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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Virginia Board of Education
<b>Virginia Administrative Code (VAC) citation</b>	8 VAC 20 –22-10 et. seq.
<b>Regulation title</b>	Regulations Governing the Licensure of School Personnel
<b>Action title</b>	Repeal old regulations and replace with new regulations: 2005
<b>Document preparation date</b>	August 4, 2005; Revised: July 12, 2006

This information is required for executive review ([www.townhall.state.va.us/dpbpages/apaintro.htm#execreview](http://www.townhall.state.va.us/dpbpages/apaintro.htm#execreview)) and the Virginia Registrar of Regulations ([legis.state.va.us/codecomm/register/regindex.htm](http://legis.state.va.us/codecomm/register/regindex.htm)), pursuant to the Virginia Administrative Process Act ([www.townhall.state.va.us/dpbpages/dpb\\_apa.htm](http://www.townhall.state.va.us/dpbpages/dpb_apa.htm)), Executive Orders 21 (2002) and 58 (1999) ([www.governor.state.va.us/Press\\_Policy/Executive\\_Orders/EOHome.html](http://www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)), and the *Virginia Register Form, Style and Procedure Manual* ([http://legis.state.va.us/codecomm/register/download/styl8\\_95.rtf](http://legis.state.va.us/codecomm/register/download/styl8_95.rtf)).

### Brief summary

*In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.*

The present action proposes substantive changes in the requirements for licensure of school personnel. In a concurrent action, the Board of Education proposes to repeal the text of the current regulations (8 VAC 20-21) and promulgate new regulations (8 VAC 20-22). Substantive new requirements are proposed for the following areas: 1) conditions for licensure (including, but not limited to, a revision of the exemption experience criteria for testing requirements and requiring all teachers on provisionally issued licenses to meet testing requirements for licensure within one year of the contractual date of employment); 2) types of licenses; 3) designations of career paths to teaching; 4) added endorsements by examination; 5) conditions for licensure by reciprocity; 6) names of a few endorsements and requirements for some teaching areas; 7) endorsement areas by adding the mathematics specialist, school manager, and speech language assistants; and 8) the administration and supervision endorsement.

## Basis

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

- **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].

## Purpose

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.*

Section 21-298 of the *Code of Virginia* requires that the Board of Education prescribe the requirements for licensure of teachers by regulation. The last comprehensive review of the *Regulations Governing the Licensure of School Personnel* was conducted in the mid-1990s with regulations becoming effective July 1, 1998. The regulations need to be revised based on federal and state legislation as well as to address recommendations to clarify and change requirements for licensure.

## Substance

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

Current regulations (8 VAC 20-21) are being repealed and replaced with new regulations (8 VAC 20-22). Substantive new requirements are proposed for the following areas: 1) conditions for licensure (including, but not limited to, a revision of the exemption experience criteria for testing requirements and requiring all teachers on provisionally issued licenses to meet testing requirements for licensure within one year of the contractual date of employment); 2) types of licenses; 3) designations of career paths to teaching; 4) added endorsements by examination; 5) conditions for licensure by reciprocity; 6) names of a few endorsements and requirements for some teaching areas; 7) endorsement areas by adding the mathematics specialist, school manager, and speech language assistants; and 8) the administration and supervision endorsement.

**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 the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.*

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 are needed to respond to enactments of federal and state laws. The primary advantage is that the regulations will be aligned with federal and state laws and regulations pertaining to teacher qualifications and licensure, as well as incorporate recommendations to improve the preparation of instructional personnel in Virginia.

**Economic impact**

*Please identify the anticipated economic impact of the proposed regulation.*

<p><b>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 on-going expenditures</b></p>	<p>The changes in the licensure regulations will have administrative costs borne by the Department of Education and school divisions.</p>
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<b>Projected cost of the regulation on localities</b>	Cost to localities should be minimal.
<b>Description of the individuals, businesses or other entities likely to be affected by the regulation</b>	Those affected by the regulation will include the Virginia Department of Education, school divisions, nonpublic schools that require licensing, and instructional personnel,
<b>Agency’s best estimate of the number of such entities that will be affected</b>	132 school divisions, Virginia Department of Education, and approximately 110,000 instructional personnel.
<b>Projected cost of the regulation for affected individuals, businesses, or other entities</b>	Indirect costs are difficult to estimate.

**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.*

There has been input from a variety of audiences in the education community to develop the proposed regulations. The requirements were reviewed and developed. However, no specific alternatives other than revising the regulations have been considered to meet the purpose of this action.

**Public comment**

*Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Virginia Professors of Educational Leadership	The organization is concerned about the proposed requirements for the alternate licensure route for the administration and supervision endorsement.  In addition, the organization requests additional requirements to the School Manager proposal, such as holding a master’s degree instead of the proposed bachelor’s degree.	During the Board of Education’s first review of the regulations, a change was approved to add the three years of successful, full-time experience as a classroom teacher in a public school or accredited nonpublic school to the first option for individuals completing an approved program. No other changes were made.
Virginia Association of Secondary School	The association does not support the alternate route to licensure for the administration and supervision endorsement as proposed.	

Administrators	<p>Specifically, they oppose not require teaching experience.</p> <p>The association stated that school divisions are currently not prohibited from employing managers in schools to assist principals. The association recommends full funding of the Board's SOQ revision item to add more assistant principals rather than adding the school manager.</p>	
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**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability.*

The proposed changes to the licensure regulations have no potential impact on the institution of the family and family stability.

**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:

**NOTE: The current regulations are proposed for repeal (8 VAC 20-21-10 et seq.) and new regulations (8 VAC 20-22-10 et seq.) are being promulgated.**

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
Repealed	10	Repealed	<p>Definitions of new license types are incorporated in this section.</p> <p>Definition of Experiential Learning was added.</p>
Repealed	20	Repealed	Reference to modification of college and university programs is removed from the proposed regulations (reference will be inserted the proposed <i>Regulations</i>

			<i>Governing the Review and Approval of Education Programs in Virginia</i> , which are also undergoing revision at this time).
Repealed	<b>40</b>	Repealed	<p>Individuals must complete the professional teacher’s assessments within one full school year of the contractual date of employment.</p> <p>The number of years of teaching experience to exempt an individual from all professional teacher’s assessments has been increased from two to three years, and individuals also must hold a valid out-of-state license (full credential with no deficiencies) to be exempted. [Current regulations require two years of teaching experience and no out-of-state license.]</p> <p>Individuals seeking initial licensure must demonstrate proficiency in the use of educational technology for instruction, complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services, and receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments.</p>
Repealed	<b>50</b>	Repealed	<p>The names of licenses offered are as follows. The Eligibility License and Special Education Conditional License will be incorporated under the Provisional License. The School Manager License was added.</p> <p style="padding-left: 40px;">Provisional License          Collegiate Professional License          Postgraduate Professional License          Technical Professional License          Pupil Personnel Services License          School Manager License (new license type)          Division Superintendent License          International Educator License (new license type)</p> <p>The current regulations state that all licenses will be effective from July 1 in the school year when application is made. The proposed regulations recommend the following revision that will require that assessment requirements be completed during the first year of employment:</p> <p>All licenses will be effective from July 1 in the school year in which the application is made except for the</p>

			<p>Provisional License when an individual needs to meet assessment requirements prescribed by the Board of Education. The Provisional License, with the exception of individuals in a career switcher program, will be dated one year from the contractual date of employment in a Virginia public or accredited nonpublic school if the individual has not met testing requirements prescribed by the Board of Education. A Virginia employing education division or agency is required to notify employees in writing at the time of employment of the need to meet appropriate assessment requirements for licensure within a year from the contractual date of employment.</p>
Repealed	60	Repealed	<p>This section of the regulations will establish the following designations on licenses to reflect stages in the professional development of teachers and promote continuing growth and career paths as educators. Criteria and implementation of procedures will be set forth by the Virginia Department of Education. These designations will not apply to the Division Superintendent License or the Pupil Personnel Services License.</p> <ol style="list-style-type: none"> <li>1. <b>Career Teacher:</b> This teacher designation will be issued on a renewable teaching license for individuals who have gained continuing contract status in Virginia.</li> <li>2. <b>Mentor Teacher:</b> This voluntary teacher designation will be issued on a renewable teaching license for individuals who have achieved the career teacher designation; received a recommendation for the designation from an employing Virginia school division superintendent or designee or accredited nonpublic school head; served at least three years as a mentor teacher in Virginia; documented responsibilities as a mentor; and completed a local or state mentor teacher training program in accordance with the Board of Education requirements for mentor teachers.</li> <li>3. <b>Teacher as Leader:</b> This voluntary teacher designation will be issued on a renewable teaching license for individuals who have achieved the career teacher designation; completed at least five years of successful, full-time teaching experience in a Virginia public school or accredited nonpublic school; received</li> </ol>

			<p>the recommendation from an employing Virginia school division superintendent or designee or accredited nonpublic school head; and completed one of the following:</p> <p>4. National Board Certification or a nationally recognized certification program approved by the Board of Education and demonstrated skills and abilities as a school leader as verified by a Virginia school division superintendent or designee or accredited nonpublic school head; or</p> <p>b. a recommendation from an employing Virginia school division superintendent or designee or accredited nonpublic school head and documentation in an approved Department of Education format verifying the individual's demonstrated skills and abilities as a school leader and direct contributions to school effectiveness and student achievement.</p>
Repealed	<b>70</b>	Repealed	<p>An individual who holds a teaching license may add an additional endorsement to the license by passing a rigorous academic subject test prescribed by the Board of Education. This testing option does not apply to individuals who are seeking an early/primary prek-3 or elementary education prek-6 endorsement or who hold a technical professional license, vocational evaluator license, pupil personnel services license, or division superintendent license.</p>
Repealed	<b>90</b>	Repealed	<p>Individuals seeking initial licensure through an alternate route may substitute experiential learning in lieu of coursework in accordance with criteria and procedures established by the Board of Education. The specific criteria are outlined.</p>
Repealed	<b>100</b>	Repealed	<p>Licensure by reciprocity is provided for individuals who have obtained a valid out-of-state license (full credential without deficiencies) that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in Section <u>22.1-298</u> of the <i>Code of Virginia</i> and service requirements shall not be imposed for these licensed individuals; however, other licensure assessments as prescribed by the Board of</p>



			<p>Education shall be required.</p> <p>The number of years of teaching experience to exempt an individual from all professional teacher's assessments has been increased from two to three years, and individuals also must hold a valid out-of-state license (full credential with no deficiencies) to be exempted. [Current regulations require two years of teaching experience and no out-of-state license.]</p>
Repealed	<b>110</b>	Repealed	<p>Renewal activities must be based on an individualized professional development plan that includes ongoing, sustained, and high-quality professional development.</p> <p>Definitions of the renewal options have been incorporated in the regulations.</p> <p>Peer observation and educational travel have been eliminated as renewal options.</p>
Repealed	<b>130</b>	Repealed	<p>Proposed coursework in professional studies is as follows: three-semester-hours in human growth and development, three-semester-hours in curriculum and instructional procedures, three semester hours in instructional design based on assessment data, three semester hours in classroom management, and six semester hours in reading. The professional studies requirements may be taught in integrated coursework or modules.</p> <p>The number of hours of student teaching is proposed to be increased from 300 to 500 clock hours (including pre- and post clinical experiences).</p>
Repealed	<b>140</b>	Repealed	<p>Additional computer technology coursework will not be required because teachers are required by the <i>Code of Virginia</i> to meet the Technology Standards for Instructional Personnel as established by the Board of Education.</p>
Repealed	<b>150</b>	Repealed	<p>Additional computer technology coursework will not be required because teachers are required by the <i>Code of Virginia</i> to meet the Technology Standards for Instructional Personnel as established by the Board of Education.</p>
Repealed	<b>160</b>	Repealed	<p>The middle education 6-8 endorsement may be issued in at least one area of concentration. [Currently, two areas of concentration are required.]</p>

Repealed	<b>180</b>	Repealed	<p>Proposed coursework in professional studies is as follows: three-semester-hours in human growth and development, three-semester-hours in curriculum and instructional procedures, three semester hours in instructional design based on assessment data, three semester hours in classroom management, and three semester hours in reading (for adult education, prek-12, and secondary grades 6-12) and six semester hours (for special education). The professional studies requirements may be taught in integrated coursework or modules.</p> <p>The number of hours of student teaching is proposed to be increased from 300 to 500 clock hours (including pre- and post clinical experiences).</p>
Repealed	<b>210</b>	Repealed	<p>The name of the endorsement is proposed to be changed from Vocational education-agricultural education to Career and technical education--agricultural education.</p>
Repealed	<b>220</b>	Repealed	<p>The name of the endorsement is proposed to be changed from Vocational education-business education to Career and technical education -- business and information technology.</p> <p>Endorsement requirements are proposed to be changed to reflect contemporary business terminology.</p>
Repealed	<b>230</b>	Repealed	<p>The name of the endorsement is proposed to be changed from Vocational education-work and family studies to Career and technical education--family and consumer sciences.</p>
Repealed	<b>240</b>	Repealed	<p>The name of the endorsement is proposed to be changed from Vocational education-health occupations education to Career and technical education--health and medical sciences.</p>
Repealed	<b>250</b>	Repealed	<p>The name of the endorsement is proposed to be changed from Vocational education- industrial cooperative training to Career and technical education--industrial cooperative training.</p>
Repealed	<b>260</b>	Repealed	<p>The name of the endorsement is proposed to be changed from Vocational education-marketing education to Career and technical education--marketing education.</p>

Repealed	<b>270</b>	Repealed	The name of the endorsement is proposed to be changed from Vocational education-technology education to Career and technical education-technology education.
Repealed	<b>280</b>	Repealed	The name of the endorsement is proposed to be changed from Vocational education-trade and industrial education to Career and technical education-trade and industrial education.
Repealed	<b>290</b>	Repealed	The name of the endorsement is proposed to be changed from Vocational education-vocational special needs to Career and technical education-vocational special needs.
Repealed	<b>310</b>	Repealed	The name of the endorsement is proposed to be changed from Dance prek-12 to Dance arts prek-12.
Repealed	<b>320</b>	Repealed	The number of minimum hours of in-car instruction is proposed to be changed from 20 to 14 hours of actual behind-the-wheel supervised teaching experience and 2 hours of basic evasive maneuvers is proposed to be added.
Repealed	<b>330</b>	Repealed	The descriptor for the advanced composition course is proposed to be changed from “expository and technical writing” to “expository and informational writing.”
Repealed	<b>340</b>	Repealed	Currently six semester hours of electives are required for the endorsement. A revision is proposed to change the electives to 3 semester hours and designate the additional 3 semester hours to be taken in the teaching of reading.  A descriptor for the teaching of reading requirements is proposed to be added.
Repealed	<b>350</b>	Repealed	Native speakers or candidates who have learned a foreign language without formal academic credit in a college or university will have the option of achieving a qualifying score on a foreign language assessment in the appropriate language as prescribed by the Board of Education.  Native speakers or candidates who have learned American Sign Language without formal academic credit in a college or university will have the option of demonstrating proficiency by completing requirements of an assessment in American Sign Language prescribed by the Board of Education.

Repealed	<b>370</b>	Repealed	The human anatomy, physiology, and kinesiology requirement is proposed to be changed from 12 semester hours to 9-12 semester hours. The health methods requirement is proposed to be changed from 6 semester hours to 3 semester hours. The health and physical education electives requirement is proposed to be changed to 3-6 semester hours from 6 semester hours.
Repealed	<b>380</b>	Repealed	The following requirements are proposed for the history and social sciences endorsement:  Completed 42 semester hours of coursework distributed in the following areas:  History: a major in history or 18 semester hours in history (must include coursework in American history, Virginia history, and world history);  Political science: 12 semester hours in political science to include coursework in American government (state and local government);  Geography: 6 semester hours; and  Economics: 6 semester hours.
Repealed	<b>400</b>	Repealed	The following underlined language is proposed to be added as a descriptor to the six semester hours in keyboarding requirement as follows:  Completion of 6 semester hours in keyboarding. <u>Three of the hours must be from formal keyboarding instruction (or documented demonstrated mastery of the touch keyboarding skill), and three hours must include document formatting skills/word processing/computer applications).</u>
Repealed	<b>420</b>	Repealed	The following underlined language is proposed to be added to the descriptor for the algebra requirement:  Algebra --Experience shall include linear ( <u>matrices, vectors, and linear transformations</u> ) and abstract algebra ( <u>ring, group, and field theory</u> ). <u>[A college or university may integrate the competencies within specified coursework and document the completion of these competencies];</u>
Repealed	<b>430</b>	Repealed	Probability and statistics are required for the Algebra I endorsement.

Repealed	<b>480</b>	Repealed	Environmental science is proposed to be added as a major so that individuals with a major in environmental science can complete at least one course in each of the following: oceanography, meteorology, and astronomy and meet the endorsement requirements.
Repealed	<b>500</b>	Repealed	The following underlined language is proposed to further describe the requirements: <u>foundations and legal aspects of special education, assessment techniques for young children with disabling and at-risk condition</u>
Repealed	<b>520 and 530</b>	Repealed	The endorsements of special education-specific learning disabilities, special education-mental retardation, special education-emotional disturbances, and special education-severe disabilities are proposed to be eliminated. Endorsements in special education-adapted curriculum and special education-general curriculum are proposed to be established.
Repealed	<b>540</b>	Repealed	The speech-language pathology assistant endorsement is proposed to be established.
Repealed	<b>570</b>	Repealed	The descriptor for the requirement of “theatre history” is proposed to be changed to “cultural context and theatre history.”
Repealed	<b>580</b>	Repealed	The name of the endorsement is proposed to be changed from Art prek-12 to Visual arts prek-12.  The requirement of the “History of art, aesthetics, and criticism” is proposed to be changed to “Cultural context and art history, judgment and criticism, and aesthetics.”
Repealed	<b>590</b>	Repealed	Two levels are proposed for the administration and supervision prek-12 endorsement. Level I is required to serve as a building-level administrator or central office supervisor, and Level II is an optional endorsement to which an experienced building-level administrator may aspire.  Three options are proposed to become eligible for the administration and supervision endorsement:  1. Approved program route to Level I administration and supervision preK-12 endorsement.  2. Alternate route to Level I administration and

			<p>supervision preK-12 endorsement. and</p> <p>3. Out-of-state administration and supervision endorsement.</p> <p>A building-level administrator may seek Level II endorsement in administration and supervision preK-12 after successfully serving as a building-level administrator for at least five years in an accredited school and successfully completing a formal induction program as a principal or assistant principal. In order to earn Level II endorsement, the candidate must meet two or more of criteria listed in the regulations as specified by the Board of Education.</p>
Repealed	<b>610</b>	Repealed	The mathematics specialist is proposed as a new endorsement.
Repealed	<b>640</b>	Repealed	The school manager license is proposed as a new license.
Repealed	<b>660</b>	Repealed	No revisions are proposed for the school social worker endorsement. Please note that the visiting teacher endorsement is proposed to be discontinued.
Repealed	<b>670</b>	Repealed	The endorsement requirements are proposed to be located under the pupil personnel services area of the regulations.
Repealed	<b>690</b>	Repealed	The following information has been proposed as a technical amendment to the regulations as a reason for revocation: Knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by Section 22.1-279.3:1 of the <i>Code of Virginia</i> . Any person whose administrative or teaching license is suspended or revoked by the Board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth;
Repealed	<b>710</b>	Repealed	The following information has been proposed as a technical amendment to the regulations as a reason for suspension: Knowingly and willfully with the intent to compromise the outcome of an athletic competition

			procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by Section 22.1-279.3:1 of the <i>Code of Virginia</i> . <u>Any person whose administrative or teaching license is suspended or revoked by the Board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth;</u>
Repealed	<b>720</b>	Repealed	The following underlined language is proposed to be added: Revocation, <u>suspension, or invalidation of the license by another state or territory;</u>
Repealed	<b>740</b>	Repealed	The following underlined language is proposed to be added: <u>The State Superintendent of Public Instruction is authorized to approve the issuance of licenses for individuals who have misdemeanor convictions related to drugs based on a review of the cases. No individual would be denied a license without a hearing of the Board of Education.</u>