

The Administrative Process Act (APA) provides for expedited rulemaking for regulatory actions that are expected to be non-controversial. The “fast track” process specifies that after the proposed action is reviewed and approved by the Governor, a notice that an agency proposes to amend or repeal a regulation using the fast track process will be published in the Virginia Register and will appear on the Virginia Regulatory Town Hall (the electronic site to all state agency regulations).

The publication of this notice will be followed by a public comment period of at least 60 days. If an objection to the proposed regulatory change is received during the public comment period, the proposed rulemaking is continued using the usual APA process. If, however, there are no objections, the proposed regulation or repeal will become effective 15 days after the close of the public comment period, unless the regulation is withdrawn or a later effective date is specified by the Board of Education.

Summary of Major Elements: The proposed amendments to the existing *Regulations Governing the Virginia Teaching Scholarship Loan Program Requirements and Selection Procedures* (8 VAC 20-650-30) include (1) deletion of the requirement to include one Commonwealth Scholarship from each college or university, (2) alignment of revised parameters for eligibility, and (3) procedures for a selection panel when the teacher education program recommendations for scholarships exceed the appropriation.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education approve the proposed revisions of the *Regulations Governing the Virginia Teaching Scholarship Loan Program Requirements and Selection Procedures* and authorize staff to proceed with the next steps of the Administrative Process Act and Executive Order provisions governing the Fast-Track procedures. Following the required review by the executive and legislative branches, the proposed regulation will be published in the Virginia Register for a 60-day public comment period. If there are no objections from the public, the regulation will become final after the 60-day comment period.

Impact on Resources: The regulation as proposed is expected to have a minimal to no fiscal or administrative impact on the local school divisions or on the Department of Education.

Timetable for Further Review/Action: The proposed revisions are expected to be non-controversial and, under the Fast-Track procedures, will require no further action by the Board of Education.

8 VAC 20-650-30. Virginia Teaching Scholarship Loan Program requirements and selection procedures.

~~A. Annually, the teacher preparation institutions in Virginia that have approved teacher preparation programs shall be invited to nominate individuals to receive loans through the Virginia Teaching Scholarship Loan Program subject to available appropriations. Subject to available appropriations, each nominating institution shall be guaranteed at least one scholarship loan that is designated as the Commonwealth Scholarship in Teacher Education. Scholarships shall be awarded annually to undergraduate students in the sophomore, junior, or senior year of college, and to graduate students at an accredited public or private four-year institution of higher education in the Commonwealth.~~

~~B. To be nominated by the college or university, students must (i) be enrolled full-time or part-time in an approved teacher education program or in a critical teacher shortage discipline, or employed as paraprofessionals and enrolled full-time or part-time to complete an approved teacher education program to become fully licensed teachers; (ii) have and maintain a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent; (iii) be nominated for the scholarship by the institution where they are enrolled; and (iv) be identified as a Virginia domiciliary resident. Students enrolled in any area of an approved teacher education program who are seeking endorsements in elementary or middle education who meet the program requirements may be eligible for the award.~~

B. The Virginia Teaching Scholarship Loan Program shall consist of scholarships awarded annually to teacher candidates, including graduate students and paraprofessionals from Virginia school divisions at a regionally accredited public or private four-year institution of higher education in the Commonwealth, who (i) are enrolled full-time or part-time in an approved teacher education program or are participants in another approved teacher education program; (ii) have maintained a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent; and (iii) are nominated for such scholarship by the institution where they are enrolled. In addition, the candidates must meet one or more of the following criteria: (a) be enrolled in a program leading to an endorsement in a critical shortage area as established by the Board of Education; (b) be a male teacher candidate in an elementary or middle school education program; or (c) be a minority teacher candidate enrolled in any teacher endorsement area.

~~C. Scholarship recipients shall be selected by a panel appointed by the Superintendent of Public Instruction representing the various critical teacher shortage areas, geographic regions of the state, and members of professional organizations. The selection panel shall be composed of representatives from the following categories:~~

- ~~1. Teachers;~~
- ~~2. College and university faculty;~~
- ~~3. Members of professional organizations; and~~
- ~~4. Department of Education personnel.~~

C. A selection panel appointed by the Superintendent of Public Instruction may be convened if the number of teacher education program recommendations for scholarships exceeds the appropriation.

The panel shall select recipients for the teaching scholarship loan from the eligible applicants. Efforts should be made to have an appropriate distribution of scholarships among the identified critical teacher shortage areas.



Fast Track Proposed Regulation Agency Background Document

Agency name	Department of Education
Virginia Administrative Code (VAC) citation	<u>8 VAC20-650-30</u>
Regulation title	Virginia Teaching Scholarship Loan Program requirements and selection procedures.
Action title	Program requirements and selection process should align with revised administrative code
Date this document prepared	October 31, 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

The proposed amendments to the existing regulation include (1) deletion of the requirement to include one Commonwealth Scholarship from each college or university, (2) alignment of revised parameters for eligibility, and (3) selection panel process when the teacher education programs recommendations for scholarships exceed the appropriation.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

- (1) To be determined
- (2) Virginia Board of Education

(3) Virginia Teaching Scholarship Loan Program requirements and selection procedures.

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 General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the scope of the legal authority and the extent to which the authority is mandatory or discretionary.

As a result of 8 VAC 20-650-20 which mandates the collection of data for determining critical teacher shortage areas, the Board of Education administers the Virginia Teaching Scholarship Loan Program (VTSLP) to support teacher candidates in the critical teaching shortage areas.

The Virginia Teaching Scholarship Loan Program was authorized in Chapter 847, 2007 Appropriation Act of the General Assembly.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The purpose for the amended regulations is that, according to the Code of Virginia, the Board may promulgate such regulations as may be necessary for the implementation of the Program. The purpose of the regulation amendment is to align with the amendments to the Code of Virginia.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

Please note: If an objection to the use of the fast-track process is received within the 60-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

The Administrative Process Act (APA) provides for expedited rulemaking for regulatory actions that are expected to be non-controversial. The regulation as proposed is expected to be

noncontroversial since there is minimal to no fiscal or administrative impact on the local school divisions or on the Department of Education.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.)

The proposed amendments to the existing regulation include (1) deletion of the requirement to include one Commonwealth Scholarship from each college or university, (2) alignment of revised parameters for eligibility, and (3) selection panel process when the teacher education program recommendations for scholarships exceed the appropriation.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The purpose of the regulation amendment is to align with the amendments to the Code of Virginia.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

This regulation does not reflect federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No locality will be affected by the proposed regulation amendment.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The alternative regulatory methods are not applicable.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus ongoing expenditures	\$708,000.00 2006-2008 Appropriation Act
Projected cost of the regulation on localities	N/A
Description of the individuals, businesses or other entities likely to be affected by the regulation	The scholarship loan program consists of scholarships awarded annually to teacher candidates, including graduate students and paraprofessionals from Virginia school divisions at an accredited public or private four-year institution of higher education in the Commonwealth, who (i) are enrolled full-time or part-time in an approved teacher education program or are participants in another approved teacher education program; (ii) have maintained a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent; and (iii) are nominated for such scholarship by the institution where they are enrolled.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small	Estimated: 200 teacher candidates

<p>businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	
<p>All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</p>	<p>According to the 2006-2008 Appropriation Act, scholarship amounts are based on \$3,720 per year for full-time students, and shall be prorated for part-time students based on number of credit hours for which the student has enrolled.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

There are no viable alternatives to the proposal.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The 2006-2008 Appropriation Act provides scholarships of \$3,720 per year for full-time and part-time teacher candidates enrolled in the critical teaching shortage areas. These scholarships provide the opportunity for students to participate in teacher preparation programs, therefore, contributing to the economic self-sufficiency, self-pride, and the assumption of responsibility for oneself. A scholarship loan recipient who has graduated from college and received a teaching license may cancel a note or notes in the principal amount plus any accrued interest, by teaching full-time at the pre-12 level in a designated shortage area in the public schools of Virginia.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
8VAC20-650-30	NA	<p>Annually, the teacher preparation institutions in Virginia that have approved teacher preparation programs shall be invited to nominate individuals to receive loans through the Virginia Teaching Scholarship Loan Program. Subject to available appropriations, each nominating institution shall be guaranteed at least one scholarship loan that is designated as the Commonwealth Scholarship in Teacher Education. Scholarships shall be awarded <u>annually</u> to undergraduate students in the sophomore, junior, or senior year of college, and to graduate students at an accredited public or private four-year institution of higher education in the Commonwealth.</p> <p>B. To be nominated by the college or university, students must (i) be enrolled full-time or part-time in an approved teacher education program or in a critical teacher shortage discipline,</p>	<p>Proposed Change: Remove requirement for Commonwealth Scholarship in Teacher Education. Rationale: There is no definition of a Commonwealth Scholar</p> <p>Proposed Change: Remove nomination criteria Rationale: Remove language that is no longer aligned with nomination criteria with <u>Code of Virginia</u></p>

		<p>or employed as paraprofessionals and enrolled full-time or part-time to complete an approved teacher education program to become fully licensed teachers; (ii) have and maintain a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent; (iii) be nominated for the scholarship by the institution where they are enrolled; and (iv) be identified as a Virginia domiciliary resident. Students enrolled in any area of an approved teacher education program who are seeking endorsements in elementary or middle education who meet the program requirements may be eligible for the award.</p> <p>B. The Program shall consist of scholarships awarded annually to teacher candidates, including graduate students and paraprofessionals from Virginia school divisions at an accredited public or private four-year institution of higher education in the Commonwealth, who (i) are enrolled full-time or part-time in an approved teacher education program or are participants in another approved teacher education program; (ii) have maintained a cumulative grade point average of at least 2.7 on a 4.0 scale or its equivalent; and (iii) are nominated for such scholarship by the institution where they are enrolled. In addition, the candidates must meet one or more of</p>	<p>Proposed Change: Add current nomination criteria Rationale: Add language to be aligned with nomination criteria with the <u>Code of Virginia</u></p>
--	--	--	--

		<p>the following criteria: (a) be enrolled in a program leading to an endorsement in a critical shortage area as established by the Board of Education; (b) be a male teacher candidate in an elementary or middle school education program; or (c) be a minority teacher candidate enrolled in any teacher endorsement area.</p> <p>C. If funds needed to support each Virginia Teaching Scholarship Loan Program applicant exceed the appropriation, scholarship recipients shall be selected by a panel appointed by the Superintendent of Public Instruction. The panel shall include representation from representing the various critical teacher shortage areas, geographic regions of the state, faculty from institutions of higher education, and members of the Department of Education and professional organizations. The selection panel shall be composed of representatives from the following categories:</p> <ol style="list-style-type: none"> 1. Teachers; 2. College and university faculty; 3. Members of professional organizations; and 4. Department of Education personnel. <p>The panel shall select recipients for the teaching scholarship loan from the eligible applicants. Efforts</p>	<p>Proposed Change: Remove requirement for mandated selection panel</p> <p>Rationale: Allow flexibility of selection panel, if necessary</p>
--	--	--	--

		should be made to have an appropriate distribution of scholarships among the identified critical teacher shortage areas.	
--	--	--	--

Enter any other statement here