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**HOUSE BILL NO. 1011**

Offered January 9, 2002

Prefiled January 9, 2002

*A BILL to amend and reenact §§ 2.2-2100, 22.1-253.13:3, 22.1-253.13:5, 22.1-298, and 22.1-299 of the Code of Virginia; to amend the Code of Virginia by adding in Article 2.1 of Chapter 15 of Title 22.1 sections numbered 22.1-305.3 through 22.1-305.7; and to repeal § 22.1-305.2 of the Code of Virginia, relating to regulation of the teaching profession.*

Patrons—Van Yahres, Christian, Crittenden, Darner, Plum and Van Landingham

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-2100, 22.1-253.13:3, 22.1-253.13:5, 22.1-298, and 22.1-299 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2.1 of Chapter 15 of Title 22.1 sections numbered 22.1-305.3 through 22.1-305.7 as follows:**

§ 2.2-2100. Classification of executive branch boards, commissions and councils.

A. Effective July 1, 1986, every collegial body established by law or executive order within the executive branch of state government shall be classified according to its level of authority as follows:

"Advisory" - A board, commission or council shall be classified as advisory when its purpose is to provide advice and comment to an executive branch agency or office. An advisory board, commission or council serves as a formal liaison between the agency or office and the public to ensure that the agency or office understands public concerns and that the activities of the agency or office are communicated to the public. An advisory board, commission or council does not serve a regulatory or rule-making purpose. It may participate in the development of public policy by providing comment and advice.

"Policy" - A board, commission or council shall be classified as policy if it is specifically charged by statute to promulgate public policies or regulations. It may also be charged with adjudicating violations of those policies or regulations. Specific functions of the board, commission or council may include, but are not limited to, rate setting, distributing federal funds, and adjudicating regulatory or statutory violations, but each power shall be enumerated by law. Policy boards, commissions or councils are not responsible for supervising agencies or employing personnel. They may review and comment on agency budget requests.

"Supervisory" - A board, commission, or council shall be classified as supervisory if it is responsible for agency operations including approval of requests for appropriations. A supervisory board, commission, or council appoints the agency director and ensures that the agency director complies with all board and statutory directives. The agency director is subordinate to the board. Notwithstanding the foregoing, the Board of Education and the Virginia Professional Standards Board for Education shall be considered a supervisory board.

B. Each executive branch board, commission or council shall be assigned only one of the above classifications. The classification for boards and councils that are created by law shall be designated by the enabling legislation. The classification for commissions that are created by executive order shall be designated by the executive order.

§ 22.1-253.13:3. (Effective until July 1, 2003) Standard 3. Accreditation, other standards and evaluation.

A. The General Assembly recognizes the need for the Board of Education to prescribe requirements to ensure that student progress is measured and that school boards and school personnel are accountable.

B. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, pupil personnel services, special education program standards, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements which shall include Standards of Learning testing, as necessary;

2. Establish the requirements for a standard or advanced studies high school diploma that shall

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59 include one credit in fine, performing, or practical arts and one credit in United States and Virginia  
60 history. The requirements for a standard high school diploma may include a concentration of courses  
61 selected from a variety of options that may be planned to ensure the completion of a focused sequence  
62 of elective courses, leading to further education or preparation for employment developed by the school  
63 division consistent with Board of Education guidelines and as approved by the local school board;

64 3. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or  
65 advanced studies diploma, that students completing elective classes into which the Standards of Learning  
66 for any required course have been integrated may take the relevant Standards of Learning test for the  
67 relevant required course and receive, upon achieving a satisfactory score on the specific Standards of  
68 Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the  
69 Board's requirement for verified credit for the required course;

70 4. Establish a procedure to facilitate the acceleration of students that allows qualified students, with  
71 the recommendation of the division superintendent, without completing the 140-hour class, to obtain  
72 credit for such class upon demonstration of mastery of the course content and objectives. Having  
73 received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning  
74 assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall  
75 preclude relevant school division personnel from enforcing compulsory attendance in public schools; and

76 5. Authorize, as an elective in grades nine through twelve with appropriate credits toward graduation,  
77 a comparative religion class that focuses on the basic tenets, history, and religious observances and rites  
78 of world religions.

79 In the exercise of its authority to recognize exemplary academic performance by providing for  
80 diploma seals, the Board shall establish by July 1, 2000, criteria for awarding a diploma seal for  
81 advanced mathematics and technology for the standard and advanced studies diplomas. The Board shall  
82 consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral  
83 communication skills; (iii) technology-related practical arts training; and (iv) industry, professional, and  
84 trade association national certifications.

85 The Board shall include in the student outcome measures which are required by the Standards for  
86 Accreditation, end-of-course or end-of-grade tests for various grade levels and classes, as determined by  
87 the Board, in accordance with the Standards of Learning. These Standards of Learning assessments shall  
88 include, but need not be limited to, end-of-course or end-of-grade tests for English, mathematics,  
89 science, and social studies.

90 In revising the standards for accreditation, the Board shall seek to set pupil/teacher ratios for  
91 educable mentally retarded (EMR) pupils that do not exceed the pupil/teacher ratios for self-contained  
92 classes for pupils with specific learning disabilities. The Board shall review annually the accreditation  
93 status of all schools in the Commonwealth.

94 The Board's regulations on accrediting schools shall include in the minimum staffing requirements,  
95 according to the type of school and student enrollment, requirements for employment of (a) principals in  
96 elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle  
97 schools, one full-time, to be employed on a twelve-month basis; principals in high schools, one  
98 full-time, to be employed on a twelve-month basis; (b) assistant principals in elementary schools, one  
99 half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one  
100 full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students;  
101 (c) librarians in elementary schools, one part-time to 299 students, one full-time at 300 students;  
102 librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time  
103 at 1000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students,  
104 two full-time at 1000 students; (d) guidance counselors in middle schools, one period per 80 students,  
105 one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance  
106 counselors in high schools, one period per 70 students, one full-time at 350 students, one additional  
107 period per 70 students or major fraction thereof; (e) clerical personnel in elementary schools, part-time  
108 to 299 students, one full-time at 300 students; clerical personnel in middle schools, one full-time and  
109 one additional full-time for each 600 students beyond 200 students and one full-time for the library at  
110 750 students; clerical personnel in high schools, one full-time and one additional full-time for each 600  
111 students beyond 200 students and one full-time for the library at 750 students; and (f) reading specialists  
112 in elementary schools, one full-time in each elementary school at the discretion of the local school  
113 board. A combined school, such as kindergarten through twelve, shall meet at all grade levels the  
114 staffing requirements for the highest grade level in that school; this requirement shall apply to all staff,  
115 except for guidance counselors, and shall be based on the school's total enrollment; guidance counselor  
116 staff requirements shall, however, be based on the enrollment at the various school organization levels,  
117 i.e., middle or high school. The Board of Education may grant waivers from these staffing levels upon  
118 request from local school boards seeking to implement experimental or innovative programs that are not  
119 consistent with these staffing levels.

120 C. The ~~Board~~ Virginia Professional Standards Board for Education shall ~~also~~ establish requirements

for licensure of teachers, ~~principals, supervisors and other professional staff~~ *education personnel currently licensed as support personnel, except division superintendents, principals, and supervisors. The Board of Education shall establish licensure requirements for principals and supervisors and shall determine eligibility for appointment as a local division superintendent.*

D. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. One year following the approval by the Board of such criteria, the Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

The Department of Education shall conduct technical assistance visits for local school divisions. Schools accredited with a warning shall be given priority for such assistance, which shall include an analysis of relevant school data and the development and implementation of improvement plans to assist such schools in improving their accreditation status.

E. In order to assess the educational progress of students, the Board of Education shall also (i) develop appropriate assessments, which may include criterion-referenced tests and alternative assessment instruments which may be used by classroom teachers; (ii) prescribe and provide measures, which may include nationally normed tests, to be designated as the Virginia State Assessment Program, which shall be used to identify students who score in the bottom quartile at selected grade levels; and (iii) prescribe and provide literacy tests in reading, writing and mathematics which shall be administered to students in grade six and to students who have not successfully passed them in grades seven and eight. The Board of Education is authorized to pursue all available civil remedies for breaches in test security. Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. Each local school board shall maintain schools that meet 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. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the criteria for determining effectiveness as approved by the Board.

G. Each local school board shall also provide teachers and principals with (i) periodic in-service training in preparing tests and other assessment measures and (ii) methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives.

H. In order to assess the educational progress of students as individuals and as groups, each local school board shall require the administration of appropriate assessments, which may include criterion-referenced tests, teacher-made tests and alternative assessment instruments and shall include the Virginia State Assessment Program, the Virginia State Literacy Testing Program, the Standards of Learning Assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Virginia State Assessment Program, the Standards of Learning Assessments, and the Virginia State Literacy Testing Program to the public.

I. To assist school divisions in implementing those programs and practices that will enhance pupil

academic performance and improve family and community involvement in the public schools, and from such funds as may be appropriated for such purpose, there shall be established within the Department of Education a unit to conduct evaluative studies and to provide the resources and technical assistance to increase the capacity of school divisions to deliver quality instruction. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than seventy percent passing rate on (i) all three Literacy Passport tests by students taking these tests for the first time or (ii) the Standards of Learning assessment tests.

§ 22.1-253.13:3. (Effective July 1, 2003) Standard 3. Accreditation, other standards and evaluation.

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B. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, pupil personnel services, special education program standards, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

In establishing course and credit requirements for a high school diploma, the Board shall:

1. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation credit requirements which shall include Standards of Learning testing, as necessary;

2. Establish the requirements for a standard or advanced studies high school diploma that shall include one credit in fine, performing, or practical arts and one credit in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least two sequential electives and may include a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses, leading to further education or preparation for employment developed by the school division consistent with Board of Education guidelines and as approved by the local school board;

3. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing elective classes into which the Standards of Learning for any required course have been integrated may take the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course;

4. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools; and

5. Authorize, as an elective in grades nine through twelve with appropriate credits toward graduation, a comparative religion class that focuses on the basic tenets, history, and religious observances and rites of world religions.

In the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, the Board shall establish by July 1, 2000, criteria for awarding a diploma seal for advanced mathematics and technology for the standard and advanced studies diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related practical arts training; and (iv) industry, professional, and trade association national certifications.

The Board shall include in the student outcome measures which are required by the Standards for Accreditation, end-of-course or end-of-grade tests for various grade levels and classes, as determined by the Board, in accordance with the Standards of Learning. These Standards of Learning assessments shall include, but need not be limited to, end-of-course or end-of-grade tests for English, mathematics, science, and social studies.

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educable mentally retarded (EMR) pupils that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities. The Board shall review annually the accreditation status of all schools in the Commonwealth.

The Board's regulations on accrediting schools shall include in the minimum staffing requirements, according to the type of school and student enrollment, requirements for employment of (a) principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a twelve-month basis; principals in high schools, one full-time, to be employed on a twelve-month basis; (b) assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; (c) librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1000 students; (d) guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof; (e) clerical personnel in elementary schools, part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools, one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools, one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; and (f) reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board. A combined school, such as kindergarten through twelve, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., middle or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

C. The ~~Board~~ *Virginia Professional Standards Board for Education* shall ~~also~~ establish requirements for licensure of teachers, ~~principals, supervisors~~ and other professional ~~staff~~ *education personnel currently licensed as support personnel, except division superintendents, principals, and supervisors. The Board of Education shall establish licensure requirements for principals and supervisors and shall determine eligibility for appointment as a local division superintendent.*

D. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. One year following the approval by the Board of such criteria, the Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

The Department of Education shall conduct technical assistance visits for local school divisions. Schools accredited with a warning shall be given priority for such assistance, which shall include an analysis of relevant school data and the development and implementation of improvement plans to assist such schools in improving their accreditation status.

E. In order to assess the educational progress of students, the Board of Education shall also (i) develop appropriate assessments, which may include criterion-referenced tests and alternative assessment instruments which may be used by classroom teachers and (ii) prescribe and provide measures, which may include nationally normed tests, to be designated as the Virginia State Assessment Program, which shall be used to identify students who score in the bottom quartile at selected grade levels. The Board of Education is authorized to pursue all available civil remedies for breaches in test security.

305 Notwithstanding any other provision of state law, no test or examination authorized by this section,  
306 including the Standards of Learning assessments, shall be released or required to be released as  
307 minimum competency tests, if, in the judgment of the Board, such release would breach the security of  
308 such test or examination or deplete the bank of questions necessary to construct future secure tests.

309 With such funds as may be appropriated, the Board of Education may provide, through an agreement  
310 with vendors having the technical capacity and expertise to provide computerized tests and assessments,  
311 and test construction, analysis, and security, for (i) web-based computerized tests and assessments for the  
312 evaluation of student progress during and after remediation and (ii) the development of a remediation  
313 item bank directly related to the Standards of Learning.

314 F. Each local school board shall maintain schools that meet the standards of accreditation as  
315 prescribed by the Board of Education. The accreditation status of all schools in each local school  
316 division shall be reviewed annually in public session. Within the time specified by the Board of  
317 Education, each school board shall submit corrective action plans for any schools within its school  
318 division that have been designated as not meeting the criteria for determining effectiveness as approved  
319 by the Board.

320 G. Each local school board shall also provide teachers and principals with (i) periodic in-service  
321 training in preparing tests and other assessment measures and (ii) methods for assessing the progress of  
322 individual students, including Standards of Learning assessment materials or other criterion-referenced  
323 tests that match locally developed objectives.

324 H. In order to assess the educational progress of students as individuals and as groups, each local  
325 school board shall require the administration of appropriate assessments, which may include  
326 criterion-referenced tests, teacher-made tests and alternative assessment instruments and shall include the  
327 Virginia State Assessment Program, the Virginia State Literacy Testing Program, the Standards of  
328 Learning Assessments, and the National Assessment of Educational Progress state-by-state assessment.  
329 Each school board shall analyze and report annually, in compliance with any criteria that may be  
330 established by the Board of Education, the results from the Virginia State Assessment Program and the  
331 Standards of Learning Assessments to the public.

332 I. To assist school divisions in implementing those programs and practices that will enhance pupil  
333 academic performance and improve family and community involvement in the public schools, and from  
334 such funds as may be appropriated for such purpose, there shall be established within the Department of  
335 Education a unit to conduct evaluative studies and to provide the resources and technical assistance to  
336 increase the capacity of school divisions to deliver quality instruction. Such unit shall identify and  
337 analyze effective instructional programs and practices and professional development initiatives; evaluate  
338 the success of programs encouraging parental and family involvement; assess changes in student  
339 outcomes prompted by family involvement; and collect and disseminate among school divisions  
340 information regarding effective instructional programs and practices, initiatives promoting family and  
341 community involvement, and potential funding and support sources. Such unit may also provide  
342 resources supporting professional development for administrators and teachers. In providing such  
343 information, resources, and other services to school divisions, the unit shall give priority to those  
344 divisions demonstrating a less than seventy percent passing rate on (i) all three Literacy Passport tests  
345 by students taking these tests for the first time or (ii) the Standards of Learning assessment tests.

346 § 22.1-253.13:5. Standard 5. Training and professional development.

347 A. The General Assembly, ~~and~~ the Board of Education, *and the Virginia Professional Standards*  
348 *Board for Education* find that programs of professional development and training and appropriate  
349 teacher performance evaluations are essential for effective educational leadership and personnel and the  
350 advancement of public education in the Commonwealth.

351 B. Each member of the Board of Education shall participate in in-service programs on personnel,  
352 curriculum and current issues in education as part of his service on the Board.

353 C. Consistent with the finding that leadership is essential for the advancement of public education in  
354 the Commonwealth, the Board of Education shall develop leadership standards for superintendents and  
355 principals, which standards shall include training in the implementation of the Standards of Learning and  
356 training in the evaluation and documentation of teacher and administrator performance based on student  
357 academic progress and the skills and knowledge of instructional personnel.

358 D. The Board of Education *and the Virginia Professional Standards Board for Education, as*  
359 *appropriate*, shall sponsor, conduct or provide advice on (i) training and professional development of  
360 teachers, principals, supervisors, division superintendents and other school staff; (ii) training for all  
361 administrative and supervisory personnel in the evaluation and documentation of teacher and  
362 administrator performance based on student academic progress and the skills and knowledge of such  
363 instructional or administrative personnel; (iii) in-service programs for school board members on  
364 personnel, curriculum and current issues in education; and (iv) in cooperation with the Virginia  
365 Department for the Blind and Vision Impaired, in-service programs in Braille for teachers of the blind  
366 and visually impaired.

The Board and the Virginia Professional Standards Board for Education shall also provide technical assistance on professional development to local school boards designed to ensure that all instructional personnel are proficient in the use of educational technology consistent with its Six-Year Educational Technology Plan for Virginia.

E. Each local school board shall require (i) its members to participate annually in in-service programs on personnel, curriculum and current issues in education as part of their service on the local board and (ii) require the division superintendent to participate annually in professional development activities at the local, state or national levels.

F. Each local school board shall provide (i) a program of professional development, as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students and handicapped students and to increase student achievement, (ii) a program of professional development in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula, and (iii) a program of professional development for administrative personnel designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and administrator performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel.

§ 22.1-298. Regulations governing licensure.

A. The Board of Education Virginia Professional Standards Board for Education shall, by regulation, prescribe the requirements for licensure of teachers. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education Virginia Professional Standards Board for Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

B. Such regulations shall include a requirement that:

1. Every teacher seeking initial licensure take a professional teacher's examination prescribed by the Professional Standards Board;

2. Persons seeking licensure on and after July 1, 2000, complete study in attention deficit disorder and gifted education, including the use of multiple criteria to identify gifted students;

3. Persons seeking initial licensure on and after July 1, 2002, complete study in, among other things, (i) methods of improving communication between schools and families; (ii) ways of increasing family involvement in student learning at home and in school; and (iii) the Standards of Learning;

4. Persons seeking licensure with endorsements as teachers of the blind and visually impaired on and after July 1, 2000, demonstrate proficiency in reading and writing Braille;

5. Persons seeking initial licensure on and after July 1, 2003, complete study 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;

6. Persons seeking licensure renewal on and after July 1, 2004, receive training 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

7. On and after July 1, 2003, persons seeking initial licensure or license renewal as teachers demonstrate proficiency in the use of educational technology for instruction.

C. Notwithstanding any provision of law to the contrary, the Professional Standards 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.

D. The Board's Board of Education's licensure regulations shall also require that licensure for superintendents and principals, on and after July 1, 2000, be contingent upon acquiring the skills established in the Board's Board of Education's leadership standards.

E. Persons seeking initial licensure who graduate from Virginia institutions of higher education shall, on and after July 1, 2002, only be licensed as instructional personnel by the Professional Standards Board of Education if the endorsement areas offered at such institutions have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Professional Standards Board of Education.

F. The Professional Standards Board shall prescribe a professional teacher's examination for administration by Virginia's public institutions of higher education as provided in § 23-9.2:3.4 to persons seeking entry into teacher education programs in such public institutions and shall establish a minimum passing score for such examination. The examination shall be sufficiently rigorous and the minimum score set as necessary to ensure that candidates have adequate academic and professional preparation to teach.

Candidates who fail to achieve the minimum score established by the Professional Standards Board shall not be denied entrance into the relevant teacher education programs solely on the basis of such

428 failure and shall have the opportunity to address any deficiencies if enrolled in such program. Before  
429 completing any approved teacher education program, candidates must achieve the minimum score on the  
430 test prescribed by the *Professional Standards Board*.

431 The *Professional Standards Board of Education*, in consultation with the State Council of Higher  
432 Education, shall develop guidelines for performance reports to be submitted by the public institutions of  
433 higher education pursuant to § 23-9.2:3.4. Such reports shall include annual data on the pass rates, by  
434 institution, of graduates of Virginia's institutions of higher education taking the state licensure  
435 examination and shall not include any information identifying individual graduates.

436 G. The *Professional Standards Board's* licensure regulations shall also provide for licensure by  
437 reciprocity with comparable endorsement areas for those individuals holding a valid out-of-state teaching  
438 license and national certification from the National Board for Professional Teaching Standards or a  
439 nationally recognized certification program approved by the *Professional Standards Board of Education*.  
440 The application for such individuals shall require evidence of such valid licensure and national  
441 certification and shall not require official student transcripts.

442 H. Notwithstanding the provisions of this section and the *Professional Standards Board's* authority to  
443 license teachers, local school boards shall be authorized to issue valid three-year local eligibility licenses  
444 pursuant to § 22.1-299.3.

445 I. Upon the expiration of a three-year local eligibility license, the holder of such license shall be  
446 eligible, as appropriate for the degree issued to such person, for a collegiate professional license or a  
447 postgraduate professional license to be issued by the Department of Education upon satisfaction of the  
448 following conditions: (i) recommendation by the division superintendent and the school board for such  
449 licensure; (ii) the completion of three successful years of teaching experience while holding a valid  
450 three-year local eligibility license as certified by the division superintendent and school board; (iii)  
451 achieving a satisfactory score on the professional teacher's examinations required by the *Professional*  
452 *Standards Board*; and (iv) such standards as may be prescribed by the *Professional Standards Board of*  
453 *Education*.

454 § 22.1-299. License required of teachers.

455 No teacher shall be regularly employed by a school board or paid from public funds unless such  
456 teacher holds a license or provisional license issued by the *Professional Standards Board of Education*  
457 or a three-year local eligibility license issued by a local school board pursuant to § 22.1-299.3. In  
458 accordance with regulations prescribed by the *Professional Standards Board*, a person not meeting the  
459 requirements for a license or provisional license may be employed and paid from public funds by a  
460 school board temporarily as a substitute teacher to meet an emergency.

#### 461 Article 2.1.

#### 462 The Advisory Board on Teacher Education and Licensure.

#### 463 Virginia Professional Standards Board for Education.

464 § 22.1-305.3. Virginia Professional Standards Board for Education established; membership; terms of  
465 office; meetings.

466 A. There is hereby established the Virginia Professional Standards Board for Education, hereinafter  
467 referred to as "the Professional Standards Board" or the "Board." The Professional Standards Board  
468 shall, by regulation, prescribe requirements for licensure of teachers and other professional education  
469 personnel. The Division of Teacher Education and Licensure of the Department of Education, its  
470 personnel, furniture, equipment, space, and materials shall be transferred to the Professional Standards  
471 Board. The Professional Standards Board shall be furnished adequate space and quarters in the suite of  
472 offices of the Department of Education in which the Professional Standards Board's main office shall be  
473 located.

474 B. The Professional Standards Board shall consist of nineteen members to be appointed by the  
475 Governor as follows: seven members shall be public school classroom teachers, with at least the  
476 following representation: two elementary school teachers, two middle school teachers, and two high  
477 school teachers. Two members shall be faculty members in teacher preparation programs in public or  
478 private institutions of higher education who may represent the arts and sciences. The remaining ten  
479 members shall be citizens at large. Five members shall be parents of school-aged children attending a  
480 public school in Virginia who are not employed as public school teachers, one of whom shall be a  
481 member of a public school board, one of whom shall be a public school division superintendent, one of  
482 whom shall be a public school personnel administrator, and two who are representative of the business  
483 community. Of the members who are classroom teachers, one shall be a teacher of special education  
484 and one shall be a teacher of vocational education. The Superintendent of Public Instruction, the  
485 Director of the State Council of Higher Education, and the Chancellor of the Virginia Community  
486 College System, or their respective designees, shall serve as nonvoting, ex officio members of the Board.  
487 The Chairman of the Board shall be elected by the members.

488 The members of the Board shall be appointed for three-year terms. The incumbent members of the  
489 Advisory Board for Teacher Education and Licensure serving on July 1, 2002, shall be appointed to



serve as initial members of the Professional Standards Board for the duration of the terms for which they were originally appointed, with the exception of the incumbent principal, administrator, and division superintendent members, whose terms shall end July 1, 2002. Upon the expiration of the terms of the remaining incumbent members, the members appointed to replace them shall serve for three-year terms. No person may be appointed to serve for more than two consecutive terms. Those serving as incumbent members on July 1, 2002, shall be eligible to be reappointed to serve for one additional term. Members shall hold office after expiration of their terms until their successors are duly appointed.

C. The Board shall meet five times per year or upon the request of its chairman or upon the request of a majority of the members of the Board. The Board shall annually elect a chairman from its membership. The members of the Board shall serve without compensation; however, members shall be reimbursed for necessary expenses incurred.

§ 22.1-305.4. Nominations.

Nominations may be made for the members of the Board from a list submitted to the Governor by the Virginia Education Association, the Virginia Federation of Teachers, the Virginia School Boards Association, and the Virginia Congress of Parents and Teachers. In no case shall the Governor be bound to make any appointment from among the nominees of the respective associations. The Governor may notify the association, which may make nominations, of any professional vacancy other than by expiration among the members of the Board representing the particular profession or group, and like nominations may be made for the filling of the vacancy.

§ 22.1-305.5. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To establish the qualifications for licensure of teachers and other professional education personnel in accordance with the applicable laws that are necessary to ensure competence and integrity to engage in the profession;

2. To examine or cause to be examined applicants for licensure;

3. To license qualified applicants as teachers and other professional education personnel;

4. To establish schedules for renewals of licensure;

5. To levy and collect fees for application processing, examination, licensure and renewal;

6. To adopt standards for preparation programs for teachers and other professional education personnel;

7. To conduct research, on a continuous basis, related to such issues as, but not limited to, licensure, renewal, qualifications, teacher preparation, and supply and demand;

8. To revoke, suspend, restrict or refuse to issue or renew a license for violations of applicable laws or regulations;

9. To enter into agreements with the professional teaching standards boards, regardless of the name of such board, of other states for reciprocal approval of teacher preparation programs;

10. To license by endorsement individuals holding certificates or licenses as teachers or other professional education personnel issued by other states when the requirements for such certificates or licenses are substantially the same as those adopted by the Board; and

11. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) that are reasonable and necessary to administer the regulatory system for licensure of teachers and other professional education personnel.

§ 22.1-305.6. Appointment of executive director; staff support; advisory committees.

There shall be an executive director of the Board who shall be appointed by the Board. The Board is authorized, subject to the provisions of § 2.2 -2812 and those of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, to employ such staff as may be necessary to enable it to perform its duties.

The Board is also authorized to appoint such advisory committees as it deems necessary to assist it with its duties.

§ 22.1-305.7. Other professional education personnel defined.

For the purposes of this article, "other professional education personnel" means those persons currently licensed by the Board of Education as support personnel, except for division superintendents, principals, and supervisors. The Board shall not as a condition of licensure require any act, omission, or conduct that would conflict with § 40.1-57.2 or § 40.1-58 of the Code of Virginia.

2. That § 22.1-305.2 of the Code of Virginia is repealed.