

Chapter 21

Licensure Regulations for School Personnel

8VAC20-21-10. Definitions.

The following words and terms when used in this chapter shall have the meanings indicated, unless the context clearly implies otherwise:

"Accredited institution" means an institution of higher education accredited by a regional accrediting agency recognized by the United States Department of Education.

"Alternative route to licensure" means one route to licensure available to individuals employed by a Virginia educational agency who meet the guidelines specified in 8VAC20-21-80.

"Approved program" means a professional education program recognized as meeting state standards for the content and operation of such programs so graduates of the program will be eligible for state licensure. The Board of Education has the authority to approve programs in Virginia.

"Cancellation" means the annulment, voiding, or invalidation of a teaching license following voluntary surrender of the license by the license holder.

"Collegiate Professional License" means a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including the professional teacher's assessment prescribed by the Board of Education.

"Competency" means a capability or skill that a person possesses and can demonstrate, given the appropriate resources and conditions. As used in this chapter, a competency refers to a behavior that a licensure candidate should be able to demonstrate prior to being issued a teaching license. In most cases, entry level proficiency relative to the competency is specified rather than desired mastery level proficiency.

"Content area course work" means courses at the undergraduate level (i.e., two-year or four-year institution) or at the graduate level that will not duplicate previous courses taken in the humanities, history and social science, the sciences, mathematics, health and physical education, and the fine arts. These courses are usually available through the college or department of arts or sciences.

"Denial" means the refusal to grant a teaching license to a new applicant or to an applicant who is reapplying after the expiration of a license.

"Division Superintendent License" means a five-year, renewable license available to an individual who has completed an earned master's degree from an accredited institution of higher

education and meets the requirements specified in 8VAC20-21-590. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

“Local Eligibility License” means a license established by the Virginia General Assembly issued to an individual by a local school board based on specified criteria set forth by the Code of Virginia. The license is valid for three years and is not transferable to another school division. The Local Eligibility License is a nonrenewable credential and is not reciprocal with other states.

"Eligibility License" means a one-year license dated July 1-June 30. The Eligibility License is issued upon successful completion of Level I of the career switcher program. This license requires a bachelor's degree from a regionally accredited institution; the completion of teaching area requirements for an endorsement in a content area as set forth in this chapter, or the equivalent through verifiable experience or academic study; and Virginia qualifying scores on Praxis I (Reading, Writing, and Mathematics) and Praxis II (subject area assessments). If the Eligibility License expires prior to the individual receiving employment in Virginia, the license holder must reapply for the second Eligibility License. The intensive program (Level I) must be repeated if the individual has not gained employment prior to the expiration of the second Eligibility License.

"Postgraduate Professional License" means a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from an accredited institution.

"Provisional License" means a nonrenewable license issued for a period of three years to individuals who have been employed by a Virginia educational agency and meet the requirements specified in 8VAC20-21-50 A 4.

"Pupil Personnel Services License" means a five-year, renewable license available to an individual who has earned an appropriate graduate degree from an accredited institution with an endorsement for guidance counselor, school psychologist, school social worker, or visiting teacher. This license does not require teaching experience.

"Reciprocity" means an agreement between two or more states that will recognize and accept one another's regulations and laws for privileges for mutual benefit. See 8VAC20-21-90 for conditions for teacher licensure by reciprocity.

"Revocation" means the annulment by recalling, repealing, or rescinding a teaching license.

"Special Education Conditional License" means a three-year, nonrenewable teaching license issued to an individual employed as a special education teacher in a public school or a nonpublic special education school in Virginia who does not hold the appropriate special education endorsement but meets the criteria specified in 8VAC20-21-50 A 5. This conditional license is not applicable to individuals employed as speech pathologists.

"Suspension" means the temporary withdrawal of a teaching license.

"Technical Professional License" means a five-year, renewable license available to a person who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, technical competency, and occupational experience; and meets the requirements specified in 8VAC20-21-50 A 3.

8VAC20-21-40. Conditions for licensure.

A. Applicants for licensure must:

1. Be at least 18 years of age;
2. Pay the appropriate fees as determined by the Board of Education and complete the application process;
3. Have earned a baccalaureate degree (with the exception of the Technical Professional License) from an accredited institution of higher education with a Board of Education approved teacher education program. Persons seeking initial licensure who graduate from Virginia institutions of higher education shall, on or after July 1, 2002, only be licensed as instructional personnel by the Board of Education if the endorsement areas offered at such

institutions have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Board of Education; and

4. Possess good moral character (free of conditions outlined in Part VII (8VAC20-21-660 et seq.) of this chapter).

B. All candidates who hold at least a bachelor's degree and who seek an initial Virginia teaching license must obtain passing scores on a professional teacher's assessment prescribed by the Board of Education. Candidates seeking a Technical Professional License or the Pupil Personnel Services License are not required to take the professional teacher's assessment. Individuals who have completed a minimum of two years of full-time, successful teaching experience in an accredited public or nonpublic school (kindergarten through grade 12) in a state other than Virginia are exempted from the assessment requirement.

8VAC20-21-50. Types of licenses; dating of licenses.

A. The following types of licenses are available:

1. Collegiate Professional License. The Collegiate Professional License is a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including the professional teacher's assessment prescribed by the Board of Education.

2. Postgraduate Professional License. The Postgraduate Professional License is a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from an accredited institution.

3. Technical Professional License. The Technical Professional License is a five-year, renewable license available to a person who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, technical competency, and occupational experience; and has completed nine semester hours of specialized professional studies credit from an accredited college or university. The nine semester hours of professional studies course work must include human growth and development (three semester hours), curriculum and instructional procedures (three semester hours), and applications of instructional technology or foundations of education (three semester hours). The Technical Professional License is issued at the recommendation of an employing educational agency in the areas of vocational education, educational technology, and military science. In addition to demonstrating competency in the endorsement area sought, the individual must:

- a. Hold a license issued by the appropriate Virginia board for those program areas requiring a license and a minimum of two years of satisfactory experience at the journeyman level or an equivalent;

b. Have completed a registered apprenticeship program and two years of satisfactory experience at the journeyman level or an equivalent level in the trade; or

c. Have four years of work experience at the management or supervisory level or equivalent or have a combination of four years of training and work experience at the management or supervisory level or equivalent.

Individuals holding the Technical Professional License who seek the Collegiate Professional or Postgraduate Professional License must meet the professional teacher's assessment requirement.

4. Provisional License. The Provisional License is a three-year, nonrenewable license available to individuals who are employed by a Virginia educational agency and are:

a. Entering the teaching field through the alternative route to licensure upon recommendation of the employing educational agency;

b. Failing to meet an allowable portion of general, professional, or specific endorsement requirements;

c. Seeking the Technical Professional License; or

d. Eligible for licensure but need to complete successfully the professional teacher's assessment prescribed by the Board of Education.

5. Special Education Conditional License. A Special Education Conditional License is a three-year, nonrenewable teaching license issued to an individual employed as a special education teacher in a public school or a nonpublic special education school in Virginia who does not hold the appropriate special education endorsement. The conditional license is not applicable to individuals employed as speech pathologists. To be issued the Special Education Conditional License an individual must:

a. Be employed by a Virginia public or nonpublic school and have the recommendation of the employing educational agency;

b. Hold a baccalaureate degree from an accredited college or university;

c. Have an assigned mentor endorsed in special education; and

d. Have a planned program of study in the assigned endorsement area and have completed a minimum of six semester hours in the core competencies of characteristics of students with disabilities and legal aspects associated with students with disabilities.

During the three years the Special Education Conditional License is valid, the individual must complete all requirements for the special education endorsement area, complete professional studies requirements, and meet Virginia's professional teacher's assessment requirement prescribed by the Board of Education.

6. Pupil Personnel Services License. The Pupil Personnel Services License is a five-year, renewable license available to an individual who has earned an appropriate graduate degree from an accredited institution with an endorsement for guidance counselor, school psychologist, school social worker, or visiting teacher. This license does not require teaching experience.

7. Division Superintendent License. The Division Superintendent License is a five-year, renewable license available to an individual who has completed an earned master's degree from an accredited institution of higher education and meets the requirements specified in 8VAC20-21-590. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

8. Eligibility License. The Eligibility License is a one-year license dated July 1-June 30. The Eligibility License is issued upon successful completion of Level I of the career switcher program. This license requires a bachelor's degree from a regionally accredited institution; the completion of teaching area requirements for an endorsement in a content area as set forth in this chapter, or the equivalent through verifiable experience or academic

study; and Virginia qualifying scores on Praxis I (Reading, Writing, and Mathematics) and Praxis II (subject area assessments). If the Eligibility License expires prior to the individual receiving employment in Virginia, the license holder must reapply for the second Eligibility License. The intensive program (Level I) must be repeated if the individual has not gained employment prior to the expiration of the second Eligibility License.

9. Local Eligibility License. The Local Eligibility License, established by the Virginia General Assembly, is a valid, three-year nonrenewable license issued by a local school board to an individual who has met specified criteria set forth in the Code of Virginia. The license is not transferable to another division. The Local Eligibility License is a nonrenewable credential and is not reciprocal with other states.

B. All licenses will be effective from July 1 in the school year in which the application is made.

8VAC20-21-90. Conditions for licensure by reciprocity.

A. An individual coming into Virginia from any state may qualify for a Virginia teaching license with comparable endorsement areas if the individual has completed a state-approved teacher training program through a regionally accredited four-year college or university, or if the individual holds a valid out-of-state teaching license which must be in force at the time the application for a Virginia license is made. An individual seeking licensure must establish a file in the Department of Education by submitting a complete application packet, which includes

official student transcripts. A professional teacher's assessment prescribed by the Board of Education must be satisfied.

B. An individual coming into Virginia will qualify for a Virginia teaching license with comparable endorsement areas if the individual holds national certification from the National Board for Professional Teaching Standards (NBPTS) or a nationally recognized certification program approved by the Board of Education.

8VAC20-21-100. Requirements for renewing a license.

A. The Division Superintendent, Postgraduate Professional, Collegiate Professional, Technical Professional, and Pupil Personnel Services Licenses may be renewed upon the completion of 180 professional development points within a five-year validity period based on an individualized professional development plan. Professional development points can be accrued by the completion of activities from one or more of the following options: college credit, professional conference, peer observation, educational travel, curriculum development, publication of article, publication of book, mentorship/supervision, educational project, and employing educational agency professional development activity.

B. A minimum of 90 points (three semester hours in a content area) in the license holder's endorsement area or areas shall be required of license holders without a master's degree and may be satisfied at the undergraduate (two-year or four-year institution) or graduate level. Special

education course work designed to assist classroom teachers and other school personnel in working with students with disabilities, a course in gifted education, a course in educational technology, or a course in English as a second language may be completed to satisfy the content course requirement for one cycle of the renewal process. Professional development activities designed to support the Virginia Standards of Learning, Standards of Accreditation, and Assessments may be accepted in lieu of the content course for one renewal cycle. The substance of the activities must clearly support these initiatives and address one or more of the following areas: (i) new content knowledge to implement the Virginia Standards of Learning; (ii) curriculum development initiative designed to translate the standards from standards to classroom objectives; (iii) teaching beginning reading skills including phonemic awareness and the structure of language (phonics); (iv) staff development activities in assessment to assist classroom teachers in the utilization of test results to improve classroom instruction; and (v) professional development designed to implement the technology standards in the schools. Technical Professional License holders without baccalaureate degrees may satisfy the requirement through vocational education workshops, vocational education institutes, or through undergraduate course work at two-year or four-year institutions.

C. Content area courses are courses at the undergraduate level (two-year or four-year institution) or at the graduate level that will not duplicate previous courses taken in the humanities, history and social science, the sciences, mathematics, health and physical education, and the fine arts. These courses are usually available through the college or department of arts and sciences. License holders with elementary education, middle education, special education, or reading

endorsements must satisfy the 90-point requirement through content course work in one of the areas listed above. Courses available through the college's or institution's department of education may be used to satisfy the content requirement for those license holders with endorsements in health and physical education, vocational education, and library science education.

D. With prior approval of the division superintendent, the 90 points in a content area also may be satisfied through course work taken to obtain a new teaching endorsement or course work taken because of a particular need of a particular teacher.

E. The remaining 90 points may be accrued by activities drawn from one or more of the 10 options described in The Virginia Renewal Manual. Renewal work is designed to provide licensed personnel with opportunities for professional development relative to the grade levels or teaching fields to which they are assigned or for which they seek an added endorsement. Such professional development encompasses (i) responsible remediation of any area of an individual's knowledge or skills that fails to meet the standards of competency and (ii) responsible efforts to increase the individual's knowledge of new developments in his field and to respond to new curricular demands within the person's area of professional competence.

F. The proposed work toward renewal in certain options must be approved in advance by the chief executive officer or designee of the employing educational agency. Persons who are not employed by an educational agency may renew or reinstate their license by submitting to the

Office of Professional Licensure, Department of Education, their individualized renewal record and verification of points, including official student transcripts of course work taken at an accredited two-year or four-year college or university.

G. Accrual of professional development points shall be determined by criteria set forth by the Virginia Department of Education.

H. On and after July 1, 2003, persons seeking license renewal as teachers must demonstrate proficiency in the use of educational technology for instruction.

I. Virginia school divisions and nonpublic schools will recommend renewal of licenses using the renewal point system. On or after July 1, 2003, the renewal recommendation must include verification of demonstrated proficiency in the use of educational technology for instruction.

J. Training in instructional methods tailored to promote academic progress and effective preparation for the Standards of Learning tests and end-of-grade assessments is required for licensure renewal on and after July 1, 2004.

8VAC20-21-120. Professional studies requirements.

Professional studies requirements for early/primary education, elementary education, and middle education: 18 semester hours.

1. Human growth and development (birth through adolescence): 3 semester hours. Skills in this area shall contribute to an understanding of the physical, social, emotional, and intellectual development of children and the ability to use this understanding in guiding learning experiences. The interaction of children with individual differences --economic, social, racial, ethnic, religious, physical, and mental--should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to but not limited to, attention deficit disorders, gifted education including the use of multiple criteria to identify gifted students, substance abuse, child abuse, and family disruptions.

2. Curriculum and instructional procedures: 6 semester hours.

a. Early/primary education preK-3 or elementary education preK-6 curriculum and instructional procedures. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes; classroom management; selection and use of materials, including media and computers; and evaluation of pupil performance. The teaching methods, including for gifted and talented students and those students with disabling conditions, must be appropriate for the level of endorsement (preK-3 or preK-6) and be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Study in methods of improving communication between schools

and families, ways of increasing family involvement in student learning at home and in school, and the Standards of Learning shall be included. On and after July 1, 2003, demonstrated proficiency in the use of educational technology for instruction shall be included. Pre-student teaching experiences (field experiences) should be evident within these skills.

b. Middle education 6-8 curriculum and instructional procedures. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes, classroom management; selection and use of materials, including media and computers; and evaluation of pupil performance. The teaching methods, including for gifted and talented students and students with disabling conditions, must be appropriate for the middle education endorsement and be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Study in methods of improving communication between schools and families, ways of increasing family involvement in student learning at home and in school, and the Standards of Learning shall be included. On and after July 1, 2003, demonstrated proficiency in the use of educational technology for instruction shall be included. Pre-student teaching experiences (field experiences) should be evident within these skills.

3. Foundations of education: 3 semester hours. Skills in this area shall be designed to develop an understanding of the historical, philosophical, and sociological foundations underlying the

role, development and organization of public education in the United States. Attention should be given to the legal status of teachers and students, including federal and state laws and regulations, school as an organization/culture, and contemporary issues in education.

4. Reading: 6 semester hours

a. Early/primary preK-3 and elementary education preK-6 --language acquisition and reading: 6 semester hours. Skills in this area shall be designed to impart a thorough understanding of the complex nature of language acquisition and reading, to include: phonemic awareness, an understanding of sound/symbol relationships, explicit phonics instruction, syllables, phonemes, morphemes, decoding skills, word attack skills, and a knowledge of how phonics, syntax, and semantics interact. Additional skills shall include proficiency in a wide variety of comprehension strategies, as well as the ability to foster appreciation of a variety of literature and independent reading.

b. Middle education --language acquisition: 3 semester hours and reading in the content areas: 3 semester hours. Skills in this area shall be designed to impart an understanding of comprehension skills in all content areas, including a repertoire of questioning strategies, summarizing and retelling skills, and strategies in literal, interpretive, critical, and evaluative comprehension, as well as the ability to foster appreciation of a variety of literature and independent reading.

5. Supervised classroom experience. The student teaching experience should provide for the prospective teacher to be in classrooms full time for a minimum of 300 clock hours with at least half of that time spent supervised in direct teaching activities (providing direct instruction) at the level of endorsement. One year of successful full-time teaching experience in the endorsement area in any accredited public or nonpublic school may be accepted in lieu of the supervised teaching experience. A fully licensed, experienced teacher must be available in the school building to assist a beginning teacher employed through the alternative route.

8VAC20-21-170. Professional studies requirements.

Professional studies requirements for adult education, preK-12 endorsements, special education, and secondary grades 6-12 endorsements: 15 semester hours.

1. Human growth and development (birth through adolescence): 3 semester hours. Skills in this area shall contribute to an understanding of the physical, social, emotional, and intellectual development of children and the ability to use this understanding in guiding learning experiences. The interaction of children with individual differences--economic, social, racial, ethnic, religious, physical, and mental--should be incorporated to include skills contributing to an understanding of developmental disabilities and developmental issues related to but not limited to attention deficit disorders, gifted education including

the use of multiple criteria to identify gifted students, substance abuse, child abuse, and family disruptions.

2. Curriculum and instructional procedures: 6 semester hours. Skills in this area shall contribute to an understanding of the principles of learning; the application of skills in discipline-specific methodology; communication processes; classroom management; selection and use of materials, including media and computers; and evaluation of pupil performance. Teaching methods appropriate for exceptional students, including gifted and talented and those with disabling conditions, and appropriate for the level of endorsement sought shall be included. Teaching methods shall be tailored to promote student academic progress and effective preparation for the Standards of Learning assessments. Methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and in school and the Standards of Learning shall be included. On and after July 1, 2003, demonstrated proficiency in the use of educational technology for instruction shall be included. Curriculum and instructional procedures for secondary grades 6-12 endorsements must include middle and secondary education. Pre-student teaching experiences (field experiences) should be evident within these skills. For preK-12, field experiences must be at the elementary, middle, and secondary levels.

3. Foundations of education: 3 semester hours. Skills in this area shall be designed to develop an understanding of the historical, philosophical, and sociological foundations underlying the role, development and organization of public education in the United States.

Attention should be given to the legal status of teachers and students, including federal and state laws and regulations, school as an organization/culture, and contemporary issues in education.

4. Reading.

a. Adult education, preK-12, and secondary grades 6-12 --reading in the content area: 3 semester hours. Skills in this area shall be designed to impart an understanding of comprehension skills in all content areas, including a repertoire of questioning strategies, summarizing and retelling skills, and strategies in literal, interpretive, critical, and evaluative comprehension, as well as the ability to foster appreciation of a variety of literature and independent reading.

b. Special education --language acquisition and reading: 6 semester hours. Skills in this area shall be designed to impart a thorough understanding of the complex nature of language acquisition and reading to include: phonemic awareness, an understanding of sound/symbol relationships, explicit phonics instruction, syllables, phonemes, morphemes, decoding skills, word attack skills, and a knowledge of how phonics, syntax, and semantics interact. Additional skills shall include proficiency in a wide variety of comprehension strategies, as well as the ability to foster appreciation of a variety of literature and independent reading.

5. Supervised classroom experience. The student teaching experience should provide for the prospective teacher to be in classrooms full time for a minimum of 300 clock hours with at least half of that time spent supervised in direct teaching activities (providing direct instruction) in the endorsement area sought. If a preK-12 endorsement is sought, teaching activities must be at the elementary and middle or secondary levels. Individuals seeking the endorsement in library media must complete the supervised experience in a school library media setting. Individuals seeking an endorsement in an area of special education must complete the supervised classroom experience requirement in the area of special education for which the endorsement is sought. One year of successful full-time teaching experience in the endorsement area in any accredited public or nonpublic school may be accepted in lieu of the supervised teaching experience. A fully licensed, experienced teacher must be available in the school building to assist a beginning teacher employed through the alternative route.

8VAC20-21-590. Division Superintendent License.

An individual may be a candidate for the list of eligible division superintendents and the renewable Division Superintendent License through the completion of the requirements in one of the following ~~three~~ four options:

1. Option one. The individual must:

a. Hold an earned doctorate degree in educational administration or educational leadership from an accredited institution; and

b. Have completed five years of educational experience in a public and/or accredited nonpublic school, two of which must be teaching experience at the preK-12 level and two of which must be in administration/supervision at the preK-12 level.

2. Option two. The individual must:

a. Hold an earned master's degree from an accredited institution plus 30 completed hours beyond the master's degree;

b. Have completed requirements for administration and supervision preK-12 endorsement which includes the demonstration of competencies in the following areas:

(1) Knowledge and understanding of student growth and development, including:

(a) Applied learning and motivational theories;

(b) Curriculum design, implementation, evaluation and refinement;

- (c) Principles of effective instruction, measurement, evaluation and assessment strategies;
 - (d) Diversity and its meaning for educational programs; and
 - (e) The role of technology in promoting student learning.
- (2) Knowledge and understanding of systems and organizations, including:
- (a) Systems theory and the change process of systems, organizations and individuals;
 - (b) The principles of developing and implementing strategic plans;
 - (c) Information sources and processing, including data collection and data analysis strategies;
 - (d) Learning goals in a pluralistic society; and
 - (e) Effective communication, including consensus building and negotiation skills.

(3) Knowledge and understanding of theories, models, and principles of organizational development, including:

(a) Operational procedures at the school and division/district level;

(b) Principles and issues of school safety and security;

(c) Human resources management and development, including adult learning and professional development models;

(d) Principles and issues related to fiscal operations of school management;

(e) Principles and issues related to school facilities and use of space;

(f) Legal issues impacting school operations and management; and

(g) Technologies that support management functions.

(4) Knowledge and understanding of the values and ethics of leadership, including:

(a) The role of leadership in modern society;

- (b) Emerging issues and trends that impact the school community;
 - (c) Community resources and partnerships of school, family, business, government and higher education institutions;
 - (d) Community relations and marketing strategies and processes; and
 - (e) Conditions and dynamics of the diverse school community.
- (5) Knowledge and understanding of the purpose of education and its role in a modern society, including:
- (a) The philosophy and history of education; and
 - (b) Various ethical frameworks and professional ethics.
- (6) Knowledge and understanding of principles of representative governance that undergird the system of American schools, including:
- (a) The role of public education in developing and renewing a democratic society and an economically productive nation;

(b) The law as related to education and schooling;

(c) The political, social, cultural and economic systems and processes that impact schools;

(d) Models and strategies of change and conflict resolution as applied to the larger political, social, cultural and economic contexts of schooling;

(e) Global issues and forces affecting teaching and learning; and

(f) The importance of diversity and equity in a democratic society.

c. Have completed five years of educational experience in a public and/or accredited nonpublic school, two of which must be teaching experience at the preK-12 level and two of which must be in administration/supervision at the preK-12 level.

3. Option three. The individual must:

a. Hold an earned master's degree from an accredited institution;

- b. Hold a current, valid out-of-state license with an endorsement as a division/district superintendent; and

 - c. Have completed five years of educational experience in a public and/or accredited nonpublic school, two of which must be teaching experience at the preK-12 level and two of which must be in administration/supervision.
4. Option four. The individual must:
- a. Hold a master's degree, or its equivalent, from an accredited institution;
 - b. Have held a senior leadership position such as Chief Executive Officer or senior military officer; and
 - c. Be recommended by a school board interested in employing the individual as superintendent.

8VAC20-21-660. Revocation.

A. A license issued by the Board of Education may be revoked for the following reasons:

- 1. Obtaining or attempting to obtain such license by fraudulent means or through misrepresentation of material facts;

2. Falsification of school records, documents, statistics, or reports;
3. Conviction of any felony;
4. Conviction of any misdemeanor involving moral turpitude;
5. Conduct, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools of the Commonwealth of Virginia;
6. Misapplication of or failure to account for school funds or other school properties with which the licensee has been entrusted; or
7. Acts related to secure mandatory tests as specified in Section 22.1-292.1 of the Code of Virginia; or
- ~~8~~7. Other good and just cause of a similar nature.

B. Procedures.

1. Submission of complaints. A complaint may be filed by anyone, but it shall be the duty of a division superintendent, principal or other responsible school employee to file a complaint

in any case in which he has knowledge that a holder of a license is guilty of any offense set forth in subsection A of this section. The person making the complaint shall submit it in writing to the appropriate division superintendent.

2. Action by division superintendent; investigation. Upon receipt of the complaint against the holder of a license, a division superintendent or his duly authorized representative shall investigate the charge. If, on the basis of such investigation, the division superintendent finds the complaint to be without merit, he shall so notify the complaining party or parties in writing and then close his file on the matter. This action shall be final unless the local school board, on its own motion, votes to proceed to a hearing on the complaint or unless circumstances are present making subsection A of this section applicable.

C. Petition for revocation. Should the division superintendent or local school board conclude that there is reasonable cause to believe that a complaint against the holder of a license is well founded, the teacher shall be notified of the complaint by a written petition for revocation of a license signed by the division superintendent. A copy of such petition shall be sent by registered mail, return receipt requested, to the teacher's last known address. If not otherwise known, the last known address shall be the address shown in the records of the Department of Education.

D. Form of petition. The petition for the revocation of a license shall set forth:

1. The name and last known address of the person against whom the petition is being filed;

2. The social security number of and the type of license held by the person against whom the petition is being filed;

3. The offenses alleged and the specific actions which comprise the alleged offenses;

4. The name and address of the party filing the original complaint against the license holder;

5. A copy of the regulations containing a statement of the rights of the person charged under this chapter; and

6. Any other pertinent information.

E. Filing of petition. The original petition shall be entered in the files of the local school board where the license holder is employed.

F. Response to petition. The license holder shall present his written answer to the petition, if any, within 14 days after the date of service of the petition as certified by the United States Postal Service.

1. If the teacher responding to the petition states that he does not wish to contest the charges, he may voluntarily return the license to the division superintendent with a written, signed

statement requesting cancellation. The Superintendent of Public Instruction is authorized, upon receipt of the license holder's written, signed request from the division superintendent, to cancel the license.

2. If the license holder files a written answer admitting the charges, or refuses to accept the copy of the petition from the postal authorities, or fails to file a written answer within 14 days after service of the petition or has failed to provide postal authorities with a forwarding address so that the petition can be delivered, the local school board shall proceed to a hearing as described in subdivisions 3 and 4 of this subsection.

3. If the license holder files his written answer denying the charges in the petition, the local school board shall provide a hearing at the time and place of its regular meeting or at such other reasonable time and place it may specify. The license holder or his representative, if any, shall be given at least 14 days notice of the hearing.

4. Following the hearing, the local school board shall receive the recommendation of the division superintendent and then either dismiss the charges or make such recommendations as it deems appropriate relative to revocation of a license. A decision to dismiss the charges shall be final, except as specified in subsection G of this section, and the investigative file on the charges shall be closed and destroyed or maintained as a separate sealed file under provision of the Code of Virginia. Any record or material relating to the charges in any other file shall be removed or destroyed. Should the local school board recommend the revocation or

suspension of a license, this recommendation, along with the investigative file, shall promptly be forwarded by the division superintendent to the Superintendent of Public Instruction.

G. Revocation on motion of the Board of Education. The Board of Education reserves the right, in situations not covered by this chapter, to act directly in revoking a license. No such revocation will be ordered without the involved license holder being given the opportunity for the hearing specified in 8VAC20-21-710 B.

H. Reinstatement of license. A license that has been revoked may be reinstated by the Board of Education after five years if the board is satisfied that reinstatement is in the best interest of the former license holder and the public schools of the Commonwealth of Virginia. The individual must apply to the board for reinstatement. Notification to all appropriate parties will be communicated in writing by the state agency.

8VAC20-21-680. Suspension.

A. A license may be suspended for the following reasons:

1. Physical, mental, or emotional incapacity as shown by a competent medical authority;
2. Incompetence or neglect of duty;

3. Failure or refusal to comply with school laws and regulations, including willful violation of contractual obligations; ~~or~~

4. Acts related to secure mandatory tests as specified in Section 22.1-292.1 of the Code of Virginia; or

54. Other good and just cause of a similar nature.

B. Procedures.

1. Submission of complaints. A complaint may be filed by anyone, but it shall be the duty of a division superintendent, principal, or other responsible school employee to file a complaint in any case in which he has knowledge that a holder of a license is guilty of any offense set forth in subsection A of this section. The person making the complaint shall submit it in writing to the appropriate division superintendent.

2. Action by division superintendent; investigation. Upon receipt of the complaint against the holder of a license, a division superintendent or his duly authorized representative shall investigate the charge. If, on the basis of such investigation, the division superintendent finds the complaint to be without merit, he shall so notify the complaining party or parties in writing and then close his file on the matter. This action shall be final unless the local school

board on its own motion votes to proceed to a hearing on the complaint or unless circumstances are present making subdivision C of this section applicable.

C. Petition for suspension. Should the division superintendent or local school board conclude that there is reasonable cause to believe that a complaint against the holder of a license is well founded, the teacher shall be notified of the complaint by a written petition for suspension of a license signed by the division superintendent. A copy of such petition shall be sent by registered mail, return receipt requested, to the teacher's last known address. If not otherwise known, the last known address shall be the address shown in the records of the Department of Education.

D. Form of petition. The petition for the suspension of a license shall set forth:

1. The name and last known address of the person against whom the petition is being filed;
2. The social security number and the type of license held by the person against whom the petition is being filed;
3. The offenses alleged and the specific actions that comprise the alleged offenses;
4. The name and address of the party filing the original complaint against the license holder;
5. A statement of the rights of the person charged under this chapter; and,

6. Any other pertinent information.

E. Filing of petition. The original petition shall be entered in the files of the local school board where the license holder is employed.

F. Response to petition. The license holder shall present his written answer to the petition, if any, within 14 days after the date of service of the petition as certified by the United States Postal Service.

1. If the teacher responding to the petition states that he does not wish to contest the charges, he may voluntarily return his license to the division superintendent with a written and signed statement requesting suspension. The Superintendent of Public Instruction is authorized, upon receipt of the license holder's written, signed request from the division superintendent, to cancel the license.

2. If the license holder files a written answer admitting the charges, or refuses to accept the copy of the petition from the postal authorities, or fails to file a written answer within 14 days after service of the petition, or has failed to provide postal authorities with a forwarding address so that the petition can be delivered, the local school board shall proceed to a hearing as described in subdivisions 3 and 4 of this subsection.

3. If the license holder files his written answer denying the charges in the petition, the local school board shall provide a hearing at the time and place of its regular meeting or at such other reasonable time and place it may specify. The license holder or his representative, if any, shall be given at least 14 days notice of the hearing.

4. Following its hearing, the local school board shall receive the recommendation of the division superintendent and then either dismiss the charges or make such recommendations relative to suspension of a license as it deems appropriate. A decision to dismiss the charges shall be final, except as specified in subsection G of this section, and the file on the charges shall be closed and all materials expunged. Should the local school board recommend the suspension of a license, this recommendation, along with supporting evidence, shall promptly be forwarded by the division superintendent to the Superintendent of Public Instruction.

G. Suspension on motion of Board of Education. The Board of Education reserves the right, in situations not covered by this chapter, to act directly in suspending a license. No such suspension will be ordered without the involved license holder being given the opportunity for the hearing as specified in 8VAC20-21-710 B.

H. Reinstatement of license. A license may be suspended for a period of time not to exceed five years. The license may be reinstated by the Department of Education, upon request, with verification that all requirements for license renewal have been satisfied. The individual must

apply to the board for reinstatement. Notification to all appropriate parties will be communicated in writing by the Department of Education.

Certified as accurate and true as adopted by the Board of Education on January 14, 2002

Margaret N. Roberts

Agency Regulatory Coordinator

Virginia Department of Education

January 24, 2002