



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	20
VAC Chapter Number:	640
Regulation Title:	Regulations Governing Substitute Teachers
Action Title:	Final Regulations
Date:	November 1, 2000

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The Regulations Governing Substitute Teachers are new regulations. The primary purpose of promulgating regulations for substitute teachers is to ensure that substitute teachers meet basic requirements before teaching in Virginia classrooms.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Virginia Board of Education approved the Regulations Governing Substitute Teachers at its meeting on October 19, 2000.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Code of Virginia:

§ 22.1-302. Written contracts required; execution of contracts; qualifications of temporarily employed teachers; rules and regulations.

A. A written contract, in a form prescribed by the Board of Education, shall be made by the school board with each teacher employed by it, except those who are temporarily employed, before such teacher enters upon his duties. Such contract shall be signed in duplicate, with a copy thereof furnished to both parties. A temporarily employed teacher, as used in this section, shall mean (i) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence, or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no longer than ninety teaching days in such vacancy during one school year.

B. The Board of Education shall promulgate regulations regarding temporarily employed teachers, as defined in this section, which shall provide that such teachers be at least eighteen years of age and that they hold a high school diploma or a general educational development (GED) certificate.

However, local school boards shall establish employment qualifications for temporarily employed teachers which may exceed the Board's regulations for the employment of such teachers. School boards shall also seek to ensure that temporarily employed teachers who are engaged as long-term substitutes shall exceed baseline employment qualifications...

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-302>

The Office of the Attorney General has certified that the agency has the legal authority to promulgate the regulation, and that it comports with applicable state and/or federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The primary purpose of promulgating regulations for substitute teachers is to ensure that substitute teachers meet basic requirements before teaching in Virginia classrooms.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The proposed Regulations Governing Substitute Teachers are as follows:

**VIRGINIA BOARD OF EDUCATION
REGULATIONS GOVERNING SUBSTITUTE TEACHERS**

Substitute teachers must:

- A. Be a minimum of 18 years of age (21 years of age preferred);
- B. Possess good moral character;
- C. Have earned a high school diploma or General Education Diploma (GED);
and
- D. Must attend an orientation to school policies and procedures conducted by the local school division.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the 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 there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

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Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

No changes have been made to the proposed regulation.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

SUMMARY OF COMMENTS

**ESTABLISHMENT OF BOARD OF EDUCATION
REGULATIONS GOVERNING SUBSTITUTE TEACHERS**

Comment Received by: Daaiyah Rashid

Date Comment Received: June 20, 2000

Summary of Comment:

- The proposed regulations for substitute teachers should not lower the standards presently held for substitutes as in most states. A bachelor's degree in any area of study is necessary. An associate degree is acceptable.

- If additional help is needed in the classroom, the non-degreed person should be a teacher aide or assistant. All aides should have a diploma or GED. In addition, the teacher should possess some child or human services related education or experience.

Note: No comments relative to these regulations were received during the public hearing held on June 22, 2000, in Richmond, Virginia.

Agency response to public comment: The agency has determined that the proposed regulation should not be changed in response to the suggestions made during the public comment period. The Board of Education deems its regulation, as adopted in final form, to be sufficient in terms of the necessary qualifications of substitute personnel and additional requirements would be unnecessary and burdensome for local divisions. The final regulation, as adopted by the Board of Education, comports with the current § 22.1-302, Code of Virginia. It is noted that local school divisions currently, and under the new regulation, have the authority to place additional qualifications on substitute personnel, if desired.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

No changes are proposed.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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 regulations will not directly impact the family and family stability. The regulations do ensure that individuals serving in substitute positions teaching our children have met minimum requirements for entry into the classroom.