



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	Department of Education Division of Teacher Education and Licensure
<b>VAC Chapter Number:</b>	8 VAC 20-21-10 et. seq.
<b>Regulation Title:</b>	Licensure Regulations for School Personnel
<b>Action Title:</b>	Licensure Regulation Revisions
<b>Date:</b>	July 3, 2001

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

Amendments to the *Licensure Regulations for School Personnel* are proposed in the following areas:

\*Add a new license, the local eligibility license, and a definition of the license as established in the Code of Virginia;

\*Add under conditions for licensure a statement requiring that individuals seeking licensure who graduate from Virginia institutions of higher education only be licensed if the endorsement areas offered at such institutions have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Board of Education (required by Code of Virginia)

\*Add a statement to recognize national certification from the National Board for Professional Teaching Standards for comparable endorsements on a license (required by Code of Virginia).

\*Add requirements for license renewal and initial licensure (demonstration of proficiency in educational technology and training to promote academic progress and preparation for the Standards of Learning);

\*Add a fourth option to the division superintendent license; and

\*Add a statement that acts related to secure mandatory tests as specified in the Code of Virginia may be reasons for revocation or suspension of a teaching license.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

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- **Article VIII, Section 4 of the Constitution of Virginia (1971):** Provides the Board of Education with the authority and responsibility for the “general supervision of the public school system.”
  - **Code of Virginia, Section 22.1-298. Regulations Governing Licensure :** The Board of Education shall, by regulation, prescribe the requirements for the licensure of teachers.
  - **Code of Virginia, Section 22.1-299. Licensure Required of Teachers :** No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license issued by the Board of Education.
  - **Code of Virginia, Section 22.1-305.2. Advisory Board on Teacher Education and Licensure:** The Advisory Board on Teacher Education and Licensure shall advise the Board of Education and submit recommendations on policies applicable to [Teacher Education and Licensure].

## Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

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The Code of Virginia requires that the Board of Education prescribe the requirements for licensure of teachers by regulation. In 1998, the Board of Education adopted new *Licensure Regulations for School Personnel* aligned with the *Standards of Learning*. Since the adoption of these regulations, several revisions have been proposed, including amendments and reenactments to the Code of Virginia that require specific changes to the licensure regulations.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.*

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Amendments to the Revisions to the *Licensure Regulations for School Personnel* are proposed in the following areas:

\*Add a new license, the local eligibility license, and a definition of the license as established in the Code of Virginia;

\*Add under conditions for licensure a statement requiring that individuals seeking licensure who graduate from Virginia institutions of higher education only be licensed if the endorsement areas offered at such institutions have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Board of Education (required by Code of Virginia)

\*Add a statement to recognize national certification from the National Board for Professional Teaching Standards for comparable endorsements on a license (required by Code of Virginia).

\*Add requirements for license renewal and initial licensure (demonstration of proficiency in educational technology and training to promote academic progress and preparation for the *Standards of Learning*;

\*Add a fourth option to the division superintendent license; and

\*Add a statement that acts related to secure mandatory tests as specified in the Code of Virginia may be reasons for revocation or suspension of a teaching license.

## Issues

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term “issues” means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

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Most of the revisions are to align the Licensure Regulations for School Personnel with statutory revisions. The addition of the fourth option to the requirements for the division superintendent license will provide school boards an option of employing individuals who have demonstrated leadership skills but who may not have acquired requirements set forth in options 1-3.

## Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency’s best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

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The revisions in the regulations should not impose substantial additional fiscal impact. The potential cost would be in training to meet requirements such as training in technology and in instructional methods tailored to promote academic progress and effective preparation for the Standards of Learning. However, the technology requirements have already been incorporated into college and university programs. Funds have been provided to school divisions for professional development for instructional personnel in the areas of technology and the Standards of Learning.

**Detail of Changes**

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

**LICENSURE REGULATIONS FOR SCHOOL PERSONNEL**

**8 VAC 20-21-10 et seq.**

<b>Section of Licensure Regulations for School Personnel</b>	<b>Revision in Language</b>	<b>Rationale for Revision</b>
8VAC20-21-10. Definitions	<u>“Local Eligibility License” means a license established by the Virginia General Assembly issued to an individual by a local school board based on specified criteria set forth by the Code of Virginia. The license is valid for three years and is not transferable to another school division. The Local Eligibility License is a nonrenewable credential and is not reciprocal with other states.</u>	<b>Revision:</b>  <b>Code of Virginia</b> Sections: 22.1-298, 22.1-299, 22.1-299.3, and 22.1-303
8VAC20-21-40. Conditions for licensure	A.3. Have earned a baccalaureate degree (with the exception of the Technical Professional License) from an accredited institution of higher education with a Board of Education approved teacher education program. <u>Persons seeking initial licensure who graduate from Virginia institutions of higher education shall, on or after July 1, 2002, only be licensed as instructional personnel by the Board of Education if the endorsement areas offered at such institutions have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Board of Education;</u>	Revision:  <b>Code of Virginia</b> Section: 22.1-298
8VAC20-21-50. Types of licenses; dating of licenses	A.9. <u>Local Eligibility License. The Local Eligibility License, established by the Virginia General Assembly, is a valid, three-year nonrenewable license issued by a local school board to an individual who has met specified criteria set forth in the Code of Virginia. The license is not transferable to another division. The Local Eligibility License is a</u>	Revision:  <b>Code of Virginia</b> Sections: 22.1-298, 22.1-299, 22.1-299.3, and 22.1-303

Section of Licensure Regulations for School Personnel	Revision in Language	Rationale for Revision
	<u>nonrenewable credential and is not reciprocal with other states.</u>	
8VAC20-21-90. Conditions for licensure By reciprocity	B. <u>An individual coming into Virginia will qualify for a Virginia teaching license with comparable endorsement areas if the individual holds national certification from the National Board for Professional Teaching Standards (NBPTS) or a nationally recognized certification program approved by the Board of Education.</u>	Revision:  <b>Code of Virginia</b> Section: 22.1-298
8VAC20-21-100. Requirements for renewing a license	H. <u>On and after July 1, 2003, persons seeking license renewal as teachers must demonstrate proficiency in the use of educational technology for instruction.</u>  IH. Virginia school divisions and nonpublic schools will recommend renewal of licenses using the renewal point system. On or after July 1, 2003, the renewal recommendation must include verification of demonstrated proficiency in the use of educational technology for instruction.  J. <u>Training in instructional methods tailored to promote academic progress and effective preparation for the Standards of Learning tests and end-of-grade assessments is required for licensure renewal on and after July 1, 2004.</u>	Revision:  <b>Code of Virginia</b> Section: 22.1-298
8VAC20-21-120. Professional Studies Requirements	1. Human growth and development (birth through adolescence): 3 semester hours. Skills in this area shall contribute to an understanding of the physical, social, emotional, and intellectual development of children and the ability to use this understanding in guiding learning experiences. The interaction of children with individual differences –economic, social, racial, ethnic, religious, physical, and mental – should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to but not limited to, attention deficit disorders, <u>gifted education including the use of multiple criteria to identify gifted students</u> , substance abuse, child abuse, and family disruptions.	Revision:  <b>Code of Virginia</b> Section: 22.1-298

Section of Licensure Regulations for School Personnel	Revision in Language	Rationale for Revision
	<p>2. Curriculum and instructional procedures: 6 semester hours.</p> <p>a. Early/primary education preK-3 or elementary education preK-6 curriculum and instructional procedures. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes; classroom management; selection and use of materials, including media and computers; and evaluation of pupil performance. The teaching methods, including for gifted and talented students and those students with disabling conditions, must be appropriate for the level of endorsement (preK-3 or preK-6) <u>and be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Study in methods of improving communication between schools and families, ways of increasing family involvement in student learning at home and in school, and the Standards of Learning shall be included.</u> On and after July 1, 2003, demonstrated proficiency in the use of educational technology for instruction shall be included. Pre-student teaching experiences (field experiences) should be evident within these skills.</p> <p>b. Middle education 6-8 curriculum and instructional procedures. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes, classroom management; selection and use of materials, including media and computers; and evaluation of pupil performance. The teaching methods, including for gifted and</p>	

Section of Licensure Regulations for School Personnel	Revision in Language	Rationale for Revision
	<p>talented students and students with disabling conditions, must be appropriate for the middle education endorsement <u>and be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Study in methods of improving communication between schools and families, ways of increasing family involvement in student learning at home and in school, and the Standards of Learning shall be included. On and after July 1, 2003, demonstrated proficiency in the use of educational technology for instruction shall be included.</u> Pre-student teaching experiences (field experiences) should be evident within these skills.</p>	
<p>8VAC20-21-170 Professional studies requirement</p>	<p>1. Human growth and development (birth through adolescence): 3 semester hours. Skills in this area shall contribute to an understanding of the physical, social, emotional, and intellectual development of children and the ability to use this understanding in guiding learning experiences. The interaction of children with individual differences—economic, social, racial, ethnic, religious, physical, and mental—should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to but not limited to attention deficit disorders, <u>gifted education including the use of multiple criteria to identify gifted students</u>, substance abuse, child abuse, and family disruptions.</p> <p>2. Curriculum and instructional procedures: 6 semester hours. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes; classroom management; selection and use of materials, including media and computers; and evaluation of pupil performance.</p>	<p>Revision:  <b>Code of Virginia</b> Section: 22.1-298</p>



Section of Licensure Regulations for School Personnel	Revision in Language	Rationale for Revision
	<p>Teaching methods appropriate for exceptional students, including gifted and talented and those with disabling conditions, and appropriate for the level of endorsement sought shall be included. <u>Teaching methods shall be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments Methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and in school and the Standards of Learning shall be included. On and after July 1, 2003, demonstrated proficiency in the use of educational technology for instruction shall be included.</u></p> <p>Curriculum and instructional procedures for secondary grades 6-12 endorsements must include middle and secondary education. Pre-student teaching experiences (field experiences) should be evident within these skills. For preK-12, field experiences must be at the elementary, middle, and secondary levels.</p>	
8VAC20-21-590. Division superintendent	<p>4. <u>Option four. The individual must:</u></p> <ul style="list-style-type: none"> <li>a. <u>Hold a master’s degree, or its equivalent, from an accredited institution;</u></li> <li>b. <u>Have held a senior leadership position such as Chief Executive Officer or senior military officer; and</u></li> <li>c. <u>Be recommended by a school board interested in employing the individual as Superintendent.</u></li> </ul>	<p>This revision provides school boards an option of employing individuals who have demonstrated leadership skills but who may not have acquired requirements set forth in options 1-3 for the division superintendent license.</p>
8VAC20-21-660. Revocation	<p>7. <u>Acts related to secure mandatory tests as specified in Section 22.1-292.1 of the Code of Virginia; or</u></p> <p>87. Other good and just cause of a similar nature.</p>	<p>Revision</p> <p><b>Code of Virginia</b> <u>Section 22.1-292.1</u></p>

Section of Licensure Regulations for School Personnel	Revision in Language	Rationale for Revision
8VAC20-21-680. Suspension	<p>4. <u>Acts related to secure mandatory tests as specified in Section 22.1-292.1 of the Code of Virginia; or</u></p> <p>54. Other good and just cause of a similar nature.</p>	<p>Revision</p> <p><b>Code of Virginia</b> <u>Section 22.1-292.1</u></p>

**Alternatives**

*Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

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Since the adoption of these regulations, several revisions have been proposed, including amendments and reenactments to the Code of Virginia that require specific changes to the licensure regulations. The amendments are to align the recent revisions in the statute; therefore, alternatives are not proposed. The amendment to add a fourth option to the requirements for the division superintendent license offers three alternatives. This change would add another alternative to existing regulations.

**Public Comment**

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

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No public comment was received during the NOIRA comment period.

**Clarity of the Regulation**

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

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The proposed regulatory language has been reviewed by Department of Education staff and members of the Virginia Board of Education. Based on these reviews, it has been determined that the regulations are clearly written and easily understandable.

**Periodic Review**

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

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The *Licensure Regulations for School Personnel* are reviewed periodically. The last major revisions were approved in 1998 during which time the old regulations were repealed, and the new regulations promulgated. The regulations will be reviewed again within three years.

**Family Impact Statement**

*Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The proposed amendments to the *Licensure Regulations for School Personnel* have no potential impact on the institution of the family and family stability.