

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #2

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Nov 18 3 00 PM '93

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126  
RULE TYPE: Legislative; CITE AUTHORITY W.Va. Constitution, Article XII, §2; W.Va. Code §18-2-5  
AMENDMENT TO AN EXISTING RULE: YES  NO   
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 154

TITLE OF RULE BEING AMENDED: The West Virginia Council on Professional Education

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON January 3, 1994 AT 5:00 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Dr. Howard Kardatzke, Director  
Office of Professional Preparation  
West Virginia Department of Education  
Building 6, Room B-337  
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Vedn R Bacon  
Director, Legal Services

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

4.80

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OFFICE OF THE  
CLERK OF THE COURT

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

Policy 5105 West Virginia  
SUBJECT Council on Professional Education FUND \_\_\_\_\_

SOURCE OF REVENUE:  GENERAL  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

COST ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

INCOME ESTIMATE BASED ON:  AN ORIGINAL ESTIMATE  BUDGET BILL  OTHER (SPECIFY) \_\_\_\_\_

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$ 10,000	\$ 20,000	\$ 12,000	\$ 10,000
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$ 10,000	\$ 20,000	\$ 12,000	\$ 10,000

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

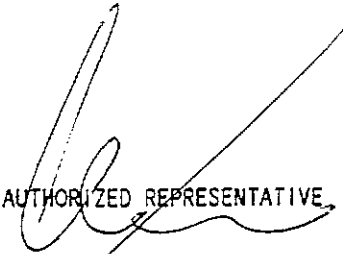
The reorganization of the West Virginia Council on Professional Education will result in a reduction of approximately \$10,000 in annual expenditures due to the downsizing of the membership from 27 members to 15 members and the reduction of regular meetings held annually from five to four sessions.

IMPACTS  
FISCAL:

STATE STAFF:

DATE 11/12/93 AGENCY West Virginia Department of Education

AUTHORIZED REPRESENTATIVE

  
William J. Luff, Jr.  
Associate State Superintendent

EXECUTIVE SUMMARY  
WEST VIRGINIA BOARD OF EDUCATION

POLICY NUMBER AND TITLE:     Policy 5105  
                                  West Virginia Council on Professional Education

PUBLIC COMMENT PERIOD ENDS:   January 3, 1994     ADOPTED: \_\_\_\_\_

BACKGROUND

The West Virginia Council on Professional Education (hereafter, COPE or Council) advises the West Virginia Board of Education on matters related to the preparation, licensure, and professional development of educational personnel. The Council, in its present form, was established in 1988 by the State Board's adoption of Policy 5105. Activities are funded through a West Virginia Department of Education budgetary allocation.

PROPOSED REVISIONS

1. Council membership would be reduced from twenty-seven members to fifteen members, with elected public school teachers reduced from thirteen to eight members. Elected teachers would constitute a majority of the membership.
2. The reduction in membership size will be phased in to accommodate members serving the terms for which they were elected or appointed. Hence, the fifteen membership level will not be achieved until the fall 1997 (see chart attached to Policy 5105).
3. COPE meetings held during the school year would be reduced from five to four meetings.
4. Designated positions for special education and vocational teachers would be eliminated. However, vocational and special education teachers would be eligible to seek election and could serve if successful in the Council election in their region.
5. State-wide elections and representation would be eliminated and replaced by regional representation and elections.
6. The county staff development coordinator, middle school principal and lay citizen appointed membership categories would be eliminated.
7. The President-elect and the President's term of office would be reduced from two years to one year after a phase-in period to accommodate current terms.

RATIONALE FOR PROPOSED REVISIONS

1. The downsizing of the COPE membership is in response to a West Virginia Department of Education request prompted by present and possibly future budgetary exigencies. The proposed change will not compromise COPE's mission or function as an advisory body to the State Board.

2. Members were duly elected or appointed for specified terms which should be honored in the proposed downsizing. However, most of the reduction in membership size will be achieved by the fall 1994 session of COPE.
3. The proposed change to fewer meetings is also prompted by budgetary exigencies with minimal impact on COPE's advisory role on educational personnel issues.
4. With the proposed downsizing, all elected teacher positions should be unrestricted as to current teaching assignment. Geographic restrictions would be retained to ensure that each region would have one elected teacher representative.
5. Participation in elections to select a regional representative is more likely to be increased since candidates for teacher membership slots would have a greater opportunity to make themselves known to the local teacher constituency. Participation in state-wide COPE elections as per current provisions has proven to be minimal.
6. The reduction in Council membership prompted a review of membership categories that could best serve the mission of the organization. Although some categories were eliminated, the proposed membership structure represents major stakeholders in the issues deliberated by the Council. Also, since all COPE meetings are open, other educational or citizen representatives may observe and/or address the Council at any meeting.
7. The proposed reduction of President-Elect and Presidential terms to one-year terms is more in keeping with common practice for leadership positions in an organization. Under current Policy 5105 provisions, an individual serves four years in leadership positions, i.e., two years as President-Elect and two years as President.

TITLE 126  
LEGISLATIVE RULE  
WEST VIRGINIA BOARD OF EDUCATION  
Chapter 18-2  
Series 154  
(Policy 5105)

FILED  
Nov 18 3 00 PM '93  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

TITLE: The West Virginia Council on Professional Education

Section 1. General

1.1 Purpose - The purpose of this policy is to establish the West Virginia Council on Professional Education as the official body for providing guidance and recommendations on matters of professional preparation and development of educational personnel.

1.2 Authority - The authority for this legislative rule is established in the West Virginia Constitution, Article XII, Section 2, and in West Virginia Code §18-2-5.

1.3 Filing Date -

1.4 Effective Date -

1.5 Repeal of Former Rule - None - This is a revision of the original policy which became effective April 15, 1988.

Section 2. Responsibilities

2.1 The West Virginia Board of Education Article XII, Section 2 of the Constitution of West Virginia states "The general supervision of the free schools of the state shall be vested in the West Virginia Board of Education which shall perform such duties as prescribed by law." To exercise this supervisory authority, Article 18-2-5 of the School Laws of West Virginia specifies that "...the state board of education shall make rules in accordance with the provisions of article three-b, chapter twenty-nine-a of this code for carrying into effect the laws and policies of the state..."

2.2 The West Virginia Board of Trustees and Board of Directors - The Boards of Trustees and Directors develop policies and procedures pertinent to professional preparation through its establishment of admissions standards and curricular and degree programs; its establishments of qualitative program standards, and periodic review of existing degree programs; and its establishment of standards and procedures governing faculty appointment, and management and support of professional education programs.

2.3 The West Virginia Board of Education hereby creates the Council as the official body for providing guidance and recommendations on matters of professional preparation and development of educational personnel. The primary role of the Council is to represent the profession on matters of professional preparation and development to the West Virginia Board of Education, Boards of Trustees and Directors and the West Virginia Legislature. The Council also serves as the forum through which the concerns of individuals and/or organizations regarding professional preparation and development are addressed.

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- 2.4 The major functions of the Council are to:
- a. provide opportunities to receive concerns from the profession and the public at large regarding professional preparation and certification licensure and the continuing professional development of educators, as well as the policies and regulations concerning these issues.
  - b. present, at least annually, recommendations to improve professional preparation, certification licensure, and staff development to the Board of Education, the Boards of Trustees and Directors, and the West Virginia Legislature. The West Virginia Board of Education shall respond in writing through official action and shall remand to the Council any recommendations with which the Board does not concur.
  - c. receive official responses to the Council's recommendations from the Boards of Education, Trustees, and Directors as appropriate to their areas of responsibility.

### Section 3. Membership

3.1 Council Composition The Council shall be composed of fifteen ~~(15) twenty-seven-(27)~~ representatives from the ranks of public schools, and higher education ~~and the community-at-large~~. The composition of the Council shall be:

- a. Eight (8) Thirteen---(13) public school teachers (includes classroom teachers, librarians, and student support service personnel) as---follows: with one teacher from each Regional Education Service Agency Area.

~~Nine-classroom-teachers-assigned-to-teach-general education.~~

~~Two-classroom-teachers-assigned-to-teach-vocational education.~~

~~Two-classroom-teachers-assigned-to-teach-special education.~~

- ~~b. One-Professional-Educator-assigned-to-the-student support-services-area.~~

- b. ~~c-Six-(6)~~ Four (4) school administrators as follows:

~~One principal whose--assignment--is--in of a school which-is-predominantly-early-childhood-education- that includes grades within the grade span, K-8.~~

~~One-principal-whose-assignment-is-in-a-school-which is-predominantly-middle-childhood-education.~~

~~One principal whose assignment is in a school which is predominantly adolescent education, that includes grades within the grade span, 5-12.~~

~~One central-office administrator who serves as the chief personnel officer for a county school system.~~

~~One county staff-development coordinator.~~

One county superintendent.

- c. ~~d. Five (5)~~ Three (3) higher education representatives as follows: (administrator or teaching faculty) one each from an institution under the jurisdictions of the West Virginia Board of Trustees, the West Virginia Board of Directors and the West Virginia Association of Independent Colleges.

~~Three teaching faculty members from institutions of higher education with representation from both private and public institutions.~~

~~Two administrators from institutions of higher education.~~

- d. e. Two (2) lay citizen representatives who may not be members of a county board of education or the state board of education, nor shall they be trained as educators.

3.2 Election/Appointment Members of the Council shall be elected or appointed as follows:

a. Elected Members

~~One Thirteen-classroom public school teachers shall be elected by his or her their peers in an statewide election conducted in each RESA. A county within a RESA may not be represented on the Council more than two terms in succession unless an extension of a county representation is necessary to accommodate the term of a president-elect or president. No more than one Council member can be from any one county and no more than two members from any RESA. The county geographic restrictions for election to membership may be waived only when there are no other candidates for the specific category vacancies from eligible RESAs or counties. There shall be nine general education teachers, two special education teachers, and two vocational education teachers.~~

~~One student support services representative.~~

b. Appointed Members

- 1) The three two principals shall represent grade K-8 and 5-12 categories each-of-the-three programmatic-levels and shall be appointed by the West Virginia Elementary Principals Association ~~7-the-West-Virginia-Association-for-Middle Level-Education;~~ and the West Virginia Association of Secondary School Principals, respectively.
- 2) The West Virginia School Personnel Association will appoint one personnel officer.
- 3) The West Virginia Association of School Administrators will appoint one county superintendent.
- ~~4)-----The-West-Virginia-staff-development coordinators-will-appoint-one-staff-development coordinator.~~
- ~~5)-----The-WV-Board-of-Trustees-will-appoint-one faculty-and-one-administrator-from-its system.--The-West-Virginia-Board-of-Directors will-appoint-one-faculty-and-one-administrator from-its-system.--The-West-Virginia-Association of-Independent-Colleges-will-appoint-one-member who-shall-be-a-faculty-member.~~
- ~~6)----Nominations-to-the-Council-for-the-two-lay citizen-representatives-will-be-solicited-by the-State-Superintendent-from-a-broad-base of-interested-parties.--The-lay-citizens-will be-appointed-by-the-West-Virginia-Board-of Education.~~
- 4) The West Virginia Board of Trustees, the West Virginia Board of Directors and the West Virginia Association of Independent Colleges will each appoint one institutional administrator or faculty member.

3.3 Phase-in of Changes in Council Membership Modifications in the Council's membership shall not affect the terms of current members. Such modifications shall be implemented only as vacancies occur. Also, two elected representatives shall have their term extended one year to more evenly replace elected members. The COPE membership, at its October 1993 session, determined by drawing lots that representatives from RESA I and VIII shall have their terms extended by one year from 1996 to 1997.

3.49 Ex-Officio Members The State Superintendent of Schools or his designee and the Chancellors of the Boards of Trustees and Directors shall serve as ex-officio, non-voting members of the Council.

3.54 Vacancies In case a member is unable or unwilling to fulfill his specified term as a member of the Council by regular attendance, a replacement for the member's unexpired term may be named by the appropriate appointing authority ~~(see Article II, Section 2, Subsection 1 and 2~~ (Section 3.2 of these Bylaws) or the State Board of Education for vacancies resulting from elected positions. A partial term shall be considered a full term for purposes of reappointment.

3.65 Term ~~The members of the~~ Council members shall serve for a three-year term ~~effective as of~~ beginning July 1 of the year in which the selection is made and ~~shall serve until concluding~~ June 30 at the end of the three years. ~~term. Members of the~~ Council members cannot serve more than two consecutive terms except in the case of the president and president-elect as specified in Section 4.3.

3.76 Change in Status A change in status of Council members during their term shall not effect their standing, unless they leave the state of West Virginia ~~or change their membership category as defined in 3.1.~~

#### Section 4. Officers

4.1 Name of Officers The officers of the Council shall consist of the president, the president-elect, and the standing committee chairpersons.

4.2 Election of Officers The president-elect and president shall be selected ~~annually, alternately from higher education and public~~ education Prior to the next to the last meeting of the school year, the outgoing president shall appoint a committee to nominate the president-elect. Nominations may also be made from the floor at the meeting. The president-elect shall be elected by a majority of the members of the Council who are present and voting at the meeting at which the election is held. The president-elect shall automatically succeed to the office of president at the expiration of the president's term of office or with the president's inability to serve. In the event that the president-elect succeeds to the presidency through the president's inability to serve, the Council shall at its next scheduled meeting, select a new president-elect.

The standing committee chairpersons shall be nominated and elected by members of each standing committee next to at the last meeting of the Council each year.

4.3 Term of Office The president's term is for one (1) ~~two-(2)~~ year. The president elect's term is for one (1) ~~two--(2)~~ year.s However, the president-elect at the time of the effective date of this policy shall serve a two-year term as president. The president elect selected after the effective date of this policy shall serve a two-year term as president-elect followed by a one year term as president. Thereafter, the terms for both president-elect and president will be for one year.

The standing committee chairpersons shall serve a one-year term of office following their election. Members whose terms expire on June 30 of the year the committee chair elections are held, are not eligible for chairperson candidacy.

In the event that a committee chairperson becomes unable to serve in that capacity, the standing committee shall select a replacement for that office at the next meeting of the Council.

4.4 Expiration of Term During Office of President or President-Elect A member serving as president or president-elect whose term appointment--to on the Council expires during tenure in office shall be reappointed by the appropriate--appointing--authority state board for an additional period required three-year-term-in-order to fulfill the duties as an officer.

#### 4.5 Duties

- a. The president shall preside at all meetings of the Council and the executive committee, appoint ad hoc committees and special committees, and perform such other duties as may further the Council's role, functions, and objectives.
- b. The president-elect shall perform the duties of the president upon the president's absence and other duties as directed by the president.
- c. The president and president-elect of the Council shall serve as members of the Certification Appeals Board in accordance with provisions contained in West Virginia Board of Education Policy 5202.
- d. The committee chairs shall provide leadership and manage the affairs of the respective standing committees. The chairpersons shall be responsible for implementing the standing committee's objectives and reporting to the Council.

4.6 Secretary The West Virginia Department of Education shall provide secretarial services needed for the successful and efficient operation of the Council. The secretary shall record and distribute the objectives, proceedings, and results of the Council deliberations as directed by the Council and shall serve as secretary to the executive committee. The secretary shall also be responsible for arranging the meeting places and for the distribution of the agenda for each meeting following consultation with the president.

### Section 5. Executive Committee

5.1 Composition The executive committee shall be composed of the president, the president-elect, and the chairpersons of the standing committees. The three ex-officio members of the Council will serve as non-voting members of the executive committee. The secretary to the Council shall attend all meetings of the executive committee and shall record the proceedings thereof.

5.2 Functions The executive committee shall manage the affairs of the Council and shall be responsible for the fulfillment of the Council's role, functions, and objectives. The executive committee shall meet regularly to give particular attention to planning and communication, establishing appropriate structures for implementing stated Council objectives, providing for necessary direction and information to committees, and determining Council objectives which shall require committee and/or Council attention.

## Section 6. Structure

6.1 Standing Committees The standing committees shall review and make recommendations to the Council concerning all matters referred to them by the Council president and the Executive Committee. The standing committees may also initiate actions on professional education issues which are identified by the committee members as issues that need to be addressed. Each member of the Council shall be assigned to serve on one of the two standing committees:

- a. Committee for Preparation and Certification Licensure of School Personnel - The committee shall be responsible for the continuous assessment of programs, standards, and processes, for the preparation and certification licensure of school personnel.
- b. Committee for Professional Development of School Personnel - The committee shall be responsible for the continuous assessment of programs, standards, and processes involved in the professional development of school personnel.

6.2 Special Committees Special committees may be established by the president or may be recommended by the Council to meet a special or temporary need of the Council. Appointment to special committees shall be made by the president upon the recommendation of the executive committee.

## Section 7. Governance

7.1 Meetings The Council shall hold a minimum of four five regular meetings each year with meeting dates and places to be established and published by the executive committee by September 1 annually. The Council will meet in each Regional Education Service Agency region once every two years to conduct a public hearing concerning Professional Education. Additional Council meetings may be required as determined by the executive committee or the Council. Meeting dates may be changed by the executive committee with adequate prior notice having been given to the membership and the public.

7.2 Quorum The majority of the Council membership shall constitute a quorum.

7.3 Voting Each Council member shall be entitled to vote on each question. Unofficial representatives, invited guests, and ex-officio members of the Council may have the right of discussion but shall not vote. Votes by proxy shall not be permitted.

7.4 Procedure Robert's Rules of Order, Newly Revised, shall govern all meetings unless otherwise stated by the Bylaws.

Section 8.     Finance

8.1   Expense    Expenses incurred by Council members in performance of their duties shall be provided by the West Virginia Department of Education.

8.2   Grants and Appropriations   Grants and appropriations to initiate or continue a Council endorsed program of action may be derived from some other constituted financial channels designated for a specific program and expanded by those administering the program.

Section 9.     Revisions

9.1   Proposed revisions to the structure and function of the Council shall be presented for discussion at a scheduled meeting of the Council. Revisions may not be voted on before the next scheduled meeting and unless a majority of the Council is present. When approved by two-thirds of the members present and voting the proposed revisions shall be presented to the West Virginia Board of Education.

0873g - 11-7-89  
2707g/HK23/5-10-91  
3952g/0135g/Draft Revision 10/28/93

PROPOSED COPE RESTRUCTURING  
PHASE-IN OF NEW MEMBERSHIP

YEAR	MEMBERSHIP AT BEGINNING OF YEAR	TERM EXPIRES	RESA ELECTION	APPOINTMENTS FOR NEXT YEAR
1993-94	24	1994 Adams (7) Andes (BOT) Frame (CP) Gonzales (1) Hadley (HOD) Page (3) Phillips (PE) Simms (3) Springer (8) Teebs (CS)	RESA 3	<ul style="list-style-type: none"> <li>● County Superintendent</li> <li>● School Personnel Officer</li> </ul>
1994-95	17	1995 Childress (BOT) Craft (4) Harris (6) Harrison (2) Pinkstaff (7) Scott (PE)	RESAs 4 and 7	<ul style="list-style-type: none"> <li>● Higher Education - Trustees</li> <li>● Principal, K-8</li> </ul>
1995-96	17	1996 Bonnell (6) Davis (5) Gibson (2) Kean (IC) Cleminson (BOD) Cunningham (PS)	RESAs 2,5,6	<ul style="list-style-type: none"> <li>● Higher Education - Directors</li> <li>● Principal, 5-12</li> <li>● Higher Education- Independent Colleges</li> </ul>
1996-97	15	1997 RESA 3 Representative Y. Harris (1) J. Shaffer (8)	RESAs 1,3,8	<ul style="list-style-type: none"> <li>● School Personnel Officer</li> <li>● County Superintendent</li> </ul>

Number = RESA (Elected)  
 BOT = Board of Trustees Appointment  
 BOD = Board of Directors Appointment  
 CS = County Superintendent Appointment  
 IC = Independent Colleges Appointment  
 PE = K-8 Principal Appointment  
 PS = 5-12 Principal Appointment  
 CP = County Personnel Officer Appointment

COMMENT LOG  
WEST VIRGINIA COUNCIL ON PROFESSIONAL EDUCATION  
POLICY 5105

Directions: Please use this form in commenting by section on the proposed policy revisions.

NAME OF INDIVIDUAL/ORGANIZATION \_\_\_\_\_

ADDRESS \_\_\_\_\_

Policy Sections Where Proposed Revisions Are Located	C O M M E N T S
Section 3. Membership	
Section 4. Officers	
Section 7. Governance	

Please submit comments by January 3, 1994 to:

Dr. Howard Kardatzke, Director  
Office of Professional Preparation  
West Virginia Department of Education  
Building 6, Room B-337  
Charleston, WV 25305