



COMMONWEALTH of VIRGINIA
Department of Education

DATE: August 25, 2017
TO: Division Superintendents
FROM: Steven R. Staples, Superintendent of Public Instruction
SUBJECT: **Legislative Changes Affecting Licensure Revocation and Dismissal of School Personnel, Effective July 1, 2017**

The purpose of this memorandum is to notify you of action by the 2017 General Assembly amending Sections [22.1-298.1](#) and [22.1-307](#) of the *Code of Virginia*. The newly enacted language appears below, with revised or added language in italics. The *Licensure Regulations for School Personnel* will be amended through the Administrative Process Act to comport with state statute. The statutory changes, however, became effective July 1, 2017.

Attachment A contains an overview of selected investigation and reporting requirements related to licensure of school personnel established by statutes and regulations. This information provides revisions and updates to similar information distributed in [Superintendent's Memorandum #024-17](#), dated January 27, 2017.

[§ 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. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure *and procedures for 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 (i) 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; (ii) 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 (iii) 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. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education...

[§ 22.1-307. Dismissal of teacher; grounds](#).

- A. Teachers may be dismissed for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect,

pursuant to § [63.2-1505](#), and after all rights to *any administrative* appeal provided by § [63.2-1526](#) have been exhausted. The fact of such finding, after all rights to *any administrative* appeal provided by § [63.2-1526](#) have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the school board...

If you have questions or need additional information regarding this memorandum, please contact Ms. Nancy Walsh, Professional Practices Specialist, at (804) 371-2522 or nancy.walsh@doe.virginia.gov.

SRS/PP/nw

Attachment:

- A. [Selected Investigation and Reporting Requirements Established by Virginia Statute and Regulations Related to the Revocation or Suspension of a License Issued by the Virginia Board of Education](#) (Word)

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