



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Department of Education Division of Teacher Education and Licensure
VAC Chapter Number:	8 VAC 20-21-10 et.seq.
Regulation Title:	Licensure Regulations for School Personnel
Action Title:	Licensure Regulations Revisions
Date:	October 11, 2002

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. The description should include a brief explanation of the need for and the goals of the new or amended regulation.

The Code of Virginia requires that the Board of Education prescribe the requirements for licensure of teachers by regulation. Amendments to the Licensure Regulations for School Personnel (8 VAC 20-21-10 et seq.) are required to respond to recent enactments of federal and state laws, as follows: 1) the federal *No Child Left Behind Act* (NCLB) requires that all teachers of core academic subjects hired after the first day of the 2002-03 school year and teaching in a program supported with Title I, Part A, funds be “highly qualified,” a requirement that applies to all teachers working in core academic subjects by the end of the 2005-06 school year; 2) an amendment of Section 22.1-298 of the 2002 Virginia General Assembly that requires that persons seeking initial licensure or license renewal complete study in child abuse recognition and intervention.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

- **2002 Elementary and Secondary Education Act (ESEA)**, referred to as *No Child Left Behind* (NCLB): Title IX, Part C, Section 9302 of the Elementary and Secondary Education Act (Public Law 107-110)
- **Article VIII, Section 4 of the Constitution of Virginia (1971)**: Provides the Board of Education with the authority and responsibility for the “general supervision of the public school system.”
- **Code of Virginia, Section 22.1-298. Regulations Governing Licensure**: The Board of Education shall, by regulation, prescribe the requirements for the licensure of teachers.
- **Code of Virginia, Section 22.1-299. Licensure Required of Teachers**: No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license issued by the Board of Education.
- **Code of Virginia, Section 22.1-305.2. Advisory Board on Teacher Education and Licensure**: The Advisory Board on Teacher Education and Licensure shall advise the Board of Education and submit recommendations on policies applicable to [Teacher Education and Licensure].

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The federal *No Child Left Behind Act* (NCLB) requires that all teachers of core academic subjects hired after the first day of the 2002-03 school year and teaching in a program supported with Title I, Part A, funds be “highly qualified.” “Highly qualified” applies to all teachers working in core academic subjects by the end of the 2005-06 school year. In addition to changes in the licensure regulations based on the federal definition of the term “highly qualified,” revisions will address specific requirements for highly qualified elementary, middle, and high school teachers entering the profession after the enactment of the law. NCLB provides the

opportunity for states to revise licensure regulations for teachers hired previous to the first day of school 2002-03 (in-service teachers) to qualify for the “highly qualified definition.

The licensure regulations must be amended to reflect a Code of Virginia amendment and reenactment of Section 22.1-298 of the 2002 Virginia General Assembly. This amendment requires that “on and after July 1, 2004, persons seeking initial licensure or license renewal as teachers complete study in child abuse recognition and intervention, curriculum guidelines for which shall be developed by the Board of Education in consultation with the Department of Social Services.”

Other possible revisions to the regulation include: 1) the requirements in the areas of reading, school leadership, and middle grades (6-8) will be examined within the context of the *No Child Left Behind* enactment; and 2) a recommendation to discontinue the “visiting teacher” endorsement, a name change for work and family studies, as well as endorsement revisions to the special education regulations, and requirements of the local eligibility license will be addressed.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

No specific alternatives to these proposals have been considered to meet the purpose of this action.

Family Impact Statement

Please provide a preliminary analysis of the potential 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 proposed changes to the licensure regulations have no potential impact on the institution of the family and family stability.