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HOUSE BILL NO. 275

Offered January 11, 2006

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A BILL to amend and reenact §§ 22.1-84, 22.1-298, 23-31, and 23-38.93 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 22.1-290.2, and to repeal §§ 22.1-290.1 and 23-8.2:1 of the Code of Virginia, relating to teacher education.

Patrons—Poisson and Ware, R.L.

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-84, 22.1-298, 23-31, and 23-38.93 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-290.2 as follows:

§ 22.1-84. Insurance.

A school board may provide for insurance on school properties against loss by fire and against such other losses as it deems necessary and may provide liability insurance, or may provide self-insurance, for certain or all of its officers and employees and for ~~student teachers~~ *teacher interns* and other persons performing functions or services for any school in the school division, even though any such ~~student teacher~~ *teacher intern* or other person performs such functions or services without payment therefor, to cover the costs and expenses incident to liability, including those for settlement, suit or satisfaction of judgment, arising from their conduct in discharging their duties or in performing functions or services for a school. The liability insurance coverage shall be placed with insurance companies authorized to do business in this Commonwealth.

§ 22.1-290.2. *Teacher training; teacher internship program.*

A. In lieu of student teacher or clinical faculty programs administered by institutions of higher education in cooperation with public elementary and secondary schools, the Board of Education shall develop and implement a teacher internship program (the Program) to provide all graduates of an accredited degree-granting institution seeking licensure in Virginia with training in a classroom under the supervision of an experienced teacher. The Board shall promulgate necessary and appropriate regulations for the administration of the program.

B. The Program shall require that all graduates of a degree-granting institution seeking licensure in Virginia complete a one-year paid internship at a public elementary or secondary school in the Commonwealth. At the completion of such internship, the principal of the school in which the internship was completed, in consultation with the applicant for licensure's supervising teacher, shall evaluate the applicant's performance in the course of the internship and determine whether such applicant shall be certified for licensure by the Department of Education. Upon certification by a principal to the Department that an applicant has successfully completed the internship program, the Board shall issue the applicant a license if he has satisfied all other requirements for licensure by the Board.

C. The principal of each school in the Commonwealth shall select teachers to serve as supervising teachers in the Program. Teachers shall be selected on the basis of their years of teaching experience and their proven ability as effective teachers.

§ 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

59 tailored to promote student academic progress and effective preparation for the Standards of Learning
60 end-of-course and end-of-grade assessments;

61 6. Persons seeking licensure renewal on and after July 1, 2004, receive training in instructional
62 methods tailored to promote student academic progress and effective preparation for the Standards of
63 Learning end-of-course and end-of-grade assessments;

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

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

71 9. *All persons seeking licensure obtain a degree in any branch of liberal arts, science, mathematics,*
72 *social studies, or other specific subject area, but not including degrees in pedagogy.*

73 C. Notwithstanding any provision of law to the contrary, the Board may provide for the issuance of a
74 provisional license, valid for a period not to exceed three years, to any person who does not meet the
75 requirements of this section or any other requirement for licensure imposed by law.

76 D. The Board's licensure regulations shall also establish criteria and a procedure to allow persons
77 seeking initial licensure as teachers through an alternative route as defined in Board regulations to
78 substitute experiential learning in lieu of coursework.

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

82 In addition, the Board's licensure regulations shall also require that, on and after July 1, 2005, initial
83 licensure for principals and other school leaders, as may be determined by the Board, be contingent
84 upon passage of the School Leader's Licensure Assessment.

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

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

94 Candidates who fail to achieve the minimum score established by the Board shall not be denied
95 entrance into the relevant teacher education programs solely on the basis of such failure and shall have
96 the opportunity to address any deficiencies if enrolled in such program.

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

102 H. The Board's licensure regulations shall also provide for licensure by reciprocity:

103 1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching
104 license and national certification from the National Board for Professional Teaching Standards or a
105 nationally recognized certification program approved by the Board of Education. The application for
106 such individuals shall require evidence of such valid licensure and national certification and shall not
107 require official student transcripts; and

108 2. For individuals who have obtained a valid out-of-state license that is in force at the time the
109 application for a Virginia license is made. The individual must establish a file in the Department of
110 Education by submitting a complete application packet, which shall include official student transcripts. A
111 professional teacher's assessment for the purpose set forth in subsection G of this section and service
112 requirements shall not be imposed for these licensed individuals.

113 I. Notwithstanding the provisions of this section and the Board's authority to license teachers, local
114 school boards shall be authorized to issue valid three-year local eligibility licenses pursuant to
115 § 22.1-299.3.

116 J. Upon the expiration of a three-year local eligibility license, the holder of such license shall be
117 eligible, as appropriate for the degree issued to such person, for a collegiate professional license or a
118 postgraduate professional license to be issued by the Department of Education upon satisfaction of the
119 following conditions: (i) recommendation by the division superintendent and the school board for such
120 licensure; (ii) the completion of three successful years of teaching experience while holding a valid

three-year local eligibility license as certified by the division superintendent and school board; (iii) achieving a satisfactory score on the professional teacher's examinations required by the Board; and (iv) such standards as may be prescribed by the Board of Education.

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

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

§ 23-31. Unfunded scholarships.

A. The corporate authorities of the University of Virginia, the University of Virginia's College at Wise, Virginia Military Institute, Virginia Polytechnic Institute and State University, The College of William and Mary, Christopher Newport University, George Mason University, Longwood University, the University of Mary Washington, James Madison University, Virginia Commonwealth University, Radford University, Old Dominion University, the Virginia Community College System, Virginia State University, Norfolk State University, and Richard Bland College may establish scholarships, hereafter to be designated as unfunded scholarships, in their respective institutions under such regulations and conditions as they may prescribe, but subject to the following limitations and restrictions:

1. All such scholarships shall be applied exclusively to the remission, in whole or in part, of tuition and required fees.

2. The respective corporate authorities shall determine the number of such scholarships annually awarded to undergraduate Virginia and non-Virginia students.

The total value of all such scholarships annually awarded by an institution to undergraduate Virginia students shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by 20 percent of the enrollment of Virginia students in undergraduate studies in the institution during the preceding academic year. The total value of all such scholarships annually awarded by an institution to non-Virginia undergraduate students shall not exceed in any year the amount of the applicable, per capita out-of-state differential paid by non-Virginia undergraduate students for tuition and required fees multiplied by 20 percent of the enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year.

All such scholarships awarded to undergraduate students shall be awarded only to undergraduate students in the first four years of undergraduate work and shall be awarded and renewed on a selective basis to students of character and ability who are in need of financial assistance. For purposes of determining need under this section, a nationally recognized needs-analysis system approved by the State Council of Higher Education shall be used.

3. The respective corporate authorities shall determine the number of such scholarships annually awarded to graduate students ~~or teachers serving as clinical faculty pursuant to § 22.1-290.1~~. The total value of all such scholarships annually awarded to such graduate students ~~and clinical faculty~~ shall not exceed in any year the amount arrived at by multiplying the applicable figure for graduate tuition and required fees by the number of graduate students who are employed as teaching or research assistants with significant academic responsibilities and who are paid a stipend of at least \$2,000 in the particular academic year ~~and such clinical faculty~~. All graduate scholarships shall be awarded and renewed on a selective basis to such graduate students ~~and clinical faculty~~ of character and ability.

4. A scholarship awarded under this program shall entitle the holder to the following award, as appropriate:

a. A Virginia undergraduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

b. A non-Virginia undergraduate student may receive an annual remission not to exceed the amount of the out-of-state differential required to be paid by the student for tuition and fees;

c. A qualified graduate student may receive an annual remission of an amount not to exceed the cost of tuition and fees required to be paid by the student;

d. ~~A clinical faculty member may receive an award as determined by the governing body of the institution.~~

5. Notwithstanding the limitations on the awards of unfunded scholarships to undergraduate students pursuant to subdivision A 4 of this section, an institution may award additional unfunded scholarships to visiting foreign exchange students; however, the number of such awards in any fiscal year shall not exceed one quarter of one percent of the total institutional headcount enrollment.

B. No institution named herein shall remit any tuition or required fees or any special fees or charges to any student at such institution except as authorized in this section. Each institution named herein shall make a report to the State Council of Higher Education, upon request, showing the number and value of scholarships awarded under this section according to each student classification.

C. Nothing in this section shall be construed to prevent or limit in any way the admission of certain

182 students, known as state cadets, at the Virginia Military Institute or to affect the remission of tuition or
183 required fees or other charges to such state cadets as permitted under existing law.

184 D. Nothing in this section shall be construed to affect or limit in any way the control of the
185 governing bodies of the respective institutions over any other scholarships; or over any gifts or
186 donations made to such institutions for scholarships or other special purposes; or over any funds
187 provided by the federal government or otherwise for the purpose of career and technical education or
188 vocational rehabilitation in this Commonwealth; or over any funds derived from endowment or
189 appropriations from the federal government for instruction in agriculture and mechanic arts in land grant
190 colleges.

191 E. Nothing in this section shall be construed to prevent the governing bodies of the respective
192 institutions from fixing a reasonably lower tuition charge for Virginia students than for non-Virginia
193 students.

194 F. Nothing in this section or any other provision of law shall prohibit the awarding of 10 full tuition
195 unfunded scholarships each year by Old Dominion University under the terms and conditions provided
196 for in a deed conveying certain property in Norfolk known as the Old Larchmont School made July 5,
197 1930, between the City of Norfolk and The College of William and Mary.

198 § 23-38.93. Educational policies of the Commonwealth; other requirements.

199 A. For purposes of §§ 2.2-5004, 23-1.01, 23-1.1, 23-2, 23-2.1, 23-2.1:1, 23-3, 23-4.2, 23-4.3, 23-4.4,
200 23-7.1:02, 23-7.4, 23-7.4:1, 23-7.4:2, 23-7.4:3, 23-7.5, ~~23-8.2:1~~, 23-9.1, 23-9.2, 23-9.2:3, 23-9.2:3.03,
201 23-9.2:3.1 through 23-9.2:5, 23-9.6:1.01, and Chapter 4.9 (§ 23-38.75 et seq.), each covered institution
202 shall remain a public institution of higher education of the Commonwealth following its conversion to a
203 covered institution governed by this chapter, and shall retain the authority granted and any obligations
204 required by such provisions. In addition, each covered institution shall retain the authority, and any
205 obligations related to the exercise of such authority, that is granted to institutions of higher education
206 pursuant to Chapter 1.1 (§ 23-9.3 et seq.); Chapter 3 (§ 23-14 et seq.); Chapter 3.2 (§ 23-30.23 et seq.);
207 Chapter 3.3 (§ 23-30.39 et seq.); Chapter 4 (§ 23-31 et seq.); Chapter 4.01 (§ 23-38.10:2 et seq.);
208 Chapter 4.1 (§ 23-38.11 et seq.); Chapter 4.4 (§ 23-38.45 et seq.); Chapter 4.4:1 (§ 23-38.53:1 et seq.);
209 Chapter 4.4:2 (§ 23-38.53:4 et seq.); Chapter 4.4:3 (§ 23-38.53:11); Chapter 4.4:4 (§ 23-38.53:12 et
210 seq.); Chapter 4.5 (§ 23-38.54 et seq.); Chapter 4.7 (§ 23-38.70 et seq.); Chapter 4.8 (§ 23-38.72 et seq.);
211 and Chapter 4.9 (§ 23-38.75 et seq.).

212 B. State government-owned or operated and state-owned teaching hospitals that are a part of a
213 covered institution as of the institution's effective date of the initial Management Agreement shall
214 continue to be characterized as state government-owned or operated and state-owned teaching hospitals
215 for purposes of payments under the State Plan for Medicaid Services adopted pursuant to § 32.1-325 et
216 seq., provided that the covered institution commits to serve indigent and medically indigent patients, in
217 which event the Commonwealth, through the Department of Medical Assistance Services, shall, subject
218 to the appropriation in the appropriation act in effect, continue to reimburse the full cost of the provision
219 of care, treatment, health-related and educational services to indigent and medically indigent patients and
220 continue to treat hospitals that were part of a covered institution and that were Type One Hospitals prior
221 to the institution's effective date of the initial Management Agreement as Type One Hospitals for
222 purposes of such reimbursement.

223 2. That §§ 22.1-290.1 and 23-8.2:1 of the Code of Virginia are repealed.