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SENATE BILL NO. 145

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on March 1, 2004)

(Patron Prior to Substitute—Senator Cuccinelli)

A BILL to amend and reenact § 22.1-298 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-307.1, relating to teacher licensure and dismissal.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-298 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 22.1-307.1 as follows:

§ 22.1-298. Regulations governing licensure.

A. The Board of 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 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 requirements that:

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

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; and

8. On and after July 1, 2004, persons seeking initial licensure as teachers and persons seeking licensure renewal as teachers for the first time after such date complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes.

C. Notwithstanding any provision of law to the contrary, the 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 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 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 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 Board of Education.

F. The 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 Board shall not be denied entrance into the relevant teacher education programs solely on the basis of such failure and shall have the opportunity to address any deficiencies if enrolled in such program. Before completing any approved teacher education program, candidates must achieve the minimum score on the test prescribed by the Board.

The Board of Education, in consultation with the State Council of Higher Education, shall develop

60 guidelines for performance reports to be submitted by the public institutions of higher education
61 pursuant to § 23-9.2:3.4. Such reports shall include annual data on the pass rates, by institution, of
62 graduates of Virginia's institutions of higher education taking the state licensure examination and shall
63 not include any information identifying individual graduates.

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

70 H. Notwithstanding the provisions of this section and the Board's authority to license teachers, local
71 school boards shall be authorized to issue valid three-year local eligibility licenses pursuant to
72 § 22.1-299.3.

73 I. Upon the expiration of a three-year local eligibility license, the holder of such license shall be
74 eligible, as appropriate for the degree issued to such person, for a collegiate professional license or a
75 postgraduate professional license to be issued by the Department of Education upon satisfaction of the
76 following conditions: (i) recommendation by the division superintendent and the school board for such
77 licensure; (ii) the completion of three successful years of teaching experience while holding a valid
78 three-year local eligibility license as certified by the division superintendent and school board; (iii)
79 achieving a satisfactory score on the professional teacher's examinations required by the Board; and (iv)
80 such standards as may be prescribed by the Board of Education.

81 J. As used in this section and the Board of Education's regulations for the licensure of school
82 personnel:

83 "Accredited institution" means an institution of higher education accredited by a national or regional
84 accrediting agency recognized by the United States Department of Education, or by a state approval
85 process.

86 K. *The Board's licensure regulations shall also provide for Board action to suspend or revoke a*
87 *teacher's license when (i) a hearing requested by the teacher has been held by the local school board*
88 *and has resulted in a dismissal of the teacher and a subsequent determination by the local school board*
89 *to recommend to the Board the suspension or revocation of the teacher's license; or (ii) a teacher has*
90 *resigned without requesting a hearing and the local school board has recommended to the Board*
91 *suspension or revocation of the teacher's license.*

92 *In each such instance, the local school board shall submit the record of such teacher and a record*
93 *of any dismissal proceedings to the Board as provided in § 22.1-307.1.*

94 *Local school boards shall not be required to conduct a separate hearing for recommendations of*
95 *suspension or revocation.*

96 *§ 22.1 -307.1. Dismissals and recommendations regarding licensure; submission of record.*

97 *Upon the (i) dismissal of any teacher or the (ii) resignation of a teacher who has not requested a*
98 *dismissal hearing, and for whom the local school board has determined to recommend to the Board of*
99 *Education license suspension or revocation, the local school board shall submit the record of such*
100 *teacher and a record of any dismissal proceedings to the Board of Education.*

101 *This section shall not be construed to require a local school board to conduct a separate hearing*
102 *regarding a recommendation of license suspension or revocation.*