



## Proposed Regulation Agency Background Document

<b>Agency name</b>	Department of Education Division of Teacher Education and Licensure
<b>Virginia Administrative Code (VAC) citation</b>	8 VAC 20 -21
<b>Regulation title</b>	Licensure Regulations for School Personnel
<b>Action title</b>	Align to federal/state requirements
<b>Document preparation date</b>	10/8/2003

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

### Brief summary

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

The Board of Education proposes to revise the *Licensure Regulations for School Personnel* to align the regulations with the federal *No Child Left Behind Act of 2001* (NCLB) provisions regarding “highly qualified” teachers and related requirements for professional development. The regulations are also being revised to align the regulations with recent major policy initiatives enacted by the Board of Education. The policy changes relate to revisions, which have been enacted within the past two years regarding the Standards of Learning program and reading instruction assessments. The policy changes necessitate additional changes to the licensure requirements. The Board of Education also proposes changes to the licensure regulation to align the provisions with current best practice in the teacher training profession.

In summary, revisions are proposed in the following areas: (i) addition of alternate route license provisions for the federally defined core teaching areas; (ii) elimination of the Local License in the core teaching areas as defined by NCLB; (iii) addition of reading instructional assessment for teacher candidates specified grade levels; (iv) additional provisions for endorsements for candidates passing rigorous subject area tests; (v) additional requirements to align with requirements for “highly qualified teachers” under NCLB; (vi) revised endorsement provisions for certain grade and content areas levels; (vii) increased pre-clinical experience requirements; (viii) revised competencies to align with recent revisions in the *Standards of Learning*; and (ix) revised requirements for professional development activities and recertification points to align with NCLB requirements. The proposed regulations also define several key phrases to assist school divisions in complying with the federal law.

## Basis

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

- **Article VIII, Section 4 of the Constitution of Virginia (1971):** Provides the Board of Education with the authority and responsibility for the “general supervision of the public school system.” Mandatory.
- **Code of Virginia, Section 22.1-298. Regulations governing licensure:** The Board of Education shall, by regulation, prescribe the requirements for the licensure of teachers. Mandatory.
- **Code of Virginia, Section 22.1-299. Licensure required of teachers:** No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license issued by the Board of Education. Mandatory.
- **Code of Virginia, Section 22.1-299.3. Three-year local eligibility license:** Local school boards shall be authorized to issue valid three-year local eligibility licenses to classroom teacher candidates under the specified criteria. Discretionary upon local school boards.
- **Code of Virginia, Section 22.1-298. B: 8 Study of child abuse recognition:** Requires that, beginning on or after July 1, 2004, persons seeking initial licensure or license renewal complete study in child abuse recognition and intervention. Mandatory.

- **Public Law 107–110, the reauthorized Elementary and Secondary Education Act (ESEA), also known as the *No Child Left Behind Act of 2001* (NCLB) and associated regulations:**

Title I, Part A – Improving Basic Programs Operated by Local Educational Agencies:

*No Child Left Behind* (NCLB) requires that any public school teacher, elementary or secondary who teaches a core academic subject (English, reading or language arts, math, science, history, civics and government, geography, economics, the arts, and foreign language [Section 9101(11)] must be “highly qualified.” The law requires that states develop plans to achieve the goal that all teachers of core academic subjects be “highly qualified” by the end of the 2005–06 school year. States must include in their plans annual, measurable objectives that each local school district and school must meet in moving toward the goal. States must also report to the public on their progress in annual report cards.

Further, NCLB specifies that newly hired teachers in Title I programs or Title I schools be “highly qualified” beginning for the school year 2002-03. All teachers hired after the first day of the 2002–2003 school year in Title I school wide programs must be highly qualified. However, in Title I targeted assistance schools, only those teachers paid with Title I funds need to be highly qualified immediately. [Title I schools are schools enrolling “high poverty” or disadvantaged students.]

“Highly qualified” is a specific term defined by NCLB. The law outlines a list of minimum requirements related to content knowledge and teaching skills that a “highly qualified” teacher would meet. However, recognizing the importance of state and local control of education, the law provides the flexibility for each state to develop a definition of “highly qualified” that is consistent with NCLB as well as with the unique needs of each state.

Special education teachers and teachers of English language learners must be highly qualified only if they teach core academic subjects to their students.

In general, under *No Child Left Behind*, a “highly qualified” teacher must have:

- A bachelor’s degree.
- Full state certification and licensure as defined by the state.
- Demonstrated competency, as defined by the state, in each core academic subject he or she teaches.

The first requirement is self-explanatory. For the second, the state has freedom to define certification as it deems appropriate. It can also create alternate routes to certification. Regarding the third requirement, the need to demonstrate competence in the subjects the teacher teaches, states are provided with significant flexibility to design ways to do this, especially for core academic teachers who are currently employed in the classroom. There are also requirements within the law to consider the differences between elementary and middle and high school teachers as well as between newly hired teachers and those with experience.

NCLB states that a teacher who is entering the profession through an alternate route program may meet the definition of a “highly qualified” teacher if the participant in the program: (1) is permitted by the state to assume functions as a regular classroom teacher; (2) has a bachelor's degree; (3) has demonstrated subject matter competence by passing the state professional teacher assessments; and (4) is making satisfactory progress toward full licensure, as prescribed by the Board of Education.

Teachers who are currently teaching in the core classroom must either meet the requirements for new teachers, or they may demonstrate competency based on a system designed by each state. NCLB recognizes that many teachers who have experience may already have the qualifications necessary to be deemed “highly qualified.” Therefore, the law allows states to create a “high, objective, uniform state standard of evaluation” (HOUSSE) based on the following criteria:

1. Are set by the state for grade-appropriate academic subject matter knowledge and teaching skills.
2. Are aligned with challenging state academic content and student achievement standards and developed in consultation with core content specialists, teachers, principals and school administrators.
3. Provide objective, coherent information about the teacher’s attainment of core content knowledge in the academic subjects in which a teacher teaches.
4. Are applied uniformly to all teachers in the same academic subject and the same grade level throughout the state.
5. Take into consideration, but are not based primarily on, the time a teacher has been teaching the academic subject.
6. Are made available to the public upon request.

### **Title II, Part A – Teacher and Principal Training and Recruiting Fund, Grants to States:**

Title II, Part A, defines the term "highly qualified" used in reference to any public elementary, middle, or secondary school teacher in the core academic subjects means that the teacher holds full state licensure as a teacher, including licensure through alternate routes and teaches only in the area or areas of endorsement. Title II specifies requirements for preparing, training, and recruiting high-quality teachers and principals and requires that all teachers teaching in core academic subjects are “highly qualified” by the end of the 2005-2006 school year.

USDE has issued *Non-Regulatory Draft Guidance for Title II, Part A, "Improving Teacher Quality State Grants* (September 12, 2003). The new Title II programs focus on preparing, training, and recruiting high-quality teachers and principals. States must develop plans with annual measurable objectives to ensure that all teachers in core academic subjects are highly qualified by the end of the 2005-2006 school year. Under the Title II, Part A program, funds are made available to states and to local school divisions to support activities that improve teacher quality and increase the

number of highly qualified teachers and principals. Localities receiving funds under this Act must expend at least five percent of their allocation on professional development activities for classroom teachers. The new program also gives states and districts flexibility to select the strategies that best meet their needs to improve teaching and raise student achievement in the academic subjects.

Title II, Part A also specifies that high quality, research-based professional development be provided to teachers.

Compliance with the provisions of NCLB is mandatory as a condition to receive and retain federal NCLB funding.

See USED's NCLB web site for the full text of the law and the regulations described above: <http://www.ed.gov/nclb/landing.jhtml>

## Purpose

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

- 1. Specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens:* The proposed revisions will have no impact on the health or safety of citizens; however, there is expected to be an impact of the welfare of citizens. By enacting the revisions, the Board of Education intends to promote the hiring and development of teachers educated and knowledgeable in the content area of the subjects they have been assigned to teach by school divisions. For teachers at the early grades, the revisions will ensure specific and demonstrated skills in teaching reading. Further, the revisions will implement the newly enacted state law in the important area of identifying and reporting child abuse and neglect.
- 2. Goals of the proposal and the problems the proposal is intended to solve:* The goal of the proposed revisions is to bring the *Regulations Governing Licensure of School Personnel* into alignment with federal law and regulations and with Board of Education policy and initiatives, while providing the greatest amount of flexibility to the locality and to the teachers currently teaching in the Virginia's schools and for those entering the profession in future years. Revisions are necessary because current licensure regulations are not fully aligned with the provisions of the NCLB, the Code of Virginia, or recent actions of the Board of Education. The proposed revisions will ensure the required alignment.

## Substance

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

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The substantive changes include the following:

- 1. Align licensure regulations with the NCLB requirements for “highly qualified” teachers and the requirements for teachers’ professional development.** NCLB specifies that “highly qualified” teachers are defined as any public elementary or secondary school teacher who has obtained full state certification (including alternative routes to certification) or has passed the state licensure examination and holds a state license and has not had certification waived on an emergency, temporary or provisional basis.

The Virginia Board of Education, consistent with the NCLB requirements, has specified that “highly qualified” means a teacher of core academic subjects who (i) holds a full state license as a teacher (including licensure earned through alternate routes) and (ii) is teaching only in the areas of endorsement. Persons holding a Virginia Provisional License or a Local License teaching the federally defined core areas (as permitted under the Board of Education’s current licensure regulations) do not meet the federal definition of “highly qualified.” The Board’s current licensure regulations are also not aligned with the NCLB requirements for annual professional development in the teacher’s content area [Title I, Part A, Section 9101 (34)].

- 2. Align licensure regulations with recent actions of the Board of Education:** In April 2003, the Board of Education adopted a policy that will require a reading instructional assessment for candidates seeking endorsements in early/primary education prek-3, elementary education prek-6, special education, and reading specialist [Minutes, April 2003]. In June 2003, the Board of Education adopted a statement expressing the intent of the Board to establish a mathematics specialist endorsement at the elementary and middle levels [Minutes, June 2003]. These two new policy actions must be incorporated into the Board’s licensure regulations.
- 3. Align licensure regulations with Code of Virginia requirements:** Recently enacted legislation (Section 22.1-298. B: 8) requires certain teachers to receive instruction in child abuse recognition and intervention. Current licensure regulations must be revised to incorporate this legislative directive.
- 4. Align the competencies specified in the regulations with the recently revised Standards of Learning:** Revised Standards of Learning were adopted by the Board of Education during 2002 and 2003. Current licensure regulations must be aligned with those standards.



5. **Align the requirement for supervised classroom experience:** Proposed revisions align supervised classroom requirements with current practice in Virginia’s teacher training institutions (Approved Programs) and with current requirements in Virginia and with other states.
6. **Revise the titles of certain endorsements:** Changes are necessary to reflect current professional practice regarding the terminology used to refer to specific content areas.

## Issues

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) *other pertinent matters of interest to the regulated community, government officials, and the public.*

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

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The regulatory action poses no disadvantages to the public or the Commonwealth. The advantage to the Commonwealth and to the public is that the proposed revisions will bring Virginia’s regulations into line with the federal requirements and Board of Education policies, thereby enabling Virginia’s public schools and schoolchildren to benefit from and retain the federal funding associated with the “high quality” teacher provisions of the NCLB.

Other pertinent issues include the following:

- The Code of Virginia requires that the Board of Education prescribe the requirements for licensure of teachers by regulation. Amendments to the *Regulations Governing the Licensure of School Personnel* are needed to respond to recent enactments of federal and state laws and Board of Education policies.
- NCLB requires every state applying for the funding to develop a plan designed to accomplish the law’s requirements [Title I Section 1119 (a) (2)]. The Board of Education’s plan is described in Virginia’s Consolidated Accountability Workbook, which was submitted to the US Education Department in June 2003 and was subsequently approved. [See the Virginia Department of Education web site: <http://www.pen.k12.va.us/VDOE/nclb/VA-AcctWkbk.pdf> ]
- The Board’s plan contains a commitment, as a condition of funding, to making changes in Virginia’s teacher licensure regulations in order to comport with the federal legislation and the implementing regulations. NCLB provides the opportunity for states to revise licensure regulations for teachers hired previous to the first day of school 2002-03 to qualify for the “highly qualified” definition. Without the necessary changes going into effect, Virginia stands to forfeit portions of the NCLB funding.

- It is important to note that the NCLB requirement for “highly qualified” teachers is a goal for all teachers of core academic subject areas which, by federal law, are English, reading/language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography. All local school divisions, irrespective of their specific funding sources, are required to adopt and meet this goal by 2005-06.
- The NCLB distinguishes between elementary teachers and secondary teachers in addition to time in the profession. “New to the profession” elementary teachers must demonstrate subject-matter competence by passing a “rigorous state test.” In contrast, “new to the profession” secondary (middle/junior high/high school) teachers may demonstrate subject-matter competence through a rigorous state test, completion of associated majors or graduate degrees, or by gaining an advanced credential or certification (i.e., National Board Certification).
- “Not new” teachers (those hired prior to the 2002-03 school year) have additional flexibility—or criteria—for demonstrating subject matter competency. They must have a bachelor’s degree and one of the following (Note: locally awarded licenses or provisional licenses do not qualify): passed a rigorous state academic subject test; have an academic major in the subject(s) they teach; have a graduate degree; have completed coursework equivalent to a degree; or they may qualify under an additional option as follows:
  - ✓ Teachers may opt for taking a subject matter test (as determined by the state) or demonstrate competency through the state system of “high, objective, uniform state standard of evaluation” (HOUSSE) [Section 9101(23)(c)(ii)(III)]. For this option, Virginia’s proposed regulation permits (but does not require) the use of the *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents*, developed and adopted by the Virginia Board of Education in 2001, as an option to demonstrate current teachers’ subject matter competency.
  - ✓ The flexibility given in the proposed regulation will greatly increase local ability to retain their current classroom teachers. It is important, however, to note that the federal HOUSSE provisions emphasize that the state must consider and include “solid evidence” and “objective” measures for determining that the teacher has adequate subject-matter knowledge. The proposed regulations provide two criteria to demonstrate solid and objective evidence [see proposed Section 8 VAC 20-21-100].



- Middle and high school teachers may demonstrate competency if they have a major (or its equivalent) or advanced credentials in the subject they teach.
- Many of Virginia’s current teachers are already highly qualified because they have full state licensure in the subjects they teach. Preliminary data from the Virginia Department of Education show that 83 percent of the currently employed teachers in Virginia are “highly qualified.”
- The professional development requirements in NCLB specify that teachers in the core areas must receive professional development each year and the locality is required to report to the state the number of teachers who participated in the professional development activities. The NCLB defines criteria for the professional development and specifies that the license holder must participate in activities that are integral to their content area. A series of unrelated training events will not qualify. To that end, the proposed regulations limit the recertification points that teachers may earn by attending “conferences.”
- The proposed revisions also incorporate recent revisions in the Board of Education’s Standards of Learning content areas to ensure, as required under NCLB, that the regulations for teacher licensure are aligned with the state’s academic standards and newly enacted reading assessment policies.
- Additional changes are proposed to align the licensure regulations with the current professional terms in common use and with the current policies of the teacher training programs in Virginia colleges and universities.

## Economic impact

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

The Virginia Board of Education submitted Virginia’s Consolidated Accountability Workbook to the U.S. Education Department to secure funding shown below. The “highly qualified” teacher provisions are only one aspect of the NCLB requirements.

### **FY 2002-03 NCLB funding, excluding Reading First and Title VI, Part A:**

\$274.8 million (22 percent increase over previous fiscal year):

- \$ 267.8 million allocated to school divisions
- \$7 million formula-driven state set-aside

### **FY 2003-04 NCLB funding, excluding Reading First, the Virginia Teacher Quality Enhancement Grant, and Title VI, Part A:**

\$286.8 million (4 percent increase):

- \$279.6 million allocated to school divisions
- \$7.2 million formula-driven state set asides

In addition to the NCLB funding, the Teacher Quality Enhancement Grant, Title II of the Higher Education Act, provides \$13.5 million allocated to the agency over three years. The purpose of this federal grant is to assist states in developing strategies for recruiting and retaining “highly qualified” teachers.

<p><b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</b></p>	<p>The proposed regulatory changes that are made to comport with NCLB requirements are projected to have no significant fiscal impact on the state because the licensing program and procedures at the state level will be largely unchanged from the current procedures and practices. No additional staff at the state level will be required to implement Virginia’s revised licensure requirements. No general fund support will be required.</p> <p>Likewise, license application and award procedures will be unchanged as it relates to the state workload and resources.</p> <p>Although no funds are specifically appropriated through NCLB, states can use the flexibility provided in Title I and funds allocated under Title II for reforming teacher certification and providing professional development to teachers.</p> <p>However, there will be an administrative impact on the state due to the annual professional development data that must be collected, compiled, and reported by the state. Personnel resources in the Virginia Department of Education will need to be dedicated to this task. The agency has recently initiated the Teacher Education and Licensure System (TEAL), a comprehensive database system that will be used in part to gather data required under the proposed revisions. This system is supported by federal funding provided by the federal Teacher Quality Enhancement Grant.</p> <p>There will be a one-time fiscal impact to reconfigure database programs to incorporate “alternate route license” requirements and to re-print and distribute the revised regulations to practitioners in the field.</p> <p>Note: The Teacher Licensing unit at the DOE is fee-funded through the fees charged to persons who make application for a license.</p>
<p><b>Projected cost of the regulation on localities</b></p>	<p>Local school divisions will be responsible for ensuring that their classrooms are staffed by “highly qualified” teachers in the core subject areas under the definition set forth by the Board of Education and consistent with the NCLB requirements. This requirement will most certainly increase the time required on local human resources staff to recruit and monitor teachers’ credentials and those of new hires.</p> <p>The professional development provisions in the proposed regulations are projected to be cost-neutral to the localities. The NCLB regulations require that no less than 5 percent of a locality’s NCLB funding be spent on high quality professional development activities for teachers. Under the NCLB funding requirements, localities may utilize Title II, Part A funds (and the required setaside for Title I Part A) to provide high-quality professional development to teachers who do not meet the NCLB requirements. This could include helping teachers complete credential programs, graduate programs, and advanced credentialing (e.g., the National Board Exams) or pass the approved subject matter examination.</p>

	<p>Title I Part A and Title II Part A have responsibilities and funds for professional development in districts and schools.</p>
<p><b>Description of the individuals, businesses or other entities likely to be affected by the regulation</b></p>	<p>Those affected by the regulation will include the Virginia Department of Education, school divisions, and classroom teachers and administrative personnel. Virginia's 37 approved programs of teacher training in colleges and universities will be affected to varying degrees, depending upon their current program requirements.</p> <p>All teachers in Virginia's public schools who teach in the NCLB-defined core subjects are affected by the proposed regulations; however, only those teachers who are not presently "highly qualified" have to take a corrective action under the regulations (e.g., complete requirements for full professional licensure in the subjects they teach). New teachers hired after the first day of the 2002-03 school year in programs supported by Title I, Part A, funds must be "highly qualified." This includes all teachers of core academic subjects hired after the first day of the 2002-03 school year who are working in a Title I "Schoolwide Program" or a Title I teacher employed in a "Targeted Assistance" school. "Highly qualified" requirements will also apply to all teachers of core academic subjects working in Title I and non-Title I schools by the end of the 2005-2006 school year.</p> <p>The "high quality" teacher requirements in the proposed revisions (as required by NCLB) may pose a particular set of challenges for middle schools, small high schools (due to teachers teaching one or two class periods out of their endorsement area), alternative education programs, some special education programs, and other self-contained secondary classrooms.</p> <p>Persons holding the current Provisional License will be affected; however, these persons—if they wish to remain in the teaching profession—would have been required to complete the certification process under the current regulations as well.</p> <p>Persons who wish to receive the Local Eligibility license to teach in a core subject area will no longer be eligible for such license.</p> <p>The federal legislation does not include career and technical education courses as core academic subjects. Therefore, the Board of Education's regulations will continue to provide the "Technical Professional License" to teachers of these courses.</p> <p>Special education and ESL are not identified in the federal legislation as core academic areas. Therefore, the licensing of special education and ESL teachers will continue to be governed by current Board of Education regulations. However, if students with disabilities or ESL students are receiving instruction in core academic subjects with a recognized course code in those subject areas, the teachers of those subjects must meet the requirements of the law.</p>
<p><b>Agency's best estimate of the number of such entities that will be affected</b></p>	<p>Every classroom teacher employed to teach in the federally defined core subject areas must be fully credentialed and must receive high quality and on-going professional development. The <i>2001-2002 Report on Supply and Demand of Instructional Personnel in Virginia</i> reported that Virginia's school divisions employed the following full-time:</p>

- 88,609 full-time teachers and 5,627 administrative personnel during the 2001-2002 school year.
- Of these, 26,844 were elementary teachers (preK-6); 5,891 were middle school teachers (6-8).

By subject area, *2001-2002 Report on Supply and Demand of Instructional Personnel in Virginia* reported the following:

- 4,137 mathematics teachers;
- 1,906 science teachers;
- 4,526 English teachers;
- 3,673 social science teachers;
- 2,303 foreign language teachers; and
- 4,937 vocational teachers, and 13,183 special education teachers

Every new teacher candidate applying for a license must meet the requirements of the proposals, once the proposals are enacted. Available data show that the number of newly-hired instructional personnel fluctuates slightly from year to year, as the following figures show.

1997	7,627
1998	9,517
1999	10,798
2001	9,507 (last year that data are available)

Based on department estimates, during the next decade, 33,000 teachers will become eligible to retire. That is approximately 40 percent of all Virginia's teachers. This indicates that, during the next ten years, an increasing number of new teachers will likely be needed by school divisions each year.

Most current classroom teachers and newly-hired teachers already meet the "highly qualified" definition (i.e., they are currently fully licensed for the subjects they teach) contained in the proposed regulation. DOE is completing a survey of the 132 local divisions to determine how many classroom teachers in the core areas do or do not currently meet the "highly qualified" definition.

Teachers who are not currently fully licensed in Virginia will be directly affected by the new provisions. According to the data contained in the *2001-2002 Report on Supply and Demand of Instructional Personnel in Virginia*, of the 88,609 teachers under contract during the 2001-2002 school year, 4,136 teaching positions (4.4%) were filled with unendorsed personnel or positions were unfilled. This number is almost nearly triple the number in 1999. The numbers of unendorsed teachers was found to be as follows:

- At the elementary and middle school level, 698 and 118 teaching positions, respectively, were filled with unendorsed personnel or were unfilled.
- Four content areas at the secondary level had positions filled with unendorsed personnel or were unfilled: English 140; mathematics 183; science 172; and social studies 94.
- In foreign languages, 135 positions were filled with unendorsed personnel or were not filled, while in vocational education 235 positions were filled with unendorsed teachers or went unfilled.
- For the second consecutive year special education had the most

	<p>vacancies with 1,176 positions filled with unendorsed teachers or unfilled.</p> <p>In 2001-02, forty-seven (47) school boards issued a total of 321 Local Eligibility Licenses (compared to 234 in 2000-01). Of the 321 Lcal Eligibility Licenses issued, 219 were issued to individuals who had previously held a three-year Provisional License. Of the 219 who had previously held a three-year Provisional License, 192 needed to complete the Praxis assessment requirement. In 2001-02, the teaching areas in which most Local Eligibility Licenses were issued are as follows:</p> <ul style="list-style-type: none"> <li>Early/primary and Elementary Education 94</li> <li>English 29</li> <li>Mathematics 26</li> <li>English as Second Lang. 17</li> <li>Foreign Lang.-Spanish 16</li> <li>Earth science 16</li> <li>Health and Physical Educ. 14</li> <li>Middle Education 4</li> <li>History and Social Studies 13</li> </ul> <p>All 132 local divisions must report to DOE annually that instructional personnel have completed high quality professional development each year, as required for license renewal.</p> <p>All candidates seeking endorsement in early/primary education preK-3, elementary education preK-6, special education, and reading specialist will be required to take the reading instruction assessment. Number of affected candidates is not known (data base unavailable at this point).</p>
<p><b>Projected cost of the regulation for affected individuals, businesses, or other entities</b></p>	<p>The cost to the localities for implementing the NCLB “highly qualified” teacher requirements will vary by locality; however, the cost to implement the proposed revisions will have minimal fiscal impact on localities. The localities will likely spend more fiscal and human resources on recruiting and hiring persons who are “highly qualified.” Localities will also expend additional funds for professional development; however, the NCLB provides federal funding to cover these added costs. NCLB requires that at least five percent of the locality’s federal funding under NCLB be expended to cover the cost for such activities and reporting requirements.</p> <p>The proposals require additional reporting responsibilities that will necessitate additional administrative costs to the locality. Teachers who are not currently “highly qualified” may have to take courses for college credit to meet the new definition contained in the regulations. In some cases, the necessary coursework may have to be paid by the teacher, rather than the school division. Certain new teacher candidates will need to take reading instruction assessment, which will be an added expense to the individual unless the locality decides to cover this cost from local funds.</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.*

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The Board of Education has determined that no alternative considered by the state board or that has otherwise been identified and brought to the attention of the state board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to the affected private persons than the proposed action. The Board of Education thoroughly examined the regulatory changes proposed by other states to ensure comparability in requirements.

**Public comment**

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

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Commenter	Comment	Agency response
	No comments were received during the NOIRA period.	

**Family impact**

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

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

**Detail of changes**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.*

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

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Current Section Number	Proposed new section number, if applicable	Current Requirement	Proposed Change and Rationale
Section 10.	Same	Definition section	<ul style="list-style-type: none"> <li>• One definition is added: “alternate route license”</li> <li>• “Eligibility license and “Special Education Conditional License” are moved and incorporated under the “Alternate Route License.”</li> <li>• “Local eligibility license” is modified to state that this license will not be awarded in the federally defined core subject areas.</li> <li>• Defines phase-out timeline for “Provisional License.”</li> </ul> <p><u>Rationale:</u> Definitions are modified for consistency with the NCLB requirement for “highly qualified” teachers; i.e., all classroom teachers in the core subject areas must have the full state credential</p>
Section 40.	Same	Conditions for licensure	<p>Adds the requirement for certain teachers to meet requirements of the reading instruction assessment as prescribed by the Board of Education.</p> <p><u>Rationale:</u> Following a year-long study by the Board re: teaching reading, the Advisory Board for Teacher Education and Licensure recommended that the Board of Education adopt this requirement for certain early-grade teachers. The Board adopted the requirement in April 2003. The reading assessment will ensure that teachers in the specified teaching areas have demonstrated skills in the teaching of reading. This is a board of Education initiative. In addition, NCLB does require a teaching skills assessment for elementary teachers, and this assessment would meet that requirement.</p>
Section 50	Same	Types of licenses:	<p>The proposed major revisions will:</p> <ul style="list-style-type: none"> <li>• Create an Alternate Route License (new license);</li> <li>• Specify additional requirement for Collegiate Professional License;</li> <li>• Phase-out the Provisional License;</li> <li>• Limit the Local License to non-core subject areas; and</li> <li>• Place the eligibility License and the Special Education Conditional License under the provisions of the Alternate License.</li> </ul> <p>The Postgraduate Professional License, Technical Professional License, Pupil Personnel Services License, and Division Superintendent License requirement are unchanged in the proposed revisions. Persons coming into the profession via the “Career Switcher Program” will meet the requirements for “highly qualified.”</p> <p><u>Rationale:</u> As a condition for receiving and retaining of NCLB funding, Virginia must require that by 2005-06 all teachers be “highly qualified.”</p> <p>Persons coming into the profession via the Alternate Route will meet all requirements of NCLB while providing flexibility to the locality. The main difference between the “regular route” and the Alternate Route is that the Alternate Route person did not come into the profession via an Approved Program route (teacher training institution, plus supervised experience).</p>

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			<p>For the Collegiate Professional License, persons will be required to hold an earned undergraduate degree. Special Education Conditional license is defined as an Alternate Route License.</p> <p>Discontinue the issuance of the Local License in the core teaching areas (English, reading or language arts, mathematics, science, foreign language, arts, civics and government, economics, history, and geography) because the holder of such license cannot be categorized as holding full state credentials and is, therefore, not “highly qualified.”</p> <p>The local license (issued by localities instead of the Board of Education) needs to be discontinued in the core areas. It can be issued in non-core areas, such as career and technical education and health and physical education.</p> <p>The Provisional License will be discontinued after the 2005-06 school year. The Provisional License for 2003-04 would be valid for three years; 2004-05 for two years; and 2005-06 for one year. Effective July 1, 2006, the Provisional License will be discontinued and Virginia will make the transition to the Alternate Route License.</p> <p>The license types must be changed to align with NCLB requirements of highly qualified teachers. Under the NCLB requirements, teachers holding the Local License or Provisional License do not meet the requirement for being fully licensed in Virginia. Therefore, the Board of Education is phasing out the Local License and the Provisional and implementing the Alternate Route.</p>
Section 60	Same	Defines criteria for persons to receive additional endorsements	<p>Proposed revision specifies that persons may add an endorsement in a NCLB-defined core area by taking and passing a professional teacher’s assessment prescribed by the Board of Education. Also, this flexibility is provided for certain special education endorsement areas.</p> <p><u>Rationale:</u> This proposal is designed specifically for those teachers who teach in a core area but who do not have a academic major or endorsement in that area (e.g., a secondary Algebra teacher who teaches one section of physics). This proposal gives the teacher the option to demonstrate his/her competence in that subject without having to take additional coursework. This additional language will allow individuals to pass the rigorous Praxis II assessment to add an endorsement (not allowed for initial licensure) in the category of teaching already endorsed. This provides greater flexibility for individuals seeking endorsements who have acquired knowledge and skills but who may not have completed all collegiate work specified.</p>
Section 80	Same	Current requirement uses the term “alternative routes”	<p>Proposal changes the term “alternative route” to “alternate route”</p> <p><u>Rationale:</u> Term is changed for consistency throughout the document. The term “alternate” is considered to be more reflective of the intent of the license.</p>

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Section 90	Same	Current section title is unclear that the provision applies to “out-of-state” candidates	<u>Rationale:</u> Language is added to clarify that the provision applies to out-of-state candidates.
	Section 91 (new provision)	The current regulations do not refer to “highly qualified teachers.”	<p>This section specifies the definition of “highly qualified” as defined by NCLB and the Virginia Board of Education. In Virginia, a “highly qualified” teacher means:</p> <p>A teacher of core academic subjects who:</p> <ul style="list-style-type: none"> <li>• holds full state licensure as a teacher (including licensure earned through alternate routes) AND</li> <li>• is teaching only in the area(s) of endorsement.</li> </ul> <p><u>Rationale:</u> This section specifies Virginia’s definition of “highly qualified” teachers. As much flexibility as possible is given to local divisions, especially in subsection C., which—as permitted by NCLB’s HOUSS provisions- permits school divisions to use evaluation criteria to define teachers hired before 2002-03 as “highly qualified.” Proposal permits (but does not require) the use of the <i>Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents</i> as an option to demonstrate current teachers’ subject matter competency with an emphasis on solid and objective evidence (i.e., student performance on standardized tests to demonstrate teacher competency in the subject area) for making such a determination. This option will greatly increase local flexibility in hiring and retaining classroom teachers.</p>
Section 100	Same	Current regulations require 180 professional development points earned from 10 options during a five-year period for renewal.	<p>New provision specifies that the professional development shall be on-going and of high quality. Activities are specified that are consistent with NCLB requirements [NCLB definition of professional development Title I, Part A, Section 9101 (34)]. The proposal also specifies that recertification points must be earned in the classroom teacher’s assigned teaching area.</p> <p>Professional development points may be accrued by completion of activities from one or more of seven broad options. Classroom teachers must also complete a minimum of one undergraduate or graduate-level course in their assigned content area during their five-year renewal cycle.</p> <p>The proposed regulation clarifies that the professional development activities must be ongoing, sustained, high quality, integral to one’s teaching area and that attendance at general “conferences” will be limited to no more than 90 recertification points (out of the 180 required).</p> <p>New provision requires that school divisions and education agencies report annually to the Department of Education that instructional personnel have received high quality professional development each year. This is a new</p>

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			<p>requirement that is part of the NCLB requirements for all states to report these data to the USED and to the public.</p> <p><u>Rationale:</u> The changes in renewal remove three options for renewal that are not considered high quality professional development based on scientifically based research. Section 9101(37) of ESEA, as amended by <i>No Child Left Behind</i>, defines scientifically based research as “research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs.” The proposed revisions also provide more detailed direction regarding renewal activities and their focus. Content course work is also emphasized in the language. This section also contains language to comply with Code of Virginia, Section 22.1-298. B: 8: Study of child abuse recognition.</p>
Section 110	Same	<p>Specifies the Endorsement requirements for early/primary, elementary or middle school teachers</p> <p>Current regulations require two areas of concentration for a middle education endorsement.</p> <p>A degree in the liberal arts and sciences (or equivalent) is required.</p>	<p>New provisions in this section require that teachers seeking a license in these areas must have an undergraduate degree in one of the interdisciplinary areas spelled out in the proposed revision. The proposal requires an interdisciplinary studies major to qualify for the early/primary education, elementary education, and middle education endorsements. The interdisciplinary studies must focus on the core areas as defined by NCLB. Proposal require a bachelor’s degree in interdisciplinary studies or Virginia’s core academic areas for elementary prek-6 and middle education 6-8.</p> <p><u>Rationale:</u> The proposed revisions address the NCLB requirement that elementary and middle school teachers have an academic major in the subject(s) they teach. The interdisciplinary major covers this requirement. This proposed change would provide individuals an option to receive one area of concentration instead of requiring two areas of concentration. This section also contains language to comply with Code of Virginia, Section 22.1-298. B: 8: Study of child abuse recognition. The proposed language revision will strengthen the preparation of elementary and middle education teachers in the content area. For example, an individual can currently major in psychology as a prospective elementary teacher. Therefore, more specificity is desirable in order to ensure that these teachers fit the definition of a “highly qualified” teacher.</p>
Section 120	Same	Professional studies requirements	<p>Section on requirements in Reading are expanded to incorporate recent action of the Board of Education that place emphasis on reading instruction, especially at the early grades. Additional hours in the supervised classroom experience are proposed</p> <p>Changes are made to comport with the 2002 and 2003 revisions of Virginia’s Standards of Learning in the core academic areas. This section also contains language to comply with Code of Virginia, Section 22.1-298. B: 8: Study of child abuse recognition.</p> <p><u>Rationale:</u> Changes align terminology, content, and sequence of instruction in</p>

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			<p>the revised SOL as well the revised grade level content, where appropriate. Also, increased specificity is given for persons preparing to teach reading, a subject considered to be the foundation of later learning. Supervised experience requirements are increased to reflect the current practice in most teacher training/Approved Programs.</p>
Section 130-50	Same	<p>Specifies professional studies requirements for Early/primary education</p>	<p>Sections on requirements in Reading are expanded to incorporate recent action of the Board of Education that place emphasis on reading instruction, especially at the early grades. Changes are also made to reflect the 2002-03 revision in the English, mathematics, social science, and science Standards of Learning.</p> <p><u>Rationale:</u> The proposed revisions address the NCLB requirement that elementary and middle school teachers have an academic major in the subject(s) they teach. The interdisciplinary major covers this requirement. This proposed change would provide individuals an option to receive one area of concentration instead of requiring two areas of concentration. The proposed language revision will strengthen the preparation of elementary and middle education teachers in the content area. For example, an individual can currently major in psychology as a prospective elementary teacher. Therefore, more specificity is desirable in order to ensure that these teachers fit the definition of a “highly qualified” teacher.</p>
Section 170	Same	<p>Professional studies requirement: Current regulations require that the student teaching experience should provide for the prospective teacher to be in classrooms full time for a minimum of 300 clock hours (including pre- and post clinical experiences) with at least half of that time spent</p>	<p>This section contains language to comply with Code of Virginia, Section 22.1-298. B: 8: Study of child abuse recognition.</p> <p>Proposal specifies that the student teaching experience should provide for the prospective teacher to be in classrooms full time for a minimum of 500 clock hours with at least 300 clock hours spent supervised in direct teaching activities (providing direct instruction based on the Virginia Standards of Learning) at the level of endorsement.</p> <p><u>Rationale:</u> The supervised classroom experience is an integral part of the teacher preparation program. The increased number of hours reflect the importance of early clinical experiences, the integration of field experiences in professional studies course work, and the capstone experience of student teaching. The increased number of hours also reflects the current requirement at most of the state’s 37 teacher training (Approved Program) institutions and is consistent with the requirements of other states. One, possibly two, Approved Programs will need to increase the number of hours from what they currently require.</p>

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		supervised in direct teaching activities (providing direct instruction based on the Virginia Standards of Learning) at the level of endorsement	
Sections 490-570	Sections 201-209	Career and Technical Education endorsement requirements	The term “Vocational Education” is changed to “Career and Technical Education.” The text is essentially the same as the current regulation. The content is moved to a different section of the regulation in order to keep the endorsement areas listed in alphabetical order.
Sections 200-570	Sections 200-571	Sections specify the competencies for the various endorsement areas	<p>The following names of endorsements have been changed:</p> <ul style="list-style-type: none"> <li>• art to visual art</li> <li>• work and family studies to career and technical education--family and consumer sciences;</li> <li>• business education to career and technical education--business and information technology*;</li> <li>• health occupations education to career and technical education--health and medical sciences; and</li> <li>• health and physical education to health, physical education prek-12, and driver education.</li> </ul> <p>All references to vocational education have been changed to career and technical education. No major changes in content in these sections.</p> <p><u>Rationale:</u> Minor adjustments are made in terminology and course content to reflect the content of the Board of Education’s revised Standards of Learning in the core content areas. Sections are re-alphabetized according to the revised terminology.</p>
Section 600	Same	Reading specialist requirements	Additional specific requirements reflect the recent actions and policy changes of the Board of Education to place greater emphasis on the training of persons who will teach reading, especially those training for endorsement in the early grades.
Section 640	Section is repealed in the proposed regulations	Visiting teacher competencies	<p>Proposed text eliminates the endorsement area of “visiting teacher.”</p> <p><u>Rationale:</u> The endorsement entitled “visiting teacher” is deleted because this is an obsolete program of studies. No approved program at a Virginia college or university offers a visiting teacher program, and courses are no longer offered for the endorsement. Current practice throughout Virginia is that individuals who serve in the capacity in the public schools have the School Social Worker endorsement.</p>



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Not in current regulation	Section 641	Current regulations do not offer a mathematics specialist endorsement.	<p>New language sets forth a new endorsement area: mathematics specialist.</p> <p><u>Rationale:</u> The Board of Education is establishing an endorsement as a mathematics specialist for elementary and middle education endorsement. The requirements are in line with that of the reading specialist endorsement. The Board's rationale is that mathematics should receive the emphasis that is now given to reading. Also, the Board has received numerous requests from the field to establish such an endorsement.</p>