

18103312D

**HOUSE BILL NO. 320**

Offered January 10, 2018

Prefiled January 4, 2018

*A BILL to amend and reenact §§ 22.1-253.13:1 and 22.1-298.1 of the Code of Virginia, relating to teacher licensure; prerequisites.*

---

Patron—Ward

---

Referred to Committee on Education

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

**1. That §§ 22.1-253.13:1 and 22.1-298.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.**

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall

INTRODUCED

HB320

59 facilitate the submission of recommendations by educators.

60 School boards shall implement the Standards of Learning or objectives specifically designed for their  
61 school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to  
62 achieve the educational objectives established by the school division at appropriate age or grade levels.  
63 The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

64 The Board of Education shall include in the Standards of Learning for history and social science the  
65 study of contributions to society of diverse people. For the purposes of this subsection, "diverse"  
66 includes consideration of disability, ethnicity, race, and gender.

67 The Board of Education shall include in the Standards of Learning for health instruction in  
68 emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator,  
69 including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such  
70 instruction shall be based on the current national evidence-based emergency cardiovascular care  
71 guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a  
72 program developed by the American Heart Association or the American Red Cross. No teacher who is  
73 in compliance with subdivision D § 3 of § 22.1-298.1 shall be required to be certified as a trainer of  
74 cardiopulmonary resuscitation to provide instruction for non-certification.

75 With such funds as are made available for this purpose, the Board shall regularly review and revise  
76 the competencies for career and technical education programs to require the full integration of English,  
77 mathematics, science, and history and social science Standards of Learning. Career and technical  
78 education programs shall be aligned with industry and professional standard certifications, where they  
79 exist.

80 C. Local school boards shall develop and implement a program of instruction for grades K through  
81 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of  
82 Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts  
83 and computations, proficiency in the use of computers and related technology, computer science and  
84 computational thinking, including computer coding, and scientific concepts and processes; essential skills  
85 and concepts of citizenship, including knowledge of Virginia history and world and United States  
86 history, economics, government, foreign languages, international cultures, health and physical education,  
87 environmental issues, and geography necessary for responsible participation in American society and in  
88 the international community; fine arts, which may include, but need not be limited to, music and art,  
89 and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or  
90 training in a career or technical field; and development of the ability to apply such skills and knowledge  
91 in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

92 Local school boards shall also develop and implement programs of prevention, intervention, or  
93 remediation for students who are educationally at risk including, but not limited to, those who fail to  
94 achieve a passing score on any Standards of Learning assessment in grades three through eight or who  
95 fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include  
96 components that are research-based.

97 Any student who achieves a passing score on one or more, but not all, of the Standards of Learning  
98 assessments for the relevant grade level in grades three through eight may be required to attend a  
99 remediation program.

100 Any student who fails to achieve a passing score on all of the Standards of Learning assessments for  
101 the relevant grade level in grades three through eight or who fails an end-of-course test required for the  
102 award of a verified unit of credit shall be required to attend a remediation program or to participate in  
103 another form of remediation. Division superintendents shall require such students to take special  
104 programs of prevention, intervention, or remediation, which may include attendance in public summer  
105 school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

106 Remediation programs shall include, when applicable, a procedure for early identification of students  
107 who are at risk of failing the Standards of Learning assessments in grades three through eight or who  
108 fail an end-of-course test required for the award of a verified unit of credit. Such programs may also  
109 include summer school for all elementary and middle school grades and for all high school academic  
110 courses, as defined by regulations promulgated by the Board of Education, or other forms of  
111 remediation. Summer school remediation programs or other forms of remediation shall be chosen by the  
112 division superintendent to be appropriate to the academic needs of the student. Students who are  
113 required to attend such summer school programs or to participate in another form of remediation shall  
114 not be charged tuition by the school division.

115 The requirement for remediation may, however, be satisfied by the student's attendance in a program  
116 of prevention, intervention or remediation that has been selected by his parent, in consultation with the  
117 division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii)  
118 a special program that has been determined to be comparable to the required public school remediation  
119 program by the division superintendent. The costs of such private school remediation program or other  
120 special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, career and technical education programs, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems

182 and provision of instructional strategies and reading and mathematics practices that benefit the  
183 development of reading and mathematics skills for all students.

184 Local school divisions shall provide reading intervention services to students in kindergarten through  
185 grade three who demonstrate deficiencies based on their individual performance on the Standards of  
186 Learning reading test or any reading diagnostic test that meets criteria established by the Department of  
187 Education. Local school divisions shall report the results of the diagnostic tests to the Department of  
188 Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction.  
189 Each student who receives early intervention reading services will be assessed again at the end of that  
190 school year. The local school division, in its discretion, shall provide such reading intervention services  
191 prior to promoting a student from grade three to grade four. Reading intervention services may include  
192 the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified  
193 teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher  
194 provides direct instruction to the students who need extra assistance; and extended instructional time in  
195 the school day or school year for these students. Funds appropriated for prevention, intervention, and  
196 remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the  
197 requirements of this subdivision.

198 Local school divisions shall provide algebra readiness intervention services to students in grades six  
199 through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their  
200 individual performance on any diagnostic test that has been approved by the Department of Education.  
201 Local school divisions shall report the results of the diagnostic tests to the Department of Education on  
202 an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student  
203 who receives algebra readiness intervention services will be assessed again at the end of that school  
204 year. Funds appropriated for prevention, intervention, and remediation; summer school remediation;  
205 at-risk; or algebra readiness intervention services may be used to meet the requirements of this  
206 subdivision.

207 14. Incorporation of art, music, and physical education as a part of the instructional program at the  
208 elementary school level.

209 15. (Applicable to school years before the 2018-2019 school year) A program of physical fitness  
210 available to all students with a goal of at least 150 minutes per week on average during the regular  
211 school year. Such program may include any combination of (i) physical education classes, (ii)  
212 extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local  
213 school board. Each local school board shall incorporate into its local wellness policy a goal for the  
214 implementation of such program during the regular school year.

215 15. (Applicable beginning with the 2018-2019 school year) A program of physical activity available  
216 to all students in grades kindergarten through five consisting of at least 20 minutes per day or an  
217 average of 100 minutes per week during the regular school year and available to all students in grades  
218 six through 12 with a goal of at least 150 minutes per week on average during the regular school year.  
219 Such program may include any combination of (i) physical education classes, (ii) extracurricular  
220 athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local  
221 school board. Each local school board shall implement such program during the regular school year.

222 16. A program of student services for kindergarten through grade 12 that shall be designed to aid  
223 students in their educational, social, and career development.

224 17. The collection and analysis of data and the use of the results to evaluate and make decisions  
225 about the instructional program.

226 18. A program of instruction in the high school Virginia and U.S. Government course on all  
227 information and concepts contained in the civics portion of the U.S. Naturalization Test.

228 E. From such funds as may be appropriated or otherwise received for such purpose, there shall be  
229 established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the  
230 resources and technical assistance to increase the capacity for school divisions to deliver quality  
231 instruction; and (iii) assist school divisions in implementing those programs and practices that will  
232 enhance pupil academic performance and improve family and community involvement in the public  
233 schools. Such unit shall identify and analyze effective instructional programs and practices and  
234 professional development initiatives; evaluate the success of programs encouraging parental and family  
235 involvement; assess changes in student outcomes prompted by family involvement; and collect and  
236 disseminate among school divisions information regarding effective instructional programs and practices,  
237 initiatives promoting family and community involvement, and potential funding and support sources.  
238 Such unit may also provide resources supporting professional development for administrators and  
239 teachers. In providing such information, resources, and other services to school divisions, the unit shall  
240 give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of  
241 Learning assessments.

242 F. Each local school board may enter into agreements for postsecondary credential, certification, or  
243 license attainment with comprehensive community colleges or other public institutions of higher

education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.

**§ 22.1-298.1. Regulations governing licensure.**

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure and procedures for the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (i) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (ii) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (iii) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. 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.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;
2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have

not completed such study shall 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;

3. Every person seeking initial licensure or renewal of a license shall receive professional development 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;

4. 2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

5. 3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

6. 4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

7. 5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

8. 6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia; and

9. 7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse.

E. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 1, 3, 2, 4, or 6, or 8.

F. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

G. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

H. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 7 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.

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

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

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals. Other licensing assessments, as prescribed by the Board of Education, shall be

367 required, but any such individual shall be exempt from any professional teacher's assessment  
368 requirements, subject to the approval of the division superintendent or the school board in the school  
369 division in which such individual is employed; and  
370 3. The Board may include other provisions for reciprocity in its regulations.

**INTRODUCED**

HB320