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Proposed Regulation Agency Background Document

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) citation	<u>8 VAC 20-22-10 et seq.</u>
Regulation title	<i>Licensure Regulations for School Personnel</i>
Action title	Revisions to the <i>Licensure Regulations for School Personnel</i>
Date this document prepared	June 26, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.

On September 21, 2007, *Licensure Regulations for School Personnel*, promulgated by the Board of Education, became effective. One additional amendment was approved on January 19, 2011, that responded to a renewal requirement enacted by the 2010 Virginia General Assembly and that was later repealed by the 2012 General Assembly.

On October 25, 2012, the Board of Education approved the Notice of Intended Regulatory Action (NOIRA), which is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA) and Executive Order 14 (2010). The NOIRA was filed with the Virginia Registrar, and the public comment period for the NOIRA concluded on January 16, 2013.

The Advisory Board on Teacher Education and Licensure received the proposed revisions to the *Licensure Regulations for School Personnel* on April 22, 2013. The Advisory Board unanimously recommended that the Board of Education accept the proposed revisions to the regulations in the proposed stage of the Administrative Process Act process.

Below is a summary of substantive proposed revisions to the *Licensure Regulations for School Personnel*.

8 VAC 20-22-10. Definitions.

- The amendments would revise the definitions section of these regulations to align with proposed revisions throughout the *Licensure Regulations for School Personnel*.

8 VAC 20-22-40. Conditions for licensure.

- The amendments include the requirement that individuals seeking initial licensure provide evidence of training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, as prescribed in House Bill 2028 and Senate Bill 986 (2013 General Assembly).
- Text was added to clarify the endorsement requirements for the teacher of record.

8 VAC 20-22-50. Types of licenses; dating licenses.

- The amendments would revise this section to include the following:
 - Issue a Provisional License for two years (with the exception of the Provisional Career Switcher License). Individuals may apply for a third year on the Provisional License by submitting documentation indicating that all licensure assessments prescribed by the Virginia Board of Education have been taken.
 - Issue the International Educator License for a five-year, instead of a three-year exchange program.
 - Discontinue the Local Eligibility License by action of the 2013 General Assembly.
 - Add the Online Teacher License as a five-year, renewable license valid only for teaching online courses.
 - Add the Teach for America License, established as a two-year provisional license by action of the 2013 General Assembly.

8 VAC 20-22-90. Alternate routes to licensure.

- The amendments increase the requirements from three semester hours to nine semester hours of specified coursework prior to issuance of a Provisional (Special Education) License to individuals without a five-year Virginia teaching license.

8 VAC 20-22-110. Requirements for renewing a license.

- The amendments would revise this section to include the following:
 - Add the requirement, as prescribed by Senate Bill 1345 (2013 General Assembly), that any individual licensed and endorsed to teach a) middle school civics or economics or b) high school government or history who is seeking renewal of such license is required to demonstrate knowledge of Virginia history or state and local government by completing a module or professional development course specifically related to Virginia history or state and local government.
 - Add the requirement that individuals renewing a license, effective July 1, 2013, provide evidence of training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, as prescribed in House Bill 2028 and Senate Bill 986 (2013 General Assembly).
 - Changed text to allow the division superintendent or the principal to approve renewal activities and exceptions. Removed the text "for one cycle of the renewal process" to allow an exception to the content course requirements for individuals without a graduate degree beyond one renewal cycle.

8 VAC 20-22-130. Professional studies requirements.

- The amendments include changing professional study coursework titles and course content. An additional course requirement, Assessment of and for Learning (3 semester hours) is proposed.

8 VAC 20-22-140 – 8 VAC 20-22-670

- The amendments would revise the following endorsement areas:
 - **Early childhood for three- and four-year-olds (add-on endorsement).** Allow individuals who hold the early childhood special education endorsement to add this endorsement.
 - **Early/primary education preK-3.** Increase the coursework requirements in mathematics and science and provide an option for specified requirements and testing.
 - **Elementary education preK-6.** Increase the coursework requirements in mathematics and science and provide an option for specified requirements and testing.
 - **Middle education 6-8.** Increase the coursework requirements in mathematics.
 - **Career and technical education – industrial cooperative training (add-on endorsement).** Discontinue the endorsement.
 - **Engineering.** Create a new endorsement.
 - **Special education – general curriculum K-6 (add-on endorsement); Special education – general curriculum middle grades 6-8 (add-on endorsement); Special education – general curriculum secondary grades 6-12 (add-on endorsement).** Establish new add-on endorsements.
 - **Administration and supervision preK-12.** Revise the alternate route to add an option of a combination of graduate-level coursework and a research-based program approved by the Department of Education. Added “Principal of Distinction” to the name of the Level II endorsement.
 - **Mathematics specialist for elementary education**
Mathematics specialist for middle education
Establish separate endorsements specific to the population of students being served. Currently the endorsement is combined, Mathematics specialist for elementary and middle education.
 - **Special education: speech language pathologist preK-12.** Discontinue issuing an initial license with an endorsement in speech/language pathology. Individuals will seek a license from the Virginia Board of Examiners for Audiology and Speech Pathology.

8VAC 20-22-720 – 8 VAC-22-800

- Amendments are proposed for Section VII-Revocation, Cancellation, Suspension, Denial, and Reinstatement of Teaching Licenses.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

The following definitions were added to the proposed text:

- “Accredited virtual school or program” means a virtual school or program accredited by one of the accrediting agencies recognized by the Virginia Department of Education.

- “Online Teacher License” means a five-year, renewable license valid only for teaching online courses. [Teachers who hold a five-year renewable license issued by the Virginia Board of Education may teach online courses for which they are properly endorsed and do not need to seek this license.]

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.

The Board of Education has the statutory authority to prescribe licensure requirements. Section [22.1-298.1](#) of the *Code of Virginia*, states, in part, the following: “...The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license....”

The *Constitution of Virginia* and the *Code of Virginia* sections below provide authority for the Board of Education to promulgate *Licensure Regulations for School Personnel*:

Constitution of Virginia ([Article VIII, Section 4](#)): “The general supervision of the public school system shall be vested in a Board of Education....”

Code of Virginia, Section [22.1-16](#). Bylaws and regulations generally.

Code of Virginia, Section [22.1-298.1](#) Regulations governing licensure.

Code of Virginia, Section [22.1-299](#). License required of teachers.

Code of Virginia, Section [22.1-305.2](#). Advisory Board on 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, the environmental benefits, and the problems the proposal is intended to solve.

A comprehensive review and subsequent revisions of the *Licensure Regulations for School Personnel* will align the regulations with recent actions of the General Assembly, current best practices in education and with current educational research. The regulations will be aligned to the revised *Virginia Standards of Learning* and the *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers*. Revisions to the *Licensure Regulations for School Personnel* will assist in ensuring that Virginia maintains high standards of professional competence for teachers and professional school personnel. In addition, these regulations establish policies and standards for the qualifications of instructional personnel, further ensuring educational quality for Virginia -public school students is current and up-to-date. In revising these regulations, the Board of Education sets forth requirements for the revocation, cancellation, suspension, denial, and reinstatement of licenses.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the “Detail of changes” section.)

The Board of Education has the statutory authority to prescribe licensure requirements. Section [22.1-298.1](#) of the *Code of Virginia*, states, in part, the following: “...The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license...”

Sections proposed to have substantive changes include the following sections:

- 8 VAC 20-22-10. Definitions.
- 8 VAC 20-22-40. Conditions for licensure.
- 8 VAC 20-22-50. Types of licenses; dating licenses.
- 8 VAC 20-22-90. Alternate routes to licensure.
- 8 VAC 20-22-110. Requirements for renewing a license.
- 8 VAC 20-22-130. Professional studies requirements.
- 8 VAC 20-22-140 – 8 VAC 20-22-670 [Endorsement areas]
- 8VAC 20-22-720 – 8 VAC-22-800 [Section VII-Revocation, Cancellation, Suspension, Denial, and Reinstatement of Teaching Licenses]

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 indicate.

The primary advantages of revising the *Licensure Regulations for School Personnel* are to align the regulations with recent actions of the General Assembly, with current best practices in education and with current educational research. The regulations will be aligned to the revised *Virginia Standards of Learning* and the *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers*. Revisions to the *Licensure Regulations for School Personnel* will assist in ensuring that Virginia maintains high standards of professional competence for teachers and professional school personnel. In addition the regulations establish policies and standards for the qualifications of instructional personnel, further ensuring educational quality for Virginia public school students. In revising these regulations, the Board of Education sets forth requirements for the revocation, cancellation, suspension, denial, and reinstatement of licenses.

The regulatory action poses no disadvantages to the public or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirements of the proposal, which are more restrictive than applicable federal requirements. Include a rationale 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.

There are no applicable federal requirements related to this regulatory revision.

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.

There are no localities particularly affected by the proposed regulation.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the board/agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email or fax to **[insert staff contact person's name, mailing address, phone number, fax number and email address]**. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last date of the public comment period.

[The following paragraph is optional:]

A public hearing will be held after this regulatory stage is published in the *Virginia Register of Regulations* and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>). Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirements creates the anticipated economic impact.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.</p>	<p>The Commonwealth charges application fees for licensure – [TEACHER LICENSE: \$50 (in-state) and \$75 (out-of-state) application fee; \$25 renewal fee; SUPERINTENDENT LICENSE: \$100 (in-state and \$150 (out-of-state) application fee; \$25 renewal fee]; therefore, individuals seeking initial licenses or renewal of licenses are subject to the payment of fees. Fees (\$25 each) also are charged for endorsements, evaluation, duplicate licenses, added degrees. These fees are to assist with the operation of the Teacher Education and Licensure Office.</p>
<p>Projected cost of the new regulations or changes to existing regulations on localities.</p>	<p>None. The application and renewal fees are the responsibility of the applicant.</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the new regulations or changes to existing regulations.</p>	<p>Virginia school divisions and accredited nonpublic schools employing individuals required to hold an active license.</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>There are 132 Virginia public school divisions.</p> <p>The Virginia Council for Private Education currently recognizes state nonpublic accredited schools.</p> <p>Companies offering online courses.</p>
<p>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>There are no changes to the licensure fees being proposed in the revisions to the Licensure Regulations. The Commonwealth charges fees for licensure –[TEACHER LICENSE: \$50 (in-state) and \$75 (out-of-state) application fee; \$25 renewal fee; SUPERINTENDENT LICENSE: \$100 (in-state and \$150 (out-of-state) application fee; \$25 renewal fee]; therefore, individuals seeking initial licenses or renewal of licenses are subject to the payment of fees. Fees (\$25 each) also are charged for endorsements, evaluation, duplicate licenses, added degrees. These fees are to assist with the operation of the Teacher Education and Licensure Office.</p> <p>The costs to the agency will be absorbed within the agency.</p>
<p>Beneficial impact the regulation is designed to produce.</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.

No specific alternatives exist. A comprehensive review and subsequent revisions to the *Licensure Regulations for School Personnel* requires regulatory action.

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.

No specific alternatives exist. A comprehensive review and subsequent revisions to the *Licensure Regulations for School Personnel* requires regulatory action.

Public comment

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

No comments were received.

Commenter	Comment	Agency response

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 proposed amendments will address the licensure of teachers, further ensuring educational quality for Virginia’s public school students.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

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

For changes to existing regulation(s), use this chart: Current section number	Proposed new section number, if applicable	Proposed new section number, if applicable	Proposed change, intent, rationale, and likely impact of proposed requirements
8 VAC 20-22-10. Definitions.		Provides current definitions of technical terms that are used in the regulations.	Adds the definition of an accredited virtual school program and the Online Teacher License. [The amendments would revise the definitions section of these regulations to align with proposed revisions throughout the <i>Licensure Regulations for School Personnel</i> .]

		A current license type for a Teach for America License does not exist.	Add the Teach for America License, established as a two-year provisional license by action of the 2013 General Assembly.
8 VAC 20-22-90. Alternate routes to licensure.		Three semester hours of specified coursework is required prior to issuance of a Provisional (Special Education) License to individuals without a five-year Virginia teaching license.	Increase the requirements from three semester hours to nine semester hours of specified coursework prior to issuance of a Provisional (Special Education) License to individuals without a five-year Virginia teaching license. [Increases the coursework requirement before an individual holding a Provisional (Special Education) License may begin teaching students who have been identified with disabilities.]
8 VAC 20-22-110. Requirements for renewing a license.		No current requirement exists for renewal. No current requirement exists for initial licensure or renewal.	Add the requirement, as prescribed by Senate Bill 1345 (2013 General Assembly), that any individual licensed and endorsed to teach a) middle school civics or economics or b) high school government or history who is seeking renewal of such license is required to demonstrate knowledge of Virginia history or state and local government by completing a module or professional development course specifically related to Virginia history or state and local government. [This was an action of the 2013 General Assembly.] Add the requirement that individuals seeking initial licensure or renewal of a license, effective July 1, 2013, provide evidence of training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, as prescribed in House Bill 2028 and Senate Bill 986 (2013 General Assembly). [This was an action of the 2013 General Assembly.]
8 VAC 20-22-130. Professional studies requirements.		Current professional studies competencies for assessment are embedded within several professional study courses.	The amendments include changing professional study coursework titles and course content. An additional course requirement, Assessment of and for Learning (3 semester hours) is proposed. [Current best practices in education stress the importance of ongoing student assessment to guide instruction. A

			<p>course dedicated to assessment will increase the knowledge and skills of educators as they assess students' learning to better meet students' needs.]</p>
<p>8 VAC 20-22-140 – 8 VAC 20-22-670</p>		<p>Provides the current requirements for individuals seeking licensure endorsements.</p>	<p>Proposed revisions include the following endorsement area revisions:</p> <p>Early childhood for three- and four-year-olds (add-on endorsement). Allow individuals who hold the early childhood special education endorsement to add this endorsement.</p> <p>Early/primary education preK-3. Increase the coursework requirements in mathematics and science and provide an option for specified requirements and testing.</p> <p>Elementary education preK-6. Increase the coursework requirements in mathematics and science and provide an option for specified requirements and testing.</p> <p>Middle education 6-8. Increase the coursework requirements in mathematics.</p> <p>Career and technical education – industrial cooperative training (add-on endorsement). Discontinue the endorsement.</p> <p>Engineering. Create a new endorsement.</p> <p>Special education – general curriculum K-6 (add-on endorsement); Special education – general curriculum middle grades 6-8 (add-on endorsement); Special education – general curriculum secondary grades 6-12 (add-on endorsement). Establish new add-on endorsements.</p> <p>Administration and supervision preK-12. Revise the alternate route to add an option of a combination of graduate-level coursework and a research-based program approved by the Department of Education.</p>

			<p>Mathematics specialist for elementary education Mathematics specialist for middle education Establish separate endorsements specific to the population of students being served. Currently the endorsement is combined, Mathematics specialist for elementary and middle education.</p> <p>Special education: speech language pathologist preK-12. Discontinue issuing an initial license with an endorsement in speech/language pathology. Individuals will seek a license from the Virginia Board of Examiners for Audiology and Speech Pathology.</p> <p>[Revisions to endorsement areas will better align endorsement requirements to current best practices based on current educational research. Endorsement requirements will be aligned to the revised Virginia <i>Standards of Learning</i>.</p> <p>Discontinuing issuing the Career and technical education – industrial cooperative training (add-on endorsement)</p> <p>Discontinuing issuing an initial license with an endorsement in Speech/Language Pathology permits individuals to seek a license from the Virginia Board of Examiners for Audiology and Speech Pathology.]</p>
<p>8VAC 20-22-720 – 8 VAC-22-800</p>		<p>Provides the current requirements for the revocation, cancellation, suspension, denial, and reinstatement of teaching license.</p>	<p>Revisions are proposed for Section VII-Revocation, Cancellation, Suspension, Denial, and Reinstatement of Teaching Licenses.</p> <p>[Revisions will bring clarity to procedures for the revocation, cancellation, suspension, denial, and reinstatement of teacher licenses.]</p>