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 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.

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:

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.

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.

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.

§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.