



## Proposed Regulation Agency Background Document

<b>Agency name</b>	Virginia Board of Education
<b>Virginia Administrative Code (VAC) citation</b>	<u>8VAC20-542-10 et seq.</u>
<b>Regulation title</b>	<i>Regulations Governing the Review and Approval of Education Programs in Virginia</i>
<b>Action title</b>	Revise the <i>Regulations Governing the Review and Approval of Education Programs in Virginia</i> .
<b>Date this document prepared</b>	June 27, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.*

The program approval process in Virginia is designed to ensure an alignment between approved education programs and the needs of prek-12 schools. Due to significant proposed revisions to the *Regulations Governing the Review and Approval of Education Programs in Virginia*, (8 VAC 20-542-10 et. seq.), effective September 21, 2007, and amended January 19, 2011, the Board of Education proposes to promulgate revised regulations.

### Acronyms and Definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

No new acronyms, definitions, or technical terms have been included that have not been provided in the “Definition” section of the regulations.

### Legal basis

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

*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 22.1-298.2. Regulations governing education preparation programs. [...Education preparation programs shall meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations....”]*

*Code of Virginia, Section 22.1-305.2. Advisory Board on Teacher Education and Licensure.*

### Purpose

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.*

The proposed regulatory action is essential to protect the health, safety, or welfare of citizens as the regulations set forth the requirements for college and university programs that prepare instructional personnel to be accredited and approved. The completion of an approved program prepares an individual to be licensed by the Virginia Board of Education.

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....”]

On September 21, 2007, *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.

A comprehensive review of the *Regulations Governing the Review and Approval of Education Programs in Virginia* will be conducted. The regulations in their entirety will be examined. These regulations will be repealed, and new regulations are to be promulgated.

**Substance**

*Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the "Detail of changes" section.)*

The proposed new regulations are outlined in detail under the "Detail of Changes" section. Substantive elements of the proposed new regulations focus on revision of selected definitions to conform with changes in the proposed new regulations; modifications in administration of the proposed new regulations, including national accreditation for all approved Virginia professional education programs, increased rigor in biennial measures of accountability; addition of new education program endorsement areas in mathematics, engineering and special education, and increased rigor in professional studies requirements for selected education program endorsement areas.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*  
1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*  
2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*  
3) *other pertinent matters of interest to the regulated community, government officials, and the public.*

*If the regulatory action poses no disadvantages to the public or the Commonwealth, please indicate.*

Based on public comment to date, no primary issues have been identified.

**Requirements more restrictive than federal**

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

No applicable federal requirements or no requirements that exceed applicable federal requirements will be proposed in the revised regulations for approved education programs.

**Localities particularly affected**

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

No locality will be particularly affected by the proposed regulation.

**Public participation**

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.*

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

Anyone wishing to submit comments may do so via the Regulatory Town Hall Web site (<http://www.townhall.virginia.gov>), or by mail, e-mail, or fax to Dr. JoAnne Y. Carver, director of teacher education, Virginia Department of Education; P. O. Box 2120; Richmond, Virginia 23218-2120; (phone) 804-371-2475; (fax) 804-530-4510. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight of the last day of the public comment period.

A public hearing will be held after this regulatory stage is published in the *Virginia Register of Regulations* and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>). Both oral and written comments may be submitted at that time.

**Economic impact**

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirements creates the anticipated economic impact.*

<p><b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.</b></p>	<p>The implementation of approved program regulations will have costs for colleges and universities seeking approved programs. Colleges and universities will be responsible for costs associated with accreditation and</p>
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	delivery of programs. Even though there will be administrative costs by the Virginia Department of Education, the proposed change in the accreditation requirement will ease costs for the Commonwealth because the accreditation process by the Virginia Board of Education is proposed to be eliminated.
<b>Projected cost of the <i>new regulations or changes to existing regulations</i> on localities.</b>	Costs to localities should be minimal.
<b>Description of the individuals, businesses or other entities likely to be affected by the <i>new regulations or changes to existing regulations</i>.</b>	Virginia colleges and universities with approved education programs; other entities, such as school divisions in partnering with institutions of higher education; and the Virginia Department of Education
<b>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected.</b> Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	37 colleges and universities; 132 school divisions; no small businesses to be affected
<b>All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</b>	There will be administrative impact as Department of Education personnel will need to prepare the regulations for public comments, prepare and file all documents related to the Administrative Process Act, and ensure that public comments are solicited and addressed. This impact will be absorbed with existing resources.
<b>Beneficial impact the regulation is designed to produce.</b>	It is anticipated that as a result of revisions to these regulations, there will be an increase in the quality of preparation of instructional personnel completing a Virginia education program.

**Alternatives**

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

Input has been received from a variety of audiences in the education community to develop the proposed regulations. The requirements were reviewed and developed. However, no specific alternatives other than promulgating revised regulations have been considered to meet the purpose of this action.

**Regulatory flexibility analysis**

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

No analysis of alternative regulatory methods is required.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
No public comment was submitted to the Town Hall for this regulation.		

**Family impact**

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

The Regulations Governing the Review and Approval of Education Programs in Virginia set forth the requirements for the accreditation and approval of programs to prepare instructional personnel. The review of the regulations will have a positive impact on the family since the

requirements will address the quality preparation of instructional personnel in the Commonwealth.

**Detail of changes**

*Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.*

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

For changes to existing regulation(s), use this chart:

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change, intent, rationale, and likely impact of proposed requirements</b>
8VAC10-542-10. Definitions.		Provides definitions of technical terms that are used in the regulations.	<p>Revises the following definitions: accredited program; biennial accountability measures; biennial report; field experiences; professional education program; and regional accrediting agency.</p> <p>Adds the following definitions: Annual Report Card; education endorsement program; program completers; and program non-completers.</p> <p>Deletes the following definitions: candidates completing a program; candidates exiting a program; distance learning; education program; exceptionalities; full-time faculty; general education; governance; part-time faculty; pedagogical studies; professional education faculty; scholarly activities; and school faculty.</p> <p>[The changes would revise the definitions section of these</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			regulations to align with proposed revisions throughout the <i>Regulations Governing the Review and Approval of Education Programs in Virginia.</i> ]
8VAC20-542-20. Accreditation and administering the regulations.		C. Describes semester hour requirement limitations of professional studies coursework and methodology, excluding field experiences, for any baccalaureate degree program (or equivalent thereof).	Eliminates the professional studies coursework cap.  Professional studies coursework and methodology, including field experiences, required to be designed for completion within a baccalaureate degree program.  [The changes would establish an expectation for approved teacher preparation programs at the undergraduate level.]  Adds the requirement that education programs must ensure that candidates complete training or certification in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators.
8VAC20-542-30. Options for accreditation.	8VAC20-542-30. Application for New Education Endorsement Programs	Professional education programs in Virginia shall obtain and maintain national accreditation from the National Council for the Accreditation of Teacher Education (NCATE) and the Teacher Education Accreditation Council (TEAC), or a process approved by the Board of Education.	Requires professional education program accreditation from the Council for the Accreditation of Educator Preparation (CAEP), including CAEP/ National Council for the Accreditation of Teacher Education and CAEP/ Teacher Education Accreditation Council.  [All professional education programs in Virginia would be required to be accredited by a national organization.]

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			Removes references to Accreditation (applicable text moved to Part II) and establishes the new section, “Application for New Education Endorsement Programs.” Added the process and criteria required for applying for a new education endorsement program.
8VAC20-542-40. Standards for biennial approval of education programs.		Describes evidence of education endorsement program achievement biennially of Board of Education prescribed accountability measures.	<p>Revises the biennial standards for candidate progress and performance on Board of Education licensure assessments.</p> <p>Revises student teaching requirements to stipulate continuous, systematic supervised clinical experiences comprised of early field experiences with a minimum of 10 weeks of full-time student teaching under the supervision of a cooperating teacher with demonstrated effectiveness in the classroom, as indicated by a proficient or exemplary evaluation rating.</p> <p>Expands indicator for evidence of employer job satisfaction with candidates completing the program to require documentation to address teachers’ performance, including student academic progress.</p>
8VAC20-542-50. Application of the standards.		Describes how standards for biennial approval of education endorsement programs will be put into operation.	<p>Revises criteria for ratings for education endorsement programs to include the following:</p> <ul style="list-style-type: none"> <li>- National accreditation of professional education program required as a prerequisite to education endorsement program</li> </ul>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			<p>approval;</p> <ul style="list-style-type: none"> <li>- Description of education endorsement program candidates' biennial passing rate requirement, reported by percentages,</li> <li>- Expanded definitions of program completers and program non-completers;</li> <li>- Expands the description of the "approved with stipulations" rating to more clearly define consequences for education endorsement programs that fall below the 80 percent biennial passing rate for program completers and non-completers;</li> <li>- Expands the description of the "approval denied" rating to more clearly define how this standard is applied.</li> </ul> <p>[The changes would provide clarification to language regarding the application of the standards for biennial approval of education endorsement programs described in this section of the regulations.]</p>
<p>8VAC20-542-60. Standards for Board of Education approved accreditation process.</p>		<p>Describes criteria for professional education programs in Virginia to meet the standards to become accredited through a process approved by the Board of Education.</p>	<p>Deletes "Standards for Board of Education approved accreditation process."</p> <p>[The change would eliminate the option for professional education programs in Virginia to obtain accreditation through a process approved by the Board of Education.]</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			<p>Renames 8VAC20-542-60. Standards for Board of Education approved accreditation process as 8VAC20-542-60. Biennial Accountability Measurement Report and revises the standard of this section to require accredited professional education programs to submit to the Board of Education a Biennial Accountability Measurement Report of specific criteria as noted in 8VAC20-542-40.</p> <p>[This change would increase rigor in the standards to be met for professional education programs to obtain or maintain education endorsement program approval status.]</p>
<p>8VAC20-542-70. Competencies for endorsement areas.</p>		<p>Describes in detail the competencies to be included in education endorsement programs.</p>	<p>Renames 8VAC20-542-70. Competencies for endorsement areas as 8VAC20-542-70. Biennial Accountability Measurement Report.</p> <p>Adds language in 8VAC20-542-70. Biennial Accountability Report to require accredited professional education programs to submit to the Virginia Department of Education an Annual Report Card that includes yearly data on the preparation of professional school personnel. The report card shall be approved by the Board of Education and shall be placed on the Department’s Web site.</p>
<p>8VAC20-542-70 through 600. Competencies</p>		<p>Describes in detail the competencies to be included in all education endorsement programs.</p>	<p>Revises the language to include the following:</p> <ul style="list-style-type: none"> <li>- General and specific</li> </ul>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
for endorsement areas.			<p>competencies and requirements for education endorsement programs;</p> <ul style="list-style-type: none"> <li>- Changes in professional studies requirements for early/primary education, elementary education, and middle education; professional studies requirements for preK-12 endorsements, special education, secondary grades 6-12 endorsements, and adult education to include completion of competencies in the areas of Human Growth and Learning, Curriculum and Instruction, Classroom and Behavior Management, Assessment of and for Learning, The Teaching Profession, Reading, and Supervised Classroom Experience.</li> <li>- Deletes education program endorsements in Career and technical education – industrial cooperative training (add-on endorsement) and Special education - speech-language disorders preK-12.</li> <li>- Adds education program endorsements in Engineering; Special education – general curriculum K-6 (add-on endorsement); Special education – general curriculum middle grades 6-</li> </ul>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
			<p>8 (add-on endorsement);                      Special education – general curriculum secondary education grades 6-12 (add-on endorsement); and                      Mathematics specialist for middle education.</p> <p>[These changes will provide opportunities to increase the pool of qualified personnel in critical shortage teaching areas in Virginia.]</p>

Enter any other statement here