| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |
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# Agenda Item: L

## Date: October 15, 2020

### Title: First Review of Amendments to the *Licensure Regulations for School Personnel*, *Procedural Guidelines for Conducting Licensure Hearings*, and the *Regulations Governing the Review and Approval of Education Programs in Virginia* to Comport with Legislation from the General Assembly

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## Purpose of Presentation:

Action required by state or federal law or regulation.

Executive Summary:  
This action is to amend the *Licensure Regulations for School Personnel, Procedural Guidelines for Conducting Licensure Hearings,* and the *Regulations Governing the Review and Approval of Education Programs in* *Virginia* to comport with Virginia General Assembly legislation in the 2019 and 2020 sessions. The regulations are to be revised under the fast-track rulemaking requirements of the Administrative Process Act (APA).

The proposed amendments to the regulations and guidelines align with the Board of Education’s Comprehensive Plan, specifically, Priority 2: Advance policies that increase the number of candidates entering the teaching profession and encourage and support the recruitment, development, and retention of well-prepared and skilled teachers and school leaders.

##### LICENSURE REGULATIONS FOR SCHOOL PERSONNEL

##### and

##### PROCEDURAL GUIDELINES FOR CONDUCTING LICENSURE HEARINGS

The first section below sets forth proposed revisions to the *Licensure Regulations for School Personnel* related to the technical professional license, provisional license extensions, and additional training for initial licensure. The second section addresses amendments to the *Licensure Regulations for School Personnel* and the *Procedural Guidelines for Conducting Licensure Hearings* relating to the issuance of written reprimands of license holders.

**Section 1**

###### TECHNICAL PROFESSONAL LICENSE, PROVISIONAL LICENSE EXTENSIONS, ADDITIONAL TRAINING FOR INITIAL LICENSURE

***(Refer to Attachment A.)***

This fast-track regulatory action addresses the following legislation, which took effect on July 1, 2020:

* [HB 1568](https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1568) (Rush) and [SB 978](https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB978) (Edwards) require the Board of Education to amend its regulations to require that persons seeking a technical professional license with an endorsement to teach military science have either the appropriate credentials issued by the United States military or a recommendation from a Virginia employing educational agency.
* [HB 1613](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb1613) (Brewer) requires the Board of Education pursuant to regulation, to permit any individual who seeks a technical professional license to substitute the successful completion of an intensive, job-embedded, three-year program of professional development for the nine semester hours of professional studies required for such license.
* [HB 1630](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb1630) (Kilgore) permits any school board and division superintendent to extend from three months to six months the period within which the provisional license of an individual seeking initial teacher licensure who has not completed professional assessments will expire for the purpose of establishing such individual's eligibility for initial licensure, provided that such individual has received a satisfactory mid-year performance review in the current school year and meets all other eligibility criteria.
* [HB 1469](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb1469) (Gooditis) and [SB 680](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb680) (Mason) require the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in a school for students with disabilities that is licensed by the Board upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license. The provisions of the bill mirror current law relating to the extension of provisional licenses for public school teachers.
* [HB 894](https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB894) (Levine) requires every person seeking initial licensure as a teacher who has not received such instruction must receive instruction or training on such topics as a condition of licensure. The bill requires the Board of Education to adopt regulations to implement the requirements.

**Section 2**

###### WRITTEN REPRIMANDS

***(Refer to Attachments A and B.)***

## The 2019 General Assembly and the 2020 General Assembly passed legislation relating to written reprimands of license holders by the Board of Education. The following legislation requires revisions in the *Licensure Regulations for School Personnel*. Also attached are corresponding revisions to the *Procedural Guidelines for Conducting Licensure Hearings*, which were approved by the Board of Education on November 15, 2018, and became effective on January 1, 2019.

## 2019 General Assembly

* [**HB 2325**](http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0587)amended §§ [22.1-292.1](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-292.1/), [22.1-304](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-304/), and [22.1-298.1](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/), of the *Code of Virginia* to allow the Board of Education to issue a written reprimand to any holder of a license issued by the Board who commits certain offenses. Under [§ 22.1-292A](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-292.1/) of the *Code*, the Board now may issue a written reprimand to a license holder for any of the acts relating to secure mandatory tests listed. [Section 22.1-304](https://www.bing.com/search?q=Section+22.1-304&src=IE-SearchBox&FORM=IESR4N) was amended to allow written reprimand as a disciplinary action for breach of an employment contract, in the event that a school board or division superintendent declines to grant a license holder’s requested release from an employment contract on grounds of “insufficient or unjustifiable cause.” Under the amended *Code* provisions, any written reprimand shall be rendered pursuant to regulations prescribed by the Board of Education.

The third statutory provision amended pursuant to the HB 2325, [§ 22.1-298.1](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/), requires that licensure regulations promulgated by the Board of Education include procedures for the written reprimand of license holders. The text of each amended statutory provision is included.

## 2020 General Assembly

* [**HB 1344**](https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0513) (Askew) amended §§ [22.1-298.1](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/) and [22.1-304](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-304/) of the *Code of Virginia.* Both amendments provide clarification to provisions relating to the issuance of a written reprimand added by the General Assembly in 2019. In particular, the bill amends

§ [22.1-298.1](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/) by requiring that the licensure regulations include procedures for the issuance of written reprimand of a license holder “on grounds established by the Board of Education, in accordance with law.” The added language clarifies the Board of Education’s authority to identify grounds for the issuance of a written reprimand. The amendment of § [22.1-304](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-304/) corrects language relating to possible licensure sanctions for the breach of an employment contract when a division superintendent or local school board fails to release an employee from a contract by stating that sanctions may include suspension of a license, as well as written reprimand and revocation.

While these provisions include changes to statutory provisions relating to the issuance of a written reprimand, the requirement that the Board of Education’s licensure regulations include procedures relating to the issuance of written reprimand of a license holder was added to the *Code of Virginia* by the General Assembly in 2019. As set forth below, however, the statutory provisions in 2019 arguably applied only to enumerated circumstances (violations relating to secure mandatory tests and breach of employment contract). House Bill 1344 clarifies that the regulations may include procedures for the written reprimand for any reasons established by the Board in accordance with law.

##### REGULATIONS GOVERNING THE REVIEW AND

##### APPROVAL OF EDUCATION PROGRAMS IN VIRGINIA

This fast-track regulatory action addresses the following legislation that became effective on

July 1, 2020:

* [HB 894](https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB894) (Levine) amended [§ 22.1-298.1](https://law.lis.virginia.gov/vacode/22.1-298.1/) of the *Code of Virginia* to require education preparation programs offered by public institutions of higher education and private institutions of higher education to ensure that, as a condition of degree completion, each student enrolled in the education preparation program receives instruction on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion.

## Action Requested:

Action will be requested at a future meeting. Specify anticipated date below:

November 19, 2020

## Superintendent’s Recommendation: The Superintendent of Public Instruction recommends that the Board of Education receive for first review amendments to the *Licensure Regulations for School Personnel*, *Procedural Guidelines for Conducting Licensure Hearings*, and the *Regulations Governing the Review and Approval of Education Programs in Virginia* to comport with legislation from the General Assembly.

## Previous Review or Action:

No previous review or action.

Background Information and Statutory Authority:   
This action is to amend the *Licensure Regulations for School Personnel, Procedural Guidelines for Conducting Licensure Hearings,* and the *Regulations Governing the Review and Approval of Education Programs in* *Virginia* to comport with Virginia General Assembly legislation in the 2019 and 2020 sessions. The regulations are to be revised under the fast-track rulemaking requirements of the Administrative Process Act (APA).

##### LICENSURE REGULATIONS FOR SCHOOL PERSONNEL

##### and

##### PROCEDURAL GUIDELINES FOR CONDUCTING LICENSURE HEARINGS

The first section below sets forth proposed revisions to the *Licensure Regulations for School Personnel* related to the technical professional license, provisional license extensions, and additional training for initial licensure. The second section addresses amendments to the *Licensure Regulations for School Personnel* and the *Procedural Guidelines for Conducting Licensure Hearings* relating to the issuance of written reprimands of license holders.

**Section 1**

###### TECHNICAL PROFESSONAL LICENSE, PROVISIONAL LICENSE EXTENSIONS, ADDITIONAL TRAINING FOR INITIAL LICENSURE

***(Refer to Attachment A.)***

[Section 22.1-298.1](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/#:~:text=Regulations%20governing%20licensure.,A.&text=The%20Board%20of%20Education%20shall,required%20to%20hold%20a%20license.) of the *Code of Virginia* provides, in part**:**

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 Board’s *Licensure Regulations for School Personnel* set out licensure requirements for Virginia’s public school personnel. The 2020 Virginia General Assembly approved the following legislation which requires the Board of Education to amend its regulations:

[HB 1568](https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB1568) (Rush) and [SB 978](https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB978) (Edwards) amend the *Code of Virginia* by adding a section numbered [§ 22.1-16.7](https://law.lis.virginia.gov/vacode/title22.1/chapter2/section22.1-16.7/) to the *Code of Virginia* and require the *Licensure Regulations for School Personnel* ([8VAC20-23-50](https://law.lis.virginia.gov/admincode/title8/agency20/chapter23/section50/)) to be amended as follows:

4. … The Technical Professional License is issued at the recommendation of a Virginia employing educational agency in the areas of career and technical education, educational technology, and military science. Individuals seeking an endorsement to teach military science

shall have the appropriate credentials issued by the United States military. Individuals holding a

technical professional license may teach a military science leadership class with either the appropriate credentials issued by the United States military or a recommendation from a Virginia employing educational agency. The employing Virginia educational agency shall ensure the credentials issued by the United States military are active during the period the individual is teaching.  …

[HB 1613](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb1613) (Brewer) amends the *Code of Virginia* by adding a section numbered [§ 22.1-299.8](https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0684) of the *Code of Virginia* and requires the *Licensure Regulations for School Personnel* ([8VAC20-23-50](https://law.lis.virginia.gov/admincode/title8/agency20/chapter23/section50/)) to be amended as follows:

4. The Technical Professional License .... The nine semester hours of professional studies coursework shall include three semester hours of human development and learning, three semester hours of curriculum and instruction, and three semester hours of applications of instructional technology or classroom and behavior management. Individuals who seek a technical professional license may substitute the successful completion of an intensive, job-embedded, three-year program of professional development for the nine semester hours of professional studies required. …

[HB 1630](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb1630) (Kilgore) amends [§ 22.1-298.1](http://law.lis.virginia.gov/vacode/22.1-298.1) of the *Code of Virginia* and requires the *Licensure Regulations for School Personnel* [(8VAC20-23-10)](https://law.lis.virginia.gov/admincode/title8/agency20/chapter23/section10/)to be amended as follows:

"Provisional License" means a nonrenewable license … The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional licensure that will expire

within three months or, at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year; (ii) is employed by a school board; …

[HB 1469](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb1469) (Gooditis) and [SB 680](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb680) (Mason) amend [§ 22.1-299](https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0639) of the *Code of Virginia* and require the *Licensure Regulations for School Personnel* [(8VAC20-23-10)](https://law.lis.virginia.gov/admincode/title8/agency20/chapter23/section10/)to be amended as follows:

"Provisional License" means a nonrenewable license valid for a specified period of time not to exceed three years issued to an individual who has allowable deficiencies for full licensure as set forth in this chapter. The individual shall have a minimum of an earned baccalaureate degree from a regionally accredited college or university, with the exception of those individuals seeking the Technical Professional License. The Provisional License will be issued for a three-year validity period, with the exception of the Provisional (Career Switcher) License that will be

initially issued for a one-year validity period and Teach For America Provisional License that will be initially issued for a two-year validity period. Individuals shall complete all requirements for licensure, including passing all licensure assessments, for a renewable license within the validity period of the Provisional License. The Board shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher

upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license. The Board shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in an accredited private elementary or secondary school or a school for students with disabilities that is licensed pursuant to Chapter 16 ([§ 22.1-319](http://law.lis.virginia.gov/vacode/22.1-319) et seq.) upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license. …

[HB 894](https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB894) (Levine) amends [§ 22.1-298.1](https://law.lis.virginia.gov/vacode/22.1-298.1/) of the *Code of Virginia* and requires adding a section to the *Licensure Regulations for School Personnel* [(8VAC20-23-40)](https://law.lis.virginia.gov/admincode/title8/agency20/chapter23/section40/) as follows:

G. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of §23.1-902 of the Code of Virginia shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion.

**Section 2**

###### WRITTEN REPRIMANDS

***(Refer to Attachments A and B.)***

2019 General Assembly

**HB 2325** amended §§ [**22.1-292.1**](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-292.1/), [22.1-304](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-304/), and [22.1-298.1](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/) of the *Code of Virginia* as follows:

§ [**22.1-292.1**](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-292.1/). Violations related to secure mandatory tests.

A. The Board of Education may *(i) issue written reprimand to or (ii)*suspend or revoke the administrative or teaching license~~it has issued to~~ *of* any~~person~~*holder of a Board-issued*

*administrative or teaching license* who knowingly and willfully commits any of the following acts related to secure mandatory tests administered to students as required by this title or by the Board of Education:

1. Giving unauthorized access to secure test questions;

2. Copying or reproducing all or any portion of any secure test booklet;

3. Divulging the contents of any portion of a secure test;

4. Coaching or assisting examinees during testing or altering test materials or examinees' responses in any way;

5. Making available any answer keys;

6. Failing to follow test security procedures established by the Department of Education;

7. Providing a false certification on any test security form required by the Department of Education;

8. Retaining a copy of secure test questions;

9. Excluding students from testing who are required to be assessed; and

10. Participating in, directing, aiding, assisting in, or encouraging any of the acts prohibited by this section.

For the purposes of this section, "secure test" means an item, question, or test that has not been made publicly available by the Department of Education.

Nothing in this section shall be construed to prohibit educational personnel from providing input to administrators or other authorized personnel, including school board members and members of the General Assembly, except when done in a manner that violates test integrity or security

regarding the accuracy, clarity, or propriety of test items or test administration procedures.

B. Nothing in this section shall be construed to prohibit or restrict the reasonable and necessary actions of the Board of Education, the Superintendent of Public Instruction, or the Department of Education in test development or selection, test form construction, standard setting, test scoring and reporting, or any other related activities which, in the judgment of the Superintendent of Public Instruction or the Board of Education, are necessary and appropriate.

C. Any *written reprimand,*suspension*,* or revocation imposed for the acts enumerated in this section shall be rendered pursuant to Board regulations promulgated pursuant to the

Administrative Process Act (§ [**2.2-4000**](http://law.lis.virginia.gov/vacode/2.2-4000) et seq.) and § [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1), governing the licensure of teachers.

**§**[**22.1-304**](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-304/)**.** Reemployment of teacher who has not achieved continuing contract status; effect of continuing contract; resignation of teacher; reduction in number of teachers.

C. A teacher may resign after June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent. The teacher shall request release from contract at least two weeks in advance of intended date of resignation. Such request shall be in writing and shall set forth the cause of resignation.

If the division superintendent has been authorized to approve resignations, a teacher may, within one week, withdraw a request to resign. Upon the expiration of the one-week period, the division superintendent shall notify the school board of his decision to accept or reject the resignation. The school board, within two weeks, may reverse the decision of the division superintendent.

In the event that the board or the division superintendent declines to grant the request for release

on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include *written reprimand or*revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education…

§ [**22.1-298.1**](http://law.lis.virginia.gov/vacode/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. Such regulations shall include~~requirements~~*procedures* for *(i)*the denial, suspension, cancellation, revocation, and

reinstatement of licensure*; (ii) written reprimand of license holders, notice of which shall be made by the Superintendent of Public Instruction to division superintendents or their designated representatives;* and~~procedures for~~*(iii)* the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require~~(i)~~ *(a)* the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in

conduct that forms the basis for revocation of a license;~~(ii)~~*(b)* the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to

the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and~~(iii)~~*(c)* the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § [**22.1-313**](http://law.lis.virginia.gov/vacode/22.1-313) and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § [**63.2-1526**](http://law.lis.virginia.gov/vacode/63.2-1526) have been exhausted. Regardless of the authority of any 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.….

2020 General Assembly

**House Bill 1344 amended** §§ [22.1-298.1](http://law.lis.virginia.gov/vacode/22.1-298.1) and [22.1-304](http://law.lis.virginia.gov/vacode/22.1-304) of the *Code of Virginia* as follows:

**§**[**22.1-298.1**](http://law.lis.virginia.gov/vacode/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. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders*on grounds established by the Board, in accordance*

*with law*, notice of which shall be made by the Superintendent of Public Instruction to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to

proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license

in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § [22.1-313](http://law.lis.virginia.gov/vacode/22.1-313) and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § [63.2-1526](http://law.lis.virginia.gov/vacode/63.2-1526) have been exhausted. Regardless of the authority of any 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…

**§**[**22.1-304**](http://law.lis.virginia.gov/vacode/22.1-304)**.** Reemployment of teacher who has not achieved continuing contract status; effect of continuing contract; resignation of teacher; reduction in number of teachers.

C. A teacher may resign after June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent. The teacher shall request release from contract at least two weeks in advance of intended date of resignation. Such request shall be in writing and shall set forth the cause of resignation.

If the division superintendent has been authorized to approve resignations, a teacher may, within one week, withdraw a request to resign. Upon the expiration of the one-week period, the division

superintendent shall notify the school board of his decision to accept or reject the resignation. The school board, within two weeks, may reverse the decision of the division superintendent.

In the event that the board or the division superintendent declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include written reprimand*, suspension,* or revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education…

Attachment A is a copy of the affected sections of the *Licensure Regulations for School Personnel*. This attachment highlights (grey background) regulatory action that is pending from previous Board actions and outlines the proposed revisions relating to reprimand (blue background) to comport with the 2019 and 2020 General Assembly legislation and other proposed amendments unrelated to reprimand and comporting with 2020 General Assembly legislation (yellow background).

Attachment B is a copy of the *Procedural Guidelines for Conducting Licensure Hearings,* adopted by the Board in November 2018 and effective January 1, 2019, reflecting proposed changes to the *Guidelines* relating to the issuance of written reprimands of license holders.

##### REGULATIONS GOVERNING THE REVIEW AND

##### APPROVAL OF EDUCATION PROGRAMS IN VIRGINIA

This fast-track regulatory action addresses the following legislation, which took effect on July 1, 2020:

[HB 894](https://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB894) (Levine) amends [§ 22.1-298.1](https://law.lis.virginia.gov/vacode/22.1-298.1/) of the *Code of Virginia* requiring a revision in the *Regulations Governing the Review and Approval of Education Programs in Virginia*:

D. Education preparation programs offered by public institutions of higher education and private institutions of higher education shall ensure that, as a condition of degree completion, each student enrolled in the education preparation program receives instruction on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion.

Below is the affected section of the *Regulations Governing the Review and Approval of Education Programs in Virginia*. The proposed revision is as follows:

**8VAC20-543-20. Accreditation and Administering This Chapter.**

**Part II  
Accreditation and Administering this Chapter**

A. Institutions of higher education seeking approval of an education endorsement program shall be accredited by a regional accrediting agency.

B. Professional education programs in Virginia shall obtain and maintain national accreditation from the Council for the Accreditation of Educator Preparation (CAEP). Professional education programs in Virginia seeking accreditation through CAEP shall adhere to procedures and timelines established by CAEP and the CAEP/Virginia Partnership Agreement. Professional education programs shall ensure and document that programs are aligned with standards set forth in [8VAC20-543-40](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section40/) through [8VAC20-543-50](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section50/) and meet competencies outlined in [8VAC20-543-60](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section60/) through [8VAC20-543-640](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section640/).

C. If a professional education program fails to maintain accreditation, enrolled candidates shall be permitted to complete their programs of study. Professional education programs that fail to maintain accreditation shall not admit new candidates. Candidates shall be notified of the education endorsement program's approval status.

D. Teacher candidates shall complete academic degrees in the arts and sciences, or equivalent, except in health, physical, and career and technical education. Candidates in early/primary education (preK-3), elementary education (preK-6), middle education (6‑8), and special education programs may complete a major in interdisciplinary studies or its equivalent. Candidates seeking a secondary endorsement area must have earned a major, or the equivalent, in the area sought.

E. Professional studies coursework and methodology, including field experiences, required in this chapter shall be designed for completion within an approved program.

F. Professional education programs shall **ensure that, as a condition of degree completion, each student enrolled in the education preparation program receives instruction on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion**; ensure that candidates demonstrate proficiency in the use of educational technology for instruction; complete study in child abuse recognition and intervention; and complete training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. Candidates in education endorsement programs must demonstrate an understanding of competencies, including the core concepts and facts of the disciplines and the Virginia Standards of Learning, for the content areas they plan to teach. Professional education programs shall ensure that candidates demonstrate skills needed to help preK-12 students achieve college and career performance expectations.

G. Standards and procedures for the review and approval of each education endorsement program shall adhere to procedures for administering the chapter as defined in this section and in [8VAC20-543-40](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section40/), [8VAC20-543-50](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section50/), and [8VAC20-543-60](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section60/). These procedures shall result in biennial recommendations to the Board of Education for one of the following three ratings: "approved," "approved with stipulations," or "approval denied."

H. Education endorsement programs shall be approved under this chapter biennially based on compliance with the criteria described in [8VAC20-543-40](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section40/), [8VAC20-543-50](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section50/), and [8VAC20-543-60](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section60/).

I. The Department of Education will determine the timeline and procedures for applying for education endorsement program approval.

J. Education endorsement programs in Virginia shall address the competencies set forth in this chapter, and the curriculum for each program must be documented and submitted to the Department of Education for approval.

K. Professional education programs shall submit to the Department of Education on behalf of each education endorsement program under consideration a biennial accountability measurement report and an annual education preparation program profile to include data prescribed by the Board of Education on education endorsement programs in accordance with department procedures and timelines.

L. The professional education program authorized administrator shall maintain copies of approved education endorsement programs and required reports.

M. The Department of Education may conduct onsite visits to review education endorsement programs and verify data.

N. The Advisory Board on Teacher Education and Licensure (ABTEL) is authorized to review and make recommendations to the Board of Education on approval of Virginia education endorsement programs for school personnel. The Board of Education has final authority on education endorsement program approval.

O. In administering this chapter, licensure requirements for Virginia are outlined in the Licensure Regulations for School Personnel ([8VAC20-23](https://law.lis.virginia.gov/admincode/title8/agency20/chapter23/)). This document should be referenced for detailed information regarding requirements for Virginia licensure. An individual must meet licensure requirements set forth in the Code of Virginia.

P. Modifications may be made by the Superintendent of Public Instruction in the administration of this chapter. Proposed modifications shall be made in writing to the Superintendent of Public Instruction, Commonwealth of Virginia.

Q. Upon the effective date of this chapter, the Board of Education grants colleges and universities two years to align their existing approved programs with this chapter and allows only college and universities that on the effective date of this chapter are accredited by the Board of Education process four years to become accredited by the Council for the Accreditation of Educator Preparation (CAEP) with the option of submitting a progress report to the Superintendent of Public Instruction to request an additional year, if needed.

On September 21, 2020, the Advisory Board on Teacher Education and Licensure received a presentation on the amendments to the regulations based on General Assembly action, as well as revisions to the guidelines. The members reviewed and discussed the proposed revisions to be presented to the Board of Education.

Timetable for Further Review/Action:  
The Board of Education will receive this item for final review at its November 2020 meeting. Upon approval by the Board of Education, the regulations will be subject to the procedures of the Administrative Process Act.

## Impact on Fiscal and Human Resources:

The administrative impact will be absorbed within existing resources.