



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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3/11/2021 11:38 AM

Office of West Virginia  
Secretary Of State

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**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL  
RULE**

AGENCY: Education TITLE-SERIES: 126-161

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Regulations for Alternative Certification Programs  
for the Education of Teachers (5901)

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); and, W. Va. Bd. of Educ. V. Bd. of  
Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 12, 2021

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

**Yes**

**Michele L Blatt -- 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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TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

SERIES 161  
REGULATIONS FOR ALTERNATIVE CERTIFICATION PROGRAMS FOR  
THE EDUCATION OF TEACHERS (5901)

**§126-161-1. General.**

1.1. Scope. -- This rule establishes a process for the development of alternative programs for the education of teachers through which qualified persons will become licensed teachers in West Virginia.

1.2. Authority. -- W. Va. Constitution, Article XII, §2, and W. Va. Code §§18A-3-1a, 18A-3-1b, 18A-3-1c, 18A-3-1d, 18A-3-1e, 18A-3-1f, 18A-3-1g, 18A-3-1h, 18A-3-1i, and 18A-3-1j.

1.3. Filing Date. -- March 11, 2021.

1.4. Effective Date. -- April 12, 2021.

1.5. Repeal of Former Rule. -- This rule amends W. Va. 126CSR161, Policy 5901, Regulations for Alternative Certification Programs for the Education of Teachers, filed January 9, 2020, and effective February 10, 2020.

**§126-161-2. Purpose.**

2.1. The purpose of this policy is to create an alternative means for a qualified person to earn a provisional professional teaching certificate by authorizing a school or county board to offer a rigorous alternative program for teacher certification in partnership with a regionally accredited institution of higher education (IHE), an entity affiliated with a regionally accredited IHE, or the West Virginia Department of Education (WVDE), all under the supervision of the West Virginia Board of Education (WVBE). Additional alternative programs to prepare teachers established or adopted solely by the WVBE are separate from the programs established under W. Va. Code §§18A-3-1b, 18A-3-1g, and 18A-3-1h, do not require any partner, are applicable only to persons who hold a bachelor's degree from an accredited IHE, and are subject to other provisions of W. Va. Code §§18A-3-1 through 18A-3-1i only to the extent specifically provided within this policy.

**§126-161-3. Summary.**

3.1. W. Va. Code provides requirements for alternative programs for the education of teachers. This policy outlines the responsibilities of the state, counties, partners, and other entities in meeting these requirements.

**§126-161-4. Definitions.**

4.1. Alternative Certification Education Preparation Program Review Board (ACEPPRB). Created to make recommendations to the WVBE regarding program approval of initial, continuing, and probationary

status of alternative certification programs for the education of teachers.

4.2. Area of Critical Need and Shortage. A West Virginia county-posted teaching position that has been posted at least two times, or for a ten-day period, and for which no fully-certified person has applied pursuant to W. Va. Code §18A-4-7a.

4.2.a. Alternative certification acquired through programs approved in accordance with all sections of this policy may only occur when there is no fully-certified teacher applying for a teaching vacancy.

4.3. Entity Affiliated with an IHE. One member of a partnership of a WVBE-approved alternative certification program for the education of teachers that is neither a West Virginia school or county, nor the WVDE, but has an official agreement or contract with a regionally accredited IHE that has an accredited program for the education of professional educators that has been approved by the WVBE, that provides for responsibilities such as recruitment, support, supervision, and mentoring of the alternative program teachers who are enrolled in the alternative certification program.

4.4. Institution of Higher Education (IHE). A college or university accredited by one of the regional accrediting agencies recognized by the Council for Higher Education Accreditation (CHEA), or by one of the National Faith-Related Accrediting Organizations recognized by CHEA and the United States Department of Education, or by the Accrediting Council for Independent Colleges and Schools, to award degrees at a stipulated level, i.e., bachelor's degree, master's degree, and/or doctorate.

**§126-161-5. Procedures for Alternative Certification Programs for the Education of Teachers.**

5.1. Alternative Program Partners and Partnership Agreements.

5.1.a. To meet areas of critical need and shortage within West Virginia counties, this policy creates an alternative means for a qualified person to earn a provisional professional teaching certificate by completing a rigorous alternative program. All WVBE-approved alternative certification program partnerships are formed pursuant to the requirements of W. Va. Code §§18A-3-1a through 18A-3-1i.

5.2. Necessary Partners. In addition to one or more West Virginia schools or counties, a partnership shall include one or more of the following:

5.2.a. a regionally accredited IHE with a program for the preparation of professional educators that has been approved by the WVBE.

5.2.b. an entity affiliated with a regionally accredited IHE that has a WVBE-approved program for the preparation of professional educators.

5.2.c. the WVDE.

5.3. Partnership Agreements.

5.3.a. A partnership shall adopt a written partnership agreement in accordance with W. Va. Code and this policy that governs how the partnership will conduct its alternative program for the education of

teachers. An agreement will identify the rights, roles, and responsibilities of each partner. Partnership agreements must be included as part of all alternative certification program proposals.

5.3.b. Required Contents. At a minimum, a written partnership agreement shall include the following:

5.3.b.1. procedures and criteria for determining whether a person is eligible to enroll in a WVBE-approved alternative certification program.

5.3.b.2. a requirement that a vacancy must be advertised at least twice (10 working days) pursuant to W. Va. Code §18A-3-1b, and if no certified teacher applies, only then may the partnership consider accepting a candidate for enrollment into the alternative program.

5.3.b.3. procedures and criteria for making a formal offer of employment to the candidate who is eligible to enroll in the alternative program for the education of teachers and who has applied for the posted position. Individuals may not participate in an alternative program unless they hold an alternative teaching certificate. Upon receiving an alternative teaching certificate, an individual may enroll into the alternative certification program. The alternative program teacher must begin receiving their required instruction/training either simultaneously or before assuming the role of an educator.

5.3.b.4. a detailed list, with descriptions of the categories, methods and sources of instruction that the alternative program will provide.

5.3.b.5. a description of the phases of on-the-job training and supervision that the alternative program will provide.

5.3.b.6. a detailed description of the academic and performance standards that the alternative program teacher shall satisfy in order to receive the partnership's recommendation that the State Superintendent of Schools (State Superintendent) issue a provisional teaching certificate.

5.3.b.7. procedures for selecting and training the professional support team, pursuant to W. Va. Code §18A-3-1c, who will instruct, mentor, and/or supervise the alternative program teacher(s).

5.3.b.8. provisions for determining tuition or other charges, if any, relating to an alternative program for the education of teachers pursuant to W. Va. Code §18A-3-1c.

5.3.b.9. a requirement, subject to the provisions of W. Va. Code §18A-3-1f, that the hiring authority for any school or county board that hires an alternative program teacher will renew the alternative program teacher's contract from year-to-year as long as the teacher makes satisfactory progress in the alternative education program and until the teacher completes the alternative program for the education of teachers.

5.3.b.10. any other provisions that the partners consider necessary or helpful to ensure that the alternative program operates in accordance with this policy.

**§126-161-6. Required Components of an Alternative Certification Program Proposal.**

6.1. Counties and necessary partners submitting an alternative certification program proposal for

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review and approval by the Alternative Certification Educator Preparation Program Review Board (ACEPPRB) and WVBE must include within the written proposal all required components described within section 6.2 of this policy and meet all requirements of the partnership agreement described within section 5.3 of this policy. Partnership agreements must be included as part of all alternative certification program proposals.

6.2. In addition to requirements identified in section 5.3, a proposal for an alternative program for the education of teachers must include, at a minimum, each of the following components:

6.2.a. the name of the alternative certification program being proposed.

6.2.b. a brief description of the program including the professional teacher licensure to which the program will lead: provisional to professional teacher licensure for general education teachers, special education teachers, elementary teachers, teachers of American Sign Language (ASL), or combination of these.

6.2.c. the grade levels and endorsements program completers will be issued in accordance with W. Va. 126CSR136, Policy 5202, Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (Policy 5202).

6.2.d. each partner that makes up the partnership of the alternative certification program being proposed.

6.2.e. a list of roles and responsibilities of each program partner, i.e., alternative program provider, program participant/teacher, school principal, county superintendent, IHE, etc.

6.2.f. a description of the method(s) used for selecting team members, and a list of members and their job titles that make up the Professional Support Team.

6.2.g. a detailed list of the academic and performance standards by which the alternative program teacher(s) will be evaluated, including, but not limited to, performance assessment rubrics with a description of a minimum of three performance assessments that will be required of each program teacher during the first year in the alternative certification program.

6.2.h. an orderly set of deadlines, forms, and guidance to govern each member in the partnership.

6.2.i. the process for recruiting persons to enroll in the alternative program.

6.2.j. a candidate's process for enrolling in an approved education provider's alternative program for the education of teachers, including when to apply to WVDE for an alternative program teacher certificate.

6.2.k. procedures for developing the partnership agreement(s) and copies of each partnership agreement.

6.2.l. procedures and criteria for determining eligibility of candidates pursuant to W. Va. Code and this policy.

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6.2.m. standards for how often and what lengths of time an alternative program teacher must be observed and must observe in the classroom of a mentor or other experienced teacher(s).

6.2.n. guidelines for determining what tuition or other charges, if any, an approved education provider may impose relating to an alternative program for the education of teachers in accordance with W. Va. Code §18A-3-1c.

6.2.o. a process for alternative program participants to apply for and obtain their alternative program teaching certificate.

6.2.p. a sample of each form to be used by members of the professional support team when observing, modeling strategies, videoing instruction, evaluating, etc., the alternative program teacher(s), and any other forms the team may use.

6.2.q. a detailed list of course descriptions and/or professional learning and the delivery methods for the instruction required by this policy.

6.2.r. a list of guidelines and/or plans for preparing the alternative program teacher to pass the state-approved and required competency exam(s) for teaching.

6.2.s. standards for evaluation of the alternative program teacher as set forth in this policy.

6.2.t. processes and/or procedures for communicating the final evaluation and recommendation of the alternative program teacher to the State Superintendent, including ensuring the alternative program teacher understands the right to appeal and the appeal process.

6.2.u. assurances of compliance with this policy.

### **§126-161-7. Candidate Eligibility.**

7.1. Prior to being hired at the county level as an alternative certification program participant, candidates must apply for and attain an Alternative Teaching Certificate. Upon receiving an Alternative Teaching Certificate, candidates may enroll to participate in a WVBE-approved program for alternative certification.

7.2. Eligibility criteria for candidates to be issued an Alternative Teaching Certificate and enroll into alternative certification programs must include, but may not be limited to, the following:

7.2.a. State Minimal Candidate Eligibility Criteria.

7.2.a.1. Meet general requirements of Policy 5202, section 9.1.

7.2.a.2. Meet requirements of Policy 5202 for a criminal history record check.

7.2.a.3. Hold a minimum of a bachelor's degree with a 2.5 overall cumulative grade average or higher from a regionally accredited IHE.

7.2.a.4. Passed the WVBE-required basic skills exam(s) or qualify for an exemption of the

exam(s).

7.2.a.5. Receive a formal offer of employment from the county board for a qualifying vacancy.

7.2.b. Additional Candidate Eligibility Criteria Required of Candidates for General Education Endorsements.

7.2.b.1. Relevant academic or occupational qualifications that reasonably indicate the person will be competent to fill the teaching position in which the candidate would be employed, as determined and approved by the county. To clarify, official transcripts reflecting an academic major or appropriate documentation of occupational qualifications the same as or similar to the subject matter which the alternative program candidate is being hired to teach are required.

7.2.b.2. Passed the WVBE-required content exam(s) for the endorsement(s) or qualify for an exemption of the exam(s).

7.3. If a person seeks certification to teach ASL, in addition to other eligibility requirements for general education endorsements as described in this policy, the candidate shall pass one or more appropriate WVBE-approved tests demonstrating proficiency in ASL.

7.4. At the conclusion of the WVBE-approved alternative certification program teachers in the general education teaching path shall be required to meet the proficiency score(s) on the appropriate state competency exam(s) in professional education.

7.5. At the conclusion of the alternative certification program teachers in the special education teaching path completing a WVBE-approved alternative certification program shall be required to meet the proficiency score(s) on the appropriate state competency exam(s) in special education content and the state competency exam(s) in professional education.

7.6. The employment date identified for a beginning alternative certification teacher applying for the Alternative Teaching Certificate must align with the qualifying job posting and be a future date. These employment dates shall not precede the date of application. Enrollment into WVBE-approved alternative certification programs for the education of teachers must not precede the effective date of the Alternative Teaching Certificate.

7.7. All WVBE-approved exams, assessments, and passing score requirements described in this policy are identified in Policy 5202 and the West Virginia Licensure Testing Directory found on the WVDE website. If the state-approved alternative certification program requires successful completion of a nationally-normed instrument of teacher performance (teacher performance assessment), upon successful completion of the assessment participants may be exempt from the required professional education exam(s). The alternative certification program provider sets the adopted teacher performance assessment's acceptable range for proficiency level and/or cut scores, unless the WVBE has established proficiency levels for the specific assessment(s) within the West Virginia Licensure Testing Directory found on the WVDE website.

**§126-161-8. Alternative Program Instruction and the Professional Support Team.**

8.1. Alternative Program Instruction General Education Content Teacher.

8.1.a. Instruction requirements for preparing general education content teachers in a WVBE-approved alternative program for the education of teachers shall include, but not be limited to, the following:

8.1.a.1. six or more semester credit hours of instruction to include, but not be limited to, the following subjects: student assessment, development and learning, curriculum, classroom management, use of educational computers and other technology, special education, diversity, trauma-informed and social-emotional best practices, and school law. If the alternative program teacher will be teaching children in elementary school, the teacher must also receive instruction in early literacy; or

8.1.a.2. six or more WVDE-approved staff development professional learning hours of instruction in each of the following subjects: student assessment, development and learning, curriculum, classroom management, use of educational computers and other technology, special education, diversity, trauma-informed and social-emotional best practices, and school law. If the alternative program teacher will be teaching children in elementary school, the teacher must also receive instruction in early literacy.

8.1.b. General education alternative certification programs shall include additional training(s) and/or testing approved by the WVDE if the teacher's endorsement requires instruction in lab based/experiential settings. The additional training(s) and/or testing shall include, but is not limited to, student and staff safety, lab safety, lab management, and instructional procedures for the lab setting. Program participants may be required to pass a WVDE-approved assessment to demonstrate proficient knowledge and skills to safely and adequately teach in a lab setting. For driver education, program participants must also meet the requirements identified in Policy 5202.

## 8.2. Alternative Program Instruction-Special Education Teacher.

8.2.a. Instruction requirements for preparing highly qualified special education teachers (applicable to certified teachers who have at least a bachelor's degree from a program for the preparation of teachers from a regionally accredited IHE seeking a special education endorsement as described in W. Va. Code §18A-3-1g) and preparing highly-qualified special education teachers (individuals who are not currently certified seeking a special education endorsement as described in W. Va. Code §18A-3-1h) in a WVBE-approved alternative program for the education of teachers shall include, but not be limited to, the following:

8.2.a.1. six or more semester credit hours of instruction to include, but not be limited to, the following subjects: student assessment, development and learning, curriculum, classroom management, use of educational computers and other technology, special education, diversity, trauma-informed and social-emotional best practices, school law, and Individuals with Disabilities Education Improvement Act of 2004, Public Law 108-446 (IDEA). If the alternative program teacher will be teaching children in elementary school, the teacher must also receive instruction in early literacy; or

8.2.a.2. six or more WVDE-approved staff development professional learning hours of instruction in each of the following subjects: student assessment, development and learning, curriculum, classroom management, use of educational computers and other technology, special education, diversity, trauma-informed and social-emotional best practices, school law, and IDEA. If the alternative program teacher will be teaching children in elementary school, the teacher must also receive instruction in early literacy.

8.2.b. Alternative certification programs for special education shall include additional instruction to provide the skills necessary for the delivery of instructional services to students with disabilities. Required instruction in alternative certification programs for special education shall include a focus on developing Individualized Education Programs (IEPs) with state-approved content standards, differentiated instruction, school and IDEA law, behavioral interventions and supports, and preparation necessary to help the alternative program teacher meet the proficiency score(s) on the appropriate state competency exam(s) in special education content and professional education.

8.2.c. Special education endorsement specific requirements for additional instruction include the following:

8.2.c.1. alternative programs for the deaf and hard of hearing endorsement shall include additional instruction in auditory habilitation; language development and intervention across the curriculum; curriculum methods for deaf and hard of hearing; development and remediation of reading, writing and discourse for the deaf and hard of hearing; human growth and development emphasizing knowledge of the developmental characteristics (language, physical, biological, learning, social, and emotional) for deaf and hard of hearing students, administration and interpretation of assessments to determine the individualized needs of the deaf and hard of hearing; an introduction to exceptional children including children with multiple disabilities; and ASL.

8.2.c.2. alternative programs for the visual impairment endorsement shall include additional instruction in normal development, anatomy and physiology, basic terminology, and structure and function of the human visual system which includes the eye and brain structures related to vision; potential effects of a visual impairment on development and learning in sensory/motor development; vocational/transitional skills development; communication and social skills; diseases and disorders of the human visual system; common eye and other visual disorders; possible effects of medications, and their implications in the home, classroom, and other learning environments including cortical visual impairment (CVI) and how it affects a student's functioning in the classroom and in the community; design of instructional goals and objectives that integrate the expanded core curriculum with the state-approved content standards; awareness of low, middle, and high tech devices that meet the accessibility needs of learners who are visually impaired, including learners with additional disabilities; the importance and basic awareness of orientation and mobility instruction for learners with visual impairments; instruction of learners with low vision on appropriate use of optical and non-optical devices and proficiency in the reading and writing alphabetic and fully contracted braille code both Unified English Braille (UEB) and Nemeth and methods of instructional strategies for teaching reading and math; the impact of combined vision and hearing impairment on development and learning including cognition, language, and motor skills; basic proficiency in conducting appropriate functional vision assessments and learning media assessment and the interpretation of visual functioning information to determine appropriate options and learning media (e.g., specialized materials, equipment, and/or methods) for accessing instructional programs based on individual age, setting, and present levels of developmental and/or academic functioning.

8.2.c.3. alternative programs for the autism endorsement shall include additional instruction in a historical overview and evolution of the diagnosis with major changes beginning with the Diagnostic and Statistical Manual of Mental Disorders, fifth edition, resulting in Autism Spectrum Disorder diagnosis; definition, characteristics, and common comorbidities; eligibility criteria relating to deficits in social communication and social interaction with restricted repetitive and stereotyped patterns of behavior; an

introduction to children with exceptionalities; typical development versus atypical development relating to autism spectrum disorder focusing on physical issues (gross motor, fine motor, system dysregulations, and autoimmune issues), neurological aspects (parts of the brain and auditory/visual/sensory processing issues); developmental delays and early intervention; therapies (speech, language, occupational, and behavior); administration and interpretation of assessments to determine the individualized needs of students with autism; Tier I, II, and III behavior supports and interventions; appropriate educational modifications and accommodations; instructional strategies and supports; and transition supports and services.

### 8.3. Methods of Instruction.

8.3.1. A WVBE-approved alternative program for the education of teachers may provide instruction through nontraditional methods including, but not limited to, methods such as a series of modules covering the various topics, electronically delivered instruction, summer sessions, professional learning, and job-embedded mentoring.

### 8.4. Professional Support Team.

8.4.1. A WVBE-approved alternative program for the education of teachers shall provide a professional support team whose structure is consistent with the induction model that the partnership's participating school(s) follow for supporting, supervising, inducting, and mentoring a beginning teacher, as described in the county's plan of Support for Improving Professional Practice (WV SIPP) pursuant to W. Va. Code §18A-3C-3.

8.4.2. The county superintendent, or designee, in a WVBE-approved alternative program for the education of teachers shall maintain the following required documentation/evidence of a teacher's participation in a WVBE-approved alternative program for the education of teachers:

8.4.2.a. team members and evidence of training of the professional support team.

8.4.2.b. copies of notes for monthly meetings of the professional support team.

8.4.2.c. copies of weekly observation notes for each alternative program teacher reflecting the supervisory activities (observations, reflection meetings, etc.) team members completed with the alternative program teacher during the teacher's first semester of the first year in the alternative certification program.

8.4.2.d. copies of bi-weekly observation notes for each alternative program teacher reflecting the supervisory activities of the team members during the second semester of the teacher's first year in the alternative certification program.

8.4.2.e. copies of any other documentation the Professional Support Team may have in regard to each teacher's progress in the alternative program.

8.4.2.f. at the conclusion of a teacher's participation in the alternative program, a copy of the alternative program teacher's final evaluation recommendation.

8.4.3. The professional support team shall provide written evaluation reports of each alternative

program teacher and submit copies of each report to the alternative program provider prior to the first day of the final full month of the school year in the teacher's first year of participation in the program. Pursuant to standards for how often and what lengths of time an alternative program teacher must be observed and must observe in the classroom of a mentor or other experienced teacher(s) described within the alternative certification program's proposal, evaluations shall be conducted at designated times throughout each teacher's first year participating in the alternative program, and at a minimum, every six to eight weeks, at the discretion of the professional support team and in collaboration with the school principal. Evaluation reports shall be submitted to WVDE using a form designed by the alternative program provider and approved by the principal.

8.4.3.a. Progress evaluations shall include the following:

8.4.3.a.1. each evaluation report shall describe the alternative program teacher's progress toward meeting the program's academic and performance standards, in accordance with the required comprehensive evaluation report, and including the results of the performance assessments as described in W. Va. Code §§18A-3-1b, 18A-3-1c, and 18A-3-1i.

8.4.3.a.2. at the conclusion of an approved alternative program for the education of teachers, the approved education provider shall prepare a comprehensive evaluation report on the alternative program teacher's performance. This comprehensive evaluation report, submitted to the State Superintendent, shall contain a recommendation regarding provisional licensure of the alternative program teacher. The State Superintendent shall develop standard forms for this report, and the report shall be made on one or more of the State Superintendent's forms. The recommendation shall include the signature of the principal, the county superintendent, and at least one other member of the professional support team.

8.4.3.a.3. all final decisions on the progress of an alternative program teacher shall rest with the principal.

**§126-161-9. Alternative Certification Licensure, Comprehensive Evaluation, and Rights of the Teacher.**

9.1. Alternative Certification Licensure.

9.1.a. The alternative program teacher certificate is issued initially for one year and can be renewed twice for a total of three years. The teacher applying for renewal must meet all the following each year:

9.1.a.1. show satisfactory progress in the alternative program for the education of teachers.

9.1.a.2. remain enrolled in and actively participates in a WVBE-approved alternative program for the education of teachers.

9.1.a.3. remain employed in the critical need and shortage position for which the teacher was hired in a school that is part of the partnership of a WVBE-approved alternative program for the education of teachers.

9.1.a.4. receive satisfactory evaluations pursuant to W. Va. Code §18A-2-12 and has the recommendation of the county superintendent.

9.1.b. In the event that the alternative program teacher certificate needs to be renewed and the individual has been released from the qualifying vacancy due to a reduction in force, the alternative teaching certificate may be renewed only if the individual is employed in an area of critical need and shortage that is for the same endorsement and programmatic levels received on the initial alternative teaching certificate in order to continue the program.

9.1.c. Upon successful completion of all conversion requirements as listed in Policy 5202, an alternative teaching certificate may be converted to a provisional teaching certificate. The provisional teaching certificate is issued initially for one year and can be renewed twice for a total of three years. Upon successful completion of all conversion requirements as listed in Policy 5202, a provisional teaching certificate may be converted to a professional teaching certificate. Complete requirements for issuance of alternative certification licensure and professional licensure are detailed within Policy 5202.

## 9.2. Comprehensive Evaluation.

9.2.a. At the conclusion of an approved alternative program for the preparation of teachers, the approved education provider shall prepare and submit a comprehensive evaluation report to the State Superintendent on the alternative program teacher's performance, which includes a recommendation regarding provisional licensure of the alternative program teacher of approved, insufficient, or disapproved.

9.2.a.1. Approved recommends issuance of a provisional teaching certificate to include the name of the teacher and the endorsement(s) and grade levels for licensure as listed in Appendix A of Policy 5202.

9.2.a.2. Insufficient recommends that a provisional teaching certificate not be issued, but that the candidate be allowed to seek reentry on one or more occasions in the future to an approved alternative program for the education of teachers.

9.2.a.3. Disapproved recommends that a provisional teaching certificate not be issued to the alternative program teacher. The alternative program teacher will not be allowed to enter into another approved alternative program for the education of teachers in West Virginia, but it will not prohibit the alternative program teacher from pursuing teacher certification through a traditional route in other approved programs for the education of teachers in West Virginia.

9.2.b. The approved education provider shall provide, at the end of the program, the alternative program teacher with a copy of the alternative program teacher's written evaluation report and recommendations before the approved education provider submits the report to the State Superintendent. The alternative program teacher has the right to appeal the alternative certification program provider's recommendation, provided that the written appeal is in accordance with the certification appeals process established by the WVBE and is submitted within 15 days of the alternative certification program teacher's receipt of the alternative program provider's recommendation.

## 9.3. Rights of the Alternatively Certified Teacher.

9.3.a. An alternative program teacher certificate is the same as a professional teaching certificate for the purpose of issuing a continuing contract. Participation in an alternative education program

pursuant to this policy may not affect any rights, privileges, or benefits to which the participant otherwise would be entitled as a regular employee and may not alter any rights, privileges, or benefits of participants on continuing contract status.

**§126-161-10. Alternative Certification Educator Preparation Program Review Board (ACEPPRB).**

10.1. The WVBE has created the ACEPPRB to make recommendations to the WVBE regarding initial and continuing alternative certification educator preparation program approval.

10.2. ACEPPRB Composition.

10.2.a. The ACEPPRB shall be comprised of nine members selected from the following pool of trained educators:

10.2.a.1. one member representing higher education appointed by the West Virginia Higher Education Policy Commission.

10.2.a.2. one member representing higher education appointed by the West Virginia Independent Colleges and Universities.

10.2.a.3. three members including one who was alternatively certified, representing public education, one at each programmatic level for elementary, middle, and high school, appointed by the WVBE.

10.2.a.4. two county office representatives, appointed by the WVBE.

10.2.a.5. one principal appointed by the State Superintendent.

10.2.a.6. one representative from the West Virginia Commission for Professional Teaching Standards, appointed by its chairperson.

10.2.b. ACEPPRB members must exempt themselves from deliberations and actions related to the status of an alternative certification program's approval if they are currently employees of any entity involved in the proposal under the committee's review. ACEPPRB members are appointed to serve three-year terms and may choose to have their term renewed once (for an additional three years) to serve a total of two terms, not to exceed six consecutive years serving on the ACEPPRB.

10.3. ACEPPRB Functions.

10.3.a. The primary function of the ACEPPRB is to review documents and alternative certification program proposals submitted by partnerships requesting program approval for new and/or revised alternative certification educator preparation programs that lead to licensure to work in the public schools of West Virginia and submit their recommendations for approval to the WVBE.

10.4. ACEPPRB Procedures.

10.4.a. Alternative certification program proposals shall be reviewed by the ACEPPRB in accordance with this policy. The ACEPPRB shall meet at least once each academic semester, including

summer, unless no materials have been submitted to it for review. Upon review of a proposed alternative certification program, the ACEPPRB will write and submit a report to the WVBE. If the ACEPPRB determines and verifies in its written report that a proposed alternative certification program for the education of teachers has serious weaknesses, the ACEPPRB may recommend that the WVBE not grant approval.

10.4.b. The following shall guide the recommendation process and written review of the ACEPPRB:

10.4.b.1. the ACEPPRB may recommend to the WVBE to approve a partnership's application proposal to operate an alternative program for the education of teachers if the proposed program, in all material respects, complies or will comply with all components of an alternative certification program as set forth in this policy; or

10.4.b.2. the ACEPPRB may recommend to the WVBE to approve a partnership's application proposal to operate an alternative program to prepare highly-qualified special education teachers if the proposed program, in all material respects, complies or will comply with all components of an alternative certification program as set forth in this policy; or

10.4.b.3. the ACEPPRB may recommend to the WVBE to approve a partnership's application to operate an alternative program for highly-qualified special education teachers if the proposed alternative program, in all material respects, complies or will comply with all components of an alternative certification program as set forth in this policy.

10.5. WVBE Approval of Alternative Certification Program Proposals.

10.5.a. Request to Become an Alternative Certification Program Provider and Alternative Certification Program Approval by the ACEPPRB.

10.5.a.1. A partnership shall make written notification to the WVBE of its intent to become an alternative certification program provider at least 60 days prior to the ACEPPRB's scheduled meeting. The official submission of written proposals for an alternative certification program from the partnership shall be received by the WVDE at least 45 days prior to the ACEPPRB's scheduled meeting. All written program proposals must be complete when received by the WVDE, including all required components of an alternative certification program proposal and the required partnership agreement described within section 5.3 and section 6. Incomplete proposals will not be processed or approved by the ACEPPRB. Exceptions to the timeframe for the official submission of written proposals for an alternative certification program may be made at the discretion of the WVDE.

10.6. Recommendation for Approval from the ACEPPRB to the WVBE.

10.6.a. Upon recommendation from the ACEPPRB, the WVBE may grant approval of alternative certification programs as follows:

10.6.a.1. following a review and recommendation by the ACEPPRB, the WVBE may grant initial approval to a new or revised alternative certification program provider. Initial Approval Status may be granted by the WVBE for a period of up to three school years. The alternative certification program provider will be required to document its progress and ensure the success of its graduates to promote

student achievement in the public schools in West Virginia. During the initial approval status, the alternative certification program provider may make recommendations for licensure of those who successfully complete its program. Programs approved for Initial Approval Status by the WVBE prior to June 1, 2021, will remain on the status until the completion of the five-school-year period for which the program was originally approved. Programs officially recommended for Initial Approval Status by the ACEPPRB as a result of their Summer semester meeting and subsequently approved by the WVBE will have their first school year of Initial Approval Status begin as the school year immediately following the ACEPPRB meeting. All program providers approved by the WVBE for Initial Approval Status may have their program reviewed near the end of the final school year for which the program was approved, to occur during the ACEPPRB Summer semester meeting(s), to make a recommendation to the WVBE for either Continuing Approval Status or Probationary Approval Status.

10.6.a.2. following a review and recommendation by the ACEPPRB, the WVBE may grant Continuing Approval Status to those alternative certification program providers who have documented success with its program completers. Success is measured through the analysis of data to include successful program completion, retention rates of program completers, teacher evaluations, and other factors determined by the WVDE in consultation with stakeholders. For an approved program to remain on the Continuing Approval Status, a program review will take place on a five-school-year cycle.

10.6.a.3. following a review and recommendation by the ACEPPRB, the WVBE may assign Probationary Approval Status to alternative certification program providers that fail to document adequate progress and/or success with program participants and completers. Section 13 provides details for programs placed on a Probationary Approval Status.

10.6.a.4. when the ACEPPRB submits official recommendations to the WVBE for Continuing Approval Status or Probationary Approval Status, program effectiveness is evaluated based upon compliance and performance measures, with an opportunity to include a written opinion that is reflective of its members for WVBE consideration.

#### **§126-161-11. Additional Policies and Prohibited Acts.**

##### **11.1. Tuition and Other Charges.**

11.1.a. A partnership may not charge tuition or impose any other charge for the participation in an alternative program for the education of teachers, unless the tuition or other charge is necessary to offset the partnership's cost of providing the alternative program for the education of teachers. A partner that is a regionally accredited IHE with an accredited program for the preparation of professional educators may charge tuition for academic credit that an alternative teacher receives while enrolled in the alternative program for the education of teachers, provided that the regionally accredited IHE is the entity that grants the academic credit and the charge does not exceed the per-credit rate charged for students enrolled in its standard program for the education of professional educators.

##### **11.2. Program Implementation and Employment.**

11.2.a. A partnership may not implement an alternative program until the partnership's alternative program has been approved by the WVBE. A school or county may not employ or make a formal offer of employment to any person for the purpose of participation in an alternative certification program unless the alternative certification program is approved by the WVBE and the school or county

is a member of the partnership that is operating the alternative certification program. A school or county may not continue to employ alternative program teachers unless they make satisfactory progress in the alternative certification program for which they are enrolled. A county board shall renew alternative program teacher contracts, from year-to-year as long as the teacher makes satisfactory progress in the applicable alternative education program and until the teacher completes the alternative certification program. An alternative program teacher is subject to the same force reduction policies and procedures as any other employee, except those that relate to seniority. In no event will an alternative program teacher holding an alternative teaching certificate displace a professional educator as defined in W. Va. Code §18A-3-1.

**§126-161-12. Additional Alternative Preparation Programs to Prepare Teachers Established or Adopted Solely by the WVBE.**

12.1. Additional alternative preparation programs to prepare teachers established or adopted solely by the WVBE are separate from the programs established under W. Va. Code §§18A-3-1b, 18A-3-1g, and 18A-3-1h, do not require any partner, and are applicable only to persons who hold a bachelor's degree from an accredited IHE and a minimum overall cumulative grade point average of 2.5.

12.2. These programs are subject to other provisions of W. Va. Code §§18A-3-1 through 18A-3-1i and other sections of this policy only to the extent specifically provided within this section.

12.3. These programs may be an alternative to the standard college and university programs for the education of teachers and may address content area preparation of these persons.

12.4. Entities Eligible to Submit an Application to the ACEPPRB and WVBE. Entities eligible to apply for WVBE approval to provide an additional alternative preparation program established or adopted solely by the WVBE pursuant to this section and W. Va. Code §18A-3-1j, include:

12.4.a. WVDE; or

12.4.b. West Virginia county board of education; or

12.4.c. public (non-private) West Virginia educational services collaborative pursuant to provisions of W. Va. Code §18-5-13c; or

12.4.d. accredited IHE with an educator preparation program that is state-approved for educator licensure in the state in which the institution is located; or

12.4.e. entity affiliated with an accredited IHE with an educator preparation program that is state-approved for educator licensure in the state in which the institution is located; or

12.4.f. 501c3 non-profit organization with an educator preparation program that is state-approved for educator licensure within any state; or

12.4.g. entity other than an IHE that has a nationally accredited educator preparation program that is state-approved for educator licensure within any state.

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12.5. Eligible entities that seek to provide a program for the alternative certification of teachers must apply for WVBE approval on a form prescribed by the WVDE to receive initial approval status.

12.5.a. Initial approval status will last for a period of up to three school years and the application must include, but is not limited to, the following criteria:

12.5.a.1. the name and location of the applicant;

12.5.a.2. the program name;

12.5.a.3. if the applicant is an accredited IHE or an entity affiliated with an accredited IHE, the name of the regional accrediting body, and the accreditation status of the applicant. If the applicant is nationally accredited for educator preparation, provide the name of the national accreditation entity;

12.5.a.4. if the applicant has a program that is state-approved for educator licensure, a list of states where the applicant's program is approved for state educator licensure and the name of the state-approval entity which approved the program;

12.5.a.5. a detailed list of endorsement areas with grade levels the program will offer in accordance with WVBE policies and the West Virginia Licensure Testing Directory;

12.5.a.6. a detailed description of candidate eligibility criteria and program enrollment eligibility with the proposed procedures and criteria by which participants will become licensed and employed in compliance with W. Va. Code and WVBE policy requirements. These requirements must include Policy 5202 general requirements and the criminal history record check. Candidate eligibility must be verified through issuance of an Alternative Teaching Certificate by the WVDE before candidates may enroll into the program. The application must also describe criteria set by the program for renewal of the Alternative Teaching Certificate by the WVDE. The WVDE may set additional requirements for approval of an initial Alternative Teaching Certificate and renewals of the certificate on applications;

12.5.a.7. a description of when and how program participants first assume the role of educators, with assurances that they will not assume the role before a program orientation or the program of study training begins. Include an explanation of when and how participants become familiar with school laws which pertain to their role as a teacher in West Virginia;

12.5.a.8. a detailed description of all required program training with an explanation of how training aligns with West Virginia, other state, and/or national teaching standards;

12.5.a.9. a copy of all forms or a detailed explanation of methods used to collect data for the enrollment of program participants;

12.5.a.10. a detailed description of all classroom orientations and supervised school-based experiences that the participant will encounter as part of the program with the length of time required to complete those experiences identified;

12.5.a.11. a detailed description of how candidates will be mentored and evaluated, to include West Virginia's Educator Evaluation System;

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12.5.a.12. a description of required qualifications for any mentors the program will use;

12.5.a.13. a detailed description of how the program plans to meet the goal of producing highly effective teachers and a list of measures the program believes are useful in analyzing the program's progress in meeting this goal;

12.5.a.14. a detailed description of how participants will be evaluated and how participant success or failure will be determined;

12.5.a.15. a description of the estimated length of time and maximum length of time required for participants to successfully complete the program;

12.5.a.16. a detailed list of requirements for successful program completion and detailed explanation of how participants will meet the minimal criteria necessary to acquire a West Virginia Provisional Teaching Certificate as identified in Policy 5202;

12.5.a.17. a description of how the alternative program teacher will be prepared to pass the state-approved and required competency exam(s) for teaching as identified in WVBE Policies and the West Virginia Licensure Testing Directory for their identified and required endorsement(s). Include a list of actions that will be taken by the program provider to support alternative program teachers if they do not pass the state-approved and required competency exam(s);

12.5.a.18. a description of how the alternative certification program will provide educators with the knowledge and skills necessary to meet the special needs of students, including those with 504 Plans and IEPs in accordance with all applicable laws (e.g., IDEA and Section 504 of the Rehabilitation Act of 1973, Public Law 93-112). Include an explanation of how the program's training will ensure participants are prepared to meet the social and emotional needs of all students. Include an explanation of how participants are prepared to ensure the success of diverse populations of students;

12.5.a.19. a detailed description of the program's budget and all costs to participating counties and program participants;

12.5.a.20. an assurance that the program provider will submit, upon request, a report inclusive of all requested information on a form developed with criteria prescribed by the WVDE;

12.5.a.21. an assurance that the program provider will meet all federal reporting requirements of the United States Department of Education in a timely manner and a description of how required reporting will be completed;

12.5.a.22. an assurance that the entity providing the program will immediately notify the WVDE and WVBE in writing if the entity or its program will no longer be able to provide participants with activities and supports specifically detailed within the application and provide plans for modifying or closing the program to include its plans for providing participants with the maximum amount of notification and assistance towards meeting certification requirements;

12.5.a.23. an assurance statement that copies of all documentation related to the program's activities will be made available to the WVDE and WVBE upon request; and

12.5.a.24. signed and dated assurance statement(s) by the authorized program official(s) that the program will act in accordance with their written application and make changes necessary to stay in compliance with requirements of W. Va. Code, WVBE policies, and West Virginia Licensure Testing Directory as changes occur over time, submitting evidence of those changes to the WVDE and WVBE upon request.

12.5.b. The ACEPPRB members, identified in sections 10.1. through 10.3, will examine the application to determine compliance with all criteria set forth in section 12.5.a. and submit their recommendations for the approval of programs and providers to the WVBE only if the proposed program, in all material respects, complies or will comply with all requirements of W. Va. Code §18A-3-1j and this section. When the ACEPPRB submits official recommendations to the WVBE for Continuing Approval Status or Probationary Approval Status, program effectiveness is evaluated based upon compliance and performance measures, with an opportunity to include written opinion(s) about the program's performance that is reflective of its members for WVBE consideration.

12.5.c. Recommendation for approval from the ACEPPRB to the WVBE for additional alternative preparation programs established or adopted by the WVBE are submitted:

12.5.c.1. following a review and recommendation by the ACEPPRB, the WVBE may grant initial approval to a new or revised alternative certification program provider. Initial Approval Status may be granted by the WVBE for a period of up to three school years. The alternative certification program provider will be required to document its progress and ensure the success of its graduates to promote student achievement in the public schools of West Virginia. During Initial Approval Status, the alternative certification program provider may make recommendations for licensure of those who successfully complete its program. Programs officially recommended for approval by the ACEPPRB as a result of their Summer semester meeting and subsequently approved by the WVBE will have their first school year of Initial Approval Status begin as the school year immediately following the ACEPPRB meeting. All program providers approved by the WVBE for Initial Approval Status will have their program reviewed near the end of the final school year for which the program was approved, to occur during the ACEPPRB Summer semester meeting(s), to make a recommendation to the WVBE for either Continuing Approval Status or Probationary Approval Status.

12.5.c.2. following a review and recommendation by the ACEPPRB, the WVBE may grant Continuing Approval Status to those alternative certification program providers who have documented success with its program completers. Success is measured through the analysis of data to include successful program completion, retention rates of program completers, teacher evaluations, and other factors determined by the WVDE in consultation with stakeholders. For an approved program to remain on the Continuing Approval Status, a program review will take place on a five-school-year cycle. Program providers being reviewed for Continuing Approval Status must submit all information requested on a form developed and with criteria prescribed for this program review by the WVDE.

12.5.c.3. following a review and recommendation by the ACEPPRB, the WVBE may assign Probationary Approval Status to alternative certification program providers that fail to document adequate progress and/or success with program participants and completers. Section 13 provides details for programs placed on a Probationary Approval Status.

12.6. Individuals must apply for, receive, and maintain a valid West Virginia Alternative Teaching Certificate in order to be eligible for participation in a program approved under this section.

12.6.a. Individuals must meet complete eligibility criteria of the state-approved program as stated within the program's application approved under this section, meet general requirements and background check requirements from the West Virginia State Police and Federal Bureau of Investigation as identified in Policy 5202, and any additional criteria set by the WVDE required to hold the certificate. The initial Alternative Teaching Certificate will be issued for a period of one year and may be renewed twice for a total of three years, in accordance with W. Va. Code and WVBE policy requirements. Individuals must meet eligibility criteria of the state-approved alternative certification program as stated within the program's application approved under this section for renewal of the certificate and any additional criteria set by the WVDE required to renew the certificate. Renewal requirements for the Alternative Teaching Certificate are the same as section 9.1.a, but applicable to these programs and no partnership is required. Conversion requirements from an Alternative Teaching Certificate to a Provisional Teaching Certificate are the same as section 9.1.c, but applicable to these programs and no partnership is required.

12.6.b. To convert an Alternative Teaching Certificate approved through this section to a Provisional Teaching Certificate, individuals must meet program completion requirements and testing requirements as identified in the state-approved program's application, W. Va. Code, Policies 5202 and 5901, and the West Virginia Licensure Testing Directory on the WVDE website.

12.6.c. To renew a Provisional Teaching Certificate or convert a Provisional Teaching Certificate to a Professional Teaching Certificate, individuals must meet requirements described in W. Va. Code, Policies 5202 and 5901, and the West Virginia Licensure Testing Directory found on the WVDE website.

12.6.d. Additional provisions applicable to individuals alternatively licensed under this section include section 9.3 regarding the rights of an alternatively certified teacher, section 4.2.a ensuring that no fully-certified teacher has applied for the teaching vacancy, and section 7.7 regarding exam, assessment, and passing score requirements.

12.6.e. The hiring authority for any school or county board that hires an alternative program teacher will renew the alternative program teacher's contract from year-to-year as long as the teacher makes satisfactory progress in the alternative education program and until the teacher completes the alternative certification program, unless the teacher is released due to a reduction in force or another reason required by law. An alternative certification program teacher is subject to the same force reduction policies and procedures as any other employee, except those that relate to seniority. In no event will an alternative program teacher holding an alternative teaching certificate displace a professional educator as defined in W. Va. Code §18A-3-1.

12.6.f. In the event that the alternative teaching certificate needs to be renewed and the individual has been released from the initial vacancy due to a reduction in force, the alternative teaching certificate may be renewed only if the individual is employed for the same endorsement and programmatic levels received on the initial alternative teaching certificate in order to continue the program.

12.6.g. Program providers must document notification to program participants of the program's appeal process for evaluating successful program completion and the state's licensure appeal processes.

**§126-161-13. Programs Not Implemented During Initial Approval Status and Programs Placed on Probationary Approval Status.**

13.1. All WVBE-approved alternative certification program providers which have not enrolled a candidate or begun implementing their state-approved program within the period of Initial Approval Status must submit a request for Continuing Approval Status for WVBE consideration no later than 60 days prior to the Initial Approval Status period ending. The WVBE may place the program provider on a Continuing Approval Status, Probationary Approval Status, or revoke program approval of the provider once this request is submitted by the provider.

13.2. WVBE-approved alternative certification programs with deficiencies identified by the ACEPPRB and WVBE may be placed on Probationary Approval Status for a period of two school years. Programs placed on probationary approval status must submit a written improvement plan within 60 days of being placed on the status to the WVDE for approval in consultation with ACEPPRB members. A progress report will be submitted by the program provider on a form developed and with criteria prescribed by the WVDE no later than 60 days prior to the end of the first probationary school year for consideration by the ACEPPRB and WVBE to determine if the program is making satisfactory progress. Based upon this report, the ACEPPRB will have an option of submitting a recommendation to the WVBE to remove the program's approval status or the ACEPPRB may allow the program to continue under probationary approval status for the second school year. No later than 60 days prior to the end of the second probationary school year, another progress report will be submitted by the program provider on a form developed and with criteria prescribed by the WVDE. Based upon this report, the ACEPPRB will submit a recommendation to the WVBE to either remove the program's approval status or place the program on Continuing Approval Status. Alternative certification programs that have their approval removed by the WVBE will no longer be allowed to enroll new program participants and must provide to the maximum extent possible all actions and supports required for participants that enrolled before the date on which the program's approval was removed to successfully complete the program and become a certified teacher in West Virginia.

**§126-161-14. Severability.**

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