

SENATE FILE NO. SF0130

Teacher certification-2.

Sponsored by: Senator(s) Hicks, Coe, Jennings and Landen
and Representative(s) McOmie and Teeters

A BILL

for

1 AN ACT relating to education; providing that the state
2 board shall be responsible for certification of teachers
3 and other educational professionals; making conforming
4 changes; repealing the professional teaching standards
5 board; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 21-2-308 is created to read:

10

11 **21-2-308. Teacher certification.**

12

13 (a) The state board of education shall, through the
14 department of education, implement this section and shall
15 promulgate rules and regulations:

16

1 (i) For the certification of school
2 administrators, teachers and other personnel to require
3 either examination in specified subjects or the completion
4 of courses in approved institutions, or both. However,
5 nothing in this section shall be construed as permitting
6 the state board to impose any additional requirements
7 beyond licensure in his own profession on any person
8 licensed pursuant to title 33 in order for that person to
9 practice his own profession in the schools as an employee
10 of or contractor for a school district. Rules and
11 regulations adopted pursuant to this subsection shall
12 require the following minimum qualifications and any
13 additional qualifications for additional training in a
14 broad general education as the state board may designate:

15

16 (A) For teachers, a degree from an
17 accredited college or university;

18

19 (B) For administrators, qualification as a
20 teacher pursuant to subparagraph (A) of this paragraph in
21 addition to appropriate experience as a teacher and
22 additional training in educational administration.

23

1 (ii) In addition to paragraph (i) of this
2 subsection, the state board shall by rule and regulation
3 provide for:

4
5 (A) Certification of teachers of the
6 Arapahoe and Shoshone language and in its discretion, the
7 state board may make other exceptions as to both teachers
8 and administrators it determines necessary and proper in
9 special circumstances;

10

11 (B) Temporary employment as instructors of
12 persons with extensive training or experience in a
13 particular discipline if a certified teacher is not
14 available. Those instructors shall be monitored and
15 supervised by certified personnel;

16

17 (C) School district establishment of
18 courses taught primarily by electronic transmission such as
19 broadcast through satellites which do not require the
20 presence of a teacher certified in the subject matter being
21 taught by this alternative method.

22

23 (iii) Providing that business instructors may
24 instruct classes on economic systems and institutions.

1

2 (b) The state board may enter into reciprocal
3 agreements with other states for the purposes of granting
4 certification pursuant to this section.

5

6 (c) The state board may revoke or suspend
7 certification for incompetency, conviction of a felony
8 committed after July 1, 1996, immorality and other
9 reprehensible conduct or gross neglect of duty, upon its
10 own motion or upon the petition of any local board of
11 trustees. Except as provided in subsection (h) of this
12 section, no certificate shall be revoked or suspended
13 without a hearing conducted in accordance with the Wyoming
14 Administrative Procedure Act, unless the person holding the
15 certification waives the right to a hearing.

16

17 (d) The state board may establish reasonable fees for
18 application and issuance of certification under this
19 section and may require the payment of fees as a condition
20 for issuing any certificate. The fees may include the costs
21 associated with the criminal history background check
22 required by paragraph (e)(ii) of this section. Fees
23 collected by the state board pursuant to this subsection
24 shall be deposited with the state treasurer. Upon receipt,

1 the state treasurer shall credit the revenues to a separate
2 account. Expenditures from the account shall be for
3 expenses incurred by the state board in administering this
4 section.

5

6 (e) For all persons seeking initial certification
7 under this section:

8

9 (i) The applicant shall be required to verify
10 under oath whether he has been convicted of a felony on or
11 after July 1, 1996. The state board may deny certification
12 of any applicant who has been convicted of a felony and may
13 annul a certificate for misrepresentation by an applicant
14 of his criminal history. Action by the state board to annul
15 a certificate shall be taken following a hearing conducted
16 in accordance with the Wyoming Administrative Procedure
17 Act, unless the person holding the certification waives the
18 right to a hearing;

19

20 (ii) The applicant shall provide to the state
21 board fingerprints and other information necessary for a
22 criminal history record background check as provided in
23 W.S. 7-19-201(a).

24

1 (f) Any local school board dismissing or accepting
2 the resignation of a person holding certification under
3 this section shall notify the state board of the dismissal
4 or resignation, if the dismissal or acceptance of the
5 resignation was based in whole or in part upon the person's
6 conviction of a felony.

7

8 (g) For purposes of this section:

9

10 (i) "Convicted" or "conviction" means an
11 unvacated determination of guilt by any court having legal
12 jurisdiction of the offense and from which no appeal is
13 pending. Pleas of guilty and nolo contendere shall be
14 deemed convictions for the purposes of this section.
15 Dispositions pursuant to W.S. 7-13-301 or 35-7-1037 shall
16 not be convictions for purposes of this section;

17

18 (ii) "Felony" means a criminal offense for which
19 the penalty authorized by law includes imprisonment in a
20 state penal institution for more than one (1) year.
21 "Felony" includes an offense committed in another
22 jurisdiction which, if committed in this state, would
23 constitute a felony as defined in this paragraph.

24

1 (h) The board shall establish qualifications of
2 persons teaching driver education in a public school in
3 this state in accordance with W.S. 21-7-303(c).

4

5 (j) Nothing in this section authorizes the state
6 board to establish qualifications of persons exempt from
7 certification requirements pursuant to W.S. 21-7-303(b).

8

9 (k) Upon receipt from the department of family
10 services of a certified copy of an order from a court to
11 withhold, suspend or otherwise restrict a license issued by
12 the board, the board shall notify the party named in the
13 court order of the withholding, suspension or restriction
14 of the license in accordance with the terms of the court
15 order. No appeal under the Wyoming Administrative
16 Procedure Act shall be allowed for a license withheld,
17 suspended or restricted under this subsection.

18

19 (m) The state board shall require reporting of
20 information from holders of certification and from
21 certification applicants, and shall, through the department
22 of education, maintain data consistent with standards
23 established by the state superintendent.

24

1 **Section 2.** W.S. 7-19-201(a)(iii), 21-2-202(a)(xvi)
2 and (xxxii)(intro), 21-2-304(b) by creating a new paragraph
3 (xvii), 21-3-308(h), 21-7-303(a), (b)(intro), (c) and (d),
4 21-7-401, 21-7-501(a)(intro), (b) and (d), 21-7-601(n),
5 21-13-309(m)(v)(D)(II) and (III), 31-7-108(a),
6 33-1-115(a)(ii)(C) and (iii), 33-1-202(a)(i) and
7 (ii)(intro), 33-27-114(b), 33-38-103(a)(vii) and
8 33-45-107(c)(ii) are amended to read:

9

10 **7-19-201. State or national criminal history record**
11 **information.**

12

13 (a) The following persons shall be required to submit
14 to fingerprinting in order to obtain state and national
15 criminal history record information:

16

17 (iii) Applicants for initial certification by
18 the ~~professional teaching standards board~~ state board of
19 education and employees initially hired by a school
20 district on or after July 1, 1996, who may have access to
21 minors in the course of their employment;

22

23 **21-2-202. Duties of the state superintendent.**

24

1 (a) In addition to any other duties assigned by law,
2 the state superintendent shall:

3
4 (xvi) Through the department of education,
5 assist the Wyoming professional teaching standards board
6 state board of education in the performance of its duties
7 and responsibilities under W.S. ~~21-2-801 and 21-2-802~~
8 21-2-308, including providing necessary personnel and
9 support resources to the board and providing information to
10 the board upon request. In addition, the state
11 superintendent, through the department of education, shall
12 support the data needs of the state board in executing W.S.
13 21-2-308;

14
15 (xxxi) By rule and regulation and in
16 consultation with the state board of education, ~~and the~~
17 ~~Wyoming professional teaching standards board,~~ provide
18 guidance and oversight of distance education by:

19
20 **21-2-304. Duties of the state board of education.**

21
22 (b) In addition to subsection (a) of this section and
23 any other duties assigned to it by law, the state board
24 shall:

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(xvii) Provide for the certification of teachers and other personnel as provided in W.S. 21-2-308, and otherwise implement provisions of W.S. 21-2-308. The state board shall delegate ministerial duties required under W.S. 21-2-308, including any necessary recording and maintenance of data, to the state department of education.

21-3-308. Hearing by local board; prohibited actions by local board; criteria; compliance with state standards; state board review; contractual authority.

(h) Those teachers employed on a full-time basis in the charter school system shall be subject to the same requirements with respect to certification by the ~~Wyoming professional teaching standards~~ state board under W.S. ~~21-2-802~~ 21-2-308 and other qualifications as any other teachers authorized to teach in Wyoming public schools.

21-7-303. Certificate or permit required; exception.

(a) Except as otherwise provided in subsection (b), (c) or (d) of this section, no person shall teach or supervise in a public school in this state and receive

1 compensation therefor out of any public fund who at the
2 time of rendering such services is not a holder of or a
3 candidate and qualified for a certificate or permit issued
4 or to be issued under the laws of this state and the rules
5 and regulations of the ~~Wyoming professional teaching~~
6 ~~standards~~ state board pursuant to W.S. ~~21-2-802~~ 21-2-308.

7

8 (b) Faculty members employed, even if for less than a
9 calendar year, by any postsecondary education institution
10 accredited by a regional accrediting agency may teach
11 courses offered at a public high school in this state
12 without holding or being qualified for a certificate or
13 permit issued by the ~~Wyoming professional teaching~~
14 ~~standards~~ state board and without meeting the requirements
15 of W.S. 21-7-304 as provided in this subsection. A person
16 teaching at a public school pursuant to this subsection
17 shall teach only if the course is within the same subject
18 area in which he instructs at the accredited postsecondary
19 institution and:

20

21 (c) In accordance with the provisions of this
22 subsection, a person may teach driver education in a public
23 school in this state without holding or being qualified for
24 a certificate or permit issued by the ~~Wyoming professional~~

1 ~~teaching standards state~~ board and without meeting the
2 requirements of W.S. 21-7-304. The ~~Wyoming professional~~
3 ~~teaching standards state~~ board shall by rule establish and
4 maintain minimum standards for a permit for that employment
5 which shall be applicable only as provided in this
6 subsection. A person employed by a school district to
7 teach driver education in a public school in this state,
8 shall not be employed for more than three (3) consecutive
9 school years in any period beginning after July 1, 1997,
10 unless the person has met the requirements of the
11 ~~professional teaching standards state~~ board for a permit to
12 teach driver education.

13

14 (d) A person may be employed as superintendent of
15 schools by any district board of trustees without holding
16 or being qualified for certification by the ~~Wyoming~~
17 ~~professional teaching standards state~~ board pursuant to
18 W.S. ~~21-2-802-21-2-308~~. A person who has not qualified for
19 certification pursuant to W.S. ~~21-2-802-21-2-308~~ shall be
20 required to comply with W.S. ~~21-2-802(e)-21-2-308(e)~~ prior
21 to being employed by any district board as a superintendent
22 of schools.

23

1 **21-7-401. Boards of trustees to require criminal**
2 **history background information.**

3

4 The board of trustees of each school district within the
5 state shall require any employee initially hired by the
6 school board on or after July 1, 1996, who may have access
7 to minors to submit to fingerprinting for the purpose of
8 obtaining state or national criminal history record
9 information before employment. The provisions of this
10 section shall not apply to persons certificated under W.S.
11 ~~21-2-802~~ 21-2-308(e) who have met the requirements of this
12 section pursuant to the certification process.

13

14 **21-7-501. National certification incentive;**
15 **certification fee reimbursement; consultants and mentors;**
16 **certified teacher pay incentive reimbursement.**

17

18 (a) The ~~professional teaching standards~~ state board
19 shall by rule establish a program under which school
20 districts shall reimburse no more than fifty (50) teachers
21 and certified or licensed service providers employed by
22 Wyoming school districts the actual cost of receiving
23 national certification, not to exceed the national
24 certification fee established by the national board for

1 professional teaching standards for the applicable year
2 certification was received, provided:

3

4 (b) Upon verification by the ~~professional teaching~~
5 ~~standards—state~~ board that national certification is
6 complete, the district which employs the teacher or service
7 provider shall subject to the limit imposed under
8 subsection (a) of this section, reimburse the teacher or
9 service provider for the actual cost of the national
10 certification fee.

11

12 (d) Teachers who accept reimbursement for their
13 national certification costs under subsection (b) of this
14 section shall serve as a mentor, under the supervision of
15 the ~~professional teaching standards—state~~ board, for at
16 least one (1) other teacher employed in the state of
17 Wyoming through the national certification process.
18 Teachers who accept reimbursement may also consent to be a
19 consultant with local education agencies on staff
20 development programs. Districts requesting consultation for
21 staff development shall pay the consultant fees involved.
22 No fee shall be charged for teachers seeking their own
23 national certification.

24

1 **21-7-601. Wyoming teacher shortage loan repayment**
2 **program; eligibility criteria; procedures; program**
3 **reporting.**

4
5 (n) The community college commission shall annually
6 review the loan program established under this section and
7 report to the governor and the legislature in accordance
8 with W.S. 9-2-1014, regarding program results, funds
9 received and loans issued during the preceding academic
10 year, together with the status of all outstanding loan
11 commitments and repayments under the program. The report
12 required under this subsection shall include information
13 submitted by the ~~professional teaching standards~~ state
14 board regarding the impact of the program on identified
15 teacher shortage areas and recommendations for
16 modifications to the program, including funding levels, to
17 address other identified teacher shortage areas.

18

19 **21-13-309. Determination of amount to be included in**
20 **foundation program for each district.**

21

22 (m) In determining the amount to be included in the
23 foundation program for each district, the state
24 superintendent shall:

1

2 (v) Based upon ADM computations and identified
3 school configurations within each district pursuant to
4 paragraph (iv) of this subsection, compute the foundation
5 program amount for each district as prescribed by the
6 education resource block grant model adopted by the Wyoming
7 legislature as defined under W.S. 21-13-103(a)(xiv), as
8 contained within the spreadsheets and accompanying reports
9 referenced under W.S. 21-13-101(a)(xvii) and (xviii) and on
10 file with the secretary of state pursuant to W.S.
11 21-13-101(c). The following criteria shall be used by the
12 state superintendent in the administration of the education
13 resource block grant model:

14

15 (D) Vocational education computations
16 within the education resource block grant model shall be
17 based upon:

18

19 (II) Career-vocational education
20 programs offered in grades nine (9) through twelve (12)
21 consisting of a sequence of three (3) or more vocational
22 courses in an occupational area or career cluster that
23 provides students with the technical knowledge, skills or
24 proficiencies necessary to obtain employment in current or

1 emerging occupations or to pursue advanced skill training.
2 To qualify under this subdivision, a vocational course
3 shall be offered pursuant to W.S. 21-9-101(b)(i)(J) and
4 aligned with state content and performance standards
5 prescribed by the state board of education under W.S.
6 21-2-304(a)(iii), and except as provided under W.S.
7 21-2-202(a)(xxvii), shall be provided by a teacher
8 certified by the ~~Wyoming professional teaching standards~~
9 state board for the vocational subject area associated with
10 the course;

11

12 (III) The number of full-time
13 equivalent (FTE) vocational education teachers within the
14 school, as computed in accordance with guidelines
15 prescribed by the department, providing career-vocational
16 education instruction in grades nine (9) through twelve
17 (12) and except as provided under W.S. 21-2-202(a)(xxvii),
18 certified by the ~~Wyoming professional teaching standards~~
19 state board to provide instruction at the high school level
20 for vocational education courses comprising career-
21 vocational education programs. Nothing in this subdivision
22 shall require a district to employ teachers certified for
23 high school vocational education instruction on a full-time

1 basis or to require teachers to teach only high school
2 vocational education courses on a full-time basis.

3

4 **31-7-108. Persons not to be licensed; investigation**
5 **by the division.**

6

7 (a) No driver's license shall be issued to any person
8 who is under the age of seventeen (17) years, except as
9 provided in W.S. 31-7-110 and 31-7-117(c), or unless the
10 person is at least sixteen (16) years of age and has held
11 an intermediate permit pursuant to W.S. 31-7-110(g) or a
12 similar permit from another jurisdiction for six (6) months
13 and has completed a drivers education course approved by
14 the appropriate school district, or taught by a person
15 qualified as a driving instructor pursuant to W.S.
16 ~~21-2-802(h)~~ 21-2-308(h), as evidenced by a passing grade or
17 certificate.

18

19 **33-1-115. Professional assistance programs for health**
20 **care providers and others as specified; confidentiality of**
21 **records.**

22

23 (a) As used in this section:

24

1 (ii) "Licensee" means:

2

3 (C) Any individual teaching in a public
4 school pursuant to a certificate or permit issued under the
5 laws of this state by the ~~Wyoming professional teaching~~
6 ~~standards~~ state board of education.

7

8 (iii) "Professional assistance program" or
9 "program" means a program or activity relating to drug or
10 alcohol abuse prevention, referral, treatment or
11 rehabilitation, which is directly or indirectly assisted by
12 a board or commission or other organization established
13 under this title for the regulation of licensees or the
14 Wyoming state bar or the ~~Wyoming professional teaching~~
15 ~~standards board established~~ state board of education under
16 W.S. ~~21-2-801~~ 21-2-308.

17

18 **33-1-202. Disposition of fees and interest.**

19

20 (a) Except as otherwise specifically provided by
21 statute:

22

23 (i) All fees and monies received and collected
24 by the boards or commissions under this title and under

1 W.S. 11-25-105(d), ~~21-2-802(d)~~ 21-2-308(d) and 23-2-414(d)
2 shall be deposited into the state treasury and credited to
3 each board's or commission's respective account as created
4 by statute;

5

6 (ii) The interest on all fees and monies
7 collected by the boards or commissions under this title and
8 under W.S. 11-25-105(d), ~~21-2-802(d)~~ 21-2-308(d) and
9 23-2-414(d) shall be credited as follows:

10

11 **33-27-114. Exemptions.**

12

13 (b) Individuals who have been certified as school
14 psychologists by the ~~Wyoming professional teaching~~
15 ~~standards~~ state board of education shall be permitted to
16 use the terms "school psychologist" or "certified school
17 psychologist" within the school setting. Those persons
18 shall be restricted in their practice to employment within
19 schools and educational institutions and those settings
20 under the purview of the ~~professional teaching standards~~
21 state board of education unless they are also licensed
22 under this act or licensed under W.S. 33-38-101 through
23 33-38-110.

24

1 **33-38-103. Exemptions.**

2

3 (a) Nothing in this act shall be construed to apply
4 to the activities and services of:

5

6 (vii) School social workers and school
7 counselors certified ~~under by~~ the ~~professional teaching~~
8 ~~standards state~~ board of education when employed by local
9 school districts.

10

11 **33-45-107. Licenses required; persons and practices**
12 **not affected.**

13

14 (c) Nothing in this chapter shall prevent or restrict
15 the practices, services or activities of:

16

17 (ii) Any person employed by a school district in
18 this state and holding a coaching endorsement issued by the
19 ~~professional teaching standards state~~ board of education
20 under W.S. 21-2-308;

21

22 **Section 3.** W.S. 9-2-2008(e)(xxiii), 21-2-801 and
23 21-2-802 are repealed.

24

1 **Section 4.**

2

3 (a) The terms of office of appointed professional
4 teaching standards board members serving under W.S.
5 21-2-801 prior to the effective date of this act expire
6 effective June 30, 2011.

7

8 (b) All property, equipment, supplies and personnel
9 of the professional teaching standards board shall be
10 transferred to the state board of education effective July
11 1, 2011.

12

13 (c) The validity of rules, regulations, contracts,
14 agreements or other obligations of the professional
15 teaching standards board existing on or before the
16 effective date of this act are not affected by this act and
17 shall be designated as rules, regulations, contracts,
18 agreements or obligations of the state board of education
19 effective July 1, 2011.

20

21 **Section 5.** This act is effective July 1, 2011.

22

23

(END)