

23102791D

HOUSE BILL NO. 1550

Offered January 11, 2023

Prefiled January 5, 2023

A BILL to amend and reenact §§ 22.1-298.1, as it is currently effective and as it shall become effective, 22.1-307, and 63.2-1526 of the Code of Virginia, relating to child abuse or neglect; findings of local department of social services; appeal.

Patrons—Campbell, J.L.; Senator: Surovell

Referred to Committee for Courts of Justice**Be it enacted by the General Assembly of Virginia:**

1. That §§ 22.1-298.1, as it is currently effective and as it shall become effective, 22.1-307, and 63.2-1526 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-298.1. (For Expiration Date, see 2022 Acts cc. 549, 550, cl. 2) 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 guidelines developed pursuant to subsection N or 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 procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders on grounds established by the Board, in accordance with law, notice of which shall be made by the Superintendent of Public Instruction to division superintendents or their designated representatives; and (iii) 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 (a) 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; (b) 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 (c) 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

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59 teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching
60 online courses. Teachers who hold a 10-year renewable license issued by the Board of Education may
61 teach online courses for which they are properly endorsed.

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

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

67 2. Complete study in attention deficit disorder;

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

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

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

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

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

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

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

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

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

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

104 8. Every person seeking initial licensure as a teacher who has not received the instruction described
105 in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and
106 supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with
107 regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the
108 need for the use of physical restraint and seclusion;

109 9. Every person seeking initial licensure or renewal of a license shall complete instruction or training
110 in cultural competency;

111 10. Every person seeking initial licensure or renewal of a license with an endorsement in history and
112 social sciences shall complete instruction in African American history, as prescribed by the Board; and

113 11. Every person seeking renewal of a license as a teacher shall complete training in the instruction
114 of students with disabilities that includes (i) differentiating instruction for students depending on their
115 needs; (ii) understanding the role of general education teachers on the individualized education program
116 team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv)
117 understanding the goals and benefits of inclusive education for all students.

118 E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in
119 subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each
120 such requirement during the first year of provisional licensure.

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

G. 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 2, 4, or 6.

H. 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.

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

1. Received a graduate degree from a regionally accredited institution of higher education;
2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;

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

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

J. 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 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law; (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; and (iii) may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who has held within the last five years a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license if the individual's license or certification to teach has been evaluated and verified by an entity approved by the Department.

K. 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 any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has 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. Each such individual shall establish a file in the Department by submitting a complete application packet, which shall include official student transcripts and an official copy of the military permanent assignment orders of the individual's spouse. No service requirements or licensing assessments shall be required for any such individual. The Department shall determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet; and

3. 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. Each such individual shall establish a file in the Department by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

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

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

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

200 **§ 22.1-298.1. (For Effective Date, see 2022 Acts cc. 549, 550, cl. 2) Regulations governing**
201 **licensure.**

202 A. As used in this section:

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204 individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or
205 regulations issued by the Board of Education.

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207 earned by successfully completing a Board of Education-approved industry certification examination,
208 being issued a professional license in the Commonwealth, or successfully completing an occupational
209 competency examination.

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

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

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

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

222 B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of
223 teachers and other school personnel required to hold a license. Such regulations shall include procedures
224 for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written
225 reprimand of license holders on grounds established by the Board, in accordance with law, notice of
226 which shall be made by the Superintendent of Public Instruction to division superintendents or their
227 designated representatives; and (iii) the immediate and thorough investigation by the division
228 superintendent or his designee of any complaint alleging that a license holder has engaged in conduct
229 that may form the basis for the revocation of his license. At a minimum, such procedures for
230 investigations contained in such regulations shall require (a) the division superintendent to petition for
231 the revocation of the license upon completing such investigation and finding that there is reasonable
232 cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a
233 license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of
234 the mailing of a copy of the petition to the license holder, unless the license holder requests the
235 cancellation of his license in accordance with Board regulations; and (c) the school board to provide a
236 copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction
237 at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person
238 for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and,
239 in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all
240 rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the
241 authority of any other agency of the Commonwealth to approve educational programs, only the Board of
242 Education shall have the authority to license teachers to be regularly employed by school boards,
243 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. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board. The literacy assessment for any individual seeking initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction;

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 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;

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;

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;

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;

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;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department, 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;

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;

8. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion;

9. Every person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency;

10. Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, as prescribed by the Board;

11. Every person seeking renewal of a license as a teacher shall complete training in the instruction

305 of students with disabilities that includes (i) differentiating instruction for students depending on their
306 needs; (ii) understanding the role of general education teachers on the individualized education program
307 team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv)
308 understanding the goals and benefits of inclusive education for all students; and

309 12. Every person seeking initial licensure with an endorsement in early/primary education preschool
310 through grade three, elementary education preschool through grade six, special education general
311 curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through
312 grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading
313 specialist shall complete study in science-based reading research and evidence-based literacy instruction.

314 E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in
315 subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each
316 such requirement during the first year of provisional licensure.

317 F. The Board shall issue a license to an individual seeking initial licensure who has not completed
318 professional assessments as prescribed by the Board, if such individual (i) holds a provisional license
319 that will expire within three months or, at the discretion of the school board and division superintendent,
320 within six months if the individual has received a satisfactory mid-year performance review in the
321 current school year; (ii) is employed by a school board; (iii) is recommended for licensure by the
322 division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the
323 professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient
324 or above on the performance standards for each year of the provisional license, and such evaluation was
325 conducted in a manner consistent with the Guidelines for Uniform Performance Standards and
326 Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements
327 for initial licensure.

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

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

334 I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential
335 learning for coursework for those persons seeking initial licensure through an alternate route as defined
336 in Board regulations. Such alternate routes shall include eligibility for any individual to receive,
337 notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public
338 high schools in the Commonwealth if he has:

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

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

342 3. Received qualifying scores on the professional teacher's assessments prescribed by the Board,
343 including the communication and literacy assessment and the content-area assessment for the
344 endorsement sought. The literacy assessment for any individual seeking initial licensure through an
345 alternate route with an endorsement in early/primary education preschool through grade three, elementary
346 education preschool through grade six, special education general curriculum kindergarten through grade
347 12, special education deaf and hard of hearing preschool through grade 12, or special education
348 blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a
349 rigorous test of science-based reading research and evidence-based literacy instruction; and

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

351 J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance
352 of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to
353 any person who does not meet the requirements of this section or any other requirement for licensure
354 imposed by law; (ii) shall provide for the issuance of a provisional license, valid for a period not to
355 exceed three years, to any former member of the Armed Forces of the United States or the Virginia
356 National Guard who has received an honorable discharge and has the appropriate level of experience or
357 training but does not meet the requirements for a renewable license; and (iii) may provide for the
358 issuance of a provisional license, valid for a period not to exceed three years, to any individual who has
359 held within the last five years a valid and officially issued and recognized license or certification to
360 teach issued by an entity outside of the United States but does not meet the requirements for a
361 renewable license if the individual's license or certification to teach has been evaluated and verified by
362 an entity approved by the Department.

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

364 1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching
365 license and national certification from the National Board for Professional Teaching Standards or a
366 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 any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has 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. Each such individual shall establish a file in the Department by submitting a complete application packet, which shall include official student transcripts and an official copy of the military permanent assignment orders of the individual's spouse. No service requirements or licensing assessments shall be required for any such individual. The Department shall determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet; and

3. 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. Each such individual shall establish a file in the Department by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

L. The Board shall include in its regulations an alternate route to licensure for elementary education preschool through grade six and an alternate route to licensure for special education general curriculum kindergarten through grade 12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

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

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

§ 22.1-307. Dismissal of teacher; grounds.

Teachers may be dismissed for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to § 63.2-1505, and after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. The fact of such finding, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the school board.

§ 63.2-1526. Appeals of certain actions of local departments.

A. A person who is suspected of or is found to have committed abuse or neglect may, within 30 days of being notified of that determination, request the local department rendering such determination to amend the determination and the local department's related records. Upon written request, the local department shall provide the appellant all information used in making its determination. Disclosure of the reporter's name or information which may endanger the well-being of a child shall not be released. The identity of a collateral witness or any other person shall not be released if disclosure may endanger his life or safety. Information prohibited from being disclosed by state or federal law or regulation shall not be released. The local department shall hold an informal conference or consultation where such person, who may be represented by counsel, shall be entitled to informally present testimony of witnesses, documents, factual data, arguments or other submissions of proof to the local department. With the exception of the local director, no person whose regular duties include substantial involvement with child abuse and neglect cases shall preside over the informal conference. If the local department refuses the request for amendment or fails to act within 45 days after receiving such request, the person may, within 30 days thereafter, petition the Commissioner, who shall grant a hearing to determine whether it appears, by a preponderance of the evidence, that the determination or record contains

428 information which is irrelevant or inaccurate regarding the commission of abuse or neglect by the person
429 who is the subject of the determination or record and therefore shall be amended. A person who is the
430 subject of a report who requests an amendment to the record, as provided above, has the right to obtain
431 an extension for an additional specified period of up to 60 days by requesting in writing that the 45
432 days in which the local department must act be extended. The extension period, which may be up to 60
433 days, shall begin at the end of the 45 days in which the local department must act. When there is an
434 extension period, the 30-day period to request an administrative hearing shall begin on the termination
435 of the extension period.

436 B. The Commissioner shall designate and authorize one or more members of his staff to conduct
437 such hearings. The decision of any staff member so designated and authorized shall have the same force
438 and effect as if the Commissioner had made the decision. The hearing officer shall have the authority to
439 issue subpoenas for the production of documents and the appearance of witnesses. The hearing officer is
440 authorized to determine the number of depositions that will be allowed and to administer oaths or
441 affirmations to all parties and witnesses who plan to testify at the hearing. The Board shall adopt
442 regulations necessary for the conduct of such hearings. Such regulations shall include provisions stating
443 that the person who is the subject of the report has the right (i) to submit oral or written testimony or
444 documents in support of himself and (ii) to be informed of the procedure by which information will be
445 made available or withheld from him. In case of any information withheld, such person shall be advised
446 of the general nature of such information and the reasons, for reasons of privacy or otherwise, that it is
447 being withheld. Upon giving reasonable notice, either party at his own expense may depose a nonparty
448 and submit such deposition at the hearing pursuant to Board regulation. Upon good cause shown, after a
449 party's written motion, the hearing officer may issue subpoenas for the production of documents or to
450 compel the attendance of witnesses at the hearing, except that alleged child victims of the person and
451 their siblings shall not be subpoenaed, deposed or required to testify. The person who is the subject of
452 the report may be represented by counsel at the hearing. Upon petition, the court shall have the power
453 to enforce any subpoena that is not complied with or to review any refusal to issue a subpoena. Such
454 decisions may not be further appealed except as part of a final decision that is subject to judicial review.
455 Such hearing officers are empowered to order the amendment of such determination or records as is
456 required to make them accurate and consistent with the requirements of this chapter or the regulations
457 adopted hereunder. If, after hearing the facts of the case, the hearing officer determines that the person
458 who is the subject of the report has presented information that was not available to the local department
459 at the time of the local conference and which if available may have resulted in a different determination
460 by the local department, he may remand the case to the local department for reconsideration. The local
461 department shall have 14 days in which to reconsider the case. If, at the expiration of 14 days, the local
462 department fails to act or fails to amend the record to the satisfaction of the appellant, the case shall be
463 returned to the hearing officer for a determination. If aggrieved by the decision of the hearing officer,
464 such person may obtain further review of the decision in accordance with Article 5 (§ 2.2-4025 et seq.)
465 of the Administrative Process Act (§ 2.2-4000 et seq.). *Alternatively, if the aggrieved person is a teacher*
466 *licensed by the Board of Education and employed by a local school board, the aggrieved person may*
467 *petition the circuit court for a trial de novo, by judge or jury. Such petition shall be filed with the*
468 *circuit court in the jurisdiction in which the applicable local department is located within 30 days of the*
469 *aggrieved person's receipt of the hearing officer's decision.*

470 C. Whenever an appeal of the local department's finding is made and a criminal charge or
471 investigation is also filed or commenced against the appellant for the same conduct involving the same
472 victim as investigated by the local department, the appeal process shall automatically be stayed until the
473 criminal prosecution in the trial court is completed, until the criminal investigation is closed, or, in the
474 case of a criminal investigation that is not completed within 180 days of the appellant's request for an
475 appeal of the local department's finding, for 180 days after the appellant's request for appeal. During
476 such stay, the appellant's right of access to the records of the local department regarding the matter
477 being appealed shall also be stayed. Once the criminal prosecution in the trial court has been completed,
478 the criminal investigation is closed, or, in the case of a criminal investigation that is not completed
479 within 180 days of the appellant's request for an appeal of the local department's finding, 180 days have
480 passed, the local department shall advise the appellant in writing of his right to resume his appeal within
481 the time frames provided by law and regulation.