



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

8/10/2018 10:31:18 AM

Office of West Virginia  
Secretary Of State

**NOTICE OF PUBLIC COMMENT PERIOD**

AGENCY: Education TITLE-SERIES: 126-149  
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: Professional Learning for West Virginia Educators  
(Policy 5500)  
CITE STATUTORY 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); & W. Va. Board of Education and  
Steven L. Paine, Ed.D. v. Board of Education of the County of Nicholas, W.  
Va., 17-0767 (October 10, 2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 09/10/2018 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Monica DellaMea, Executive Director  
ADDRESS: WVDE Office of Office of Early & Elementary Learning, Capitol Bldg. 6, Room 603  
1900 Kanawha Blvd., E, Charleston, WV 25305  
EMAIL: mdellamea@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This policy sets forth the West Virginia Board of Educations professional learning system for all West Virginia educators.

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

Amendments reflect legislative changes set forth in the 2018 House Bill 4006, which amended W. Va. Code §18-21-1, et seq., Professional development coordination and delivery; system goals. References to Regional Education Service Agencies (RESAs) were eliminated from this policy. Also added are the requirements set forth in W. Va. Code §18-9A-10(a)(4), which focuses on Step 7d of the Public School Support Plan (House Bill 4619).

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CS149, Policy 5500, Professional Learning for West Virginia Educators.

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CS149, Policy 5500, Professional Learning for West Virginia Educators.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	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
<b>2. Estimated Total Revenues</b>	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No costs or revenue will be impacted by the proposed amendment of W. Va. 126CS149, Policy 5500, Professional Learning for West Virginia Educators.

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

**William C Burch -- 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.**

**Policy 5500, Professional Learning for West Virginia Educators  
Executive Summary**

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**West Virginia Department of Education  
Division of Teaching & Learning/ Office of Early & Elementary Learning**

**Policy Cycle:**     30 day Comment Period                       Adoption of Policy

**Policy Process:**     Revision             Repeal and Replace             New

**Introduction:** This policy sets forth the West Virginia Board of Education’s (WVBE) professional learning system for all West Virginia educators. Amendments reflect legislative changes set forth in the 2018 House Bill 4006, which amended W. Va. Code §18-21-1, et seq., Professional development coordination and delivery; system goals. References to Regional Education Service Agencies (RESAs) were eliminated from this policy. Finally, this policy adds of requirements set forth in §18-9A-10(a)(4), which focuses on Step 7d of the Public School Support Plan (House Bill 4619).

**Background:** This policy was substantively revised in 2013 and 2016. This amendment is necessary due to legislation as outlined above.

**Changes:**

- The addition of Step 7d spending regarding the Public School Support Plan (PSSP) was added to the purpose.
- All references to the Master Plan for Professional Learning were stricken, as it is no longer required per the tenets of HB 4006.
- All references to Regional Education Service Agencies (RESAs), including the entire previous §5.3 of the policy, were stricken per 2018 legislative enactments.
- Language was added to support the use of the district Strategic Plan Needs Assessment as a data point for determining professional learning needs.
- The addition of §4.3.c was added to require districts to submit their professional learning plans annually by June 30 as part of their Strategic Plan.

**Impact:** Policy 5500 amendments will inform counties to utilize targeted data source to ensure locally determined professional learning needs for all educators. Also, the addition of §5, Step 7d of the Public School Support Plan, allows districts to utilize Step 7d funding to assist with teacher and leader induction and professional growth and development. Collectively, these efforts will prepare West Virginia educators to meet the needs of all learners to increase student achievement statewide.

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**Action:**

- Release for \_\_\_\_\_ day public comment
- Approved by WVBE with effective date of \_\_\_\_/\_\_\_\_/20\_\_\_\_

**Policy 5500, Professional Learning for West Virginia Educators  
List of Stakeholders**

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**West Virginia Department of Education**

**External Stakeholders**

- Only internal stakeholders were utilized because revision result from legislative actions.

**Internal Stakeholders**

- Dr. Jan Barth, Assistant State Superintendent, Division of Teaching & Learning
- Michele Blatt, Assistant State Superintendent, Division of Support & Accountability
- Charlene Coburn, Executive Director, Office of Leadership & Continuous Improvement
- Monica DellaMea, Executive Director, Office of Early & Elementary Learning
- Amy Willard, Executive Director, Office of School Finance

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

SERIES 149  
PROFESSIONAL LEARNING FOR WEST VIRGINIA EDUCATORS (5500)

**§126-149-1. General.**

1.1. Scope. -- This rule provides guidelines for the coordination and delivery of high quality professional learning experience for West Virginia educators. ~~The~~ This rule defines/delineates roles and responsibilities among the various state and ~~regional-local~~ professional learning providers.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; W. Va. Code ~~§§18-2-5, and §18-2l-1 et seq., and 18-9A-10.~~

1.3. Filing Date. -- ~~February 12, 2016.~~

1.4. Effective Date. -- ~~July 1, 2016.~~

1.5. Repeal of Former Rule. -- This legislative rule ~~repeals and replaces~~ amends W. Va. 126CSR149, West Virginia Board of Education (~~hereinafter~~ WVBE) Policy 5500, Professional Learning for West Virginia Educators, filed ~~July 12, 2013~~ February 12, 2016, and effective ~~August 12, 2013~~ July 1, 2016.

**§126-149-2. Purpose.**

2.1. The purpose of this ~~policy rule~~ is to ~~provide rules that encourage and~~ assist the coordination, development, and evaluation of high-quality professional learning programs for West Virginia educators. In addition, the rule also outlines the allocation methodology for state aid funding appropriated to support county-level implementation of comprehensive systems for teacher and leader induction and professional growth.

**§126-149-3. Goals for Professional Learning.**

3.1. The ~~goals for WVBE annually will establish~~ professional learning goals ~~will be established annually by the WVBE.~~

~~§126-149-4. Master Plan for Professional Learning.~~

~~4.1. All professional learning providers shall submit their professional learning plans to the WVBE no later than May 1. Upon approval of the WVBE, those professional learning plans shall be compiled into the statewide master plan for professional learning for the upcoming school year.~~

~~§126-149-54. General Responsibilities.~~

~~54.1. The WVBE has the responsibility to~~ will:

~~54.1.a. institute a system for the coordination and delivery of high-quality professional learning;~~

~~4.1.b. develop a comprehensive definition of comprehensively define professional learning;~~

~~54.1.b.c. articulate standards for professional learning standards;~~

~~54.1.e.d. establish annual goals for professional learning goals;~~

~~5.1.d. develop a master plan to support professional learning that includes the established comprehensive definition of professional learning and the standards for professional learning ; and~~

~~5.1.e. conduct an evaluation of the master plan for professional learning to determine the effectiveness, efficiency, and impact of the professional learning.~~

~~54.2. The West Virginia Department of Education (hereinafter WVDE) has the primary responsibility for providing leadership in communicating the goals and standards for professional learning within and to the WVDE, the Center for Professional Development, the Regional Educational Service Agencies (hereinafter RESAs), district to county instructional leaders, and the state's public institutions of higher education educator preparation programs. -It is further the responsibility of the WVDE to:~~

~~54.2.a. develop guidance, processes, definitions, and protocol resources to support the design and delivery of a comprehensive professional learning process system:~~

~~54.2.a.1. ~~to~~ assist district the county and RESA with the selection, design, implementation, and evaluation of high-quality, professional and personalized learning experiences that maximize funding resources available and adhere to WVBE Goals for Professional Learning and the West Virginia Professional Learning Standards located on the WVDE website; and~~

~~54.2.a.2. ~~to~~ support participation in required evaluation studies to be submitted to the WVBE, Governor, and the Legislative Oversight Committee on Education Accountability (hereinafter LOCEA); and~~

~~54.2.b. develop a systemic approach to provide ongoing assistance for integration of high-quality professional learning experiences that includes:~~

~~54.2.b.1. content area expertise and guidance to support program implementation at the RESA level or with district county chief instructional leaders;~~

~~54.2.b.2. online professional and personalized learning courses and resources that are aligned with requirements leading to educator certification and licensure, endorsement, or professional growth; and~~

~~54.2.b.3. educator resources that focus on intentional, data-driven decisions to plan and facilitate personalized, professional learning experiences.~~

~~—5.3. The RESAs shall assist in the implementation of WVBE policy requirements at the district and school levels through the following important responsibilities:~~

~~5.3.a. provide technical assistance to districts to assist with implementation of high quality, professional and personalized learning experiences aligned to the Standards for Professional Learning in a cycle of continuous improvement;~~

~~5.3.b. build capacity among RESA and district staff to ensure sufficient expertise in academic content areas and instructional approaches;~~

~~5.3.c. provide high quality professional learning experiences to facilitate the delivery of high quality educational programming;~~

~~5.3.d. provide technical assistance to schools to coordinate, plan, and use flexible scheduling to permit time for professional and collaborative learning on a consistent weekly/monthly basis;~~

~~5.3.e. facilitate coordination and cooperation among district instructional leaders within their respective regions in the design and delivery of ongoing support; and~~

~~5.3.f. utilize guidance provided by WVDE for appropriate and effective selection, design, implementation, and evaluation of vendors involved in professional learning.~~

~~5.4.3. It is the responsibility of the district to~~ The county must support, monitor, and ensure the fidelity of the implementation of professional learning experiences that are aligned to WVBE Goals for Professional Learning and West Virginia Standards for Professional Learning Standards located on the WVDE website.

~~5.4.3.a. In carrying out this responsibility, the district~~ The county plan shall be developed by the Local Staff Development Council (W. Va. Code §18A-3-8) and incorporated into the county Strategic Plan using data from:

~~5.4.3.a.1. each county's Strategic Plan Needs Assessment;~~

~~4.3.a.2. each county's professional learning plan, or the West Virginia Support for Improving Professional Practice (hereinafter WVSIPP) located on the WVDE website;~~

~~5.4.3.a.23. W. Va. 126CSR142, WVBE Policy 5310, Performance Evaluation of School Personnel~~

~~—5.4.3.a.24.A. Professional Teaching Standards professional teaching standards.~~

~~5.4.3.a.35. Student data from the W. Va. 126CSR14, WVBE Policy 2340, West Virginia General Summative Assessment Measures of Academic Progress; and~~

~~5.4.3.a.46. Student evidence of learning from utilization of the formative assessment process.~~

~~5.4.3.b. It is further the responsibility of~~ Further, the district to develop and county must implement a professional and personalized learning plan that includes high-quality professional and personalized learning experiences to support all educators and ~~support~~ personnel in the delivery of high-quality educational programming as part of the county's Strategic Plan. The plan should align, be incorporated into, and complement the district's county's Strategic Plan, specifically the WV Support for Improving Professional Practice Plan ensuring:



~~5.4.c. It is also the responsibility of the district to ensure:~~

~~5.4.3.be.1. all West Virginia~~ educators have access to high quality professional and personalized learning experiences that focus on individual professional growth of educators, student need based on acquired data, and school-wide goals for professional and personalized learning goals;

~~5.4.3.be.2.~~ educators are engaged in learning with colleagues through a collaborative model to improve individual teaching practice, support student learning, and foster school-wide growth;

~~5.4.3.be.3.~~ school-based professional learning communities examine student data to increase student achievement;

~~5.4.3.be.4. use of school budgets to~~ support professional and personalized learning;

~~5.4.3.be.5. use of flexible and creative scheduling to~~ create time for educators to participate in professional learning communities during the work-day; and

~~5.4.3.be.6. reduction of the number of large scale focus professional development learning offerings to focus professional learning in individualized and school-based settings rather than in large-scale settings.~~

4.3.c. As part of the county Strategic Plan, counties must submit its professional learning plan to the WVBE annually as directed by the WVDE.

**§126-149-5. Step 7d of the Public School Support Plan.**

5.1. Effective for the 2019-20 school year and thereafter, the Legislature enacted a new provision, Step 7d, the Public School Support Plan (PSSP) to financially support county-level implementation of comprehensive systems for teacher and leader induction and professional growth.

5.2. In accordance with W. Va. Code §18-9A-10(a)(4), the statewide total amount of Step 7d funding will be calculated as the amount appropriated for the purpose in the immediately preceding school year, plus 20 percent of the growth in the local share amount under the PSSP.

5.2.a. After the county Strategic Plan is approved, the statewide Step 7d amount annually will be allocated to the county boards of education:

5.2.a.1. Sixty percent of the total statewide allocation will be distributed based on the number of full-time equivalent teachers employed by the county with zero years of experience;

5.2.a.2. Twenty-five percent of the total statewide allocation will be distributed based on the total number of full-time equivalent teachers employed by the county with one, two, or three years of experience;

5.2.a.3. Ten percent of the total statewide allocation will be distributed based on the number of full-time equivalent principals, assistant principals, and vocational administrators employed by the

county who are in their first or second year of employment as a principal, assistant principal, or vocational administrator;

5.2.a.4. Two percent of the total statewide allocation will be distributed based on the number of full-time equivalent principals, assistant principals, and vocational administrators employed by the county who are in their first year in an assignment at a school with programmatic level in which they have not previously served as a principal, assistant principal, or vocational administrator; and

5.2.a.5. Three percent of the total statewide allocation will be distributed based on needs identified in the strategic plans for continuous improvement of schools and school systems, including those identified through the performance evaluations of professional personnel. In the event that the full amount of the funds allocated on this basis are not needed to fulfill the needs identified in the strategic plans, any remaining funds shall be added to the funding allocated under §5.2.a.1.

5.3. Once the total allocation is determined for each county board of education, it shall be compared to the county's total allocation of teacher and principal mentor funds from the 2016-17 school year. In accordance with statute, no county's allocation can be less than the level of funding received in the 2016-17 year. If the standard calculation results in a lower allocation than received in 2016-17 for a particular county, that county's total allocation will be increased to the 2016-17 level, with the allocation for all other county boards decreased proportionately.

**§126-149-6. Severability.**

6.1. 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.

**Policy 5500, Professional Learning for West Virginia Educators  
Comment Response Form**

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**Comment Period Ends:** September 10, 2018

**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 5500, Professional Learning for West Virginia Educators**. 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
§126-149-1. General.
§126-149-2. Purpose.
§126-149.3. Goals for Professional Learning.
§126-149-4. General Responsibilities.
§126-149-5. Step 7d of the Public School Support Plan.
§126-149.6. Severability.

**Policy 5500, Professional Learning for West Virginia Educators  
Comment Response Form**

Please direct all comments to:

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