

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

May 23, 2013

The Board of Education and the Board of Career and Technical Education met at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, with the following members present:

Mr. David M. Foster, President
Mrs. Betsy D. Beamer, Vice President
Mrs. Diane T. Atkinson
Dr. Oktay Baysal
Mr. Christian N. Braunlich

Dr. Billy K. Cannaday, Jr.
Mrs. Darla M. Edwards
Mrs. Winsome E. Sears
Mrs. Joan E. Wodiska

Dr. Patricia I. Wright, Superintendent
of Public Instruction

Mr. Foster called the meeting to order at 9 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Mr. Foster asked for a moment of silence, and Dr. Baysal led in the Pledge of Allegiance.

APPROVAL OF MINUTES

Mrs. Beamer made a motion to approve the minutes of the April 24-25, 2013, meetings of the Board. The motion was seconded by Dr. Cannaday and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

PUBLIC COMMENT

The following persons spoke during public comment:

- Dr. Tom Smith, of the Virginia Association of School Superintendents, spoke on a petition to amend the *Rules Governing Division Superintendent of Schools* (8 VAC 20-390)
- Nicole Dooley, of JustChildren, spoke on the proposed *Regulations Governing the Operation of Private Schools for Students with Disabilities*.

PRESIDENTS LISTENING TOUR

Mr. Foster thanked the Virginia Association of School Superintendents and other education partners for their assistance in organizing the President's Listening Tour. Mr. Foster indicated the next forum will be held in region 7 in August, and details will be announced via the Department's Web page.

Consent Agenda

Mrs. Beamer made a motion to approve the consent agenda. The motion was seconded by Dr. Baysal and carried unanimously.

- Final Review to Establish a Revised Composite Index for the Bedford County Public Schools Effective July 1, 2013
- Final Review of Proposal to Establish the Pulaski County Public Schools Governor's STEM Academy
- Final Review of Proposals to Establish the Following Governor's Health Sciences Academies: 1) Albemarle County Public Schools Governor's Health Sciences Academy; 2) Chesterfield County Public Schools Governor's Health Sciences Academy; 3) Cumberland County Public Schools Superintendents' Region 8 Governor's Health Sciences Academy; 4) Fairfax County Public Schools Governor's Health Sciences Academy at Falls Church High School; and 5) Fairfax County Public Schools Governor's Health Sciences Academy at West Potomac High School
- Final Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Accredite the Teacher Education Program at the University of Mary Washington Through a Process Approved by the Board of Education

Final Review to Establish a Revised Composite Index for the Bedford County Public Schools Effective July 1, 2013

With the Board's approval of the consent agenda, the Board approved establishing a revised composite index of 0.3132 for the Bedford County Public Schools to be effective July 1, 2013, for a 15-year period as provided in the Chapter 806 appropriation act.

Final Review of Proposal to Establish the Pulaski County Public Schools Governor's STEM Academy

With the Board's approval of the consent agenda, the Board approved the proposal to establish the Pulaski County Public Schools Governor's STEM Academy.

Final Review of Proposals to Establish the Following Governor's Health Sciences Academies: 1) Albemarle County Public Schools Governor's Health Sciences Academy; 2) Chesterfield County Public Schools Governor's Health Sciences Academy; 3) Cumberland County Public Schools Superintendents' Region 8 Governor's Health Sciences Academy; 4) Fairfax County Public Schools Governor's Health Sciences Academy at Falls Church High School; and 5) Fairfax County Public Schools Governor's Health Sciences Academy at West Potomac High School

With the Board's approval of the consent agenda, the Board approved the proposals to establish the following: 1) Albemarle County Public Schools Governor's Health Sciences Academy; 2) Chesterfield County Public Schools Governor's Health Sciences Academy; 3) Cumberland County Public Schools Superintendents' Region 8 Governor's Health Sciences Academy; 4) Fairfax County Public Schools Governor's Health Sciences Academy at Falls Church High School; and 5) Fairfax County Public Schools Governor's Health Sciences Academy at West Potomac High School.

Final Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Accredite the Teacher Education Program at the University of Mary Washington Through a Process Approved by the Board of Education

With the Board's approval of the consent agenda, the Board approved the Advisory Board on Teacher Education and Licensure's recommendation to accept the review team's recommendation and approved the professional education program at the University of Mary Washington as "accredited," indicating that the program has met the standards as set forth in 8 VAC 209-542-60 of the *Regulations Governing the Review and Approval of Education Programs in Virginia*.

Action/Discussion Items

Final Review of Recommended Cut Scores for the Virginia Grade Level Alternative (VGLA) Assessments for Grades 3-8 Reading and Grades 3, 5, and 8 Science Based on the 2010 English and Science Standards of Learning (SOL)

Mrs. Shelley Loving-Ryder, assistant superintendent for student assessment and school improvement, presented this item.

Mr. Foster made a motion to adopt cut scores representing the achievement levels of *fail/basic*, *pass/proficient*, and *pass/advanced* for the grades 3-8 reading assessments and *pass/proficient* and *pass/advanced* for the grades 3, 5, and 8 science assessments as follows. The motion was seconded by Mrs. Edwards and carried unanimously.

Reading

- Grade 3: 31% of the total possible points for fail/basic, 63% of the total possible points for pass/proficient, and 85% of the total possible points for pass/advanced
- Grade 4: 31% of the total possible points for fail/basic, 61% of the total possible points

for pass/proficient, and 86% of the total possible points for advanced

- Grade 5: 34% of the total possible points for fail/basic, 61% of the total possible points for pass/proficient, and 87% of the total possible points for pass/advanced
- Grade 6: 35% of the total possible points for fail/basic, 61% of the total possible points for pass/proficient, and 87% of the total possible points for pass/advanced
- Grade 7: 34% of the total possible points for fail/basic, 64% of the total possible points for pass/proficient, and 87% of the total possible points for pass/advanced
- Grade 8: 39% of the total possible points for fail/basic, 63% of the total possible points for pass/proficient, and 87% of the total possible points for pass/advanced

Science

- Grade 3: 58% of the total possible points for pass/proficient, and 86% of the total possible points for pass/advanced
- Grade 5: 58% of the total possible points for pass/proficient, and 85% of the total possible points for pass/advanced
- Grade 8: 52% of the total possible points for pass/proficient, and 84% of the total possible points for pass/advanced

Final Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Establish an Online Teacher License in the Licensure Regulations for School Personnel (Proposed Stage)

Mrs. Patty Pitts, assistant superintendent for teacher education and licensure, presented this item. There were no changes to the proposed amendments since first review by the Board of Education.

The Board's discussion included:

- Mrs. Wodiska noted several concerns and her intention to oppose the proposed amendments. Given the emphasis on educational technology and the importance of quality instructors, she was troubled that the proposed regulation only requires one additional course in online pedagogy. She expressed concern that the Board is setting the benchmark too low and setting teachers up for failure. She also felt there was disconnect between these proposed amendments and proposed amendments to additional licensure regulations the Board is reviewing.
- Mrs. Pitts clarified that individuals seeking the Online Teacher License must meet all licensure assessments; content (teaching area) requirements; and professional studies requirements, including human growth and development (three semester hours), curriculum and instructional procedures (three semester hours), classroom and behavior management (three semester hours), foundations of education (three semester hours), and reading (three to six semester hours). In addition, a three-semester-hour course in "Online Instructional Procedures" must be completed.
- Mr. Braunlich noted that a certified teacher teaching traditional classes can already teach online classes now, despite not taking the additional "Online Instructional Procedures" course. He also noted the International Association for K-12 Online

- Learning's (iNACOL) involvement in and support of the proposed amendments.
- Mrs. Beamer recognized the quality work of ABTEL, and discussed the diverse make-up of the committee. ABTEL consists of classroom teachers, administrators, faculty members in teacher preparation programs, and representatives from a school board, a parent-teacher association, the business community, and a citizen at large.
 - Dr. Baysal noted the importance of quality teachers, and asked about the make-up of the work group that developed the proposal for review by ABTEL. Mrs. Pitts indicated representatives from human resources, online learning programs, teacher education programs, iNACOL, and Department staff served on the workgroup.
 - Mrs. Edwards indicated her support of the proposal which will help ensure quality teachers of online courses.
 - Mrs. Sears noted that the development and review by the Department, workgroup, and ABTEL was informed by research of best practices, and hearing from practitioners.
 - Mrs. Atkinson also noted the engaged process that resulted in the proposal.
 - Mr. Foster emphasized the breadth and scope of the three-semester-hour course in online instructional procedures.

Mr. Foster made a motion to approve the proposed amendments to the *Licensure Regulations for School Personnel* and authorized the Department of Education to proceed with the requirements of the Administrative Process Act (Proposed Stage). The motion was seconded by Mrs. Beamer and passed with eight “yes” votes and one “no” vote. Mrs. Wodiska voted no.

The proposed amendments to the *Licensure Regulations for School Personnel* are as follows:

**Proposed Amendments to the
Licensure Regulations for School Personnel
8 VAC 20-22-10 et seq.**

8VAC20-22-10. Definitions.

The following words and terms when used in this chapter shall have the meanings indicated unless the context clearly implies otherwise:

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

“Accredited virtual school or program” means a virtual school or program accredited by one of the accrediting agencies recognized by the Virginia Department of Education. School divisions operating as multidivision online providers may be deemed as meeting accreditation requirements if a majority of its schools are fully accredited by the Virginia Board of Education.

"Alternate route to licensure" means a nontraditional route to licensure available to individuals who meet the criteria specified in 8VAC20-22-90.

"Approved program" means a professional education program recognized as meeting state standards for the content and operation of such programs so graduates of the program will be eligible for state licensure. The Board of Education has the authority to approve programs in Virginia.

"Cancellation" means the withdrawal of a teaching license following the voluntary return of the license by the license holder.

"Certified provider" means a provider certified by the Department of Education to provide preparation and training for applicants seeking the Provisional License specified in 8VAC20-22-90.

"Collegiate Professional License" means a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including the professional teacher's assessments prescribed by the Board of Education.

"Content area coursework" means courses at the undergraduate level (i.e., two-year or four-year institution) or at the graduate level that will not duplicate previous courses taken in the humanities, history and social sciences, the sciences, mathematics, health and physical education, and the fine arts. These courses are usually available through the college or department of arts or sciences.

"Denial" means the refusal to grant a teaching license to a new applicant or to an applicant who is reapplying after the expiration of a license.

"Division Superintendent License" means a five-year, renewable license available to an individual who has completed an earned master's degree from an accredited institution of higher education and meets the requirements specified in 8VAC20-22-600. The individual's name must be listed on the Board of Education's list of eligible division superintendents.

"Experiential learning" means a process of applying for an initial license through the alternate route as prescribed by the Board of Education and meeting the criteria specified in 8VAC20-22-90 E to be eligible to request experiential learning credits in lieu of the coursework for the endorsement (teaching) content area.

"International Educator License" means a three-year cultural exchange opportunity for Virginia students and international teachers. The International Educator License is a professional teaching license issued for no more than three years to an exchange educator with citizenship in a nation other than the United States of America, and employed as an educator in a Virginia public or accredited nonpublic school, to teach for up to three consecutive years.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into Virginia from another state when that individual meets certain conditions specified in the Board of Education regulations.

"Local Eligibility License" means a license issued pursuant to §22.1-299.3 of the *Code of Virginia* to an individual by a local school board based on specified criteria set forth by that section. The Local Eligibility License shall not be issued in the federal core teaching areas or special education. The license is valid for three years and is not transferable to another school division. The Local Eligibility License is a nonrenewable credential and is not reciprocal with other states.

"Mentor" means a classroom teacher hired by the local school division who has achieved continuing contract status or other instructional personnel including retired teachers who meet local mentor selection criteria. The mentor should work in the same building as the beginning teacher or be instructional personnel who is assigned solely as a mentor. A mentor should be assigned a limited number of teachers at any time. Instructional personnel who are not assigned solely as mentors should not be assigned to more than four teachers at any time. Mentors guide teachers in the program through demonstrations, observations, and consultations.

"Online Teacher License" means a five-year, renewable license 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 and do not need to seek this license.]

"Postgraduate Professional License" means a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from a regionally accredited institution.

"Professional teacher's assessment" means those tests or other requirements mandated for licensure as prescribed by the Board of Education.

"Provisional License" means a nonrenewable license valid for a period not to exceed three years issued to an individual who has allowable deficiencies for full licensure as set forth in these regulations. The individual must have a minimum of an undergraduate degree from a regionally accredited college or university (with the exception of those individuals seeking the Technical Professional License). The Provisional License, with the exception of those individuals seeking licensure through a career switcher program who will be issued a one-year Provisional License, will be issued for three years. Individuals must complete all requirements for a renewable license within the validity period of the license.

"Pupil Personnel Services License" means a five-year, renewable license available to an individual who has earned an appropriate graduate degree from a regionally accredited institution with an endorsement for guidance counselor, school psychologist, school social worker, special education speech language pathologist preK-12, or vocational evaluator. This license does not require teaching experience.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education regulations.

"Revocation" means the withdrawal of a teaching license.

"Suspension" means the temporary withdrawal of a teaching license.

"Technical Professional License" means a five-year, renewable license available to an individual who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, technical competency, and occupational experience; and meets the requirements specified in 8VAC20-22-50.

8VAC20-22-50. Types of licenses; dating licenses.

The following types of licenses are available:

1. Provisional License. The Provisional License is a nonrenewable license valid for a period not to exceed three years issued to an individual who has allowable deficiencies for full licensure as set forth in these regulations. The individual must have a minimum of an undergraduate degree from a regionally accredited college or university (with the exception of those individuals seeking the Technical Professional License). The Provisional License, with the exception of those individuals seeking licensure through a career switcher program, will be issued for three years. Individuals must complete the requirements for the regular, five-year license within the validity period of the Provisional License.
2. Collegiate Professional License. The Collegiate Professional License is a five-year, renewable license available to an individual who has satisfied all requirements for licensure, including an earned undergraduate degree from a regionally accredited college or university and the professional teacher's assessments prescribed by the Board of Education.
3. Postgraduate Professional License. The Postgraduate Professional License is a five-year, renewable license available to an individual who has qualified for the Collegiate Professional License and who holds an appropriate earned graduate degree from a regionally accredited college or university.
4. Technical Professional License. The Technical Professional License is a five-year, renewable license available to a person who has graduated from an accredited high school (or possesses a General

Education Development Certificate); has exhibited academic proficiency, skills in literacy and communication, technical competency, and occupational experience; and has completed nine semester hours of specialized professional studies credit from a regionally accredited college or university. The nine semester hours of professional studies coursework must include human growth and development (three semester hours), curriculum and instructional procedures (three semester hours), and applications of instructional technology or classroom and behavior management (three semester hours). The Technical Professional License is issued at the recommendation of an employing educational agency in the areas of career and technical education, educational technology, and military science. Individuals seeking military science must have the appropriate credentials issued by the United States military. In addition to demonstrating competency in the endorsement area sought, the individual must:

- a. Hold a license issued by the appropriate Virginia board for those program areas requiring a license and a minimum of two years of satisfactory experience at the journeyman level or an equivalent;
- b. Have completed a registered apprenticeship program and two years of satisfactory experience at the journeyman level or an equivalent level in the trade; or
- c. Have four years of work experience at the management or supervisory level or equivalent or have a combination of four years of training and work experience at the management or supervisory level or equivalent.

Individuals holding the Technical Professional License who seek the Collegiate Professional or Postgraduate Professional License must meet the professional teacher's assessments requirement.

5. **School Manager License.** The school manager license is a five-year, renewable license intended to provide for the differentiation of administrative responsibilities in a school setting. A school manager is licensed to administer non-instructional responsibilities in an educational setting. For example, a school manager is restricted from evaluating teachers, supervising instruction, developing and evaluating curriculum, and serving as a school's student disciplinarian. The license is available to a candidate who holds a baccalaureate degree from a regionally accredited college or university; has three years of successful managerial experience; and is recommended for the license by a Virginia school division superintendent.
6. **Pupil Personnel Services License.** The Pupil Personnel Services License is a five-year, renewable license available to an individual who has earned an appropriate graduate degree from a regionally accredited college or university with an endorsement for guidance counselor, school psychologist, school social worker, special education speech-language pathologist preK-12, or vocational evaluator. This license does not require teaching experience.
7. **Division Superintendent License.** The Division Superintendent License is a five-year, renewable license available to an individual who has completed an earned master's degree from a regionally accredited college or university and meets the requirements specified in 8 VAC 20-22-600. The individual's name must be listed on the Board of Education's list of eligible division superintendents.
8. **International Educator License.** The International Educator License provides a three-year cultural exchange opportunity for Virginia students and international teachers. The International Educator License is a professional teaching license issued for no more than three years to an exchange educator with citizenship in a nation other than the United States of America, and employed as an educator in a Virginia public or accredited nonpublic school, to teach for up to three consecutive years. This license does not require professional teacher's assessments; however, the individual will be subject to assessment requirements if the individual seeks a five-year renewable license. To be issued the International Educator License an individual must:
 - a. Be employed by a Virginia public or accredited nonpublic school;
 - b. Hold non-U.S. citizenship and be a nonpermanent resident;

- c. Serve as an exchange teacher for a time period not to exceed three consecutive years; and
 - d. Meet the following requirements as verified by a state-approved, federally-designated Exchange Visitor Program (22 CFR Part 62):
 - (1) Be proficient in written and spoken English;
 - (2) Demonstrate competence in the appropriate academic subject area(s);
 - (3) Hold the U.S. equivalent of a baccalaureate degree or higher as determined by an approved credentialing agency; and
 - (4) Hold U.S. or foreign educator credentials and completed at least one year of successful teaching experience that:
 - (a) Enables the educator to fulfill a similar assignment in his home country; or
 - (b) Is comparable to those requirements for Virginia teachers.
9. **Local Eligibility License.** The Local Eligibility License, established by the Virginia General Assembly, is a valid, three-year, nonrenewable license issued by a local school board to an individual who has met specified criteria set forth in §22.1-299.3 of the *Code of Virginia*. The Local Eligibility License shall not be issued in the federal core teaching areas or special education. The license is not transferable to another division. The Local Eligibility License is a nonrenewable credential and is not reciprocal with other states.
10. **Online Teacher License.** The Online Teacher License is a five-year, renewable license 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 and do not need to seek this license.]
- a. The individual is required to meet requirements for an endorsement in a content (teaching) area, professional studies requirements, and qualifying scores on professional teacher's assessments as prescribed by the Virginia Board of Education. In addition, the individual must complete a three-semester-hour course in online instructional procedures.

Online instructional procedures: 3 semester hours. Skills in this area shall contribute to an understanding of the principles of online learning and online instructional strategies and the application of skills in the ability to: use the Internet for teaching, learning, and management; design, deliver, and support instruction in an online environment; adapt strategies for a variety of course models (e.g., synchronous and asynchronous); select, adapt, and create rich multimedia for instruction; adapt Individualized Education Program requirements to online course practices, as appropriate; use data to meet individual students needs; and employ innovative teaching strategies in an online environment. Demonstrated proficiency of advanced skills in the following must be addressed: use of communication technologies to interact with and engage students, parents, and mentors; use of education technologies; management of instructional activities in a technology-mediated environment; and nontraditional content delivery methods.
 - b. Online teaching experience is not acceptable to meet the full-time teaching experience for other license types, such as a division superintendent license, or for endorsements, such as for the reading specialist, school counselor, or administration and supervision endorsements. The Online Teacher License may be issued, if requirements have been met, as one of the following licenses to individuals teaching only online courses:
 - (1) Online Teacher (Postgraduate Professional) License--a five-year, renewable license available to an individual who has qualified for the Online Teacher Collegiate Professional License and who holds an appropriate earned graduate degree from a regionally accredited college or university.

- (2) Online Teacher (College Professional) License--a five-year, renewable teaching license available to an individual who has satisfied all requirements for licensure, including an earned baccalaureate degree from a regionally accredited college or university, endorsement and professional studies requirements, and the professional teacher's assessments prescribed by the Board of Education, or
 - (3) Online Teacher (Technical Professional) License--a five-year, renewable teaching license available to an individual who has graduated from an accredited high school (or possesses a General Education Development Certificate); has exhibited academic proficiency, technical competency, and occupational experience; and meets the requirements specified in 8VAC20-22-50. An individual seeking an Online Teacher Technical Professional License must be recommended for the license by a Virginia public school, Virginia accredited nonpublic school, or an accredited virtual school program.
- c. A nonrenewable Online Teacher (Provisional) License may be issued for a period not to exceed three years to an individual who has allowable deficiencies for full licensure as set forth in Section 8VAC20-22-90B of these regulations. The individual must have a minimum of an undergraduate degree from a regionally accredited college or university (with the exception of those individuals seeking the Technical Professional License). Individuals must complete all requirements for a renewable Online Teacher License within the validity period of the license.

All licenses will be effective from July 1 in the school year in which the application is made. A Virginia employing education division or agency is required to notify employees in writing at the time of employment of the need to meet appropriate assessment requirements for licensure.

8VAC20-22-90. Alternate routes to licensure.

- A. Career switcher alternate route to licensure for career professions. An alternate route is available to career switchers who seek teaching endorsements preK through grade 12 with the exception of special education.
 1. An individual seeking a Provisional License through the career switcher program must meet the following prerequisite requirements:
 - a. An application process;
 - b. A baccalaureate degree from a regionally accredited college or university;
 - c. The completion of requirements for an endorsement in a teaching area or the equivalent through verifiable experience or academic study;
 - d. At least five years of full-time work experience or its equivalent; and
 - e. Virginia qualifying scores on the professional teacher's assessments as prescribed by the Board of Education.
 2. The Provisional License is awarded at the end of Level I preparation. All components of the career switcher alternate route for career professions must be completed by the candidate.
 3. The Level I requirements must be completed during the course of a single year and may be offered through a variety of delivery systems, including distance learning programs. If an employing agency recommends extending the Provisional License for a second year, the candidate will enter Level III of the program. Career switcher programs must be certified by the Virginia Department of Education.
 - a. Level I preparation. Intensive Level I preparation includes a minimum of 180 clock hours of instruction, including field experience. This phase includes, but is not limited to, curriculum and instruction, including technology, reading, and other specific course content relating to the Standards of Learning, differentiation of instruction, classroom/behavior management, instructional design based on assessment data, and human growth and development.
 - b. Level II preparation during first year of employment.
 - (1) Candidate seeks employment in Virginia with the one-year Provisional License.

- (2) Continued Level II preparation during the first year of employment with a minimum of five seminars that expand the intensive preparation requirements listed in subdivision 3) (a) of this subsection. The five seminars will include a minimum of 20 cumulative instructional hours. A variety of instructional delivery techniques will be utilized to implement the seminars.
 - (3) One year of successful, full-time teaching experience in a Virginia public or accredited nonpublic school under a one-year Provisional License. A trained mentor must be assigned to assist the candidate during the first year of employment. Responsibilities of the mentor include, but are not limited to, the following:
 - (a) Collaborate with the beginning teacher in the development and implementation of an individualized professional development plan;
 - (b) Observe, assess, coach, and provide opportunities for constructive feedback, including strategies for self-reflection;
 - (c) Share resources and materials;
 - (d) Share best instructional, assessment, and organizational practices; classroom and behavior management strategies; and techniques for promoting effective communication; and
 - (e) Provide general support and direction regarding school policies and procedures.
 - (4) Upon completion of Levels I and II of the career switcher alternate route to licensure program and submission of a recommendation from the Virginia educational employing agency, the candidate will be eligible to apply for a five-year, renewable license. Renewal requirements for the regular license will be subject to current regulations of the Board of Education.
- c. Level III preparation, if required.
- (1) Post preparation, if required, will be conducted by the Virginia employing educational agency to address the areas where improvement is needed as identified in the candidate's professional improvement plan; and
 - (2) Upon completion of Levels I, II, and III of the career switcher alternate route to licensure program and submission of a recommendation from the Virginia educational employing agency, the candidate will be eligible to receive a five-year renewable license.
4. Verification of program completion will be documented by the certified program provider and the division superintendent or designee.
 5. Certified providers implementing a career switcher program may charge a fee for participation in the program.
- B. An alternate route is available to individuals employed by an educational agency who seek teaching endorsements preK through grade 12. This route is also applicable to individuals who are employed by a Virginia public school, a Virginia accredited nonpublic school, or an accredited virtual school or program and who are seeking the Online Teacher License that is issued to teachers who teach only online courses. Individuals must complete the requirements for the regular, five-year license within the validity period of the provisional license.
1. An individual seeking a license through this alternate route must have met the following requirements:
 - a. Are entering the teaching field through the alternate route to licensure upon the recommendation of the Virginia employing educational agency; [For the Online Teacher Provisional License, individuals must be employed by a Virginia public school, a Virginia accredited nonpublic school, or an accredited virtual school or program.]
 - b. Hold a baccalaureate degree from a regionally accredited college or university with the exception of individuals seeking the Technical Professional License;
 - c. Have met requirements for the endorsement area; and
 - d. Need to complete an allowable portion of professional studies and licensure requirements.

2. The professional studies requirements for the appropriate level of endorsement sought must be completed. A Virginia educational agency may submit to the Superintendent of Public Instruction for approval an alternate program to meet the professional studies requirements. The alternate program must include training (seminar, internship, coursework, etc.) in human growth and development, curriculum and instructional procedures (including technology), instructional design based on assessment data, classroom and behavior management, foundations of education and reading.
 3. One year of successful, full-time teaching experience in the appropriate teaching area in a Virginia public or accredited nonpublic school must be completed. For the Online Teacher License only, one year of successful online teaching experience in the endorsement area in a public school, an accredited nonpublic school, or an accredited virtual school or program may be accepted in lieu of the supervised teaching experience. A fully licensed experienced teacher must be available in the school building to assist the beginning teacher employed through the alternate route.
- C. Alternate route in special education. The Provisional License is a three-year nonrenewable teaching license issued to an individual employed as a special education teacher in a public school or a nonpublic special education school in Virginia who does not hold the appropriate special education endorsement. This alternate route to special education is not applicable to individuals employed as speech pathologists or to individuals seeking the Online Teacher License. To be issued the Provisional License through this alternate route, an individual must:
1. Be employed by a Virginia public or nonpublic school as a special educator and have the recommendation of the employing educational agency;
 2. Hold a baccalaureate degree from a regionally accredited college or university;
 3. Have an assigned mentor endorsed in special education; and
 4. Have a planned program of study in the assigned endorsement area, make progress toward meeting the endorsement requirements each of the three years of the license, and have completed coursework in the competencies of foundations for educating students with disabilities and an understanding and application of the legal aspects and regulatory requirements associated with identification, education, and evaluation of students with disabilities. A survey course integrating these competencies would satisfy this requirement. The Provisional License through this alternate route shall not be issued without the completion of these prerequisites.
- D. Alternate programs at institutions of higher education or Virginia school divisions. Alternate 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 license through an alternate route.
- E. Experiential learning. Individuals applying for an initial license through the alternate route as prescribed by the Board of Education must meet the following criteria to be eligible to request experiential learning credits in lieu of the coursework for the endorsement (teaching) content area:
1. Hold a baccalaureate degree from a regionally accredited college or university;
 2. Have at least five years of documented full-time work experience that may include specialized training related to the endorsement sought; and
 3. Have met the qualifying score on the content knowledge assessment prescribed by the Board of Education.

The criteria do not apply to teachers of special education and elementary education (preK-3 and preK-6).

8VAC20-22-110. Requirements for renewing a license.

- A. The Division Superintendent, Postgraduate Professional, Collegiate Professional, Technical Professional, Pupil Personnel Services, Online Teacher, and School Manager Licenses may be renewed upon the completion of 180 professional development points within a five-year validity period based on an individualized professional development plan that includes ongoing, sustained, and high-quality professional development.
- B. Virginia public school divisions and public education agencies must report annually to the Department of Education that instructional personnel have completed high quality professional development each year as set forth by the Virginia Department of Education.
- C. Any individual seeking renewal of a license with an endorsement in early/primary preK-3, elementary education preK-6, middle education 6-8, history and social sciences, history, or political science must complete study of the structures, function, and powers of state and local government of Virginia and the importance of citizen participation in the political process in state and local government of Virginia. The study may be satisfactorily completed using any applicable option described in the Virginia Licensure Renewal Manual, effective September 21, 2007. This requirement shall be met one time for the individual's next renewal after July 1, 2012.
- D. Professional development points may be accrued by the completion of professional development activities to improve and increase instructional personnel's knowledge of the academic subjects the teachers teach or the area assigned from one or more of the following eight options.
 1. College credit. Acceptable coursework offers content that provides new information and is offered on-campus, off-campus, or through extension by any regionally accredited two- or four-year college or university. College coursework must develop further experiences in subject content taught, teaching strategies, uses of technologies, leadership, and other essential elements in teaching to high standards and increasing student learning. At least 90 points for each five-year renewal shall be in the content area(s) currently being taught if the license holder does not hold a graduate degree. Instructional personnel must complete coursework to improve and increase the knowledge of the academic subjects or endorsement areas in which they are assigned.
 2. Professional conference. A professional conference is a workshop, institute, or seminar of four or more hours that contributes to ongoing, sustained, and high-quality professional development.
 3. Curriculum development. Curriculum development is a group activity in which the license holder contributes to the improvement of the curriculum of a school, a school division, or an education institution in the teaching area assigned. This includes the alignment of curriculum frameworks, instructional materials, and assessments to provide a system with clear expectations of what is to be taught and learned.
 4. Publication of article. The article must contribute to the education profession or to the body of knowledge of the license holder's teaching area or instructional position. Grant reports that present the results of educational research are acceptable provided the license holder had an active role in planning, analyzing, interpreting, demonstrating, disseminating, or evaluating the study or innovation. The article must be published in a recognized professional journal.
 5. Publication of book. Books must be published for purchase and must contribute to the education profession or to the body of knowledge of the license holder's teaching area or instructional position. The published book must increase the field of content knowledge, planning and assessment for evaluating and providing students with feedback that encourages student progress and measures student achievement, instruction, safety and learning environment, communication and community relations working with students, parents, and members of the community to promote broad support for student learning. Points will not be awarded for books self-published.

6. Mentorship. Mentoring is the process by which an experienced professional, who has received mentorship training, provides assistance to one or more persons for the purpose of improving their performance. Assistance may involve role modeling, direct instruction, demonstration, observation with feedback, developing of plans, and consultation to promote instructional excellence and increased student achievement. Mentoring may include the supervision of a field experience of a preservice student teacher or an intern in an approved teacher/principal preparation program, as well as mentoring as part of the induction process for a beginning teacher or a first-year administrator. Individuals serving in this role and submitting documentation for license renewal based on the mentorship option shall receive training as a mentor prior to the assignment and at least once during the five-year renewal cycle.
 7. Educational project. Educational projects must be planned, focused projects based on high standards of teaching and learning. Projects must result in a written report or other tangible product. Projects must contribute to the education profession or to the body of knowledge of the license holder's teaching area or instructional position. A project could include participation in new professional responsibilities, such as leading a school improvement initiative.
 8. Professional development activity. Professional development activities must focus on student learning and achievement, schoolwide educational improvement, leadership, subject content, teaching strategies, and use of technologies and other essential elements in teaching to high standards. Activities must be planned, rigorous, systematic, and promote continuous inquiry and reflection. Local employing educational agencies are encouraged to design professional development activities that are conducted in school settings and linked to student learning and achievement.
- E. A minimum of 90 points (three semester hours in a content area) at the undergraduate (two-year or four-year institution) or graduate level in the license holder's endorsement areas shall be required of license holders without a master's degree and may be satisfied at the undergraduate (two-year or four-year institution) or graduate level. Special education coursework designed to assist classroom teachers and other school personnel in working with students with disabilities, a course in gifted education, a course in educational technology, or a course in English as a second language may be completed to satisfy the content course requirement for one cycle of the renewal process. Professional development activities designed to support the Virginia Standards of Learning, Standards of Accreditation, and Assessments may be accepted in lieu of the content course for one renewal cycle. Individuals without a master's degree who hold a renewable Online Teacher License may complete pedagogy of online instruction coursework to meet this requirement. The substance of the activities must clearly support these initiatives and address one or more of the following areas: (i) new content knowledge to implement the Virginia Standards of Learning; (ii) curriculum development initiative designed to translate the standards from standards to classroom objectives; (iii) teaching beginning reading skills including phonemic awareness and the structure of language (phonics); (iv) staff development activities in assessment to assist classroom teachers in the utilization of test results to improve classroom instruction; and (v) professional development designed to implement the technology standards in the schools. Technical Professional License holders without baccalaureate degrees may satisfy the requirement through career and technical education workshops, career and technical education institutes, or through undergraduate coursework at two-year or four-year institutions.
- F. Content area courses are courses at the undergraduate level (two-year or four-year institution) or at the graduate level that will not duplicate previous courses taken in the humanities, history and social sciences, the sciences, mathematics, health and physical education, and the fine arts. These courses are usually available through the college or department of arts and sciences. License holders with elementary education, middle education, special education, or reading endorsements must satisfy the 90-point requirement through reading coursework or content coursework in one of the areas listed above. Courses available through a regionally accredited college's or institution's department of education may be used to satisfy the content requirement for those license holders with endorsements in health and physical education, career and technical education, and library science education.

- G. With prior approval of the division superintendent, the 90 points in a content area also may be satisfied through coursework taken to obtain a new teaching endorsement or coursework taken because of a particular need of a particular teacher.
- H. The remaining 90 points may be accrued by activities drawn from one or more of the eight renewal options. Renewal work is designed to provide licensed personnel with opportunities for professional development relative to the grade levels or teaching fields to which they are assigned or for which they seek an added endorsement. Such professional development encompasses (i) responsible remediation of any area of an individual's knowledge or skills that fail to meet the standards of competency and (ii) responsible efforts to increase the individual's knowledge of new developments in his field and to respond to new curricular demands within the person's area of professional competence.
- I. The proposed work toward renewal in certain options must be approved in advance by the chief executive officer or designee of the employing educational agency. Persons who are not employed by an educational agency may renew or reinstate their license by submitting to the Office of Professional Licensure, Department of Education, their individualized renewal record and verification of points, including official student transcripts of coursework taken at an accredited two-year or four-year college or university.
- J. Accrual of professional development points shall be determined by criteria set forth by the Virginia Department of Education.
- K. Persons seeking license renewal as teachers must demonstrate proficiency in the use of educational technology for instruction.
- L. Virginia school divisions and nonpublic schools will recommend renewal of licenses using the renewal point system. The renewal recommendation must include verification of demonstrated proficiency in the use of educational technology for instruction.
- M. Training in instructional methods tailored to promote academic progress and effective preparation for the Standards of Learning tests and end-of-grade assessments is required for licensure renewal.
- N. If they have not already met the requirement, persons seeking licensure renewal as teachers must complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes.

First Review of Proposal to Establish the Gloucester County Public Schools and Mathews County Public Schools Governor's Health Sciences Academy

Ms. Lolita Hall, director of career and technical education, presented this item. Ms. Hall introduced the following representatives from Gloucester County Public Schools, Mathews County Public Schools, and partners of the academies:

Gloucester County Public Schools

- Dr. Chuck Wagoner, assistant superintendent, instructional services
- Matt Lord, director, school counseling, Gloucester High School
- Claudette Johnson, health sciences instructor, Gloucester High School

Mathews County Public Schools

- Albert Green, principal, Mathews High School

Academies Partners

- Charles Smith, dean of health services, and professor of nursing, Rappahannock Community College, the Glens Campus
- Gail Baker, director of student services, Riverside School of Health Careers

Ms. Hall’s presentation included the following:

- On September 7, 2012, the Virginia Department of Education announced planning/implementation grants in the amount of \$10,000 each for establishment of Governor’s Health Sciences Academies in the eight superintendents’ regions. The Governor’s Health Sciences Academies shall consist of partnerships of one or more public school divisions or multiple schools within a school division, healthcare institutions, business and industry, and higher education institutions; and offer rigorous academic content with career and technical instruction. The Academy must include specialty programs within the five career pathways.

Health Sciences Career Cluster

Career Pathways	General Description
Therapeutic Services	Care and treat patients to improve their health over time. Counsel patients and provide them the tools needed to live a healthier and problem-free lifestyle.
Diagnostic Services	Use tests and evaluations to aid in the detection, diagnosis and treatment of diseases, injuries or other physical conditions.
Health Informatics	Manage health care agencies by overseeing all patient data, financial information and technological applications to health care processes and procedures.
Support Services	Assist health care professionals with a range of administrative and maintenance duties to ensure that the health care environment is maintained.
Biotechnology Research and Development	Discover new treatments and medical technologies to improve human health and advance the overall health science field.

- At least two of the health sciences career pathways must be implemented initially. The remaining three pathways must be fully articulated and implemented within the next three years. Also, the Academy must agree to participate in the Governor’s Exemplary Standards Award Program.
- This proposal for a Governor’s Health Sciences Academy consists of a joint effort between Gloucester County Public Schools and Mathews County Public Schools with partnerships among the Riverside School of Health Careers, Rappahannock Community College, and New Horizons Regional Education Centers. The Academy will be located on two campuses, Gloucester High School (GHS) and Mathews High School (MHS). Students will participate in Academy courses during the regular school day; however, the MHS students will participate in some classes offered at GHS. When fully implemented, the Academy will have the capacity to enroll 100 students, grades 9-12. Beginning in 2013-14, the Academy will offer the pathway plan of study for Support Services and Therapeutic Services and will accept applications for 40 students. By 2015-16, the Diagnostic Services, Health Informatics, and Biotechnology Research and Development pathways will be fully implemented.
- Through strong partnerships with Riverside School of Health Careers and Riverside Walter Reed Hospital, students will participate in work-based learning experiences that will include supervised internships, job shadowing, and mentoring in a variety of health care fields. Preparation for career exploration and the process of choosing a career pathway will begin during middle school. The Academy will target potential students through enriched exploratory activities. These activities may include, but not be limited to, career and skill assessments, Gloucester County Public Schools (GCPS)/MHS Riverside Medical Careers Explorers Post, Academy orientations, and open house programs. The GCPS/MHS Riverside Medical Careers Explorers Post program will help bridge the gap between education and application. Students in the program will meet monthly at the hospital for a business meeting. During a portion of the meeting, students will observe and participate in activities with the therapy department (physical therapy, occupational therapy, and speech therapy). Shadowing opportunities for advanced Academy students are

being planned to develop a mentorship with healthcare professionals at the Riverside Walter Reed facility in Gloucester.

- Each of the five health sciences pathways are articulated with a postsecondary institution which will provide students an opportunity to earn a minimum of nine dual-enrollment credits. A goal of the Academy is to have at least 50 percent of its students earning dual-enrollment credit by 2014-15.
- Projected job growth between 2010 and 2018 will be more than 6,700 new health care positions opening up on the Greater Peninsula, an estimated growth of 30.24 percent (Peninsula Council for Workforce Development, 2012). Health care and social assistance occupations are a large portion of the total work force on the Greater Peninsula. According to the Virginia Employment Commission, 2nd quarter 2011 data, these positions represent 9-, 10-, and 12 percent of the total work force in Williamsburg/James City County, Hampton, and Newport News, respectively. The highest expected entry-level growth occupations on the Greater Peninsula are in Therapeutic and Support Services which includes occupations such as physical therapy assistants, physical therapy aides, personal care aides, home health aides, and medical assistants. The demand for these positions is expected to increase between 36 to 60 percent over the next six years. New jobs for registered nurses, dentists, pharmacists, and optometrists will also be in high demand. The Governor's Health Sciences Academy will help to bridge training and preparation for students to gain access to career pathways that prepare them for high-demand, high-skill, and high-wage careers.

Dr. Paul McLean, supervisor of career and technical education, Gloucester County Public Schools, provided a PowerPoint presentation of the proposed academy.

The Board discussed the following:

- What will be the recruitment process and how will the school handle applications beyond the number it can accept?
- What are the responsibilities of the joint school boards in the partnership? The governance structure should be clear.
- Is it possible to add a seal on diplomas to recognize student participation in the health sciences academy?
- What are the needs of the students this school hopes to serve?
- What were the obstacles in establishing the academy?
- What will the curriculum review process include?

Mr. Foster asked that responses to these questions from the Board be provided before final review.

The Board accepted for first review the proposal to establish the Gloucester County Public Schools and the Mathews County Public Schools Governor's Health Sciences Academy.

First Review of Proposals to Establish the Following Governor's STEM Academies: 1) Fairfax County Public Schools Governor's STEM Academy at George C. Marshall High School; 2) Harrisonburg City Public Schools Governor's STEM Academy at Harrisonburg High School; and 3) Montgomery County Public Schools Governor's STEM Academy at Christiansburg High School

Ms. Hall also presented this item. Ms. Hall introduced the following representatives:

Fairfax County Public Schools and Partners

- Paul Wardinski, director of career and technical education
- Beth Downey, supervisor of career and technical education
- Nicole Rosett Haubner, academy counselor, Marshall High School
- Shelli Carpenter, career experience specialist, Marshall High School
- Jeff McFarland, academy coordinator, Marshall High School
- Teresa Weldon, director of service portfolio management, Northrop Grumman Information Systems
- Charles Britt, STEM education coordinator, SySTEMic Solutions, Northern Virginia Community College, Annandale Campus

Harrisonburg City Public Schools

- Dr. Scott Kiznev, division superintendent
- Patrick Lintner, executive director of instruction
- Steve Barranco, school board chair
- Amy Sabarre, coordinator, elementary and middle school
- Andy Jackson, coordinator, secondary science, Harrisonburg High School

Montgomery County Public Schools

- Rick Weaver, supervisor, career and technical education
- Dr. Patricia Gaudreau, supervisor, science education
- Nelson Simpkins, director, secondary education

Ms. Hall's presentation included the following:

- Partnerships establishing academies must include at least one public school division, business and industry, and postsecondary education. On November 29, 2007, the Board of Education approved the criteria to establish a Governor's STEM Academy. Subsequently, on March 19, 2008, the Board approved the standards for the Governor's Career and Technical Education Exemplary Standards Awards Program, which all Career and Technical Academies must implement.
- The State Council of Higher Education for Virginia (SCHEV) is currently reviewing the attached proposals. Their report and recommendation is expected by June 5 prior to the final review of the proposal by the Board of Education (Attachment B). Staff members of the Virginia Department of Education (VDOE) have reviewed the proposal in the context of the established criteria. An executive summary of the proposal is in Attachment A. Attachment C is the report from the review by the VDOE. Attachment D is the complete proposal.
- Currently, there are 18 Governor's STEM Academies in Virginia. They are located in Arlington County, Carroll County, Chesapeake City, Chesterfield County, Fairfax County, Halifax County, Hampton City, Loudoun County, Lynchburg City, New Kent County, Newport News City, Richmond City, Richmond County, Roanoke County, Russell County, Stafford County, Suffolk City, and Virginia Beach City.

Proposal to Establish the Fairfax County Public Schools Governor’s STEM Academy at George C. Marshall High School

Marshall High School Governor’s STEM Academy in collaboration with its partners: Fairfax County Public Schools, Systemic Solutions, George Mason University, Virginia Tech, Positek.net LLC, Tysons Regional Chamber of Commerce, Junior Achievement of Greater Washington, Marymount University, Terra Wi, Cisco Systems, and Watnee LLC, will provide students the foundational skills needed to pursue career pathways within information technology and engineering. The Academy is centrally located within Northern Virginia’s Tysons Corner and twelve miles west of the District of Columbia. Because of its central location, partnerships with local businesses, post secondary articulation and dual enrollment agreements, the Governor’s STEM Academy will be uniquely poised to meet the mission: increase student access to STEM specific instructional programs and pathways in career and technical education; and develop a highly-skilled, diverse STEM high school graduate prepared for postsecondary education or the global workforce. The Academy will have the capacity to enroll 400 students, grades 9-12. During the 2013-14 school year 150 students will be admitted.

The Academy will focus on the following two career pathways within two career clusters:

CAREER CLUSTER	CAREER PATHWAY
Information Technology	Network Systems
Science, Technology, Engineering, and Mathematics (STEM)	Engineering and Technology

- Students enrolled in the Network Systems pathway will learn about the design, development and management of different types of software programs and hardware. This field requires a rigorous foundation in mathematics and science as well as high technical skills. The study of cyber security is an emerging field with many career possibilities. Digital defense is not only for those working in technology, government, or law enforcement jobs. Cybersecurity affects any business or organization that uses internal computer systems or connects to the Internet to do business, including those in: homeland security, public and private cyber monitoring, health care information protection, energy industry systems protection, banking, education, online retail, product development, and technology products and services. The coursework will focus on systems, networks, and technology. Students will gain specific cybersecurity skills in the ethics and legal issues related to data gathering and protection; engage in real-world plans and processes for common security scenarios, techniques and technologies that protect data and systems; and will learn about ways to detect and defend against cyber attacks.
- The Information Technology (IT) lab will include 32 data drops and wireless connectivity for computer workstations, mobile devices, and laser printers. It will be fully equipped for interactive teleconferencing. Students will study collegiate-level software applications such as Microsoft’s Network Administration and Security, Cisco CCNA and Healthcare, Oracle, and A+ computer systems technology to optimize interaction, critical thinking, and problem-solving capabilities in the IT field. The lab has two primary zones that allow independent study and group sessions to occur simultaneously. The *Cyber Center* encourages hands-on applications in a virtual lab environment to increase students’ ability to reduce vulnerabilities in today’s computer network systems. In the *Networking Center*, students will have the appropriate equipment to develop flexible network configurations.
- As technology advances across the globe, it is important to have individuals who understand and can support the new technological demands. Network Systems and Data Communications Analysts are predicted to see a 53 percent increase in employment opportunities.
- Students enrolled in the Engineering and Technology pathway will engage in rigorous problem-solving experiences. They will learn how to use their knowledge of science, mathematics, logic, and economics to

find suitable solutions to real-world problems. The STEM lab will be equipped for 21st century learning. The lab will offer collegiate-level applications and sophisticated technologies to optimize research, interaction, and critical thinking among the students. The lab will have two primary zones that allow independent study and group sessions to occur simultaneously. The *Think Tank* will encourage students to think out loud and it will be equipped to support global conferencing. In the *Lab Zone* students will have appropriate equipment for the flexibility to conduct many experiments. An overhead gridding system and large tabletops will allow for optimal connections to equipment, while speakers and microphones transmit throughout the lab. Additional equipment will include a wind tunnel, Computer Numerical Control (CNC) machines, 3D prototype printer, large format printer, plasma cutter, and computer workstations with computer-aided design (CAD) software.

- Over the next decade, jobs aligned with advancing technology are predicted to boom as new career opportunities open. Individuals with college degrees and experience working with high-tech laboratory equipment have the most potential for success within this industry.

Proposal to Establish the Harrisonburg City Public Schools Governor’s STEM Academy at Harrisonburg High School

As the world and Virginia are changing rapidly, it is predicted that areas such as health, energy, environment, and natural resources will have serious personal, social, and global issues for current and future populations to solve. Outside the typically educational setting, science, technology, engineering, and mathematics (STEM) are integrated naturally to study and solve problems. The proposed Harrisonburg High School Governor’s STEM Academy emphasizes an integrative (I-STEM) learning approach to prepare students for meeting the challenges of today and the near future. The I-STEM model consists of specific units that are collaboratively developed based on the Science Standards of Learning and integrated with those from language arts, mathematics, social science, technology as well as engineering content.

Harrisonburg City Public Schools (HCPS) provides all students in all five elementary schools and both middle schools with daily science and mathematics education including units designed as integrative lessons in I-STEM. By creating a Governor’s STEM Academy, HCPS expects to raise student aspirations and attract more students to postsecondary education in preparation for the career pathways of Engineering and Technology, and Science and Mathematics. The Academy will have the capacity to enroll 296 students, grades 9-12. During the 2013-14 school year 98 students will be admitted.

The Academy will focus on the following two career pathways within the STEM career clusters:

CAREER CLUSTER	CAREER PATHWAY
Science, Technology, Engineering, and Mathematics (STEM)	Engineering and Technology
	Science and Mathematics

- In the seventh and eighth grades, students have an opportunity to participate in the Middle School STEM Exploration Academy, where they integrate career and technical education courses with science courses and explore different career options based on their interests. Whether students choose to apply to and enter the Harrisonburg High School Governor’s STEM Academy in either of the two pathways, they will have access to Advanced Placement and dual enrollment science and mathematics courses as well as the opportunity to receive postsecondary certificates including the Governor’s certificate of recognition for the Early College Scholars Program. Students entering engineering and technology pathways will be completers in Engineering Studies. Coursework will be enhanced through integration with physics, algebra II, Earth Science, chemistry, and English. Students in both pathways will take science and mathematics courses their junior and senior years, including several Advanced Placement and dual enrollment courses with the opportunity for mentorships or internships with Academy’s higher education and/or business partners that include: James Madison University, Blue Ridge Community College, Blackwell Engineering,

Rockingham Group, Shenandoah Valley Electric Cooperative, Serco, Kawneer, Shenandoah Valley Technology Counsel, and Stanford Research Institute.

- Students in the Academy will be immersed in problem and project-based learning in grades nine through twelve. Students in both pathways are required to participate in extracurricular activities including, but are not limited to the Academic Competition Team, Bib Blue 'Botics (HHS FIRST Robotics team), Environthon, and attendance at local science and mathematics lectures.
- According to the Virginia Workforce Connection, as of September 10, 2012, there were 14,200 unfilled professional, scientific, and technical services jobs in Virginia. Graduates seeking well-paying careers need not search far if their skill sets are a match for the opportunities. In Harrisonburg and neighboring Rockingham County, there are many science and technology-oriented businesses and industries looking to hire talented, well-educated workers. The positions available include those requiring some college and experience as well as those requiring engineering associates degrees, Masters of Engineering, and Doctorates.
- Students graduating from the Harrisonburg High School Governor's STEM Academy will have a strong academic preparation for entering a four-year college majoring in a wide variety of STEM fields. They will be well-prepared to continue education in any of Virginia's high-demand fields of economic growth as identified by the Virginia Economic Development Partnership, including: food processing, clean energy, biotechnology research and development, federal security agencies and providers, information technology, aerospace, and global logistics.

Proposal to Establish the Montgomery County Public Schools Governor's STEM Academy at Christiansburg High School

The proposed Montgomery County Public Schools Governor's STEM Academy will be located at Christiansburg High School; however, some of the Academy courses will be offered at the division's other three high schools as well. Students who attend the smaller high schools will be eligible to continue a chosen program of study at Christiansburg High School with transportation provided. The Academy will have the capacity to enroll 150 students, grades 9-12. During the 2013-14 school year 65 students will be admitted.

Virginia Employment Commission data indicates that the manufacturing industry employs the second largest number of all industries and ranks fifth in the current number of advertised job openings in the New River Community College Region (see Appendix B). Montgomery County is the largest county served by the New River Community College. Jobs related to STEM, manufacturing, and information technology career clusters are in the top ten occupation groups represented by jobs advertised in the same region. The Montgomery County Governor's STEM Academy in collaboration with its partners: Virginia Tech, Montgomery County Department of Economic Development, New River Community College, Jeld-Wen Interior Doors, Automation Creations, OWPR Architects and Engineers, Moog Components Group, and NRV Competitiveness Center, will offer a program of study to expand students knowledge and skills in STEM literacy as it relates to advanced manufacturing. Students will gain the knowledge and skills needed to succeed in the technologically-rich workplace by learning how to work in teams, communicate effectively, and apply the principles and skill sets in STEM fields. A FIRST Robotics design and build team project will be the co-curricular component for all six pathways in the following chart. This project will be scheduled as an after school course to allow students from all pathways to participate.

The Academy will focus on the following six career pathways within three career clusters will prepare students for programs leading to bachelor's degrees, two-year associate's degrees, Virginia Community College System diplomas and certificates, apprenticeships, and employment.

CAREER CLUSTER	CAREER PATHWAY
Science, Technology, Engineering, and Mathematics (STEM)	Engineering and Technology
Manufacturing	Manufacturing Production Process Development
	Production
Information Technology	Programming and Software Development
	Information Support and Services
	Network Systems

- The FIRST Robotics program is built around a series of year-long elective courses taught by teachers from career and technical education (CTE), mathematics, and science in an after-school setting. This program is supported by Virginia Tech mechanical engineering students and professors. High school students achieve a level of familiarity and literacy in engineering and other STEM content while university students apply their engineering skills as mentors.
- During the junior or senior year, Academy students will have the opportunity to apply their knowledge of STEM, as well as 21st century skills, in a real-world work experience by participating in job shadowing, internships, and/or cooperative experiences related to their chosen career path.
- The pathways will have clear postsecondary objectives outlined through articulation with New River Community College, Radford University, and Virginia Tech. Every pathway in the Academy will culminate in a program of study at one of these three institutions. Whenever possible, both academic and CTE courses will be offered as dual enrolled courses through New River Community College or through the network of Project Lead the Way colleges (see Appendix D).
- In summary, the Governor’s STEM Academy will provide awareness and opportunity for students and will increase the number of well-trained workers in areas that have been designated as high demand and high tech in business and industry. Offering parallel pathways with multiple post-graduation objectives will help students choose the best path before high school graduation.

The following representatives presented a brief overview of proposals: 1) Jeff McFarland, Fairfax County Public Schools; 2) Patrick Lintner, Harrisonburg City Public Schools; and 3) Rick Weaver, Montgomery County Public Schools

The Board discussed the following:

- How will students without a 3.0 GPA but who have high aptitude be given an opportunity to attend the academy?
- Providing special recognition for students’ participation in STEM academies with diploma seals or badges.

The Board accepted for first review the following: 1) Proposal to Establish the Fairfax County Public Schools Governor’s STEM Academy at George C. Marshall High School; 2) Proposal to Establish the Harrisonburg City Public Schools Governor’s STEM Academy at Harrisonburg High School; and 3) Proposal to Establish the Montgomery County Public Schools Governor’s STEM Academy at Christiansburg High School.

First Review of Revisions to Industry, Professional, or Trade Association Certification Examinations and Occupational Competency Assessments to Meet the Requirements for the Board of Education’s Career and Technical Education and Advanced Mathematics and Technology Seals and the Student-Selected Verified Credit

Mr. Lan Neugent, assistant superintendent for technology, career and adult education, presented this item. Mr. Neugent’s presentation included the following:

- The *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, requirements for graduation 8 VAC 20-131-50.K.3, provide students who demonstrate academic excellence and/or outstanding achievement the opportunity to earn the Board of Education’s Career and Technical Education Seal.

8 VAC 20-131-50.K.3 – “The Board of Education’s Career and Technical Education Seal will be awarded to students who earn a Standard Diploma, Standard Technical Diploma, Advanced Studies Diploma or Advanced Technical Diploma and complete a prescribed sequence of courses in a career and technical education concentration or specialization that they choose and maintain a “B” or better average in those courses; or (i) pass an examination or occupational competency assessment in a career and technical education concentration or specialization that confers certification or an occupational competency credential from a recognized industry, trade or professional association or (ii) acquire a professional license in that career and technical education field from the Commonwealth of Virginia. The Board of Education shall approve all professional licenses and examinations used to satisfy these requirements.”

- The *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, requirements for graduation 8 VAC 20-131-50.K.4, provide students who demonstrate academic excellence and/or outstanding achievement the opportunity to earn the Board of Education’s Seal of Advanced Mathematics and Technology.

8 VAC 20-131-50.K.4 – “The Board of Education’s Seal of Advanced Mathematics and Technology will be awarded to students who earn either a Standard Diploma, Standard Technical Diploma, Advanced Studies Diploma or Advanced Technical Diploma and (i) satisfy all of the mathematics requirements for the Advanced Studies Diploma or Advanced Technical Diploma (four units of credit including Algebra II; two verified units of credit) with a “B” average or better, and (ii) either (a) pass an examination in a career and technical education field that confers certification from a recognized industry, or trade or professional association, (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia, or (c) pass an examination approved by the board that confers college-level credit in a technology or computer science area. The Board of Education shall approve all professional licenses and examinations used to satisfy these requirements.”

- The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* make the following provisions relative to students earning verified units of credit:

8 VAC 20-131-110.C Standard and verified units of credit
“The Board may from time to time approve additional tests for the purpose of awarding verified credit. Such additional tests, which enable students to earn verified units of credit, must, at a minimum, meet the following criteria:

1. The test must be standardized and graded independently of the school or school division in which the test is given;
2. The test must be knowledge-based;
3. The test must be administered on a multi-state or international basis, or administered as part of another state’s accountability assessment program; and
4. To be counted in a specific academic area, the test must measure content that incorporates or exceeds the SOL content in the course for which verified credit is given.”

8 VAC 20-131-50.B.2 (Footnotes 5 and 6 and C.2, Footnote 5) Requirements for graduation

Verified Credits Required
Student Selected Test⁵

⁵“A student may utilize additional tests for earning verified credit in computer science, technology, career and technical education, economics, or other areas as prescribed by the board in 8VAC 20-131-110.

⁶Students who complete a career and technical education program sequence and pass an examination or occupational competency assessment in a career and technical education field that confers certification or an occupational competency credential from a recognized industry, or trade or professional association or acquires a professional license in a career and technical education field from the Commonwealth of Virginia may substitute the certification, competency credential, or license for (i) the student selected verified credit and (ii) either a science or history and social science verified credit when the certification, license, or credential confers more than one verified credit. The examination or occupational competency assessment must be approved by the Board of Education as an additional test to verify student achievement.”

- The list of 276 industry, professional, trade association certification examinations, or occupational competency assessments meets the Board’s requirements as noted in 8 VAC 20-131-50.I.3, 8 VAC 20-131-50.I.4, 8 VAC 20-131-110, and 8 VAC 20-131-50.B.4 (Footnotes 5 and 6 and C., Footnote 5) for the Career and Technical Education Seal, the Seal of Advanced Mathematics and Technology, and student-selected verified credit.
- Included in the list are eight additional industry certification examinations and occupational competency assessments (shown in bold print) that have been identified as meeting criteria to satisfy requirements for the Career and Technical Education Seal, the Seal of Advanced Mathematics and Technology, and student-selected verified credit.
- Industry, professional, and trade association certifications are continually being revised or discontinued to stay current with technology and new techniques. These changes may be such that individual certifications are no longer available, no longer meet the Board of Education’s criteria for diploma seals or student-selected verified credit, or require additional criteria such as work experience beyond high school. Changes have been made to the titles of three certifications previously approved (shown as strikethrough and underline); and one certification is recommended for deletion.

During the discussion Board members expressed appreciation for the work that went into creating and analyzing these programs.

The Board accepted for first review the revised list of industry certification examinations, occupational competency assessments, and licenses to meet the requirements for the Board of Education’s Career and Technical Education and Advanced Mathematics and Technology Seals and the student-selected verified credit.

First Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Revise the Regulations Governing the Review and Approval of Education Programs in Virginia (8 VAC 20-542-10 et seq.) (Proposed Stage)

Mrs. Patty Pitts, assistant superintendent for teacher education and licensure, presented this item. Mrs. Pitts’ presentation included the following:

- The Board of Education has the statutory authority to prescribe requirements for the approval of education preparation programs. Section [22.1-298.2](#) of the *Code of Virginia*, states, in part, the following:

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

The *Constitution of Virginia* and the *Code of Virginia* sections below provide authority for the Board of Education to promulgate the *Regulations Governing the Review and Approval of Education Programs in Virginia*:

Constitution of Virginia ([Article VIII, Section 4](#)): “The general supervision of the public school system shall be vested in a Board of Education....”

Code of Virginia, Section [22.1-16](#). Bylaws and regulations generally.

Code of Virginia, Section [22.1-305.2](#). Advisory Board on Teacher Education and Licensure.

- On September 21, 2007, the *Regulations Governing the Review and Approval of Education Programs in Virginia*, promulgated by the Board of Education, became effective. One additional amendment became effective on January 19, 2011, that responded to a requirement of the 2010 Virginia General Assembly to include local government and civics instruction specific to Virginia in certain preparation programs.
- On October 25, 2012, the Board of Education approved the Notice of Intended Regulatory Action (NOIRA), 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). The NOIRA was filed with the Virginia Registrar, and the public comment period for the NOIRA concluded on January 30, 2013.
- The process of developing proposed revisions to the *Regulations Governing the Review and Approval of Education Programs in Virginia* for review by the Advisory Board on Teacher Education and Licensure has involved statewide stakeholders. On February 1, 2013, a Work Group was hosted by The University of Richmond to review the *Regulations Governing the Review and Approval of Education Programs in Virginia*, as well as the *Licensure Regulations for School Personnel*, and make proposed amendments. Approximately 70 individuals from colleges and universities participated in the meeting. A smaller Work Group of stakeholders was convened on March 21, 2013, to continue discussion on revisions to the regulations. Content experts at the Virginia Department of Education also worked with instructional personnel, educational associations, college and university personnel, and others to recommend revisions to the competencies set forth in the *Regulations Governing the Review and Approval of Education Programs in Virginia*.
- The Advisory Board on Teacher Education and Licensure received the proposed revisions to the *Regulations Governing the Review and Approval of Education Programs in Virginia* on April 22, 2013. The Advisory Board unanimously recommended that the Board of Education accept the proposed revisions to the regulations in the proposed stage of the Administrative Process Act process, authorizing Department of Education staff to make technical and editing revisions.

The Board's discussion included the following:

- Institutions of higher education will be required to submit data on education programs and the Department of Education will produce an annual report card published on the Department's Web site. The Board can request other data that is not already included on the report card. Some members suggested additional points such as an exit survey for program completers, how many students are still teaching five years after graduation, and how long it takes individuals to complete a program.
- Online instruction competencies were highlighted. Mrs. Pitts noted that the online instructional methods are included within the professional studies requirements.
- Additional information was requested regarding the discussion with institutions relating to the report card; if ACT/SAT scores and GPA were considered as requirements for individuals entering the teaching profession; and if other state's report cards were considered in developing the criteria. Mrs. Pitts said that most states reference their Title II report for data in the place of a report card.

- Challenges related to student teacher placement were raised with regard to access to quality supervising teachers and the reward structure for supervising teachers.

The Board accepted for first review the recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to revise the *Regulations Governing the Review and Approval of Education Programs in Virginia* (Proposed Stage).

First Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to Revise the Licensure Regulations for School Personnel (8 VAC 20-22.10 et seq.) (Proposed Stage)

Mrs. Pitts also presented this item. Her presentation included the following:

- The Board of Education has the statutory authority to prescribe licensure requirements. Section [22.1-298.1](#) of the *Code of Virginia*, states, in part, the following:

... The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license....

- The *Constitution of Virginia* and the *Code of Virginia* sections below provide authority for the Board of Education to promulgate *Licensure Regulations for School Personnel*:

Constitution of Virginia ([Article VIII, Section 4](#)): “The general supervision of the public school system shall be vested in a Board of Education....”

Code of Virginia, Section [22.1-16](#). Bylaws and regulations generally.

Code of Virginia, Section [22.1-299](#). License required of teachers.

Code of Virginia, Section [22.1-305.2](#). Advisory Board on Teacher Education and Licensure.

- On September 21, 2007, *Licensure Regulations for School Personnel*, promulgated by the Board of Education, became effective. One additional amendment was approved on January 19, 2011, that responded to a renewal requirement enacted by the 2010 Virginia General Assembly and that was later repealed by the 2012 General Assembly.
- On October 25, 2012, the Board of Education approved the Notice of Intended Regulatory Action (NOIRA), 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). The NOIRA was filed with the Virginia Registrar, and the public comment period for the NOIRA concluded on January 16, 2013.
- The process of developing proposed revisions to the *Licensure Regulations for School Personnel*, for review by the Advisory Board on Teacher Education and Licensure has involved statewide stakeholders. On February 1, 2013, a Work Group was hosted by The University of Richmond to review the *Regulations Governing the Review and Approval of Education Programs in Virginia*, as well as the *Licensure Regulations for School Personnel*, and make proposed amendments. Approximately 70 individuals from colleges and universities participated in the meeting. A smaller Work Group of stakeholders was convened on March 25, 2013, to continue discussion on revisions to the regulations. Content experts at the Virginia Department of Education also worked with instructional personnel, educational associations, college and university personnel, and others to recommend revisions to the *Licensure Regulations for School Personnel*.

- The Advisory Board on Teacher Education and Licensure received the proposed revisions to the *Licensure Regulations for School Personnel* on April 22, 2013. The Advisory Board unanimously recommended that the Board of Education accept the proposed revisions to the regulations in the proposed stage of the Administrative Process Act process, authorizing Department of Education staff to make technical and editing revisions.
- Below are highlighted proposed revisions to the *Licensure Regulations for School Personnel*. Additional detail and technical revisions are set forth in the attached document, *Proposed Revisions to the Licensure Regulations for School Personnel (8VAC20-22-10 et seq.)*.

8 VAC 20-22-10. Definitions.

- The amendments would revise the definitions section of these regulations to align with proposed revisions throughout the *Licensure Regulations for School Personnel*.

8 VAC 20-22-40. Conditions for licensure.

- The amendments include the requirement that individuals seeking initial licensure provide evidence of training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, as prescribed in House Bill 2028 and Senate Bill 986 (2013 General Assembly).

8 VAC 20-22-50. Types of licenses; dating licenses.

- The amendments would revise this section to include the following:
 - Issue a Provisional License for two years (with the exception of the Provisional Career Switcher License). Individuals may apply for a third year on the Provisional License by submitting documentation indicating that all licensure assessments prescribed by the Virginia Board of Education have been taken.
 - Issue the International Educator License for a five-year, instead of a three-year exchange program.
 - Discontinue the Local Eligibility License by action of the 2013 General Assembly.
 - Add the Online Teacher License as a five-year, renewable license valid only for teaching online courses.
 - Add the Teach for America License, established as a two-year provisional license by action of the 2013 General Assembly.

8 VAC 20-22-90. Alternate routes to licensure.

- The amendments increase the requirements from three semester hours to nine semester hours of specified coursework prior to issuance of a Provisional (Special Education) License to individuals without a five-year Virginia teaching license.

8 VAC 20-22-110. Requirements for renewing a license.

- The amendments would revise this section to include the following:
 - Add the requirement, as prescribed by Senate Bill 1345 (2013 General Assembly), that any individual licensed and endorsed to teach a) middle school civics or economics or b) high school government or history who is seeking renewal of such license is required to demonstrate knowledge of Virginia history or state and local government by completing a module or professional development course specifically related to Virginia history or state and local government.
 - Add the requirement that individuals renewing a license, effective July 1, 2013, provide evidence of training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, as prescribed in House Bill 2028 and Senate Bill 986 (2013 General Assembly).

8 VAC 20-22-130. Professional studies requirements.

- The amendments include changing professional study coursework titles and course content. An additional course requirement, Assessment of and for Learning (3 semester hours) is proposed.

8 VAC 20-22-140 – 8 VAC 20-22-670

- The amendments would revise the following endorsement areas:
 - Early childhood for three- and four-year-olds (add-on endorsement). Allow individuals who hold the early childhood special education endorsement to add this endorsement.
 - Early/primary education preK-3. Increase the coursework requirements in mathematics and science and provide an option for specified requirements and testing.
 - Elementary education preK-6. Increase the coursework requirements in mathematics and science and provide an option for specified requirements and testing.
 - Middle education 6-8. Increase the coursework requirements in mathematics.
 - Career and technical education – industrial cooperative training (add-on endorsement). Discontinue the endorsement.
 - Engineering. Create a new endorsement.
 - Special education – general curriculum K-6 (add-on endorsement); Special education – general curriculum middle grades 6-8 (add-on endorsement); Special education – general curriculum secondary grades 6-12 (add-on endorsement). Establish new add-on endorsements.
 - Administration and supervision preK-12. Revise the alternate route to add an option of a combination of graduate-level coursework and a research-based program approved by the Department of Education.
 - Mathematics specialist for elementary education and Mathematics specialist for middle education
Establish separate endorsements specific to the population of students being served. Currently the endorsement is combined, Mathematics specialist for elementary and middle education.
 - Special education: speech language pathologist preK-12. Discontinue issuing an initial license with an endorsement in speech/language pathology. Individuals will seek a license from the Virginia Board of Examiners for Audiology and Speech Pathology.

8VAC 20-22-720 – 8 VAC-22-800

- Amendments are proposed for Section VII-Revocation, Cancellation, Suspension, Denial, and Reinstatement of Teaching Licenses.

The Board discussion included the following:

- Members recognized and appreciated the increased requirements for mathematics and science.
- Information was requested about career switcher programs, alternate routes to licensure, specifically for veterans, and the Higher Education Tuition Assistance Grant Program. The grant program provides in-state tuition for postsecondary education for health sciences courses — it was suggested to expand to include other courses.

The Board accepted for first review the recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) to revise the *Licensure Regulations for School Personnel* (8VAC20-22.10 et seq.) (Proposed Stage).

First Review of Proposed Revisions to the Regulations Governing the Employment of Professional Personnel (8 VAC 20-440-10 et seq.) (Proposed Stage)

Mrs. Pitts presented this item. Her presentation included the following:

- The *Constitution of Virginia* grants the Board of Education authority for the general supervision of the public school system and Section 22.1-16 of the *Code of Virginia* authorizes the Board to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.
- The *Regulations Governing the Employment of Professional Personnel* became effective April 20, 1994, and were amended effective March 28, 2003.
- On October 25, 2012, the Board of Education approved the Notice of Intended Regulatory Action (NOIRA), 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). The NOIRA was filed with the Virginia Registrar, and the public comment period for the NOIRA concluded on January 30, 2013.
- The 2012 Virginia General Assembly approved House Bill [76](#) and Senate Bill [278](#) to amend and re-enact § [22.1-304](#) of the *Code of Virginia*, as follows. Senate Bill [278](#) bill is identical to House Bill [76](#).

§ [22.1-304](#). Reemployment of teacher who has not achieved continuing contract status; effect of continuing contract; resignation of teacher; reduction in number of teachers.

A. If a teacher who has not achieved continuing contract status receives notice of reemployment, he must accept or reject in writing within 15 days of receipt of such notice. Except as provided in § [22.1-305](#) and except in the case of a reduction in force as provided in subsection F, written notice of nonrenewal of the contract must be given by the school board on or before ~~April~~ June 15 of each year. If no such notice is given a teacher by ~~April~~ June 15, the teacher shall be entitled to a contract for the ensuing year in accordance with local salary stipulations including increments.

B. Teachers employed after completing the probationary period shall be entitled to continuing contracts during good behavior and competent service and prior to the age at which they are eligible or required to retire except as hereinafter provided. Written notice of noncontinuation of the contract by either party must be given by ~~April~~ June 15 of each year; otherwise the contract continues in effect for the ensuing year in conformity with local salary stipulations including increments.

C. A teacher may resign after ~~April~~ June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent. The teacher shall request release from contract at least two weeks in advance of intended date of resignation. Such request shall be in writing and shall set forth the cause of resignation. If the division superintendent has been authorized to approve resignations, a teacher may, within one week, withdraw a request to resign. Upon the expiration of the one-week period, the division superintendent shall notify the school board of his decision to accept or reject the resignation. The school board, within two weeks, may reverse the decision of the division superintendent.

In the event that the board or the division superintendent declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education.

D. As soon after ~~April~~ June 15 as the school budget shall have been approved by the appropriating body, the school board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary. Nothing in the continuing contract shall be construed to authorize the school board to contract for any financial obligation beyond the period for which funds have been made available with which to meet such obligation.

E. A school board may reduce the number of teachers, whether or not such teachers have reached continuing contract status, because of decrease in enrollment or abolition of particular subjects.

F. Within two weeks of the approval of the school budget by the appropriating body, but no later than June 1, school boards shall notify all teachers who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body.

- The 2013 Virginia General Assembly approved Senate Bill [1223](#) to amend and reenact §§ [2.2-507](#), [22.1-79](#), [22.1-253.13:5](#), [22.1-293](#), [22.1-294](#), [22.1-295](#), [22.1-298.1](#), [22.1-299](#), [22.1-302](#), [22.1-303](#), [22.1-304](#), [22.1-305](#), [22.1-305.1](#), [22.1-306](#), [22.1-307](#), [22.1-309](#), [22.1-311](#), [22.1-313](#), and [22.1-314](#) of the *Code of Virginia* and to repeal §§ [22.1-299.3](#), [22.1-310](#), and [22.1-312](#) of the *Code of Virginia*, relating to public schools; evaluation policies and grievance procedures.

§ [22.1-253.13:5](#). Standard 5. Quality of classroom instruction and educational leadership.

A. Each member of the Board of Education shall participate in high-quality professional development programs on personnel, curriculum and current issues in education as part of his service on the Board.

B. Consistent with the finding that leadership is essential for the advancement of public education in the Commonwealth, teacher, ~~administrator~~ principal, and superintendent evaluations shall be consistent with the performance objectives standards included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, ~~Administrators~~ Principals, and Superintendents. *Evaluations shall include student academic progress as a significant component and an overall summative rating.* Teacher evaluations shall include regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities.

C. The Board of Education shall provide guidance on high-quality professional development for (i) teachers, principals, supervisors, division superintendents, and other school staff; (ii) ~~administrative and supervisory personnel~~ principals, supervisors, and division superintendents in the evaluation and documentation of teacher and ~~administrator~~ principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; (iii) school board members on personnel, curriculum and current issues in education; and (iv) programs in Braille for teachers of the blind and visually impaired, in cooperation with the Virginia Department for the Blind and Vision Impaired. The Board shall also provide technical assistance on high-quality professional development to local school boards designed to ensure that all instructional personnel are proficient in the use of educational technology consistent with its comprehensive plan for educational technology.

D. Each local school board shall require (i) its members to participate annually in high-quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel policies and practices; *the evaluation of personnel*, curriculum, and instruction; use of data in planning and decision making; and current issues in education as part of their service on the local board and (ii) the division superintendent to participate annually in high-quality professional development activities at the local, state, or national levels, *including the Standards of Quality, Board of Education regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents.*

E. Each local school board shall provide a program of high-quality professional development (i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers, principals, and ~~administrators~~ superintendents to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board of Education; (iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula; and (iv) for ~~administrative personnel~~ principals and supervisors designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and ~~administrator~~ principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel.

In addition, each local school board shall also provide teachers and principals with high-quality professional development programs each year in ~~(i)~~ (a) instructional content; ~~(ii)~~ (b) the preparation of tests and other assessment measures; ~~(iii)~~ (c) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives; ~~(iv)~~ (d) instruction and remediation techniques in English, mathematics, science, and history and social science; ~~(v)~~ (e) interpreting test data for instructional purposes; ~~(vi)~~ (f) technology applications to implement the Standards of Learning; and ~~(vii)~~ (g) effective classroom management.

F. Schools and school divisions shall include as an integral component of their comprehensive plans required by § [22.1-253.13:6](#) high-quality professional development programs that support the recruitment, employment, and retention of qualified teachers

and principals. Each school board shall require all instructional personnel to participate each year in these professional development programs.

G. Each local school board shall annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

§ [22.1-293](#). School boards authorized to employ principals and assistant principals; license required; powers and duties.

A. A school board, upon recommendation of the division superintendent, may employ principals and assistant principals. Persons employed in these positions shall hold licenses as prescribed by the Board of Education.

B. A principal shall provide instructional leadership in, shall be responsible for the administration of, and shall supervise the operation and management of the school or schools and property to which he has been assigned, in accordance with the rules and regulations of the school board and under the supervision of the division superintendent.

C. A principal may submit recommendations to the division superintendent for the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to his supervision. ~~Beginning September 1, 2000, (i) principals~~ *Principals* must have received training, provided pursuant to § [22.1-253.13:5](#), in the evaluation and documentation of employee performance, which evaluation and documentation shall include, but shall not be limited to, employee skills and knowledge and student academic progress, prior to submitting such recommendations; ~~and (ii) assistant~~ *Assistant* principals and other ~~administrative supervisory~~ *administrative supervisory* personnel participating in the evaluation and documentation of employee performance must also have received such training in the evaluation and documentation of employee performance.

D. A principal shall perform such other duties as may be assigned by the division superintendent pursuant to the rules and regulations of the school board.

§ [22.1-294](#). Probationary terms of service for principals, assistant principals, and supervisors; evaluation; reassigning principal, assistant principal, or supervisor to teaching position.

A. A person employed as a principal, assistant principal, or supervisor, including a person who has previously achieved continuing contract status as a teacher, shall serve *a probationary term of three years* in such position in the same school division before acquiring continuing contract status as principal, assistant principal, or supervisor. *With such funds as may be appropriated by the General Assembly for such purpose, school boards shall provide each probationary principal, except probationary principals who have prior successful experience as principals, as determined by the local school board in a school division, a mentor, as described in guidelines developed by the Board, during the first year of the probationary period, to assist such probationary principal in achieving excellence in administration.*

B. Each local school board shall adopt for use by the division superintendent clearly defined criteria for a performance evaluation process for principals, assistant principals, and supervisors that are consistent with the performance ~~objectives standards~~ *standards* set forth in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, ~~Administrators~~ *Principals*, and Superintendents as provided in § [22.1-253.13:5](#) and that includes, among other things, an assessment of such administrators' skills and knowledge; student academic progress and school gains in student learning; and effectiveness in addressing school safety and enforcing student discipline. The division superintendent shall implement such performance evaluation process in making employment recommendations to the school board pursuant to § [22.1-293](#). *Principals and assistant principals who have achieved continuing contract status shall be formally evaluated at least once every three years and evaluated informally at least once each year that they are not formally evaluated. Probationary principals and assistant principals shall be evaluated each school year. The division superintendent shall consider such evaluations, among other things, in making recommendations to the school board regarding the nonrenewal of the probationary contract of any principal or assistant principal.*

C. Continuing contract status acquired by a principal, assistant principal, or supervisor shall not be construed (i) as prohibiting a school board from reassigning such principal, assistant principal, or supervisor to a teaching position if notice of reassignment is given by the school board by ~~April~~ *June* 15 of any year or (ii) as entitling any such principal, assistant principal, or supervisor to the salary paid him as principal, assistant principal, or supervisor in the case of any such reassignment to a teaching position.

D. No such salary reduction and reassignment, however, shall be made without first providing such principal, assistant principal, or supervisor with written notice of the reason for such reduction and reassignment and an opportunity to present his or her position at an informal meeting with the division superintendent, the division superintendent's designee or the school board. *Before recommending such reassignment, the division superintendent shall consider, among other things, the performance evaluations for such principal, assistant principal, or supervisor.* The principal, assistant principal, or supervisor shall elect

whether such meeting shall be with the division superintendent, the division superintendent's designee, or the school board. The school board, division superintendent, or the division superintendent's designee shall determine what processes are to be followed at the meeting. The decision to reassign and reduce salary shall be at the sole discretion of the school board.

The intent of this section is to provide an opportunity for a principal, assistant principal, or supervisor to discuss the reasons for such salary reduction and reassignment with the division superintendent, his designee, or the school board, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause, as defined in § [22.1-307](#), for the salary reduction and reassignment of a principal, assistant principal, or supervisor.

E. As used in this section, "supervisor" means a person who holds ~~a~~ *an instructional* supervisory position as specified in the regulations of the Board of Education and who is required to hold a license as prescribed by the Board of Education.

§ [22.1-295](#). Employment of teachers.

A. The teachers in the public schools of a school division shall be employed and placed in appropriate schools by the school board upon recommendation of the division superintendent. In placing teachers, school boards shall fill positions with licensed instructional personnel qualified in the relevant subject areas.

B. School boards shall adopt employment policies and practices designed to promote the employment and retention of highly qualified teachers and to effectively serve the educational needs of students. Such policies shall include, but need not be limited to, incentives for excellence in teaching, including financial support for teachers attending professional development seminars or those seeking and obtaining national certification.

C. School boards shall develop a procedure for use by division superintendents and principals in evaluating ~~instructional personnel~~ *teachers* that is appropriate to the tasks performed and addresses, among other things, student academic progress and the skills and knowledge of instructional personnel, including, but not limited to, instructional methodology, classroom management, and subject matter knowledge.

~~Instructional personnel~~ *Teachers* employed by local school boards who have achieved continuing contract status shall be *formally* evaluated ~~not less than~~ *at least once every three years and more often as deemed necessary by the principal, and they shall be evaluated informally during each year in which they are not formally evaluated.* Any ~~instructional personnel, teacher~~ who has achieved continuing contract status, ~~receiving who receives~~ *an unsatisfactory formal evaluation and who continues to be employed by the local school board shall be formally evaluated no later than one year after receiving such unsatisfactory evaluation in the following year.* The evaluation shall be maintained in the employee's personnel file.

Each local superintendent shall annually certify divisionwide compliance with the provisions of this section to the Department.

§ [22.1-302](#). Written contracts required; execution of contracts; qualifications of temporarily employed teachers; rules and regulations.

A. A written contract, in a form ~~prescribed~~ *permitted* by the Board of Education ~~Education's regulations~~, shall be made by the school board with each teacher employed by it, except those who are temporarily employed, before such teacher enters upon his duties. Such contract shall be signed in duplicate, with a copy thereof furnished to both parties.

The standard 10-month contract shall include 200 days, including (i) a minimum of 180 teaching days or 990 instructional hours and (ii) up to 20 days for activities such as teaching, participating in professional development, planning, evaluating, completing records and reports, participating on committees or in conferences, or such other activities as may be assigned or approved by the local school board.

A temporarily employed teacher, as used in this section, ~~shall mean~~ *means* (i) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence; or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no longer than 90 teaching days in such vacancy, unless otherwise approved by the Superintendent of Public Instruction on a case-by-case basis, during one school year.

B. The Board of Education shall promulgate regulations regarding temporarily employed teachers, as defined in this section, which shall provide that such teachers be at least ~~eighteen~~ *18* years of age and that they hold a high school diploma or a general educational development (GED) certificate.

A temporarily employed teacher is not required to be licensed by the Board of Education, nor is the local school board required to enter into a written contract with a temporarily employed teacher. However, local school boards shall establish employment qualifications for temporarily employed teachers which may exceed the Board's regulations for the employment of such teachers. School boards shall also seek to ensure that temporarily employed teachers who are engaged as long-term substitutes shall exceed baseline employment qualifications.

C. A separate contract in a form ~~prescribed~~ *permitted* by the Board of Education shall be executed by the school board with ~~such employee a teacher~~ who is receiving a monetary supplement for any athletic coaching or extracurricular activity sponsorship assignment. This contract shall be separate and apart from the contract for teaching.

Termination of a separate contract for any athletic coaching or extracurricular activity sponsorship assignment by either party thereto shall not constitute cause for termination of the separate teaching contract of the coach or teacher.

All such contracts shall require the party intending to terminate the coaching or extracurricular activity sponsorship contract to give reasonable notice to the other party before termination thereof shall become effective.

For the purposes of this section, "extracurricular activity sponsorship" means an assignment for which a monetary supplement is received, requiring responsibility for any student organizations, clubs, or groups, such as service clubs, academic clubs and teams, cheerleading squads, student publication and literary groups, and visual and performing arts organizations except those that are conducted in conjunction with regular classroom, curriculum, or instructional programs.

§ [22.1-303](#). Probationary terms of service for teachers.

A. A probationary term of service ~~for three~~ *of at least three years and, at the option of the local school board, up to five years* in the same school division shall be required before a teacher is issued a continuing contract. School boards shall provide each probationary teacher except probationary teachers who have prior successful teaching experience, as determined by the local school board in a school division, a mentor teacher, as described by Board guidelines developed pursuant to § [22.1-305.1](#), during the first year of the probationary period, to assist such probationary teacher in achieving excellence in instruction. During the probationary period, such probationary teacher shall be evaluated annually based upon the evaluation procedures developed by the employing school board for use by the division superintendent and principals in evaluating ~~instructional personnel~~ *teachers* as required by subsection C of § [22.1-295](#). *A teacher in his first year of the probationary period shall be evaluated informally at least once during the first semester of the school year.* The division superintendent shall consider such evaluations, among other things, in making any recommendations to the school board regarding the nonrenewal of such probationary teacher's contract as provided in § [22.1-305](#).

If the teacher's performance evaluation during the probationary period is not satisfactory, the school board shall not reemploy the teacher; however, nothing contained in this subsection shall be construed to require cause, as defined in § [22.1-307](#), for the nonrenewal of the contract of a teacher who has not achieved continuing contract status.

Any teacher hired on or after July 1, 2001, shall be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Local school divisions shall be required to provide said training at no cost to teachers employed in their division. In the event a local school division fails to offer said training in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.

B. Once a continuing contract status has been attained in a school division in the Commonwealth, another probationary period need not be served in any other school division unless such probationary period, not to exceed ~~one year~~ *two years*, is made a part of the contract of employment. Further, when a teacher has attained continuing contract status in a school division in the Commonwealth, and separates from and returns to teaching service in a school division in Virginia by the beginning of the third year, such teacher shall be required to serve a probationary period not to exceed ~~one year~~ *two years*, if made a part of the contract for employment.

C. For the purpose of calculating the ~~three~~ years of service required to attain continuing contract status, at least 160 contractual teaching days during the school year shall be deemed the equivalent of one year in the first year of service by a teacher.

D. Teachers holding three-year local eligibility licenses pursuant to § [22.1-299.3](#) *issued prior to July 1, 2013*, shall not be eligible for continuing contract status while teaching under the authority of such license. Upon attainment of a collegiate professional or postgraduate professional license issued by the Department of Education, such teachers shall serve ~~the three-year~~ *a probationary period* *term of service of at least three years and, at the option of the local school board, up to five years* prior to being eligible for continuing contract status pursuant to this section.

§ [22.1-304](#). Reemployment of teacher who has not achieved continuing contract status; effect of continuing contract; resignation of teacher; reduction in number of teachers.

A. If a teacher who has not achieved continuing contract status receives notice of reemployment, he must accept or reject in writing within 15 days of receipt of such notice. Except as provided in § [22.1-305](#) and except in the case of a reduction in force as provided in subsection F, written notice of nonrenewal of the *probationary* contract must be given by the school board on or before June 15 of each year. If no such notice is given a teacher by June 15, the teacher shall be entitled to a contract for the ensuing year in accordance with local salary stipulations including increments.

B. Teachers employed after completing the probationary period shall be entitled to continuing contracts during good behavior and competent service ~~and prior to the age at which they are eligible or required to retire except as hereinafter provided~~. Written notice of noncontinuation of the contract by either party must be given by June 15 of each year; otherwise the contract continues in effect for the ensuing year in conformity with local salary stipulations including increments.

C. A teacher may resign after June 15 of any school year with the approval of the local school board or, upon authorization by the school board, with the approval of the division superintendent. The teacher shall request release from contract at least two weeks in advance of intended date of resignation. Such request shall be in writing and shall set forth the cause of resignation. If the division superintendent has been authorized to approve resignations, a teacher may, within one week, withdraw a request to resign. Upon the expiration of the one-week period, the division superintendent shall notify the school board of his decision to accept or reject the resignation. The school board, within two weeks, may reverse the decision of the division superintendent. In the event that the board or the division superintendent declines to grant the request for release on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education.

D. As soon after June 15 as the school budget shall have been approved by the appropriating body, the school board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary. Nothing in the continuing contract shall be construed to authorize the school board to contract for any financial obligation beyond the period for which funds have been made available with which to meet such obligation.

E. A school board may reduce the number of teachers, whether or not such teachers have reached continuing contract status, because of decrease in enrollment or abolition of particular subjects.

F. Within two weeks of the approval of the school budget by the appropriating body, but no later than ~~June~~ July 1, school boards shall notify all teachers who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body.

G. If a school board implements a reduction in workforce pursuant to this section, such reduction shall not be made solely on the basis of seniority but must include consideration of, among other things, the performance evaluations of the teachers potentially affected by the reduction in workforce.

§ 22.1-305. Nonrenewal of contract of probationary teacher.

A. Before a division superintendent recommends to the school board nonrenewal of the contract of a teacher who has not achieved continuing contract status, the division superintendent shall consider, among other things, the performance evaluations for such teacher required by § 22.1-303 and shall notify the teacher of the proposed recommendation. Upon written request of the teacher within five working days after receipt of such notice, the division superintendent or his designee shall orally provide the specific reasons, if any, for such recommendation, along with supporting documentation, including such performance evaluations, to the teacher and, if requested by the teacher, to his or her representative. Within ~~ten~~ 10 days after receiving such reasons, the teacher may request, by notification in writing to the division superintendent, a conference before the division superintendent. Upon such request, the division superintendent shall set a date for the conference, which shall be within ~~thirty~~ 30 days of the request, and shall give the teacher at least ~~fifteen~~ 15 days' notice of the time and place of the conference.

B. The conference shall be before the division superintendent or his designee. No such designee shall have recommended to the division superintendent the nonrenewal of the teacher's contract. The teacher and the person or persons who recommended the nonrenewal of the teacher's contract to the division superintendent, or a representative of either or both, shall be allowed to participate in the conference, but no such representative shall be an attorney.

C. If the conference is before a designee of the division superintendent, the designee shall communicate his recommendations to the division superintendent and to the teacher.

D. The division superintendent shall notify the teacher, in writing, of his intention with respect to the recommendation within ~~ten~~ 10 days after the conference.

E. In any case in which a teacher requests a conference ~~reasons for the recommendation~~ as provided in this section, written notice of nonrenewal of the contract by the school board must be given *either within 10 days after the time for requesting a conference has expired and the teacher has not made a timely request for a conference or, if a conference is requested, within thirty* 30 days after the division superintendent notifies the teacher of his intention with respect to the recommendation and the provisions of § 22.1-304 requiring such notice on or before ~~April~~ June 15 shall not be applicable.

F. The conference shall be confidential and no written or oral communication of such conference shall be made to anyone other than the school board, in executive session, and employees of the school division having an interest therein; however, both the teacher and the division superintendent, upon request, may provide the reasons for the nonrenewal to a potential employer of the teacher.

G. The provisions of this section shall be inapplicable when a decrease in enrollment or the abolition of a particular subject or reduction in the number of classes offered in a particular subject causes a reduction in the number of teachers; however, a statement to that effect shall be placed in the personnel file of each teacher whose contract is nonrenewed for any such reason.

H. The intent of this section is to provide an opportunity for a probationary teacher to discuss the reasons for nonrenewal with the division superintendent or his designee, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause, as defined in § 22.1-307, for the nonrenewal of the contract of a teacher who has not achieved continuing contract status nor shall the failure of the school board or the division superintendent to comply with any time requirement herein constitute a basis for continued employment of the teacher.

The Board accepted for first review the proposed revisions to the *Regulations Governing the Employment of Professional Personnel* (Proposed Stage).

First Review of Revisions to Licensure Regulations for School Personnel (8 VAC 20-22.10 et seq.) to Conform to Senate Bill 1345, Senate Bill 986, and House Bill 2028 (2013 General Assembly) (Exempt Action)

Mrs. Pitts also presented this item. Her presentation included the following:

- The 2013 Virginia General Assembly passed Senate Bill [1345](#) that requires the Board of Education to amend its regulations to require any individual licensed and endorsed to teach (i) middle school civics or economics or (ii) high school government or history who is seeking renewal of such license to demonstrate knowledge of Virginia history or state and local government by completing a module or professional development course specifically related to Virginia history or state and local government that has a value of five professional development points. This requirement is to be effective by July 1, 2014.
- The 2013 Virginia General Assembly passed Senate Bill [986](#) and House Bill [2028](#) that amended Section 22.1-298.1 of the *Code of Virginia* to require every person seeking initial licensure or renewal of a license to provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training. Senate Bill [986](#) and House Bill [2028](#) are identical.
- The legislation, in part, passed by the 2013 General Assembly, to become effective July 1, 2013, is as follows:

CHAPTER 530

§ [22.1-298.1](#). Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into Virginia from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in Virginia and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

- 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. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § [22.1-313](#) and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any appeal provided by § [63.2-1526](#) have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.
- 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.
- Notwithstanding the provisions of this section and the Board's authority to license teachers, local school boards shall be authorized to issue valid, three-year local eligibility licenses pursuant to § [22.1-299.3](#).
- C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:
1. Complete professional assessments as prescribed by the Board of Education;
 2. Complete study in attention deficit disorder;
 3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
 4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.
- D. In addition, such regulations shall include requirements that:
1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;
 2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;
 3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments; ~~and~~
 4. *Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training; and*
 - 4-5. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille.-
- E. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.
- F. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.
- G. Notwithstanding any provision of law to the contrary, the Board may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law.
- H. The Board's licensure regulations shall also provide for licensure by reciprocity:
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;
 2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in

force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § [22.1-298.2](#) and service requirements shall not be imposed for these licensed individuals; however, other licensing assessments, as prescribed by the Board of Education, shall be required; and

3. The Board may include other provisions for reciprocity in its regulations....

- The Administrative Process Act provides for an exemption from executive branch review for regulations necessary to conform to changes in statutory law where no discretion is involved. The provision permits the regulation to become effective at the conclusion of the 30-day public comment period following publication in the *Virginia Register* unless a legislative or gubernatorial objection is filed or the Board suspends the regulatory process. Section 2.2-4006 of the *Code of Virginia* states, in part:

§ 2.2-4006. Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § [2.2-4103](#) of the Virginia Register Act shall be exempted from the operation of this article:

...

4. Regulations that are:

- a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved; ...

B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this subsection shall be in accordance with the provisions of § [2.2-4015](#), except in the case of emergency regulations, which shall become effective as provided in subsection B of § [2.2-4012](#).

C. A regulation for which an exemption is claimed under this section or § [2.2-4002](#), or [2.2-4011](#) and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

The Board accepted for first review the proposed amendments to the *Licensure Regulations for School Personnel* (Exempt Action).

First Review of Notice of Intended Regulatory Action (NOIRA) to Revise the Procedures for Adjusting Grievances (8 VAC 20-90-10 et seq.)

Mrs. Pitts presented this item. Her presentation included the following:

- The 2013 Virginia General Assembly approved House Bill [2151](#) and Senate Bill [1223](#) to amend and re-enact §§ [2.2-507](#), [22.1-79](#), [22.1-253.13:5](#), [22.1-293](#), [22.1-294](#), [22.1-295](#), [22.1-298.1](#), [22.1-299](#), [22.1-302](#), [22.1-303](#), [22.1-304](#), [22.1-305](#), [22.1-305.1](#), [22.1-306](#), [22.1-307](#), [22.1-309](#), [22.1-311](#), [22.1-313](#), and [22.1-314](#) of the *Code of Virginia* and to repeal §§ [22.1-299.3](#), [22.1-310](#), and [22.1-312](#) of the *Code of Virginia*. Senate Bill [2151](#) bill is identical to [1223](#).

§ [2.2-507](#). Legal service in civil matters.

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be

employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents or employees of the Alcoholic Beverage Control Board;
2. Agents inspecting or investigators appointed by the State Corporation Commission;
3. Agents, investigators, or auditors employed by the Department of Taxation;
4. Members, agents or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;
5. Persons employed by the Commonwealth Transportation Board;
6. Persons employed by the Commissioner of Motor Vehicles;
7. Persons appointed by the Commissioner of Marine Resources;
8. Police officers appointed by the Superintendent of State Police;
9. Conservation police officers appointed by the Department of Game and Inland Fisheries;
10. ~~Third impartial panel members~~ *Hearing officers* appointed to hear a teacher's grievance pursuant to § [22.1-312](#) [22.1-311](#);
11. Staff members or volunteers participating in a court-appointed special advocate program pursuant to Article 5 (§ [9.1-151](#) et seq.) of Chapter 1 of Title 9.1;
12. Any emergency medical service agency that is a licensee of the Department of Health in any civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged errors or omissions in the discharge of his court-appointed duties;
13. Conservation officers of the Department of Conservation and Recreation; or
14. A person appointed by written order of a circuit court judge to run an existing corporation or company as the judge's representative, when that person is acting in execution of a lawful order of the court and the order specifically refers to this section and appoints such person to serve as an agent of the Commonwealth.

Upon request of the affected individual, the Attorney General may represent personally or through one of his assistants any basic or advanced emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health in any civil matter in which a defense of immunity from liability is raised pursuant to § [8.01-225](#).

D.If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division or department being represented or whose members, officers, inspectors, investigators, or other employees are being represented pursuant to this section. Notwithstanding any provision of this section to the contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties in which it, or any justice, is a party.

E. [22.1-79](#). Powers and duties.

A school board shall:

1. See that the school laws are properly explained, enforced and observed;
2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;
3. Care for, manage and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;
6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ [22.1-293](#) et seq.) and Article 3 (§ [22.1-306](#) et seq.) of Chapter 15 of this title, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal or other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board of Education's procedures for adjusting grievances, ~~except that there shall be no right to a hearing before a fact finding panel.~~ Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board of Education pursuant to § [22.1-308](#) shall apply to all full-time employees of a school board, except supervisory employees;
7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by law;
8. Obtain public comment through a public hearing not less than 10 days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting or pupil assignment plan which is to be implemented after the effective date of this provision, an additional public hearing shall not be required;
9. (Expires July 1, 2015) At least annually, survey the school division to identify critical shortages of teachers and administrative personnel by subject matter, and report such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System; however, the school board may request the division superintendent to conduct such survey and submit such report to the school board, the Superintendent, and the Virginia Retirement System; and
10. Ensure that the public schools within the school division are registered with the Department of State Police to receive from the State Police electronic notice of the registration or reregistration of any sex offender within that school division pursuant to §[9.1-914](#).

§ [22.1-305](#). Nonrenewal of contract of probationary teacher.

A. Before a division superintendent recommends to the school board nonrenewal of the contract of a teacher who has not achieved continuing contract status, the division superintendent shall consider, among other things, the performance evaluations for such teacher required by § [22.1-303](#) and shall notify the teacher of the proposed recommendation. Upon written request of the teacher within five working days after receipt of such notice, the division superintendent or his designee shall orally provide the specific reasons, if any, for such recommendation, along with supporting documentation, including such performance evaluations, to the teacher and, if requested by the teacher, to his or her representative. Within ~~ten~~ 10 days after receiving such reasons, the teacher may request, by notification in writing to the division superintendent, a conference before the division

superintendent. Upon such request, the division superintendent shall set a date for the conference, which shall be within ~~thirty~~ 30 days of the request, and shall give the teacher at least ~~fifteen~~ 15 days' notice of the time and place of the conference.

B. The conference shall be before the division superintendent or his designee. No such designee shall have recommended to the division superintendent the nonrenewal of the teacher's contract. The teacher and the person or persons who recommended the nonrenewal of the teacher's contract to the division superintendent, or a representative of either or both, shall be allowed to participate in the conference, but no such representative shall be an attorney.

C. If the conference is before a designee of the division superintendent, the designee shall communicate his recommendations to the division superintendent and to the teacher.

D. The division superintendent shall notify the teacher, in writing, of his intention with respect to the recommendation within ~~ten~~ 10 days after the conference.

E. In any case in which a teacher requests ~~a conference~~ *reasons for the recommendation* as provided in this section, written notice of nonrenewal of the contract by the school board must be given *either within 10 days after the time for requesting a conference has expired and the teacher has not made a timely request for a conference or, if a conference is requested, within thirty* 30 days after the division superintendent notifies the teacher of his intention with respect to the recommendation and the provisions of [§22.1-304](#) requiring such notice on or before ~~April~~ June 15 shall not be applicable.

F. The conference shall be confidential and no written or oral communication of such conference shall be made to anyone other than the school board, in executive session, and employees of the school division having an interest therein; however, both the teacher and the division superintendent, upon request, may provide the reasons for the nonrenewal to a potential employer of the teacher.

G. The provisions of this section shall be inapplicable when a decrease in enrollment or the abolition of a particular subject or reduction in the number of classes offered in a particular subject causes a reduction in the number of teachers; however, a statement to that effect shall be placed in the personnel file of each teacher whose contract is nonrenewed for any such reason.

H. The intent of this section is to provide an opportunity for a probationary teacher to discuss the reasons for nonrenewal with the division superintendent or his designee, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause, as defined in [§ 22.1-307](#), for the nonrenewal of the contract of a teacher who has not achieved continuing contract status nor shall the failure of the school board or the division superintendent to comply with any time requirement herein constitute a basis for continued employment of the teacher.

[§ 22.1-306](#). Definitions.

As used in this article:

"Business day" means any day that the relevant school board office is open.

"Day" means calendar days unless a different meaning is clearly expressed in this article. Whenever the last day for performing an act required by this article falls on a Saturday, Sunday, or legal holiday, the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

"Dismissal" means the dismissal of any teacher during the term of such teacher's contract.

"Grievance" means a complaint or dispute by a teacher relating to his ~~or her~~ employment, including, but not necessarily limited to: (i) disciplinary action including dismissal ~~or placing on probation~~; (ii) the application or interpretation of: (a) personnel policies, (b) procedures, (c) rules and regulations, (d) ordinances, and (e) statutes; (iii) acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting or hearing relating to a grievance, or serving as a member of a fact-finding panel; and (iv) complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or sex. Each school board shall have the exclusive right to manage the affairs and operations of the school division. Accordingly, the term "grievance" shall not include a complaint or dispute by a teacher relating to ~~(i)~~ (1) establishment and revision of wages or salaries, position classifications or general benefits, ~~(ii)~~ (2) suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status, ~~(iii)~~ (3) the establishment or contents of ordinances, statutes or personnel policies, procedures, rules and regulations, ~~(iv)~~ (4) failure to promote, ~~(v)~~ (5) discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject or insufficient funding, ~~(vi)~~ (6) hiring, transfer, assignment, and retention of teachers within the school division, ~~(vii)~~ (7) suspension

from duties in emergencies, ~~or (viii)~~ (8) the methods, means, and personnel by which the school division's operations are to be carried on, ~~or (9) coaching or extracurricular activity sponsorship.~~

While these management rights are reserved to the school board, failure to apply, where applicable, the rules, regulations, policies, or procedures as written or established by the school board is grievable.

~~"Dismissal" means the dismissal of any teacher during the term of such teacher's contract and the nonrenewal of the contract of a teacher on continuing contract.~~

§ [22.1-307](#). Dismissal of teacher; grounds.

A. Teachers may be dismissed ~~or placed on probation~~ for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to § [63.2-1505](#), and after all rights to an appeal provided by § [63.2-1526](#) have been exhausted. The fact of such finding, after all rights to an appeal provided by § [63.2-1526](#) have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the school board.

B. For the purposes of this article, "incompetency" may be construed to include, but shall not be limited to, consistent failure to meet the endorsement requirements for the position ~~or performance that is documented through evaluation to be consistently less than satisfactory~~ *one or more unsatisfactory performance evaluations.*

§ [22.1-309](#). Notice to teacher of recommendation of dismissal; school board not to consider merits during notice; superintendent required to provide reasons for recommendation upon request.

In the event a division superintendent determines to recommend dismissal of any teacher ~~or the placing on probation of a teacher on continuing contract~~, written notice shall be sent to the teacher notifying him of the proposed dismissal ~~or placing on probation~~ and informing him that within ~~fifteen~~ *five business days* after receiving the notice the teacher may request a hearing before the school board ~~or, at the option of the local school board, a hearing officer appointed by the school board as provided in § 22.1-311.~~ ~~or before a fact finding panel as provided in § 22.1-312.~~ During such ~~fifteen-day~~ *five business day* period and thereafter until a hearing is held in accordance with the provisions ~~herein~~ *of this section*, if one is requested by the teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed or acted upon by the school board except as provided ~~herein in this section~~. At the request of the teacher, the division superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to § [22.1-311](#) ~~or § 22.1-312~~, the division superintendent shall provide, within ~~ten~~ *10* days of the request, the teacher or his representative with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal ~~or probation~~. Within ~~ten~~ *10* days of the request of the division superintendent, the teacher or his representative shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal ~~or probation~~. The division superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later which may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

For the purposes of this section, "personnel file" ~~shall mean~~ *means* any and all memoranda, entries, or other documents included in the teacher's file as maintained in the central school administration office or in any file on the teacher maintained within a school in which the teacher serves.

§ [22.1-311](#). Hearing before school board or hearing officer.

A. *Upon a timely request for a hearing pursuant to § [22.1-309](#), the school board or, at the option of the school board, a hearing officer appointed by the school board shall set a hearing within 15 days of the request and the teacher shall be given at least five days' written notice of the time and the place. The hearing ~~before the school board, which shall be private unless the teacher requests a public one, must be set within 30 days of the request, and the teacher must be given at least 15 days' written notice of the time and place the hearing to be public.~~ At the hearing the teacher may appear with or without a representative and be heard, presenting testimony of witnesses and other evidence. The school board may hear a recommendation for dismissal and make a determination whether to make a recommendation to the Board of Education regarding the teacher's license at the same hearing or hold a separate hearing for each action.*

B. *Each school board may appoint an impartial hearing officer from outside the school division to conduct hearings pursuant to this section. A hearing officer shall not have been involved in the recommendation of dismissal as a witness or a representative.*

A hearing officer shall possess some knowledge and expertise in public education and education law and be capable of presiding over an administrative hearing. The hearing officer shall schedule and preside over such hearings and shall create a record or recording of such proceedings. The hearing officer shall make a written recommendation to the school board, a copy of which shall be provided to the teacher. The hearing officer shall transmit the recommendation and the record or recording of the hearing to the school board as soon as practicable and no more than 10 business days after the hearing. In the event of a hearing before a hearing officer, the school board may make its decision upon the record or recording of such hearing, pursuant to § [22.1-313](#), or the school board may elect to conduct a further hearing to receive additional evidence by giving written notice of the time and place to the teacher and the division superintendent within 10 business days after the board receives the record or recording of the initial hearing. Such notice shall also specify each matter to be inquired into by the school board.

C. A record or recording of any hearing conducted pursuant to this section shall be made. The parties shall share the cost of the recording equally. In proceedings concerning grievances not related to dismissal, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation. In cases of dismissal, the record or recording shall be preserved for a period of six months. If the school board requests that a transcript be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the cost of the transcription.

D. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

§ [22.1-313](#). Decision of school board; generally.

A. The school board shall retain its exclusive final authority over matters concerning employment and supervision of its personnel, including dismissals, ~~and suspensions and placing on probation.~~

B. In the case of a hearing before the school board, the school board shall give the teacher its written decision ~~within as soon as practicable and no more than 30 days after the hearing. A record of the proceedings shall be taken and made available as provided in subsection I of § [22.1-312](#). Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.~~

C. In the case of a hearing before a ~~fact finding panel~~ *hearing officer appointed by the school board*, the school board shall give the teacher its written decision ~~within as soon as practicable and no more than 30 days after the school board receives both the transcript of such hearing, if any, and the panel's findings of fact and recommendations~~ *receiving the record or recording of the hearing*; however, should there be a further hearing before the school board, ~~as hereafter provided~~, such decision shall be furnished the teacher ~~within as soon as practicable and no more than 30 days after such further hearing. The decision of the school board shall be reached after considering the transcript, if any, and the findings of fact and recommendations of the panel and such further evidence as the school board may receive at any further hearing.~~

~~C-D.~~ A teacher may be dismissed, ~~or suspended or placed on probation~~ by a majority of a quorum of the school board. ~~In the event the school board's decision is at variance with the recommendations of the fact finding panel, the school board shall be required to conduct an additional hearing which shall be public unless the teacher requests a private one. However, if the fact finding hearing was held in private, the additional hearing shall be held in private. The hearing shall be conducted by the school board pursuant to subsection D of this section, except that the grievant and the division superintendent shall be allowed to appear, to be represented, and to give testimony. However, the additional hearing shall not include examination and cross-examination of any other witnesses. The school board's written decision shall include the rationale for the decision.~~

D. In any case in which a further hearing by a school board is held after a hearing before a fact finding panel, the school board shall consider at such further hearing the transcript, if any, the findings and recommendations of the fact finding panel and such further evidence, including that of witnesses having testified before the panel, as the school board deems appropriate or as may be offered on behalf of the grievant or the respondent. A school board may initiate any such hearing upon written notice to the teacher and the division superintendent within 10 business days after the board receives the findings of fact and recommendations of the panel and any transcript of any panel hearing. Such notice shall specify each matter to be inquired into by the school board. In any case in which a teacher may initiate any such hearing, the teacher shall request such hearing in writing within 10 business days after receiving the findings of fact and recommendations of the panel and any transcript of the panel hearing. Any decision by the school board shall be based solely on the transcript, if any, the findings of fact and recommendations of the panel, and any evidence relevant to the issues of the original grievance adduced at the hearing in the presence of each party. Such hearing shall be conducted as a hearing by the school board as provided in § [22.1-311](#).

E. The school board's attorney, assistants, or representative, if he or they represented a participant in the prior proceedings, the grievant, the grievant's attorney or representative, and, notwithstanding the provisions of § [22.1-69](#), the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

F. In those instances when licensed personnel are dismissed or resign due to a conviction of any felony, any offense involving the sexual molestation, physical or sexual abuse or rape of a child, any offense involving drugs, or due to having become the subject of a founded case of child abuse or neglect, the local school board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

§ [22.1-314](#). Decision of school board; issue of grievability; appeal.

Decisions regarding whether or not a matter is grievable shall be made by the school board at the request of the school division administration or grievant and such decision shall be made within 10 business days of such request. The school board shall reach its decision only after allowing the school division administration and the grievant opportunity to present written or oral arguments regarding grievability. The decision as to whether the arguments shall be written or oral shall be in the discretion of the school board. Decisions of the school board may be appealed to the circuit court having jurisdiction in the school division for a hearing on the issue of grievability.

Proceedings for review of the decision of the school board shall be instituted by filing a notice of appeal with the school board within 10 business days after the date of the decision and giving a copy thereof to all other parties. Within 10 business days thereafter, the school board shall transmit to the clerk of the court to which the appeal is taken a copy of its decision, a copy of the notice of appeal, and the exhibits. The failure of the school board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the school board to transmit the record on or before a certain date. Within 10 business days of receipt by the clerk of such record, the court, sitting without a jury, shall hear the appeal on the record transmitted by the school board and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the school board or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to any ~~panel or school board~~ hearing or the right to such determination shall be deemed to have been waived.

- The *Constitution of Virginia* grants the Board of Education authority for the general supervision of the public school system and Section 22.1-16 of the *Code of Virginia* authorizes the Board to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

Board members discussed the option of advancing these amendments via exempt regulatory action, rather than a NOIRA for comprehensive review. Mrs. Sears requested a copy of the grievance procedure chart.

The Board accepted for first review the Notice of Intended Regulatory Action (NOIRA) to begin the process of revising the *Procedure for Adjusting Grievances* (8 VAC 20-90-10 et seq.).

First Review of Standard Setting Studies and Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) for Passing Scores for the following Licensure Assessments: 1) Virginia Communication and Literacy Assessment (VCLA); 2) Praxis Elementary Education: Multiple Subjects (5031); 3) Praxis Middle School English Language Arts (5047); 4) Praxis Middle School Mathematics (5169); 5) Praxis English Language Arts: Content Knowledge (5038); 6) Praxis Mathematics: Content Knowledge (5161)

Mrs. Pitts presented this item. Mrs. Pitts recognized Kathy Owens Oliver, client relations director of education testing service, and Dr. Martin Carlin, vice president of assessment services, Pearson Education, Inc. and noted that they will be available to answer questions from Board members.

Mrs. Pitt's presentation included the following:

- Section 22.1-298.1. Regulations governing licensure of the *Code of Virginia* requires that the Board of Education's regulations "shall include requirements that a person seeking initial licensure: 1. Complete professional assessments as prescribed by the Board of Education;..."
- Currently, the Virginia Board of Education requires the following licensure assessments:
 - ✓ Virginia Communication and Literacy Assessment (VCLA)
 - ✓ Praxis II: Specialty Area Tests
 - ✓ Reading for Virginia Educators (RVE)
 - ✓ School Leaders Licensure Assessment (SLLA)
- The National Evaluation Group of Pearson administers the Virginia Communication and Literacy Assessment (VCLA). Test preparation resources and materials, including study guides and practice tests, are available on the [Pearson Test Preparation Web site](#).
- The Educational Testing Service (ETS) administers the Praxis II Specialty Area tests that assess subject area content. Test preparation resources and materials, including study guides and practice tests, are available on the [ETS Test Preparation Web site](#).
- Standard setting studies were conducted for six licensure assessments.

VIRGINIA COMMUNICATION AND LITERACY ASSESSMENT (VCLA)

The Virginia Communication and Literacy Assessment (VCLA) has been required for initial licensure since 2006. On March 22, 2006, the Board of Education approved passing scores for the Virginia Communication and Literacy Assessment (VCLA). The VCLA is composed of two area subtests – a Reading Subtest (091) and a Writing Subtest (092). The National Evaluation Group of Pearson administers the Virginia Communication and Literacy Assessment (VCLA).

The current passing scores for the VCLA are as follows:

- Reading Subtest: 235 (20 out of 35)
- Writing Subtest: 235 (23 out of 41 multiple choice and sentence correction and 23 out of 40 points on writing assignments)
- **Composite Score:** 470

Test Design

The following table describes each Subtest of the VCLA:

Subtest	Subtest Description
Reading Subtest (091)	<ul style="list-style-type: none"> • Designed to measure comprehension and analysis of readings, outlining and summarizing skills, and ability to interpret tables and graphs • Consists of approximately 40 multiple-choice items
Writing Subtest (092)	<ul style="list-style-type: none"> • Designed to measure the development of ideas in essay form on specific topics and the mastery of grammar, mechanics, and vocabulary • Consists of approximately 40 multiple-choice items, three short-answer items, a written summary assignment, and a written composition assignment

The VCLA is criterion referenced and objective based and is designed to measure a candidate's knowledge and skills in relation to an established standard rather than in relation to the performance of other candidates.

At the March 19, 2012, meeting the Advisory Board on Teacher Education Licensure recommended that the Virginia Department of Education conduct a validation and standard setting study for the VCLA. A standard setting study was conducted on October 18, 2012, for the VCLA. The process used in the Virginia standard setting study is detailed in the *Standard Setting Conference Report – Virginia Communication and Literacy Assessment – February 28, 2013* (Appendix B).

At the March 18, 2013, meeting, the Advisory Board on Teacher Education and Licensure recommended that the Board of Education set the following passing scores recommended by the standard setting panel for the VCLA to be implemented effective July 1, 2014:

- Reading – 26* (26 out of 35)
- Writing – 29* (29 out of 41 points on multiple choice and sentence correction and 29 out of 40 points on writing assignments)

* The National Evaluation Group of Pearson will scale the raw scores.

PRAXIS ELEMENTARY EDUCATION: MULTIPLE SUBJECTS (5031) ASSESSMENT

The Praxis II assessment currently required for individuals seeking an initial license with an endorsement in Early/Primary Education preK-3 or Elementary Education preK-6 is the Praxis Elementary Education: Content Knowledge (0014/5014) assessment. The standard setting and validation study for the assessment was conducted in May 2000, and the test has been required in Virginia since July 1, 2002.

The Educational Testing Service (ETS) has developed a new Praxis Elementary Education: Multiple Subjects (5031) assessment. This assessment, unlike the Praxis Elementary Education: Content Knowledge (0014/5014) assessment, requires a passing score for each of the four subtests.

At the March 19, 2012, meeting of the Advisory Board on Teacher Education and Licensure a motion was passed to recommend that the Virginia Department of Education (VDOE) conduct a validation and standard setting study for the Praxis Elementary Education: Multiple Subjects (5031) assessment.

ETS conducted the standard setting study on October 16-17, 2012, on behalf of the VDOE for the new Praxis Elementary Education: Multiple Subjects (5031) assessment. In addition to the state-specific study, ETS also conducted a multistate standard setting study in July 2011 in Princeton, New Jersey.

The Praxis Elementary Education: Multiple Subjects (5031) *Test at a Glance* document describes the purpose and structure of the assessment. In brief, the purpose of the test is to assess whether the entry-level elementary teacher has the content knowledge that is important, necessary, and needed at time of entry to the profession in order to

teach English, mathematics, social studies, and science at the elementary level. A National Advisory Committee of elementary teachers and college faculty defined the content of the assessment, and a national survey of teachers and college faculty confirmed the content.

The Praxis Elementary Education: Multiple Subjects (5031) assessment contains 210 multiple-choice questions and covers Reading and Language Arts (65 questions); Mathematics (40); Social Science (55); and Science (50). To pass the Praxis Elementary Education: Multiple Subjects (5031) assessment, a candidate must meet or exceed the passing score on each of the four subtests. A combined score across the four subtests is not reported.

The following states have established passing scores on the Praxis Elementary Education: Multiple Subjects (5031) assessment. With the exception of Connecticut and Utah, these states have adopted the pass rates recommended by the multistate panel.

Passing Scores by Other State Users

State	Reading and Language Arts	Mathematics	Social Studies	Science
Connecticut	174	175	166	170
Idaho	165	164	155	159
Indiana	165	164	155	159
Kentucky	165	164	155	159
Maine	165	164	155	159
New Hampshire	165	164	155	159
New Jersey	165	164	155	159
Utah	165	165	155	159
Vermont	165	164	155	159

At the March 18, 2013, meeting, the Advisory Board on Teacher Education and Licensure recommended that the Board of Education set the following passing scores recommended by the Virginia standard setting panel for the Praxis Elementary Education: Multiple Subjects (5031) assessment to become effective July 1, 2014.

- Reading and Language Arts – 40 raw-score points (152 scaled score);
- Mathematics – 24 raw-score points (150 scaled score);
- Social Studies – 34 raw-score points (153 scaled score points); and
- Science – 31 raw-score points (153 scaled score).

MIDDLE SCHOOL ENGLISH LANGUAGE ARTS (5047) ASSESSMENT

The Praxis II assessment currently required for individuals seeking an initial license with an endorsement in Middle Education 6-8: English is the Middle School English Language Arts (0049/5049) assessment. The test has been required in Virginia since July 1, 2002. The Educational Testing Service (ETS) that administers the Praxis II will be discontinuing this assessment and has developed the Middle School English Language Arts (5047) assessment.

ETS conducted the standard setting study on March 21, 2013, on behalf of the Virginia Department of Education (VDOE) for the Praxis Middle School English Language Arts (5047) assessment. In addition to the state-specific study, ETS also conducted a multistate standard setting study in March 2013 in Princeton, New Jersey.

The Praxis *Test at a Glance* document describes the purpose and structure of the assessment. In brief, the purpose of the test is to assess whether the entry-level English teacher has the content knowledge and skills believed necessary for competent practice. A National Advisory Committee of English teachers and college faculty defined

the content of the assessment, and a national survey of teachers and college faculty confirmed the content.

The Middle School English Language Arts (5047) assessment contains 110 selected-response items and two constructed-response items covering four content areas: Reading (approximately 50 selected-response items and one constructed-response item); Language Use and Vocabulary (approximately 16 selected-response items); Writing, Speaking, and Listening (approximately 26 selected-response items); and English Language Arts Instruction (approximately 18 selected-response items and one constructed-response item). The selected-response component contributes 75 percent to the total score. The constructed-response score is weighted to contribute 25 percent. In addition, 20 of the 110 selected-response items are pretest items and do not contribute to a candidate's score. Therefore, the maximum raw score is 120 points. The reporting scale for the Middle School English Language Arts (5047) assessment ranges from 100 to 200 scaled-score points.

At the April 22, 2013, meeting the Advisory Board on Teacher Education and Licensure recommended that the Board of Education set the following passing score recommended by the multistate standard setting panel for the Praxis Middle School English Language Arts (5047) assessment:

- 81 raw score points (164 scaled score)

MIDDLE SCHOOL MATHEMATICS (5169) ASSESSMENT

The Praxis II assessment currently required for individuals seeking an initial license with an endorsement in Middle Education 6-8: Mathematics is the Middle School Mathematics (0069) assessment. The test has been required in Virginia since July 1, 2002. The Educational Testing Service (ETS) that administers the Praxis II will be discontinuing this assessment and has developed the Middle School Mathematics (5169) assessment.

ETS conducted the standard setting study on March 21, 2013, on behalf of the Virginia Department of Education (VDOE) for the Praxis Middle School Mathematics (5169) assessment. In addition to the state-specific study, ETS also conducted a multistate standard setting study in February 2013 in Princeton, New Jersey.

The Praxis *Test at a Glance* document describes the purpose and structure of the assessment. In brief, the purpose of the test is to assess whether the entry-level mathematics teacher has the content knowledge and skills believed necessary for competent practice. A National Advisory Committee of mathematics teachers and college faculty defined the content of the assessment, and a national survey of teachers and college faculty confirmed the content.

The Middle School Mathematics (5169) assessment contains 55 selected-response and numeric-entry items covering two content areas: Arithmetic and Algebra (approximately 34 items) and Geometry and Data (approximately 21 items). Ten of the 55 selected-response and numeric-entry items are pretest items and do not contribute to a candidate's score. The reporting scale for the Middle School Mathematics (5169) assessment ranges from 100 to 200 scaled-score points.

At the April 22, 2013, meeting the Advisory Board on Teacher Education and Licensure recommended that the Board of Education set the following passing score recommended by the multistate standard setting panel for the Praxis Middle School Mathematics (5169):

- 31 raw score points (165 scaled score)

ENGLISH LANGUAGE ARTS: CONTENT KNOWLEDGE (5038) ASSESSMENT

The Praxis II assessment currently required for individuals seeking an initial license with an endorsement in English is the English Language, Literature and Composition: Content Knowledge (0041/5041) assessment. The test has been required in Virginia since July 1, 1999. The Educational Testing Service (ETS) that administers the Praxis II will be discontinuing this assessment and has developed the English Language Arts: Content Knowledge (5038) assessment.

ETS conducted the standard setting study on March 22, 2013, on behalf of the Virginia Department of Education (VDOE) for the Praxis II English Language Arts: Content Knowledge (5038) assessment. In addition to the state-specific study, ETS also conducted a multistate standard setting study in March 2013 in Princeton, New Jersey.

The Praxis *Test at a Glance* document describes the purpose and structure of the assessment. In brief, the purpose of the test is to assess whether the entry-level English teacher has the content knowledge and skills believed necessary for competent practice. A National Advisory Committee of English teachers and college faculty defined the content of the assessment, and a national survey of teachers and college faculty confirmed the content.

The English Language Arts: Content Knowledge (5038) assessment contains 130 selected-response items covering three content areas: Reading (approximately 49 items), Language Use and Vocabulary (approximately 33 items), and Writing, Speaking, and Listening (approximately 48 items). Twenty of the 130 selected-response items are pretest items and do not contribute to a candidate's score. The reporting scale for the English Language Arts: Content Knowledge (5038) test ranges from 100 to 200 scaled-score points.

At the April 22, 2013, meeting the Advisory Board on Teacher Education and Licensure recommended that the Board of Education set the following passing score recommended by the multistate standard setting panel for the Praxis English Language Arts: Content Knowledge (5038) assessment:

- 79 raw score points (167 scaled score)

MATHEMATICS: CONTENT KNOWLEDGE (5161) ASSESSMENT

The Praxis II assessment currently required for individuals seeking an initial license with an endorsement in mathematics is the Mathematics: Content Knowledge (0061/5061) assessment. The test has been required in Virginia since July 1, 1999. The Educational Testing Service (ETS) that administers the Praxis II will be discontinuing this assessment and has developed the Mathematics: Content Knowledge (5161) assessment.

A standard setting study was conducted on March 22, 2013, for the Praxis II assessment. ETS conducted the standard setting study on behalf of the Virginia Department of Education (VDOE) for the Praxis II Mathematics: Content Knowledge (5161) assessment. In addition to the state-specific study, ETS also conducted a multistate standard setting study in February 2013 in Princeton, New Jersey.

The Praxis *Test at a Glance* document (Appendix Q) describes the purpose and structure of the assessment. In brief, the purpose of the test is to assess whether the entry-level mathematics teacher has the content knowledge and skills believed necessary for competent practice. A National Advisory Committee of mathematics teachers and college faculty defined the content of the assessment, and a national survey of teachers and college faculty confirmed the content.

The Mathematics: Content Knowledge (5161) assessment contains 60 selected-response and numeric-entry items covering two content areas: Number and Quantity, Algebra, Functions, and Calculus (approximately 41 items) and Geometry, Probability and Statistics, and Discrete Mathematics (approximately 19 items). Ten of the 60 selected-response and numeric-entry items are pretest items and do not contribute to a candidate's score. The reporting scale for the Mathematics: Content Knowledge (5161) assessment ranges from 100 to 200 scaled-score points.

At the April 22, 2013, meeting, the Advisory Board on Teacher Education and Licensure recommended that the Board of Education set the following passing score recommended by the multistate standard setting panel for the Praxis Mathematics: Content Knowledge (5161) assessment:

- 32 raw score points (160 scaled score)

During the discussion Board members requested a chart showing the review process for Praxis and VCLA exams. Dr. Wright noted that she will be recommending that the Board

approve the multistate panel recommendations for the Praxis Elementary Education: Multiple Subjects test.

The Board accepted for first review the Advisory Board of Teacher Education and Licensure's recommendations.

First Review of Standard Setting Studies and the Advisory Board on Teacher Education and Licensure (ABTEL) Recommendations for Passing Scores for the Praxis Core Academic Skills for Educators Assessment as the Prescribed Entry Requirement into an Approved Education Program

Mrs. Pitts also presented this item. Her presentation included the following:

- Section 23-9.2:3.6. (Education preparation programs offered by institutions of higher education) of the *Code of Virginia* states, in part, the following:
 - A. Education preparation programs shall be required to meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations.
 - B. As provided in § 22.1-298.2, the Board of Education shall prescribe an assessment of basic skills for individuals seeking entry into an approved education program and shall establish a minimum passing score for such assessment. The Board also may prescribe other requirements for admission to Virginia's approved education programs in its regulations.
 - C. Candidates who fail to achieve the minimum score established by the Board of Education may be denied entrance into the relevant education program on the basis of such failure; however, if enrolled in the program, they shall have the opportunity to address any deficiencies.

Current Board of Education Prescribed Assessment for Entry into an Approved Program

- The assessment of basic skills prescribed by the Board of Education for individuals seeking entry into a Virginia approved education program is Praxis I (or the Board of Education approved scores for SAT; ACT; or the Virginia Communication and Literacy Assessment for the Reading and Writing tests only). This assessment, administered by the Educational Testing service, has been required for teachers seeking entry into teacher preparation programs since January 2006.
- The Board of Education approved the following substitute assessments and passing scores for Praxis I:

SAT Passing Scores

SAT Taken Prior to April 1, 1995 - a score of **1000** with at least **450** on the verbal and **510** on the mathematics tests;

SAT Taken After April 1, 1995 - a score of **1100** with at least **530** on the verbal and **530** on the mathematics tests as a substitute for Praxis I.

ACT Passing Scores

ACT Taken Prior to April 1, 1995 - a composite score of 21, with the ACT mathematics score no less than 21, and an ACT English Plus Reading score no less than 37. [Please note that an individual must have taken and met passing scores for the ACT Mathematics and English Plus Reading tests. At one time, the English Plus Reading test was not offered.]

ACT Taken After April 1, 1995 - a composite score of 24, with the ACT mathematics score no less than 22, and an ACT English Plus Reading score no less than 46.

Virginia Communication and Literacy Assessment (VCLA) Passing Scores
(optional assessment for Praxis I Reading and Writing only)

Writing Subtest: 235

Reading Subtest: 235

Composite Score: 470

- The new assessment, Praxis Core Academic Skills for Educators: Reading (5712), Writing (5722), and Mathematics, (5732), will be administered by Educational Testing Service (ETS) during the 2013-2014 testing year. ETS announced that the revised assessment will replace the Praxis I Pre-Professional Skills Tests (PPST) in Reading, Writing, and Mathematics.
- The Advisory Board on Teacher Education and Licensure requested the Virginia Department of Education to conduct a standard setting study for the new Praxis Core Academic Skills for Educators assessment. A two-day standard setting study was conducted on February 20-21, 2013, in Richmond for the Praxis Core Academic Skills for Educators assessment. ETS conducted the standard setting study for the new Reading (5712), Writing (5722), and Mathematics (5732) subtests. A detailed summary of the Virginia study, *Standard-Setting Technical Report - Praxis Core Academic Skills for Educators: Reading (5712), Writing (5722), and Mathematics (5732), March 2013*, is attached (Appendix A) and includes participants, methodology, and recommendations.
- In addition to the state-specific study, ETS also conducted a multistate standard setting study in February 2013 in Princeton, New Jersey. The results of this study, including the passing score recommended by the multistate panel, are attached (Appendix B) and include participants, methodology, and recommendations.
- The Praxis Core Academic Skills for Educators subtests measure whether candidates entering a teacher preparation program have the necessary reading, writing, and mathematical knowledge/skills. Each subtest is administered and scored separately:
 - ✓ Reading. The 85-minute subtest contains 56 multiple-choice items covering three content areas: Key Ideas and Details, Craft, Structure and Language Skills, and Integration of Knowledge and Ideas. (Six of the 56 multiple-choice items are pretest items and do not contribute to a candidate's score.)
 - ✓ Writing. The 100-minute subtest contains 40 multiple-choice items and two essays covering two content areas: Text Types, Purposes and Production, and Language and Research Skills for Writing. (Six of the 40 multiple-choice items are pretest items and do not contribute to a candidate's score.)
 - ✓ Mathematics. The 85-minute subtest contains 56 multiple-choice and numeric-entry items covering four content areas: Number and Quantity, Algebra and Functions, Geometry, and Statistics and Probability. (Six of the 56 multiple-choice or numeric entry items are pretest items and do not contribute to a candidate's score.)
- At the April 22, 2013, meeting, the Advisory Board on Teacher Education and Licensure recommended that the Board of Education adopt the following passing scores recommended by the multistate standard setting panel for the Core Academic Skills for Educators: Reading (5712), Writing (5722), and Mathematics (5732) Tests:
 - ✓ Praxis Core Academic Skills for Educators: Reading Test (5712) - 31 out of a possible 50 raw-score points (156 on a 100 to 200 scale);

- ✓ Praxis Core Academic Skills for Educators: Writing Test (5722) - 44 out of a possible 70 raw-score points (162 on a 100 to 200 scale); and
- ✓ Praxis Core Academic Skills for Educators: Mathematics Test (5732) - 29 out of a possible 50 raw-score points (150 on a 100 to 200 scale).
- The Advisory Board on Teacher Education and Licensure also recommended that the Board of Education:
 1. Allow the continuation of:
 - a. currently approved SAT and ACT substitute tests and passing scores as substitute tests for the basic skills entry assessment until comparison studies using the Praxis Core Academic Skills for Educators: Reading Test (5712), Writing Test (5722), and Mathematics Test (5732) can be completed; and
 - b. currently approved passing scores for the Virginia Communication and Literacy Assessment as a substitute test for reading and writing until the Board sets new passing scores.
 2. Not approve a composite score on the Praxis Core Academic Skills for Educators: Reading (5712), Writing (5722), and Mathematics (5732) subtests and require passing scores on each subtest.

The Board discussed how Virginia will compare to other states with adoption of these passing scores. Mrs. Pitts noted that most states are adopting the scores recommended by the multistate standard setting panel.

The Board accepted for first review the recommendations of the Advisory Board on Teacher Education and Licensure.

First Review of Nominations to Fill Vacancies on Board of Education Advisory Committees: State Special Education Advisory Committee, Virginia Advisory Committee for Career and Technical Education, Virginia Advisory Committee for the Education of the Gifted, Advisory Board on Teacher Education and Licensure, and Advisory Committee on Adult Education and Literacy

Mrs. Melissa Luchau, director for board relations, presented this item. Her presentation included the following:

- The Board of Education's bylaws specify the membership and term of service in Article Sixteen, Section 3 and 4, as follows:

Section 3. Membership. The Board shall determine the number of members to serve on an advisory committee, and shall appoint the members of the committee, as specified in Board bylaws under Article Nine, Section 2, except as provided by state or federal law or regulation. Nominations for all vacant positions will be solicited as widely as practicable and on forms provided by the Department of Education. . .

Section 4. Term of Service. Appointments to an advisory committee shall be for a term of three years. Members of an advisory committee may be appointed to a second consecutive three-year term, but shall not be eligible to serve for more than six consecutive years...A member filling the unexpired term of a member who resigned from the committee may be appointed to another consecutive three-year term. . .

- The Board of Education's advisory committees have vacancies for the three-year term of July 2013 to June 2016. Two of the Board's advisory committees require specific categories of expertise or geographic

representation pursuant to state or federal law or regulation. For all committees, the Board of Education seeks to have geographic and racial/ethnic representation among the appointees. The Board's bylaws permit persons to be reappointed to a second full term.

- Superintendent's Memorandum 065-13 dated March 15, 2013, and updated March 27, 2013, announced the call for nominations to fill the current advisory committee vacancies. The call for nominations was sent to statewide education organizations and individuals who had expressed interest. This information was also posted on the Department of Education's Web site.
- Following the close of the nomination period, the nominations were reviewed. Persons recommended for appointment or reappointment were selected based upon qualifications and on the required categories for membership (if applicable).
- The list of nominees recommended for appointment or reappointment to the 2013-2016 term, unless otherwise noted, are as follows:

State Special Education Advisory Committee

Jack M. Brandt, Disability Policy Specialist, Partnership for People with Disabilities at Virginia Commonwealth University
Representing: People with Disabilities

Brendan A. Folmar, Principal, Charterhouse School
Representing: Private Schools
Scott Kizner, Representing: Local Education Officials
(Reappointment)

Erica Midboe, Special Education Teacher, Fairfax County Public Schools
Representing Transition Services

Frederique M. Vincent, Representing Parents, Region 4

Virginia Advisory Committee for Career and Technical Education

Karen DeRoche Black, Technology Academy Coordinator, Chesapeake Public Schools
Representing: Education and Training, Region II
(Reappointment)

Robert Mayfield, Plant Manager, Tenaska Virginia Generating Station, Scottsville
Representing: Science, Technology, Engineering, and Mathematics (STEM), Region V (Reappointment)

Zuzana Steen, University and Academic Relations Manager, Micron Technology, Inc., Manassas
Representing: Manufacturing, Region IV

Virginia Advisory Committee for the Education of the Gifted

Lesley R. Hunley, Coordinator of Gifted Education, Mathews County Public Schools

Janice C. Robertson, School Psychologist, Amelia County Public Schools

Hunter Routt, Gifted Coordinator, Salem Public Schools

Elizabeth A. Schupp, Secondary Gifted Education Specialist, Amherst County Public Schools

Advisory Board on Teacher Education and Licensure

Bonnie Whitlow Bowen, Halifax County Middle School, Halifax County Public Schools
Representing: Classroom Teacher (Middle)

(Reappointment)

Dr. Catherine S. Fisher, University of Richmond
Representing: Higher Education (Independent)
(Reappointment)

Rebecca Gates, Superintendent, Northumberland County Public Schools
Representing: Superintendents

Thelma G. Hampton, Critzer Elementary School, Pulaski County Public Schools
Representing: Classroom Teacher (Elementary)
(Reappointment)

Janice Bell Underwood, Hampton High School, Hampton City Public Schools
Representing: Classroom Teacher (Secondary, Special Education)
(Reappointment)

Jane Conner Burchett Waldron, Louisa County Public Schools
Representing: Classroom Teacher (Elementary)
* This vacancy is to fill an unexpired term of July 1, 2013 to June 30, 2015.

Ruth Wallace, Botetourt County School Board
Representing: School Board Member
(Reappointment)

Jane Watkins, President/CEO, Virginia Credit Union
Representing: Business Community
* This vacancy is to fill an unexpired term of July 1, 2013 to June 30, 2015.

Advisory Committee on Adult Education and Literacy

Dr. Thomas Brewster, Superintendent, Pulaski County Public Schools
(Reappointment)

The Board accepted for first review the list of nominees recommended for appointment to the Board of Education's advisory committees for the 2013-2016 term.

First Review of Petition to Amend Rules Governing Division Superintendent of Schools (8 VAC 20-390)

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Her presentation included the following:

- On March 15, 2013, the Board of Education received a petition from John Butcher to amend its *Rules Governing Division Superintendent of Schools* (8 VAC 20-390-80). 8 VAC 20-390-80 says: "It shall be the duty of the division superintendent to visit and inspect each school in his division. He shall inquire into all matters relating to the management of the school, the course of study, method of instruction, and use of textbooks, and shall give particular attention to the conditions of the school buildings."
- The petitioner requests that the following language be added: "The division superintendent shall document each such visit, setting forth the date(s) and time(s) of the required visits and detailing the results of his inquiries. The resulting records shall be kept as public records, subject to inspection under the Freedom of Information Act. The division superintendent shall forward each year's records to the Department within

thirty days after the close of the fiscal year.”

- The *Code of Virginia*, in § 2.2-4007, addresses petitions for new and amended regulations. It says:

§ 2.2-4007. Petitions for new or amended regulations; opportunity for public comment.

A. Any person may petition an agency to request the agency to develop a new regulation or amend an existing regulation. The petition shall state (i) the substance and purpose of the rulemaking that is requested, including reference to any applicable Virginia Administrative Code sections, and (ii) reference to the legal authority of the agency to take the action requested.

B. Within 14 days of receiving a petition, the agency shall send a notice identifying the petitioner, the nature of the petitioner's request and the agency's plan for disposition of the petition to the Registrar for publication in the Virginia Register of Regulations in accordance with the provisions of subsection B of § [2.2-4031](#).

C. A 21-day period for acceptance of written public comment on the petition shall be provided after publication in the Virginia Register. The agency shall issue a written decision to grant or deny the petitioner's request within 90 days following the close of the comment period. However, if the rulemaking authority is vested in an entity that has not met within that 90-day period, the entity shall issue a written decision no later than 14 days after it next meets. The written decision issued by the agency shall include a statement of its reasons and shall be submitted to the Registrar for publication in the Virginia Register of Regulations. Agency decisions to initiate or not initiate rulemaking in response to petitions shall not be subject to judicial review.

- In response to the petition, staff sent a notice to the Registrar that identified the petitioner, the nature of the petitioner's request, and the agency's plan for disposition of the petition, which was to announce a 21 day public comment period. The petition was published in the Virginia Register on April 8, 2013, for a 21 day public comment period. The public comment period ended on April 28.

During the discussion Board members noted that requiring the superintendent to document school visits is a local issue, and would be a burdensome mandate with additional paperwork for school divisions.

The Board accepted the petition for first review.

First Review of Repeal of Regulations Governing Substitute Teachers (8 VAC 20-640), Regulations for Conducting Division-Level Academic Reviews (8 VAC 20-700), and Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions (8 VAC 20-710), Pursuant to SB 1201 (Fast Track)

Mrs. Wescott also presented this item. Her presentation included the following:

- On October 22, 2012, Governor McDonnell announced a regulatory reform initiative to “repeal regulations that are unnecessary or no longer in use, reduce unnecessary regulatory burdens on individuals, businesses, and other regulated groups, and identify statutes that require unnecessary or overly burdensome regulations.”
- Three Board of Education regulations were identified as meeting these criteria, as they duplicate requirements already set forth in the *Code of Virginia: Regulations Governing Substitute Teachers* (8 VAC 20-640), *Regulations for Conducting Division-Level Academic Reviews* (8 VAC 20-700), and *Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions* (8 VAC 20-710). However, § 22.1-302 of the *Code* requires the Board to promulgate regulations governing temporarily employed teachers (substitute teachers); § 22.1-25 of the *Code* requires the Board to promulgate regulations about the consolidation of school divisions; and the second enactment of Chapter 965 of the Acts of

Assembly of 2004, related to division-level academic reviews, required the Board to promulgate emergency regulations for division-level academic reviews. The emergency regulations have since been replaced by permanent regulations.

- The Governor proposed legislation to eliminate the statutory requirements for these regulations. SB 1201 (McDougle), which was passed unanimously by the 2013 General Assembly and signed by the Governor, includes the following language:

§ [22.1-25](#). How school divisions made.

...D. Consistent with ~~its~~ *the authority of the Board* pursuant to Article VIII, Section 5 of the Constitution of Virginia to designate school divisions in the Commonwealth of such geographic size and school-age population as will best promote the realization of the standards of quality, ~~the Board shall promulgate regulations consistent with the provisions of this section that provide for a process whereby school divisions~~ *local school boards* may submit proposals for the consolidation of school divisions ~~to the Board of Education. Such regulations shall provide for, among other things, a public hearing process to be conducted by the applicant school divisions shall conduct one or more public hearings.~~ *Prior to the submission of a consolidation proposal, the submitting school board shall give notice to the public and* ~~and~~ *hearing process to be conducted by the applicant school divisions shall conduct one or more public hearings.* School divisions submitting proposals for consolidation shall include such information and data as may be ~~required by the Board~~ *necessary to support their proposal...*

§ [22.1-302](#). Written contracts required; execution of contracts; qualifications of temporarily employed teachers; rules and requirements.

...B. ~~The Board of Education shall promulgate regulations regarding temporarily~~ *Temporarily* employed teachers, as defined in this section, ~~which shall provide that such teachers be at least eighteen 18 years of age and that they shall hold a high school diploma or a general educational development (GED) certificate.~~ However, local school boards shall establish employment qualifications for temporarily employed teachers ~~which that~~ may exceed ~~the Board's regulations~~ *these requirements* for the employment of such teachers. School boards shall also seek to ensure that temporarily employed teachers who are engaged as long-term substitutes ~~shall~~ exceed baseline employment qualifications...

2. That the second enactment of Chapter 965 of the Acts of Assembly of 2004 is repealed.

Chapter 965 of the 2004 Acts of Assembly includes the following language:

§ [22.1-253.13:3](#). Standard 3. Accreditation, other standards and evaluation.

...F. Each local school board shall maintain schools that ~~meet~~ *are fully accredited pursuant to* the standards of accreditation as prescribed by the Board of Education. The accreditation status of all schools in each local school division shall be reviewed annually in public session.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action ~~plans for any plan,~~ consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division ~~that have been designated as not meeting the criteria for determining effectiveness as approved by the Board~~ achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's six-year improvement plan pursuant to § [22.1-253.13:6](#)....

§ [22.1-253.13:8](#). These standards to be the only standards of quality; provision of services; Board of Education to seek compliance.

...The Board of Education shall have authority to seek school division compliance with the foregoing standards of quality. When the Board of Education determines that a school division has failed or refused, and continues to fail or refuse, to comply with any such standard, the Board ~~shall notify the Attorney General. It shall be the duty of the Attorney General to file, in the name of the Board of Education in~~ *may petition* the circuit court having jurisdiction in the school division, ~~a petition for a writ of mandamus directing and requiring compliance with such standards by the appropriate party or parties~~ ~~defendant~~ *to mandate or otherwise enforce compliance with such standard, including the development or implementation of*

any required corrective action plan that a local school board has failed or refused to develop or implement in a timely manner.

2. That the Board of Education shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

- SB 1201, passed by the 2013 General Assembly, eliminates the statutory requirements for the Board to promulgate three sets of regulations. The three sets of regulations are no longer necessary, as the major provisions of the regulations simply reiterate what is in statute. Repealing these three sets of regulations comports with the Governor's regulatory reform initiative and is in keeping with the Board's ongoing work to update, consolidate, or eliminate regulations whenever possible.

The Board accepted the proposal for first review.

First Review of Requests for Waivers to Certain Regulations Establishing Standards for Accrediting Public Schools in Virginia

Dr. Kathleen Smith, director for school improvement, presented this item. Her presentation included the following:

- Chapter 587 of the Virginia Acts of Assembly for House Bill 2144, states "the Board of Education shall grant a two-year waiver from the science or history and social science Standards of Learning assessment requirement, or both, for third grade students to a public elementary school that had an adjusted pass rate of less than 75 percent on the Standards of Learning reading assessments administered during the previous school year..."

CHAPTER 587

[H 2144]

Approved March 20, 2013

Be it enacted by the General Assembly of Virginia:

1. § 1. Notwithstanding any provision of law to the contrary, the Board of Education shall grant a two-year waiver from the science or history and social science Standards of Learning assessment requirement, or both, for third grade students to a public elementary school that had an adjusted pass rate of less than 75 percent on the Standards of Learning reading assessments administered during the previous school year and that: (a) applies for a waiver in the form and by the deadline prescribed by the Board pursuant to regulation; (b) hires a full-time reading specialist to work with the third grade students and teachers in the school; (c) develops a system to monitor the academic progress of all third grade students in the subject area in which the assessment waiver is sought, which shall include the administration of a summative assessment or another divisionwide assessment to third grade students in that subject area; (d) commits to publishing the adjusted pass rate of third grade students on such summative assessment or other divisionwide assessment once the results are available; and (e) commits to providing at least 30 minutes of instruction per day to third grade students in the subject area in which the assessment waiver is sought.

The Board of Education shall consider applications and grant waivers based on the criteria above from the third grade Standards of Learning assessment in science or history and social science or both in advance of the [2013-2014](#) school year, based on the school's adjusted pass rate on the Standards of Learning reading assessments administered during the [2011-2012](#) school year.

2. That the provisions of this act shall expire on July 1, 2015.

- At this time, twenty-four schools in 17 school divisions have submitted applications for waivers from the third-grade Standards of Learning (SOL) assessment requirement in science or history and social science or both. Although additional schools may request waivers prior to the beginning of the school year, the divisions applying at this time need Board approval so that they may proceed in hiring the reading specialists required for the initiative.
- In some cases the participating school will continue to provide third-grade SOL assessments in science or

history and social science to students who are reading at or above grade level. The school must identify the targeted audience in its waiver application to the Board of Education. However, the school's accreditation calculation for the subject(s) receiving this waiver will exclude the SOL scores of all students who take the third-grade tests. Additionally, schools must monitor the academic progress of all third grade students in the subject area in which the assessment waiver is sought and administer a summative assessment or another divisionwide assessment to third grade students in that subject area. The results of these summative assessments will not be included in accreditation calculations.

- Upon approval of these waiver requests, the schools will receive funding for a full-time reading specialist. Although the reading specialist can work with teachers in the school, the majority of the specialist's time will be spent providing direct services to students reading below grade level. Additionally, these schools will not be required to provide third grade SOL assessments in science and/or history and social science for two years. The school must continue to teach the third grade SOL content in science and history and social science for at least 30 minutes per day in each content area.
- Each school will be provided a waiver to 8 VAC 20-131-30 of the SOA.

[8 VAC 20-131-30](#). Student achievement expectations.

B. In kindergarten through eighth grade, where the administration of Virginia assessment program tests are required by the Board of Education, each student shall be expected to take the tests; students who are accelerated shall take the tests of the grade-level enrolled or the tests for the grade level of the content received in instruction. No student shall take more than one test in any content area in each year. Schools shall use the Virginia assessment program test results in kindergarten through eighth grade as part of a set of multiple criteria for determining the promotion or retention of students. Students promoted to high school from eighth grade should have attained basic mastery of the Standards of Learning in English, history and social science, mathematics, and science and should be prepared for high school work. Students shall not be required to retake the Virginia assessment program tests unless they are retained in grade and have not previously passed the related tests.

- For those schools that select to continue to provide SOL assessments in science or history and social science to students who are reading at or above grade level, the school will also receive a waiver from 8 VAC 20-131-280 of the SOA to exclude the SOL scores of any student who takes the third grade science or history and social science assessment.

[8 VAC 20-131-280](#). Expectations for school accountability.

B. Each school shall be accredited based, primarily, on achievement of the criteria established in [8 VAC 20-131-30](#) and in [8 VAC 20-131-50](#) as specified below:

1. The percentage of students passing the Virginia assessment program tests in the four core academic areas administered in the school, with the accreditation rating calculated on a trailing three-year average that includes the current year scores and the scores from the two most recent years in each applicable academic area, or on the current year's scores, whichever is higher.

Dr. Wright noted that this is one of the Governor's initiatives and the goal is to improve reading achievement. The waivers from the third-grade Standards of Learning (SOL) assessment requirement in science or history and social science should allow for additional reading instruction.

The Board accepted for first review the requests for waivers to certain *Regulations Establishing Standards for Accrediting Public Schools in Virginia* requiring schools to administer the science or history and social science Standards of Learning assessment, or both, for third grade students.

DISCUSSION OF CURRENT ISSUES

Mrs. Edwards expressed appreciation for the Department of Education's Virginia is for Lovers of Summer Learning Web site that provides parents with a collection of activities, resources and tips to promote summer learning in reading, mathematics, history and science.

The Board met for a public dinner on Wednesday, May 22, 2013, at the Crowne Plaza Richmond Downtown with the following members present: Mrs. Atkinson, Dr. Baysal, Mr. Braunlich, Dr. Cannaday, Mrs. Edwards, Mr. Foster, Mrs. Sears, and Mrs. Wodiska. Dr. Patricia Wright, Superintendent of Public Instruction, also attended the meeting. Members discussed pending Board agenda items. No votes were taken, and the dinner meeting ended at 8:30 p.m.

EXECUTIVE SESSION

Mrs. Beamer made a motion to go into executive session under *Virginia Code §2.2-3711.7*, to convene in a closed meeting for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice as follows: parameters of discussion for closed sessions related to licensure and issues related to FOIA and that Noelle Shaw-Bell legal counsel to the Virginia Board of Education as well as staff members, Dr. Patricia Wright, Patty Pitts, Nancy Walsh, and Anne Wescott, whose presence will aid in the Board's consideration of this matter, participate in this closed meeting. The motion was seconded by Mrs. Atkinson and carried unanimously. The Board went into Executive Session at 1:05 p.m.

Mrs. Beamer made a motion that the Board reconvene in open session. The motion was seconded by Mrs. Atkinson and carried unanimously. The Board reconvened at 1:40 p.m.

Mr. Foster made a motion that the Board certify by roll-call vote that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements of the Freedom of Information Act were discussed and (2) only matters identified in the motion to have the closed session were discussed. The motion was seconded by Mrs. Beamer and carried unanimously.

Board Roll call:

Dr. Baysal – Yes
Mrs. Edwards – Yes
Mr. Braunlich – Yes
Mrs. Beamer – Yes
Mr. Foster – Yes
Mrs. Sears – Yes
Mrs. Atkinson – Yes
Mrs. Wodiska – Yes

Dr. Cannaday was not available to vote.

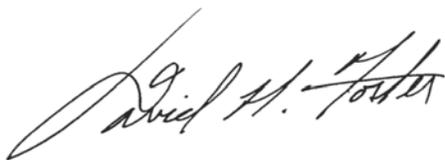
PUBLIC HEARING FOR FINE ARTS STANDARDS OF LEARNING

The following persons spoke in favor of the proposed revised *Standards of Learning for Fine Arts* during the public hearing:

- Diana Haberstick
- Andrew Snead
- Kathryn Sheehan
- Annamarie Bollino
- Sandra Lewie
- Jean Shackelford
- Sandy Bowie

ADJOURNMENT OF THE BUSINESS SESSION

There being no further business of the Board of Education and Board of Career and Technical Education, Mr. Foster adjourned the meeting at 1:55 p.m.



President