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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Virginia Board of Education
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	8 VAC20-23
<b>VAC Chapter title(s)</b>	Licensure Regulations for School Personnel
<b>Action title</b>	Amend the Licensure Regulations for School Personnel to include instruction in cultural competency for initial licensure and renewal of a license
<b>Date this document prepared</b>	June 2, 2021

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 (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*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 amend the *Licensure Regulations for School Personnel* to include instruction in cultural competency for initial licensure and renewal of a license.

The 2021 Virginia General Assembly approved [HB 1904](#) (Jenkins) and [SB 1196](#) (Locke), also known as the Culturally Competent Virginia Educators Bill, which amends [§ 22.1-298.1](#) of the *Code of Virginia*. This legislation requires, in part that any person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency as prescribed by the Board.

The proposed amendments to the *Licensure Regulations for School Personnel* will incorporate this legislative change.

## Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*

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

## Mandate and Impetus

*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, or board decision). 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."*

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The Virginia Board of Education is required to amend the *Licensure Regulations for School Personnel* to align with § 22.1-298.1 of the *Code of Virginia*. The 2021 Virginia General Assembly approved HB 1904 and SB 1196 requiring that any person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency as prescribed by the Board.

## Legal Basis

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

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The Board of Education has the statutory authority to prescribe requirements for the licensure of teachers and school personnel. Section [22.1-298.1](#) of the *Code of Virginia* states that "The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license."

The 2021 Virginia General Assembly approved HB 1904 and SB 1196 requiring that any person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency as prescribed by the Board.

## Purpose

*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, explain any potential issues that may need to be addressed as the regulation is developed.*

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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. Virginia’s objective for developing a culturally responsive and inclusive educator workforce is to provide all students opportunities to learn in ways that are relevant to their lived experiences and create cultures of inclusivity and belonging in Virginia schools. Culturally responsive educators see the diversity in their classrooms as an asset and use their knowledge on students’ backgrounds to enrich educational experiences. These educators possess a thorough understanding of the specific cultures of the students they teach or serve, how that culture affects student-learning behaviors, and how they can change classroom interactions and instruction to embrace the differences.

**Substance**

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

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The 2021 Virginia General Assembly approved HB 1904 (Jenkins) and SB 1196 (Locke), which in part amends § 22.1-298.1 of the *Code of Virginia*.

HB 1904 and SB 1196 were identical bills that support a cultural competent educator workforce in the Commonwealth. Specifically, this legislation requires that any person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency as prescribed by the Board. Simultaneously, as these changes moves through the regulatory process, the Board will be establishing minimum standards for cultural competency and developing the content that meets these standards. In addition, the Board will ensure an implementation timeline is established whereby Virginia’s educators will be able to receive training prior to being evaluated for the competencies.

The proposed amendments to the *Licensure Regulations for School Personnel* will incorporate this legislative change.

**Alternatives to Regulation**

*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.*

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No alternatives exist. Amendments to the *Licensure Regulations for School Personnel* are required to align with the *Code of Virginia*.

## 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

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

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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 and the potential impacts of the regulation. Information may include: 1) projected reporting, recordkeeping, and other administrative costs; and 2) 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 website 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 Maggie M. Clemmons, Director of Licensure and School Leadership, Virginia Department of Education, PO Box 2120, Richmond, VA 23218-2120; 804-371-2476; [Maggie.Clemmons@doe.virginia.gov](mailto:Maggie.Clemmons@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.