

Virginia Board of Education Agenda Item



Agenda Item: A

Date: September 27, 2012

Title	Final Review of a Notice of Intended Regulatory Action (NOIRA) to Revise the <i>Licensure Regulations for School Personnel</i> (8 VAC20-22-10 et seq.) as Required by House Bill 578 of the 2012 Virginia General Assembly to Establish a License and Eligibility Criteria for Teachers Who Teach Only Online Courses		
Presenter	Mrs. Patty S. Pitts, Assistant Superintendent for Teacher Education and Licensure		
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Purpose of Presentation:

Action required by state or federal law or regulation.

Previous Review or Action:

Previous review and action. Specify date and action taken below:

Date: July 26, 2012

Action: First review of a Notice of Intended Regulatory Action (NOIRA) to Revise the *Licensure Regulations for School Personnel* (8VAC20-22-10 et seq.) as Required by House Bill 578 of the 2012 Virginia General Assembly to Establish a License and Eligibility Criteria for Teachers Who Teach Only Online Courses

Action Requested:

Final review: Action requested at this meeting.

Alignment with Board of Education Goals: Please indicate (X) all that apply:

	Goal 1: Expanded Opportunities to Learn
	Goal 2: Accountability of Student Learning
	Goal 3: Nurturing Young Learners
	Goal 4: Strong Literacy and Mathematics Skills
X	Goal 5: Highly Qualified and Effective Teachers and Administrators
	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

Background Information and Statutory Authority:

Goal 5: The *Licensure Regulations for School Personnel* set forth the requirements for licensing instructional personnel. The revision in these regulations will establish a license and eligibility criteria for teachers who teach only online courses.

[House Bill 578](#) was approved during the 2012 General Assembly Session. The legislation became effective July 1, 2012. As amended by that bill, Section [22.1-298.1](#) of the *Code of Virginia* states:

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § [22.1-212.23](#). Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

As the options available to Virginia’s public school students through virtual learning programs continue to expand, requirements for teachers assigned to teach only online courses need to be addressed. The Board of Education’s *Licensure Regulations for School Personnel* do not specifically address requirements for teachers who teach only online courses. The legislation requires the establishment of a license and criteria for obtaining the license.

Summary of Important Issues:

The amendment to these regulations, as prescribed in HB578, will assure that the *Licensure Regulations for School Personnel* will address licensure for teachers assigned to teach only online courses, further ensuring educational quality for Virginia’s public school students.

Attached is the Notice of Intended Regulatory Action (NOIRA) Background Document, which is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA) and Executive Order 14 (2010). This document must be approved by the Board before Department of Education staff can proceed with the requirements of the Administrative Process Act.

Impact on Fiscal and Human Resources:

There will be an administrative impact as Department of Education staff will need to develop draft regulations for public comments, prepare and file all documentation related to the Administrative Process Act, and ensure that public comments are solicited and addressed. This impact will be absorbed within existing resources.

Timetable for Further Review/Action:

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

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education approve the Notice of Intended Regulatory Action to begin the process of revising regulations to establish a license and eligibility criteria for teachers who teach only online courses.



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Virginia Board of Education
Virginia Administrative Code (VAC) citation	8 VAC 20-22-10 et seq.
Regulation title	<i>Licensure Regulations for School Personnel</i>
Action title	Update for Legislative Changes Made by the 2012 General Assembly- House Bill 578
Date this document prepared	July 26, 2012

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) 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.

[House Bill 578](#), passed by the General Assembly during the 2012 Session, amends the *Code of Virginia* to require the Board of Education to promulgate regulations establishing licensure requirements for teachers who teach only online courses, as defined in § [22.1-212.23](#). Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

As the options available to Virginia's public school students through virtual learning programs continue to expand, requirements for teachers assigned to teach only online courses need to be addressed. The Board of Education's *Licensure Regulations for School Personnel* do not specifically address requirements for teachers who teach only online courses. The legislation requires the establishment of a license and criteria for obtaining the license.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

[House Bill 578](#) amends § [22.1-298.1](#) of the *Code of Virginia* to state: "The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § [22.1-212.23](#). Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed."

In addition, § [22.1-16](#) of the *Code of Virginia* authorizes the Board of Education to adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

The proposed regulatory action is essential to protect the health, safety, or welfare of citizens in that it will ensure that teachers assigned to teach only online courses meet licensure requirements for the assignment. Currently, the provisions in these regulations do not specifically address teachers assigned only to teach online courses.

Substance

Please detail any changes that will be proposed. Be sure to define all acronyms. 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.

Section [22.1-298.1](#) of the *Code of Virginia* states that the Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § [22.1-212.23](#). Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

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. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

Because [House Bill 578](#) requires the promulgation of regulations establishing “licensure requirements for teachers who teach only online courses, as defined in § [22.1-212.23](#),” no other alternative has been considered.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

Please also indicate, pursuant to your Public Participation Guidelines, whether a Regulatory Advisory Panel or a Negotiated Rulemaking Panel will be used in the development of the proposed regulation. Please state one of the following: 1) a panel will be appointed and the agency’s contact if you’re interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

The agency is seeking comments on this regulatory action, including, but not limited to 1) ideas to be considered in the development of this proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives, and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the *Code of Virginia*. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) the probable effect of the regulation on affected small businesses, and 3) the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall Web site (<http://www.townhall.virginia.gov>), or by mail, e-mail, or fax to Dr. Mark Allan; P. O. Box 2120; Richmond, Virginia 23218-2120; (phone) 804-371-2471; (fax) 804-530-4510. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will be held following the publication of the proposed stage of this regulatory action and notice of the hearing will be posted on the Virginia Regulatory Town Hall Web site (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar Web site (<http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>). Both oral and written comments may be submitted at that time.

Family impact

Assess the potential 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 proposed amendments will address the licensure of teachers assigned to only teach online courses, further ensuring educational quality for Virginia's public school students.

Standard regulatory process: Guide for state agencies

