



Virginia  
Regulatory  
Town Hall

## Final Regulation Agency Background Document

<b>Agency Name:</b>	20
<b>VAC Chapter Number:</b>	21
<b>Regulation Title:</b>	Licensure Regulations for School Personnel
<b>Action Title:</b>	Amend Licensure Regulations to Establish an Endorsement in American Sign Language
<b>Date:</b>	November 1, 2000

Please refer 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* for more information and other materials required to be submitted in the final regulatory action package.

### Summary

*Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.*

The new regulation is an amendment to the existing regulations, Licensure Regulations for School Personnel (8 VAC 20-21). This amendment will establish an endorsement (teaching area) in American Sign Language available on licenses issued by the Virginia Board of Education.

## Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

---

The Virginia Board of Education approved the amendment to the Licensure Regulations for School Personnel to establish an endorsement in American Sign Language at its meeting on October 19, 2000.

## 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, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.*

---

Code of Virginia, Section 22.1-16. By laws and regulations generally states: "The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title." <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-16>

Code of Virginia, Section 22.1-298. Regulations governing licensure states: "The Board of Education shall, by regulation, prescribe the requirements for the licensure of teachers. Such regulations shall include a requirement that every teacher seeking initial licensure take a professional teacher's assessment prescribed by the Board. Notwithstanding any provision of law to the contrary, the Board may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any person who does not meet this requirement or any other requirement for licensure by law. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-298>

The Office of the Attorney General has certified that the agency has the legal authority to promulgate the proposed regulation, and that it comports with applicable state and/or federal law.

## Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final 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.*

---

The primary purpose for licensing teachers and other school personnel is to maintain standards of professional competence. The licensure regulations set forth competencies required of instructional personnel in Virginia. The Board of Education has approved the provision of three years of instruction in American Sign Language (ASL) for foreign language credit toward an advanced studies diploma. The Board of Education also requested licensure requirements of teachers of ASL. These requirements need to be incorporated into the current licensure regulations for school personnel to ensure that prospective teachers have met competencies to teach ASL as a foreign language credit.

### 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 of the regulatory action's detail.*

---

The Board of Education approved a change in the current Licensure Regulations for School Personnel as a result of the Board's action to permit, at the local division's discretion, courses in American Sign Language (ASL) to count as foreign language credit toward an advanced studies diploma. A student may take three courses in ASL (Levels I, II, and III) for foreign language credit. As a result of this action, the requirements for teachers who teach ASL courses need to be established to ensure that students taking the courses are taught by qualified teachers. The proposed changes set forth the knowledge and competencies needed by teachers of such courses.

### Issues

*Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the 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.*

---

The Board of Education currently has a policy in place that permits, at local option, a school division to offer courses in ASL. The policy also permits the division, again at local option, to count the credit for such courses toward the requirements for graduation from high school.

The primary issue is that, because students take the ASL courses for high school credit, the courses should be taught by teachers that are qualified in a manner consistent with the licensure standards that apply to all other endorsement areas.

### Statement of Changes Made Since the Proposed Stage

*Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.*

The text of the final regulations contains one minor change from the proposed text, as follows: Section 260. D., last paragraph, contains language to clarify the effective date of the amended section of the regulation. Otherwise, the text of the final regulations does not differ with the proposed regulations.

### Public Comment

*Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.*

### SUMMARY OF COMMENTS

#### PROPOSED AMENDMENT TO THE LICENSURE REGULATIONS FOR SCHOOL PERSONNEL TO ESTABLISH AN ENDORSEMENT IN AMERICAN SIGN LANGUAGE (ASL)

**Comment Received by:** Bruce A. Sofinski

**Date Comment Received:** June 22, 2000 (public hearing)

**Summary of Comment:**

The individual supports section 1 of the proposal; however, he states that there are several areas in section 2 of the proposed language that do not ensure that the candidate has demonstrated all of the competencies outlined in 1.a. Concerns and recommendations are as follows:

- The requirements outlined in 2.a., 2.b., and 2. c (1) (a) do ensure that the candidate for endorsement has demonstrated the competencies required in section 1. However, the remaining requirements outlined in 2.c (1) do not ensure the same. Unlike the minimum requirements necessary to attain Qualified and Professional certification provided through the American Sign Language Teachers Association (ASLTA), the requirements outlined in sub-paragraphs 2.c.(1) (b), (c), and (d) do not satisfy the competencies required of the candidate for endorsement found in section 1.a., sub-paragraphs (3), (4), and (5).

[For example, the Virginia Quality Assurance Screening (VQAS) is composed of two parts: 1) a written assessment, which solely tests the individual's knowledge and application of the Registry of Interpreters for the Deaf (RID) Code of Ethics; and 2) a performance assessment, which assesses an individual's strengths and weaknesses in interpreting from sign language to spoken English. The VQAS does not assess a candidate's competency in the "Knowledge of history, social structure and artistic and literary contributions of the Deaf culture," which is an appropriate requirement of the proposed regulations.]

- The individual is recommending that the requirements in sections 2.c. (1) (b), (c), and (d) be established as prerequisites for individuals who are serving as teachers of ASL and who have two years to meet the ASL requirements. In addition, it is recommended that these individuals meet the following prerequisites: (1) hold a current, valid provisional certification by the American Sign Language Teachers Association and (2) receive a rating of Advanced or higher on the Sign Communication Proficiency Interview.

In response to the above comments, the agency has determined that no change in the regulations is necessary. The agency determined that well-qualified persons are available as teachers of ASL who do not meet the additional requirements recommended in the public comment. Such persons have been employed in local school divisions for many years in the commonwealth. In addition, the statewide work force of available ASL teachers does not show sufficient numbers of teachers who have the additional credentials mentioned in the comment. Therefore, the agency determined that the suggestion made in the public comment (above) is unnecessarily burdensome and would have no appreciable impact on the quality of services rendered to schools and students. Thus, no change was made.

### 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 crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.*

The text of the final regulations contains one minor change from the proposed text, as follows: Section 260. D., last paragraph, contains language to clarify the effective date of the amended section of the regulation. This was a clarifying change only. The change has no impact on any other section of the regulation. Otherwise, the text of the final regulations does not differ with the proposed regulations.

### Family Impact Statement

*Please provide an analysis of the regulatory action that assesses the 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.*

---

The regulations have no direct impact on the family and family stability. The primary purpose for licensing teachers and other school personnel is to maintain standards of professional competence. The licensure regulations set forth competencies required of instructional personnel in Virginia. The Board of Education has approved instruction in American Sign Language (ASL) for foreign language credit toward an advanced studies diploma; therefore, requirements to teach ASL need to be established to ensure that students taking the courses are taught by teachers who are prepared in the area of ASL.