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Fast-Track Regulation
Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-23 8VAC20-543
VAC Chapter title(s)	*Licensure Regulations for School Personnel* (8VAC20-23); *Regulations Governing the Review and Approval of Education Programs in Virginia* (8VAC20-543)
Action title	Amendments to the *Licensure Regulations for School Personnel* and *Regulations Governing the Review and Approval of Education Programs in Virginia* to Comport with Federal Guidelines Related to Accredited Institutions of Higher Education
Date this document prepared	May 24, 2022

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 this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The *Licensure Regulations for School Personnel* (8VAC20-23) set standards for the licensure of teachers, principals, superintendents, and other professional personnel in Virginia. The *Regulations Governing the Review and Approval of Education Programs in Virginia* (8VAC20-543) set the requirements for institutions of higher education to offer state-approved teacher preparation programs that lead to licensure. These regulations are prescribed by the Virginia Board of Education (Board) in alignment with regulations and guidelines issued by the United States Department of Education (USED).

The USED has amended regulations ([34 CFR 600](#)) related to post-secondary institution accreditation. Effective July 1, 2020, USED no longer categorizes accrediting agencies as "regional" or "national" but instead, includes them under a combined umbrella identified as "institutional" or "nationally recognized." The summaries and comments in the [Federal Register](#) provide further insight into the reasons behind the initiative, and analysis of the public comments, and the provisions for implementation. State agencies were notified by USED of these changes to the federal regulations via [a letter dated February 26, 2020](#). The Board's *Licensure Regulations for School Personnel* and *Regulations Governing the Review and Approval of Education Programs in Virginia* require accreditation for institutions of higher education by a regional accrediting agency and include the following definitions:

> "Accredited institution" means an institution of higher education accredited by a regional accrediting agency recognized by the United States Department of Education.

> "Regional accrediting agency" means one of the six accrediting associations recognized by the United States Department of Education as follows: New England Association of Schools and Colleges, Middle States Association of Colleges and Schools, North Central Association of Colleges and Schools, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools, and Western Association of Schools and Colleges. [Note: This definition appears only in *Regulations Governing the Review and Approval of Education Programs in Virginia*].

While the amendments to the federal regulations do not explicitly require states to amend their laws/policies/regulations, the Board is no longer permitted to distinguish between regional and national accreditation in its requirements for teacher licensure or approval of education programs at Virginia institutions of higher education based on changes to [34 CFR 600](#).

The proposed amendments to the *Licensure Regulations for School Personnel* and *Regulations Governing the Review and Approval of Education Programs in Virginia* reflect the changes that were made to the federal regulations.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"Board" means the Virginia Board of Education.

"USED" means the United Stated Department of Education.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

This action was approved by the Board at its meeting on June 15, 2022.

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."

As required by Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track process.

The USED has amended regulations (34 CFR 600) related to post-secondary institution accreditation. Effective July 1, 2020, USED no longer categorizes accrediting agencies as "regional" or "national" but instead, includes them under a combined umbrella identified as "institutional" or "nationally recognized." The summaries and comments in the Federal Register provide further insight into the reasons behind the initiative, and analysis of the public comments, and the provisions for implementation. State agencies were notified by USED of these changes to the federal regulations via a letter dated February 26, 2020.

The agency expects that this action will be noncontroversial and therefore appropriate for the fast-track process because the agency is merely performing technical changes in order to align its regulations with federal requirements. The Board has exercised minimal discretion in making the proposed changes.

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.

The Board's overall regulatory authority is found in § 22.1-16 of the *Code of Virginia*, which states that "[t]he 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."

The Board's regulatory authority over licensing requirements for school personnel is found in § 22.1-253.13:2 A of the *Code of Virginia*, which states that "[t]he Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel." *See also* § 22.1-298.1 B (stating that "[t]he Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license.").

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

The rationale for this regulatory action is that the changes will help align the Board's regulations with federal requirements.

This action is essential to protect the health, safety, and welfare of citizens by ensuring that the Board's regulations are aligned with federal requirements.

The goal of this regulatory change is to align the Board's regulations with federal requirements.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The USED has amended regulations ([34 CFR 600](#)) related to post-secondary institution accreditation. Effective July 1, 2020, USED no longer categorizes accrediting agencies as "regional" or "national" but instead, includes them under a combined umbrella identified as "institutional" or "nationally recognized." The summaries and comments in the [Federal Register](#) provide further insight into the reasons behind the initiative, and analysis of the public comments, and the provisions for implementation. State agencies were notified by USED of these changes to the federal regulations via [a letter dated February 26, 2020](#). The Board's *Licensure Regulations for School Personnel* and *Regulations Governing the Review and Approval of Education Programs in Virginia* require accreditation for institutions of higher education by a regional accrediting agency and include the following definitions:

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While the amendments to the federal regulations do not explicitly require states to amend their laws/policies/regulations, the Board is no longer permitted to distinguish between regional and national accreditation in its requirements for teacher licensure or approval of education programs at Virginia institutions of higher education based on changes to [34 CFR 600](#).

Issues

Identify the issues associated with the regulatory change, including: 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, include a specific statement to that effect.

This regulatory action's primary advantage to the public, the Commonwealth, and the regulated community is that it aligns the Board's requirements with applicable federal requirements. This regulatory action has no disadvantages to the public, the Commonwealth, or the regulated community.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale

for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

This regulatory action has no requirements that exceed applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

This regulatory action will not particularly affect any other state agencies.

Localities Particularly Affected

This regulatory action will increase the number of accredited institutions that are allowable as a base for licensure, which may increase the number of individuals who qualify for a teaching license and thereby eligible for hire by local school boards.

Other Entities Particularly Affected

This regulatory action will increase the number of accredited institutions that are allowable as a base for licensure, which may increase the number of individuals who qualify for a teaching license and can apply for approved education programs in Virginia.

Economic Impact

Pursuant to § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is change versus the status quo.

Impact on State Agencies

For your agency: projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	This regulatory action will have no economic impact on the agency.
For other state agencies: projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	This regulatory action will have no economic impact on the other state agencies.

For all agencies: Benefits the regulatory change is designed to produce.	This regulatory action will align the Board's regulations with federal requirements.

Impact on Localities

Projected costs, savings, fees or revenues resulting from the regulatory change.	This regulatory action will have no economic impact on the localities.
Benefits the regulatory change is designed to produce.	This regulatory action may increase the number of individuals eligible for a teaching license and therefore available for hire by local school boards.

Impact on Other Entities

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	This regulatory action will affect approved education programs.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than $6 million.	
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	
Benefits the regulatory change is designed to produce.	

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.

There are no alternatives to this regulatory action.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

There are no alternatives to the proposed regulatory changes.

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.

As required by § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The Board is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

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://townhall.virginia.gov. Comments may also be submitted by email to Maggie Clemmons, Director of the Office of Licensure and School Leadership at 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.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an <u>existing</u> VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed <u>and replaced</u>, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
8VAC20-23-10			Aligns the following definitions with the federal requirements regarding accredited institutions: • Accredited institution; • Career and technical education or dual enrollment; • Collegiate professional license; • Division superintendent license; • Postgraduate professional license; • Provisional license; • Pupil personnel services license; • School manager license
8VAC20-23-40			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-50			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-90			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-100			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-110			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-120			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-140			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-150			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-160			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-170			Makes technical edits regarding accredited institutions to align with federal requirements.

8VAC20-23-180			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-200			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-210			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-220			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-230			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-240			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-250			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-260			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-270			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-280			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-290			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-300			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-310			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-320			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-330			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-340			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-350			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-360			Makes technical edits regarding accredited institutions to align with federal requirements.

8VAC20-23-370			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-380			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-390			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-400			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-410			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-420			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-430			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-440			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-450			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-460			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-470			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-480			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-490			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-500			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-510			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-520			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-530			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-540			Makes technical edits regarding accredited institutions to align with federal requirements.

8VAC20-23-550			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-560			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-570			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-580			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-590			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-600			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-610			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-620			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-630			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-640			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-650			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-660			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-670			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-680			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-690			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-700			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-23-710			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-543-10			Aligns the following definitions with the federal requirements regarding accredited institutions: • Accredited institution

			• Bienniel accountability measurement report • Field experiences Replaces the definition of "regional accrediting agency" with "accrediting agency."
8VAC20-543-20			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-543-60			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-543-70			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-543-80			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-543-620			Makes technical edits regarding accredited institutions to align with federal requirements.
8VAC20-543-630			Makes technical edits regarding accredited institutions to align with federal requirements.