



Virginia Regulatory Town Hall

Emergency Regulation Agency Background Document

Agency Name:	20
VAC Chapter Number:	650
Regulation Title:	Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program
Action Title:	Approval of Emergency Regulations
Date:	November 1, 2000

Section 9-6.14:4.1(C)(5) of the Administrative Process Act allows for the adoption of emergency regulations. Please refer to the APA, Executive Order Twenty-Four (98), and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the emergency regulation submission package.

Emergency Preamble

Please provide a statement that the emergency regulation is necessary and provide detail of the nature of the emergency. Section 9-6.14:4.1(C)(5) of the Administrative Process Act states that an "emergency situation" means: (i) a situation involving an imminent threat to public health or safety; or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date. The statement should also identify that the regulation is not otherwise exempt under the provisions of § 9-6.14:4.1(C)(4).

Please include a brief summary of the emergency action. There is no need to state each provision or amendment.

The emergency regulation is necessary due to the statutory requirement that House Bill 1404 of the 2000 General Assembly requires the Board of Education to promulgate regulations within 280 days of the bill's enactment. Therefore, Emergency Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program are attached for the Board of Education's review.

Basis

Please identify the state and/or federal source of legal authority to promulgate the emergency regulation. The discussion of this emergency statutory authority should: 1) describe its scope; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. Full citations of legal authority and web site addresses, if available for locating the text of the cited authority, should be provided.

Please provide a statement that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the emergency regulation and that it comports with applicable state and/or federal law.

Section 22.1-212.2.1 of the Code of Virginia states the following:

C. The Board of Education shall establish, in regulation, criteria for determining, biennially, critical teacher shortage areas for awarding scholarships pursuant to this section. The criteria shall include such factors as the needs in teacher endorsement areas among the several school divisions of the Commonwealth, teacher shortages at the elementary and secondary grade levels, and teacher shortages in rural and urban regions of the Commonwealth. The Program shall be administered by the Board of Education, which shall promulgate such regulations as may be necessary for the implementation of the Program. The Board shall consult with the State Council of Higher Education in the development and implementation of the Program.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-212.2C1>

The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the emergency regulation and that it comports with applicable state and/or federal law. This letter is on file with the Department of Education.

Substance

Please detail any changes, other than strictly editorial changes, that would be implemented. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate. Please provide a cross-walk which includes citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of Virginians. The statement should also delineate any potential issues that may need to be addressed as a permanent final regulation is developed.

The proposed Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program approved by the Board of Education on October 19, 2000, are as follows:

Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program

8 VAC 20-____-10 et seq

8VAC20-___-10 Biennial Survey

Beginning in school year 2001-2002, to obtain the data necessary for establishing critical teacher shortage areas a biennial survey of instructional personnel shall be conducted as follows:

1. The Department of Education shall be responsible for the administration of the biennial survey and shall
 - a. Distribute to each local school division a biennial survey of instructional personnel for the purpose of determining critical teacher shortages for awarding scholarships. The Department may distribute the survey through electronic means; and
 - b. Post the results of the survey in a manner that will permit access to the public through an electronic process.
2. Each local school division shall be required to submit a completed survey within the timeframe established by the Department. If the survey is distributed through electronic means then the survey shall be completed and submitted to the Department through electronic means as identified by the Department.
- ~~3. The survey shall, at a minimum, address needs in teacher endorsement areas in school divisions, teacher shortages at the elementary and secondary grade levels, and teacher shortages in rural and urban regions.~~

e 3. To obtain information about the differences in the supply and demand among Virginia school divisions the survey will require, but not limited to, the following data:

- (1) Number of teaching positions by subject area;
- (2) Number of teacher shortages by endorsement (teaching) area existing when the number of available teachers with the appropriate endorsement is fewer than is needed to fill classrooms;
- (3) Number of teachers employed without the appropriate teaching endorsement; and
- (4) Number of teachers employed without a full license for their teaching assignment.

- ~~(1) Number of teaching vacancies by subject area on the first day of school.~~
- ~~(2) Number of teaching vacancies by subject area on November 1.~~
- ~~(3) Number of applications from qualified individuals by subject areas.~~

~~(4) Number of teachers employed on November 1 without a full license.~~

8VAC20-___-10 Establishing Critical Shortage Areas

For the purpose of administering the Virginia Teaching Scholarship Loan Program, the Board of Education shall:

Utilize the data collected through the biennial survey to establish critical teacher shortage areas as follows:

- ~~a. Add and/or maintain only an endorsement area of shortage that has been reported by a majority of the local school divisions submitting completed surveys; and~~
- ~~b. Delete an endorsement area of shortage if it has not been reported as an area of shortage by a majority of the local school divisions submitting completed surveys.~~

- ~~e. Shortages are defined as existing when the number of available teachers who are endorsed in a given teaching area is fewer than is needed to fill public school classrooms.~~
- a.~~d.~~ Teacher shortages reported by school divisions are defined as existing when the number of available teachers with the appropriate endorsement ~~in a geographic area~~ is fewer than is needed to fill public school classrooms. ~~The criteria used to identify statewide and geographic (urban, suburban, and rural) critical shortage areas will be based on more than half of school divisions responding to the supply and demand survey that a shortage of teachers exists.~~
- b. To determine statewide shortages, the number of teacher shortages by endorsement (teaching) area shall be reported by school divisions in the survey instrument. The number of teacher shortages reported by school divisions will be tabulated by endorsement area. The top ten teaching areas with the largest number of positions that could not be filled with teachers with the appropriate endorsement will be identified as statewide teacher shortages.
- c. An individual may be eligible for a scholarship, regardless of teaching discipline, by agreeing to teach in a school with a high concentration (50 or more percent) of students eligible for free or reduced lunch or in a rural or urban school division of the state based on the current Metropolitan Statistics Area (MSA) data for Virginia where 10 percent of the teachers are not fully licensed for their teaching assignment.

Statutory Authority: Sections 22.1-212.2:1 and 23-38.10:1 of the Code of Virginia

In the review of the Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program, you requested information on how critical shortage areas would be determined.

A biennial survey will be conducted to determine critical shortage areas. The survey will be similar to the *Report on the Supply and Demand of Instructional Personnel in Virginia: 1999-2000* that will be submitted to the Board of Education tomorrow, November 30, 2000. *The Report on the Supply and Demand of Instructional Personnel in Virginia* includes a variety of data, including information on critical shortage areas. Attached are tables 3, 4, 5, and 6 from the report reflecting the information submitted by school divisions on the supply and demand of instructional personnel.

Teacher shortages reported by school divisions are defined as existing when the number of available teachers with the appropriate endorsement is fewer than is needed to fill public school classrooms. To determine statewide shortages, the number of teacher shortages by endorsement (teaching) area shall be reported by school divisions in the survey instrument. The number of teacher shortages reported by school divisions will be tabulated by endorsement area. The top ten teaching areas with the largest number of positions that could not be filled with teachers with the appropriate endorsement will be identified as statewide teacher shortages. An individual may be eligible for a scholarship, regardless of teaching discipline, by agreeing to teach in a school with a high concentration (50 or more percent) of students eligible for free or reduced lunch or in a rural or urban school division of the state based on the current Metropolitan Statistics Area (MSA) data for Virginia where 10 percent of the teachers are not fully licensed for their teaching assignment.

Alternatives

Please describe the specific alternatives that were considered and the rationale used by the agency to select the least burdensome or intrusive method to meet the essential purpose of the action.

The Board of Education is required to determine critical shortage areas of teachers. Due to the fact that information must be obtained from each of the school divisions in Virginia, school divisions will need to provide the information. A survey conducted biennially will meet this need. The Department of Education will review the information requested on the survey carefully to ensure that duplicate information from other Department surveys is not being requested.

Due to the fact that the information needed is not collected by any other agency and it is needed to determine teacher shortage areas, a survey would be the most feasible means of collecting the data.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the emergency action on the institution of the family and family stability including to what extent the action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride,

and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program will not have an impact on the institution of the family and family stability.

NOTE: The attachments are contained on the following pages:

ATTACHMENTS

Table 3

Shortages in Virginia Endorsement Areas: Unfilled/Unendorsed Positions

Virginia Endorsement Areas	Total Positions	Unfilled + Unendorsed	Percentage	Number
Learning disabled (K-12)*	5521	276	5.0%	125
Elementary (PreK-6)	27025	171	0.6%	126
Middle school (6-8)	7798	89	1.1%	126
Mental retardation (K-12)	1846	86	4.7%	125
Emotionally disturbed (K-12)	1716	83	4.8%	126
Mathematics	3554	72	2.0%	126
Speech-language pathology (PreK-12)	1138	45	3.9%	125
History/Social science	3125	40	1.3%	126
Spanish (PreK-12)	1216	38	3.1%	126
Library media (PreK-12)	1791	37	2.1%	126
Principal and assistant principal	3572	36	1.0%	125
English	3996	32	0.8%	126
Reading specialist	1348	31	2.3%	125
Earth science	924	29	3.1%	125
Early childhood special education	1214	28	2.3%	125
School counselor	2983	27	0.9%	125
Technology education	828	25	3.0%	125
Music-Vocal/Choral (PreK-12)	1165	23	2.0%	126
Severely/Profoundly disabled (K-12)	616	22	3.6%	126
Health/P.E. (PreK-12)	3414	21	0.6%	126
Business education	1197	21	1.8%	125
Biology	1055	18	1.7%	126
Art (PreK-12)	1573	17	1.1%	126
English as second language (PreK-12)	836	14	1.7%	126
Chemistry	730	14	1.9%	126
Physics	574	14	2.4%	125
Computer science	272	13	4.8%	126
Music-Instrumental (PreK-12)	907	11	1.2%	126
Hearing impaired (PreK-12)	499	10	2.0%	125
Trade and industrial education	669	9	1.3%	125
Work and family studies	677	8	1.2%	125
Visiting teacher	127	8	6.3%	125
French (PreK-12)	556	7	1.3%	126
Algebra I (Add-on endorsement)	271	6	2.2%	126
Marketing education	340	6	1.8%	125
School psychologist	620	6	1.0%	125

Health occupations education.	146	5	3.4%	125
Latin (PreK-12)	235	4	1.7%	126
Visually impaired (PreK-12)	392	4	0.9%	125
Agricultural education	221	3	1.4%	125
German (PreK-12)	179	2	1.1%	126
Vocational evaluator	53	2	3.8%	125
School social worker	394	2	0.5%	125
Dance (PreK-12)	10	1	12.5%	126
Other Asian languages (PreK-12)	75	1	1.3%	126
Theater arts	157	1	0.3%	125
Italian (PreK-12)	33	0	0.0%	126
Russian (PreK-12)	35	0	0.0%	126
Chinese (PreK-12)	32	0	0.0%	126

*Figures inflated due to aggregation of special education endorsement areas.

Shortages in Superintendent Regions

Virginia's public school divisions are grouped into eight geographically contiguous regional study groups as identified in the listing below.

Table 4- Superintendent Regional Group Members

Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8
Charles City County	Accomack	Caroline	Alexandria City	Albemarle	Alleghany Highlands	Bland	Amelia
Chesterfield	Chesapeake City	Colonial Beach	Arlington	Amherst	Botetourt	Bristol City	Brunswick
Colonial Heights City	Franklin City	Essex	Clarke	Appomattox	Covington City	Buchanan	Buckingham
Dinwiddie	Hampton City	Fredericksburg City	Culpeper	Augusta	Craig	Carroll	Charlotte
Goochland	Isle of Wight	Gloucester	Fairfax	Bath	Danville City	Dickenson	Cumberland
Hanover	Newport News City	[King George]	[Fairfax City]	[Bedford]	Floyd	Galax City	Greensville
Henrico	Norfolk City	[King Queen]	Falls Church City	[Bedford City]	Franklin	Giles	Halifax
Hopewell City	Northampton	King William	Fauquier	Buena Vista City	Henry	Grayson	Lunenburg
New Kent	Poquoson City	Lancaster	Frederick	Campbell	Martinsville City	Lee	Mecklenburg
Petersburg City	Portsmouth City	Mathews	Loudoun	[Charlottesville City]	Montgomery	Norton City	Nottoway
Powhatan	Southampton	Middlesex	Madison	Fluvanna	Patrick	Pulaski	Prince Edward
Prince George	Suffolk City	Northumberland	Manassas City	Greene	Pittsylvania	Radford City	
Richmond City	Virginia Beach City	Richmond	Manassas Park City	Harrisonburg City	Roanoke	[Russell]	
Surry	Williamsburg	Spotsylvania	Orange	Highland	Roanoke	Scott	

[Sussex]	City York	Stafford	Page	Lexington City	City Salem City	Smyth
		West Point	Prince William	Louisa		Tazewell
		Westmoreland	Rappahannock	Lynchburg City		Washington
			Shenandoah	Nelson		Wise
			Warren	Rockbridge		Wythe
			Winchester City	Rockingham		
				Staunton City		
				Waynesboro City		

[] represents school divisions that did not respond to the survey.

Table 5

Unfilled Positions and Positions Filled by Unendorsed Personnel Per Superintendent's Region

	Region 1 (N = 14)	Region 2 (N = 14)	Region 3 (N = 15)	Region 4 (N = 18)	Region 5 (N = 19)	Region 6 (N = 15)	Region 7 (N = 19)	Region 8 (N = 11)
Total Positions in Region	14,448	14,610	6,849	25,058	9,607	4,287	9,659	3,161
Total Unfilled/Unendorsed Positions	231	182	79	290	196	75	234	121
Percentage Unfilled/Unendorsed	2%	1%	1%	1%	2%	2%	2%	4%

By Endorsement Area

Elementary (PreK-6)	25	17	3	88	8	8	6	16
Middle school (6-8)	24	12	6	7	14	4	8	14
Art (PreK-12)	0	3	1	1	1	0	9	2
Computer science	5	1	0	0	1	0	6	0
Dance (PreK-12)	0	0	0	0	0	0	1	0
English	7	1	0	11	2	0	8	3
English as second language (PreK-12)	2	2	1	6	1	0	3	0
Spanish (PreK-12)	5	2	4	5	6	1	16	0
French (PreK-12)	0	0	0	2	0	1	3	1
German (PreK-12)	0	0	0	0	1	0	1	0
Latin (PreK-12)	2	0	0	2	0	0	0	0
Italian (PreK-12)	0	0	0	0	0	0	0	0
Russian (PreK-12)	0	0	0	0	0	0	0	0
Chinese (PreK-12)	0	0	0	0	0	0	0	0
Other Asian languages (PreK-12)	0	0	0	0	1	0	0	0
Health/P.E. (PreK-12)	0	1	4	7	0	0	9	1
History/Social science	5	0	1	10	6	0	14	4
Library media (PreK-12)	2	6	1	3	8	4	8	5
Mathematics	14	13	7	13	4	0	15	6
Algebra I (Add-on endorsement)	0	0	1	0	1	0	2	2
Music-Instrumental (PreK-12)	0	3	0	1	0	0	6	1
Music-Vocal/Choral (PreK-12)	2	14	0	1	1	0	4	1
Biology	7	1	2	5	1	1	1	1
Chemistry	6	2	0	0	4	0	1	1
Earth science	5	6	1	3	5	4	2	3
Physics	3	1	0	0	3	0	7	0
Early childhood special education	7	6	0	3	5	2	5	0

Hearing impaired (PreK-12)	2	1	0	0	2	0	5	0
Learning disabled (K-12)	42	22	20	52	58	25	38	21
Mental retardation (K-12)	7	12	7	19	23	3	7	8
Emotionally disturbed (K-12)	17	22	2	18	6	6	5	8
Severely/Profoundly disabled (K-12)	1	4	3	4	2	3	2	3
Visually impaired (PreK-12)	2	0	1	0	0	0	0	1
Speech-language pathology (PreK-12)	13	5	6	5	3	2	9	2
Theater arts	0	0	0	0	1	0	0	0
Agricultural education	0	3	0	0	0	0	0	0
Business education	3	4	1	2	3	0	1	7
Health occupations education.	5	0	0	0	0	0	0	0
Marketing education	1	0	0	0	1	0	3	1
Technology education	0	4	4	6	5	0	3	3

Table 5, cont.

Unfilled Positions and Positions Filled by Unendorsed Personnel Per Superintendent's Region

Virginia Endorsement Areas	Region 1 (N = 14)	Region 2 (N = 14)	Region 3 (N = 15)	Region 4 (N = 18)	Region 5 (N = 19)	Region 6 (N = 15)	Region 7 (N = 19)	Region 8 (N = 11)
Trade and industrial education	0	0	0	4	0	1	3	1
Work and family studies	0	3	0	1	1	0	2	1
Vocational evaluator	0	1	0	0	0	0	0	1
Reading specialist	4	3	0	6	7	6	4	2
Visiting teacher	0	1	2	0	3	2	0	0
School social worker	0	0	0	0	0	0	2	0
School psychologist	2	1	0	0	0	0	3	0
School counselor	3	4	1	4	5	2	7	1
Principal and assistant principal	13	2	1	4	6	2	7	1

Table 6
Ranking by Means of the Perceived Supply of Personnel per Endorsement Area

<u>Endorsement Areas</u>	<u>Mean</u>
Emotionally disturbed (K-12)	1.48
Severely/profoundly disabled (K-12)	1.51
Mathematics	1.51
Physics	1.53
Speech-language pathology (PreK-12)	1.59
Learning disabled (K-12)	1.59
Mental retardation (K-12)	1.61
Hearing impaired (PreK-12)	1.64
Earth science	1.66
Visually impaired (PreK-12)	1.69
Chemistry	1.73
Technology education	1.82
Early childhood special education	1.84
Algebra I (Add-on endorsement)	1.87
Library media	1.87
Spanish (PreK-12)	1.88
Latin (PreK-12)	1.93
School psychologist	2.03
Biology	2.06
ESL (PreK-12)	2.07
French (PreK-12)	2.08
Reading specialist	2.10
Principal and assistant principal	2.13
German (PreK-12)	2.14
Work and family studies	2.16
Agricultural education	2.19
Visiting teacher	2.19
Middle school (6-8)	2.19
Computer science	2.20
Trade and industrial education	2.24
Health occupations education	2.30
School counselor	2.30
School social worker	2.30
Marketing education	2.32
Italian (PreK-12)	2.34
Chinese (PreK-12)	2.35
Other Asian languages (PreK-12)	2.36
Russian (PreK-12)	2.37
Business education	2.37
Music-Instrumental (PreK-12)	2.45
Vocational evaluator	2.47
Music-Vocal/Choral (PreK-12)	2.50
English	2.54
Theater arts	2.59
Elementary (PreK-6)	2.61
Art (PreK-12)	2.70
Dance (PreK-12)	2.73
History/Social science	2.77
Health/P.E. (PreK-12)	2.92



Most Severe Shortage

Least Severe Shortage

TOP TEN AREAS OF CRITICAL SHORTAGE AS REPORTED BY SCHOOL DIVISIONS

The figures below represent in rank order the percentage of school divisions reporting teaching areas of critical shortage. One hundred and twenty-six of the 132 divisions responded to the survey.

❖ Physics	62%
❖ Emotionally Disturbed (K-12)	61%
❖ Severely/Profoundly Disabled (K-12)	60%
❖ Mathematics	60%
❖ Speech-Language Pathology (PreK-12)	55%
❖ Hearing Impaired (PreK-12)	53%
❖ Earth Science	52%
❖ Learning Disabled (K-12)	52%
❖ Mental Retardation (K-12)	52%
❖ Visually Impaired (PreK-12)	48%

* *Virginia Public School Systems' Instructional Personnel Profile, 1999-2000*, Virginia Department of Education, Richmond, Virginia.