

HOUSE BILL NO. 731

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Sewell)

A BILL to amend and reenact § 22.1-298.1, as it shall become effective, of the Code of Virginia, relating to teachers; renewable licenses; requirements; assessments.

**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 or regulations issued by the ~~Board of Education~~.

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

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

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

26 "Provisional license" means a nonrenewable license issued by the Board of Education for a  
27 specified period of time, not to exceed three years, to an individual who may be employed by a school  
28 division in the Commonwealth and who generally meets the requirements specified in the Board of  
29 Education's Board's regulations for licensure, but who may need to take additional coursework, pass  
30 additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable  
31 license.

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

34 B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of  
35 teachers and other school personnel required to hold a license. Such regulations shall include procedures  
36 for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written  
37 reprimand of license holders on grounds established by the Board, in accordance with law, notice of which  
38 shall be made by the Superintendent of Public Instruction to division superintendents or their designated  
39 representatives; and (iii) the immediate and thorough investigation by the division superintendent or his  
40 designee of any complaint alleging that a license holder has engaged in conduct that may form the basis  
41 for the revocation of his license. At a minimum, such procedures for investigations contained in such  
42 regulations shall require (a) the division superintendent to petition for the revocation of the license upon  
43 completing such investigation and finding that there is reasonable cause to believe that the license holder  
44 has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to  
45 a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the  
46 license holder, unless the license holder requests the cancellation of his license in accordance with Board  
47 regulations; and (c) the school board to provide a copy of the investigative file and such petition for  
48 revocation to the Superintendent of Public Instruction at the time that the hearing is scheduled. The Board  
49 of Education shall revoke the license of any person for whom it has received a notice of dismissal or  
50 resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a  
51 founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by §  
52 63.2-1526 have been exhausted. In the case of a teacher who is the subject of a founded complaint of child

53 abuse or neglect and whose license has been revoked pursuant to this subsection, in the event that a court  
54 reverses such finding of abuse or neglect and the individual submits to the Department an application for  
55 the reinstatement of his license as a teacher, the Board shall consider and act upon such application no  
56 later than 90 days after the date of submission. Regardless of the authority of any other agency of the  
57 Commonwealth to approve educational programs, only the Board of Education shall have the authority to  
58 license teachers to be regularly employed by school boards, including those teachers employed to provide  
59 nursing education.

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

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

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

74 2. Complete study in attention deficit disorder;

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

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

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

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

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

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

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

99 5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area  
100 of career and technical education shall have an industry certification credential in the area in which the  
101 teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained  
102 an industry certification credential in the area in which the teacher seeks endorsement, the Board may,  
103 upon request of the employing school division or educational agency, issue the teacher a provisional  
104 license to allow time for the teacher to attain such credential;

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

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

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

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

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

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

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

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

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

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

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

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

- 155 1. Received a graduate degree from a regionally accredited institution of higher education;
- 156 2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally  
157 accredited institution of higher education;

158 3. Received qualifying scores on the professional teacher's assessments prescribed by the Board,  
159 including ~~the communication and literacy assessment and the content-area assessment for the endorsement~~  
160 sought. ~~The literacy assessment~~ Such assessments for any individual seeking initial licensure through an  
161 alternate route with an endorsement in early/primary education preschool through grade three, elementary  
162 education preschool through grade six, special education general curriculum kindergarten through grade  
163 12, special education deaf and hard of hearing preschool through grade 12, or special education  
164 blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous  
165 test of science-based reading research and evidence-based literacy instruction; and

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

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

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

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

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

193           3. For individuals who have obtained a valid out-of-state license, with full credentials and without  
194 deficiencies, that is in force at the time the application for a Virginia license is received by the Department.  
195 Each such individual shall establish a file in the Department by submitting a complete application packet,  
196 which shall include official student transcripts. No service requirements or licensing assessments shall be  
197 required for any such individual.

198           L. The Board shall include in its regulations an alternate route to licensure for elementary education  
199 preschool through grade six and an alternate route to licensure for special education general curriculum  
200 kindergarten through grade 12. Each such alternate route to licensure shall require individuals to (i) meet  
201 the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought  
202 and (ii) complete an alternative certification program that provides training in the pedagogy and  
203 methodology of the respective content or special education areas prescribed by the Board. The curriculum  
204 of any such alternative certification program shall be approved by the Board. Nothing in this subsection  
205 shall preclude the Board from establishing other alternate routes to licensure.

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



210 N. The Board shall develop guidelines that establish a process to permit a school board or any  
211 organization sponsored by a school board to petition the Board for approval of an alternate route to  
212 licensure that may be used to meet the requirements for a provisional or renewable license or any  
213 endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher  
214 preparation, including alternative professional assessments and coursework. The petitioner may proffer or  
215 the Board may impose conditions in conjunction with the approval of such petition.

216 **2. That the Board of Education shall eliminate the requirement for any individual to take and**  
217 **receive a passing score on the Virginia Communication and Literacy Assessment as a condition of**  
218 **the initial award or renewal of a renewable license as a teacher in the Commonwealth.**

219 #