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## SENATE BILL NO. 142

Offered January 10, 2024

Prefiled January 5, 2024

A *BILL to amend and reenact §§ 22.1-298.1, as it shall become effective, 22.1-299, and 22.1-303 of the Code of Virginia, relating to public school teachers; licensure requirements; one-year local eligibility license; alternate routes and flexibility; report.*

Patrons—Ruff and Mulchi

Referred to Committee on Education and Health

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

**1. That §§ 22.1-298.1, as it shall become effective, 22.1-299, and 22.1-303 of the Code of Virginia are amended and reenacted as follows:**

**§ 22.1-298.1. (For Effective 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 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 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 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 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.

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. In the case of a teacher who is the subject of a founded complaint of child abuse or neglect and whose license has been revoked pursuant to this subsection, in the event that a court reverses such finding of abuse or neglect and the individual submits to the Department an application for the reinstatement of his license as a teacher, the Board shall consider and act upon such application no later than 90 days after the date of

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59 submission. Regardless of the authority of any other agency of the Commonwealth to approve  
60 educational programs, only the Board of Education shall have the authority to license teachers to be  
61 regularly employed by school boards, including those teachers employed to provide nursing education.

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

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

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

76 2. Complete study in attention deficit disorder;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

209 M. *The Board shall include in its licensure regulations provisions authorizing each school board,*  
210 *upon recommendation of the division superintendent, to issue a valid one-year renewable local eligibility*  
211 *license to any individual who (i) received a baccalaureate degree from a regionally accredited*  
212 *institution of higher education and (ii) has experience or training in a subject or content area as the*  
213 *local school board and division superintendent may deem appropriate for the applicable teaching*  
214 *position or endorsement area. Any such one-year renewable local eligibility license shall be issued in*  
215 *accordance with the following criteria:*

216 1. *Each school board shall ensure that the number of teachers employed by the school board under*  
217 *such local eligibility license does not exceed 10 percent of the teachers employed by such school board*  
218 *during the preceding school year;*

219 2. *No school board shall issue such local eligibility license to any individual who is (i) seeking to*  
220 *provide instruction in special education or (ii) eligible for a collegiate professional license or*  
221 *postgraduate professional license;*

222 3. *Any individual who is issued a local eligibility license pursuant to this subsection shall be*  
223 *required to complete within such one-year period the requirements set forth in subsection C and*  
224 *subdivisions D 1 and 3, as well as any additional training requirements that may be prescribed by the*  
225 *school board and division superintendent;*

226 4. *Such local eligibility license shall only be valid within the issuing school division;*

227 5. *Each school board may renew such local eligibility license for no more than one additional year*  
228 *upon receiving from the division superintendent (i) a recommendation for such renewal and (ii) a*  
229 *satisfactory performance evaluation for such teacher for the initial one-year licensure period;*

230 6. *Any individual issued a one-year local eligibility license shall be considered a probationary*  
231 *teacher and shall be subject to the probationary terms of employment pursuant to § 22.1-303; and*

232 7. *Any teacher employed under a one-year local eligibility license shall be issued a collegiate*  
233 *professional or postgraduate professional license upon the expiration of the local eligibility license if*  
234 *such teacher, before or by the expiration of such local eligibility license, (i) receives a recommendation*  
235 *from the division superintendent and the school board, (ii) satisfies all requirements for the applicable*  
236 *license pursuant to relevant law and regulations, and (iii) satisfies any other criteria as may be*  
237 *prescribed by the Board.*

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

242 N. O. The Board shall develop guidelines that establish a process to permit a school board or any  
243 organization sponsored by a school board to petition the Board for approval of an alternate route to

licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

**§ 22.1-299. License required of teachers; provisional licenses; exceptions.**

A. No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license or provisional license issued by the Board *or a one-year local eligibility license issued by a school board pursuant to subsection M of § 22.1-298.1.*

B. Notwithstanding the provision in § 22.1-298.1 that the provisional license is limited to three years, the following exceptions shall apply:

1. If a teacher employed in the Commonwealth under a provisional license is activated or deployed for military service within a school year (July 1-June 30), an additional year shall be added to the teacher's provisional license for each school year or portion thereof during which the teacher is activated or deployed. The additional year shall be granted the year following the return of the teacher from deployment or activation.

2. The Board shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year during the original three-year provisional license that such teacher was actually employed and received a filed performance evaluation.

3. The Board shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in an accredited private elementary or secondary school or a school for students with disabilities that is licensed pursuant to Chapter 16 (§ 22.1-319 et seq.) upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license.

C. In accordance with regulations prescribed by the Board, a person not meeting the requirements for a license or provisional license *issued by the Board or for a one-year local eligibility license issued by a school board pursuant to subsection M of § 22.1-298.1* may be employed and paid from public funds by a school board temporarily as a substitute teacher to meet an emergency.

**§ 22.1-303. Probationary terms of service for teachers.**

A. A probationary term of service of three years in the same school division shall be required before a teacher is issued a continuing contract. School boards shall provide each probationary teacher except probationary teachers who have prior successful teaching experience, as determined by the local school board in a school division, a mentor teacher, as described by Board guidelines developed pursuant to § 22.1-305.1, during the first year of the probationary period, to assist such probationary teacher in achieving excellence in instruction. During the probationary period, such probationary teacher shall be evaluated annually based upon the evaluation procedures developed by the employing school board for use by the division superintendent and principals in evaluating teachers as required by subsection C of § 22.1-295. A teacher in his first year of the probationary period shall be evaluated informally at least once during the first semester of the school year. The division superintendent shall consider such evaluations, among other things, in making any recommendations to the school board regarding the nonrenewal of such probationary teacher's contract as provided in § 22.1-305.

Any teacher hired on or after July 1, 2001, shall be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Local school divisions shall be required to provide said training at no cost to teachers employed in their division. In the event a local school division fails to offer said training in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.

B. Once a continuing contract status has been attained in a school division in the Commonwealth, another probationary period need not be served in any other school division unless such probationary period, not to exceed two years, is made a part of the contract of employment. Further, when a teacher has attained continuing contract status in a school division in the Commonwealth and separates from and returns to teaching service in a school division in Virginia by the beginning of the third year, such teacher shall be required to serve a probationary period not to exceed two years, if made a part of the contract for employment.

C. For the purpose of calculating the years of service required to attain continuing contract status, at least 160 contractual teaching days during the school year shall be deemed the equivalent of one year in the first year of service by a teacher.

D. *Any teacher employed under a one-year local eligibility license issued by a school board in accordance with subsection M of § 22.1-298.1 shall not be eligible for continuing contract status while*

305 *teaching under such license. Any teacher previously employed under such one-year local eligibility*  
306 *license who, upon expiration of such license, is issued a collegiate professional or postgraduate*  
307 *professional license pursuant to subdivision M 7 of § 22.1-298.1 shall be required to serve a*  
308 *probationary period of three years prior to attaining continuing contract status.*

309 **2. That the Board of Education shall convene a work group consisting of representatives of the**  
310 **Virginia Association of School Superintendents, education preparation programs offered by public**  
311 **institutions of higher education in the Commonwealth, and other relevant stakeholders as the**  
312 **Board deems appropriate to make recommendations on revising teacher licensure requirements to**  
313 **increase flexibility in licensure requirements and alternate routes to licensure and to improve**  
314 **teacher recruitment and retention. The Board of Education shall submit a report on the**  
315 **recommendations of the work group to the Governor, the Senate Committee on Education and**  
316 **Health, and the House Committee on Education by November 1, 2024.**