



Virginia
Regulatory
Town Hall

Proposed Regulation
Agency Background Document

Agency Name:	20 - Virginia Department of Education
VAC Chapter Number:	650.
Regulation Title:	Regulations Governing the Determination of Critical Teacher Shortage Areas
Action Title:	Promulgate Permanent Regulations
Date:	November 9, 2001

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

House Bill 1404 of the 2000 General Assembly required the Board of Education to establish criteria for determining critical teacher shortage areas for awarding scholarships with 280 days of the bill's enactment. The bill stipulated the following:

The Board of Education shall establish, in regulation, criteria for determining, biennially, critical teacher shortage areas for awarding scholarships pursuant to this section (§ 22.1-212.2:1 of the Code of Virginia). 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

(Virginia Teaching Scholarship Loan Program) shall be administered by the Board of Education, which shall promulgate such regulations as may be necessary for the implementation of the Program.

Emergency Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program were approved and became effective March 6, 2001. On April 26, the Board of Education approved the NOIRA to promulgate permanent Regulations Governing the Determination of Critical Teacher Shortage Areas.

The Virginia Teaching Scholarship Loan Program was reinstated by the 1995 Session of the Virginia General Assembly. Funding in the amount of \$300,000 was appropriated for each year of the 1996-1998 biennium to provide scholarships as incentives to students preparing to teach in critical teacher shortage areas in Virginia. The funding was continued for the 1998-2000 biennium. The Department of Education has awarded a \$3,000 scholarship to 100 students each year from 1996 to the present.

The 2000 General Assembly Session increased each scholarship to \$3,720 and the overall allocation from \$300,000 to \$558,000 for each year of the 2000-2002 biennium. In addition, sophomore and part-time students became eligible for the scholarship program. An additional \$5,000 was appropriated for the first year of the biennium for the Department of Education to provide outreach materials to promote the Virginia Teaching Scholarship Loan Program at colleges and universities.

Critical shortage areas for Virginia have been determined from information provided by a teacher supply and demand study that was conducted by the Department of Education in 1993. At that time, school divisions reported shortages in all areas of special education (mental retardation, learning disabilities, emotionally disturbed, severe disabilities, speech-language disorders, visual impairments, hearing impairments, and early childhood special education), technology education, chemistry, earth science, physics, and foreign languages. School systems reported a shortage of minority teachers in all categories. Males preparing to teach in elementary and middle grades were included to address the shortage of male role models for young minority males in elementary and middle schools. A survey of instructional personnel conducted in 1998 indicated that mathematics is also a shortage area.

For 199-2000, the Department of Education contracted with the Virginia Tech Center for Survey Research to conduct a statewide survey of instructional personnel. Survey results show that the previously identified areas of shortage continue.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Code of Virginia

§ 22.1-212.2:1. Virginia Teaching Scholarship Loan Program established; purpose; Board of Education to administer program; eligibility requirements for scholarship and awards; collaboration and consultation with State Council of Higher Education; repayment of scholarship required.

C. The Board of Education shall establish, in regulation, criteria for determining, biennially, critical teacher shortage area for awarding scholarships pursuant to this section. The criteria shall include such factors as the needs in teacher endorsement area 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.

House Bill 1404 enacted by the 2000 Session of the Virginia General Assembly required the following:

The Board of Education shall establish, in regulation, criteria for determining, biennially, critical teacher shortage areas for awarding scholarships pursuant to this section (§ 22.1-212.2:1 of the Code of Virginia). 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 (Virginia Teaching Scholarship Loan Program) shall be administered by the Board of Education, which shall promulgate such regulations as may be necessary for the implementation of the Program.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The proposed regulations are intended to replace the Emergency Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program that became effective March 6, 2001. The regulations provide a procedure for determining critical teacher shortage areas. General Assembly funding of the Virginia Teaching Scholarship Loan Program (VTSLP) provides scholarships to prospective teachers enrolled in teacher preparation programs. The intent of the VTSLP is to support teachers who are preparing to teach in critical teacher shortage areas. A process must be in place to identify those critical teacher shortage areas for the awarding of the scholarships. The goal of the regulations is to collect the supply and demand information from school divisions and provide a reasonable and scientific procedure to identify critical teacher shortage areas in Virginia.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

Emergency Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program became Effective March 6, 2001. The purpose of this request is to change the emergency regulations to final regulations. The content of the proposed permanent regulations is as follows:

Regulations Governing the Determination of Critical Teacher Shortage Areas

8 VAC 20-650-10 et. seq.

8VAC20-650-10 Survey of Local School Divisions

Beginning in school year 2001-2002, to obtain the data necessary for establishing critical teacher shortage areas an annual survey of instructional personnel and administrative personnel licensed by the Board of Education shall be conducted as follows:

1. The Department of Education shall be responsible for the administration of the annual survey and shall:
 - a. Distribute to each local school division an annual survey of instructional and administrative personnel for the purpose of determining critical teacher shortages. The Department may distribute the survey through electronic means; and
 - b. Post the results of the survey in a manner that will permit access by local school divisions, approved teacher preparation programs, other state agencies, and 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. To obtain information about the differences in the supply and demand among Virginia school divisions the survey will require, but will not be limited to, the following data:
 - a. Number of teaching positions by subject area;
 - b. 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;
 - c. Number of teachers employed without the appropriate teaching endorsement;
 - d. Number of teachers employed without a regular five-year renewable license for their teaching assignment;
 - e. Number of administrative positions requiring a license from the Board of Education;
 - f. Number of administrative position vacancies for which a school division receives three or fewer qualified candidates (licensed or eligible for a license); and
 - g. Number of teaching position vacancies for which a school division receives three or fewer qualified candidates (licensed or eligible for a license).

1. Utilize the data collected through the biennial survey to establish critical teacher shortage areas as follows:
 - a. Shortages by subject matter will be designated from the top 10 academic disciplines identified as having shortages through the Superintendent's annual survey of school divisions .
 - b. School divisions will be designated as the geographic regions for consideration of shortages in addition to those identified by subject matter. Any teaching or administrative position vacancy for which a school division receives three or fewer qualified candidates (licensed or eligible for a license) may be designated as a critical shortage area.
2. For the purpose of administering the Virginia Teaching Scholarship Loan Program, the proposed revision provides that 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

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

There are advantages to the Regulations Governing the Determination of Critical Teacher Shortage Areas. By conducting an annual survey of instructional personnel and administrative personnel, the Department of Education will have accurate and current information regarding staffing needs in Virginia's public school divisions. This information will be used to determine shortage areas for awarding the VTSLP to provide a financial incentive for students who are preparing to teach in the critical teacher shortage areas. The information will also be communicated to teacher and administrator preparation programs so that programs can be adjusted to help address areas of greatest need.

There are no disadvantages to the public or the Commonwealth in the proposed regulations.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

Unless the Department of Education decides to contract with an outside source to conduct the survey, analyze the results, and issue a final report, there will be little or no fiscal impact on localities or to the state.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

The title of the regulations has been shortened from *Regulations Governing the Determination of Critical Teacher Shortage Areas for Awarding the Virginia Teaching Scholarship Loan Program* to *Regulations Governing the Determination of Critical Teacher Shortage Areas*. The proposed regulations stipulate that a survey of instructional personnel and administrative personnel will be conducted to obtain the data needed to establish critical teacher shortage areas. To provide current data, the Board of Education changed the survey from a biennial to an annual survey. This change appears in the section entitled, Survey of Local School Divisions.

Alternatives

Please describe the specific 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.

The Board of Education is required to determine critical shortage areas of teachers. During the process of establishing emergency regulations, several alternatives to determine critical teacher shortages were discussed. Specific alternatives, included establishing various formulas for determining shortages and identifying teacher shortages only if the majority of school divisions reported shortages in those specific areas. The process outlined in the proposed regulations meets the requirements of the law and is a feasible process to collect the data both regionally and statewide and to determine critical teacher shortages.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

No public comment was received during the NOIRA comment period.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The proposed regulatory language has been reviewed by Department of Education staff, members of the Board of Education, and individuals in the Department of Planning and Budget. Based on these reviews, it has been determined that the regulations are clearly written and easily understood.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The proposed *Regulations Governing the Determination of Critical Teacher Shortage Areas* are new regulations developed in response to the 2000 Virginia General Assembly. The Department of Education reviews regulations on a three-year review cycle.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which 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 Determination of Critical Teacher Shortage Areas* will not hve an impact on the institution of the family and family stability.