



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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Office of West Virginia  
Secretary Of State

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**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL  
RULE**

AGENCY: Education TITLE-SERIES: 126-149  
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: Professional Learning for West Virginia Educators  
(5500)  
CITE STATUTORY AUTHORITY: 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); and, W. Va. Bd. of Educ. V. Bd. of  
Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

November 13, 2018

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

**Yes**

**William C Burch -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

**126CSR149**

**TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION**

**SERIES 149  
PROFESSIONAL LEARNING FOR WEST VIRGINIA EDUCATORS (5500)**

**§126-149-1. General.**

1.1. Scope. -- This rule provides guidelines for the coordination and delivery of high quality professional learning experience for West Virginia educators. This rule defines/delineates roles and responsibilities among the various state and local professional learning providers.

1.2. Authority. -- W. Va. Constitution, Article XII, §2; W. Va. Code §§18-2-5, 18-21-1 et seq., and 18-9A-10.

1.3. Filing Date. -- October 11, 2018.

1.4. Effective Date. -- November 13, 2018.

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 126CSR149, West Virginia Board of Education (WVBE) Policy 5500, Professional Learning for West Virginia Educators, filed February 12, 2016, and effective July 1, 2016.

**§126-149-2. Purpose.**

2.1. The purpose of this rule is to assist the coordination, development, and evaluation of high-quality professional learning programs for West Virginia educators. In addition, the rule also outlines the allocation methodology for state aid funding appropriated to support county-level implementation of comprehensive systems for teacher and leader induction and professional growth.

**§126-149-3. Goals for Professional Learning.**

3.1. The WVBE annually will establish professional learning goals.

**§126-149-4. General Responsibilities.**

4.1. The WVBE will:

4.1.a. institute a system for the coordination and delivery of high-quality professional learning;

4.1.b. comprehensively define professional learning;

4.1.c. articulate professional learning standards;

4.1.d. establish annual professional learning goals;

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4.2. The West Virginia Department of Education (WVDE) has the primary responsibility for providing leadership in communicating the goals and standards for professional learning within and to the WVDE, to county instructional leaders, and the state's public institutions of higher education educator preparation programs. It is further the responsibility of the WVDE to:

4.2.a. develop guidance, processes, definitions, and protocol resources to support the design and delivery of a comprehensive professional learning system:

4.2.a.1. assist the county with the selection, design, implementation, and evaluation of high-quality, professional and personalized learning experiences that maximize funding resources available and adhere to WVBE Goals for Professional Learning and the West Virginia Professional Learning Standards located on the WVDE website; and

4.2.a.2. support participation in required evaluation studies to be submitted to the WVBE, Governor, and the Legislative Oversight Committee on Education Accountability (LOCEA); and

4.2.b. develop a systemic approach to provide ongoing assistance for integration of high-quality professional learning experiences that includes:

4.2.b.1. content area expertise and guidance to support program implementation with county chief instructional leaders;

4.2.b.2. online professional and personalized learning courses and resources that are aligned with requirements leading to educator certification and licensure, endorsement, or professional growth; and

4.2.b.3. educator resources that focus on intentional, data-driven decisions to plan and facilitate personalized, professional learning experiences.

4.3. The county must support, monitor, and ensure the fidelity of the implementation of professional learning experiences that are aligned to WVBE Goals for Professional Learning and West Virginia Professional Learning Standards located on the WVDE website.

4.3.a. The county plan shall be developed by the Local Staff Development Council (W. Va. Code §18A-3-8) and incorporated into the county Strategic Plan using data from:

4.3.a.1. each county's Strategic Plan Needs Assessment;

4.3.a.2. each county's professional learning plan, or the West Virginia Support for Improving Professional Practice (WVSIPP) located on the WVDE website;

4.3.a.3. W. Va. 126CSR142, WVBE Policy 5310, Performance Evaluation of School Personnel;

4.3.a.4. professional teaching standards;

4.3.a.5. student data from the W. Va. 126CSR14, WVBE Policy 2340, West Virginia Measures of Academic Progress; and

4.3.a.6. student evidence of learning from utilization of the formative assessment process.

4.3.b. Further, the county must implement a professional and personalized learning plan that includes high-quality professional and personalized learning experiences to support all educators and personnel in the delivery of high-quality educational programming as part of the county's Strategic Plan. The plan should align, be incorporated into, and complement the county's Strategic Plan, ensuring:

4.3.b.1. educators have access to high quality professional and personalized learning experiences that focus on individual professional growth of educators, student need based on acquired data, and school-wide goals for professional and personalized learning goals;

4.3.b.2. educators are engaged in learning with colleagues through a collaborative model to improve individual teaching practice, support student learning, and foster school-wide growth;

4.3.b.3. school-based professional learning communities examine student data to increase student achievement;

4.3.b.4. school budgets support professional and personalized learning;

4.3.b.5. flexible and creative scheduling creates time for educators to participate in professional learning communities during the work-day; and

4.3.b.6. focus professional learning offerings in individualized and school-based settings rather than in large-scale settings.

4.3.c. As part of the county Strategic Plan, counties must submit its professional learning plan to the WVBE annually as directed by the WVDE.

**§126-149-5. Step 7d of the Public School Support Plan.**

5.1. Effective for the 2019-20 school year and thereafter, the Legislature enacted a new provision, Step 7d, the Public School Support Plan (PSSP) to financially support county-level implementation of comprehensive systems for teacher and leader induction and professional growth.

5.2. In accordance with W. Va. Code §18-9A-10(a)(4), the statewide total amount of Step 7d funding will be calculated as the amount appropriated for the purpose in the immediately preceding school year, plus 20 percent of the growth in the local share amount under the PSSP.

5.2.a. After the county Strategic Plan is approved, the statewide Step 7d amount annually will be allocated to the county boards of education:

5.2.a.1. sixty percent of the total statewide allocation will be distributed based on the number of full-time equivalent teachers employed by the county with zero years of experience;

5.2.a.2. twenty-five percent of the total statewide allocation will be distributed based on the total number of full-time equivalent teachers employed by the county with one, two, or three years of experience;

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5.2.a.3. ten percent of the total statewide allocation will be distributed based on the number of full-time equivalent principals, assistant principals, and vocational administrators employed by the county who are in their first or second year of employment as a principal, assistant principal, or vocational administrator;

5.2.a.4. two percent of the total statewide allocation will be distributed based on the number of full-time equivalent principals, assistant principals, and vocational administrators employed by the county who are in their first year in an assignment at a school with programmatic level in which they have not previously served as a principal, assistant principal, or vocational administrator; and

5.2.a.5. three percent of the total statewide allocation will be distributed based on needs identified in the strategic plans for continuous improvement of schools and school systems, including those identified through the performance evaluations of professional personnel. In the event that the full amount of the funds allocated on this basis are not needed to fulfill the needs identified in the strategic plans, any remaining funds shall be added to the funding allocated under §5.2.a.1.

5.3. Once the total allocation is determined for each county board of education, it shall be compared to the county's total allocation of teacher and principal mentor funds from the 2016-17 school year. In accordance with statute, no county's allocation can be less than the level of funding received in the 2016-17 year. If the standard calculation results in a lower allocation than received in 2016-17 for a particular county, that county's total allocation will be increased to the 2016-17 level, with the allocation for all other county boards decreased proportionately.

### **§126-149-6. Severability.**

6.1. 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.