



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	20
<b>VAC Chapter Number:</b>	21
<b>Regulation Title:</b>	Licensure Regulations for School Personnel
<b>Action Title:</b>	American Sign Language
<b>Date:</b>	3/6/00

This information is required pursuant 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*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The Board of Education proposes to amend the Licensure Regulations for School Personnel (8 VAC 20-21). The licensure regulations set forth standards of professional competence which must be met by persons seeking to become teachers or other school personnel in Virginia's public schools. The licensure regulations also specify the knowledge and skills required of instructional personnel in Virginia.

On June 29, 1999, the Board of Education proposed amendments to the licensure regulations. This action was in response to the Board's approval of the provision of three years of instruction in American Sign Language (ASL) to count as the foreign language courses needed for an advanced studies diploma. The Board's policy required that courses to satisfy this requirement

must follow the "Framework for Instruction in American Sign Language in Virginia's Public Schools," adopted by the Board of Education at its March 1998 meeting. Therefore, the proposed amendments set forth the requirements to be met by personnel who teach ASL courses. Such regulations will help to ensure that students taking these courses are taught by teachers who are prepared in a manner consistent with the requirements for teachers in all other endorsement areas covered by the Licensure Regulations for School Personnel.

The Board of Education's policy also specifies that local school divisions must make clear to parents and students that some, but not all, colleges and universities accept ASL for foreign language credit. School divisions offering three years of instruction in American Sign Language should include this information in all course of study documents.

Further, the Board's policy specifies that until the regulations as described herein are final and in effect, teachers of ASL must hold a license in one of the endorsement areas currently specified in the "Regulations Governing the Licensure of School Personnel."

## 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 must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

Section 22.1-16 of the Code of Virginia states: "The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title."

Section 22.1-298 of the Code states: "The Board of Education shall, by regulation, prescribe the requirements for licensure of teachers. Regardless of the authority of other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education."

The Office of the Attorney General has certified that the agency has the legal authority to promulgate the proposed 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 proposed 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 for licensing teachers and other school personnel is to maintain standards of professional competence. The licensure regulations set forth competencies required of instructional personnel in Virginia. The Board of Education has approved instruction in American Sign Language (ASL) for foreign language credit toward an advanced studies diploma; therefore, requirements to teach ASL need to be established to ensure that students taking the courses are taught by teachers who are prepared in the area of American Sign Language.

## 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 providing detail of the regulatory action's changes.*

The Board of Education approved a change in the current Licensure Regulations for School Personnel as a result of the Board's action to permit, at the local division's discretion, courses in American Sign Language (ASL) to count as foreign language credit toward an advanced studies diploma. A student may take three courses in ASL (Levels I, II, and III) for foreign language credit. As a result of this action, the requirements for teachers who teach ASL courses need to be established to ensure that students taking the courses are taught by qualified teachers. The proposed changes set forth the knowledge and competencies needed by teachers of such courses.

## Issues

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 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 there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

The Board of Education currently has a policy in place that permits, at local option, a school division to offer courses in ASL. The policy also permits the division, again at local option, to count the credit for such courses toward the requirements for graduation from high school.

The primary issue is that, because students take the ASL courses for high school credit, the courses should be taught by teachers that are qualified in a manner consistent with the licensure standards that apply to all other endorsement areas.

## Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

Teaching American Sign Language in the public schools in Virginia is a local option. The cost to implement the regulations primarily will be incurred by the teacher seeking to become endorsed in American Sign Language. The Department of Education currently assesses a fee of \$25.00 to add an endorsement to the license. Therefore, the fiscal impact of the proposed regulations on the state will be negligible and will be covered by the fees.

## 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 cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

The revisions in the licensure regulations are as follows:

Foreign language preK-12 -- American Sign Language

1. The program in American Sign Language will ensure that the candidate has:
  - a. Demonstrated the following competencies:
    - (1) Understanding of native users of American Sign Language at a normal tempo;
    - (2) Ability to sign with a command of vocabulary, nonmanual behaviors, and syntax adequate for expressing thoughts to an American Sign Language user not accustomed to dealing with non-American Sign Language users;
    - (3) Knowledge of history, social structure and artistic and literary contributions of the Deaf culture;
    - (4) Ability to interpret contemporary lifestyles, customs, and cultural patterns of the Deaf culture;
    - (5) Understanding of the application of basic concepts of phonology (e.g., handshapes, types of signs, orientation on the body, sign movements), syntax, and morphology to the teaching of the American Sign Language;
    - (6) Knowledge of the national standards for foreign language learning, current proficiency-based objectives of the teaching of foreign languages at the elementary and secondary levels, elementary and secondary methods and techniques for attaining these objectives, the assessment of foreign language skills, the use of media in teaching languages, current curricular developments, the relationship of language study to other areas of the curriculum, and the professional literature of foreign language teaching; and
    - (7) Understanding of and proficiency in English grammar, usage, and mechanics and their integration in writing.
  - b. Participated in opportunities for significant study of the linguistics of American Sign Language and immersion experiences in the Deaf culture.
2. Endorsement requirements. The candidate must have:

- a. Graduated from an approved teacher preparation program in a foreign language-- American Sign Language; or
- b. Completed a major in American Sign Language or 24 semester hours above the intermediate level in American Sign Language. The program shall include (i) courses in advanced grammar and syntax, conversation, and culture and (ii) a minimum of 3 semester hours of methods of teaching foreign languages at the elementary and secondary levels; or
- c. Native users or candidates who have learned American Sign Language without formal academic credit in a college or university must complete the following requirements:
  - (1) Demonstrate competency in American Sign Language by written documentation of one of the following:
    - (a) Hold a current, valid Qualified or Professional certification by the American Sign Language Teachers Association;
    - (b) Hold a current, valid Virginia Quality Assurance Screening Level III Interpreting or higher issued by the Virginia Department for the Deaf and Hard of Hearing;
    - c. Hold a current, valid Registry of Interpreters for Deaf certification in at least one of the following: Certificate of Interpretation (CI), Certificate of Deaf Interpretation (CDI), Reverse Skills Certification (RSC), or Comprehensive Skills Certificate (CSC);
    - (d) Hold a current, valid National Association for the Deaf Level IV or higher
  - (2) Earn a minimum of 3 semester hours of methods of teaching foreign languages at the elementary and secondary levels from an accredited college or university in the United States.

It is recommended that individuals who are serving as teachers of American Sign Language in a public or accredited nonpublic school who hold a current, valid Virginia teaching license (Collegiate Professional or Postgraduate Professional License) be given a period of two years within the effective date of these regulations to meet the requirements for the endorsement in American Sign Language.

## Alternatives

*Please describe the specific 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.*

The choices considered included: (1) establishing regulations for licensure for teachers of American Sign Language (ASL) or (2) requiring a license for teachers of ASL but not specifically in the area of American Sign Language.

In reviewing the alternatives, the first choice provides for the preparation of teachers of American Sign Language. This preparation is essential as students can complete three years of instruction in ASL to count toward foreign language credit. The second alternative is not appropriate because it would not maintain the appropriate level of professional competence for license holders teaching ASL.

### Public Comment

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

No comment was received during the NOIRA period.

### Clarity of the Regulation

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

A task force was convened to develop a draft document containing teacher competencies and endorsement requirements for licensure of teachers of American Sign Language. The task force was composed of higher education representatives, administrators, and teachers. Personnel in the Department of education coordinated the task force. The format is consistent with the current licensure regulations for school personnel.

### Periodic Review

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

The measurable regulatory goal for this provision will be that, within three years of its effective date, all personnel teaching ASL in the public schools will be fully licensed for their subject area. These regulations will be reviewed by July 1, 2003.

### Family Impact Statement

*Please provide an analysis of the proposed regulatory action that assesses the potential 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 Board of Education's policy on ASL courses specifies that local school divisions must make clear to parents and students that some, but not all, colleges and universities accept ASL for foreign language credit. School divisions offering three years of instruction in American Sign Language should include this information in all course of study documents. Hence, the regulations are consistent with the Board of Education's policy that parents should be fully informed about the nature of and the requirements for the ASL courses.

These regulations are anticipated to have no impact on family stability, family income, or the institution of the family. The provision is expected to give students and their families additional options for academic studies for completing high school diploma requirements. The provision will also give the parents of public school students additional assurances that teachers meet high standards of professional competence.