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## HOUSE BILL NO. 632

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education  
on February 7, 2024)

(Patron Prior to Substitute—Delegate Rasoul)

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

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-298.1, as it shall become effective, of the Code of Virginia is 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.

"Concurrent enrollment" means the enrollment of a qualified student in a postsecondary course that is taught by approved high school faculty, adjunct college faculty, or college faculty at a high school or institution of higher education accredited by an agency recognized by the U.S. Secretary of Education or through an online program recognized by a state education agency. "Concurrent enrollment" includes associate degree transfer programs, career and technical education programs as defined in § 22.1-207.01, 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.

"Core subject or course" means an English language arts, mathematics, science, or history and social science course offered by a school, school division, or institution of higher education.

"Dual enrollment" means the enrollment of a qualified high school student in a postsecondary course that is creditable toward high school completion and a career certificate or an associate or baccalaureate degree at a public institution of higher education. "Dual enrollment" does not include the enrollment of a qualified high school student in a postsecondary course that is not creditable toward high school completion.

"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.

"Non-core subject or course" means any subject or course offered by a school, school division, or institution of higher education that does not fit the criteria of a core subject or course.

"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, or by a division superintendent for a period of one year as permitted pursuant to subdivision D 5 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, in addition to substantial experience in K-12 instruction, pedagogy, assessment design, classroom management, and working with diverse learners, 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 meets the requirements set forth in 8VAC20-23-100.

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

60 for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written  
61 reprimand of license holders on grounds established by the Board, in accordance with law, notice of  
62 which shall be made by the Superintendent of ~~Public Instruction~~ to division superintendents or their  
63 designated representatives; and (iii) the immediate and thorough investigation by the division  
64 superintendent or his designee of any complaint alleging that a license holder has engaged in conduct  
65 that may form the basis for the revocation of his license. At a minimum, such procedures for  
66 investigations contained in such regulations shall require (a) the division superintendent to petition for  
67 the revocation of the license upon completing such investigation and finding that there is reasonable  
68 cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a  
69 license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of  
70 the mailing of a copy of the petition to the license holder, unless the license holder requests the  
71 cancellation of his license in accordance with Board regulations; and (c) the school board to provide a  
72 copy of the investigative file and such petition for revocation to the Superintendent of ~~Public Instruction~~  
73 at the time that the hearing is scheduled. The Board of ~~Education~~ shall revoke the license of any person  
74 for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and,  
75 in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all  
76 rights to any administrative appeal provided by § 63.2-1526 have been exhausted. In the case of a  
77 teacher who is the subject of a founded complaint of child abuse or neglect and whose license has been  
78 revoked pursuant to this subsection, in the event that a court reverses such finding of abuse or neglect  
79 and the individual submits to the Department an application for the reinstatement of his license as a  
80 teacher, the Board shall consider and act upon such application no later than 90 days after the date of  
81 submission. Regardless of the authority of any other agency of the Commonwealth to approve  
82 educational programs, only the Board of ~~Education~~ shall have the authority to license teachers to be  
83 regularly employed by school boards, including those teachers employed to provide nursing education.

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

88 C. The Board of ~~Education~~'s *Board's* regulations shall include requirements that a person seeking  
89 initial licensure:

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

98 2. Complete study in attention deficit disorder;

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

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

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

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

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

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

121 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 division superintendent may, upon request of the employing school division or educational agency, issue the teacher a *one-year, nonrenewable* provisional license to allow time for the teacher to attain upon receipt of a written statement from the teacher that he will seek to attain such credential within one year;

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 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 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

183 accredited institution of higher education;

184 3. Received qualifying scores on the professional teacher's assessments prescribed by the Board,  
185 including the communication and literacy assessment and the content-area assessment for the  
186 endorsement sought. The literacy assessment for any individual seeking initial licensure through an  
187 alternate route with an endorsement in early/primary education preschool through grade three, elementary  
188 education preschool through grade six, special education general curriculum kindergarten through grade  
189 12, special education deaf and hard of hearing preschool through grade 12, or special education  
190 blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a  
191 rigorous test of science-based reading research and evidence-based literacy instruction; and

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

193 J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance  
194 of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to  
195 any person who does not meet the requirements of this section or any other requirement for licensure  
196 imposed by law; (ii) shall provide for the issuance of a provisional license, valid for a period not to  
197 exceed three years, to any former member of the Armed Forces of the United States or the Virginia  
198 National Guard who has received an honorable discharge and has the appropriate level of experience or  
199 training but does not meet the requirements for a renewable license; and (iii) may provide for the  
200 issuance of a provisional license, valid for a period not to exceed three years, to any individual who has  
201 held within the last five years a valid and officially issued and recognized license or certification to  
202 teach issued by an entity outside of the United States but does not meet the requirements for a  
203 renewable license if the individual's license or certification to teach has been evaluated and verified by  
204 an entity approved by the Department.

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

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

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

220 ~~3. For L. The Board's licensure regulations shall also provide for universal licensure by reciprocity~~  
221 ~~for individuals who have obtained a valid out-of-state license, with full credentials and without~~  
222 ~~deficiencies, that is in force at the time the application for a Virginia license is received by the~~  
223 ~~Department. Each such individual shall establish a file in the Department by submitting a complete~~  
224 ~~application packet, which shall include official student transcripts and who meet all criteria set forth in~~  
225 ~~8VAC20-23-100. No service requirements or licensing assessments shall be required for any such~~  
226 ~~individual who applies for universal licensure by reciprocity and meets all criteria set forth in~~  
227 ~~8VAC20-23-100. Any individual who applies for universal licensure by reciprocity shall provide a copy~~  
228 ~~of the individual's valid out-of-state teaching license with full credentials and without deficiencies that is~~  
229 ~~in force at the time of application. Any such individual shall be subject to a background clearance~~  
230 ~~check, the provisions of §§ 22.1-296.2 and 22.1-296.4, and have no pending disciplinary actions or~~  
231 ~~investigations. The Department shall prioritize applications for other types of licensure before universal~~  
232 ~~licensure by reciprocity.~~

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

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

N. O. 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.

P. The Board may issue a subject matter expert teaching certificate, valid for a period not to exceed three years, to any individual who has expertise in a content or subject matter area in order for such individual to provide instruction or coursework in such content or subject matter area in grades six through 12 at any public school in the Commonwealth or at an institution of higher education in the Commonwealth, including dual enrollment or concurrent enrollment courses.

For a teaching candidate applying for a subject matter expert teaching certificate for a core subject or course, expertise in a content or subject matter area shall be demonstrated through (i) passage of the Praxis subject test for the content or subject matter area to be taught; (ii) possession of a baccalaureate degree, a master's degree, or a doctoral degree from a regionally or nationally accredited public or private institution of higher education in the content or subject matter area to be taught; (iii) submission of written proof of full-time employment at a regionally or nationally accredited public or private institution of higher education during which the individual successfully taught courses relevant to the content or subject matter area for at least five years; and (iv) submission of written proof of the completion of coursework as set forth in subdivisions 1, 2, 3, 5, and 6 of 8VAC20-23-190 or substantially similar coursework.

For a teaching candidate applying for a subject matter expert teaching certificate for a non-core subject or course, expertise in a content or subject matter area may be demonstrated through (i) passage of a content or subject matter area test; (ii) possession of a baccalaureate degree, a master's degree, or a doctoral degree from a regionally or nationally accredited public or private institution of higher education in the relevant content or subject matter area; (iii) either submission of written proof of full-time employment at a regionally or nationally accredited public or private institution of higher education during which the individual successfully taught courses relevant to the content or subject matter area for at least five years or submission of written proof of employment or valid, relevant licensure during which the individual gained at least five years of full-time professional work experience in the specific content or subject area to be taught; and (iv) submission of written proof of the completion of coursework as set forth in subdivisions 1, 2, 3, 5, and 6 of 8VAC20-23-190 or substantially similar coursework.

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 demonstrate professional knowledge proficiency except as otherwise required in subsection P. School divisions and institutions of higher education may hire subject matter expert teachers on a full-time or part-time basis. Any such individual shall be subject to a background clearance check, the provisions of §§ 22.1-296.2 and 22.1-296.4, and have no pending disciplinary actions or investigations. The employing school board or institution of higher education shall assign a mentor to supervise any individual issued a three-year subject matter expert teaching certificate during his first two years of teaching and shall pay such mentor a stipend in an amount equal to two percent of his annual salary as compensation for such additional professional responsibility. Such mentor shall be an individual employed by a local school board in a Standards of Quality-funded position and such stipend shall be subject to a state match through the Standards of Quality.

R. Subject matter expert teaching certificates are nonrenewable and shall neither be construed as nor contribute toward provisional licensure. Upon the expiration of a subject matter expert teaching certificate, any individual employed under a subject matter expert teaching certificate shall be required to obtain a provisional license or renewable license as a condition of continued employment as a teacher.

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 subject matter expert teaching certificates issued by school divisions, delineated by school division, school, subject area, course, and grade level.

2. That § 22.1-299.5 of the Code of Virginia is repealed.