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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) citation(s)	8 VAC20-543
Regulation title(s)	<i>Regulations Governing the Review and Approval of Education Programs in Virginia</i>
Action title	<i>Revise the Regulations Governing the Review and Approval of Education Programs in Virginia</i>
Date this document prepared	October 1, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The regulatory action is to establish dual language endorsements and an economics and personal finance add-on endorsement. Notices of Intended Regulatory Action were approved for the *Licensure Regulations for School Personnel*; however, the endorsements also should be included in the *Regulations Governing the Review and Approval of Education Programs in Virginia*.

The 2018 Virginia General Assembly passed House Bill 1156 requiring the establishment of an endorsement in dual language instruction prek-6 in the licensure regulations. No specific endorsement was included in the *Licensure Regulations for School Personnel* to teach courses in Economics and Personal Finance. Teachers holding valid Virginia licenses with endorsements in specific areas of agricultural education, business and information technology, family and consumer sciences, history and social science, marketing, and mathematics may teach the courses. The regulatory action (standard procedure) is to establish an add-on endorsement to teach economics and personal finance. The add-on endorsement will expand the number of teachers who may teach economics and personal finance.

Acronyms and Definitions

Please define all acronyms or technical definitions used in the Agency Background Document. .

No acronyms needing definitions are used in the Agency Background Document.

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The Virginia Board of Education is required to amend the *Regulations Governing the Review and Approval of Education Programs in Virginia* to align with the *Licensure Regulations for School Personnel*. The 2018 Virginia General Assembly passed House Bill 1156 requiring the establishment of an endorsement in dual language instruction prek-6 in the licensure regulations.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

The Board of Education has the statutory authority to prescribe requirements for the approval of education preparation programs. Section [22.1-298.2](#) of the *Code of Virginia*, states, in part, the following:

§ 22.1-298.2. Regulations governing education preparation programs.

A. As used in this section, "education preparation program" includes four-year bachelor's degree programs in teacher education.

B. Education preparation programs shall meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations.

C. The Board of Education regulations shall provide for education preparation programs offered by institutions of higher education, Virginia public school divisions, and certified providers for alternate routes to licensure.

D. The Board may prescribe requirements for admission to Virginia's approved education preparation programs in its regulations.

E. The Board shall establish accountability measures for approved education programs. Data shall be submitted to the Board on not less than a biennial basis.

The 2018 Virginia General Assembly passed House Bill 1156 requiring the establishment of an endorsement in dual language instruction prek-6 in the licensure regulations.

Purpose

Please describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.

The proposed regulatory action is essential to protect the health, safety, or welfare of citizens as the regulations set forth the requirements for instructional personnel to become licensed by the Board of Education.

Substance

Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

The 2018 Virginia General Assembly passed House Bill 1156 requiring the establishment of an endorsement in dual language instruction prek-6 in the licensure regulations. No specific endorsement was included in the *Licensure Regulations for School Personnel* to teach courses in Economics and Personal Finance. Teachers holding valid Virginia licenses with endorsements in specific areas of agricultural education, business and information technology, family and consumer sciences, history and social science, marketing, and mathematics may teach the courses. The regulatory action (standard procedure) is to establish an add-on endorsement to teach economics and personal finance. The add-on endorsement will expand the number of teachers who may teach economics and personal finance.

Alternatives

Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for

small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

No alternatives exist. The amendments to the *Regulations Governing the Review and Approval of Education Programs in Virginia* are required to align with the Licensure Regulations for School Personnel.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency. Otherwise, delete the paragraph below and insert "This NOIRA is not being used to announce a periodic review or a small business impact review."

This NOIRA is not being used to announce a periodic review or a small business impact review.

Public Participation

Please indicate how the public should contact the agency to submit comments on this regulation, including ideas to assist the agency in the development of the regulation and the costs and benefits of the alternatives stated in this notice or other alternatives.

Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulation.

The **Board of Education** is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; 2) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to **Patty S. Pitts, Assistant Superintendent for Teacher Education and Licensure, Virginia Department of Education, P. O. Box 2120, Richmond, VA 23218-2120; 804-371-2522; Patty.Pitts@doe.virginia.gov**. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action. Both oral and written comments may be submitted for public comment.