fully certified for the teaching  
93 position in which they are employed as further provided in §18A-3C-3 of this code. Up to  
94 \$1,000,000 of the \$15,000,000 shall be distributed to county boards for the purpose of expanding  
95 the school districts' ability to contract with organizations that facilitate the school districts'  
96 participation in regional professional learning cadres or teacher leadership networks designed to  
97 support math and science improvement or to support teachers who are less than fully certified for  
98 the teaching position in which they are employed as further provided in §18A-3C-3 of this code.  
99 The \$1,000,000 shall be distributed to the county boards under a grant program to be established  
100 by the state board by rule pursuant to §29A-3B-1 *et seq.* of this code. The rule shall include at  
101 least the following:

102 (A) A requirement and procedures for county boards to submit applications for a grant;

103 (B) Criteria on which awards of the grants will be based on; and

104 (C) A requirement for an external evaluation for any program funded by a grant.

105 (b) Notwithstanding the restrictions on the use of funds pursuant to subdivisions (1) and  
106 (2), subsection (a) of this section, a county board may:

107 (1) Utilize up to 25 percent of the allocation for the improvement of instructional programs  
108 in any school year for school facility and equipment repair, maintenance, and improvement or  
109 replacement and other current expense priorities and for emergency purposes. The amount of  
110 this allocation used for any of these purposes shall be included and justified in the county and  
111 school strategic improvement plans or amendments thereto; and

112 (2) Utilize up to 50 percent of the allocation for improving instructional technology in any  
113 school year for school facility and equipment repair, maintenance, and improvement or  
114 replacement and other current expense priorities and for emergency purposes. The amount of  
115 this allocation used for any of these purposes shall be included and justified in the county board's  
116 strategic technology learning plan or amendments thereto.

## **CHAPTER 18A. SCHOOL PERSONNEL.**

### **ARTICLE 3C. IMPROVING TEACHING AND LEARNING.**

#### **§18A-3C-3. Comprehensive system for teacher and leader induction and professional growth.**

1 (a) The intent of the Legislature is to allow for local-level implementation of comprehensive  
2 systems of support for building professional practice consistent with sound educational practices  
3 and resources available. In this regard, it is the intent of the Legislature that the comprehensive  
4 systems of support shall incorporate support for improved professional performance that begins  
5 with meaningful assistance for beginning teachers and leaders and also is targeted on  
6 deficiencies identified through the educator personnel evaluation process and other professional  
7 development needs identified in the strategic plans for continuous improvement of schools and

8 school systems. Further, because of significant variability among the counties, not only in the size  
9 of their teaching force, distribution of facilities and available resources, but also because of their  
10 varying needs, the Legislature intends for the implementation of this section to be accomplished  
11 in a manner that provides adequate flexibility to the counties to design and implement a  
12 comprehensive system of support for improving professional performance that best achieves the  
13 goals of this section within the county. Finally, because of the critical importance of ensuring that  
14 all teachers perform at the accomplished level or higher in the delivery of instruction that at least  
15 meets the West Virginia Professional Teaching Standards and because achieving this objective  
16 at a minimum entails providing assistance to address the needs as indicated by the data informed  
17 results of annual performance evaluations, including the self-assessed needs of the teachers  
18 themselves, the Legislature expects the highest priority for county and state professional  
19 development will be on meeting these needs and that the comprehensive systems of support for  
20 improving professional practice will reflect substantial redirection of existing professional  
21 development resources toward this highest priority.

22 (b) Each county board shall ensure that the results on the comprehensive statewide  
23 student assessment for the students taught by each teacher are provided to that teacher so that  
24 the teacher can see the performance of the students he or she taught the previous school year.

25 (c) On or before July 1, 2018, the state board shall publish guidelines on the design and  
26 implementation of a county-level comprehensive system of support for improving professional  
27 practice. The purpose of the guidelines is to assist the county board with the design and  
28 implementation of a system that best achieves the goals of this section within the county. The  
29 guidelines may include examples of best practices and resources available to county boards to  
30 assist them with the design and implementation of a comprehensive system of support and may  
31 include guidelines for the design and implementation of a teacher leader framework committed to  
32 improving the quality of instruction.

33 (d) Effective for the school year beginning July 1, 2018, and thereafter, a county board is  
34 not eligible to receive state funding appropriated for the purposes of this section or any other  
35 provision of law related to beginning teacher and principal internships and mentor teachers and  
36 principals unless it has adopted a plan for implementation of a comprehensive system of support  
37 for improving professional practice, the plan has been verified by the state board as meeting the  
38 requirements of this section and the county is implementing the plan. The plan shall address the  
39 following:

40 (1) The manner in which the county will provide the strong school-based support and  
41 supervision that will assist beginning teachers in developing instructional and management  
42 strategies, procedural and policy expertise, and other professional practices they need to be  
43 successful in the classroom and perform at the accomplished level. Nothing in this subdivision  
44 prohibits a school or school system that was granted an exception or waiver from §18A-3-2c of  
45 this code prior to the effective date of this section from continuing implementation of the program  
46 in accordance with the exception or waiver;

47 (2) The manner in which the county will provide the strong support and supervision  
48 necessary to assist teachers employed by the county who are less than fully certified for the  
49 teaching position in which they are employed that will include an emphasis on grade-level content,  
50 standards driven instruction, research-based instructional strategies, and mentoring support  
51 consistent with the West Virginia Professional Teaching Standards.

52 (3) The manner in which the county will provide the strong support and supervision that  
53 will assist beginning principals in developing instructional leadership, supervisory and  
54 management strategies, procedural and policy expertise, and other professional practices they  
55 need to be successful in leading continuous school improvement and performing at the  
56 accomplished level or above;

57           (4) The manner in which the county in cooperation with the teacher preparation programs  
58 in this state will provide strong school-based support and assistance necessary to make student  
59 and resident teaching a productive learning experience;

60           (5) The manner in which the county will use the data from the educator performance  
61 evaluation system to serve as the basis for providing professional development specifically  
62 targeted on the area or areas identified through the evaluation process as needing improvement.  
63 If possible, this targeted professional development should be delivered at the school site using  
64 collaborative processes, mentoring or coaching or other approaches that maximize use of the  
65 instructional setting;

66           (6) The manner in which the county will use the data from the educator performance  
67 evaluation system to serve as the basis for establishing priorities for the provision of county-level  
68 professional development when aggregate evaluation data from the county's schools indicates  
69 an area or areas of needed improvement;

70           (7) If a county uses master teachers, mentors, academic coaches, or any other  
71 approaches using individual employees to provide support, supervision, or other professional  
72 development or training to other employees for the purpose of improving their professional  
73 practice, the manner in which the county will select each of these individual employees based  
74 upon demonstrated superior performance and competence as well as the manner in which the  
75 county will coordinate support for these employees. If the duties of the position are to provide  
76 mentoring to an individual teacher at only one school, then priority shall be given to applicants  
77 employed at the school at which those duties will be performed;

78           (8) The manner in which the county will use local resources available, including, but not  
79 limited to, funds for professional development and academic coaches, to focus on the priority  
80 professional development goals of this section;

81           (9) The manner in which the county will adjust its scheduling, use of substitutes,  
82 collaborative planning time, calendar, or other measures as may be necessary to provide

83 sufficient time for professional personnel to accomplish the goals of this section as set forth in the  
84 county's plan; and

85 (10) The manner in which the county will monitor and evaluate the effectiveness of  
86 implementation and outcomes of the county system of support for improving professional practice.

87 (e) Effective the school year beginning July 1, 2020, and thereafter, appropriations for  
88 supporting county-level implementation of the comprehensive systems of support for teacher and  
89 leader induction and professional growth pursuant to §18-9A-10 of this code and any new  
90 appropriation which may be made for the purposes of this section shall be expended by county  
91 boards only to accomplish the activities as set forth in their county plan pursuant to this section.  
92 Effective the school year beginning July 1, 2020, and thereafter, any employee service or  
93 employment as a mentor is not subject to the provisions of this code governing extra duty  
94 contracts. A county board may adopt a teacher leader framework designed to accomplish the  
95 purposes of this section related to teacher induction and professional growth and, if the county  
96 board adopts a county salary supplement pursuant to §18A-4-5a of this code to provide additional  
97 compensation to teachers who, in addition to teaching duties, are assigned other duties for new  
98 teacher induction, improving professional practice and furthering professional growth among  
99 teachers as set forth in the county's comprehensive system of support, then appropriations made  
100 for supporting the purposes of this section may be applied to that salary supplement and other  
101 associated costs which may include a reduction in the teaching load of the teacher leader:  
102 *Provided*, That effective July 1, 2024, and thereafter, any additional amount paid to a teacher  
103 pursuant to this section shall only be for the duration of any service provided under this section  
104 and not be considered salary for the purposes of the computation of an annuity under §18-7A-26  
105 of this code.

106 (f) The Department of Education shall assist county boards with the design and  
107 implementation of a teacher leader framework to accomplish the teacher induction and

108 professional growth aspects of their comprehensive systems of support pursuant to this section.

109 The goals of a teacher leader framework are to achieve:

110 (1) Increased student achievement and growth through the development of a shared  
111 leadership structure at the school level;

112 (2) Broader dissemination and use of effective teacher strategies through an increase in  
113 teacher collaboration; and

114 (3) Stronger and more positive school and district culture through the development and  
115 retention of highly effective teachers.

116 (g) The Department of Education may form networks among schools or school systems,  
117 or both, of comparable size and interests for the design and implementation of teacher leader  
118 frameworks that are:

119 (A) Driven by varying district and school needs;

120 (B) Related to existing state and district initiatives;

121 (C) Designed to improve student achievement and growth; and

122 (D) Designed to fit district size, current culture for collaboration, and funding capacity.

123 (h) A teacher leader framework adopted by a county board must:

124 (1) Create specific roles and responsibilities, eligibility requirements, and compensation  
125 plans for each teacher leader position, and clearly communicate these to teacher leaders,  
126 administrators, and other stakeholders;

127 (2) Provide regular, targeted professional learning opportunities for teacher leaders, and  
128 encourage redelivery within their respective schools;

129 (3) Provide time and opportunities for teacher leaders to collaborate with administrators,  
130 curriculum staff, other teacher leaders, and teachers;

131 (4) Monitor and evaluate the effectiveness of the teacher leader program through surveys  
132 from school administrators and school faculty; and

133 (5) Include teacher leaders in the school improvement planning process.





The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

*Steve Harris*  
.....  
Clerk of the House of Delegates

*Joe Lavin*  
.....  
Clerk of the Senate

**FILED**  
2024 MAR 21 A 11: 10  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Originated in the House of Delegates.

In effect ninety days from passage.

*Don Hancock*  
.....  
Speaker of the House of Delegates

*GPB*  
.....  
President of the Senate

\_\_\_\_\_

The within is *approved* this the *27th*  
Day of *March* 2024.

*James Justice*  
.....  
Governor



PRESENTED TO THE GOVERNOR

MAR 21 2024

Time 10:42am