

# Board of Education Agenda Item

Item: \_\_\_\_\_ F. \_\_\_\_\_

Date: \_\_\_\_\_ June 22, 2005 \_\_\_\_\_

**Topic:** First Review of Technical Amendments to the Regulations Governing Licensure of School Personnel to Implement House Bill 2790, Senate Bill 949, and House Bill 2832

**Presenter:** Dr. Thomas A. Elliott, Assistant Superintendent for Teacher Education and Licensure

**Telephone Number:** (804) 371-2522

**E-Mail Address:** Thomas.Elliott@doe.virginia.gov

## Origin:

\_\_\_\_\_ Topic presented for information only (no board action required)

X Board review required by  
X State or federal law or regulation  
\_\_\_\_\_ Board of Education regulation  
\_\_\_\_\_ Other: \_\_\_\_\_

X Action requested at this meeting \_\_\_\_\_ Action requested at future meeting: \_\_\_\_\_ (date)

## Previous Review/Action:

\_\_\_\_\_ No previous board review/action

\_\_\_\_\_ Previous review/action  
date \_\_\_\_\_  
action \_\_\_\_\_

## Background Information:

The 2005 General Assembly approved three bills that require technical amendments to the *Regulations Governing the Licensure of School Personnel*. The Administrative Process Act (Section 2.2-4006 of the *Code of Virginia*) exempts revisions to regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved from its requirements.

**House Bill 2790** requires that the Board of Education, in its regulations governing teacher licensure, establish criteria and a procedure to allow persons seeking initial licensure as teachers through an alternative route as defined by Board regulations to substitute experiential learning in lieu of coursework.

§ 22.1-298. Regulations governing licensure.

*D. The Board's licensure regulations shall also establish criteria and a procedure to allow persons seeking initial licensure as teachers through an alternative route as defined in Board regulations to substitute experiential learning in lieu of coursework.*

**Senate Bill 949** requires the Board of Education regulations to provide for licensure by reciprocity for individuals who hold a valid out-of-state license.

§ 22.1-298. Regulations governing licensure.

...F. The Board shall prescribe a professional teacher's examination for administration by Virginia's public institutions of higher education as provided in § 23-9.2:3.4 to persons seeking entry into teacher education programs in such public institutions and shall establish a minimum passing score for such examination. The examination shall be sufficiently rigorous and the minimum score set as necessary to ensure that candidates have adequate academic and professional preparation to teach.

Candidates who fail to achieve the minimum score established by the Board shall not be denied entrance into the relevant teacher education programs solely on the basis of such failure and shall have the opportunity to address any deficiencies if enrolled in such program. ~~Before completing any approved teacher education program, candidates must achieve the minimum score on the test prescribed by the Board.~~

The Board of Education, in consultation with the State Council of Higher Education, shall develop guidelines for performance reports to be submitted by the public institutions of higher education pursuant to § 23-9.2:3.4. Such reports shall include annual data on the pass rates, by institution, of graduates of Virginia's institutions of higher education taking the state licensure examination and shall not include any information identifying individual graduates.

G. The Board's licensure regulations shall also provide for licensure by reciprocity ~~with:~~

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 that is in force at the time the application for a Virginia license is made. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. A professional teacher's assessment for the purpose set forth in subsection F of this section and service requirements shall not be imposed for these licensed individuals.*

**House Bill 2832** requires the Board of Education to suspend or revoke the administrative or teaching license of any person who knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes these drugs to be procured, sold, or administered to students, or by failing to report student use of anabolic steroids.

§ 22.1-292.2. *Suspension or revocation of license for procuring, selling, or administering anabolic steroids.*

A. *The Board of Education shall suspend or revoke the administrative or teaching license it has issued to any person who knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by § 22.1-279.3:1. Any person whose administrative or teaching license is suspended or revoked by the Board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth.*

B. *Any suspension or revocation imposed in accordance with this section shall be rendered pursuant to Board regulations promulgated pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) and § 22.1-298, governing the licensure of teachers.*

### **Summary of Major Elements:**

The revised sections of the *Regulations Governing the Licensure of School Personnel* are attached. New language is underlined.

The changes in the regulations are made to align the regulations with the *Code of Virginia*; therefore, the regulations should be exempted from the public participation process of the Administrative Process Act. Upon approval of the regulations by the Board of Education, the Department of Education will request that the regulations be published in the *Virginia Register of Regulations* in final form.

### **Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education waive first review, approve the technical revisions to the *Regulations Governing the Licensure of School Personnel*, and authorize personnel of the Department of Education to proceed with the requirements of the Administrative Process Act.

**Impact on Resources:** N/A

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

The timetable for further action will be governed by the requirements of the Administrative Process Act.

TECHNICAL AMENDMENTS TO THE  
REGULATIONS GOVERNING THE LICENSURE OF SCHOOL PERSONNEL  
TO IMPLEMENT HOUSE BILL 2790, SENATE BILL 949, AND HOUSE BILL 2832

Section 8VAC20-21-80 in the *Regulations Governing the Licensure of School Personnel*

**8VAC20-21-80. Alternative routes to licensure.**

- ...C. Alternative programs developed by institutions of higher education (i) recognize the unique strengths of prospective teachers from nontraditional backgrounds and (ii) prepare these individuals to meet the same standards that are established for others who are granted a Provisional License.
  
- D. Persons seeking initial licensure as teachers through an alternative route as defined in Board of Education regulations may substitute experiential learning in lieu of coursework in accordance with Board criteria and procedures.

Section 8VAC20-21-90 in the *Regulations Governing the Licensure of School Personnel*

**8VAC20-21-90. Conditions for licensure by reciprocity.**

- A. An individual coming into Virginia from any state may qualify for a Virginia teaching license with comparable endorsement areas if the individual has completed a state-approved teacher training program through a regionally accredited four-year college or university, or if the individual holds a valid out-of-state teaching license which must be in force at the time the application for a Virginia license is made. An individual seeking licensure must establish a file in the Department of Education by submitting a complete application packet, which includes official student transcripts. A professional teacher's assessment prescribed by the Board of Education must be satisfied.
  
- B. An individual coming into Virginia will qualify for a Virginia teaching license with comparable endorsement areas if the individual holds national certification from the National Board for Professional Teaching Standards (NBPTS) or a nationally recognized certification program approved by the Board of Education.

- C. Licensure by reciprocity is provided for individuals who have obtained a valid out-of-state license that is in force at the time the application for a Virginia license is made. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. A professional teacher's assessment for the purpose set forth in subsection F of Section 22.1-298 of the Code of Virginia and service requirements shall not be imposed for these licensed individuals.

Section 8VAC20-21-660 and 8VAC20-21-680 in the *Regulations Governing the Licensure of School Personnel*

**8VAC20-21-660. Revocation.**

- A. A license issued by the Board of Education may be revoked for the following reasons:
1. Obtaining or attempting to obtain such license by fraudulent means or through misrepresentation of material facts;
  2. Falsification of school records, documents, statistics, or reports;
  3. Conviction of any felony;
  4. Conviction of any misdemeanor involving moral turpitude;
  5. Conduct, such as immorality, or personal condition detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools of the Commonwealth of Virginia;
  6. Misapplication of or failure to account for school funds or other school properties with which the licensee has been entrusted;
  7. Acts related to secure mandatory tests as specified in §22.1-292.1 of the Code of Virginia; ~~or~~
  8. Knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by §22.1-279.3:1. Any person whose administrative or teaching license is suspended or revoked by the Board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth;  
or
  89. Other good and just cause of a similar nature.

**8VAC20-21-680. Suspension.**

- A. A license may be suspended for the following reasons:
1. Physical, mental, or emotional incapacity as shown by a competent medical authority;
  2. Incompetence or neglect of duty;
  3. Failure or refusal to comply with school laws and regulations, including willful violation of contractual obligations;
  4. Acts related to secure mandatory tests as specified in §22.1-292.1 of the Code of Virginia; ~~or~~
  5. Knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to the school principal and division superintendent as required by §22.1-279.3:1. Any person whose administrative or teaching license is suspended or revoked by the Board pursuant to this section shall be ineligible for three school years for employment in the public schools of the Commonwealth;  
or
  56. Other good and just cause of a similar nature.