

SENATE BILL NO. 352

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on _____)

(Patron Prior to Substitute--Senator Peake)

A BILL to amend and reenact § 22.1-298.1, as it shall become effective, of the Code of Virginia and to repeal § 22.1-299.5 of the Code of Virginia, relating to teachers; certain licenses and certificates.

Be it enacted by the General Assembly of Virginia:

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

§ 22.1-298.1. (For effective date, see Acts 2022, cc. 549 and 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.

"Concurrent enrollment" means the enrollment of a qualified student in a postsecondary course that is taught by approved high school faculty, adjunct college faculty, or college faculty at a high school or institution of higher education accredited by an agency recognized by the U.S. Secretary of Education or through an online program recognized by a state education agency. "Concurrent enrollment" includes associate degree transfer programs, career and technical education programs as defined in § 22.1-207.01, and noncredit industry-recognized credentials including those offered through the Virginia Community College System workforce programs that are funded through the New Economy Workforce Credentials Grant Program.

"Core subject or course" means an English language arts, mathematics, science, or history and social science course offered by a school, school division, or institution of higher education.

27 "Dual enrollment" means the enrollment of a qualified high school student in a postsecondary
28 course that is creditable toward high school completion and a career certificate or an associate or
29 baccalaureate degree at a public institution of higher education. "Dual enrollment" does not include the
30 enrollment of a qualified high school student in a postsecondary course that is not creditable toward high
31 school completion.

32 "Industry certification credential" means an active career and technical education credential that is
33 earned by successfully completing a ~~Board of Education approved~~ Board-approved industry certification
34 examination, being issued a professional license in the Commonwealth, or successfully completing an
35 occupational competency examination.

36 "Licensure by reciprocity" means ~~a process used to issue~~ the issuance of a license as a teacher in
37 the Commonwealth to an individual coming into the Commonwealth from another state when that
38 individual meets certain conditions specified in the ~~Board of Education's~~ Board's regulations.

39 "Non-core subject or course" means any subject or course offered by a school, school division, or
40 institution of higher education that does not fit the criteria of a core subject or course.

41 "Professional teacher's assessment" means those tests mandated for licensure as prescribed by the
42 ~~Board of Education.~~

43 "Provisional license" means a nonrenewable license issued by the ~~Board of Education~~ for a
44 specified period of time, not to exceed three years, or by a division superintendent for a period of one year
45 as permitted pursuant to subdivision D 5 to an individual who may be employed by a school division in
46 the Commonwealth and who generally meets the requirements specified in the ~~Board of Education's~~
47 Board's regulations for licensure, but who may need to take additional coursework, pass additional
48 assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

49 "Renewable license" means a license issued by the ~~Board of Education~~ for 10 years to an individual
50 who meets the requirements specified in the ~~Board of Education's~~ Board's regulations.

51 "Subject matter expert teaching certificate" means a teaching certificate issued in accordance with
52 the provisions of subsection P, the purpose of which is to provide high-quality teaching candidates who
53 have relevant work experience or expertise in a content or subject matter, in addition to substantial

54 experience in K-12 instruction, pedagogy, assessment design, classroom management, and working with
55 diverse learners, an accelerated path toward a renewable license.

56 "Universal licensure by reciprocity" means the issuance of a license as a teacher in the
57 Commonwealth to any individual who meets the requirements set forth in 8VAC20-23-100.

58 B. The ~~Board of Education~~ shall prescribe, by regulation, the requirements for the licensure of
59 teachers and other school personnel required to hold a license. Such regulations shall include procedures
60 for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written
61 reprimand of license holders on grounds established by the Board, in accordance with law, notice of which
62 shall be made by the ~~Superintendent of Public Instruction~~ to division superintendents or their designated
63 representatives; and (iii) the immediate and thorough investigation by the division superintendent or his
64 designee of any complaint alleging that a license holder has engaged in conduct that may form the basis
65 for the revocation of his license. At a minimum, such procedures for investigations contained in such
66 regulations shall require (a) the division superintendent to petition for the revocation of the license upon
67 completing such investigation and finding that there is reasonable cause to believe that the license holder
68 has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to
69 a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the
70 license holder, unless the license holder requests the cancellation of his license in accordance with Board
71 regulations; and (c) the school board to provide a copy of the investigative file and such petition for
72 revocation to the ~~Superintendent of Public Instruction~~ at the time that the hearing is scheduled. The Board
73 ~~of Education~~ shall revoke the license of any person for whom it has received a notice of dismissal or
74 resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a
75 founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by §
76 63.2-1526 have been exhausted. In the case of a teacher who is the subject of a founded complaint of child
77 abuse or neglect and whose license has been revoked pursuant to this subsection, in the event that a court
78 reverses such finding of abuse or neglect and the individual submits to the Department an application for
79 the reinstatement of his license as a teacher, the Board shall consider and act upon such application no
80 later than 90 days after the date of submission. Regardless of the authority of any other agency of the

81 Commonwealth to approve educational programs, only the ~~Board of Education~~ shall have the authority to
82 license teachers to be regularly employed by school boards, including those teachers employed to provide
83 nursing education.

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

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

90 1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core
91 skills for educators by achieving a qualifying score on professional assessments or meeting alternative
92 evaluation standards as prescribed by the Board. The literacy assessment for any individual seeking initial
93 licensure with an endorsement in early/primary education preschool through grade three, elementary
94 education preschool through grade six, special education general curriculum kindergarten through grade
95 12, special education deaf and hard of hearing preschool through grade 12, or special education
96 blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous
97 test of science-based reading research and evidence-based literacy instruction;

98 2. Complete study in attention deficit disorder;

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

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

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

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

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

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

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

123 5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area
124 of career and technical education shall have an industry certification credential in the area in which the
125 teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained
126 an industry certification credential in the area in which the teacher seeks endorsement, the ~~Board~~ division
127 superintendent may, ~~upon request of the employing school division or educational agency,~~ issue the
128 teacher a one-year, nonrenewable provisional license ~~to allow time for the teacher to attain~~ upon receipt
129 of a written statement from the teacher that he will seek to attain such credential within one year;

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

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

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

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

143 10. Every person seeking initial licensure or renewal of a license with an endorsement in history
144 and social sciences shall complete instruction in African American history, as prescribed by the Board;

145 11. Every person seeking renewal of a license as a teacher shall complete training in the instruction
146 of students with disabilities that includes (i) differentiating instruction for students depending on their
147 needs; (ii) understanding the role of general education teachers on the individualized education program
148 team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv)
149 understanding the goals and benefits of inclusive education for all students; and

150 12. Every person seeking initial licensure with an endorsement in early/primary education
151 preschool through grade three, elementary education preschool through grade six, special education
152 general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool
153 through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a
154 reading specialist shall complete study in science-based reading research and evidence-based literacy
155 instruction.

156 E. No teacher who seeks a provisional license shall be required to meet any requirement set forth
157 in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each
158 such requirement during the first year of provisional licensure.

159 F. The Board shall issue a license to an individual seeking initial licensure who has not completed
160 professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that
161 will expire within three months or, at the discretion of the school board and division superintendent, within
162 six months if the individual has received a satisfactory mid-year performance review in the current school
163 year; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent;
164 (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as
165 prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance
166 standards for each year of the provisional license, and such evaluation was conducted in a manner
167 consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers,
168 Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

169 G. Each local school board or division superintendent may waive for any individual whom it seeks
170 to employ as a career and technical education teacher and who is also seeking initial licensure or renewal
171 of a license with an endorsement in the area of career and technical education any applicable requirement
172 set forth in subsection C or subdivision D 2, 4, or 6.

173 H. The Board's regulations shall require that initial licensure for principals and assistant principals
174 be contingent upon passage of an assessment as prescribed by the Board.

175 I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential
176 learning for coursework for those persons seeking initial licensure through an alternate route as defined in
177 Board regulations. Such alternate routes shall include eligibility for any individual to receive,
178 notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high
179 schools in the Commonwealth if he has:

- 180 1. Received a graduate degree from a regionally accredited institution of higher education;
- 181 2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally
182 accredited institution of higher education;
- 183 3. Received qualifying scores on the professional teacher's assessments prescribed by the Board,
184 including the communication and literacy assessment and the content-area assessment for the endorsement
185 sought. The literacy assessment for any individual seeking initial licensure through an alternate route with

186 an endorsement in early/primary education preschool through grade three, elementary education preschool
187 through grade six, special education general curriculum kindergarten through grade 12, special education
188 deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments
189 preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading
190 research and evidence-based literacy instruction; and

191 4. Met the requirements set forth in subdivisions D 1 and 3.

192 J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance
193 of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any
194 person who does not meet the requirements of this section or any other requirement for licensure imposed
195 by law; (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three
196 years, to any former member of the Armed Forces of the United States or the Virginia National Guard
197 who has received an honorable discharge and has the appropriate level of experience or training but does
198 not meet the requirements for a renewable license; and (iii) may provide for the issuance of a provisional
199 license, valid for a period not to exceed three years, to any individual who has held within the last five
200 years a valid and officially issued and recognized license or certification to teach issued by an entity
201 outside of the United States but does not meet the requirements for a renewable license if the individual's
202 license or certification to teach has been evaluated and verified by an entity approved by the Department.

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

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

209 2. For any spouse of an active duty or reserve member of the Armed Forces of the United States
210 or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full
211 credentials and without deficiencies, that is in force at the time the application for a Virginia license is
212 received by the Department. Each such individual shall establish a file in the Department by submitting a

213 complete application packet, which shall include official student transcripts and an official copy of the
214 military permanent assignment orders of the individual's spouse. No service requirements or licensing
215 assessments shall be required for any such individual. The Department shall determine and communicate
216 such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete
217 application packet; ~~and~~.

218 ~~3. For~~ L. The Board's licensure regulations shall also provide for universal licensure by reciprocity
219 for individuals who have obtained a valid out-of-state license, with full credentials and without
220 deficiencies, that is in force at the time the application for a Virginia license is received by the Department.
221 ~~Each such individual shall establish a file in the Department by submitting a complete application packet,~~
222 ~~which shall include official student transcripts~~ and who meet all criteria set forth in 8VAC20-23-100. No
223 service requirements or licensing assessments shall be required for any such individual who applies for
224 universal licensure by reciprocity and meets all criteria set forth in 8VAC20-23-100. Any individual who
225 applies for universal licensure by reciprocity shall provide a copy of the individual's valid out-of-state
226 teaching license with full credentials and without deficiencies that is in force at the time of application.
227 Any such individual shall be subject to a background clearance check, the provisions of §§ 22.1-296.2 and
228 22.1-296.4, and have no pending disciplinary actions or investigations. The Department shall prioritize
229 applications for other types of licensure before universal licensure by reciprocity.

230 ~~L. M.~~ The Board shall include in its regulations an alternate route to licensure for elementary
231 education preschool through grade six and an alternate route to licensure for special education general
232 curriculum kindergarten through grade 12. Each such alternate route to licensure shall require individuals
233 to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the
234 endorsements sought and (ii) complete an alternative certification program that provides training in the
235 pedagogy and methodology of the respective content or special education areas prescribed by the Board.
236 The curriculum of any such alternative certification program shall be approved by the Board. Nothing in
237 this subsection shall preclude the Board from establishing other alternate routes to licensure.

238 ~~M. N.~~ The Board, in its regulations providing for licensure by reciprocity established pursuant to
239 ~~subsection~~ subsections K and L, shall (i) permit applicants to submit third-party employment verification

240 forms and (ii) grant special consideration to individuals who have successfully completed a program
241 offered by a 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
244 licensure that may be used to meet the requirements for a provisional or renewable license or any
245 endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher
246 preparation, including alternative professional assessments and coursework. The petitioner may proffer or
247 the Board may impose conditions in conjunction with the approval of such petition.

248 P. The Board may issue a subject matter expert teaching certificate, valid for a period not to exceed
249 three years, to any individual who has expertise in a content or subject matter area in order for such
250 individual to provide instruction or coursework in such content or subject matter area in grades six through
251 12 at any public school in the Commonwealth or at an institution of higher education in the
252 Commonwealth, including dual enrollment or concurrent enrollment courses.

253 For a teaching candidate applying for a subject matter expert teaching certificate for a core subject
254 or course, expertise in a content or subject matter area shall be demonstrated through (i) passage of the
255 Praxis subject test for the content or subject matter area to be taught; (ii) possession of a baccalaureate
256 degree, a master's degree, or a doctoral degree from a regionally or nationally accredited public or private
257 institution of higher education in the content or subject matter area to be taught; (iii) submission of written
258 proof of full-time employment at a regionally or nationally accredited public or private institution of
259 higher education during which the individual successfully taught courses relevant to the content or subject
260 matter area for at least five years; and (iv) submission of written proof of the completion of coursework
261 as set forth in subdivisions 1, 2, 3, 5, and 6 of 8VAC20-23-190 or substantially similar coursework.

262 For a teaching candidate applying for a subject matter expert teaching certificate for a non-core
263 subject or course, expertise in a content or subject matter area may be demonstrated through (i) passage
264 of a content or subject matter area test; (ii) possession of a baccalaureate degree, a master's degree, or a
265 doctoral degree from a regionally or nationally accredited public or private institution of higher education
266 in the relevant content or subject matter area; (iii) either submission of written proof of full-time

267 employment at a regionally or nationally accredited public or private institution of higher education during
268 which the individual successfully taught courses relevant to the content or subject matter area for at least
269 five years or submission of written proof of employment or valid, relevant licensure during which the
270 individual gained at least five years of full-time professional work experience in the specific content or
271 subject area to be taught; and (iv) submission of written proof of the completion of coursework as set forth
272 in subdivisions 1, 2, 3, 5, and 6 of 8VAC20-23-190 or substantially similar coursework.

273 Q. No individual who seeks a subject matter expert teaching certificate pursuant to subsection P
274 shall be required, as a condition of the issuance of such certificate, to demonstrate professional knowledge
275 proficiency except as otherwise required in subsection P. School divisions and institutions of higher
276 education may hire subject matter expert teachers on a full-time or part-time basis. Any such individual
277 shall be subject to a background clearance check, the provisions of §§ 22.1-296.2 and 22.1-296.4, and
278 have no pending disciplinary actions or investigations. The employing school board or institution of higher
279 education shall assign a mentor to supervise any individual issued a three-year subject matter expert
280 teaching certificate during his first two years of teaching and shall pay such mentor a stipend in an amount
281 equal to two percent of his annual salary as compensation for such additional professional responsibility.
282 Such mentor shall be an individual employed by a local school board in a Standards of Quality-funded
283 position and such stipend shall be subject to a state match through the Standards of Quality.

284 R. Subject matter expert teaching certificates are nonrenewable and shall neither be construed as
285 nor contribute toward provisional licensure. Upon the expiration of a subject matter expert teaching
286 certificate, any individual employed under a subject matter expert teaching certificate shall be required to
287 obtain a provisional license or renewable license as a condition of continued employment as a teacher.

288 S. Each school board shall evaluate subject matter expert teachers in the school division consistent
289 with the performance objectives set forth in the Guidelines for Uniform Performance Standards and
290 Evaluation Criteria for Teachers, Administrators, and Superintendents as required by § 22.1-253.13:5.

291 T. Each school division shall annually report to the Department the number of subject matter expert
292 teaching certificates issued for part-time teaching positions and full-time teaching positions pursuant to
293 this section, delineated by subject area, course, and grade level. The Department shall annually track and

294 report on its website the number of subject matter expert teaching certificates issued by school divisions,
295 delineated by school division, school, subject area, course, and grade level.

296 **2. That § 22.1-299.5 of the Code of Virginia is repealed.**

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