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

## Date: July 26, 2018

### Title: Second Review of Proposed Procedural Guidelines for Conducting Licensure Hearings

#### Presenters: Ms. Susan B. Williams, Assistant Attorney General, Office of the Attorney General

**Mrs. Patty S. Pitts, Assistant Superintendent, Division of Teacher Education and Licensure**

**Ms. Nancy Walsh, Coordinator of Professional Practices**

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## Purpose of Presentation:

Other initiative or requirement. Specify below:

## Guidelines for use by the Superintendent’s Investigative Panel and the Board of Education in conducting licensure hearings.

**Executive Summary:**

The Board of Education is responsible by law for promulgating regulations that prescribe the requirements for the licensure of teachers and other school personnel required to hold a license, including requirements for the denial, suspension, cancellation and revocation of such licenses.

The Board of Education is committed to providing an equitable and fair process that affords a license holder who is seeking license renewal or whose license is the subject of a petition for suspension or revocation adequate and timely notice of the proceedings and a meaningful opportunity to be heard. These proposed guidelines are intended to assist the parties and the decision makers in that process.

## Action Requested:

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

## September 20, 2018

## Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends the Board of Education receive the proposed guidelines for second review.

**Previous Review or Action:**

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

April 25, 2018: Preliminary review of first draft of proposed guidelines (no action taken)

June 28, 2018: First review of revised proposed guidelines (no action taken)

Background Information and Statutory Authority:

The *Constitution of Virginia* and the *Code of Virginia* provide authority for the Board of Education to promulgate *Licensure Regulations for School Personnel*.

Article VIII, Section 4 of the *Constitution of Virginia* states, in part, the following:

“The general supervision of the public school system shall be vested in a Board of Education….”

The Board of Education has the statutory authority to prescribe licensure requirements by regulation. These regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure. Section 22.1-298.1 of the Code of Virginia, states:

**§ 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 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.

### See Attachments A and B to the Proposed Procedural Guidelines for Conducting Licensure Hearings for the pertinent *Licensure Regulations for School Personnel*, in effect and pending.

Timetable for Further Review/Action:  
This item will be presented to the Board of Education for final review on September 20, 2018.

## Impact on Fiscal and Human Resources:

The administrative impact associated with these guidelines is expected to be minimal.