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

**AGENDA ITEM: 1**

**DATE: April 18, 2022**

**TOPIC: Review of Amendments to the *Licensure Regulations for School Personnel* and *Regulations Governing the Review and Approval of Education Programs in Virginia* to Comport with Federal Guidelines Related to Accredited Institutions of Higher Education**

**Background:**

The *Licensure Regulations for School Personnel* ([8VAC20-23](https://law.lis.virginia.gov/admincode/title8/agency20/chapter23/)) set standards for the licensure of teachers, principals, superintendents, and other professional personnel in Virginia. The *Regulations Governing the Review and Approval of Education Programs in Virginia* ([8VAC20-543](https://law.lis.virginia.gov/admincode/title8/agency20/chapter543/)) set the requirements for institutions of higher education to offer state-approved teacher preparation programs that lead to licensure. These regulations are prescribed by the Virginia Board of Education in alignment with regulations and guidelines issued by the United States Department of Education (USED).

The USED has amended regulations ([34 CFR 600](https://ecfr.federalregister.gov/current/title-34/subtitle-B/chapter-VI/part-600)) related to post-secondary institution accreditation. Effective July 1, 2020, USED no longer categorizes accrediting agencies as "regional" or "national" but instead, includes them under a combined umbrella identified as "institutional" or "nationally recognized.” The summaries and comments in the [Federal Register](https://www.govinfo.gov/content/pkg/FR-2019-11-01/pdf/2019-23129.pdf) provide further insight into the reasons behind the initiative, and analysis of the public comments, and the provisions for implementation. State agencies were notified by USED of these changes to the federal regulations via a letter dated February 26, 2020, which is attached (A). The Virginia Board of Education’s *Licensure Regulations for School Personnel* and *Regulations Governing the Review and Approval of Education Programs in Virginia* require accreditation for institutions of higher education by a regional accrediting agency and include the following definitions:

"Accredited institution" means an institution of higher education accredited by a regional accrediting agency recognized by the United States Department of Education.

"Regional accrediting agency" means one of the six accrediting associations recognized by the United States Department of Education as follows: New England Association of Schools and Colleges, Middle States Association of Colleges and Schools, North Central Association of Colleges and Schools, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools, and Western Association of Schools and Colleges. [Note: This definition appears only in *Regulations Governing the Review and Approval of Education Programs in Virginia*].

While the amendments to the federal regulations do not explicitly require states to amend their laws/policies/regulations, the Virginia Board of Education is no longer permitted to distinguish between regional and national accreditation in its requirements for teacher licensure or approval of education programs at Virginia institutions of higher education based on changes to [34 CFR 600](https://ecfr.federalregister.gov/current/title-34/subtitle-B/chapter-VI/part-600).

The proposed amendments to the *Licensure Regulations for School Personnel* and *Regulations Governing the Review and Approval of Education Programs in Virginia* reflect the changes that were made to the federal regulations. These proposed amendments will follow 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:

[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.

In addition, [Section 22.1-298.2](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.2/) of the *Code of Virginia* provides, in part**:**

B. Education preparation programs shall meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations.

The changes to the definitions of “accredited institutions” within the federal regulations require both the *Licensure Regulations for School Personnel* and the *Regulations Governing the Review and Approval of Education Programs in Virginia* to be amended to reflect changes to the definitions of “accredited institution” and “regional accrediting agency” throughout both chapters of Virginia’s regulations. Attachment B provided a copy of the affected sections of the regulations. Words that are being proposed for removal are stricken and in red font, and words that are proposed additions are highlighted yellow and underlined.

**Action:**

The Advisory Board on Teacher Education and Licensure is to make a recommendation to the Board of Education to approve amendments to the *Licensure Regulations for School Personnel* and *Regulations Governing the Review and Approval of Education Programs in Virginia* to comport with federal regulations.