

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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An Act 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.

[H 1550]

Approved

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 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

57 teach online courses for which they are properly endorsed.

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

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

63 2. Complete study in attention deficit disorder;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

117 F. The Board shall issue a license to an individual seeking initial licensure who has not completed

118 professional assessments as prescribed by the Board, if such individual (i) holds a provisional license
 119 that will expire within three months or, at the discretion of the school board and division superintendent,
 120 within six months if the individual has received a satisfactory mid-year performance review in the
 121 current school year; (ii) is employed by a school board; (iii) is recommended for licensure by the
 122 division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the
 123 professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient
 124 or above on the performance standards for each year of the provisional license, and such evaluation was
 125 conducted in a manner consistent with the Guidelines for Uniform Performance Standards and
 126 Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements
 127 for initial licensure.

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

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

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

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

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

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

146 J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance
 147 of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to
 148 any person who does not meet the requirements of this section or any other requirement for licensure
 149 imposed by law; (ii) shall provide for the issuance of a provisional license, valid for a period not to
 150 exceed three years, to any former member of the Armed Forces of the United States or the Virginia
 151 National Guard who has received an honorable discharge and has the appropriate level of experience or
 152 training but does not meet the requirements for a renewable license; and (iii) may provide for the
 153 issuance of a provisional license, valid for a period not to exceed three years, to any individual who has
 154 held within the last five years a valid and officially issued and recognized license or certification to
 155 teach issued by an entity outside of the United States but does not meet the requirements for a
 156 renewable license if the individual's license or certification to teach has been evaluated and verified by
 157 an entity approved by the Department.

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

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

164 2. For any spouse of an active duty or reserve member of the Armed Forces of the United States or
 165 a member of the Virginia National Guard who has obtained a valid out-of-state license, with full
 166 credentials and without deficiencies, that is in force at the time the application for a Virginia license is
 167 received by the Department. Each such individual shall establish a file in the Department by submitting
 168 a complete application packet, which shall include official student transcripts and an official copy of the
 169 military permanent assignment orders of the individual's spouse. No service requirements or licensing
 170 assessments shall be required for any such individual. The Department shall determine and communicate
 171 such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the
 172 complete application packet; and

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

178 L. The Board shall include in its regulations an alternate route to licensure for elementary education

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

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

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

196 **§ 22.1-298.1. (For Effective Date, see 2022 Acts cc. 549, 550, cl. 2) Regulations governing**
197 **licensure.**

198 A. As used in this section:

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

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

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

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

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

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

218 B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of
219 teachers and other school personnel required to hold a license. Such regulations shall include procedures
220 for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written
221 reprimand of license holders on grounds established by the Board, in accordance with law, notice of
222 which shall be made by the Superintendent of Public Instruction to division superintendents or their
223 designated representatives; and (iii) the immediate and thorough investigation by the division
224 superintendent or his designee of any complaint alleging that a license holder has engaged in conduct
225 that may form the basis for the revocation of his license. At a minimum, such procedures for
226 investigations contained in such regulations shall require (a) the division superintendent to petition for
227 the revocation of the license upon completing such investigation and finding that there is reasonable
228 cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a
229 license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of
230 the mailing of a copy of the petition to the license holder, unless the license holder requests the
231 cancellation of his license in accordance with Board regulations; and (c) the school board to provide a
232 copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction
233 at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person
234 for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and,
235 in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all
236 rights to any administrative appeal provided by § 63.2-1526 have been exhausted. Regardless of the
237 authority of any other agency of the Commonwealth to approve educational programs, only the Board of
238 Education shall have the authority to license teachers to be regularly employed by school boards,
239 including those teachers employed to provide nursing education.

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

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

246 1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills
 247 for educators by achieving a qualifying score on professional assessments or meeting alternative
 248 evaluation standards as prescribed by the Board. The literacy assessment for any individual seeking
 249 initial licensure with an endorsement in early/primary education preschool through grade three,
 250 elementary education preschool through grade six, special education general curriculum kindergarten
 251 through grade 12, special education deaf and hard of hearing preschool through grade 12, or special
 252 education blindness/visual impairments preschool through grade 12 or as a reading specialist shall
 253 include a rigorous test of science-based reading research and evidence-based literacy instruction;

254 2. Complete study in attention deficit disorder;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

360 1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching
361 license and national certification from the National Board for Professional Teaching Standards or a

362 nationally recognized certification program approved by the Board of Education. The application for
 363 such individuals shall require evidence of such valid licensure and national certification and shall not
 364 require official student transcripts;

365 2. For any spouse of an active duty or reserve member of the Armed Forces of the United States or
 366 a member of the Virginia National Guard who has obtained a valid out-of-state license, with full
 367 credentials and without deficiencies, that is in force at the time the application for a Virginia license is
 368 received by the Department. Each such individual shall establish a file in the Department by submitting
 369 a complete application packet, which shall include official student transcripts and an official copy of the
 370 military permanent assignment orders of the individual's spouse. No service requirements or licensing
 371 assessments shall be required for any such individual. The Department shall determine and communicate
 372 such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the
 373 complete application packet; and

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

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

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

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

397 **§ 22.1-307. Dismissal of teacher; grounds.**

398 Teachers may be dismissed for incompetency, immorality, noncompliance with school laws and
 399 regulations, disability as shown by competent medical evidence when in compliance with federal law,
 400 conviction of a felony or a crime of moral turpitude, or other good and just cause. A teacher shall be
 401 dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect,
 402 pursuant to § 63.2-1505, and after all rights to any administrative appeal provided by § 63.2-1526 have
 403 been exhausted. The fact of such finding, after all rights to any administrative appeal provided by
 404 § 63.2-1526 have been exhausted, shall be grounds for the local school division to recommend that the
 405 Board of Education revoke such person's license to teach. No teacher shall be dismissed or placed on
 406 probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by
 407 the school board.

408 **§ 63.2-1526. Appeals of certain actions of local departments.**

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

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

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

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