

WEST VIRGINIA
SECRETARY OF STATE

JOE MANCHIN III

ADMINISTRATIVE LAW DIVISION

Form #2

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2001 OCT 12 P 4: 25

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative CITE AUTHORITY: W. Va. Constitution, Article XII, §2, W.Va.

Code §18-2-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 154

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

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

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON November 23, 2001 AT 4:45 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Kim Hough, Assistant Director

Office of Professional Preparation

1900 Kanawha Blvd. E., Room 252

Charleston, West Virginia 25305

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


William J. Luff, Jr.

Associate State Superintendent of Schools

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$4.40

POLICY 5050: WEST VIRGINIA COMMISSION FOR PROFESSIONAL TEACHING STANDARDS

Executive Summary

Public Comment Period Ends: November 23, 2001

Background:

Revisions to Policy 5050 are being recommended to define the function of the Licensure Appeal Panel as allowing applicants who do not currently hold teaching certificates due process hearings before the Licensure Appeal Panel in cases of denials for cause. This revision makes Policy 5050 compatible with the revisions of Policy 1340 and Policy 5202, which centralize the language regarding hearings in Policy 1340 and make the procedures of the Professional Practice Panel and Licensure Appeal Panel parallel.

Recommended Revisions

- Change reference to the Board of Trustees of the University System and Board of Directors of the State College System to the Higher Education Policy Commission
- Eliminate minimum number of reports to the State Board
- Define the function of the Licensure Appeal Panel as allowing applicants who do not currently hold teaching certificates due process hearings before the Licensure Appeal Panel in cases of denials for cause



TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

FILED

2001 OCT 12 P 4: 26

SERIES 154
WEST VIRGINIA COMMISSION FOR
PROFESSIONAL TEACHING STANDARDS (5050) OFFICE WEST VIRGINIA
SECRETARY OF STATE

§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~~ The Higher Education Policy Commission shall each appoint one two higher education representatives.

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 regarding 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, recommendations as to 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).~~ This panel shall provide an opportunity for an appeal hearing following a recommendation from the Office of Professional Preparation of a denial for cause pursuant to procedures outlined in Policy 1340 (Rules of Procedure for Administrative Hearings and Appeals).

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-West Virginia 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

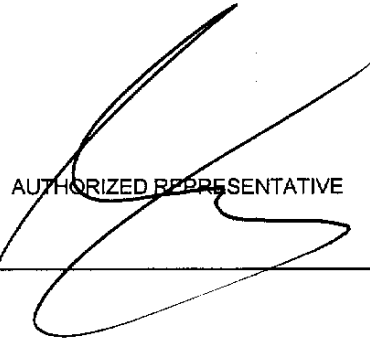
| EFFECT OF PROPOSAL | ANNUAL | | FISCAL YEAR | | |
|--|----------|----------|-------------|------|------------|
| | INCREASE | DECREASE | CURRENT | NEXT | THEREAFTER |
| 1. ESTIMATED TOTAL COST | \$ | \$ | \$ | \$ | \$ |
| PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER | \$ |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

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

No additional costs

DATE 

AGENCY
Department of Education

AUTHORIZED REPRESENTATIVE




**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: _____

| 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 November 23, 2001 TO:

Kim Hough
Office of Professional Preparation
West Virginia Department of Education
Building 6, Room 252
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330

