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| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |

# Agenda Item: G

# Date: June 17, 2021

## Title: First Review of a Notice of Intended Regulatory Action (NOIRA) to Amend the *Licensure Regulations for School Personnel* (8VAC20-23) to Include Instruction in Cultural Competency for Initial Licensure and Renewal of a License

### Presenter: Maggie M. Clemmons, Director of Licensure and School Leadership

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## Purpose of Presentation:

Action required by state or federal law or regulation.

## Executive Summary:

The notice of intended regulatory action is to amend the *Licensure Regulations for School Personnel* to comport with legislation passed in the 2021 General Assembly. The *Licensure Regulations for School Personnel* set out licensure requirements for Virginia’s public school personnel. The 2021 Virginia General Assembly approved [HB 1904](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB1904&212+sum+HB1904) (Jenkins) and [SB 1196](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+SB1196&212+sum+SB1196) (Locke), which in part amends [§ 22.1-298.1](http://law.lis.virginia.gov/vacode/22.1-298.1) of the *Code of Virginia*.

[HB 1904](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB1904&212+sum+HB1904) (Jenkins) and [SB 1196](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+SB1196&212+sum+SB1196) (Locke) were identical bills that support a cultural competent educator workforce in the Commonwealth. Specifically, this legislation requires that any person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency as prescribed by the Board.

To reflect these changes, amendments to the *Licensure Regulations for School Personnel* ([8VAC20-23-40](https://law.lis.virginia.gov/admincode/title8/agency20/chapter23/section40/)) are required. This initiative supports the Board of Education’s Comprehensive Plan to recruit, develop, and retain well-prepared and skilled teachers.

## Action Requested:

Other. Specify below:

The Board is requested to waive first review and approve the Notice of Intended Regulatory Action (NOIRA) to amend the *Licensure Regulations for School Personnel*.

## Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends the Board of Education waive first review and approve the Notice of Intended Regulation Action to begin the process to amend the *Licensure Regulations for School Personnel* to include instruction in cultural competency for initial licensure and renewal of a license.

## Previous Review or Action:

No previous review or action.

## Background Information and Statutory Authority:

The Board of Education has the statutory authority to prescribe requirements for the licensure of teachers and school personnel. Section [22.1-298.1](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/) 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 2021 Virginia General Assembly approved [HB 1904](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB1904&212+sum+HB1904) (Jenkins) and [SB 1196](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+SB1196&212+sum+SB1196) (Locke), which in part amends [§ 22.1-298.1](http://law.lis.virginia.gov/vacode/22.1-298.1) of the *Code of Virginia*.

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9. Every person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency.

The proposed amendments to the *Licensure Regulations for School Personnel* will incorporate this legislative change.

## Timetable for Further Review/Action: Following Board approval, the NOIRA will be submitted to Town Hall for executive branch review. The timetable for further action will be governed by the standard rulemaking requirements of the Administrative Process Act (APA).

## Impact on Fiscal and Human Resources:

The administrative impact required in amending the regulations will be absorbed within existing resources.