



townhall.virginia.gov

Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Education
Virginia Administrative Code (VAC) citation(s)	8VAC20-22-10 et seq.
Regulation title(s)	<i>Licensure Regulations for School Personnel</i>
Action title	Amend the <i>Licensure Regulations for School Personnel</i> to Comply with House Bill 279 of the 2016 Virginia General Assembly
Final agency action date	November 17, 2016
Date this document prepared	November 1, 2016

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

[House Bill 279](#)

The 2016 General Assembly passed House Bill 279 that requires the Board of Education to provide for the issuance of a three-year license to qualified individuals to teach high school career and technical education courses in specific subject areas for no more than 50 percent of the instructional day or year, on average. The language to be added to the regulations was outlined in House Bill 279.

[The bill references adding Section 22.1-299.5 to the *Code of Virginia*; however, the section added to the *Code of Virginia* is [22.1-299.6](#).]

Proposed Text:

8VAC20-22-10. Definitions.

Part I. Definitions

The following words and terms when used in this chapter shall have the following 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.

"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.

"Career and technical education (three-year) license means a nonrenewable license issued for a three-year validity period to individuals to teach high school career and technical education courses in specific subject areas for no more than 50 percent of the instructional day or year, on average, and who meet the specific criteria specified in 8VAC20-22-50. Individuals issued this license shall not be eligible for continuing contract status while teaching under such license. The Board shall report at least triennially to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health on the issuance of these three-year licenses..."

8VAC20-22-50. Types of Licenses; Dating Licenses.

A. 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...

10. Career and Technical Education (Three-Year) License: The Career and Technical Education (Three-Year) License is a nonrenewable license issued for a three-year validity period.

a. The Career and Technical Education (Three-Year) License is available to individuals who have been employed to teach high school career and technical education courses in specific subject areas for no more than 50 percent of the instructional day or year, on average, and who meet the following requirements:

(1) Submits an application in the form prescribed by the Board, that includes a recommendation for such a license from the local school board;

(2) Meets certain basic conditions for licensure as outlined in [8VAC20-22-40](#);

(3) Meets one of the following:

(i) holds, at a minimum, a baccalaureate degree from a regionally accredited institution of higher education and has completed coursework in the career and technical education subject area in which the individual seeks to teach; or

(ii) holds the required professional license in the specific career and technical education subject area in which the individual seeks to teach, where applicable; or

(iii) holds an industry certification credential, as that term is defined in § 22.1-298.1, in the specific career and technical education subject area in which the individual seeks to teach;

(4) Has at least four years of full-time work experience or its equivalent in the specific career and technical education subject area in which the individual seeks to teach; and

(5) Has obtained qualifying scores on the communication and literacy professional teacher's assessment prescribed by the Board.

b. The employing school board shall assign a mentor to supervise an individual issued a three-year license pursuant to this section during the first year of teaching.

c. Except as otherwise provided in subsection d, any individual issued a three-year license pursuant to this section may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board.

a. Any individual issued a three-year license pursuant to this section who completes:

(1) nine semester hours of specialized professional studies credit from a regionally accredited institution of higher education; or (2) an alternative course of professional studies proposed by the local school board and approved by the Department of Education shall be granted a three-year extension of such license by the Board and may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board. Any such specialized professional studies credit or alternative course of professional studies may be completed through distance learning programs and shall include human growth and development; curriculum, instructional, and technology procedures; and classroom and behavior management.

e. No three-year license issued by the Board pursuant to this section shall be deemed a provisional license or a renewable license, as those terms are defined in § 22.1-298.1.

f. Individuals issued a three-year license pursuant to this section shall not be eligible for continuing contract status while teaching under such license and shall be subject to the probationary terms of employment specified in § 22.1-303.

g. The provisions of §22.1-299.6 and of Board regulations governing the denial, suspension, cancellation, revocation, and reinstatement of licensure shall apply to three-year licenses issued pursuant to this section.

h. The Board shall report at least triennially to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health on the issuance of three-year licenses pursuant to this section by high school, local school division, and career and technical education subject area.

B. 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.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

Date of Action (approval of amendments): November 17, 2016
 Name of the Agency: Virginia Board of Education
 Title of the Regulation: *Licensure Regulations for School Personnel*

Family impact

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

The proposed amendments will provide for the issuance of a three-year license to qualified individuals to teach high school career and technical education courses in specific subject areas for no more than 50 percent of the instructional day or year, on average.

Periodic review/small business impact review report of findings

This section may be used to report the results of a periodic review/small business impact review. Otherwise, delete this section.

Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

Commenter	Comment	Agency response

The amendments to the regulations are not the result of a periodic small business impact review and do not affect small businesses.