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

## Date: July 25, 2019

### Title: First Review of Proposed Amendments to the *Licensure Regulation for School Personnel* (8 VAC20-23) to Comport with Legislation Passed by the General Assembly Under the Fast Track Provisions of the Administrative Process Act

#### **Presenter: Mrs. Patty S. Pitts, Assistant Superintendent for Teacher Education and Licensure**

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## Purpose of Presentation:

Action required by state or federal law or regulation.

## Executive Summary: This regulatory action is to amend the *Licensure Regulations for School Personnel* to comport with Virginia General Assembly legislation in the 2017, 2018, and 2019 sessions related to licensure. The *Licensure Regulations for School Personnel* (8 VAC20-22) were repealed, and revised regulations (8 VAC20-23) became effective August 23, 2018. The regulatory process for the revised regulations needed to conclude before additional amendments were to be submitted. Revisions from the General Assembly sessions have been consolidated to streamline the Administrative Process Act.

The proposed amendments to the licensure regulations 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.

The following legislation requires revisions in the *Licensure Regulations for School Personnel*:

**2017 General Assembly**

* Identical bills, **House Bill 1770** and **Senate Bill 1583**, permit each local school board or division superintendent to waive certain enumerated licensure requirements for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education.
* **House Bill 1829** specifies that the certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators that is required of every person seeking initial licensure or renewal of a license as a teacher shall include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.
* **House Bill 2352** exempts from any professional teacher's assessment requirements any individual 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 Department of Education, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed. [The 2018 General Assembly passed HB1125 that further amended section 22.1-298.1 of the *Code of Virginia* regarding reciprocity.]
* **House Bill 2432** requires the Board of Education to include in its regulations governing the licensure of teachers and other school personnel procedures for 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, including requirements for (i) 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) 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) 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 bill clarifies that in the case of a teacher who is or becomes the subject of a founded complaint of child abuse and neglect, such teacher shall be dismissed after all rights to any administrative appeal have been exhausted.
* **Senate Bill 1117** requires every person seeking initial licensure or renewal of a license with an endorsement as a school counselor to complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

**2018 General Assembly**

* **House Bill 2** requires the Board of Education to provide for teacher licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth 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 Department of Education. The bill provides that no service requirements or licensing assessments shall be required for any such individual. This bill is identical to [**Senate Bill 103.**](http://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+SB103)
* **House Bill 80** requires the Board of Education, in its regulations providing for teacher licensure by reciprocity, to permit applicants to submit third-party employment verification forms.
* **House Bill 215** requires the Board to establish an experiential route to licensure, issuing a one-year renewable license.
* **House Bill 1125** makes several changes to the teacher licensure process, including (i) permitting teachers with a valid out-of-state license, with full credentials and without deficiencies, to receive licensure by reciprocity without passing additional licensing assessments and (ii) permitting a local school board or division superintendent to waive certain licensure requirements for any individual who holds a provisional license and is employed by the local school board. This bill is identical to[**Senate Bill 349.**](http://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+SB349)

On January 24, 2019, the Board of Education approved 270 professional development points for license renewal for a ten-year renewable license and approved including in the *Licensure Renewal Manual* the following maximum professional development points for each option until the renewal requirements are comprehensively reviewed. [Individuals who hold a five-year renewable license must complete 180 professional development points.] All statutory requirements for renewal shall be required.

1. College Credit 270 points
2. Professional Conference 60 points
3. Curriculum Development 135 points
4. Publication of Article 135 points
5. Publication of Book 135 points
6. Mentor/Supervision 135 points
7. Educational Project 135 points
8. Professional Development Activities 270 points

**2019 General Assembly**

**HB1575** grants to the Chancellor of the Virginia Community College System voting privileges as a member of the Advisory Board on Teacher Education and Licensure (the Advisory Board). The bill requires the Advisory Board to report to the Board of Education and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2019, recommendations relating to licensure qualifications for individuals employed by an institution of higher education to teach (i) career and technical education courses in a high school setting and (ii) dual enrollment courses in a high school setting. The bill also requires the Board of Education to provide for the issuance of a three-year license to solely teach career and technical education courses or dual enrollment courses at public high schools in the Commonwealth to any individual who is employed as an instructor by an institution of higher education that is accredited by a nationally recognized regional accreditation body, is teaching in the specific career and technical education or dual enrollment subject area at such institution in which the individual seeks to teach at a public school, and complies with certain additional requirements.

Identical bills[, **HB 2037**](https://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0407)**and** [**SB 1397**](https://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0063)**,** require the Board of Education to issue a license to an individual seeking initial licensure who has not completed the professional assessments prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

## Action Requested:

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

September 19, 2019

## Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends the Board of Education receive for first review the proposed revisions to the *Licensure Regulations for School Personnel* to comport with legislation passed by the General assembly and authorize Department of Education staff to make technical edits, if necessary, and continue with the procedures of the Administrative Process Act.

## Previous Review or Action:

Previous review and action. Specify date and action taken below:

Date: September 28, 2017

Action: Final Review

Date: October 18, 2018

Action: First Review

Date: November 15, 2018

Action: The Board deferred final action until January 2019.

Date: January 24, 2019

Action: Final Review

## **Background Information and Statutory Authority:**

Section § 22.1-298.1 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.

Below is Virginia General Assembly legislation passed in the 2017, 2018, and 2019 sessions that require revisions in the *Licensure Regulations for School Personnel*.

2017 Virginia General Assembly

HB1770/SB1583 (identical bills) amended § [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1) of the *Code of Virginia* as follows. [Note: In 2018 and 2019, this section of the *Code* was amended.]

§ [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1). Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

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 for the denial, suspension, cancellation, revocation, and reinstatement of licensure. 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 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.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § [**22.1-212.23**](http://law.lis.virginia.gov/vacode/22.1-212.23). Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;

2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;

4. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

5. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

6. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

7. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential; and

8. (Effective July 1, 2017) Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia.

*E. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C* *or subdivision D* *1, 3, 4, 6, or* *8….*

HB1829 amended § [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1) of the *Code of Virginia* as follows:

§ [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1). Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education….

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

…5. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall *(i)*be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross*, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation*. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;…

2. That the provisions of this act shall become effective on September 1, 2017.

HB2352 amended § [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1) of the *Code of Virginia* as follows. [The 2018 General Assembly passed HB1125 that further amended section 22.1-298.1 of the *Code of Virginia* regarding reciprocity.]

§ [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1). Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education….

H. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. 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 Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § [**22.1-298.2**](http://law.lis.virginia.gov/vacode/22.1-298.2) and service requirements shall not be imposed for these licensed individuals~~; however, other~~*. Other* licensing assessments, as prescribed by the Board of Education, shall be required*, but any such individual shall be exempt from any professional teacher's assessment requirements, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed*; and

3. The Board may include other provisions for reciprocity in its regulations.

HB2432 amended §§ [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1) and [**22.1-307**](http://law.lis.virginia.gov/vacode/22.1-307) of the *Code of Virginia* as follows:

§ [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1). Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education….

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 for the denial, suspension, cancellation, revocation, and reinstatement of licensure*and procedures for 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) 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) 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) 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….

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § [**22.1-212.23**](http://law.lis.virginia.gov/vacode/22.1-212.23). Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

§ [**22.1-307**](http://law.lis.virginia.gov/vacode/22.1-307). Dismissal of teacher; grounds.

A. Teachers may be dismissed for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to § [**63.2-1505**](http://law.lis.virginia.gov/vacode/63.2-1505), and after all rights to~~an~~*any administrative* appeal provided by § [**63.2-1526**](http://law.lis.virginia.gov/vacode/63.2-1526) have been exhausted. The fact of such finding, after all rights to~~an~~*any administrative* appeal provided by § [**63.2-1526**](http://law.lis.virginia.gov/vacode/63.2-1526) have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the school board.

B. For the purposes of this article, "incompetency" may be construed to include, but shall not be limited to, consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations.

SB1117 amended § [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1) of the *Code of Virginia* as follows:

§ [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1). Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education….

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;

2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;

4. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

5. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

6. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

7. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential; ~~and~~

8. (Effective July 1, 2017) Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia~~.~~*; and*

*9. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse….*

2018 Virginia General Assembly

HB2 amended § [22.1-298.1](http://law.lis.virginia.gov/vacode/22.1-298.1) of the *Code of Virginia* as follows:

…I. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. *For any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth 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 Department of Education. Each such individual shall establish a file in the 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; and*

*3.* 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 Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § [**22.1-298.2**](http://law.lis.virginia.gov/vacode/22.1-298.2) and service requirements shall not be imposed for these licensed individuals. Other licensing assessments, as prescribed by the Board of Education, shall be required, but any such individual shall be exempt from any professional teacher's assessment requirements, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed~~; and~~

~~3. The Board may include other provisions for reciprocity in its regulations~~.

HB80 amended § [22.1-298.1](http://law.lis.virginia.gov/vacode/22.1-298.1)of the *Code of Virginia* as follows:

…I. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. 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 Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § [**22.1-298.2**](http://law.lis.virginia.gov/vacode/22.1-298.2) and service requirements shall not be imposed for these licensed individuals. Other licensing assessments, as prescribed by the Board of Education, shall be required, but any such individual shall be exempt from any professional teacher's assessment requirements, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed; and

3. The Board may include other provisions for reciprocity in its regulations.

*J. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection I, shall permit applicants to submit* *third-party employment* *verification* *forms.*

HB215 amended § [22.1-298.1](http://law.lis.virginia.gov/vacode/22.1-298.1) of the *Code of Virginia* as follows:

§ [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1). Regulations governing licensure.

…G. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. *Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:*

*1. Received a graduate degree from a regionally accredited institution of higher education;*

*2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;*

*3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought; and*

*4. Met the requirements set forth in subdivisions D 2 and 5…\**

*\**[D 2-Study in child abuse recognition and intervention and 5-Certification or training in emergency first aid, cardiopulmonary resuscitation (including hands-on practice) and the use of automated external defibrillators]…

HB1125 amended sections 22.1-298.1, 22.1-299, 22.1-299.5, and 22.1-299.6 of the *Code of Virginia* as follows:

§ [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1). Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for ~~five~~ *10* years to an individual who meets the requirements specified in the Board of Education's regulations.

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 for the denial, suspension, cancellation, revocation, and reinstatement of licensure and procedures for 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) 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) 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) 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.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § [**22.1-212.23**](http://law.lis.virginia.gov/vacode/22.1-212.23). Such license shall be valid only for teaching online courses. Teachers who hold a ~~five-year~~ *10-year* renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. ~~Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;~~

~~2.~~ Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

~~3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;~~

~~4.~~ *2.* Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

~~5.~~ *3.* Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

~~6.~~ *4.* Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

~~7.~~ *5.* Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

~~8.~~ *6.* Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; and

~~9.~~ *7.* Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

E. *No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, or 6 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.*

*F.* Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D ~~1, 3,~~ *2,* 4, *or* 6~~, or 8~~.

~~F.~~ *G.* The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

~~G.~~ *H.* The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

~~H.~~ *I.* Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D ~~7~~ *5* or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

~~I.~~ *J.* The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts; *and*

2. 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 Department of Education. ~~The~~ *Each such* individual ~~must~~ *shall* establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. ~~An assessment of basic skills as provided in §~~ [**22.1-298.2**](http://law.lis.virginia.gov/vacode/22.1-298.2) ~~and~~ *No* service requirements ~~shall not be imposed for these licensed individuals. Other~~ *or* licensing assessments~~, as prescribed by the Board of Education,~~ shall be required~~, but~~ *for* any such individual ~~shall be exempt from any professional teacher's assessment requirements, subject to the approval of the division superintendent or the school board in the school division in which such individual is employed; and~~

~~3. The Board may include other provisions for reciprocity in its regulations~~.

*K. The Board shall include in its regulations an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.*

§ [**22.1-299**](http://law.lis.virginia.gov/vacode/22.1-299). License required of teachers; provisional licenses; exceptions.

*A.* No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license or provisional license issued by the Board ~~of Education~~.

*B.* Notwithstanding the provision in § [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1) that the provisional license is limited to three years, ~~if~~ *the following exceptions shall apply:*

*1. If* a teacher employed in ~~Virginia~~ *the Commonwealth* under a provisional license is activated or deployed for military service within a school year (July 1-June 30), an additional year ~~will~~ *shall* be added to the teacher's provisional license for each school year or portion thereof *during which* the teacher is activated or deployed. The additional year ~~or years~~ shall be granted the ~~following~~ year ~~or years after~~ *following* the return of the teacher from deployment or activation.

*2. 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.*

*C.* In accordance with regulations prescribed by the Board, a person not meeting the requirements for a license or provisional license may be employed and paid from public funds by a school board temporarily as a substitute teacher to meet an emergency.

§ [**22.1-299.5**](http://law.lis.virginia.gov/vacode/22.1-299.5). Waiver of teacher licensure requirements; trade and industrial education programs.

A. Notwithstanding any provision of law to the contrary, any division superintendent may apply to the Department of Education for ~~an annual~~ *a biennial* waiver of the teacher licensure requirements for any individual whom the local school board hires or seeks to hire to teach in a trade and industrial education program who has obtained or is working toward an industry credential relating to the program area and who has at least 4,000 hours of recent and relevant employment experience, as defined by the Board pursuant to regulation.

B. The Department of Education shall establish a procedure for submitting, receiving, and acting upon such ~~annual~~ *biennial* waiver applications.

§ [**22.1-299.6**](http://law.lis.virginia.gov/vacode/22.1-299.6). Career and technical education; three-year licenses.

A. Notwithstanding any provision of law to the contrary, the Board shall provide for the issuance of three-year licenses to qualified individuals to teach*, either full time or part time,* high school career and technical education courses in specific subject areas ~~for no more than 50 percent of the instructional day or year, on average~~.

B. The Board shall issue a three-year license to teach high school career and technical education courses in a specific subject area to an individual who:

1. Submits an application to the Board, in the form prescribed by the Board, that includes a recommendation for such a license from the local school board;

2. Meets certain basic conditions for licensure as prescribed by the Board;

3. Meets one of the following requirements: (i) holds, at a minimum, a baccalaureate degree from a regionally accredited institution of higher education and has completed coursework in the career and technical education subject area in which the individual seeks to teach, (ii) holds the required professional license in the specific career and technical education subject area in which the individual seeks to teach, where applicable, or (iii) holds an industry certification credential, as that term is defined in § [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1), in the specific career and technical education subject area in which the individual seeks to teach;

4. Has at least four years of full-time work experience or its equivalent in the specific career and technical education subject area in which the individual seeks to teach; and

5. ~~Has~~ *If appropriate, has* obtained qualifying scores on the communication and literacy professional teacher's assessment prescribed by the Board.

C. The employing school board shall assign a mentor to supervise an individual issued a three-year license pursuant to this section during his first ~~year~~ *two years* of teaching.

D. Except as otherwise provided in subsection E, any individual issued a three-year license pursuant to this section may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board.

E. Any individual issued a three-year license pursuant to this section who completes (i) nine semester hours of specialized professional studies credit from a regionally accredited institution of higher education or (ii) an alternative course of professional studies proposed by the local school board and approved by the Department of Education shall be granted a three-year extension of such license by the Board and may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board. Any such specialized professional studies credit or alternative course of professional studies may be completed through distance learning programs and shall include human growth and development; curriculum, instructional, and technology procedures; and classroom and behavior management.

F. No three-year license issued by the Board pursuant to this section shall be deemed a provisional license or a renewable license, as those terms are defined in § [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1).

G. Individuals issued a three-year license pursuant to this section shall not be eligible for continuing contract status while teaching under such license and shall be subject to the probationary terms of employment specified in § [**22.1-303**](http://law.lis.virginia.gov/vacode/22.1-303).

H. The provisions of this article and of Board regulations governing the denial, suspension, cancellation, revocation, and reinstatement of licensure shall apply to three-year licenses issued pursuant to this section.

1. The Board shall report at least triennially to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health on the issuance of three-year licenses pursuant to this section by high school, local school division, and career and technical education subject area.

2. That the Board of Education shall amend its regulations for the establishment of requirements for teacher licensure renewal set forth in 8VAC[**20-22-110**](http://law.lis.virginia.gov/vacode/20-22-110) to require teachers to complete no more than 360 professional development points within the 10-year license renewal period established by this act.

3. That the Department of Education and the Board of Education shall report to the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and Education and Health on the effects of the provisions of this act by July 1, 2019.

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**SB 1575** amended § [**22.1-305.2**](http://law.lis.virginia.gov/vacode/22.1-305.2) of the *Code of Virginia* as follows:

§ [**22.1-305.2**](http://law.lis.virginia.gov/vacode/22.1-305.2). Advisory Board on Teacher Education and Licensure.

There is hereby established the Advisory Board on Teacher Education and Licensure *(the Advisory Board)*, which shall consist of three legislative members to be appointed as follows: ~~Two~~ *two* members of the House of Delegates to be appointed by the Speaker of the House of Delegates, one member of the Senate to be appointed by the Senate Committee on Rules, and 21 nonlegislative citizen members to be appointed by the Board of Education. Ten nonlegislative citizen members of the Advisory Board shall be classroom teachers, with at least the following representation: three elementary school teachers, three middle school teachers, and three high school teachers. Three nonlegislative citizen members of the Advisory Board shall be school administrators, one of whom shall be a school principal, one of whom shall be a division superintendent, and one of whom shall be a school personnel administrator. Four nonlegislative citizen members of the Advisory Board shall be faculty members in teacher preparation programs in public or private institutions of higher education, who may represent the arts and sciences. One nonlegislative citizen member of the Advisory Board shall be a member of a school board. One nonlegislative citizen member of the Advisory Board shall be a member of a parent-teacher association. One nonlegislative citizen member of the Advisory Board shall be a representative of the business community, and one nonlegislative citizen member shall be a citizen at large. *The Chancellor of the Virginia Community College System or his designee shall serve as an ex officio member of the Advisory Board.* The Superintendent of Public Instruction or his designee and the Director of the State Council of Higher Education *for Virginia* or his designee ~~and the Chancellor of the Virginia Community College System or his designee~~ shall serve as nonvoting ex officio members of the Advisory Board.

The Superintendent of Public Instruction shall designate a staff liaison to coordinate the activities of the Advisory Board. The Advisory Board shall meet five times per year or upon the request of its chairman or the Board of Education. The Advisory Board shall annually elect a chairman from its membership. Nonlegislative citizen members are not entitled to compensation for their services. Legislative members of the Advisory Board shall be compensated as provided in § [**30-19.12**](http://law.lis.virginia.gov/vacode/30-19.12). All members shall be reimbursed for all reasonable and necessary expenses incurred in the

performance of their duties as members of the Advisory Board as provided in §§ [**2.2-2813**](http://law.lis.virginia.gov/vacode/2.2-2813) and [**2.2-2825**](http://law.lis.virginia.gov/vacode/2.2-2825). The funding for the costs of compensation and expenses of the members shall be provided by the Department of Education.

The nonlegislative citizen members of the Advisory Board shall be appointed for three-year terms. Legislative members shall serve terms coincident with their terms of office. No person may be appointed to serve for more than two consecutive terms. Members shall hold office after expiration of their terms until their successors are duly appointed. Appointments to fill vacancies of members, other than by expiration of a term, shall be for the unexpired terms. Such vacancies shall be filled in the same manner as the original appointments.

The Advisory Board on Teacher Education and Licensure shall advise the Board of Education and submit recommendations on policies applicable to the qualifications, examination, licensure, and regulation of school personnel including revocation, suspension, denial, cancellation, reinstatement, and renewals of licensure, fees for processing applications, standards for the approval of preparation programs, reciprocal approval of preparation programs, and other related matters as the Board of Education may request or the Advisory Board may deem necessary. The final authority for licensure of school personnel shall remain with the Board of Education.

2. That, notwithstanding any provision of law to the contrary, the Board of Education shall provide for the issuance of a three-year license to solely teach career and technical education courses or dual enrollment courses at public high schools in the Commonwealth to any individual who (i) is employed as an instructor by an institution of higher education that is accredited by a nationally recognized regional accreditation body, (ii) is teaching in the specific career and technical education or dual enrollment subject area at such institution in which the individual seeks to teach at a public school, and (iii) complies with the requirements set forth in subdivisions D 1 and 3 of § [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1) of the Code of Virginia. The Board of Education shall require any such instructor to maintain continuous employment in such position at the institution of higher education as a condition of continued licensure. The provisions of this enactment shall expire on July 1, 2021, however, any license issued pursuant to this act prior to July 1, 2021, shall remain in effect for three years from the date it was issued unless such license is revoked by the Board of Education.

3. That the Advisory Board on Teacher Education and Licensure (the Advisory Board) shall make recommendations relating to licensure qualifications for individuals employed by an institution of higher education (i) to teach career and technical education courses in a high school setting and (ii) to teach dual enrollment courses in a high school setting. In making its recommendations, the Advisory Board shall consider the plan, process, and criteria developed by the State Board for Community Colleges pursuant to subdivision 7 of § [**23.1-2904**](http://law.lis.virginia.gov/vacode/23.1-2904) of the Code of Virginia and criteria used by nationally recognized regional higher education accreditation bodies. The Advisory Board shall report its recommendations to the Board of Education and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2019.

Identical bills,[**HB 2037**](https://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0407)**and** [**SB 1397**](https://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0063)**,** amended sections §§ [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1), [**22.1-298.2**](http://law.lis.virginia.gov/vacode/22.1-298.2), and

[**23.1-902**](http://law.lis.virginia.gov/vacode/23.1-902) of the *Code of Virginia* as follows:

§ [**22.1-298.1**](http://law.lis.virginia.gov/vacode/22.1-298.1). Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework~~or~~*,* pass additional assessments*, or meet alternative evaluation standards* to be fully licensed with a renewable license.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1.~~Complete~~*Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on* professional assessments *or meeting alternative evaluation standards* as prescribed by the Board~~of Education~~;

…F. *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 license that will expire within three months; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure….*

Attached is a copy of the *Licensure Regulations for School Personnel*, effective August 23, 2018, outlining the proposed revisions to comport with the General Assembly legislation.

## **Timetable for Further Review/Action:**

The timetable for further action shall be governed by the fast track rulemaking requirements of the Administrative Process Act (APA).

## Impact on Fiscal and Human Resources:

The administrative impact required in promulgating these regulations will be absorbed within existing resources.