

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

Form #5

Do Not Mark In this Box

**FILED**

SEP 15 3 42 PM '97

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 Board of Education TITLE NUMBER: 126

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

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 \_\_\_\_\_, NO X


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

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

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

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS October 15, 1997.

  
Cynthia E. Evans  
Director, Legal Services

**EXECUTIVE SUMMARY  
WEST VIRGINIA BOARD OF EDUCATION**

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

**PUBLIC COMMENT PERIOD ENDED:** September 5, 1997   **ADOPTED:** September 11, 1997

---

**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.

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.

Twelve comments were received during the comment period. Prior to approval, the policy was amended to indicate that all members, with the exception of the higher education representatives, will be appointed by the State Board. This amendment was based on the comments received during the comment period.

1385dav/15a  
9/15/97

FILED

126CSR154

TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION

SEP 15 3 42 PM '97

OFFICE OF 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 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. - September 15, 1997

1.4. Effective Date. - October 15, 1997

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 State Board. At least three teacher members must live in each 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 serve an initial term of three years.

5.3.5. The county board member shall 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.

126CSR154

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.

**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) \_\_\_\_\_

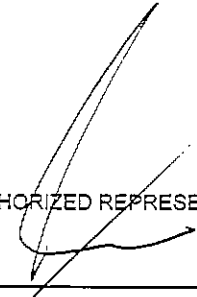
**SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT**

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  


**POLICY 5050: West Virginia Commission for Professional Teaching Standards  
COMMENT LOG**

June 12, 1996 - August 28, 1997

(Comment period ends 9/5/97, if additional comments are received before the deadline, they will be presented at the State Board meeting)

ACTION TYPE  
N: No Response - Negative  
NA: Not Accepted + Positive  
A: Accepted o Neutral

Date	Individual/Organization	Comments	Action/ Type	Rationale
6/19/97	William A. Toussaint WVDE Legal Assistant Building 6, Room 362 1900 Kanawha Blvd., E Charleston, WV 25305	§126-154-1. General  Fine.		
7/31/97	Ruth Vogel WVPE Elementary Teacher P.O. Box 368 Franklin, WV 26807	Sounds reasonable.		
8/11/97	Michael Snyder, Vice-Pres. Randolph Co. Prof. Ed. Elkins Middle School HC 65, Box 200 Harman, WV 26270	I am in 100% agreement with our statewide WV Prof. Educators. The Randolph County teachers union called a strike when all teachers voted 60% to 40% not to strike. It is unconstitutional for any group to deny children a right to attend free public schools each day of the school year. No group must be allowed to control any hiring agencies that could in anyway assist in union building and as a result control the teachers individual rights to not belong to a union. Teachers must be servants not masters of the public.		
8/26/97	Jean Carlson Retired Classroom Teacher of Greenbrier County HC 37 Box 80G Frankford, WV 24938	OK		

Date	Individual/Organization	Comments	Action/ Type	Rationale
6/19/97	William A. Toussaint WVDE Legal Assistant Building 6, Room 362 1900 Kanawha Blvd., E Charleston, WV 25305	§126-154-2. Summary  Fine.		
8/27/97	Jean Carlson Retired Classroom Teacher of Greenbrier County HC 37 Box 80G Frankford, WV 24938	OK		
		§126-154-3. Purpose		
6/19/97	William A. Toussaint WVDE Legal Assistant Building 6, Room 362 1900 Kanawha Blvd., E Charleston, WV 25305	Fine; indeed, very good.		
7/31/97	Ruth Vogel WVPE Elementary Teacher P.O. Box 368 Franklin, WV 26807	Communication is of great importance.		
7/31/97	Joseph E. Wills, Jr. Teacher Rt. 20 North Hinton, WV 25951	This section should be kept as written.		
8/27/97	Jean Carlson Retired Classroom Teacher of Greenbrier County HC 37 Box 80G Frankford, WV 24938	OK		

Date	Individual/Organization	Comments	Action/Type	Rationale
6/19/97	William A. Toussaint WVDE Legal Assistant Building 6, Room 362 1900 Kanawha Blvd., E Charleston, WV 25305	<b>§126-154-4. Mission and Goals</b>  Fine.		
7/31/97	Ruth Vogel WVPE Elementary Teacher P.O. Box 368 Franklin, WV 26807	Sounds good and reasonable.		
7/31/97	Joseph E. Wills, Jr. Teacher Rt. 20 North Hinton, WV 25951	4.2.1. Type of research on which education preparation and professional growth are to be measured should be clearly stated. This language is too vague and could allow any type of data to be used.		
8/27/97	Jean Carlson Retired Classroom Teacher of Greenbrier County HC 37 Box 80G Frankford, WV 24938	OK		
7/31/97	Ruth Vogel WVPE Elementary Teacher P.O. Box 368 Franklin, WV 26807	<b>§126-154-5. Composition of the Commission</b>  Teacher members should be appointed by WV Board of Education, not by the governor. There should be a teacher who doesn't belong to a teacher organization.		
7/31/97	Joseph E. Wills, Jr. Teacher Rt. 20 North Hinton, WV 25951	Teacher members should be appointed by the State Board of Education, not the governor, because it would politicize the process and bring a degree of autonomy that would deplete the authority of the State Board. The separate line item in the budget should be eliminated for this Commission giving it too much power.		

Date	Individual/Organization	Comments	Action/ Type	Rationale
8/13/97	Netia McCarty, Teacher Harrison County Lumberport Middle School P.O. Box 309 Lumberport, WV 26386	Teacher members should be appointed by the State Board of Education, not the governor. Makes process political, and grants a degree of autonomy,		
8/14/97	Counselor Upshur County Schools 102 Smithfield Street Buckhannon, WV 26201	The teacher members should be appointed by the WV Board of Education, NOT by the governor. Appointment by the governor politicizes the process. Being appointed by the governor would grant the Commission a degree of autonomy which the WV Board of Education should not tolerate. This section should be changed!		
7/31/97	Jane Yokum Music Instru./ Choral Dir. Moorefield Middle School HC 32 Box 418 Petersburg, WV 26847	5.2.1. Teacher representatives should be appointed by the WV Board of Education, not the governor. Please keep the provision of appointing one teacher who does not belong to any of the organizations listed.		
8/11/97	Michael Snyder, Vice-Pres. Randolph Co. Prof. Ed. Elkins Middle School HC 65, Box 200 Harman, WV 26270	5.2.1. The teacher members should be appointed by the West Virginia Board of Education, not by the governor. Appointment by the governor politicizes the process. Also, autonomous teacher standards boards in other states often require the governor to choose members from a list submitted by teacher unions. Will this be the next requirement? Begin appointed by the governor would grant the Commission a degree of autonomy which the West Virginia Board of Education should not tolerate. This section needs to be changed! The provision requiring a teacher representative who does not belong to a teacher organization is a good one and should be kept in the policy.		

Date	Individual/Organization	Comments	Action/Type	Rationale
8/25/97	Elizabeth Mow, Member of Executive Board WV Professional Educators 36 Central Avenue Buckhannon, WV 26201	<p>5.2.1. Teacher members should be appointed by the West Virginia Board of Education, <u>not</u> by the governor. Having the governor make the appointments would politicize the process. Also, in other states, the governor has to choose his appointees from lists provided by teacher unions. Is this the next step? In addition, if members of the Commission are appointed by the governor, this would give the Commission a degree of autonomy from the West Virginia Board of Education which I think is intolerable, if not unconstitutional! <b>It is important to change this section!</b></p> <p>I like the requirement that a teacher representative who does not belong to a teacher organization be a member. A good percentage of our teachers do not belong to any organization.</p>		
8/27/97	Jean Carlson Retired Classroom Teacher of Greenbrier County HC 37 Box 80G Frankford, WV 24938	<p>5.2.1. Since in all instances and panels, teachers are in the majority, the governor <u>should not</u> appoint the teacher representatives. This would give too much power to the governor and his political party. The State Board should be responsible for the appointments. It is good to have a representative from <u>all</u> teacher groups. <b>Keep this part!</b></p>		
6/19/97	William A. Toussaint WVDE Legal Assistant Building 6, Room 362 1900 Kanawha Blvd., E Charleston, WV 25305	<p>5.3.4. The word "serve" belongs between "shall" and "an."</p>		
6/19/97	Jeanne Moore, Coordinator Fine Arts WVDE Building 6, Room 330 1900 Kanawha Blvd., E Charleston, WV 25305	<p>5.3.4. ... shall <u>serve</u> .... (word serve should be added)</p>		

Date	Individual/Organization	Comments	Action/Type	Rationale
6/19/97	Jeanne Moore, Coordinator Fine Arts WVDE Building 6, Room 330 1900 Kanawha Blvd., E Charleston, WV 25305	5.3.5. ... shall serve .... (word shall should be added)		
6/19/97	William A. Toussaint WVDE Legal Assistant Building 6, Room 362 1900 Kanawha Blvd., E Charleston, WV 25305	§126-154-6. The Commission's Relationship with Other Educational Entities  Fine.		
7/31/97	Jane Yokum Music Instru./ Choral Dir. Moorefield Middle School HC 32 Box 418 Petersburg, WV 26847	The Commission, along with the WV Board of Education, shall serve as a communication link ... The Commission, along with the WV Board of Education, is responsible for informing the profession...		
7/31/97	Ruth Vogel WVPE Elementary Teacher P.O. Box 368 Franklin, WV 26807	The Commission and the WV Board of Education should be communication links.		
8/7/97	Elizabeth Casto, Teacher English - Junior High HC 59, Box 190A Craigsville, WV 26205	The requirement for a separate line item in Dept. of Ed. annual budget request for funding of the Commission is not necessary.		
7/31/97	Joseph E. Wills, Jr. Teacher Rt. 20 North Hinton, WV 25951	The provision that requires a teacher representative not belonging to a teacher organization is an excellent idea and should be kept.		

Date	Individual/Organization	Comments	Action/ Type	Rationale
8/22/97	Garrett Carskadon, Prin. Mineral/Burlington Rt. 1, Box 126 Burlington, WV 26710	The Commission should establish a certification staff that determines if certification should be granted and standards met. This should NOT be connected to any state or private college such as WVU. A state agency should take sole responsibility for certification. It is a proven reality that higher education has a vested interest in seeing that more classes are taken to satisfy requirements. When they are a part of the certification process or their judgement on competency considered final, it is perceived, (and in fact may be) as an attempt to make more money for their school. The State Department of Education should not share their legal responsibility in this area. Issuance of certification should be more a governmental function.		
8/11/97	Michael Snyder, Vice-Pres. Randolph Co. Prof. Ed. Elkins Middle School HC 65, Box 200 Harman, WV 26270	6.3. The requirement for a separate line item in the Department of Education's annual budget request to the legislature for funding of the Commission is not necessary. Again, this is a step towards autonomy.		
8/14/97	Counselor Upshur County Schools 102 Smithfield Street Buckhannon, WV 26201	6.3. The requirements for a separate line item in the Department of Education annual budget request to the legislature for funding of the Commission is not necessary. Again, this is a step towards autonomy.		
8/27/97	Jean Carlson Retired Classroom Teacher of Greenbrier County HC 37 Box 80G Frankford, WV 24938	6.3. Since the Commission is under the authority of the State Board it should not require separate funding, but should be included in the State Board's budget.		
8/25/97	Elizabeth Mow, Member of Executive Board WV Professional Educators 36 Central Avenue Buckhannon, WV 26201	6.3. It doesn't seem necessary to me for the Commission to have a separate line item in the Department of Education's budget. This could be just another step towards autonomy.		

Date	Individual/Organization	Comments	Action/Type	Rationale
8/7/97	Elizabeth Casto, Teacher English - Junior High HC 59, Box 190A. Craigs ville, WV 26205	6.4. Should be changed to read "The Commission <u>along with the WV Board of Education</u> shall serve as a communication link," and "Additionally, the Commission, <u>along with the WV Board of Education</u> is responsible for informing the profession..."		
8/11/97	Michael Snyder, Vice-Pres. Randolph Co. Prof. Ed. Elkins Middle School HC 65, Box 200 Harman, WV 26270	6.4. The West Virginia Board of Education needs to guard against the Commission claiming the exclusive right to communicate with the profession as had been proposed in Policy 5000. This section should be changed to read, "The Commission, <u>along with the West Virginia Board of Education</u> , shall serve as a communication link..." Further in the paragraph the wording should be changed to read, "Additionally, the Commission, <u>along with the West Virginia Board of Education</u> is, responsible for informing the profession..." If 6.4 is adopted as proposed, would the State Board be able to continue to send proposed policies out to educators for comment, or would this be the sole prerogative of the Commission?		
8/13/97	Netia McCarty, Teacher Harrison County Lumberport Middle School P.O. Box 309 Lumberport, WV 26386	6.4. If adopted as proposed, will the educators still receive proposed policies for comment?		
8/14/97	Counselor Upshur County Schools 102 Smithfield Street Buckhannon, WV 26201	6.4. This section should be changed to read, "The Commission, <u>along with the WV Board of Education</u> shall serve as a communication link." Further in the paragraph the wording should be changed to read, "Additionally, the Commission, <u>along with the WV Board of Education</u> is responsible for informing the profession."		
8/27/97	Jean Carlson Retired Classroom Teacher of Greenbrier County HC 37 Box 80G Frankford, WV 24938	6.4. Communication with the educational profession should come from the West Virginia Board of Education.		

Date	Individual/Organization	Comments	Action/ Type	Rationale
8/25/97	Elizabeth Mow, Member of Executive Board WV Professional Educators 36 Central Avenue Buckhannon, WV 26201	6.4. This should be changed to read, "The Commission, along with the West Virginia Board of Education, shall serve as a communication link..." Later in this paragraph the test should be changed to read, "Additionally, the Commission, along with the West Virginia Board of Education, is responsible for informing the profession..." If these changes are not made, it seems to me that the State Board is in danger of losing its authority to communicate with teachers. If adopted as written, 6.4. could mean that the State Board could only send out policies for comment after first going through the Commission. Remember, Policy 5000 referred to the Commission having the <u>exclusive</u> right to communicate with the profession. The State Board needs to guard zealously against giving away this kind of power!		
		<b>§126-154-7. Functions of the Commission</b>		
6/19/97	William A. Toussaint WVDE Legal Assistant Building 6, Room 362 1900 Kanawha Blvd., E Charleston, WV 25305	Fine.		
7/31/97	Jane Yokum Music Instru./ Choral Dir. Moorefild Middle School HC 32 Box 418 Petersburg, WV 26847	Concerning licensure fees, need to address to whom the money would go and for what purpose.		
7/31/97	Ruth Vogel WVPE Elementary Teacher P.O. Box 368 Franklin, WV 26807	Fees should go back to the schools, ultimately to the students through services or needs.		
8/7/97	Elizabeth Casto, Teacher English - Junior High HC 59, Box 190A Craigsville, WV 26205	To whom would the money from a licensure fee go? Will the cost increase substantially?		

Date	Individual/Organization	Comments	Action/Type	Rationale
7/31/97	Joseph E. Wills, Jr. Teacher Rt. 20 North Hinton, WV 25951	The power of the Commission to set licensure fees should be eliminated because these fees could be their basis of salary and operating costs.		
8/13/97	Netia McCarty, Teacher Harrison County Lumberport Middle School P.O. Box 309 Lumberport, WV 26386	Who would receive money for licensure fee. Would fee increase substantially?		
8/22/97	Garrett Carskadon, Prin. Mineral/Burlington Rt. 1, Box 126 Burlington, WV 26710	Controlled by the people. Universities should prepare students to meet standards and the state determine if they have been met.		
8/11/97	Michael Snyder, Vice-Pres. Randolph Co. Prof. Ed. Elkins Middle School HC 65, Box 200 Harman, WV 26270	7.1.4. Included in the Commission's functions is the power to set a licensure fee structure. To whom would this money go? Does this mean that the cost of teacher licenses will increase substantially?		
8/14/97	Counselor Upshur County Schools 102 Smithfield Street Buckhannon, WV 26201	7.1.4. Included in the Commission's functions is the power to set a licensure fee structure. To whom would this money go? Does this mean that the cost of teacher licenses will increase substantially?		
8/25/97	Elizabeth Mow, Member of Executive Board WV Professional Educators 36 Central Avenue Buckhannon, WV 26201	7.1.4. This section gives the Commission the power to set a licensure fee. By how much will this increase the cost of a teacher license? To whom will the money go, the Commission or the Department of Education? If it goes to the Commission, this, again, would be granting the Commission an unacceptable degree of autonomy.		
8/27/97	Jean Carlson Retired Classroom Teacher of Greenbrier County HC 37 Box 80G Frankford, WV 24938	7.1.4.b. If licensure fee is necessary it should be set by the State Board.		

Date	Individual/Organization	Comments	Action/ Type	Rationale
6/19/97	William A. Toussaint WVDE Legal Assistant Building 6, Room 362 1900 Kanawha Blvd., E Charleston, WV 25305	<p>§126-154-8. Ultimate Authority of the West Virginia Board of Education</p> <p>Please compare this statement with its executive summary, to wit: Is the West Virginia Board of Education required or <u>not</u> required to refer policy proposals to the Commission?</p> <p><i>NOTE: The WVDE is not required to refer policy proposals to the Commission. This correction was made on the Executive Summary before reprinting for distribution.</i></p>		
7/31/97	Ruth Vogel WVPE Elementary Teacher P.O. Box 368 Franklin, WV 26807	Good idea.		
7/31/97	Joseph E. Wills, Jr. Teacher Rt. 20 North Hinton, WV 25951	This language about the WV Board of Education being the ultimate authority should be kept in fact.		
8/13/97	Netia McCarty, Teacher Harrison County Lumberport Middle School P.O. Box 309 Lumberport, WV 26386	Keep this statement as is.		
8/27/97	Jean Carlson Retired Classroom Teacher of Greenbrier County HC 37 Box 80G Frankford, WV 24938	The West Virginia Board of Education should keep its authority and be careful to ensure that the authority is not whittled away by any Commission or governor.		
7/31/97	Jane Yokum Music Instru./ Choral Dir. Moorefield Middle School HC 32 Box 418 Petersburg, WV 26847	8.1. Please keep intact the statement confirming the WV Board of Education's ultimate authority to administer the schools of our state.		

Date	Individual/Organization	Comments	Action/ Type	Rationale
8/11/97	Michael Snyder, Vice-Pres. Randolph Co. Prof. Ed. Elkins Middle School HC 65, Box 200 Harman, WV 26270	8.1. This is a good statement confirming the West Virginia Board of Education's ultimate authority to administer the schools of our state. This statement should be kept in tact.		
8/14/97	Counselor Upshur County Schools 102 Smithfield Street Buckhannon, WV 26201	8.1. This is a good statement confirming the WV Board of Education's ultimate authority to administer the schools of our state. This statement should be kept intact.		
8/25/97	Elizabeth Mow, Member of Executive Board WV Professional Educators 36 Central Avenue Buckhannon, WV 26201	8.1. This is an important statement and needs to be kept in the policy. It is also important that other provisions of Policy 5050 are consistent with this statement. Any provision in the policy granting the Commission a degree of autonomy is inconsistent with this statement.		

1382dav/15a  
8/28/97

**POLICY 5050: West Virginia Commission for Professional Teaching Standards  
COMMENT LOG**

August 28, 1997 - September 5, 1997

ACTION TYPE  
N: No Response - Negative  
NA: Not Accepted + Positive  
A: Accepted o Neutral

Date	Individual/Organization	Comments	Action/ Type	Rationale
		§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		
9/2/97	Roianne Hackett Elementary Gifted Teacher Upshur County Schools 3 Scott Street Buckhamton, WV 26207	If the governor appoints members of the Commission, teaching will be further politicized. The State Board needs to do the appointing and remain a functional authority. Change this section - do not reduce educational decision making to the arena of politics!		
9/3/97	Beverly Townsend Kindergarten Teacher Henry J. Kaiser Elem. Kaiser Avenue Ravenswood, WV 26164	The teacher members should be appointed by the WV Board of Education, not by the governor. Appointment by the governor politicizes the process and grants the Commission a degree of autonomy. This would not be in the best interest of all children.		

Date	Individual/Organization	Comments	Action/Type	Rationale
9/4/97	Janet L. Phillips, Teacher Hodgesville Elementary 1 Popdora Drive Buckhannon, WV 26201	The teacher members should be appointed by the WV Board of Education - not the governor.		
9/4/97	Lynn Beatty Gifted/Enrichment Teacher Pendleton County Schools P.O. Box 442 Franklin, WV 26807	Members should be appointed by the Board of Education, not the governor. Members should not have to belong to a teacher organization.		
9/5/97	Patton L. Nickell Retired College Admin. 111 Chestnut Street Buckhannon, WV 26201	Members should be appointed by the Board of Education (WV Board) and not the governor to keep politics out of the Commission.		
9/5/97	Ellen R. Nickell Retired Chapter I Teacher 111 Chestnut Street Buckhannon, WV 26201	The WV Board of Education, hopefully, not influenced by teacher unions, should appoint Commission members.		
9/5/97	Musselman Middle School Faculty Senate Rt. 2, Box 119 Bunker Hill, WV 25413	Teacher members should be appointed by election through Faculty Senate. Governor appointees could form a very biased Commission.		
9/3/97	Nancy C. Burford. Retired English Teacher 5 Proctor Addn., PO Box 41 Ravenswood, WV 26164	5.2.1. I oppose the governor's appointing teacher members; have the appointments made by the State Board of Education in order to lessen the politicizing.  I like the provision requiring a teacher rep. who doesn't belong to a teacher organization.		
9/4/97	Concerned Educators Against Forced Unionism (CEAFU) 8001 Braddock Road Springfield, VA 22160	5.2.1. Teacher members should be appointed by the WV Board of Education, to ensure the process is not politicized. Autonomous teacher standards boards in other states require the governor or appointing board to choose members from a list submitted by teacher unions. This must not be allowed to be the case. The provision requiring a teacher representative who does not belong to a teacher organization is a good one and should be kept in the policy.		

Date	Individual/Organization	Comments	Action/Type	Rationale
9/4/97	Judy Malcolm Teacher & LSIC Chairman McKinley Junior High 2730 Forrester Avenue St. Albans, WV 25177	5.2.1. Teachers should be appointed by the State Board of Education (not governor).		
9/5/97	Muselman Middle School Faculty Senate Rt. 2, Box 119 Bunker Hill, WV 25413	5.2.1. The association should have proportional representation on this Commission.  Why would teachers be appointed by the governor, yet other members (i.e., higher education representatives and principals ) be selected randomly?		
		<b>§126-154-6. The Commission's Relationship with Other Educational Entities</b>		
9/2/97	Roianne Hackett Elementary Gifted Teacher Upshur County Schools 3 Scott Street Buckhannon, WV 26207	The Commission should not have exclusive communication rights. It should be changed to state, "the Commission, along with the WV Board of Education, shall serve as a communication link.		
9/4/97	Lynn Beatty Gifted/Enrichment Teacher Pendleton County Schools P.O. Box 442 Franklin, WV 26807	Commission should not be autonomous but should share responsibilities (checks and balances!) with State Board.		
9/4/97	Janet L. Phillips, Teacher Hodgesville Elementary 1 Popdora Drive Buckhannon, WV 26201	The Commission should not be given the exclusive rights indicated. The WV Board of Education must be included.		
9/5/97	Patton L. Nickell Retired College Admin. 111 Chestnut Street Buckhannon, WV 26201	The Commission should not have or be a line item in the Department of Education's budget. The Board of Education must be able to communicate with the profession. The commission must not be the only agency allowed this freedom.		

Date	Individual/Organization	Comments	Action/Type	Rationale
9/5/97	Ellen R. Nickell Retired Chapter I Teacher 111 Chestnut Street Buckhannon, WV 26201	The Commission needs to be in consent with the WV Board of Education which should have communication with teachers all around, not just union members.		
9/3/97	Nancy C. Burford, Retired English Teacher 5 Proctor Addn., PO Box 41 Ravenswood, WV 26164	6.3. Setting up a separate line item in the Department of Education's budget for Commission funding isn't necessary.		
9/4/97	Judy Malcolm Teacher & LSIC Chairman McKinley Junior High 2730 Forrestal Avenue St. Albans, WV 25177	6.3. No separate line item needed in budget.		
9/3/97	Nancy C. Burford, Retired English Teacher 5 Proctor Addn., PO Box 41 Ravenswood, WV 26164	6.4. Why should the Commission have the exclusive right to communicate with the profession? Why not make it the Commission and the Board of Education?		
9/3/97	Beverly Townsend Kindergarten Teacher Henry J. Kaiser Elem. Kaiser Avenue Ravenswood, WV 26164	6.4. The Commission, along with the WV Board of Education, shall serve as a communication link with the profession. This will ensure a natural balance and check system that will focus on the best possible education for all children.		
9/4/97	Judy Malcolm Teacher & LSIC Chairman McKinley Junior High 2730 Forrestal Avenue St. Albans, WV 25177	6.4. Communication to the profession should be from the Commission and the WV Board of Education.		
		<b>\$126-154-7. Functions of the Commission</b>		
9/3/97	Beverly Townsend Kindergarten Teacher Henry J. Kaiser Elem. Kaiser Avenue Ravenswood, WV 26164	When the Commission sets the licensure fee structure, who receives the money? Will licenses increase in cost? Can the WVBE be involved to guard against autonomy of the Commission.		

Date	Individual/Organization	Comments	Action/Type	Rationale
9/4/97	Lynn Beatty Gifted/Enrichment Teacher Pendleton County Schools P.O. Box 442 Franklin, WV 26807	Where would licensure fee go?		
9/4/97	Janet L. Phillips, Teacher Hodgesville Elementary 1 Popdora Drive Buckhannon, WV 26201	Be more specific about the licensure fee structure.		
9/5/97	Patton L. Nickell Retired College Adimin. 111 Chestnut Street Buckhannon, WV 26201	Functions seems to be geared to completely usurp the power of the Board of Education.		
9/4/97	Judy Malcolm Teacher & LSIC Chairman McKinley Junior High 2730 Forrestal Avenue St. Albans, WV 25177	Functions of fee setting should not be exclusively the Commission's.		
9/5/97	Ellen R. Nickell Retired Chapter I Teacher 111 Chestnut Street Buckhannon, WV 26201	There is probably no valid function for such a commission.		
9/3/97	Nancy C. Burford Retired English Teacher 5 Proctor Addn., PO Box 41 Ravenswood, WV 26164	7.1.4. I'm concerned about the licensure fee power - who would benefit from the earned money? Would teacher licensing fees increase?		
		<b>\$126-154-8. Ultimate Authority of the West Virginia Board of Education</b>		
9/2/97	Roianne Hackett Elementary Gifted Teacher Upshur County Schools 3 Scott Street Buckhannon, WV 26207	Yes!!!! Keep this.		

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

JAN CASTO  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (304) 558-6000  
Corporations: (304) 558-8000  
FAX: (304) 558-0900



FILED

OCT 29 14 AM '97

WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

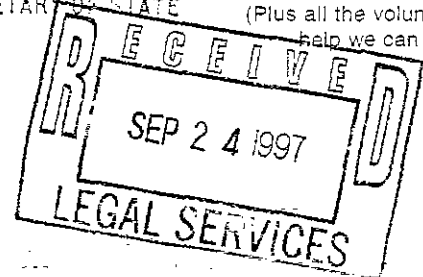
PENNEY BARKER  
Supervisor, Corporations

STATE OF WEST VIRGINIA

SECRETARY OF STATE OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

(Plus all the volunteer help we can get)



TO: Bill Luff  
VIRGINIA HARRIS

AGENCY: EDUCATION

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: September 22, 1997

THE ATTACHED RULE 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 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 Branigan

TITLE OF PERSON SIGNING: Assistant Director

DATE: 10/1/97

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