

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In this Box

FILED

1991 MAY 28 AM 9:52

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Department of Education TITLE NUMBER: 126

CITE AUTHORITY: 18-2 -5

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE x

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES x, NO \_\_\_\_\_

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 154 (Policy 5105)

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

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

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS July 5, 1991

*Barbara L. Estep*

May 23, 1991

FILED

HD NO \_\_\_\_\_ DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ 1991 RESOLUTION # 9: 52

SUBJECT Policy 5105: WV Council on Professional Education FUND \_\_\_\_\_ OFFICE OF WEST VIRGINIA SECRETARY OF STATE

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	\$	\$22,000	\$76,000	\$54,000	\$54,000
PERSONAL SERVICES	\$	\$22,000	\$39,000	\$17,000	\$17,000
CURRENT EXPENSES			37,000	37,000	37,000
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$	\$

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

The original allocation for WVCOPE included salary and fringe benefits for an Executive Director (half-time). This position has since been eliminated. Hence, the allocation now covers the secretary's salary and fringe benefits (\$17,000) and the current expenses of the Council and the Certification Appeals Board (\$37,000).

IMPACTS  
FISCAL: None

STATE STAFF:

DATE \_\_\_\_\_ AGENCY \_\_\_\_\_ AUTHORIZED REPRESENTATIVE \_\_\_\_\_

1991 MAY 28 AM 12

OFFICE OF WEST VIR  
SECRETARY OF STAEXECUTIVE SUMMARYProposed Revisions to Policy 5105: The West Virginia  
Council on Professional EducationPurpose

Policy 5105 describes the purpose, responsibilities and organizational structure of the West Virginia Council on Professional Education (COPE).

Background

The twenty-seven member COPE was established in 1988 by the West Virginia Board of Education to advise it, the Board of Regents and the West Virginia legislature on matters related to the preparation, certification and professional development of educational personnel. In its brief history, the council has reviewed and/or made recommendations on such issues as National Board Certification, professional testing requirements, honors and advanced placement legislation, alternative certification, distance learning, "in-field master's degree incentives, and beginning teacher programs.

Recommended Revisions

The following revisions are proposed for the purposes of:

- Removing the requirement that general education teachers be equally represented at the three programmatic levels.
- Providing flexibility by changing the student support services personnel position from a required three year elected term in a designated specialization (e.g. counselor) to an elected member who may represent any student support services specialization.
- Changing the three principals who were previously elected by their peers to members appointed by the following associations: Elementary Principals Association, Association for Middle Level Education, and the WV Association of Secondary School Principals.

- Changing the staff development coordinator's position from elected by peers to appointed by peers.
- Changing the agency responsible for appointing the independent higher education representative from the WV Foundation of Independent Colleges to the WV Association of Independent Colleges. The representative is restricted to a faculty position.
- Adding the restriction that no more than two elected members (teachers) may represent one RESA. Districts in the COPE election procedures were modified from nine districts to eight RESAs.
- Eliminating the reference to the establishment of the Office of Executive Director.

The West Virginia Council on Professional Education approved the above changes at its February 1991 meeting. No comments were received during the comment period. Staff made minor changes to reflect statutory changes and the need to accommodate the election procedures for geographic restrictions.

HK:rk  
2189g/3180q/NS1  
4/30/91

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

FILED

TITLE: The West Virginia Council on Professional Education

1991 MAY 28 AM 9:52

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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 - West Virginia Code 18-2-5

1.3 Filing Date - May 24, 1991

1.4 Effective Date July 5, 1991

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.

## 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 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, 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 twenty-seven (27) representatives from the ranks of public schools, higher education, and the community at large. The composition of the Council shall be:

- a. Thirteen (13) public school teachers as follows:

Nine classroom teachers assigned to teach general education.

Two classroom teachers assigned to teach vocational education.

Two classroom teachers assigned to teach special education.

One Professional Educator assigned to the student support services area.

- b. Six (6) school administrators as follows:

One principal whose assignment is in a school which is predominantly early childhood education.

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.

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. Five (5) higher education representatives as follows:

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. 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

Thirteen classroom teachers shall be elected by their peers in a statewide election. No more than one Council member can be from any one county and no more than two members from any RESA. The 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 principals shall represent each of the three programmatic levels and shall be appointed by the West Virginia Elementary Principals Association, the West Virginia Association for Middle Level Education, and the West Virginia Association of Secondary School Principals.
- 2) The West Virginia School Personnel Association will appoint one personnel officer.
- 3) The West Virginia Association of School Administrators will appoint one 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.

**3.3 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.

**3.4 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 of these Bylaws). A partial term shall be considered a full term for purposes of reappointment.

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

**3.6 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 and vice-president shall be selected alternately from higher education and public education. Prior 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 standing committee chairpersons shall be nominated and elected by members of each standing committee at the last meeting of the Council each year.

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.

**4.3 Term of Office** The president's term is two (2) years. The president elect's term is two (2) years.

The standing committee chairpersons shall serve a one-year term of office following their election.

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 appointment to the Council expires during tenure in office shall be reappointed by the appropriate appointing authority for an additional 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 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 of School Personnel - The committee shall be responsible for the continuous assessment of programs, standards, and processes, for the preparation and certification 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 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.

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**DISCRIMINATION PROHIBITED:** As required by federal laws and regulations, the West Virginia Department of Education does not discriminate on the basis of sex, race, color, religion, handicapping condition, marital status, or national origin in employment or in its education programs and activities. Inquiries may be referred to Dee Butler, Coordinator/Director of Elimination of Sex Discrimination Program, WV Department of Education, Capitol Complex, 1900 Kanawha Boulevard, E., B-252, Charleston, WV 25305-0001, Phone: 348-7864; or to Laura Craffey, Section 504 Coordinator, WV Department of Education, same address as above except B-321 and Phone: 348-2696; or to the U.S. Department of Education's Director of the Office for Civil Rights.

**NOTE:** State and Federal laws include Title IX, Education Amendments of 1972; Title VI, Civil Rights Act of 1964; Title VII, Civil Rights Act of 1964; Rehabilitation Act of 1973, Section 504; and other State and Federal Laws and regulations governing students and employees.

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2707g/HK20/5-10-91

Proposed Revisions to Policy 5105

Impact

Instruction

None

Leadership Impact

None

Financial Impact

The proposed elimination of the Executive Director position will reduce allocations for Council on Professional Education (COPE) and Certification Appeals Board (CAB) by \$22,000 annually. A secretary, who was recently employed, along with West Virginia Department of Education staff, will carry out the administrative functions of COPE and CAB.

Staff Development Impact

None

Administrative Impact

None

HK:rk  
2737g/HK20



KEN PECHLER  
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Deputy Secretary of State

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WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

(Plus all the volunteer  
help we can get)

TO: Barbara Estep

AGENCY: Board of Education

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: August 27, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 154 TITLE: 126 Board of Education

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Barbara L. Estep

TITLE OF PERSON SIGNING: Exec Sec WV Board of Ed.

DATE: Sept. 18, 1992

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.