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| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |

# Agenda Item: D

## Date: July 22, 2021

### Title: Final Review of Fast-Track Regulatory Action to Amend the *Licensure Regulations for School Personnel* and *Regulations Governing the Review and Approval of Education Programs in Virginia* (8VAC20-23 and 8VAC20-543) to Comport with Legislation from the 2021 Session of the General Assembly

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## Purpose of Presentation:

Action required by state or federal law or regulation.

**Executive Summary:**During its 2021 Special Session I, the General Assembly passed several bills pertaining to requirements for teacher licensure and endorsements as well as educator preparation programs in Virginia. [House Bill 1904](https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0023) (Jenkins) and [Senate Bill 1196](https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0024) (Locke) require, in part, that 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. [House Bill 2299](https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0451) (Carr) and [Senate Bill 1288](https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0452) (Dunnavant) include several provisions that ensure educators are equipped to serve students with disabilities, including the requirement that every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities, with details on training content set out in the bills. Additionally, the Board of Education is directed to amend its regulations for teacher and administrator preparation programs to ensure graduates demonstrate comprehension and proficiency in a number of knowledge and skill areas, according to their respective roles, that support the needs of students with disabilities. [House Bill 2316](https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0173) also establishes the requirement that the Board amend its teacher preparation program regulations to guarantee that each graduate in a K-12 general education endorsement area demonstrates proficiency in understanding the role of general education teachers on the IEP team.

These legislative mandates impact two regulatory chapters under the purview of the Virginia Board of Education (Board): (1) *Licensure Regulations for School Personnel* (8VAC20-23); and (2) *Regulations Governing the Review and Approval of Education Programs in Virginia* (8VAC20-543). The Board’s *Licensure Regulations for School Personnel* set out the criteria for an initial license or renewal of a license for school personnel in Virginia. Among the provisions in the Board’s *Regulations Governing the Review and Approval of Education Programs in Virginia* are expectations for the types of instruction and content provided to aspiring educators in Board-approved educator preparation programs in Virginia.

This proposal initiates a fast-track regulatory action to align its existing regulations with the new statutory requirements and to provide additional clarity on the expectations for teachers and educator preparation program providers in meeting these mandates.

Since the Board’s first review, staff has made one clarifying edit to the content requirements for instruction in African American history.

**Action Requested:**

Final review: Action requested at this meeting.

## Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends that the Virginia Board of Education approve the Fast-Track Regulatory Action to Amend the *Licensure Regulations for School Personnel* and *Regulations Governing the Review and Approval of Education Programs in Virginia* (8VAC20-23 and 8VAC20-543) to Comport with Legislation from the 2021 Session of the General Assembly.

## Rationale for Action:

This action is required to comport the Board’s *Licensure Regulations for School Personnel* and *Regulations Governing the Review and Approval of Education Programs* with new statutory requirements as passed by the General Assembly during its 2021 Session.

## Previous Review or Action:

**Date:** June 17, 2021

**Action:** First Review

**Background Information and Statutory Authority:**   
Section [22.1-16](https://law.lis.virginia.gov/vacode/title22.1/chapter2/section22.1-16/) of the Code of Virginia give the Board the authority to promulgate regulations, generally.

**§ 22.1-16. Bylaws and regulations generally.**

The 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 also has the specific authority to prescribe requirements for the licensure of teachers and school personnel, set out at § [22.1-298.1](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-298.1/) of the *Code of Virginia*.

**§ 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.

During its 2021 Special Session I, the General Assembly passed several bills pertaining to requirements for teacher licensure and endorsements as well as educator preparation programs in Virginia. As such, the authority to implement the mandates specific to this regulatory change is further reinforced in bill language.

**Chapters 23 and 24 (or HB1904 and SB1196, respectively) of the 2021 Special Session I of the General Assembly**

§ 22.1-298.1. Regulations governing licensure.

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

…

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.

**Chapters 451 and 452 (or HB2299 and SB1288, respectively) of the 2021 Special Session I of the General Assembly**

§ 22.1-298.1. Regulations governing licensure.

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

9. 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.

Additionally, the enactment clauses in HB2299 and SB1288 require the Board to amend its regulations relating to educator preparation programs.

**Chapters 451 and 452 (or HB2299 and SB1288, respectively) of the 2021 Special Session I of the General Assembly**

5. That the Board of Education shall review and amend its regulations governing general education teacher preparation programs for kindergarten through twelfth grade to ensure graduates are required to demonstrate proficiency in (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.

6. That the Board of Education shall review and amend its regulations governing administrator preparation programs to ensure graduates are required to demonstrate comprehension of (i) key special education laws and regulations, (ii) individualized education program development, (iii) the roles and responsibilities of special education teachers, and (iv) appropriate behavior management practices.

**Chapter 173 (or HB2316) of the 2021 Special Session I of the General Assembly**

§ 2. In order to (i) promote and improve the quality of individualized education programs (IEPs) for students with disabilities across the Commonwealth and (ii) ensure that each IEP contains key and required elements such as the student's academic or functional needs and goals, the Board of Education shall amend its Regulations Governing the Review and Approval of Education Programs in Virginia (8VAC20-543-10 et seq.) to ensure that each education preparation program graduate in a K-12 general education endorsement area demonstrates proficiency in understanding the role of general education teachers on the IEP team.

This regulatory action is required to comport the Board’s *Licensure Regulations for School Personnel* (8VAC20-23) and *Regulations Governing the Review and Approval of Education Programs in Virginia* (8VAC20-543) to the new statutory requirements from the 2021 Special Session of the General Assembly. Specifically, these amendments support legislative implementation in providing clarity on the expectations for teachers and educator preparation program providers in meeting these mandates.

Since the Board’s first review, staff has made one clarifying edit to the content requirements for instruction in African American history. The added language is highlighted below and has been carried through the regulatory action where appropriate.

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

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.

**Timetable for Further Review/Action:**  
Following Board approval, the fast-track regulatory action will be submitted to Town Hall for executive branch review pursuant to the Administrative Process Act. Virginia Department of Education (VDOE) staff will communicate to the field via Superintendent’s memo information on forthcoming requirements for licensure and endorsements per the fast-track regulatory action as well as opportunity for public comment. Additionally, VDOE staff will communicate with institutions of higher education on pending requirements for approved educator preparation programs.

## Impact on Fiscal and Human Resources:

Virginia Department of Education staff will assist in facilitating the regulatory process and with the implementation of amended regulations once effective.