

Board of Education Agenda Item

Item: _____ G. _____

Date: _____ January 12, 2005 _____

Topic: First Review of the Notice of Intended Regulatory Action (NOIRA) to Amend the *Regulations Governing the Licensure of School Personnel* (8 VAC 20-21-10 et seq.)

Presenter: Mrs. Patty S. Pitts, Director of Professional Licensure

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Origin:

Topic presented for information only (no board action required)

Board review required by
 State or federal law or regulation
 Board of Education regulation
 Other: _____

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 *Code of Virginia* requires that the Board of Education prescribe the requirements for licensure of teachers by regulation. The last comprehensive review of the licensure regulations was conducted in the mid-1990s with regulations becoming effective July 1, 1998. The regulations need to be revised based on federal and state legislation, as well as to address recommendations to change requirements for licensure.

Summary of Major Elements:

The attached Notice of Intended Regulatory Action (NOIRA) is submitted to the Board of Education to amend and reenact the *Regulations Governing the Licensure of School Personnel*.

A comprehensive review of all sections of the licensure regulations will be conducted. Requirements for reading, school leadership, special education, middle grades (6-8), endorsement areas, license renewal, and a multi-tiered licensure system will be addressed. The visiting teacher endorsement will be recommended to be discontinued, and titles of endorsement areas may be recommended to be changed. The definition of the local eligibility license will be aligned with amendments to federal legislation and the *Code of Virginia*.

The licensure regulations must be amended to reflect a *Code of Virginia* amendment and reenactment of Section 22.1-298. This amendment requires that “on and after July 1, 2004, persons seeking initial licensure or license renewal as teachers complete study in child abuse recognition and intervention, curriculum guidelines for which shall be developed by the Board of Education in consultation with the Department of Social Services.”

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and authorize Department of Education personnel to proceed with the requirements of the Administrative Process Act regarding the NOIRA for promulgating regulations.

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.



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Education Division of Teacher Education and Licensure
Virginia Administrative Code (VAC) citation	8 VAC-20-21-10 et seq.
Regulation title	<i>Regulations Governing the Licensure of School Personnel</i>
Action title	Amendments to the <i>Regulations Governing the Licensure of School Personnel</i>
Document preparation date	December 9, 2004

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

Section 21-298 of the *Code of Virginia* requires that the Board of Education prescribe the requirements for licensure of teachers by regulation. The last comprehensive review of the *Regulations Governing the Licensure of School Personnel* was conducted in the mid-1990s with regulations becoming effective July 1, 1998. The regulations need to be revised based on federal and state legislation as well as to address recommendations to clarify and change requirements for licensure.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

- **Article VIII, Section 4 of the Constitution of Virginia (1971):** Provides the Board of Education with the authority and responsibility for the “general supervision of the public school system.”

- **Code of Virginia, Section 22.1-298. Regulations Governing Licensure:** The Board of Education shall, by regulation, prescribe the requirements for the licensure of teachers.
- **Code of Virginia, Section 22.1-299. Licensure Required of Teachers:** No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license issued by the Board of Education.
- **Code of Virginia, Section 22.1-305.2. Advisory Board on Teacher Education and Licensure:** The Advisory Board on Teacher Education and Licensure shall advise the Board of Education and submit recommendations on policies applicable to [Teacher Education and Licensure].

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

The *Code of Virginia* requires that the Board of Education prescribe the requirements for licensure of teachers by regulation. Amendments to the *Regulations Governing the Licensure of School Personnel* are needed to respond to enactments of federal and state laws and recommendations for changes in the licensure requirements for school personnel.

A comprehensive review of the licensure regulations will be conducted. The regulations in their entirety will be examined, including reading, school leadership, special education, middle grades (6-8), endorsement titles and requirements, license renewal, and a multi-tiered licensure system. The visiting teacher endorsement will be recommended to be discontinued. The definition of the local eligibility license will be aligned with amendments to federal legislation and the *Code of Virginia*.

The licensure regulations must be amended to reflect a *Code of Virginia* amendment and reenactment of Section 22.1-298. This amendment requires that “on and after July 1, 2004, persons seeking initial licensure or license renewal as teachers complete study in child abuse recognition and intervention, curriculum guidelines for which shall be developed by the Board of Education in consultation with the Department of Social Services.”

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

No specific alternatives to these proposals have been considered to meet the purpose of this action.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

The proposed changes to the licensure regulations have no potential impact on the institution of the family and family stability.