

WEST VIRGINIA  
SECRETARY OF STATE

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

FILED

2003 OCT 14 P 3:41

OFFICE 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 Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va. Constitution, Article XII, §2 and W.Va. Code §§18-2-5, 18A-3-2a and 18A-3-6.

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

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

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).

AMENDMENT TO AN EXISTING RULE: YES X NO \_\_\_\_\_

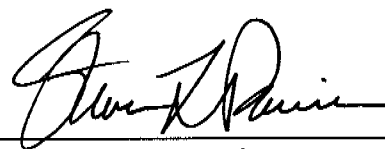
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 154

TITLE OF RULE BEING AMENDED: West Virginia Commission for Professional Teaching Standards (5050)

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

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS November 13, 2003.



Steven L. Paine  
Deputy State Superintendent of Schools

**EXECUTIVE SUMMARY**  
**WEST VIRGINIA DEPARTMENT OF EDUCATION**

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**Policy Number and Title:**

Policy 5050  
West Virginia Commission on Professional Teaching Standards

**Background:**

Senate Bill 247, passed by the West Virginia Legislature on March 9, 2002 became effective July 1, 2002. This legislation amended West Virginia Code §18A-3-6 by giving authority to the State Superintendent to designate the West Virginia Commission for Professional Teaching Standards, or members thereof, to conduct hearings on revocations or licensure denials and make recommendations for action by the State Superintendent. Revisions were made in order to align Policy 5050 with the revisions in Policies 1340 (Rules of Procedure for Hearings and Appeals) and 5202 (Licensure of Professional/Paraprofessional Personnel).

Revisions were also made to Policy 5050 in response to requests that the commission membership be expanded to include representation from laypersons. Additional revisions were made to remove the requirement for quarterly reports to the State Board, allowing the Commission to make reports as needed.

**Proposals:**

Revisions are being proposed to:

Change the composition of the Commission to 21 members by changing the designation of the community/business representative to layperson, and by adding two representatives who are laypersons. A definition for layperson has also been added. (See Section 5.1.)

Clarify the membership requirement for higher education. (See Section 5.1.)

Remove all references to "initial term" of members since that language is unnecessary after the original Commission members' staggered terms were established. (See Section 5.3, 5.3.1.-5.3.7.)

Add language to link to Commission By-Laws in order to include procedures for dealing with the absenteeism of Commission members. (See Section 5.3.2.)

Remove language that requires the Commission to report to the State Board on a quarterly basis, allowing instead such reporting as needed. (See Section 6.1.)

Add language that recommends the composition of membership on the Professional Practice Panel (See Section 7.2.) and the Licensure Appeal Panel (See Section 7.3.) that recommends including one layperson on each panel.

Adds a severability clause to Policy 5050 as recommended for all State Board policies. (See Section 9.1.)

Insert corrections and edit language to clarify intent, insert correct agency titles and to make policy formatting corrections. (See Sections 1.1., 1.2., 1.5., 3.2., 4.1., 5.2.2., 5.2.3., 6.2., 6.3., 6.4., 7.1., 7.2., and 8.1.)

**Impact:**

The proposed revisions expand the membership of the Commission to include a total of three laypersons, thus providing representation from a broader group of stakeholders. Revisions also recommend the make-up of membership on the Professional Practice and Licensure Appeals Panels and recommend including one layperson, but do not require specific Panel composition. This revision will help in those circumstances in which there is Commission member absenteeism due to illness/emergency that requires the use of an alternate to establish the quorum needed to conduct hearings. Proposed revisions also remove the requirement for quarterly reports by the Commission to the State Board, allowing the Commission reports to be made as needed when there are issues to report.

FILED

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

2003 OCT 14 P 3:41

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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

**§126-154-1. General.**

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

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

1.3. Filing Date. - October 14, 2003

1.4. Effective Date. - November 13, 2003

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

**§126-154-2. Summary.**

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

**§126-154-3. Purpose.**

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

## §126CSR154

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

### **§126-154-4. Mission and Goals.**

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

4.2. The goals of the Commission are:

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

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

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

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

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

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

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

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

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

5.2.4. All other members shall be appointed by the State Board.

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

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

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

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

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

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

## §126CSR154

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

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

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

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

#### 7.1.1. Initial Preparation.

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

#### 7.1.2. Licensure.

a. Standards and requirements for initial and continued licensure.

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

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

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

e. Criteria and a system for the revocation of licenses for just cause.

## §126CSR154

### 7.1.3. Professional Development.

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

### 7.1.4. Administrative Functions.

- a. Bylaws for the Commission's governance and operation.
- b. A licensure fee structure.
- c. A system that enables an educator to receive due process when questions arise concerning her/his qualifications.

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

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

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

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

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

**§126CSR154**

**§126-154-9. Severability.**

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

## FISCAL NOTE WORKSHEET

(Submit 4 Copies)

IO Policy 5050 DRAFT NO \_\_\_\_\_ BILL NO \_\_\_\_\_ RESOLUTION NO \_\_\_\_\_

JECT West Virginia Commission for Professional Teaching Standards FUND 0313 099 09982 52

RCE OF REVENUE:  GENERAL FUND  SPECIAL  OTHER (SPECIFY) \_\_\_\_\_

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

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

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

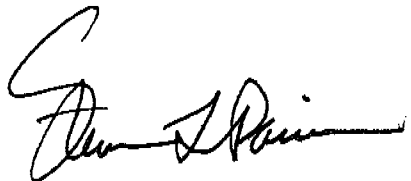
EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ 2000.00	\$ 0	\$ 2000.00	\$ 2050.00	\$ 2100.00
PERSONAL SERVICES	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
CURRENT EXPENSES					
REPAIRS/ALTERATIONS					
EQUIPMENT					
OTHER					
ESTIMATED TOTAL REVENUES	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

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

The addition of two members to the West Virginia Commission will require additional expenditures for reimbursement of lodging, travel expenses incurred during quarterly Commission meetings. However, the Office of Professional Preparation has scheduled meetings for the current year in a facility that will cost less than previous years. This savings will more than cover the cost of increasing Commission membership.

7/28/03  
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WVDE  
AGENCY

  
AUTHORIZED REPRESENTATIVE

**West Virginia Board of Education Policy 5050**  
**West Virginia Commission on Professional Teaching Standards**  
**COMMENT SUMMARY**

There were no revisions made to Policy 5050 based on the single comment received. The comment was not related to the policy.

West Virginia Commission for Professional Teaching Standards  
**COMMENT LOG**  
 August 19, 2003 Through September 26, 2003

**ACTION**  
 N = No Response  
 NA = Not Accepted  
 A = Accepted

**TYPE**  
 - = Negative  
 + = Positive  
 0 = Neutral

Date Rec'd	Individual/Organization	Comment	Action/Type	Rationale
<b>Miscellaneous</b>				
9/22/03	Sara Harrell 110 Edgell St. Beckley, WV 25801	I personally think that the teachers should start teaching and quit playing videos to take up class time and realize that for test scores to improve to quit the block scheduling and go back to same classes Monday - Friday September-June.....it had worked for years before, why change now.....other states have learned this the hard way...why should WV follow the rest of the country? Thanks,	NA/0	Comment submitted does not apply to Policy 5050.

West Virginia Board of Education Policy 5050  
 West Virginia Commission for Professional Standards  
COMMENT SUMMARY

General Topic/Policy Section	Number of Comments Received	Persons Submitting Comments	Action Taken As A Result of Comment
Not Applicable – Comment not related to Policy 5050	1	Parent	None