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| **Advisory Board on Teacher Education** **and Licensure**  |

**AGENDA ITEM: 4**

**DATE: March 21, 2022**

**TOPIC: Written Report Regarding Upcoming Statutory Requirements Effective July 1, 2022**

**Background:**

During the 2021 Session, the General Assembly passed legislation requiring amendments to the Board of Education’s *Regulations Governing the Review and Approval of Education Programs in Virginia* and the *Licensure Regulations for School Personnel* regarding licensed teachers understanding the role of the general education teachers on the individualized education program (IEP) team.

The proposed amendments to the *Regulations Governing the Review and Approval of Education Programs in Virginia* and the *Licensure Regulations for School Personnel* incorporate these legislative changes and followed the fast-track rulemaking requirements of the Administrative Process Act (APA). [§ 2.2-4012.1](https://law.lis.virginia.gov/vacode/title2.2/chapter40/section2.2-4012.1/) of the *Code of Virginia* provides that the fast-track rulemaking process may be followed for rules that are expected to be noncontroversial.

**Statutory Authority:**

[HB 2316](https://lis.virginia.gov/cgi-bin/legp604.exe?211+sum+HB2316&211+sum+HB2316) (Mundon King) The 2021 bill, in part, required the Board of Education to amend its regulations to ensure that each education preparation program graduate in a K-12 general education endorsement area demonstrates proficiency in understanding the role of general education teachers on the individualized education program (IEP) team.

…2. In order to (i) promote and improve the quality of individualized education programs (IEPs) for students with disabilities across the Commonwealth and (ii) ensure that each IEP contains key and required elements such as the student's academic or functional needs and goals, the Board of Education shall amend its *Regulations Governing the Review and Approval of Education Programs in Virginia* (8VAC20-543-10 et seq.) to ensure that each education preparation program graduate in a K-12 general education endorsement area demonstrates proficiency in understanding the role of general education teachers on the IEP team.

[HB2299](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB2299) (Carr) and [SB1288](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+SB1288&212+sum+SB1288) (Dunnavant) amends and reenacts [§§22.1-214](http://law.lis.virginia.gov/vacode/22.1-214), [22.1-215](http://law.lis.virginia.gov/vacode/22.1-215), [22.1-253.13:4](http://law.lis.virginia.gov/vacode/22.1-253.13%3A4), and [22.1-298.1](http://law.lis.virginia.gov/vacode/22.1-298.1) of the *Code of Virginia* by adding a section numbered [22.1-214.4,](http://law.lis.virginia.gov/vacode/title22.1/) relating to the Department of Education and the Board of Education requiring a revision to the *Regulations Governing the Review and Approval of Education Programs in Virginia* ([8VAC20-543-80](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section80/) and [8VAC20-543-570](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/section570/)):

5. That the Board of Education shall review and amend its regulations governing general education teacher preparation programs for kindergarten through twelfth grade to ensure graduates are required to demonstrate proficiency in (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students.

6. That the Board of Education shall review and amend its regulations governing administrator preparation programs to ensure graduates are required to demonstrate comprehension of (i) key special education laws and regulations, (ii) individualized education program development, (iii) the roles and responsibilities of special education teachers, and (iv) appropriate behavior management practices.

[HB2299](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB2299) (Carr) and [SB1288](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+SB1288&212+sum+SB1288) (Dunnavant) also included the requirement that every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities, with details on training content set out in the bills.

…9. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students.

[HB2299](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+HB2299) (Carr) and [SB1288](https://lis.virginia.gov/cgi-bin/legp604.exe?212+sum+SB1288&212+sum+SB1288) (Dunnavant) amended the *Code of Virginia* by adding a numbered section to [§ 22.1-298.1](https://law.lis.virginia.gov/vacode/22.1-298.1/), relating to the Department of Education and the Board of Education requiring a revision to the *Licensure Regulations of School Personnel* ([8VAC20-23-110](https://law.lis.virginia.gov/admincode/title8/agency20/chapter23/section110/)).

…9. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students.

**Additional Information:**

While the proposed amendments to the *Regulations Governing the Review and Approval of Education Programs in Virginia* were approved by the Advisory Board for Teacher Education and Licensure (ABTEL) at the April 26, 2021 meeting, the proposed amendments to the *Licensure Regulations for School Personnel* related to licensure renewal were not reviewed by ABTEL prior to beginning the regulatory process. Both of these items, however, followed the fast-track rulemaking requirements of the Administrative Process Act (APA) and will be effective July 1, 2022. The institutions of higher education are tasked with embedding the new legislation requirements into their state-approve teacher education preparation programs. The Department of Special Education and Student Services has developed two modules that will satisfy the licensure renewal requirements. Both modules will be provided free of charge to users and will be linked on the licensure webpage. Each module takes approximately 35 minutes to complete and a certificate of completion will print at the end. For those license holders who do not submit their June 30, 2022 expiring license renewal application prior to July 1, 2022, they will be subject to this new statutory requirement. However, [HB236](https://lis.virginia.gov/cgi-bin/legp604.exe?ses=221&typ=bil&val=hb236) (Orrock) allows for the Board of Education to grant a two-year extension for any license that expires on July 1, 2022 for individuals who cannot meet licensure requirements.

**Next Steps:**

The Office of Teacher Education will provide an update to all education preparation programs offered at institutions of higher education in the Commonwealth using direct email to deans and directors, as well as during statewide conference presentations on legislative updates.

All education preparation program deans or designated directors must verify compliance with the new statutory requirements as outlined by the Office of Teacher Education. Furthermore, all related course syllabi or related instructional materials must be revised to reflect the provisions of the statutory requirements described above and documentation of compliance is available for review at the institution.

The Office of Licensure will be working with division staff to ensure license holders due for renewal are aware of the new statutory requirement. The new requirement and information about the learning modules will be disseminated via the Licensure Update, Superintendent’s Memo, and posted on the [Licensure website](https://www.doe.virginia.gov/teaching/licensure/index.shtml).