



COMMONWEALTH of VIRGINIA
Department of Education

DATE: November 3, 2017
TO: Division Superintendents
FROM: Steven R. Staples, Superintendent of Public Instruction
SUBJECT: Record Review of Cases Involving a Basis for License Revocation

The Virginia Department of Education (VDOE) requests that divisions conduct a review of records to ensure that cases involving a basis for the revocation of a license have been addressed properly. The 2017 Virginia General Assembly provided resources to the Department to conduct a one-time review of teacher licensure records to confirm that adverse licensure action has been taken against teachers who have been convicted of child abuse. The VDOE is reviewing its records to ensure that adverse action has been taken against the Virginia Board of Education licenses of individuals who are guilty of, or have engaged in, any of the conduct listed in the [Licensure Regulations for School Personnel](#) as a basis for license revocation.

This memorandum reviews the duties of school divisions related to license revocation by the Board of Education and provides guidance to divisions on conducting a review of records to ensure that adverse licensure action has occurred or been initiated when they are aware that such action is warranted. The VDOE reports adverse licensure actions (revocation, suspension, denial, cancellation) to school divisions by monthly memoranda; to the public on the [VDOE's website](#) (PDF); and to other states, jurisdictions, and territories through the [National Association of State Directors of Teacher Education and Certification \(NASDTEC\) Clearinghouse](#).

Overview of Duties Related to License Revocation

Under the Virginia Board of Education's [Licensure Regulations for School Personnel](#), a school division superintendent, principal, or other school employee who becomes aware that a license holder is guilty of, or has engaged in, any of the conduct listed as a basis for revocation under [8VAC20-22-690A](#) must file a complaint against the licensee. Divisions have an obligation to investigate all complaints and to seek action against the license if the complaint is determined to be well founded. These duties continue *even if the license holder is no longer employed by the school division*.

A license issued by the Virginia Board of Education may be revoked for the following reasons:

1. Obtaining or attempting to obtain such license by fraudulent means or through misrepresentation of material facts;
2. Falsification of school records, documents, statistics, or reports;
3. Conviction of any felony;
4. Conviction of any misdemeanor involving moral turpitude;
5. Conduct with direct and detrimental effect on the health, welfare, discipline, or morale of students;
6. Misapplication of or failure to account for school funds or other school properties with which the licensee has been entrusted;
7. Acts related to secure mandatory tests as specified in § [22.1-292.1](#) of the *Code of Virginia*;
8. Knowingly and willfully with the intent to compromise the outcome of an athletic competition procures, sells, or administers anabolic steroids or causes such drugs to be procured, sold, or administered to a student who is a member of a school athletic team, or fails to report the use of such drugs by a student to

the school principal and division superintendent as required by § [22.1-279.3:1](#) of the *Code of Virginia*.

. . .; or

9. Other just cause in the best interest of the public schools of the Commonwealth of Virginia.

Section [22.1-298.1](#) of the *Code of Virginia* also references the revocation of licenses. Under this provision, a division superintendent or his authorized designee has a duty to conduct an immediate and thorough investigation of any complaint against a license holder. If the division superintendent or local school board concludes there is reasonable cause to believe the complaint is well founded, i.e., there is a basis for revocation, the division superintendent must notify the license holder by written petition that he or she is seeking revocation of the individual's license.

The *Code* also requires that the petition be addressed by the local school board within 90 days of the date the petition was mailed, unless the license holder voluntarily surrenders his or her license and requests cancellation, pursuant to the Board of Education's regulations.

Additional information about the revocation process is available in [Superintendent's Memorandum #251-17](#) and its [attachment](#) (Word), dated August 25, 2017.

Record Review Process

To ensure that cases involving a basis for the revocation of a license have been addressed properly, each school division should:

1. Check records of current and former employees to identify cases involving a basis for revocation to ensure that action against the license has been taken or is underway.
2. Check the VDOE's online [listing of licenses and endorsements denied, revoked, suspended, cancelled or reinstated by the Board of Education since 2000](#) (PDF) to determine if action against current or former employees has been taken. This review is particularly important to confirm that action was taken in any cases for which the division previously initiated action against the license or understood that such action previously was taken.
3. File a petition for revocation against any current employee or former employee not on the list if the division has reasonable cause to believe a basis for revocation of the individual's license exists. The VDOE can provide assistance on the process for initiating action against a license.

Membership in the NASDTEC Clearinghouse

As notified previously in a Superintendent's Email on May 26, 2017, local education agencies, including school divisions, are now eligible to subscribe to the NASDTEC Clearinghouse, which provides a nationwide searchable database containing information about individuals who have had a professional educator certificate/license in another state annulled, denied, suspended, revoked, or otherwise invalidated. The Clearinghouse also includes names of individuals who have surrendered certificates/licenses and individuals against whom adverse actions such as reprimands, warnings, and fines have been taken. Access to the Clearinghouse requires an [Associate Membership](#) (\$500 annually) in NASDTEC and a subscription fee based on the number of full-time equivalent (FTE) teachers in the division (12¢ per teacher). If you have questions about the Clearinghouse, please contact NASDTEC by email at support@nasdtec.org.

For More Information

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

SRS/NW/lmw

c: School Division Human Resources Officials
Virginia Council for Private Education

