

24104684D

HOUSE BILL NO. 632

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact §§ 22.1-298.1, as it shall become effective, and 22.1-299.5 of the Code of Virginia, relating to teachers; certain licenses and certificates.

Patrons—Rasoul, Clark, Cole, Feggans and Thomas

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-298.1, as it shall become effective, and 22.1-299.5 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-298.1. (For effective date, see Acts 2022, cc. 549 and 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~~ O 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~~ *Board-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~~ *the issuance of* a license as a teacher in the Commonwealth to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the ~~Board of Education's~~ *Board'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 ~~or by a division superintendent as permitted pursuant to subdivision D 5~~ 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~~ *Board'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~~ *Board's* regulations.

"Subject matter expert teaching certificate" means a teaching certificate issued in accordance with the provisions of subsection P, the purpose of which is to provide high-quality teaching candidates who have relevant work experience or expertise in a content or subject matter area an accelerated path toward a renewable license.

"Universal licensure by reciprocity" means the issuance of a license as a teacher in the Commonwealth to any individual who holds a valid out-of-state teaching license with full credentials and without deficiencies that is in force at the time the application for a license as a teacher in the Commonwealth is received by the Department, regardless of whether the teacher preparation program that such individual completed is a traditional teacher preparation program, a Grow Your Own program, or an alternative teacher preparation program.

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

59 cancellation of his license in accordance with Board regulations; and (c) the school board to provide a
60 copy of the investigative file and such petition for revocation to the Superintendent of Public Instruction
61 at the time that the hearing is scheduled. The Board of Education shall revoke the license of any person
62 for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and,
63 in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all
64 rights to any administrative appeal provided by § 63.2-1526 have been exhausted. In the case of a
65 teacher who is the subject of a founded complaint of child abuse or neglect and whose license has been
66 revoked pursuant to this subsection, in the event that a court reverses such finding of abuse or neglect
67 and the individual submits to the Department an application for the reinstatement of his license as a
68 teacher, the Board shall consider and act upon such application no later than 90 days after the date of
69 submission. Regardless of the authority of any other agency of the Commonwealth to approve
70 educational programs, only the Board of Education shall have the authority to license teachers to be
71 regularly employed by school boards, including those teachers employed to provide nursing education.

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

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

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

86 2. Complete study in attention deficit disorder;

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

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

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

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

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

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

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

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

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

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

12. Every person 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 complete study in science-based reading research and evidence-based literacy instruction.

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each 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 *or high school principal* may waive for any individual whom ~~it~~ *he* 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. The literacy assessment for any individual seeking initial licensure through an alternate route 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; 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

182 imposed by law; (ii) shall provide for the issuance of a provisional license, valid for a period not to
183 exceed three years, to any former member of the Armed Forces of the United States or the Virginia
184 National Guard who has received an honorable discharge and has the appropriate level of experience or
185 training but does not meet the requirements for a renewable license; and (iii) may provide for the
186 issuance of a provisional license, valid for a period not to exceed three years, to any individual who has
187 held within the last five years a valid and officially issued and recognized license or certification to
188 teach issued by an entity outside of the United States but does not meet the requirements for a
189 renewable license if the individual's license or certification to teach has been evaluated and verified by
190 an entity approved by the Department.

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

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

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

206 3. For individuals who have obtained a valid out-of-state license, with full credentials and without
207 deficiencies, that is in force at the time the application for a Virginia license is received by the
208 Department. Each such individual shall establish a file in the Department by submitting a complete
209 application packet, which shall include official student transcripts. *The Board's licensure regulations*
210 *shall also provide for universal licensure by reciprocity.* No service requirements or licensing
211 assessments shall be required for any such individual who applies for universal licensure by reciprocity.
212 *Any individual who applies for universal licensure by reciprocity shall provide a copy of the individual's*
213 *valid out-of-state teaching license with full credentials and without deficiencies that is in force at the*
214 *time of application. Any such individual shall be subject to the provisions of §§ 22.1-296.2 and*
215 *22.1-296.4. The Department shall prioritize applications for universal licensure by reciprocity.*

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

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

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

234 P. *Any local school division or comprehensive community college may issue a subject matter expert*
235 *teaching certificate to any individual who has expertise in a content or subject matter area in order for*
236 *such individual to provide instruction or coursework in such content or subject matter area in grades*
237 *six through 12 at any public school in the Commonwealth or at a comprehensive community college in*
238 *the Commonwealth, including dual enrollment or concurrent enrollment courses, provided that such*
239 *individual has a baccalaureate degree and:*

240 1. *Demonstrates by providing written proof of employment that the individual has taught courses*
241 *relevant to the content or subject matter area for the last two consecutive years or for a total of at least*
242 *three years at one or more regionally or nationally accredited public or private institutions of higher*
243 *education;*

2. Has a baccalaureate degree, a master's degree, or a doctoral degree in the relevant content or subject matter area;

3. Demonstrates that the individual has gained expertise in the relevant content or subject matter area through at least five years of relevant work experience by providing the Board with written proof of employment or valid licensure in such field; or

4. Demonstrates knowledge proficiency through passing a competency-based exam.

Q. No individual who seeks a subject matter expert teaching certificate pursuant to subsection P shall be required, as a condition of the issuance of such certificate, to (i) demonstrate professional knowledge proficiency except as otherwise required in subsection P or (ii) accept employment with the school division or comprehensive community college from which the individual seeks such certificate. However, each such individual shall be subject to all applicable requirements for initial licensure that are set forth in subsection D.

R. Any individual who is issued a subject matter expert teaching certificate is eligible for a renewable license upon at least three years of teaching experience under such certificate.

S. Each school board shall evaluate subject matter expert teachers in the school division consistent with the performance objectives set forth in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents as required by § 22.1-253.13:5.

T. Each school division shall annually report to the Department the number of subject matter expert teaching certificates issued for part-time teaching positions and full-time teaching positions pursuant to this section, delineated by subject area, course, and grade level. The Department shall annually track and report on its website the number of adjunct teaching certificates issued by school divisions, delineated by school division, school, subject area, course, and grade level.

U. As used in this section:

"Concurrent enrollment" means a program whereby a postsecondary course is taught at the high school, the institution of higher education, or online by approved high school faculty, adjunct college faculty, or college faculty. "Concurrent enrollment" includes associate degree transfer programs, career and technical education programs, and noncredit industry-recognized credentials including those offered through the Virginia Community College System workforce programs that are funded through the New Economy Workforce Credentials Grant Program.

"Dual enrollment" means a program whereby a high school student simultaneously receives dual high school credit and transcript college credit for a college-level course offered in the high school.

§ 22.1-299.5. Waiver of teacher licensure requirements; trade and industrial education programs.

A. Notwithstanding any provision of law to the contrary, any division superintendent may ~~apply to the Department of Education for a biennial waiver of~~ waive the teacher licensure requirements for any individual whom the local school board hires or seeks to hire to teach in a trade and industrial education program who has obtained or is working toward an industry credential relating to the program area and who has at least 4,000 hours of recent and relevant employment experience, as defined by the Board pursuant to regulation.

B. The Department of Education shall establish a procedure for ~~submitting, receiving, and~~ acting upon such biennial waiver applications.