

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
KEN HECHLER  
**ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In this Box

**FILED**

JUL 8 11 48 AM '97

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. Const., Art. XII, §2 and W.Va. Code §18-2-5.

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_  
\_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 154

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

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 September 5, 1997 AT 4:45 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

William J. Luff, Jr.  
Associate State Superintendent  
West Virginia Department of Education  
Building 6, Room 360  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0330

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

*Cynthia E. Evans*  
Cynthia E. Evans  
Director, Legal Services

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

54.40

EXECUTIVE SUMMARY  
WEST VIRGINIA BOARD OF EDUCATION

POLICY NUMBER AND TITLE: Policy 5050  
West Virginia Commission for Professional  
Teaching Standards

PUBLIC COMMENT PERIOD ENDS: September 5, 1997 ADOPTED:

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

JUL 8 11 49 AM '97

FILED

**Background:** Policy 5050 creates a new Commission for Professional Teaching Standards and repeals Policy 5105 which established the Council on Professional Education. The Commission is charged with recommending to the State Board policies and practices in teacher preparation, licensure and continuing professional development that will ensure that properly trained and licensed educators are available to every student in West Virginia.

The Commission is asked to serve as a communication link with members of the education profession and to maintain working relationships with the State Board, the Department of Education and higher education. The Commission reports to the State Board quarterly.

**Composition:** The Commission is composed of 19 members: ten teachers (at least three each from elementary, middle/junior high, and high school levels, including at least one vocational and one special education teacher); three representatives from higher education (one from a public institution with graduate programs; one from a public institution with only undergraduate programs, and one from a private institution); two principals (one elementary, one secondary); one county board of education member; one county superintendent; one State Board member, and one community/business representative. Members serve no more than two consecutive terms. Terms, other than initial terms, are three years.

The teacher representatives are appointed by the Governor. The public higher education representative are appointed by the higher education governing boards. All other members are appointed by the State Board.

**Professional Practice Panel:** The Commission must select seven of its members, including four teachers and one public school superintendent or principal, to serve as a panel to conduct any hearings required in any licensure revocation proceeding and to make recommendations on revocation to the state superintendent of schools.

**Licensure Appeal Panel:** The Commission must select seven of its members, including four teachers and one higher education representative, to serve as a panel to provide an opportunity for any individual to appeal a decision regarding the issuance of a license or advanced salary classification.

**Ultimate State Board Authority:** Nothing in Policy 5050 prevents the State Board from initiating, adopting, continuing, amending or rejecting any policy in the areas of teacher preparation, licensure, or continuing professional development. The State Board may refer to the Commission for review and recommendation any policy or amendment that it proposes to initiate in those areas.

126CSR154

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

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 State 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 W. Va. Code §18-2-5.

1.3. Filing Date. -

1.4. Effective Date. -

1.5. Repeal of former rule. - This legislative rule repeals and replaces WV 126CSR154, Policy 5105.

**§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.

3.2. Therefore, the State Board establishes the West Virginia Commission for Professional Teaching Standards. 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 West Virginia Commission for Professional Teaching Standards 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 West Virginia Commission for Professional Teaching Standards 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 19 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. 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 one from a public institution with graduate programs, one from a public institution with only undergraduate programs 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 one community/business representative.

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

5.2.1. The teacher members shall be appointed by the Governor. No more than three teacher members may live in the same Congressional district. There shall be at least one teacher representative 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 representative who does not belong to a teacher organization.

5.2.2. The Board of Trustees of the University System and the Board of Directors of the State College System shall each appoint one higher education representative.

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

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

5.3. Terms of all members, except for initial terms, shall be for a period of three years. Members may serve no more than two consecutive terms, regardless of the length of their initial term. All terms begin on July 1 and end on June 30. Initial appointments shall be made for the following terms:

5.3.1. Teachers: one teacher in each category (elementary, middle/junior, high school) of teachers shall be appointed for an initial term of one year; one teacher in each category shall be appointed for an initial term of two years; and one teacher in each category shall be appointed for an initial term of three years. The tenth teacher shall be appointed for an initial term of three years.

5.3.2. Higher education representatives shall determine by a random process which representative serves for an initial term of one year, two years or three years.

5.3.3. The two principals shall determine by a random process which serves for an initial term of three years and which serves for an initial term of two years.

5.3.4. The county superintendent shall an initial term of three years.

5.3.5. The county board member serve an initial term of two years.

5.3.6. The community/business member shall serve an initial term of one year.

5.3.7. The State Board member shall serve an initial term of one year.

5.3.8. Vacancies shall be filled as quickly as possible by the appropriate appointing authority. Members filling unexpired terms are subject to the two term limitation, with the unexpired term constituting a term.

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

6.1. State Board of Education. - 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 on at least a quarterly basis 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 State Board Policy 5100.

6.3. West Virginia Department of Education.- The Commission shall maintain ongoing communication, collaboration and consultation with the state superintendent of schools and his/her staff to ensure compatibility between 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 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 of Education 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 West Virginia Board of Education 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 development, recommendation and evaluation of 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.

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, four of whom shall be teachers and one of whom shall be a public school superintendent or principal, 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. Any case of possible revocation that requires a hearing shall 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 Practices Panel shall be conducted in accordance with the procedures outlined in Policy 1340 (Rules of Procedure for Administrative Hearings and Appeals).

7.3. Licensure Appeal Panel. The Commission shall select seven of its members, four of whom shall be teachers and one of whom shall be a higher education representative, to serve as the Licensure Appeal Panel. This panel shall provide an opportunity for any individual to appeal a decision regarding the issuance of a license or advanced salary classification using procedures established in Policy 5202 (Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications).

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

**§126-136-8. Ultimate Authority of the West Virginia Board of Education.**

8.1. Notwithstanding any other provision of this policy, the West Virginia Board of Education 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.

**POLICY 5050: West Virginia Commission for Professional Teaching Standards  
Comments/Suggestions**

---

*Directions: Please use this form in commenting on proposed Policy 5050. Additional sheets may be attached if needed.*

Individual/Organization: \_\_\_\_\_

Position: \_\_\_\_\_

Name of County, School, Business, etc: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Comments/Suggestions
126-154-1. General
126-154-2. Summary

**126-154-3. Purpose**

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

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

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

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

**126-154-8. Ultimate Authority of the West Virginia Board of Education**

**RETURN COMMENTS BY SEPTEMBER 5, 1997 TO:**

*William J. Luff, Jr.  
Associate State Superintendent  
West Virginia Department of Education  
Building 6, Room 360  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0330*

**FISCAL NOTE WORKSHEET**  
(Submit 4 Copies)

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

SUBJECT Policy 5050 WV Commission for Professional Teaching Standards FUND \_\_\_\_\_

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

COST OF 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 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT 97-98	THEREAFTER
1. ESTIMATED TOTAL COST	\$ 20,000	\$ - 0 -	\$ - 0 -	\$ 20,000	\$ 20,000
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$	\$	\$	\$	\$
2. ESTIMATED TOTAL REVENUES	\$ 20,000	\$ - 0 -	\$ - 0 -	\$ 20,000	\$ 20,000

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

DATE  
June 19, 1997

AGENCY  
West Virginia Department of Education

AUTHORIZED REPRESENTATIVE  
