

HOUSE BILL NO. 632

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on _____)

(Patron Prior to Substitute--Delegate Rasoul)

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 a program whereby a postsecondary course is taught at the high school, the institution of higher education, or online by approved high school faculty, adjunct college faculty, or college faculty. "Concurrent enrollment" includes associate degree transfer programs, career and technical education programs, 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.

"Dual enrollment" means a program whereby a high school student simultaneously receives dual high school credit and transcript college credit for a college-level course offered in the high school.

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

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

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

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

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

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

46 "Subject matter expert teaching certificate" means a teaching certificate issued in accordance with
47 the provisions of subsection P, the purpose of which is to provide high-quality teaching candidates who
48 have relevant work experience or expertise in a content or subject matter area an accelerated path toward
49 a renewable license.

50 "Universal licensure by reciprocity" means the issuance of a license as a teacher in the
51 Commonwealth to any individual who holds a valid out-of-state teaching license with full credentials and
52 in good standing that is in force at the time the application for a license as a teacher in the Commonwealth
53 is received by the Department, regardless of the type of teacher preparation program.

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

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

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

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

94 2. Complete study in attention deficit disorder;

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

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

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

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

104 2. Every person seeking renewal of a license shall complete all renewal requirements, including
105 professional development in a manner prescribed by the Board, except that no person seeking renewal of

106 a license shall be required to satisfy any such requirement by completing coursework and earning credit
107 at an institution of higher education;

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

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

119 5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area
120 of career and technical education shall have an industry certification credential in the area in which the
121 teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained
122 an industry certification credential in the area in which the teacher seeks endorsement, the ~~Board~~ division
123 superintendent may, ~~upon request of the employing school division or educational agency,~~ issue the
124 teacher a provisional license to allow time for the teacher to attain such credential;

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

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

131 8. Every person seeking initial licensure as a teacher who has not received the instruction described
132 in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and

133 supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with
134 regulations of the Board of Education; and appropriate alternative methods to reduce and prevent the need
135 for the use of physical restraint and seclusion;

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

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

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

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

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

154 F. The Board shall issue a license to an individual seeking initial licensure who has not completed
155 professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that
156 will expire within three months or, at the discretion of the school board and division superintendent, within
157 six months if the individual has received a satisfactory mid-year performance review in the current school
158 year; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent;
159 (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as

160 prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance
161 standards for each year of the provisional license, and such evaluation was conducted in a manner
162 consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers,
163 Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

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

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

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

- 175 1. Received a graduate degree from a regionally accredited institution of higher education;
- 176 2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally
177 accredited institution of higher education;
- 178 3. Received qualifying scores on the professional teacher's assessments prescribed by the Board,
179 including the communication and literacy assessment and the content-area assessment for the endorsement
180 sought. The literacy assessment for any individual seeking initial licensure through an alternate route with
181 an endorsement in early/primary education preschool through grade three, elementary education preschool
182 through grade six, special education general curriculum kindergarten through grade 12, special education
183 deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments
184 preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading
185 research and evidence-based literacy instruction; and
- 186 4. Met the requirements set forth in subdivisions D 1 and 3.

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

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

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

204 2. For any spouse of an active duty or reserve member of the Armed Forces of the United States
205 or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full
206 credentials and ~~without deficiencies~~ in good standing, that is in force at the time the application for a
207 Virginia license is received by the Department. Each such individual shall establish a file in the
208 Department by submitting a complete application packet, which shall include official student transcripts
209 and an official copy of the military permanent assignment orders of the individual's spouse. No service
210 requirements or licensing assessments shall be required for any such individual. The Department shall
211 determine and communicate such individual's eligibility for licensure by reciprocity within 15 business
212 days of receipt of the complete application packet; ~~and~~.

213 ~~3. For individuals who have obtained a valid out-of-state license, with full credentials and without~~
214 ~~deficiencies, that is in force at the time the application for a Virginia license is received by the Department.~~
215 ~~Each such individual shall establish a file in the Department by submitting a complete application packet,~~
216 ~~which shall include official student transcripts.~~

217 L. The Board's licensure regulations shall also provide for universal licensure by reciprocity. No
218 service requirements or licensing assessments shall be required for any such individual who applies for
219 universal licensure by reciprocity. Any individual who applies for universal licensure by reciprocity shall
220 provide a copy of the individual's valid out-of-state teaching license with full credentials and in good
221 standing that is in force at the time of application. Any such individual shall be subject to a background
222 clearance check, the provisions of §§ 22.1-296.2 and 22.1-296.4, and have no pending disciplinary actions
223 or investigations. The Department shall prioritize applications for universal licensure by reciprocity.

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

232 ~~M.~~ N. The Board, in its regulations providing for licensure by reciprocity established pursuant to
233 ~~subsection~~ subsections K and L, shall (i) permit applicants to submit third-party employment verification
234 forms and (ii) grant special consideration to individuals who have successfully completed a program
235 offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

236 ~~N.~~ O. The Board shall develop guidelines that establish a process to permit a school board or any
237 organization sponsored by a school board to petition the Board for approval of an alternate route to
238 licensure that may be used to meet the requirements for a provisional or renewable license or any
239 endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher

240 preparation, including alternative professional assessments and coursework. The petitioner may proffer or
241 the Board may impose conditions in conjunction with the approval of such petition.

242 P. Any local school division or institution of higher education in the Commonwealth may issue a
243 subject matter expert teaching certificate to any individual who has expertise in a content or subject matter
244 area in order for such individual to provide instruction or coursework in such content or subject matter
245 area in grades six through 12 at any public school in the Commonwealth or at an institution of higher
246 education in the Commonwealth, including dual enrollment or concurrent enrollment courses.

247 For a teaching candidate applying for a subject matter expert teaching certificate for a core subject
248 or course, expertise in a content or subject matter area shall be demonstrated through passage of a content
249 or subject matter area test and (i) possession of a baccalaureate degree, a master's degree, or a doctoral
250 degree in the relevant content or subject matter area or (ii) submission of written proof of employment
251 during which the individual taught courses relevant to the content or subject matter area for the last two
252 consecutive years or for a total of at least three years at one or more regionally or nationally accredited
253 public or private institutions of higher education.

254 For a teaching candidate applying for a subject matter expert teaching certificate for a non-core
255 subject or course, expertise in a content or subject matter area may be demonstrated through any of the
256 following: (i) passage of a content or subject matter area test; (ii) possession of a baccalaureate degree, a
257 master's degree, or a doctoral degree in the relevant content or subject matter area; (iii) submission of
258 written proof of employment during which the individual taught courses relevant to the content or subject
259 matter area for the last two consecutive years or for a total of at least three years at one or more regionally
260 or nationally accredited public or private institutions of higher education; or (iv) submission of written
261 proof of employment or valid, relevant licensure during which the individual gained at least five years of
262 relevant work experience.

263 Q. No individual who seeks a subject matter expert teaching certificate pursuant to subsection P
264 shall be required, as a condition of the issuance of such certificate, to demonstrate professional knowledge
265 proficiency except as otherwise required in subsection P. School divisions and institutions of higher
266 education may hire subject matter expert teachers on a full-time or part-time basis. Any such individual

267 shall be subject to a background clearance check, the provisions of §§ 22.1-296.2 and 22.1-296.4, and
268 have no pending disciplinary actions or investigations.

269 R. Any individual who is issued a subject matter expert teaching certificate is eligible for a
270 renewable license upon at least three years of teaching experience under such certificate as determined by
271 the division superintendent and local school board.

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

275 T. Each school division shall annually report to the Department the number of subject matter expert
276 teaching certificates issued for part-time teaching positions and full-time teaching positions pursuant to
277 this section, delineated by subject area, course, and grade level. The Department shall annually track and
278 report on its website the number of adjunct teaching certificates issued by school divisions, delineated by
279 school division, school, subject area, course, and grade level.

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

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