# Agenda Item: A

## Date: May 11, 2023

## Title: First and Final Review of Emergency Regulations to Amend the Licensure Regulations for School Personnel (8VAC20-23) to Extend the Expiration for Renewable Licenses

## Presenter: Dr. Lisa Coons, Superintendent of Public Instruction

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## Purpose of Presentation

Action required by state or federal law or regulation.

## Executive Summary

The Virginia Department of Education’s Office of Teacher Education and Licensure (TEAL) is experiencing significant delays in the issuance of teacher licenses, and those delays are impacting the ability of teachers to obtain and maintain employment in school divisions. The backlog volume is at a record high.

The Board of Education (Board) must grant immediate relief to ensure that renewable licenses that expire in June 2023 are extended so that the licensing delays do not impact the delivery of instruction for the 2023–2024 school year.

This action furthers Priority 2 of the Board’s *Comprehensive Plan*: 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.

## Action Requested

Final review: Action requested at this meeting.

## Superintendent’s Recommendation

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the emergency regulation and delegate to the Superintendent of Public Instruction the authority to carry out the requirements of the Administrative Process Act necessary to finalize the emergency regulation.

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## Rationale for Action

At the start of the 2022–2023 school year, the teacher vacancy rate in the Commonwealth of Virginia was 3.85%, which equates to approximately 3,602 teachers. The vacancy rate had already increased by 26.14% from October 2021 to October 2022. Enrollment in teacher preparation programs has declined 35% in the last five years and actual completers declined 21.8%. Additionally, the number of provisionally licensed teachers has increased 84.7% in the last 10 years.

There are currently over 20,000 active licenses expiring on June 30, 2023. Of those active licenses, 15,500 are renewable licenses. TEAL currently has 2,000 pending requests for evaluations for an initial license. With the systemic processing challenges within TEAL, VDOE is not currently equipped to process these requests in a timely manner, which will impact thousands of teachers, students, and families across the Commonwealth.

The most effective and efficient short-term solution that ensures teachers with renewable licenses will not be negatively impacted by the agency’s licensing challenges is to extend by one year every current renewable license set to expire on June 30, 2023. If approved, this action will allow VDOE staff to automatically extend 15,500 current renewable licenses.

This emergency regulation, as presented, is appropriate given the impact the delays, and backlog will have on students, families, educators, teacher applicants, and school divisions. As this short-term solution is implemented to provide immediate relief, the Superintendent of Public Instruction has already begun examining short-term and long-term solutions to address the existing backlog and correct processes that led to this backlog.

Short-term and long-term solutions include (1) hiring additional full-time and part-time employees to add to the licensure team; (2) implementing a new organizational structure within the office to maximize efficiency and better position staff to meet the needs of educators and school divisions; (3) conducting a desk-top audit of the licensure division’s procedures that govern the processing of provisional licenses; (4) forming a task force to advise how VDOE can be more responsive to school divisions and teacher applicants; (5) coordinating with other state agencies to identify process challenges; and (6) expediting the current contract with the new online licensing vendor to ensure it goes live by the end of summer 2023.

The Superintendent will submit a more detailed plan that clearly articulates the long-term strategy to overhaul TEAL in the future.

## Previous Review or Action

No previous review or action.

## Background Information and Statutory Authority

The Board’s general regulatory authority is granted in § [22.1-16](https://law.lis.virginia.gov/vacode/title22.1/chapter2/section22.1-16/) of the Code of Virginia, which states, in part, that the Board “may . . . promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of [Title [22.1](https://law.lis.virginia.gov/vacode/title22.1/)].”

The Board’s authority to promulgate regulations regarding teacher licensure is granted in § [22.1-298.1](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/#v1/)(B) of the Code of Virginia, which states, in part, that the Board “shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license.”

Section [2.2-4011](https://law.lis.virginia.gov/vacode/title2.2/chapter40/section2.2-4011/)(A) of the Code of Virginia states that “[r]egulations that an agency finds are necessitated by an emergency situation may be adopted by an agency upon consultation with the Attorney General, which approval shall be granted only after the agency has submitted a request stating in writing the nature of the emergency, and the necessity for such action shall be at the sole discretion of the Governor.”

## Stakeholder Engagement

Internal VDOE staff have been working in collaboration with local superintendents and other state agencies to identify solutions to problems related to teacher vacancy and licensure.

## Implementation and Communication

After approval by the Board, the emergency regulations will be finalized in accordance with the Virginia Administrative Process Act.

VDOE staff will communicate with local school superintendents and teachers through multiple channels including Superintendent memos, social media, and traditional media. VDOE will also establish a dedicated teacher licensure support line.

## Impact on Fiscal and Human Resources:

Any fiscal impact associated with this action will be absorbed within existing agency resources.