

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 22.1-298.1 and 22.1-304 of the Code of Virginia, relating to Board of*
 3 *Education; teacher licensure; written reprimand; suspension.*

4 [H 1344]

5 Approved

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

7 **1. That §§ 22.1-298.1 and 22.1-304 of the Code of Virginia are amended and reenacted as follows:**
 8 **§ 22.1-298.1. Regulations governing licensure.**

9 A. As used in this section:

10 "Alternate route to licensure" means a nontraditional route to teacher licensure available to
 11 individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or
 12 regulations issued by the Board of Education.

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

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

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

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

27 "Renewable license" means a license issued by the Board of Education for 10 years to an individual
 28 who meets the requirements specified in the Board of Education's regulations.

29 B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of
 30 teachers and other school personnel required to hold a license. Such regulations shall include procedures
 31 for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written
 32 reprimand of license holders *on grounds established by the Board, in accordance with law*, notice of
 33 which shall be made by the Superintendent of Public Instruction to division superintendents or their
 34 designated representatives; and (iii) the immediate and thorough investigation by the division
 35 superintendent or his designee of any complaint alleging that a license holder has engaged in conduct
 36 that may form the basis for the revocation of his license. At a minimum, such procedures for
 37 investigations contained in such regulations shall require (a) the division superintendent to petition for
 38 the revocation of the license upon completing such investigation and finding that there is reasonable
 39 cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a
 40 license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of
 41 the mailing of a copy of the petition to the license holder, unless the license holder requests the
 42 cancellation of his license in accordance with Board regulations; and (c) the school board to provide a
 43 copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction
 44 at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person
 45 for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and,
 46 in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all
 47 rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the
 48 authority of any other agency of the Commonwealth to approve educational programs, only the Board of
 49 Education shall have the authority to license teachers to be regularly employed by school boards,
 50 including those teachers employed to provide nursing education.

51 The Board of Education shall prescribe by regulation the licensure requirements for teachers who
 52 teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching
 53 online courses. Teachers who hold a 10-year renewable license issued by the Board of Education may
 54 teach online courses for which they are properly endorsed.

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

57 1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills
58 for educators by achieving a qualifying score on professional assessments or meeting alternative
59 evaluation standards as prescribed by the Board;

60 2. Complete study in attention deficit disorder;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

118 in Board regulations. Such alternate routes shall include eligibility for any individual to receive,
119 notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public
120 high schools in the Commonwealth if he has:

- 121 1. Received a graduate degree from a regionally accredited institution of higher education;
- 122 2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally
123 accredited institution of higher education;
- 124 3. Received qualifying scores on the professional teacher's assessments prescribed by the Board,
125 including the communication and literacy assessment and the content-area assessment for the
126 endorsement sought; and
- 127 4. Met the requirements set forth in subdivisions D 1 and 3.

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

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

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

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

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

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

160 M. The Board, in its regulations providing for licensure by reciprocity established pursuant to
161 subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii)
162 grant special consideration to individuals who have successfully completed a program offered by a
163 provider that is accredited by the Council for the Accreditation of Educator Preparation.

164 N. The Board shall develop guidelines that establish a process to permit a school board or any
165 organization sponsored by a school board to petition the Board for approval of an alternate route to
166 licensure that may be used to meet the requirements for a provisional or renewable license or any
167 endorsement. Any such alternate route may include alternatives to the regulatory requirements for
168 teacher preparation, including alternative professional assessments and coursework. The petitioner may
169 proffer or the Board may impose conditions in conjunction with the approval of such petition.

170 **§ 22.1-304. Reemployment of teacher who has not achieved continuing contract status; effect of**
171 **continuing contract; resignation of teacher; reduction in number of teachers.**

172 A. If a teacher who has not achieved continuing contract status receives notice of reemployment, he
173 must accept or reject in writing within 15 days of receipt of such notice. Except as provided in
174 § 22.1-305 and except in the case of a reduction in force as provided in subsection F, written notice of
175 nonrenewal of the probationary contract must be given by the school board on or before June 15 of each
176 year. If no such notice is given a teacher by June 15, the teacher shall be entitled to a contract for the
177 ensuing year in accordance with local salary stipulations including increments.

178 B. Teachers employed after completing the probationary period shall be entitled to continuing

179 contracts during good behavior and competent service. Written notice of noncontinuation of the contract
180 by either party must be given by June 15 of each year; otherwise the contract continues in effect for the
181 ensuing year in conformity with local salary stipulations including increments.

182 C. A teacher may resign after June 15 of any school year with the approval of the local school board
183 or, upon authorization by the school board, with the approval of the division superintendent. The teacher
184 shall request release from contract at least two weeks in advance of intended date of resignation. Such
185 request shall be in writing and shall set forth the cause of resignation.

186 If the division superintendent has been authorized to approve resignations, a teacher may, within one
187 week, withdraw a request to resign. Upon the expiration of the one-week period, the division
188 superintendent shall notify the school board of his decision to accept or reject the resignation. The
189 school board, within two weeks, may reverse the decision of the division superintendent.

190 In the event that the board or the division superintendent declines to grant the request for release on
191 the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary
192 action, which may include written reprimand, *suspension*, or revocation of the teacher's license, may be
193 taken pursuant to regulations prescribed by the Board of Education.

194 D. As soon after June 15 as the school budget shall have been approved by the appropriating body,
195 the school board shall furnish each teacher a statement confirming continuation of employment, setting
196 forth assignment and salary.

197 Nothing in the continuing contract shall be construed to authorize the school board to contract for
198 any financial obligation beyond the period for which funds have been made available with which to
199 meet such obligation.

200 E. A school board may reduce the number of teachers, whether or not such teachers have reached
201 continuing contract status, because of decrease in enrollment or abolition of particular subjects.

202 F. Within two weeks of the approval of the school budget by the appropriating body, but no later
203 than July 1, school boards shall notify all teachers who may be subject to a reduction in force due to a
204 decrease in the school board's budget as approved by the appropriating body.

205 G. If a school board implements a reduction in workforce pursuant to this section, such reduction
206 shall not be made solely on the basis of seniority but must include consideration of, among other things,
207 the performance evaluations of the teachers potentially affected by the reduction in workforce.