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SENATE BILL NO. 1397

Senate Amendments in [] - January 21, 2019

A BILL to amend and reenact §§ 22.1-298.1, 22.1-298.2, and 23.1-902 of the Code of Virginia, relating to teacher licensure; criteria; assessments.

Patrons Prior to Engrossment—Senators Peake, Locke and McClellan

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-298.1, 22.1-298.2, and 23.1-902 of the Code of Virginia are amended and reenacted as follows:

§ 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, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for 10 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 10-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 Demonstrate proficiency in the relevant content area, communication, literacy, and other

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59 *core skills for educators by achieving a qualifying score on professional assessments [or meeting*
60 *alternative evaluation standards] as prescribed by the Board of Education [or meeting alternative*
61 *evaluation standards as set forth in subsection F] ;*

62 2. Complete study in attention deficit disorder;

63 3. Complete study in gifted education, including the use of multiple criteria to identify gifted
64 students; and

65 4. Complete study in methods of improving communication between schools and families and ways
66 of increasing family involvement in student learning at home and at school.

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

68 1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have
69 not completed such study shall complete study in child abuse recognition and intervention in accordance
70 with curriculum guidelines developed by the Board of Education in consultation with the Department of
71 Social Services that are relevant to the specific teacher licensure routes;

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

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

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

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

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

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

100 E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in
101 subdivision D 1, 3, or 6 as a condition of such licensure, but each such teacher shall complete each such
102 requirement during the first year of provisional licensure.

103 F. *The Board shall issue a license to an individual seeking initial licensure who has not completed*
104 *professional assessments as prescribed by the Board, if such individual (i) holds a provisional license*
105 *that will expire within three months; (ii) is employed by a school board; (iii) is recommended for*
106 *licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score*
107 *on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of*
108 *proficient or above on the performance standards for each year of the provisional license, and such*
109 *evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance*
110 *Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all*
111 *other requirements for initial licensure.*

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

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

118 I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential
119 learning for coursework for those persons seeking initial licensure through an alternate route as defined
120 in Board regulations. Such alternate routes shall include eligibility for any individual to receive,

121 notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public
122 high schools in the Commonwealth if he has:

123 1. Received a graduate degree from a regionally accredited institution of higher education;

124 2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally
125 accredited institution of higher education;

126 3. Received qualifying scores on the professional teacher's assessments prescribed by the Board,
127 including the communication and literacy assessment and the content-area assessment for the
128 endorsement sought; and

129 4. Met the requirements set forth in subdivisions D 1 and 3.

130 ~~F. J.~~ Notwithstanding any provision of law to the contrary, the Board (i) may provide for the
131 issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D
132 5 or to any person who does not meet the requirements of this section or any other requirement for
133 licensure imposed by law and (ii) shall provide for the issuance of a provisional license, valid for a
134 period not to exceed three years, to any former member of the Armed Forces of the United States or the
135 Virginia National Guard who has received an honorable discharge and has the appropriate level of
136 experience or training but does not meet the requirements for a renewable license.

137 ~~J. K.~~ The Board's licensure regulations shall also provide for licensure by reciprocity:

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

143 2. For any spouse of an active duty member of the Armed Forces of the United States or the
144 Commonwealth who has obtained a valid out-of-state license, with full credentials and without
145 deficiencies, that is in force at the time the application for a Virginia license is received by the
146 Department of Education. Each such individual shall establish a file in the Department of Education by
147 submitting a complete application packet, which shall include official student transcripts. No service
148 requirements or licensing assessments shall be required for any such individual; and

149 3. For individuals who have obtained a valid out-of-state license, with full credentials and without
150 deficiencies, that is in force at the time the application for a Virginia license is received by the
151 Department of Education. Each such individual shall establish a file in the Department of Education by
152 submitting a complete application packet, which shall include official student transcripts. No service
153 requirements or licensing assessments shall be required for any such individual.

154 ~~K. L.~~ The Board shall include in its regulations an alternate route to licensure for elementary
155 education preK-6 and an alternate route to licensure for special education general curriculum K-12. Each
156 such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content
157 area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative
158 certification program that provides training in the pedagogy and methodology of the respective content
159 or special education areas prescribed by the Board. The curriculum of any such alternative certification
160 program shall be approved by the Board. Nothing in this subsection shall preclude the Board from
161 establishing other alternate routes to licensure.

162 ~~L. M.~~ The Board, in its regulations providing for licensure by reciprocity established pursuant to
163 subsection J, shall permit applicants to submit third-party employment verification forms.

164 **§ 22.1-298.2. Regulations governing education preparation programs.**

165 A. As used in this section:

166 "Assessment of basic skills" means an assessment prescribed by the Board of Education that an
167 individual must take prior to admission into an approved education preparation program, as prescribed
168 by the Board of Education in its regulations.

169 "Education, "education preparation program" includes four-year bachelor's degree programs in teacher
170 education.

171 B. Education preparation programs shall meet the requirements for accreditation and program
172 approval as prescribed by the Board of Education in its regulations.

173 C. The Board of Education regulations shall provide for education preparation programs offered by
174 institutions of higher education, Virginia public school divisions, and certified providers for alternate
175 routes to licensure.

176 D. The Board shall prescribe an assessment of basic skills for individuals seeking entry into an
177 approved education preparation program and shall establish a minimum passing score for such
178 assessment. The Board also may prescribe other requirements for admission to Virginia's approved
179 education preparation programs in its regulations.

180 E. The Board shall establish accountability measures for approved education programs. Data shall be
181 submitted to the Board on not less than a biennial basis.

182 § 23.1-902. Education preparation programs offered by institutions of higher education.

183 A. Education preparation programs offered by public institutions of higher education and private
184 institutions of higher education shall meet the requirements for accreditation and program approval as
185 prescribed by the Board of Education in its regulations.

186 B. ~~As provided in § 22.1-298.2, the Board of Education shall prescribe an assessment of basic skills~~
187 ~~for individuals seeking entry into an approved education preparation program and shall establish a~~
188 ~~minimum passing score for such assessment.~~ The Board of Education may prescribe in its regulations
189 ~~other~~ requirements for admission to approved education preparation programs in the Commonwealth.

190 C. Any candidate who fails to achieve the minimum score established by the Board of Education
191 may be denied entrance into an education preparation program on the basis of such failure, but any such
192 candidate who gains entrance and enrolls in an education preparation program shall have the opportunity
193 to address all deficiencies.