



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: F

Date: June 15, 2022

Title: Final Review of Exempt Action to Comport 8VAC20-23-100 with Chapter 546 of the 2022 Acts of the Assembly

Presenter: Jim Chapman, Regulatory and Legal Coordinator

Email: jim.chapman@doe.virginia.gov **Phone:** 804-225-2540

Purpose of Presentation:
Action required by state or federal law or regulation.

Executive Summary
[Chapter 546](#) of the 2022 Acts of the Assembly (“[Chapter 546](#)”) amended § [22.1-298.1](#) of the *Code of Virginia* to expand licensure reciprocity to spouses of reserve members of the Armed Forces of the United States or members of the Virginia National Guard who have obtained a valid out-of-state license. [Chapter 546](#) further requires that the applicant-spouse include the military permanent assignment orders along with the application and that the Virginia Department of Education (VDOE) determine and communicate the applicant-spouse’s eligibility for licensure by reciprocity within 15 business days of receipt of the complete application process.

As a result of [Chapter 546](#), the Virginia Board of Education (Board) must amend [8VAC20-23-100](#) to align with § [22.1-298.1](#).

Action Requested:
Final review: Action requested at this meeting.

Superintendent’s Recommendation
The Superintendent of Public Instruction recommends that the Board of Education approve the exempt action.

Rationale for Action:
Board action is required to comply with [Chapter 546](#) of the 2022 Acts of Assembly.

Previous Review or Action:

No previous review or action.

Background Information and Statutory Authority:

The Board has the statutory authority to prescribe requirements for the licensure of teachers and school personnel. Section § [22.1-298.1](#) of the *Code of Virginia*, provides, in part, the following:

§ 22.1-298.1. Regulations governing licensure.

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

The 2022 Virginia General Assembly approved [HB 230](#) (Coyner) and [SB 154](#) (Locke), which in part amends § 22.1-298.1 of the *Code of Virginia*. [Chapter 546](#) expands licensure reciprocity to spouses of reserve members of the Armed Forces of the United States or members of the Virginia National Guard who have obtained a valid out-of-state license. [Chapter 546](#) further requires that the applicant-spouse include the military permanent assignment orders along with the application and that the VDOE determine and communicate the applicant-spouse’s eligibility for licensure by reciprocity within 15 business days of receipt of the complete application process.

As a result of [Chapter 546](#), the Board must amend [8VAC20-23-100](#) to align with § [22.1-298.1](#).

Timetable for Further Review/Action:

Following Board approval, this regulatory action will be submitted to Town Hall pursuant to the requirements of the Administrative Process Act.

Impact on Fiscal and Human Resources:

This action is not projected to have a significant impact on fiscal or human resources. Any impact can be absorbed within existing structures.

Project 7214 - Final

State Board of Education

Exempt action to comport 8VAC20-23-100 with Chapter 546 of the 2022 Acts of the Assembly

8VAC20-23-100. Conditions for licensure for out-of-state candidates 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 (i) has completed a state-approved teacher preparation program through a regionally accredited four-year college or university or (ii) holds a valid out-of-state teaching license (full credential without deficiencies) that shall be in force at the time the application for a Virginia license is made. An individual shall meet licensure requirements set forth in the Code of Virginia. An individual seeking licensure shall establish a file in the Virginia Department of Education by submitting a complete application packet that includes official student transcripts. Unless exempted by the criteria in this chapter, professional teacher's assessment requirements prescribed by the Virginia Board of Education shall be satisfied.

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

C. Licensure by reciprocity is provided for any spouse of an active duty or reserve member of the Armed Forces of the United States or ~~the Commonwealth~~ a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Virginia Department of Education. Each such individual shall establish a file in the Virginia Department of Education by submitting a complete application packet, which shall include official student transcripts and an official copy of the military permanent assignment orders of the individual's spouse. No service requirements or licensing assessments shall be required for any such individual. The Virginia Department of Education shall determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet.

D. Licensure by reciprocity is provided for individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Virginia Department of Education. Each such individual shall establish a file in the Virginia Department of Education by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

E. For licensure by reciprocity, applicants may submit third-party employment verification forms.

F. For licensure by reciprocity, the board shall grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

Attachment B



 townhall.virginia.gov

Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC20-23
VAC Chapter title(s)	<i>Licensure Regulations for School Personnel</i>
Action title	Exempt action to comport 8VAC20-23-100 with Chapter 546 of the 2022 Acts of the Assembly
Final agency action date	June 15, 2022
Date this document prepared	May 24, 2022

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

[Chapter 546](#) of the 2022 Acts of the Assembly (“[Chapter 546](#)”) amended § [22.1-298.1](#) of the Code of Virginia to expand licensure reciprocity to spouses of reserve members of the Armed Forces of the United States or members of the Virginia National Guard who have obtained a valid out-of-state license. [Chapter 546](#) further requires that the applicant-spouse include the military permanent assignment orders along with the application and that the Virginia Department of Education determine and communicate the applicant-spouse’s eligibility for licensure by reciprocity within 15 business days of receipt of the complete application process.

As a result of [Chapter 546](#), the Virginia Board of Education must amend 8VAC20-23-100 to align with § [22.1-298.1](#).

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This regulatory action is the result of a legislative mandate ([Chapter 546](#)).

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

This regulatory action ("Exempt action to comport 8VAC20-23-100 with Chapter 546 of the 2022 Acts of the Assembly") was approved by the Virginia Board of Education on June 15, 2022.