



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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5/15/2014 1:52:29 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Education**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes** TITLE-SERIES **126-**
RULE NAME **West Virginia Commission for Professional Teaching Standards (5050)** **154**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, June 16, 2014 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
**Sherri D. Goodman, Staff Attorney
WVDE Office of Legal Services
Capitol Building 6, Room 362
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-154



Rule Id: 9377



Document: 25776



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY Education

RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-

RULE NAME West Virginia Commission for Professional Teaching Standards (5050) 154

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

The West Virginia Commission on Professional Teaching Standards is recommending that Policy 5050 be amended to be consistent with the proposed amendments to Policies 1304, Rules of Procedure for Administrative Hearings and Appeals, and 5202, Minimum Requirements for Licensure primarily regarding reinstatement. The proposed changes in Policy 5050 will align it with Policies 1340 and 5202 with respect to the reinstatement process.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Education

RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE Yes **TITLE-SERIES** 126-

RULE NAME West Virginia Commission for Professional Teaching Standards (5050) 154

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

No state costs or revenues will be impacted by the proposed amendment of Policy 5050.

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Education
 RULE TYPE Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-
 RULE NAME West Virginia Commission for Professional Teaching Standards (5050) 154

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES	0	0	0
CURRENT EXPENSES	0	0	0
REPAIRS AND ALTERATIONS	0	0	0
ASSETS	0	0	0
OTHER	0	0	0
ESTIMATED TOTAL REVENUES	0	0	0

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY **Education**

RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 126-**

RULE NAME **West Virginia Commission for Professional Teaching Standards (5050) 154**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

No state costs or revenues will be impacted by the proposed amendment of Policy 5050.

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-154



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY	Education		
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	West Virginia Commission for Professional Teaching Standards (5050)		TITLE-SERIES 126-154

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

The proposed amendment will not have a fiscal impact because it codifies the current practice of processing reinstatement applications.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY	Education			
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES 126-154
RULE NAME	West Virginia Commission for Professional Teaching Standards (5050)			

CITE AUTHORITY W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

The West Virginia Commission on Professional Teaching Standards is recommending that Policy 5050 be amended to be consistent with the proposed amendments to Policies 1304, Rules of Procedure for Administrative Hearings and Appeals, and 5202, Minimum Requirements for Licensure primarily regarding reinstatement. The proposed changes in Policy 5050 will align it with Policies 1340 and 5202 with respect to the reinstatement process.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Charles K Heinlein -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 126-154



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EXECUTIVE SUMMARY

WEST VIRGINIA DEPARTMENT OF EDUCATION

Policy Number and Title: WVBE Policy 5050 – West Virginia Commission on Professional Teaching Standards

Background: The West Virginia Commission on Professional Teaching Standards is recommending to the West Virginia Board of Education that Policy 5050 be amended to be consistent with the proposed amendments to Policies 1304, “Rules of Procedure for Administrative Hearings and Appeals”, and 5202, “Minimum Requirements for Licensure” primarily regarding reinstatement.

Proposals: The proposed amendment is to the following sections of Policy 5050:

§126-154-7.1.b.5. Licensure. Language is added to the list of functions of the Commission under the heading of “Licensure” to include reinstatement of licenses.

§126-154-7.2. Professional Practice Panel. Language is added in the description of the Professional Practice Panel’s functions to include recommending permanent revocation and reinstatement of an educator’s license following suspension or revocation.

§126-154-7.3. Licensure Appeal Panel. Language is added in the description of the Professional Practice Panel’s functions to include recommending permanent denial of a license for cause.

Impact: The proposed changes in Policy 5050 will align it with Policies 1340 and 5202 with respect to the reinstatement process.

126CSR154

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 154
WEST VIRGINIA COMMISSION FOR
PROFESSIONAL TEACHING STANDARDS (5050)

§126-154-1. General.

1.1. Scope. - This legislative rule establishes an alliance between the West Virginia Board of Education (hereinafter stated as State Board) and the education profession by creating a professional teaching standards commission to provide guidance and recommendations on matters of preparation, licensure and continuing development of educational personnel for the public schools of West Virginia.

1.2. Authority. - West Virginia Constitution, Article XII, Section 2 and West Virginia Code §§18-2-5, 18A-3-2a, and 18A-3-6.

1.3. Filing Date. - ~~October 14, 2003.~~

1.4. Effective Date. - ~~November 13, 2003.~~

1.5. Repeal of former rule. - This legislative rule revises W. Va. 126CSR154 "West Virginia Commission for Professional Teaching Standards" (Policy 5050) filed ~~September 15, 1997~~ October 14, 2003 and effective ~~October 15, 1997~~ November 13, 2003.

§126-154-2. Summary.

2.1. This rule outlines the purpose, mission, goals, composition and functions of the West Virginia Commission for Professional Teaching Standards.

§126-154-3. Purpose.

3.1. The State Board is committed to staffing every school and providing every student with competent educators. The State Board recognizes that teachers, administrators and higher education faculty can and must work together to improve the education profession and to enhance educational opportunities for all students in West Virginia. The State Board also recognizes that it must maintain effective communication with the educational community to sustain the high quality education the public deserves and expects.

3.2. Therefore, the State Board establishes the West Virginia Commission for Professional Teaching Standards (hereinafter stated as the Commission). This Commission enables the education community to promote and demand excellence in the preparation and performance of the state's educational professionals. It creates a framework to ensure that educators who are licensed by the state possess the knowledge and skills to deliver a quality public education to our current and future citizens. The Commission's charge is to advise the State Board on legislation, policies and regulations that ensure excellence in the educational profession and reflect research and best practices in the preparation and performance of professional educators.

§126-154-4. Mission and Goals.

4.1. The mission of the Commission is to ensure that every student is served by competent educators who meet rigorous preparation and licensure standards by recommending to the State Board standards and practices for the development and approval of preparation programs, licensure and continuing development of educational personnel.

4.2. The goals of the Commission are:

4.2.a. To provide every student in West Virginia public schools with educators whose preparation and professional growth are based on research and best practices so that students will attain high levels of achievement.

4.2.b. To establish high and rigorous standards for entrance to and retention in the teaching profession.

4.2.c. To encourage a unified system for professional development from recruitment to retirement that supports excellence in teaching and learning.

§126-154-5. Composition of the Commission.

5.1. The Commission shall consist of 21 members representing the major constituents within the educational community. For purposes of this Commission, classroom teacher shall mean an individual who spends the majority of her/his time providing instructional and/or counseling or other professional support services to students, and layperson shall mean a community/business representative who does not spend the majority of his/her time providing instruction and/or counseling or other professional support services to students. Included in the membership shall be: ten classroom teachers including at least three elementary teachers, at least three middle/junior high school teachers, and at least three high school teachers (one of the ten teachers must be a vocational teacher and one must be a special education teacher); three higher education representatives from teacher education, including a total of two from two different public and one from a private institution of higher education; one county superintendent; one elementary principal; one secondary principal; one county board of education member; one State Board member; and three laypersons.

5.2. The members of the Commission shall be chosen as follows:

5.2.a. The teacher members shall be appointed by the State Board. At least three teacher members must live in each congressional district. There shall be at least one teacher member from each of the three teacher organizations (West Virginia Education Association, West Virginia Federation of Teachers, West Virginia Professional Educators), and at least one teacher member who does not belong to a teacher organization.

5.2.b. The West Virginia Higher Education Policy Commission shall appoint two higher education representatives.

5.2.c. The representative from private institutions of higher education shall be appointed by the West Virginia Independent Colleges and Universities.

5.2.d. All other members shall be appointed by the State Board.

5.3. Terms of all members shall be for a period of three years. Members may serve no more than two consecutive three-year terms. Members who have filled an unexpired term of one year or more are eligible for only one additional consecutive three-year term. Members filling an unexpired term of less than one year shall be eligible to serve two additional consecutive three-year terms. All terms begin on July 1 and end on June 30.

5.3.a. Vacancies shall be filled as quickly as possible by the appropriate appointing authority.

5.3.b. Attendance of Commission members is vital to assure a quorum in order to conduct business. Commission By-Laws shall be adopted that include procedures for dealing with the absenteeism of Commission members and such procedures shall be hereby adopted and incorporated herein by reference as well as any modifications thereto.

§126-154-6. The Commission's Relationship with Other Educational Entities.

6.1. State Board. - The Commission is entrusted by the State Board with developing and recommending legislation and policies related to the professional preparation, licensure and development of educational personnel that support the mission of the State Board and reflect research and best practices. The Commission shall report to the State Board on its deliberations and recommendations relating to the licensure and practice of professional educators. The State Board will report to the Commission its action with regard to any recommendation made by the Commission.

6.2. Higher Education Governing Authorities and Institutions of Higher Education. - The Commission shall maintain an integral relationship with the public and private higher education institutions and the governing boards of public higher education and shall collaborate with higher education in developing procedures and criteria for program review and time lines that are consistent with W. Va. 126CSR114, State Board Policy 5100, Approval of Educational Personnel Preparation Programs.

6.3. West Virginia Department of Education (hereinafter stated as Department). - The Commission shall maintain ongoing communication, collaboration and consultation with the State Superintendent of Schools and his/her staff regarding the Commission's recommendations for preparation, licensure and professional development of education personnel and the State Board's mission and goals for public school students. The Department shall, in consultation with the Commission, include in its annual budget request to the West Virginia Legislature a request for a separate line item for sufficient funds to enable the Commission to accomplish its mission and goals. The State Board shall appoint a Department liaison to support and facilitate the overall fulfillment of the Commission's mission and goals.

6.4. Profession-at-Large. - The Commission shall serve as a communication link with members of the education profession and shall inform the profession on the structure and operations of the Commission and its impending projects. Additionally, the Commission is responsible for informing the profession about anticipated changes in the professional development continuum and soliciting input and participation as a routine function in the development of proposed legislation and policies recommended for adoption and implementation.

§126-154-7. Functions of the Commission.

7.1. Major Functions. - The major functions of the Commission are to develop and recommend to the State Board a systematic plan for the professional development of educators that begins with recruitment and concludes upon retirement. Major components within this continuum include initial preparation, licensure and continuing professional development. With the primary objective of improving teaching and learning in the

public schools, the Commission's functions shall include recommendations as to the following:

7.1.a. Initial Preparation.

7.1.a.1. Standards and requirements for initial preparation and procedures for program approval.

7.1.b. Licensure.

7.1.b.1. Standards and requirements for initial and continued licensure.

7.1.b.2. Assessment instruments and/or procedures for licensure that will assure a competent educator.

7.1.b.3. Reciprocal agreements with other states and countries that promote the mobility of teachers across state and national lines through the licensure process.

7.1.b.4. A system that includes an assurance that licensed educators possess the personal characteristics to ensure the safety of the students entrusted to their care.

7.1.b.5. Criteria and a system for the revocation of licenses for just cause and reinstatement of licenses.

7.1.c. Professional Development.

7.1.c.1. Standards, requirements and procedures that will assure the continuing growth and improvement of the knowledge and skills of the state's professional educators throughout their educational careers.

7.1.d. Administrative Functions.

7.1.d.1. Bylaws for the Commission's governance and operation.

7.1.d.2. A licensure fee structure.

7.1.d.3. A system that enables an educator to receive due process when questions arise concerning her/his qualifications.

7.2. Professional Practice Panel. The Commission shall select seven of its members to serve as the Professional Practice Panel which shall recommend to the State Superintendent of Schools the suspension, permanent revocation or revocation of an educator's license(s) for cause and reinstatement of an educator's license(s) following suspension or revocation. It is recommended that the Professional Practice Panel include four teachers, one public school superintendent or principal and one layperson, whenever possible. Any ~~case of possible revocation proceeding~~ proceeding for suspension, permanent revocation, revocation or reinstatement that requires requiring an evidentiary hearing may be referred to the Professional Practice Panel by the State Superintendent of Schools ~~for review of the~~ to conduct the hearing and make recommendations on disposition evidence and recommended action. Any hearing held by the Professional Practice Panel shall be conducted in accordance with the procedures outlined in W. Va. 126CSR4, State Board Policy 1340, Rules of Procedure for Administrative Hearings and Appeals.

7.3. Licensure Appeal Panel. The Commission shall select seven of its members to serve as the Licensure Appeal Panel. This panel may provide an opportunity for an appeal hearing following a recommendation from the Department's Office of Professional Preparation of a permanent denial for cause or denial for cause pursuant to procedures outlined in W. Va. 126CSR4, State Board Policy 1340, Rules of Procedure for Administrative Hearings and Appeals. It is recommended that the Licensure Appeal Panel include four teachers, one higher education representative and one layperson, whenever possible.

7.4. Commission members may not serve on both the Professional Practice Panel and the Licensure Appeal Panel.

§126-154-8. Ultimate Authority of the State Board.

8.1. Notwithstanding any other provision of this policy, the State Board is not prohibited from initiating, adopting, continuing, amending, or rejecting any policy that addresses preparation, licensure and/or continuing development of professional educators. However, any policy or amendment related to preparation, licensure and continuing development of educational personnel that the State Board initiates may be referred to the Commission for review and recommendation prior to action by the State Board.

§126-154-9. Severability.

9.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

126CSR154

POLICY 5050: WEST VIRGINIA COMMISSION ON PROFESSIONAL TEACHING STANDARDS

COMMENT PERIOD ENDS: June 16, 2014

COMMENT RESPONSE FORM

NOTICE: Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.

The following form is provided to assist those who choose to comment on **Policy 5050, West Virginia Commission on Professional Teaching Standards**. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | |
|---|--|--|
| <input type="checkbox"/> School System Superintendent | <input type="checkbox"/> School System Staff | <input type="checkbox"/> Parent/Family |
| <input type="checkbox"/> Principal | <input type="checkbox"/> Teacher | <input type="checkbox"/> Business/Industry |
| <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Community Member |

COMMENTS/SUGGESTIONS
§126-154-1.3, 1.4 and 1.5. Edit to dates
§126-154-7.1.b. Licensure

126CSR154

§126-154-7.2. Professional Practice Panel

Please direct all comments to:
Sherri D. Goodman, Staff Attorney
Office of Legal Services
West Virginia Department of Education
Capitol Building 6, Room 362
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
E-Mail Address: sgoodman@access.k12.wv.us
Fax No.: (304) 558-0048.