

SENATE BILL NO. 352

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on _____)

(Patron Prior to Substitute--Senator Peake)

A BILL to amend and reenact §§ 22.1-298.1, as it shall become effective, and 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, and 22.1-299.5 of the Code of Virginia are 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~~.

"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~~ the issuance of a license as a teacher in the Commonwealth 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 or by a
27 division superintendent as permitted pursuant to subdivision D 5 for a specified period of time, not to
28 exceed three years, to an individual who may be employed by a school division in the Commonwealth
29 and who generally meets the requirements specified in the ~~Board of Education's~~ Board's regulations for
30 licensure, but who may need to take additional coursework, pass additional assessments, or meet
31 alternative evaluation standards to be fully licensed with a renewable 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 "Universal licensure by reciprocity" means the issuance of a license as a teacher in the
35 Commonwealth to any individual who holds a valid out-of-state teaching license with full credentials and
36 without deficiencies that has been in force for at least three years prior to and is in force at the time the
37 Department receives such individual's application for a license as a teacher in the Commonwealth.

38 B. The ~~Board of Education~~ shall prescribe, by regulation, the requirements for the licensure of
39 teachers and other school personnel required to hold a license. Such regulations shall include procedures
40 for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written
41 reprimand of license holders on grounds established by the Board, in accordance with law, notice of which
42 shall be made by the ~~Superintendent of Public Instruction~~ to division superintendents or their designated
43 representatives; and (iii) the immediate and thorough investigation by the division superintendent or his
44 designee of any complaint alleging that a license holder has engaged in conduct that may form the basis
45 for the revocation of his license. At a minimum, such procedures for investigations contained in such
46 regulations shall require (a) the division superintendent to petition for the revocation of the license upon
47 completing such investigation and finding that there is reasonable cause to believe that the license holder
48 has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to
49 a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the
50 license holder, unless the license holder requests the cancellation of his license in accordance with Board
51 regulations; and (c) the school board to provide a copy of the investigative file and such petition for
52 revocation to the ~~Superintendent of Public Instruction~~ at the time that the hearing is scheduled. The Board

53 ~~of Education~~ shall revoke the license of any person for whom it has received a notice of dismissal or
54 resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a
55 founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by §
56 63.2-1526 have been exhausted. In the case of a teacher who is the subject of a founded complaint of child
57 abuse or neglect and whose license has been revoked pursuant to this subsection, in the event that a court
58 reverses such finding of abuse or neglect and the individual submits to the Department an application for
59 the reinstatement of his license as a teacher, the Board shall consider and act upon such application no
60 later than 90 days after the date of submission. Regardless of the authority of any other agency of the
61 Commonwealth to approve educational programs, only the ~~Board of Education~~ shall have the authority to
62 license teachers to be regularly employed by school boards, including those teachers employed to provide
63 nursing education.

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

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

70 1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core
71 skills for educators by achieving a qualifying score on professional assessments or meeting alternative
72 evaluation standards as prescribed by the Board. The literacy assessment for any individual seeking initial
73 licensure with an endorsement in early/primary education preschool through grade three, elementary
74 education preschool through grade six, special education general curriculum kindergarten through grade
75 12, special education deaf and hard of hearing preschool through grade 12, or special education
76 blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous
77 test of science-based reading research and evidence-based literacy instruction;

78 2. Complete study in attention deficit disorder;

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

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

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

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

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

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

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

103 5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area
104 of career and technical education shall have an industry certification credential in the area in which the
105 teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained

106 an industry certification credential in the area in which the teacher seeks endorsement, the ~~Board~~ division
107 superintendent may, ~~upon request of the employing school division or educational agency,~~ issue the
108 teacher a provisional license to allow time for the teacher to attain such credential;

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

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

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

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

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

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

129 12. Every person seeking initial licensure with an endorsement in early/primary education
130 preschool through grade three, elementary education preschool through grade six, special education
131 general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool
132 through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a

133 reading specialist shall complete study in science-based reading research and evidence-based literacy
134 instruction.

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

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

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

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

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

- 159 1. Received a graduate degree from a regionally accredited institution of higher education;

160 2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally
161 accredited institution of higher education;

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

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

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

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

183 1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching
184 license and national certification from the National Board for Professional Teaching Standards or a
185 nationally recognized certification program approved by the Board of Education. The application for such

186 individuals shall require evidence of such valid licensure and national certification and shall not require
187 official student transcripts; and

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

197 ~~3. For individuals who have obtained a valid out-of-state license, with full credentials and without~~
198 ~~deficiencies, that is in force at the time the application for a Virginia license is received by the Department.~~
199 ~~Each such individual shall establish a file in the Department by submitting a complete application packet,~~
200 ~~which shall include official student transcripts.~~ L. The Board's licensure regulations shall also provide for
201 universal licensure by reciprocity for any individual who holds a valid out-of-state teaching license with
202 full credentials and without deficiencies that has been in force for at least three years prior to and is in
203 force at the time of application. No service requirements or licensing assessments shall be required for
204 any such individual who applies for universal licensure by reciprocity. Any individual who applies for
205 universal licensure by reciprocity shall provide a copy of the individual's out-of-state teaching license that
206 meets the criteria set forth in this subsection. Any such individual shall be subject to the provisions of §§
207 22.1-296.2 and 22.1-296.4. The Department shall prioritize applications for universal licensure by
208 reciprocity.

209 ~~L.~~ M. The Board shall include in its regulations an alternate route to licensure for elementary
210 education preschool through grade six and an alternate route to licensure for special education general
211 curriculum kindergarten through grade 12. Each such alternate route to licensure shall require individuals
212 to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the

213 endorsements sought and (ii) complete an alternative certification program that provides training in the
 214 pedagogy and methodology of the respective content or special education areas prescribed by the Board.
 215 The curriculum of any such alternative certification program shall be approved by the Board. Nothing in
 216 this subsection shall preclude the Board from establishing other alternate routes to licensure.

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

221 ~~N-O.~~ The Board shall develop guidelines that establish a process to permit a school board or any
 222 organization sponsored by a school board to petition the Board for approval of an alternate route to
 223 licensure that may be used to meet the requirements for a provisional or renewable license or any
 224 endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher
 225 preparation, including alternative professional assessments and coursework. The petitioner may proffer or
 226 the Board may impose conditions in conjunction with the approval of such petition.

227 **§ 22.1-299.5. Waiver of teacher licensure requirements; trade and industrial education**
 228 **programs.**

229 A. Notwithstanding any provision of law to the contrary, any division superintendent may ~~apply~~
 230 ~~to the Department of Education for a biennial waiver of~~ waive the teacher licensure requirements for any
 231 individual whom the local school board hires or seeks to hire to teach in a trade and industrial education
 232 program who has obtained or is working toward an industry credential relating to the program area and
 233 who has at least 4,000 hours of recent and relevant employment experience, as defined by the Board
 234 pursuant to regulation.

235 B. ~~The Department of Education~~ shall establish a procedure for ~~submitting, receiving, and acting~~
 236 upon such biennial waiver applications.

237 **2. The Department of Education shall compile and post and maintain on its website in a format**
 238 **conducive to comparison to the standards and requirements for teacher licensure in the**
 239 **Commonwealth a database consisting of up-to-date data on the teacher licensure standards and**

240 requirements for each state for the purposes of facilitating the determination of the compatibility
241 of out-of-state teacher licenses with teacher licensure requirements and standards in the
242 Commonwealth and increasing transparency in teacher license requirements and license by
243 reciprocity requirements in the Commonwealth.

244 #