



# VIRGINIA BOARD OF EDUCATION

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# AGENDA ITEM

**Agenda Item:** B

**Date:** June 15, 2022

**Title:** Final Review of Amendments to the *Licensure Regulations for School Personnel (8VAC20-23)* to Include New Statutory Requirements for Initial Licensure and Renewal of a License

**Presenter:** Dr. Joan Johnson, Assistant Superintendent for Teacher Education and Licensure

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**Purpose of Presentation:**

Action required by state or federal law or regulation.

**Executive Summary:**

During the 2021 Session, the Virginia General Assembly passed [House Bill 1904](#) (Jenkins) and [Senate Bill 1196](#) (Locke) requiring every person seeking initial licensure or renewal of a license to complete instruction or training in cultural competency, as prescribed by the Board. To meet this statutory requirement, amendments to the Virginia Board of Education's *Licensure Regulations for School Personnel (8VAC20-23)* are necessary. The *Licensure Regulations for School Personnel* set out licensure requirements for Virginia's public school personnel.

The Board approved the Notice of Intended Regulatory Action (NOIRA) for this regulatory change at the June 17, 2021, meeting. The NOIRA was submitted for executive branch review and the public comment period closed on February 16, 2022.

This legislation also requires each local school board to adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years. Pursuant to the requirements of this legislation, the Board approved the *Guidance on Cultural Competency Training for Teachers and Other Licensed School Board Employees in Virginia Public Schools* at the November 18, 2021, meeting. Following a 30-day public comment period, the guidance became effective January 6, 2022.

This initiative supports the Board’s [Comprehensive Plan: 2018-2023](#) to advance policies to develop, recruit, and retain well-prepared and skilled teachers and school leaders.

**Action Requested:**

Final review: Action requested at this meeting.

**Superintendent’s Recommendation**

The Superintendent of Public Instruction recommends that the Board approve the amendments to the *Licensure Regulations for School Personnel* as required by HB1904 and SB1196 from the 2021 General Assembly.

**Previous Review or Action:**

Previous review or action. Specify date and action taken below:

**Date:** June 17, 2021

**Action:** Notice of Intended Regulatory Action (NOIRA)

**Date:** April 21, 2022

**Action:** First Review

**Background Information and Statutory Authority:**

The Board’s statutory authority to prescribe requirements for the licensure of teachers and school personnel is found in § [22.1-298.1](#) of the *Code of Virginia*, and provides, in part, the following:

§ 22.1-298.1. Regulations governing licensure.

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.

The 2021 Virginia General Assembly approved [HB 1904](#) (Jenkins) and [SB 1196](#) (Locke), which in part amends § [22.1-298.1](#) of the *Code*.

[HB 1904](#) (Jenkins) and [SB 1196](#) (Locke) were identical bills that support a cultural competent educator workforce in the Commonwealth. Specifically, this legislation requires:

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

The proposed amendments to the *Licensure Regulations for School Personnel* incorporate this legislative requirement. Attachment A provides the proposed amendments to the Licensure Regulations.

The full statutory requirements of the HB1904 and SB1196 include:

- Educator evaluations must include an evaluation of cultural competency;
- Every person seeking initial licensure or renewal of a license must complete instruction or training in cultural competency;
- Every person seeking initial licensure or renewal of a license with an endorsement in history and social science must complete instruction in African American history, as prescribed by the Board; and
- Each local school board must adopt and implement policies that require each teacher and any other school board employee holding a license issued by the Board to complete cultural competency training, in accordance with guidance issued by the Board, at least every two years.

**Timetable for Further Review/Action:**

Following Board approval, the amendments to *Licensure Regulations for School Personnel* will be submitted for executive branch review pursuant to the Administrative Process Act.

**Impact on Fiscal and Human Resources:**

There is no impact on fiscal or human resources to amend these regulation amendments.

Project 6842

State Board Of Education

**Amend the Licensure Regulations for School Personnel (8VAC20-23) to Include Instruction in Cultural Competency for Initial Licensure and Renewal of a License**

**8VAC20-23-40. Conditions for licensure.**

A. Applicants for licensure shall:

1. Be at least 18 years of age;
2. Pay the appropriate fees as determined by the Virginia Board of Education and complete the application process;
3. Have earned a baccalaureate degree, with the exception of the Technical Professional License, from a regionally accredited college or university and meet requirements for the license sought. Persons seeking initial licensure through approved programs from Virginia institutions of higher education shall only be licensed as instructional personnel if the education endorsement programs have approval by the Virginia Board of Education; individuals who have earned a degree from an institution in another country shall hold the equivalent of a regionally accredited college or university degree in the United States, as verified by a Virginia Department of Education-approved credential evaluation agency, for the required degree for the license; and
4. Possess good moral character and be free of conditions outlined in Part VII (8VAC20-23-720 et seq.) of this chapter.

B. All candidates who hold at least a baccalaureate degree from a regionally accredited college or university and who seek an initial Virginia teaching license shall obtain passing scores on professional teacher's assessments prescribed by the Virginia Board of Education. With the exception of the career switcher program that requires assessments as prerequisites, individuals shall complete the professional teacher's assessment requirements within the three-year validity of the initial provisional license. Candidates seeking a Technical Professional License, International Educator License, School Manager License, or Pupil Personnel Services License are not required to take the professional teacher's assessments. Individuals who hold a valid out-of-state license (full credential without deficiencies) and who have completed a minimum of three years of full-time, successful teaching experience in a public or an accredited nonpublic school, kindergarten through grade 12, outside of Virginia are exempt from the professional teacher's assessment requirements. Documentation shall be submitted to verify the school's status as a public or an accredited nonpublic school.

C. All individuals seeking an initial endorsement in early/primary education preK-3, elementary education preK-6, special education-general curriculum, special education-deaf and hard of hearing, special education-blindness and visual impairments, and individuals seeking an endorsement as a reading specialist shall obtain passing scores on a reading instructional assessment prescribed by the Virginia Board of Education.

D. Licensure by reciprocity is set forth in 8VAC20-23-100. A school leaders licensure assessment prescribed by the Virginia Board of Education shall be met for all individuals who are seeking an endorsement authorizing them to serve as principals and assistant principals in the

public schools. Individuals seeking an initial administration and supervision endorsement who are interested in serving as central office instructional personnel are not required to take and pass the school leaders licensure assessment prescribed by the Virginia Board of Education.

E. Individuals seeking initial licensure shall demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternatives evaluation standards as prescribed by the board; complete study in attention deficit disorder; complete study in gifted education, including the use of multiple criteria to identify gifted students; complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

F. Every person seeking initial licensure shall (i) complete awareness training, provided by the Department of Education 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; (ii) complete study in child abuse recognition and intervention in accordance with curriculum guidelines, developed by the Virginia Board of Education in consultation with the Virginia Department of Social Services; and (iii) provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (a) be based on the current national evidenced-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross; and (b) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Virginia Board of Education shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training.

G. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 of the Code of Virginia 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 Virginia Board of Education; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion.

H. The teacher of record for verified credit courses for high school graduation shall hold a Virginia license with the appropriate content endorsement.

I. 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, as defined in 8VAC20-23-10, 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 Virginia Board of Education may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential.

J. Every person seeking renewal of a license shall complete awareness training, provided by the Virginia Department of Education, on the indicators of dyslexia, as that term is defined by the Virginia Board of Education pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia.

K. 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 individual

education program teams; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students.

L. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision F, G, or I as a condition of such licensure, but each teacher shall complete each such requirement during the first year of provisional licensure.

M. Every person seeking initial licensure 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.

N. 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, which shall include (i) an understanding of African origins; (ii) the African diaspora; (iii) developments of the Black experience in North America; (iv) the institution of slavery in the United States, including historical perspectives of the enslaved; and (v) how African Americans helped shape and have been shaped by American society.

**O. Every person seeking initial licensure shall complete instruction or training in cultural competency consistent with guidelines prescribed by the Board.**

#### **8VAC20-23-110. Requirements for renewing a license.**

A. The Division Superintendent, Postgraduate Professional, Collegiate Professional, Technical Professional, Pupil Personnel Services, Online Teacher, and School Manager Licenses may be renewed upon the completion of 270 professional development points within a 10-year validity period based on an individualized professional development plan that includes ongoing, sustained, and high-quality professional development. Individuals renewing a five-year renewable license must complete 180 professional development points. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Virginia Board of Education, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education.

B. An individual seeking renewal shall submit a completed licensure application at the time a renewal request is submitted.

C. Any individual licensed and endorsed to teach (i) middle school civics or economics or (ii) high school government or history who is seeking renewal of such license is required to demonstrate knowledge of Virginia history or state and local government by completing a module or professional development course specifically related to Virginia history or state and local government that has a value of five professional development points.

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

E. Every person seeking 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.

F. Every person seeking renewal of a license shall complete awareness training, provided by the Virginia Department of Education, on the indicators of dyslexia, as that term is defined by the Virginia Board of Education pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia.

G. Every person seeking renewal or initial license shall complete a study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Virginia Board of Education in consultation with the Virginia Department of Social Services.

H. Every person seeking renewal of a license with an endorsement in history and social science shall complete instruction in African American history, which shall include (i) an understanding of African origins; (ii) the African diaspora; (iii) developments of the Black experience in North America; (iv) the institution of slavery in the United States, including historical perspectives of the enslaved; and (v) how African Americans helped shape and have been shaped by American society.

I. 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.

J. When provided by the state, individuals shall complete other professional development activities prescribed by the Virginia Board of Education.

K. Professional development points may be accrued by the completion of professional development activities to improve and increase instructional personnel's knowledge of the academic subjects the teachers teach or the area assigned from one or more of the following eight options, in accordance with Virginia Board of Education guidelines set forth in the Virginia Licensure Renewal Manual.

1. College credit. Acceptable coursework offers content that provides new information and is offered on campus, off campus, or through extension by any regionally accredited two-year or four-year college or university. College coursework shall develop further experiences in subject content taught, teaching strategies, uses of technologies, leadership, and other essential elements in teaching to high standards and increasing student learning. No person seeking renewal of a license shall be required to complete coursework and earn credit at an institution of higher learning.

2. Professional conference. A professional conference is a workshop, institute, or seminar of four or more hours that contributes to ongoing, sustained, and high-quality professional development.

3. Curriculum development. Curriculum development is a group activity in which the license holder contributes to the improvement of the curriculum of a school, a school division, or an educational institution in the teaching area assigned. This includes the alignment of curriculum frameworks, instructional materials, and assessments to provide a system with clear expectations of what is to be taught and learned.

4. Publication of article. The article shall contribute to the education profession or to the body of knowledge of the license holder's teaching area or instructional position. This article shall be published in a recognized professional journal. Grant reports that present the results of educational research are acceptable provided the license holder had an active role in planning, analyzing, interpreting, demonstrating, disseminating, or evaluating the study or innovation.

5. Publication of book. Books shall be published for purchase and shall contribute to the education profession or to the body of knowledge of the license holder's teaching area or instructional position. The published book shall increase the field of content knowledge; provide information on planning and assessment for evaluating and providing students with feedback that encourages student progress and measures student achievement; reference instruction, safety, and learning environment; expand upon and communication and community relations working with students, parents, and members of the community to promote broad support for student learning. Points will not be awarded for self-published books.

6. Mentorship. Mentoring is the process by which an experienced professional who has received mentorship training provides assistance to one or more persons for the purpose of improving their performance. Assistance may involve role modeling, direct instruction, demonstration, observation with feedback, developing of plans, and consultation to promote instructional excellence and increased student achievement. Mentoring may include the supervision of a field experience of a pre-service student teacher or an intern in an approved teacher or principal preparation program, as well as mentoring as part of the induction process for a beginning teacher or a first-year administrator. Individuals serving in this role and submitting documentation for license renewal based on the mentorship option shall receive training as a mentor prior to the assignment and at least once during the 10-year renewal cycle.

7. Educational project. Educational projects shall be planned, focused projects based on high standards of teaching and learning. Projects shall result in a written report or other tangible product. Projects shall contribute to the education profession or to the body of knowledge of the license holder's teaching area or instructional position. A project could include participation in new professional responsibilities, such as leading a school improvement initiative.

8. Professional development activity. Professional development activities shall focus on student learning and achievement, schoolwide educational improvement, leadership, subject content, teaching strategies, and use of technologies or other essential elements in teaching to high standards. Activities shall be planned, rigorous, systematic, and promote continuous inquiry and reflection. Local employing educational agencies are encouraged to design professional development activities that are conducted in school settings and linked to student learning and achievement.

L. The 270 points may be accrued by activities drawn from one or more of the eight renewal options. Individuals renewing a five-year renewable license must complete 180 professional development points as prescribed by the Virginia Board of Education. Renewal work is designed to provide licensed personnel with opportunities for professional development relative to the grade levels or teaching fields to which they are assigned or for which they seek an added endorsement. Such professional development encompasses (i) responsible remediation of any area of an individual's knowledge or skills that fails to meet the standards of competency and (ii) responsible



efforts to increase the individual's knowledge of new developments in his field and to respond to new curricular demands within the individual's area of professional competence.

M. The proposed work toward renewal in certain options shall be approved in advance by the chief executive officer or designee of the employing educational agency. Persons who are not employed by an educational agency may renew their license by submitting to the Office of Professional Licensure, Virginia Department of Education, a renewal application, fee, the individualized renewal record, and verification of the completion of all renewal requirements, including official student transcripts of coursework taken at a regionally accredited two-year or four-year college or university.

N. Virginia school divisions and accredited nonpublic schools shall recommend renewal of licenses using the renewal point system.

O. Every person seeking renewal of a license shall complete instruction or training in cultural competency consistent with guidelines prescribed by the Board.



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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Education
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	8VAC20-23
<b>VAC Chapter title(s)</b>	Licensure Regulations for School Personnel
<b>Action title</b>	Amend the Licensure Regulations for School Personnel (8VAC20-23) to include instruction in cultural competency for initial licensure and renewal of a license
<b>Date this document prepared</b>	04/21/2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

This regulatory action is to amend the *Licensure Regulations for School Personnel* (“the regulations”) to include instruction in cultural competency for initial licensure and renewal of a license.

During the 2021 Session, the Virginia General Assembly passed House Bill [1904](#) (Jenkins) and Senate Bill [1196](#) (Locke) requiring every person seeking initial licensure or renewal of a license to complete instruction or training in cultural competency, as prescribed by the Board. The Board approved the Notice of Intended Regulatory Action (“NOIRA”) for this regulatory change at the June 17, 2021, meeting. The NOIRA was submitted for executive branch review and the public comment period closed on February 16, 2022. Pursuant to the requirements of this legislation, the Board approved the *Guidance on Cultural Competency Training for Teachers and Other Licensed School Board Employees in Virginia Public*

*Schools* at the November 18, 2021, meeting. Following a 30-day public comment period, the guidance became effective January 6, 2022.

The proposed amendments to the regulations will incorporate changes to enact the legislation.

## Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

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“Board” means the Virginia Board of Education.

“NOIRA” means Notice of Intended Regulatory Action.

“The regulations” means the *Licensure Regulations for School Personnel* (8VAC20-23-10 et seq.).

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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Section [22.1-298.1](#) of the *Code of Virginia* requires the Board to amend the regulations to require that any person seeking initial licensure or renewal of a license complete instruction or training in cultural competency as prescribed by the Board.

## Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.*

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The Board of Education has the statutory authority to prescribe requirements for the licensure of teachers and school personnel.

Section [22.1-298.1](#) of the *Code of Virginia* states that “[t]he Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license.” The 2021 Virginia General Assembly approved House Bill [1904](#) (Jenkins) and Senate Bill [1196](#) requiring that any person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency as prescribed by the Board.

The Board’s overall regulatory authority is found in § [22.1-16](#) of the *Code of Virginia*, which states that “[t]he Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.”

The Board's regulatory authority over licensing requirements for school personnel is found in § [22.1-253.13:2](#) A of the *Code of Virginia*, which states in part that "[t]he Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel." See also § [22.1-298.1](#) B (stating that "[t]he Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license.")

## Purpose

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.*

The proposed regulatory action is essential to protect the health, safety, or welfare of citizens as the regulations set forth the requirements for instructional personnel to become licensed by the Board of Education and thereby maintain a high-quality educational system.

Virginia's objective for developing a culturally responsive and inclusive educator workforce is to provide all students opportunities to learn in ways that are relevant to their lived experiences and create cultures of inclusivity and belonging in Virginia schools. Culturally responsive educators see the diversity in their classrooms as an asset and use their knowledge of student backgrounds to enrich educational experiences. These educators possess a thorough understanding of the specific cultures of the students they teach or serve, how those cultures affect student-learning behaviors, and how teachers can change classroom interactions and instruction to embrace difference.

## Substance

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

The 2021 Virginia General Assembly approved House Bill [1904](#) (Jenkins) and Senate Bill [1196](#), which in part amends § 22.1-298.1 of the *Code of Virginia*.

House Bill [1904](#) (Jenkins) and Senate Bill [1196](#) were identical bills that support a culturally competent educator workforce in the Commonwealth. Specifically, this legislation requires that any person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency as prescribed by the Board.

The proposed amendments to the regulations will enact the legislative requirement.

## Issues

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

The primary advantage of this action to the public, the regulated community, the agency, and the Commonwealth is that it will enact the requirements set in state law by the Virginia General Assembly.

This action has no disadvantages to the public or the Commonwealth.

**Requirements More Restrictive than Federal**

*Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

There are no federal applicable requirements.

**Agencies, Localities, and Other Entities Particularly Affected**

*Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

Other State Agencies Particularly Affected

There are no other state agencies that are particularly affected.

Localities Particularly Affected

There are no localities that are particularly affected.

Other Entities Particularly Affected

No other entities are particularly affected by this regulatory action. Although individuals seeking an initial license or renewal of a license will be required to complete instruction or training in cultural competency, this is already a requirement in the *Code of Virginia* and the action is simply aligning the regulations with statutory requirements.

**Economic Impact**

*Pursuant to § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is change versus the status quo.*

**Impact on State Agencies**

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including:                  a) fund source / fund detail;                  b) delineation of one-time versus on-going expenditures; and</p>	<p>There is no specific economic impact other than the administrative time for the Department of Education to develop and implement the regulatory changes.</p>
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c) whether any costs or revenue loss can be absorbed within existing resources	
<i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	There is no specific economic impact on other state agencies.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	The regulatory change will help ensure a culturally competent educator workforce that is capable of meeting the needs of diverse school communities.

**Impact on Localities**

Projected costs, savings, fees or revenues resulting from the regulatory change.	There is no projected costs on localities as a result of this regulatory change.
Benefits the regulatory change is designed to produce.	The regulatory change will help ensure a culturally competent educator workforce that is capable of meeting the needs of diverse school communities.

**Impact on Other Entities**

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	Individuals seeking initial licensure or renewal of a license will be required to complete instruction or training in cultural competency.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	No small businesses will be affected.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	There is no specific economic impact other than the administrative time for the Department of Education to develop and implement the new regulatory language.  Individuals seeking a license or renewal of a license will need to complete instruction or training in cultural competency.  No small businesses will be affected.
Benefits the regulatory change is designed to produce.	The regulatory change will help ensure a culturally competent educator workforce that is capable of meeting the needs of diverse school communities.

### Alternatives to Regulation

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

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The requirement was mandated by the Code of Virginia. There are no alternatives to the regulatory change.

### Regulatory Flexibility Analysis

*Pursuant to § 2.2-4007.1B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

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The requirement was mandated by the Code of Virginia. There are no alternatives to the regulatory change.

### Periodic Review and Small Business Impact Review Report of Findings

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.*

*In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

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This regulatory action will not affect small businesses. The action was not used to conduct a periodic review/small business impact review.

### Public Comment

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

<b>Commenter</b>	<b>Comment</b>
Carrie-Ann Mendoza	Against the required training
Eleanor Greenway	Against the required training
Anonymous (119350)	Prefers communication competency.
Parent	Against the required training
West	Against the required training
Anonymous (119347)	Not germane to NOIRA
Michael F Karabinos	Supports the required training
Kari Wilton	Against the required training
Anonymous (119344)	Against the required training
Anonymous (119343)	Against the required training
Dominique Chatters	Supports the required training
Dawn A	Against the required training
Anonymous (119340)	Against the required training
Anonymous (119339)	Against the required training
Anonymous (119338)	Against the required training
Shamari Guest	Against the required training
Anonymous (119336)	Against the required training
Concerned parent	Against the required training
Charlie C	Against the required training
Heathwr	Against the required training



Anonymous (119332)	Against the required training
Darlana Mickens	Against the required training
Damian Trent	Against the required training
Anonymous (119329)	Against the required training
Anonymous (119328)	Against the required training
E H	Against the required training
Anonymous (119326)	Against the required training
Mumma Bear	Against the required training
Jenn Cable	Not germane to NOIRA
Jackie Garbe	Against the required training
Anonymous (119322)	Against the required training
Anonymous (119321)	Supports the required training
Martin Misjuns	Against the required training
KWebb	Against the required training
43 year veteran teacher	Against the required training
4r year veteran teacher	Against the required training
Velvet Broughton	Against the required training
Marion Talent	Against the required training
Anonymous (119314)	Against the required training
Sara Anne Johnson-Ward	Supports the required training
Laquisha Battle	Against the required training
Anonymous (119311)	Supports the required training
Maria	Against the required training
ANONYMUA	Against the required training
Marci Young	Against the required training

Anonymous (119307)	Against the required training
Carrie Kahwajy	Supports the required training
Randall Wenger	Against the required training
B. Cole	Against the required training
West	Against the required training
Leslie-Ann Sturtz	Against the required training
Tina Dunn	Against the required training
Anonymous (119300)	Against the required training
Belinda Dickerson	Against the required training
Jason Blackstone	Against the required training
Anonymous (119297)	Against the required training
Anonymous (119296)	Against the required training
Tanya	Against the required training
West	Against the required training
Anonymous (119293)	Supports the required training
Public HS teacher	Against the required training
JJ	Against the required training
Eloise West	Against the required training
Anonymous (119289)	Against the required training
Carrie L	Against the required training
Teacher's wife.	Not germane to NOIRA
Kelly Edwards	Against the required training
Vicki Hurt	Against the required training
Tracey Good	Against the required training
Kevin Strakal	Against the required training

Anonymous (119282)	Against the required training
Tonia Peake	Against the required training
Anon	Against the required training
Rimm Temple, HCPS Teacher	Against the required training
Ann Parker	Against the required training
Anonymous (119277)	Against the required training
Anonymous (119276)	Against the required training
Wendy Phillips	Against the required training
Anonymous (119274)	Against the required training
Anonymous (119273)	Against the required training
Anonymous (119272)	Against the required training
Anonymous (119271)	Against the required training
Anonymous (119270)	Against the required training
Tammy Wilson	Against the required training
Matthew e McNeill	Against the required training
JWC	Against the required training
John Ward	Against the required training
Anonymous (119264)	Against the required training
Virginia	Against the required training
Yael Levin	Against the required training
Doris Knick	Against the required training
Amanda Jackson	Against the required training; suggests training was optional for teachers
Mary Keith	Against the required training

**Agency Response:** Public comment was focused on either supporting or not supporting the cultural competency training. Moreover, the comments did not touch upon the manner in which the Board was enacting the legislation in its regulatory language. The training is required by state law, and the proposed amendments will align the regulations with state law.

**Public Participation**

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

The Department of Education is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted to Maggie M. Clemmons, Director of Licensure and School Leadership, by email to [maggie.clemmons@doe.virginia.gov](mailto:maggie.clemmons@doe.virginia.gov) or by mail to the following address:

Maggie M. Clemmons  
 101 N. 14<sup>th</sup> St.  
 James Monroe Bldg, 24<sup>th</sup> Floor  
 Richmond, VA 23219

In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

**Detail of Changes**

*List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.*

*If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.*

**Table 1: Changes to Existing VAC Chapter(s)**

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
8VAC20-23-40			"Every person seeking initial licensure shall complete instruction or training in

			<p>cultural competency consistent with guidelines prescribed by the Board.”</p> <p>This requirement will align the regulations with the current requirements in the <i>Code of Virginia</i>.</p>
<p>8VAC20 -23-110</p>			<p>“Every person seeking renewal of a license shall complete instruction or training in cultural competency consistent with guidelines prescribed by the Board.”</p> <p>This requirement will align the regulations with the current requirements in the <i>Code of Virginia</i>.</p>