



Fast Track Proposed Regulation Agency Background Document

Agency name	Department of Education
Virginia Administrative Code (VAC) citation	<u>8 VAC20-650-30</u>
Regulation title	Virginia Teaching Scholarship Loan Program requirements and selection procedures.
Action title	Program requirements should align with revised administrative code
Date this document prepared	November 20, 2008

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

The present action is to align Board of Education regulation with the Code of Virginia, as amended by the 2008 General Assembly. The 2008 Session of the General Assembly amended the provisions of Section 22.1-290.01 of the Code of Virginia to expand the eligibility criteria contained in the *Regulations Governing the Virginia Teaching Scholarship Loan Program Requirements and Selection Procedures* (8 VAC 20-650-30). Pursuant to the 2008 Code amendment, such criteria are to be expanded to students in an approved teacher education program leading to an endorsement in career and technical education. This Fast Track action proposes to amend the Board of Education's regulation accordingly.

Statement of final agency action

Please 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.

On November 20, 2008, the Board of Education adopted the proposed revision to 8VAC 20-650-30.B. of the Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program. The action is recorded in the official minutes of that meeting.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the scope of the legal authority and the extent to which the authority is mandatory or discretionary.

Section 22.1-290.01 of the Code of Virginia establishes the Virginia Teaching Scholarship Loan Program. The Board of Education administers the Virginia Teaching Scholarship Loan Program (VTSLP) to support teacher candidates in the critical teaching shortage areas. The Code stipulates that the Board may promulgate such regulations as may be necessary for the implementation of the Program.

The Virginia Teaching Scholarship Loan Program is authorized in Chapter 879, 2008-2010 Appropriation Act of the General Assembly.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The proposed amendments to the existing *Regulations Governing the Virginia Teaching Scholarship Loan Program Requirements and Selection Procedures* (8 VAC 20-650-30) include expanding the eligibility criteria to include students in an approved teacher education program leading to an endorsement in career and technical education. The purpose of the proposed amendment is to align the Board of Education regulation with the requirements of the Code of Virginia, as amended by the 2008 General Assembly.

The proposed action has no impact on the health, safety, or welfare of citizens.

Pursuant to Section 22.1-290.01 of the Code reenacted by the 2008 General Assembly, the Program shall consist of scholarships awarded annually to teacher candidates, including

graduate students and paraprofessionals from Virginia school divisions at an accredited public or private four-year institution of higher education in the Commonwealth. The goal of the proposed action is to enable students in an approved teacher education program leading to an endorsement in career and technical education to receive the teaching scholarship loan.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

Please note: If an objection to the use of the fast-track process is received within the 60-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 (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

The Administrative Process Act (APA) provides for expedited rulemaking for regulatory actions that are expected to be non-controversial. The regulation as proposed is expected to be noncontroversial since there is minimal to no fiscal or administrative impact on the local school divisions or on the Department of Education.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.)

The proposed amendments to the existing regulation include expanding Section 8VAC 20-650-30 (entitled Virginia Teaching Scholarship Loan Program Requirements and Selection Procedures) to include students in an approved teacher education program leading to an endorsement in career and technical education.

Issues

Please identify the issues associated with the proposed regulatory action, 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, please indicate.

The purpose of the regulation amendment is to align with the amendments to the Code of Virginia. There are no known disadvantages to the public, the regulated entities, business entities, or the Commonwealth. The advantage will be the authorization to award such teaching scholarships to an expanded base of eligible students.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include 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 statement to that effect.

This regulation does not reflect federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No locality will be affected by the proposed regulation amendment.

Regulatory flexibility analysis

Please 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) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of 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 proposed regulation.

The alternative regulatory methods are not applicable.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus ongoing expenditures</p>	<p>Projected cost to the state is negligible.</p>
<p>Projected cost of the regulation on localities</p>	<p>N/A</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the regulation</p>	<p>The scholarship loan program consists of scholarships awarded annually to teacher candidates, including graduate students and paraprofessionals from Virginia school divisions at an accredited public or private four-year institution of higher education in the Commonwealth, including a student in an approved teacher education program leading to an endorsement in career and technical education.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>Estimated: 200 teacher candidates</p>
<p>All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</p>	<p>Projected cost to the state is negligible.</p>

Alternatives

Please describe any viable 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. 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 regulation.

There are no viable alternatives to the proposal.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent 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 2008-2010 Appropriation Act provides scholarships of \$3,720 per year for full-time and part-time teacher candidates enrolled in the critical teaching shortage areas. Hence, these scholarships provide the opportunity for students to participate in teacher preparation programs, therefore, contributing to the economic self-sufficiency, self-pride, and the assumption of responsibility for oneself. A scholarship loan recipient who has graduated from college and received a teaching license may cancel a note or notes in the principal amount plus any accrued interest, by teaching full-time at the pre-12 level in a designated shortage area in the public schools of Virginia. This is a significant, positive impact on the recipient's economic self-sufficiency.

The regulatory action will have no negative impact on the following: 1) authority and rights of parents in the education, nurturing, and supervision of their children; 2) economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) the marital commitment; and 4) disposable family income.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
8VAC20-650-30	NA	<p>B. The Virginia Teaching Scholarship Loan Program shall consist of scholarships awarded annually to teacher candidates, including graduate students and paraprofessionals from Virginia school divisions at a regionally accredited public or private four-year institution of higher education in the Commonwealth, who (i) are enrolled full-time or part-time in an approved teacher education program or are participants in another approved teacher education program; (ii) have maintained a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent; and (iii) are nominated for such scholarship by the institution where they are enrolled. In addition, the candidates must meet one or more of the following criteria: (a) be enrolled in a program leading to an endorsement in a critical shortage area as established by the Board of Education; (b) be a male teacher candidate in an elementary or middle school education program; or (c) be a minority teacher candidate enrolled in any teacher endorsement area.</p>	<p>Proposed Change: Add current nomination criteria Rationale: Add language to be aligned with nomination criteria with the <u>Code of Virginia</u></p>

Enter any other statement here

Text of Proposed Fast-Track Revision to 8VAC 20-650.B.:

B. The Virginia Teaching Scholarship Loan Program shall consist of scholarships awarded annually to teacher candidates, including graduate students and paraprofessionals from Virginia school divisions at a regionally accredited public or private four-year institution of higher education in the Commonwealth, who (i) are enrolled full-time or part-time in an approved teacher education program or are participants in another approved teacher education program; (ii) have maintained a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent; and (iii) are nominated for such scholarship by the institution where they are enrolled. In addition, the candidates must meet one or more of the following criteria: (a) be enrolled in a program leading to an endorsement in a critical shortage area as established by the Board of Education; (b) be a male teacher candidate in an elementary or middle school education program; (c) be a minority teacher candidate enrolled in any teacher endorsement area; or (d) be a student in an approved teacher education program leading to an endorsement in career and technical education.