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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) citation(s)	8 VAC 20-23
Regulation title(s)	<i>Licensure Regulations for School Personnel</i>
Action title	Revisions to the <i>Licensure Regulations for School Personnel</i>
Date this document prepared	October 2, 2018

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The *Licensure Regulations for School Personnel* must be amended to comport with legislation from the 2018 General Assembly.

Acronyms and Definitions

Please define all acronyms or technical definitions used in the Agency Background Document.

No acronyms or technical definitions are used in the Agency Background Document.

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The Virginia Board of Education is required to amend the *Licensure Regulations for School Personnel* as directed by the 2018 General Assembly.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity’s overall regulatory authority.

Section 22.1-298.1 of the Code of Virginia provides, in part:

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license.

HB215 amends Section 22.1-298 of the Code of Virginia as follows:

§ 22.1-298.1. Regulations governing licensure.
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...G. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. <i>Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:</i>
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| <ol style="list-style-type: none">1. Received a graduate degree from a regionally accredited institution of higher education;2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education; |
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3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought; and

4. Met the requirements set forth in subdivisions D 2 and 5...

HB1125 amends sections 22.1-298.1, 22.1-299, 22.1-299.5, and 22.1-299.6 of the Code of Virginia as follows:

§ **22.1-298.1**. Regulations governing licensure.

...K. The Board shall include in its regulations an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure...

HB1156 amends the Code of Virginia by adding a section numbered 22.1-298.5 as follows:

§ **22.1-298.5**. Regulations governing licensure; endorsement in dual language instruction pre-kindergarten through grade six.

A. As used in this section, "dual language instruction" means instruction that is delivered in English and in a second language.

B. In its regulations governing licensure established pursuant to § **22.1-298.1**, the Board shall provide for licensure of teachers with an endorsement in dual language instruction pre-kindergarten through grade six. In establishing the requirements for such endorsement, the Board shall require, at minimum, coursework in dual language education; bilingual literacy development; methods of second language acquisition; theories of second language acquisition; instructional strategies for classroom management for the elementary classroom; and content-based curriculum, instruction, and assessment.

C. Each teacher with an endorsement in dual language instruction pre-kindergarten through grade six is exempt from the Virginia Communication and Literacy Assessment requirement but is subject to the subject matter-specific professional teacher's assessment requirements.

D. No teacher with an endorsement in dual language instruction pre-kindergarten through grade six is required to obtain an additional endorsement in early/primary education pre-kindergarten through grade three or elementary education pre-kindergarten through grade six in order to teach in pre-kindergarten through grade six.

Purpose

Please describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.

The proposed regulatory action is essential to protect the health, safety, or welfare of citizens as the regulations set forth the requirements for instructional personnel to become licensed by the Virginia Board of Education.

Substance

Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

2018 legislation requires the following: (1) an experiential route to licensure, issuing a one-year renewable license; (2) the inclusion in the Board's regulations an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12; and (3) the establishment of an endorsement in dual language instruction pre-kindergarten through grade six.

Alternatives

Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.

No alternatives exist. The amendments to the *Licensure Regulations for School Personnel* are required by the General Assembly.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and Executive Order 14 (as amended, July 16, 2018)), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify as necessary for your agency. Otherwise, delete the paragraph below and insert "This NOIRA is not being used to announce a periodic review or a small business impact review."

In addition, pursuant to Executive Order 14 (as amended, July 16, 2018) and § 2.2-4007.1 of the *Code of Virginia*, the agency is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or

retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public Participation

Please indicate whether the agency is seeking comments on this regulation, including ideas to assist the agency in the development of the regulation and the costs and benefits of the alternatives stated in this notice or other alternatives.

The [Board] is seeking comments on this regulation, including but not limited to: ideas to be considered in the development of this regulation, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation. Also, the agency/board is also 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) the probable effect of the regulation on affected small businesses; and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at <https://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to [Dr. Kendra Crump, Director of Licensure and School Leadership, Department of Education, P. O. Box 2120, Richmond, VA 23218-2120; Kendra.Crump@doe.virginia.gov]. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Public comment will be received at Board of Education meetings. Both oral and written comments may be submitted at that time.