



Virginia Department of Planning and Budget **Economic Impact Analysis**

8 VAC 20-23 Licensure Regulations for School Personnel 8 VAC 20-543 Regulations Governing the Review and Approval of Education Programs in Virginia

Department of Education

Town Hall Action/Stage: 5791 / 9357

November 9, 2021

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). The analysis presented below represents DPB's best estimate of these economic impacts.¹

Summary of the Proposed Amendments to Regulation

Pursuant to legislation from the 2021 Special Session I, the Board of Education (Board) proposes to add requirements concerning teacher training on the instruction of students with disabilities and teacher training on African American history.

Background

Legislation on Education for Students with Disabilities

Chapters 451 and 452 (Chapters 451 and 452) of the 2021 Special Session I Acts of Assembly² specify that:

regulations shall include requirements that: ... 9. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on

¹ Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

² Chapters 451 and 452 of the 2021 Special Session I Acts of Assembly are identical.

their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students (emphasis added).

Starting with “Every person,” the Board proposes to add this exact language quoted above to 8 VAC 20-23 *Licensure Regulations for School Personnel*. These requirements would pertain to all teachers who seek to renew their license.

Additionally, the 5th enactment clause of Chapters 451 and 452 adds four areas of proficiency, stating that:

5. That the Board of Education shall review and amend its regulations governing general education teacher preparation programs for kindergarten through twelfth grade to ensure graduates are required to demonstrate proficiency in (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team;³ (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students.

Consequently, the Board proposes to state in 8 VAC 20-543 *Regulations Governing the Review and Approval of Education Programs in Virginia* that all educator preparation programs must ensure that graduates of candidates in general education teacher preparation programs for K-12 demonstrate proficiency in the four specified areas noted in the enactment clause.

Additionally, the 6th enactment clause of Chapters 451 and 452 adds requirements for the Board’s regulations, stating that:

6. That the Board of Education shall review and amend its regulations governing administrator preparation programs to ensure graduates are required to demonstrate comprehension of (i) key special education laws and regulations, (ii) individualized education program development, (iii) the roles and responsibilities of special education teachers, and (iv) appropriate behavior management practices.

³ Chapter 173 of the 2021 Special Session I Acts of Assembly also specifies that the Board shall amend its *Regulations Governing the Review and Approval of Education Programs in Virginia* to ensure that each education preparation program graduate in a K-12 demonstrates proficiency in understanding the role of general education teachers on the IEP team.

The current *Regulations Governing the Review and Approval of Education Programs in Virginia* include the following:

The program in administration and supervision preK-12 shall ensure that the candidate has completed three years of successful, full-time experience in a public school or accredited nonpublic school in an instructional personnel position that requires licensure in Virginia and demonstrated the following competencies: ... f. Knowledge, understanding, and application of the federal and state regulatory requirements, and expectations associated with identification, education, and evaluation of students with disabilities;

Due to the 6th enactment clause of Chapters 451 and 452, the Board proposes to append the following text, which is identical to the text in the legislation:

comprehension of (i) key special education laws and regulations, (ii) individualized education program development; (iii) the roles and responsibilities of special education teachers, and (iv) appropriate behavior management practices;

Legislation on Instruction in African American History

Chapters 23 and 24 (Chapters 23 and 24) of the 2021 Special Session I Acts of Assembly⁴ specify that:

regulations shall include requirements that: ... 10. Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, as prescribed by the Board.

In response, the Board proposes to add the following discretionary text to 8 VAC 20-23

Licensure Regulations for School Personnel:

Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, which shall include (i) an understanding of African origins; (ii) the African diaspora; (iii) developments of the Black experience in North America; (iv) the institution of slavery in the United States, including historical perspectives of the enslaved; and (v) how African Americans helped shape and have been shaped by American society.

⁴ Chapters 23 and 24 of the 2021 Special Session I Acts of Assembly are identical.

These requirements would pertain to all teachers with an endorsement in history and social sciences who seek to become licensed or renew their license.

The Board also proposes to add the following discretionary text to 8 VAC 20-543 *Regulations Governing the Review and Approval of Education Programs in Virginia*:⁵

The program in history and social sciences shall ensure that the candidate has demonstrated the following competencies: ... (8) The history, culture, contributions, and agency of African Americans including (i) an understanding of African origins; (ii) the African diaspora; (iii) developments of the Black experience in North America; (iv) the institution of slavery in the United States, including historical perspectives of the enslaved; and (v) how African Americans helped shape and have been shaped by American society.

Professional Development Points

Teacher licensure may be renewed upon the completion of 270 professional development points within a 10-year validity period. Individuals renewing a five-year renewable license must complete 180 professional development points.⁶ The Board is not proposing any changes to the professional development point requirements for license renewal, but as discussed below, the proposed required training would count toward teachers' professional development points.

Estimated Benefits and Costs

Licensure Regulations for School Personnel

According to the Department of Education (DOE), the agency will provide free online modules for the four requirements pertaining to instruction of students with disabilities, and for the five requirements about African American history. Thus, the proposed requirements stating that for license renewal all teachers must complete training in the four instruction of students with disabilities categories, and that teachers with an endorsement in history and social sciences must complete training in the five African American history categories, would not require teachers to spend additional money on training.

Additionally, training through the modules would count toward teachers' professional development points.⁷ For those teachers who substitute the new required training for other

⁵ Chapters 23 and 24 do not address the regulations governing education teacher preparation programs.

⁶ See [8VAC20-23-110](#) for more detail.

⁷ DOE has not yet determined the number of professional development points that completing the modules would earn.

professional development activities that would have taken the same or more time, the proposed new requirements would also not require more of the teachers' time in net. Those teachers who choose to not eliminate other activities that could count toward professional development points would be spending more time due to the proposed requirements. DOE estimates that the online training for African American history would take up to five hours. The agency does not yet have an estimate for the time it would take to complete the modules for the instruction of students with disabilities.

The proposed required training likely would provide some benefit. The magnitude of the likely benefit would vary depending on the effectiveness of the required instruction and the policy views of the observer.

Regulations Governing the Review and Approval of Education Programs in Virginia

DOE believes that educator preparation programs already provide instruction in (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students, in existing required courses. For programs that already provide such instruction, adding the requirement that programs must ensure that graduates demonstrate proficiency in the four categories to the *Regulations Governing the Review and Approval of Education Programs in Virginia* would have no impact beyond better informing the public that such requirements exist.

According to DOE, the educator preparation programs would have flexibility in how the instruction of students with disabilities competencies are addressed, whether as stand-alone courses, part of existing specialized courses, or through workshops/seminars, etc. The educator preparation programs would be responsible for making sure the syllabi for courses within approved programs include this content. If there are educator preparation programs that are not already providing instruction in the four categories, the requirement that programs must ensure that graduates demonstrate proficiency in the four categories may reduce time spent in other areas due to the limits of time for lectures, etc., or require that students in the programs spend additional time receiving instruction.

Concerning the proposed requirement that programs in history and social sciences ensure that the candidate has demonstrated competencies in the five African American history categories, DOE states that the programs would have flexibility in or options for how the competencies are addressed, i.e. stand-alone courses, major or minor in African American history, workshops/seminars, or embedded within secondary history methods courses. The proposed requirement may reduce time spent in other areas due to the limits of time for lectures, etc., or require that students in the programs spend additional time receiving instruction.

The proposal to append “comprehension of (i) key special education laws and regulations, (ii) individualized education program development; (iii) the roles and responsibilities of special education teachers, and (iv) appropriate behavior management practices” to the existing requirement that programs in administration and supervision preK-12 ensure that the candidate demonstrates competency in “Knowledge, understanding, and application of the federal and state regulatory requirements, and expectations associated with identification, education, and evaluation of students with disabilities” essentially brings more specificity to the existing requirement rather than adding to the requirement.

As with the proposed requirements for the *Licensure Regulations for School Personnel*, the proposed requirements for the *Regulations Governing the Review and Approval of Education Programs in Virginia* would likely produce some benefit. The magnitude of the likely benefit would vary depending on the effectiveness of the required instruction and the policy views of the observer.

Businesses and Other Entities Affected

The proposed amendments affect public school teachers in the Commonwealth as well as colleges and universities with educator preparation programs and their students. The Virginia colleges and universities with approved educator preparation programs are: Averett University, Bluefield College, Bridgewater College, Christopher Newport University, Eastern Mennonite University, Emory and Henry College, Ferrum College, George Mason University, Hampton University, Hollins University, James Madison University, Liberty University, Longwood University, Mary Baldwin University, Marymount University, Norfolk State University, Old Dominion University, Radford University, Randolph College, Randolph-Macon College, Regent

University, Roanoke College, Shenandoah University, Southern Virginia University,⁸ Sweet Briar College, University of Lynchburg, University of Mary Washington, University of Richmond, University of Virginia, University of Virginia's College at Wise, Virginia Commonwealth University, Virginia State University, Virginia Tech, Virginia Union University, Virginia Wesleyan University, Washington and Lee University,⁹ and William & Mary.

The Code of Virginia requires the Department of Planning and Budget to assess whether an adverse impact may result from the proposed regulation. An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. Since, as described above, some students in educator preparation programs would need to spend additional time receiving instruction, or receive less instruction on other topics, and the educator preparation programs would need to prepare and present additional instruction, the proposal would produce some cost.¹⁰ Thus, an adverse impact is indicated.

Small Businesses¹¹ Affected:

The proposed amendments do not appear to adversely affect small businesses.

Localities¹² Affected¹³

The proposed amendments do not disproportionately affect particular localities. The proposed amendments do not introduce costs for local governments.

Projected Impact on Employment

The proposed amendments would not likely substantively affect employment.

⁸ Washington and Lee University and Southern Virginia University have partnered to form the Rockbridge Teacher Education Consortium. See <https://columns.wlu.edu/rockbridge-county-universities-form-teacher-education-consortium/>

⁹ Ibid

¹⁰ It is acknowledged that much of the costs stem from the legislation rather than from discretionary decisions of the Board.

¹¹ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “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.”

¹² “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

¹³ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

Effects on the Use and Value of Private Property

Some of the private colleges and universities that have educator preparation programs would need to add instruction on new topics. Additional staff would not likely be needed though. The proposed amendments do not affect real estate development costs.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.